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Acquitted of coverup



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Bergen County Police Officers Jeffrey Roberts and Saheed Baksh embracing after being acquitted of all charges. They had been accused of lying to investigators and removing evidence after a shooting that followed a high-speed chase. At left is defense lawyer Sarah Garcia.

Cheers fill courtroom in politically charged police case

By PETER J. SAMPSON
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A jury on Thursday cleared two veteran Bergen County Police Department officers of charges they lied to investigators and removed evidence from the scene of a police shooting following a high-speed chase almost

four years ago.

The verdict was a rebuke for Prosecutor John Molinelli, who had come under criticism for pursuing the criminal case. Defense lawyers said their clients were "collateral damage" in a feud between Molinelli and County Executive Kathleen Donovan over a controversial plan to merge the county police into the Bergen County Sheriff's Department.

"I still believe the prosecution was appropriate and justified," said Molinelli, who stressed it had nothing to do with the merger. "It was important for a decision to be made. ... I just felt, let the people decide, and they decided, and I accept it."

The courtroom erupted in thunderous applause, punctuated by shouts of

"Yes" and sobs of relief after the jurors returned not guilty verdicts on all counts against Officers Saheed Baksh and Jeffrey Roberts, including conspiracy to commit official misconduct, official misconduct and false swearing. The jury deliberated for three days following a monthlong trial in Superior Court in Hackensack.

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Verdict

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Roberts and Baksh embraced their sobbing wives and their lawyers after the verdict was delivered. Jubilant spectators also gave the jury of nine women and three men a round of applause.

The two officers hope to now get their lives and careers back on track, their lawyers said.

Brian Higgins, chief of the Bergen County Police Department, said the jury came to a "just conclusion" and he lashed out at the Prosecutor's Office for taking the matter to trial.

"This case should never have been brought to our already overburdened court system," Higgins said in a statement. "These officers and their families should not have been subjected to two years with no pay and the prospect of facing years in prison. In fact, the career violent criminals who began this incident may not face as many years in jail as these two officers faced."

Baksh, 38, and Roberts, 53, were the first two police officers to arrive on the scene in Bogota after a dangerous, high-speed pursuit of two men suspected of burglarizing a home in Paramus on Aug. 12, 2010.

In a sworn video statement played for the jury, Baksh told investigators from the Prosecutor's Office that he ordered the driver to show his hands when he reached into the sport utility vehicle for what Baksh believed was a gun. Baksh said he fired two rounds, missing the driver, when he then spun around in a threatening manner.

Roberts, who was less than a block away in his own car when the shots were fired, told detectives he heard Baksh's verbal warning but couldn't see the suspects, neither of whom was hit.

Assistant Bergen County Prosecutor Wayne Mello argued the officers failed to promptly report to their superiors that Baksh had discharged his weapon, and later lied about the warning because they believed it was a "bad shooting."

The Prosecutor's Office, which is obliged to investigate whether the use of deadly force by police is



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Bergen County Police Officer Jeffrey Roberts' son, Michael, and wife, Rosemary, reacting to the acquittal Thursday.

justified, didn't begin its investigation until several hours later when it was first alerted to the shooting. By then the crime scene had been compromised, and the two shell casings from Baksh's gun had disappeared, according to trial testimony.

Asked for his reaction to the verdict, Mello said, "I believe in the jury system when I win, and I believe in the jury system when I lose."

Defense lawyers Louis DiLuzio, who represented Baksh, and Charles Sciarra, who defended Roberts, said the jury only took as long as it did to resolve the case because Mello had been a convincing opponent.

"Wayne Mello is the county's best prosecutor, and he did an amazing job with this leaking bag of a case," Sciarra said.

After the verdict, Sciarra said that Molinelli's decision to pursue the case shows that he is "corrupt, and his corruption is now on display here, and that is his legacy."

"This was all Molinelli's mess.

This was his quagmire," Sciarra added.

The defense attorneys accused Molinelli of having their clients indicted to spite Donovan after initially declining to bring a criminal prosecution and referring the matter to the county police for administrative action. One had characterized it as a battle between two political titans. Molinelli, who testified during the trial, denied the assertions. "Corruption is a very strong word," he said. "I would be disappointed in any attorney that characterized the responsibility of a prosecutor that way."

Molinelli also downplayed any rift between him and Donovan. During his testimony, he acknowledged that his office had funded a study of how police agency consolidation could benefit taxpayers. But he maintained that the issue of the merger had played no role in the prosecution of the two officers.

"Kathe is a decent person who I think generally tries to do what she thinks is right. I think she would probably tell you the same thing

about me if you asked her," Molinelli said Thursday. "But there are times when we disagree ... if an attorney wants to somehow stand up and make something out of that, that's their prerogative."

Molinelli also said he thinks the jury looked "at the facts of the case very hard" and not peripheral issues.

"I'm grateful that they put the time in, and it's our system, and as the prosecutor I support it, and we accept it, no matter the result," he said.

Molinelli, the last of the state's 14 witnesses, testified he took over the department's internal affairs investigation when it became clear that officers were not going to face appropriate disciplinary action. He said criminal charges were later presented to a grand jury after Donovan contested his authority to oversee the internal probe.

Higgins, meanwhile, noted that the jury came to "the same conclusion that the Bergen County Police Department came to almost four years ago; that these officers com-

mitted no crimes." He maintained that the incident "had been investigated thoroughly" by his department's internal affairs investigators "and appropriate actions were being taken."

"We will not let the actions taken by those with political motivations keep the Bergen County Police from working hard to keep Bergen County and its 905,000 residents safe," Higgins said. "This verdict should also send a message to those who may consider committing a crime in Bergen County ... that the men and women of the

Bergen County Police will make every effort to chase you down and apprehend you. We will not allow politics to play a part in public safety."

In October, the county freeholders voted to approve a merger between the two police agencies, prompting a legal challenge by Donovan. That lawsuit is still pending.

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