

Sarah F. George  
State's Attorney

Justin Jiron  
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STATE OF VERMONT  
OFFICE OF THE CHITTENDEN COUNTY STATE'S ATTORNEY

February 16, 2017

Brandon del Pozo  
Chief of Police  
Burlington Police Department  
1 North Avenue  
Burlington Vermont 05401

Re: *Officer Christopher Lopez*

Dear Chief del Pozo,

On October 25, 2016, this office received a sworn and notarized affidavit of Officer Christopher Lopez in the matter of *State v. Michael Mullen* (16BU031483). I believe he made patently false statements in that affidavit.

In this document, Officer Lopez indicated that he **"...observed what I know based on my knowledge, training, and experience to be the odor of fresh marijuana emitting from the vehicle."** However, our review of Officer Lopez's Axon video indicates that this statement was not true. The pertinent portion of the video shows Officer Lopez attempting to deactivate his camera, while asking Officer Nicholas Rienzi, "you're off right?" Axon video at: 4:51, to which Officer Rienzi responds in the affirmative. Officer Lopez then tells Officer Rienzi that he did not smell marijuana, but states that he **"...could if he needs to but I don't like going that way if I can't back it up."** Axon video at: 4:57.

The defendant filed a Motion to Suppress which was scheduled for hearing on February 13, 2017. On the morning of the hearing, Officer Lopez advised Chief Deputy Justin Jiron that he could not be present at the proceeding due to the weather. Upon further inquiry by the Chief Deputy, Officer Lopez added that upon viewing the Axon video he and had "concerns" about going forward with the hearing. Officer Lopez did not elaborate on what those "concerns" were. It was later learned that Officer Lopez was not stranded due to the weather, but in fact was at the Burlington Police Department when he made the call to Chief Deputy Jiron.

Please be advised that my office will be taking appropriate responsive measures in all cases in which Officer Lopez is currently a witness. We will also be providing notification to Defense bar regarding our concerns about Officer Lopez' credibility so they can consider any impact this decision may have on pending and closed matters in which he served as a witness. Please be further advised that, based on his actions, my office will no longer rely on Officer Lopez as a witness in any criminal cases, both retroactively and going forward. Thank you for your attention to this matter.

Please let me know if you have any questions.

Best,

A handwritten signature in blue ink that reads "Sarah F. George".

Sarah F. George  
State's Attorney