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TWO NYPD UNDERCOVER OFFICERS
INDICTED IN ALLEGEDLY PHONY DRUG BUST

Face Up to Nine Years In State Prison

Queens District Attorney Richard A. Brown announced today that a Queens County grand jury has indicted two New York City police officers on multiple charges, including conspiracy, unlawful imprisonment and official misconduct. The charges stem from a joint investigation by the NYPD's Internal Affairs Bureau and the Queens County District Attorney's Integrity Bureau into an undercover buy and bust operation conducted at an Elmhurst bar last year in which four men are alleged to have been falsely accused of selling cocaine to the police officers. One of the officers is presently on modified assignment and the other has since left the NYPD.

District Attorney Brown said, "In joining the NYPD, the defendants took an oath to uphold the law and to protect the innocent. Instead, they are accused of knowingly engaging in criminal activity that could have resulted in lengthy prison terms for four innocent men. Such egregious conduct not only taints the reputation of their fellow officers but erodes public confidence and trust in the department. Such conduct cannot – and will not – be tolerated."

The District Attorney identified the defendants as Henry Tavaréz, 27, of New York City, and Stephen Anderson, 33, of Long Island. The defendants, who surrendered this morning, are presently awaiting arraignment in Queens County Supreme Court in Kew Gardens on a 42-count indictment. If convicted, they face up to nine years in state prison.

District Attorney Brown said that, according to the charges, Detective Anderson and Police Officer Tavaréz were part of a team of NYPD narcotics officers conducting a buy and bust operation at Club Delicioso, a Queens bar located at 43-24 91st Place in Elmhurst, that began on the night of January 4, 2008, and concluded during the early morning hours of the following day. As a result of their activity, six individuals were arrested for their alleged involvement in two separate drug sales.

In the first alleged drug sale, according to the charges outlined in the indictment, Detective Anderson claimed in conversations with his immediate supervisor and in forms filed with the NYPD, the District Attorney's Office and the Criminal Court that he had purchased one ziplock bag of cocaine from Gabriel Lira and Julian Martínez for \$40 when, in fact, he had paid \$60 for three bags. In the second alleged drug sale, Officer Tavaréz similarly is alleged to have claimed in conversations and documents that he bought two ziplock bags of cocaine for \$100 from Jose Colon and his brother, Maximo Colon, Raul Duchimasa and Luis Rodriguez when, in fact, he never bought drugs from them and the two bags of cocaine vouchered into evidence were allegedly the ones Detective Anderson had purchased from Lira and Martínez.

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It is further alleged that based on the word of Anderson and Tavarez, the six men were arrested and charged with third-degree criminal sale of a controlled substance, a Class B felony punishable by up to nine years in prison. They were arraigned the following day in Queens Criminal Court. Five of the men were released on their own recognizance and one, Maximo Colon, was held on \$2,500 bail until it was posted three days later.

Following their arrest, it is further alleged, Jose Colon went back to Club Delicioso and made a copy of a security video which confirmed that the NYPD narcotics officers did not have any interaction with the Colon Brothers, Duchimasa or Rodriguez.

The indictment further alleges that during a conversation that Tavarez and Anderson had on June 24, 2008, about an upcoming grand jury presentment, Anderson advised Tavarez to claim that he had forgotten the details of his purported drug purchase from the Colons, Duchimasa and Rodriguez.

District Attorney Brown said that the criminal charges against the four men were ultimately dismissed in June 2008. The defendants Lira and Martinez have since pleaded guilty as charged to third-degree criminal sale of a controlled substance and are awaiting sentencing.

Former Detective Anderson is charged with one count of third-degree criminal sale of a controlled substance, twenty counts of first-degree offering a false instrument for filing, eight counts of first-degree falsifying business records, two counts of official misconduct, two counts of making an apparently false sworn statement, four counts of second-degree unlawful imprisonment, one count each of fourth- and fifth-degree conspiracy, one count of first-degree attempted perjury, one count of fourth-degree tampering with a witness and one count of petit larceny.

Officer Tavarez is charged with one count of third-degree criminal sale of a controlled substance, ten count of first-degree offering a false instrument for filing, four count of first-degree falsifying business records, one count of official misconduct, one count of making an apparently false sworn statement, four counts of second-degree unlawful imprisonment, one count each of fourth- and fifth-degree conspiracy and one count of petit larceny.

The investigation was conducted by Sergeant Alan Gaspard and Lieutenant Edward Rodriguez of the NYPD's Internal Affairs Bureau, Group 41, under the supervision of Captain Matthew Hyland and the overall supervision of IAB Chief Charles V. Campisi. The U.S. Department of Justice's Drug Enforcement Administration also assisted in the investigation.

Assistant District Attorney James M. Liander, Bureau Chief of District Attorney Brown's Integrity Bureau, and Senior Assistant District Attorney Daniel J. O'Leary, presented the matter to the grand jury and will be prosecuting the case under the supervision of Executive Assistant District Attorney for Investigations Peter A. Crusco and Deputy Executive Assistant District Attorney for Investigations Linda M. Cantoni.

It should be noted that an indictment is merely an accusation and that a defendant is presumed innocent until proven guilty.

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Note to Editor: E-version of this press release posted at www.queensda.org.