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CITY'S SAD FAREWELL

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JUDGE GRANTS FEDS' MOTION TO DISMISS DRUG CASE CITED IN OUR TAINTED JUSTICE SERIES; DEFENDANT WAS FACING LIFE IN PRISON

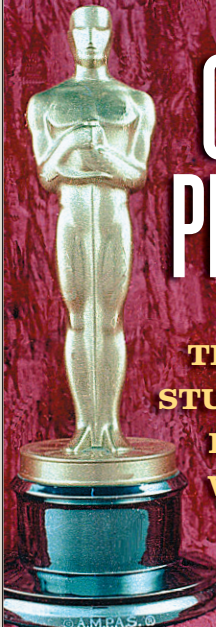
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THE PEOPLE PAPER

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People Paper expose leads to release of N. Philly man



Family photo

Federal inmate Thomas Cooper, shown with his nephews, Jaden Cooper, 4, and Kevin Paige, 2.

By **WENDY RUDERMAN**
& **BARBARA LAKER**
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A North Philadelphia man who faced life in prison on drug charges was poised to walk free yesterday in the wake of a *Daily News* expose that raised questions about the cop and the informant linked to his arrest.

"The government has concluded that dismissal of this case is in the interests of justice," wrote Special Assistant U.S. Attorney Joseph Whitehead Jr. in a motion granted yesterday in federal court involving Thomas Cooper, 31.

The case, dismissed by U.S. District Judge Cynthia M. Rufe, was the first to be thrown out since the *Daily News* chronicled allegations that Officer Jeffrey Cujdik and his longtime informant, Ventura Martinez, lied about drug buys so Cujdik could obtain search warrants for targeted houses. A local and federal task force is investigating the allegations. Hundreds of criminal cases

are at stake.

Cujdik's attorney, George Bochetto, said last week that the allegations are false and that all of Cujdik's searches and arrests were proper.

Cooper's public defender, Nina Carpiello Spizer, said she had been troubled by the case because the warrant gave an inaccurate description and nickname

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for her client.

"We knew something wasn't right," said Spizer, who works for the Federal Community Defender Office.

"We never suspected that this was all made up," she said. "We didn't know until it came out in the newspaper."

Barry Gross, a former federal prosecutor and now a partner at the DrinkerBiddle law firm, characterized the case as highly unusual.

"As a prosecutor ... all of a sudden this allegation comes up about an officer you've been work-

ing with, and it's sort of like a punch in your stomach," he said.

In an application for a search warrant in August 2007, Cujdik said that Martinez had tipped him off to a guy nicknamed "Pooh Bear," who stores guns and sells marijuana and crack from his house, on Franklin Street near Di-

amond. Cujdik said he and Officer Robert McDonnell met with Martinez and watched him buy marijuana from Pooh Bear, describing him as about 25 years old, with a "thin build."

Spizer's client, Thomas Cooper, however, weighs about 350 pounds.

And, in a recent interview, Martinez said he'd never heard of "Pooh Bear" and didn't know the case existed until after the *Daily News* story broke.

"I never heard of a guy named 'Pooh Bear,'" Martinez said. "I never made a buy at this place."

The Police Department pays informants to make drug buys and

See **DRUGS** Page 22

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to provide tips leading to arrests. Cujdik sometimes put Martinez's confidential informant number — "#103" — on search warrants connected to drug and gun cases with a potential big payoff, Martinez alleged.

"When [Cujdik] got good information and he knew there was a lot of stuff in the house and the CI [confidential informant] would get top dollar, he would put my name on it," Martinez said.

Martinez said he would then give the cash back to Cujdik as rent on a Kensington house that Martinez and his family leased from Cujdik from September 2005 to Jan. 30 of this year. The lease agreement violated a police rule requiring officers to keep an arms-length relationship with informants.

During the subsequent search of Cooper's house, police found 97.5 grams of marijuana, worth roughly \$1,950; 14.66 grams of cocaine, worth about \$1,246; and 155.6 grams of crack, worth \$12,448.

Thomas Cooper's mom, Mary Cooper, said Cujdik "was nasty" during the raid. "He said, 'If you don't tell me where Pooh Bear is, then I'll take you down,' meaning lock me up," she told the *Daily News* last week. Cooper faced a mandatory life sentence because he had two prior felony drug convictions.

"The cops had an inkling that something was going on, but made up what they needed to get into the house," Spizer said. Spizer said the case seemed "fishy" from the get-go — Cooper is not known as "Pooh Bear." That is his brother Timothy's nickname, according to their mom.

Although Thomas Cooper lived at the house, Timothy "Pooh Bear" Cooper hasn't lived there since 2003, and wasn't there on the day of the alleged drug buy, his mother said.

Spizer said she met with Cooper yesterday at the Federal Detention Center in Center City to tell him he would be freed.

"He was ecstatic. He was jumping up and down, beside himself," she said.

Spizer praised the U.S. Attorney's Office for taking a serious look at the evidence and acting swiftly.

Cooper's mom said she feels justice has been served.

"I'm so very happy — my son is coming home," she said. ★

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