

Case against former officer in jeopardy after ruling

salemnews.com

2016 Cop Pedophile 4 year old David Connor

SALEM — Charges of child sexual abuse against a former Amesbury police officer were dropped by prosecutors in June after the alleged victim in the case recanted the accusation in what had been a high-profile case.

Now the rest of the case against David Connor is also in jeopardy, a result of what a Lawrence Superior Court judge called a search warrant request and investigation "fraught with multiple missteps."

Connor, 64, of Amesbury, was arrested last year on child rape, indecent assault and battery, and child pornography charges following a 10-month investigation.

While the sexual abuse charges were "nolle prossed," or dropped, by the Essex District Attorney's office due to the child taking back her allegation, Connor was still facing charges that he possessed child pornography — videos of other, unknown children found on his computer during a search.

On Monday, Judge Mary Ames granted a motion by Connor and his attorney to suppress those images found on Connor's computer. Ames had conducted a hearing on the request back in August.

On Tuesday, another judge, Thomas Drechsler, granted a request by Connor and his attorney to reduce his bail from \$5,000 to personal recognizance, and lift all of the remaining conditions of his release.

In Monday's ruling, Ames concluded there were a number of procedural problems with regard to the search warrants issued in the case.

While some, such as the Amesbury police detective's incorrect description of Connor's home, were deemed by the judge to have been harmless, other issues were more significant.

There were two search warrants issued during the course of the investigation by Amesbury Police Detective Robert Wile.

The first detailed the accusations against Connor, which included him allegedly showing the girl pornographic images on a television and taking improper photos with his smartphone camera, which were then allegedly downloaded to his computer.

The warrant requested permission to seize the TV's cable box, which contained a digital video recorder, as well as Connor's iPhone and computer.

The second warrant was issued several days later and sought permission to search for images of the girl, as well as looking for any pornography on the DVR.

The devices were turned over to Peabody Police Sgt. Robert Faletra, a certified expert in forensic computer and phone evaluations.

But Ames, while crediting Faletra's extensive experience and training, and his participation in more than 60 criminal cases as a forensic expert, said the search he conducted went beyond what was allowed in the warrant.

"Sgt. Faletra knew he was authorized to search the computer for photographs of the alleged victim that were alleged to have been taken when she was four or five years old," the judge wrote.

Based on the child's date of birth, that should have led Faletra to narrow the date range of the computer files he was searching. But, the judge said, Faletra searched the entire computer.

The images that did turn up were in files that were last modified before the child was born, the judge wrote. She concluded Faletra shouldn't have opened those files.

Prosecutors argued, however, that's because suspects in child pornography cases often modify the file names on computers to hide such materials. Ames concluded there would have been no way for Connor to modify the date on the file.

"Probable cause existed and authorization was given to search for photographs of the alleged victim, not to search without limit all of the files in the computer," Ames wrote. The files that were opened during the search, turning up the evidence against Connors, "were opened without authorization or justification."

The judge also found that while Wile had requested a longer period to search than the seven days that would normally be allowed, he did not file the request for an extension of the deadline to file a "return" with the court, revealing the outcome of the search, and in fact, never filed the return at all with the court.

Prosecutors argued it was just an administrative error.

Ames disagreed, saying the requirement to report to the court a list of items seized "serve(s) as an important safeguard for society against potential governmental misconduct," though she was quick to add "the court does not find any police or prosecutorial misconduct" in the Connor case, only a failure to meet its obligation.

During the hearing Tuesday before Drechsler, prosecutor John Brennan asked for a month's delay in a ruling on the request to drop Connor's bail until his office decides whether it will appeal Ames' decision.

Drechsler, who was aware that without the suppressed evidence from the computers, prosecutors have no case, denied the request for a delay.

Connor had recently been promoted to sergeant in the Amesbury Police Department when, in 1991, he lost his job over allegations of misconduct, including police brutality.

Courts reporter Julie Manganis can be reached at 978-338-2521, via email at jmanganis@salemnews.com or on Twitter @SNJulieManganis.