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Remaining Charge Against Zisa Dismissed by Judge Who Says Justice Was Not Done

HACKENSACK, NJ – August 23, 2016 – A New Jersey judge today dismissed the one remaining count of official misconduct against former Hackensack Police Chief Ken Zisa, finding prosecutorial behavior that “shocks the conscience.”

Zisa had proclaimed and maintained his innocence since the accusations first arose more than five years ago. Today, the dark cloud has finally lifted.

Bergen County Superior Court Presiding Judge Susan Steele found “the state vaulted the threshold of prosecutorial misconduct to goad defendant to seek a mistrial not once, but repeatedly, five times.”

In 2015, the Appellate Division directed an acquittal for insurance fraud; affirmed dismissal of three official misconduct counts following the trial judge’s granting of a motion to set aside the jury’s verdict; reversed the remaining charge of official misconduct; and specifically left room for Zisa’s attorney to return to the trial court and make further motions.

His counsel, Patricia Prezioso of McCusker, Anselmi, Rosen & Carvelli in Florham Park, NJ, did just that, and today Zisa’s motion to dismiss the remaining charge was granted on both double jeopardy and fairness grounds.

Steele took the significant step of dismissal based on an unprecedented set of circumstances. They included three Bergen County Prosecutor’s Office’s detectives testifying that they were directed to destroy evidence, an admission by the lead detective that a main witness was lying but the prosecutor’s office decided not to do anything about it, evidence coming to light at the 11th hour that another key witness was involved in an arrest across town at the time he claimed to be at a critical scene, and much more.

Prezioso, Zisa’s attorney, said of the ruling: “Finally! This prosecution was a travesty of justice, built upon the misconduct of the Bergen County Prosecutor’s

Office, the misconduct of certain members of the Hackensack Police Department, and the inaction of several others who should have stopped this case from proceeding long before today.

“Mr. Zisa will begin the impossible task of reconstructing his life. He is indeed grateful that Judge Steele decided to dismiss the indictment, and that this aspect of his nightmare is over,” added Prezioso, a partner with MARC.

Zisa added, “I am grateful that Judge Steele put an end to what was clearly a corrupt prosecution. I wish Prosecutor Grewall success in restoring integrity to the Bergen County Prosecutor's Office after all of the damage done by John Molinelli.”

The Court excoriated Assistant Prosecutor Keitel, whose behavior denied Ken Zisa due process. The Court stated, “It strains credibility that such a seasoned prosecutor, with years of trial experience, could be so ignorant to the rules of evidence. Even more inconceivable is the notion that the prosecutor, in good faith, believed the inflammatory and prejudicial statements he completely derailed the trial with in his opening statement were admissible....”

Suzanne M. Murphy and Louis C. Formisano of MARC assisted Prezioso.