

Attorneys warn that trooper scandal could lead to convictions being tossed

Statie's link to dealer is questioned

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Defense attorneys warn that the scandal involving a suspended state trooper's past ties to a major pot dealer could lead to convictions being tossed and new trials ordered — in the state's latest embarrassing drug snafu.

Trooper Leigha Genduso, who worked on the K-9 unit pulling down \$151,000-plus last year, was placed on paid administrative leave after state police opened an internal affairs investigation last month.

"If she made observations that are important to the case then I would think that those convictions, those adverse dispositions, could be in jeopardy," said Randy Gioia, deputy chief counsel of the Committee for Public Counsel Services, the state's public defender agency.

He added that district attorneys have an obligation to make any new information available.

"The prosecution should notify any defendant in a case in which trooper Genduso participated," said Gioia. "The prosecution has an obligation to disclose exculpatory evidence that could be helpful to a defendant — that's their constitutional obligation to disclose that. ... It should be up to the defendant and the defendant's lawyer to decide if there are grounds for a new trial."

Genduso, 36, is also linked — via her former pot-peddling, onetime fiance Sean Bucci of North Reading — to a chilling website devoted to exposing "rats" and agents who

help arrest criminals, official documents and the website show.

State police hired Genduso — first as a dispatcher, then as a trooper — despite testimony she gave in 2007 against her ex-fiance, in exchange for immunity from criminal charges, where she admitted to drug use, drug abuse and money laundering. Bucci was convicted of multiple charges tied to his drug running and was sentenced to a decade in prison.

Genduso could not be reached for a comment through her union.

David Traub, a spokesman for Norfolk District Attorney Michael Morrissey, who is also the head of the Massachusetts District Attorney Association, said the DAs are closely following the outcome of the investigation into Genduso.

"We're very mindful of the fair-trial concerns and constitutional concerns that those allegations raise," said Traub. "Consistent with what we've done in the past, we're going to be diligent."

Traub added: "If defense counsel have motions or evidence they want to submit to cases, the DAs are interested in and

encouraging them to bring information forward."

Peter Elikann, a criminal defense attorney, said any potential criminal activity "many years ago" probably wouldn't be enough to question cases Genduso recently testified in or had been involved with.

But if state police determine she lied somewhere in her application process, defense attorneys could use that in cross-examination or even to try to reopen cases.

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"Whenever any police officer or any civilian ... has any history of not telling the truth, it's always fair game for a criminal defense attorney to bring in to question the truthfulness of what they're saying today," said Elikann. "Someone's reputation for untruthfulness can in reality come back to haunt them someday if they're testifying in a trial."

As for the website that boasts to being the "largest online database of informants and agents," Elikann said a defense attorney would be unlikely to use that against Genduso, since it happened a long time ago.

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