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DA faces challenge over withheld police misconduct evidence

Kris Olson (<https://masslawyersweekly.com/author/kris/>) / August 28, 2026 // 6 Minute Read

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In brief Defense lawyers seek dismissal of indictments, arguing the Essex County DA's Office withheld key information from the grand jury. Prosecutors possessed five binders of investigative material concerning Gloucester... You can read the content in details following link <https%3A%2F%2Fmasslawyersweekly.com%2F2026%2F08%2F28%2Fessex-da-withheld-police-misconduct-evidence%2F>

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In brief

- Defense lawyers seek dismissal of indictments, arguing the Essex County DA's Office withheld key information from the grand jury.
- Prosecutors possessed five binders of investigative material concerning Gloucester police sergeant, including a 2020 Giglio letter.
- The U.S. Attorney's Office had determined the sergeant was not a credible witness and ended his DEA task-force work.
- The defense argues the withholding was intentional and satisfies the standard established by the Massachusetts SJC in *Commonwealth v. O'Dell*.

Indictments that the Essex County District Attorney's Office obtained late last year without sharing with a grand jury information about a Gloucester police sergeant's troubling disciplinary history should be dismissed, lawyers for the defendants told Superior Court Judge John C. Fraser at an Aug. 11 hearing.

Moreover, because the DA's Office had initially misrepresented that there was "nothing exculpatory" in the material it had related to Sgt. Sean Connors, the defendants should be allowed to withdraw their assent to protective and non-dissemination orders related to that information, they have argued in a subsequent motion.

As it turned out, the DA had five binders' worth of investigatory material on Connors, including a 2020 letter in which the U.S. Attorney's Office outlined its conclusion that not only was Connors not a credible witness but that his 14 years of work on Drug Enforcement Administration task forces would be discontinued.

The U.S. Attorney's Office issued the letter to comply with its obligations established by the U.S. Supreme Court in the 1972 case *Giglio v. United States*, which expanded on the court's earlier ruling in *Brady v. Maryland* to require prosecutors disclose any information that could impeach the credibility of police officers and other witnesses, including concerns about their truthfulness or reliability.

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The investigatory material also contains “salacious allegations,” Andover attorney Murat Erkan said at the hearing. Erkan and his colleague Ryan P. Sullivan are representing defendant Eglisard Cela. But because those allegations for now are subject to a protective order, they were discussed circumspectly at the Aug. 11 hearing.

What is in the public record is that Conners was placed on unpaid suspension and suffered a reduction in seniority based on two 2016 incidents involving sisters with whom Conners had personal relationships. So explained Superior Court Judge James F. Lang, who in 2018 was presiding over an attempted murder case in which Conners had been an investigator.

In the first incident, a young woman under arrest had been permitted to sit in the front seat of a police vehicle without handcuffs. In the other, Conners had another officer arrest the woman’s sister before ordering him to “unarrest” her at the police station.

Lang decided that the jury in the 2018 case should not hear about Conners’ discipline and what had led to it, concluding that it was impermissible “propensity” [evidence](https://masslawyersweekly.com/tag/evidence/?taxo-tag=body) (https://masslawyersweekly.com/tag/evidence/?taxo-tag=body).

But, having reviewed the material gathered in a series of investigations into Conners and other officers in the Gloucester Police Department, Lang added: “It’s hard to read these materials and not come away with a strong distrust, frankly, for Sgt. Conners.”

At the Aug. 11 hearing, ADA Kevin J. Hennessey attempted to draw some inferences from Lang’s determination that a jury should not hear of Conners’ misdeeds and the decision Fraser is now charged with making.

But to Erkan and Salem attorney Chris Norris, who is representing one of Cela’s co-defendants, Judge Fraser has a far different situation on his hands, given that the Essex DA’s Office placed all its eggs in Conners’ basket before the grand jury.

“If the grand jury disbelieved Conners, there would be no evidence at all because he was the evidence,” Erkan argued.

Given what they heard from the ADA, grand jurors had no reason to believe that Conners was anything other than a model police officer, Erkan noted.

“The commonwealth spent pages of time before the grand jury handing the mike to Officer Conners to brag about just how impressive and important a police officer he was and how experienced and knowledgeable he is and how much good he has done for the community,” Erkan said.

But the ADA left out the “punchline: that all of that ended in disgrace,” Erkan said.

While some of the investigatory material collected about Conners is based on firsthand accounts of witnesses, much of it is based on second- and third-level hearsay that was never formally substantiated and certainly never led to criminal charges of any type, Hennessey pointed out.

It would have posed a challenge to try to convey to the grand jurors the information in those 1,500 pages in a way that would have allowed them to calibrate its reliability properly, he suggested.

Moreover, much of the information is also old at this point, with some of the most disturbing allegations dating back more than 20 years, Hennessey added.

Defense counsel are making the same argument that Lang rejected in that 2018 criminal trial, he said.

“It’s propensity evidence — because he engaged in misconduct whether alleged or admitted eight, nine, 10 years ago, you shouldn’t believe anything he says in this case,” Hennessey said.



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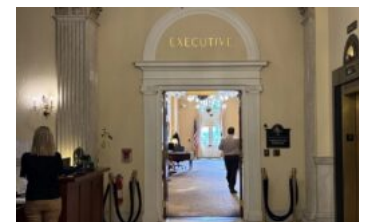
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But Erkan noted that the U.S. Attorney's Office does not issue a *Giglio* letter without conducting a thorough investigation. In this case, that investigation produced "clear evidence of corruption and dishonesty," including admissions from Conners to the FBI that he had lied to his own police chief and to his "DEA brothers," according to Erkan.

Given the way the ADA managed his questioning in front of the grand jury, the import of the U.S. Attorney's Office's letter cannot be overstated, Norris stressed. Before the grand jury, Conners was specifically prompted to discuss his work as a DEA task force officer without acknowledging that he was no longer allowed to do such work.

"It's an interesting thought experiment: What would the grand jurors have done if, after he talks about his work with the DEA, they suddenly find out that for these very, very serious reasons, he's no longer allowed to do that?" Norris asked.

The Essex County DA's Office should have followed the lead of the U.S. Attorney Office, Erkan tells Lawyers Weekly after the hearing.

"Just send a letter to Gloucester and say, 'If you guys are so corrupt that you can't find your way to firing this guy, just know he's not allowed into court to testify in our county,'" Erkan says.

Not only was the information withheld from the grand jury material, but the defendants could meet the requirement under the Supreme Judicial Court's decision in *Commonwealth v. O'Dell* of showing intentionality, Erkan told Judge Fraser.

"I don't think that there's any way to describe this simply as reckless because the commonwealth knew and had possession of these five binders, and it tried to make them irrelevant," he said.

But ADA Hennessey suggested that the presentation to the grand jury could have survived an undermining of Conners' credibility, given that the indictable conduct stemmed exclusively from the materials seized from the co-defendants' car, not Conners' interpretation of a defendant's series of movements in the street.

"Even if they didn't hear any evidence regarding his prior training and experience, they likely still would have found the very low standard of probable cause was met because this wasn't a situation where it was a small amount of drugs," Hennessey said. "We're talking over 1,600 pressed methamphetamine pills."

Hennessey requested that if the judge were inclined to act favorably on the defendants' motion, he dismiss the indictments without prejudice, allowing the DA's Office to refile the charges.

While Fraser asked the parties to focus their arguments on the *O'Dell* motion before him, Erkan briefly laid out his argument for seeking to vacate the protective order and order of non-dissemination that another judge had granted in the case.

He alluded to the fact that the full investigative reports, including one commissioned by Gloucester's mayor and completed by the outside firm APD Management of Tewksbury, have never been released publicly, preventing a full reckoning in the community over misconduct by members of its police force, including Conners, who is still employed.

"To me, this is what Justice Brandeis referred to when he said that sunlight is the greatest disinfectant of all," he said.

Sullivan tells Lawyers Weekly that there is another issue at play as well.

"Some of these institutions [like the Essex DA's Office] are saying, 'We need to protect the people who wear a badge,'" he says. "And that's not what they're supposed to be doing. They're supposed to be protecting justice. Moving forward on a case like this and ignoring [Conners' disciplinary history] and trying to cover it up — that's what we think the problem is. I mean, this is why people from the AG's Office were disciplined over the Annie Dookhan and Sonya Farak [drug lab] case. It's the same playbook."

A spokesperson for the Essex DA's Office provided a statement, reading in part: "This office considers the honesty and integrity of any witness to be of the utmost importance, and our prosecutors are fully compliant with all of their [discovery](https://masslawyersweekly.com/tag/discovery/?taxo-tag-body) (<https://masslawyersweekly.com/tag/discovery/?taxo-tag-body>) obligations and ethical duties. As such, all discovery materials related to this witness were provided to the defendant."

Noting that most of the materials pertaining to the case are impounded, the office declined to comment further.

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