

# The Detroit News

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## FEDS DROP POLICE CHARGES

*U.S. fails to make corruption case against Detroit cops*

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*The Detroit News*

**DETROIT** - The U.S. Attorney's Office asked a federal judge to dismiss charges against seven Detroit Police officers accused of falsifying evidence and framing suspects, defense lawyers said Monday.

The decision, which all but assures the officers will be cleared, is an embarrassing outcome to a case that was touted by the Justice Department as one of the largest single indictments of corrupt police officers in Detroit.

Seventeen officers and two former officers were charged last year, following a yearlong joint investigation by the FBI and the Detroit Police Department. On May 20, eight of the officers were acquitted on all counts. Earlier, three officers pleaded guilty to lesser charges and charges were dismissed against another officer.

All the officers remain suspended without pay, awaiting the outcome of internal disciplinary proceedings.

The seven officers who were indicted in June 2003 were to stand trial Oct. 18 on charges that they conspired to violate the civil rights of citizens by planting drugs and guns on suspects, illegally searching homes and writing false police reports. Most of the victims had prior felony convictions for drug or gun use.

Assistant U.S. Attorney R. Michael Bullotta, the lead prosecutor, submitted paperwork asking U.S. District Judge Avern Cohn to approve the government's request to dismiss the grand jury indictment, federal officials said.

Bullotta telephoned defense attorneys in the case Thursday to inform them of the government's decision, five lawyers for the officers said Monday.

"The government has used sound judgment in deciding not to proceed," said William Hachett, a Pontiac lawyer for Officer James Coss, who had been charged with eight felonies.

"This case never should have been brought on the word of convicted criminals."

One of the indicted officers, Thomas Turkaly, sent an e-mail to The Detroit News on Monday, informing the paper of the decision.

Turkaly's lawyer, Todd Perkins, praised the decision, noting that a jury had already acquitted the alleged ringleaders, Officer William Melendez, nicknamed "Robo-Cop," and Matthew Zani, and others who had been charged with more serious and extensive wrongdoing.

"They took some time to let the dust settle. I'm glad they made the right decision," Perkins said. "It's pretty rare for a case of this magnitude to get dismissed without a trial."

The acquitted officers could have testified for their fellow officers at a second trial, making it difficult to win convictions, defense lawyers said.

Cynthia Johnson, the sister of Coss, attacked the government.

"My brother is an honest man," she said.

"It's so easy in Detroit, if you want to be wrong, to do wrong. He has always done the right thing throughout his whole job."

Johnson, of Portland, Ore., was born and raised in Detroit along with her brother. Her brother has three sons and struggled to make ends meet while he was suspended, she said. "Some (of the officers) have lost their homes, spouses and had to beg for money to pay for their bills and everyday expenses of having a family."

Judge Cohn and Bullotta spoke Monday to discuss the government's request and the judge wanted a change in the wording of the request, defense lawyers said.

Cohn could hold a hearing and order the officers to appear in court before deciding to approve the request, but his approval is largely a formality.

In the unlikely event that he opted not to approve the request, the government could proceed to trial, offer no evidence and then ask the judge to acquit the officers. Bullotta didn't return calls seeking comment.

**Seventeen Detroit police officers and two former officers were charged by the U.S. Attorney's Office**

*William Melendez:* found not guilty, *Matthew Zani:* found not guilty, *Jeffrey Weiss:* found not guilty, *Christopher Ruiz:* found not guilty, *Troy Bradley:* pleaded guilty Jan. 20 to a felony and is awaiting sentencing, *Timothy Gilbert:* found not guilty, *Mark Diaz:* found not guilty, *Jerrod Willis:* found not guilty, *Chris Guinn:* charges expected to be dismissed, *Thomas Turkaly:* charges expected to be dismissed, *Ricardo Villarruel:* charges expected to be dismissed, *John McLeod:* charges expected to be dismissed, *John Watkins:* charges expected to be dismissed, *Denny Borg:* found not guilty, *James Coss:* charges expected to be dismissed, *Stephen Petroff:* charges expected to be dismissed, *Nicole Rich:* pleaded guilty Jan. 20 to a misdemeanor; faces up to year when sentenced, *Steven Pardo:* charges dismissed April 12 at government's request, *Hubert Brown:* pleaded guilty Nov. 14 to a misdemeanor; awaiting sentencing.

The Detroit Police Officers Association has spent at least \$600,000 to date in defending the officers, and many of the lawyers haven't submitted final bills.

Of the 19 initially charged, one officer pleaded guilty in November 2003 and two officers pleaded guilty in January. The officer admitted to violating the civil rights of suspects by writing false police reports. In April, the government dismissed charges against one officer, Steven Pardo.

As a result of the investigations, Wayne Circuit judges set aside two convictions and freed Bruce Toney of Detroit, who spent 18 months in prison after discounting what prosecutors said was the false testimony of some Detroit police officers.

Other police misconduct cases and investigations are pending, including the trial of a former civilian evidence room employee accused of stealing 222 pounds of cocaine and replacing it with flour. He was accused of then selling some of the cocaine to drug dealers.