

# The Patriot Ledger

**July 28, 2007**

**Judge: Witness wasn't coerced**

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DEDHAM — A Norfolk Superior Court judge ruled that investigators did not coerce a witness into giving testimony in the trial of two Stoughton police officers.

Judge Barbara Dortch-Okara said Wednesday that grand jury testimony and other statements made by Dennis Elia to authorities were "voluntary."

"He was indeed uncomfortable by the process," Dortch-Okara said following questioning of Elia by defense and prosecuting attorneys.

Sgt. David M. Cohen, a part-time lawyer, is facing 12 felony corruption charges, including the use of excessive force while armed and in uniform to extort money to collect a debt for a client.

Co-defendant Robert E. Letendre, a police officer, is charged with filing a false written report to protect Cohen from prosecution.

The trial of former Police Chief Manuel J. Cachopa on charges that he colluded with Cohen is expected to begin Aug. 6.

In January 2000, Elia's attorney, Robert Schneiders, allegedly made efforts on behalf of Elia to collect a debt for his girlfriend, Jessica Dustin, who had left a \$1,025 deposit on an application for a car loan at Stoughton Motor Mart.

She later asked for her money back when the car she wanted to purchase was no longer available, according to testimony.

Jerard Viverito, the salesman, testified that on Jan. 20, 2000, Schneiders, a Canton police officer, called him demanding the return of Dustin's money immediately. Shortly after that conversation, Cohen called him at the dealership.

Within minutes, Cohen and two other officers arrived at the dealership and arrested Viverito, who was charged with larceny of a deposit. The charge was dismissed in Stoughton District Court.

Elia testified before a grand jury on Oct. 13, 2004, that he felt intimidated by Special Assistant District Attorney George R. Jabour and two officers who were present during an interview.

Jabour is the lead prosecutor in the case against Cohen and Letendre.

"I felt intimidated and I felt I would not be allowed to leave until I told him something that he wanted to hear," according to Elia's written testimony.

"Would you say that they were feeding you lines?" asked Richard Egbert, the attorney representing Cohen.

"No, I would not say that," Elia responded.

Egbert said Elia's statements contradicted previous testimony by Elia that investigators "treated me (more) like a criminal than a witness."

He also said Jabour "spoke in a loud and intimidating voice."

Elia also had testified that state police threatened him with perjury during the investigation.

"Are you afraid of being charged with perjury?" Egbert said.

"That's a stupid question," Elia responded.

Egbert said Elia's grand jury testimony and previous statements to investigators show a pattern of intimidation.

"It is clear that the prosecution may not threaten the defendant with perjury with testimony they intend to give. If that isn't intimidation, I don't know what is. It's an outrage," Egbert said.

Special Assistant District Attorney Andrew Berman said the evidence shows that Elia was not coerced, but felt "intimidated and uncomfortable" with the investigation.

Dortch-Okara agreed and said Elia "was indeed uncomfortable by the process."

"I find at most his memory was sought to be refreshed by the prosecution. His testimony was voluntary," Dortch-Okara said.

The trial resumes today at 9 a.m. and is expected to last three weeks.