

[Suffolk](#) LONG ISLAND

Christopher Loeb goes free as guilty plea is set aside

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By Andrew Smith



Christopher Loeb speaking to the media on Jan. 31, 2017. The Smithtown heroin addict who was beaten and threatened by former Suffolk Police Chief of Department James Burke was set free Tuesday as a result of perjured testimony given by police officers at Burke's direction. Photo Credit: James Carbone

The Smithtown heroin addict who was beaten and threatened by former Suffolk Police Chief of Department James Burke was set free Tuesday as a result of perjured testimony given by police officers at Burke's direction.

State Supreme Court Justice Richard Ambro set aside Christopher Loeb's guilty plea to criminal possession of a weapon, but reinstated the original indictment, which includes stolen property and other charges. Loeb again pleaded not guilty.

Burke's beating of Christopher Loeb — and the extensive cover-up he orchestrated — led to Burke's resignation, getting sentenced to 46 months in federal prison, numerous sealed guilty pleas by other Suffolk police officials involved in the cover-up, and an investigation that has targeted officials in the office of Suffolk District Attorney Thomas Spota, Burke's friend and mentor.

"A plea of guilty based on perjured testimony at his pretrial testimony cannot stand," said special prosecutor William Ferris, appointed because of Spota's ties to Burke.

Convictions should not be upheld when they are based on violations of the Constitution, he said.

Loeb, 30, pleaded guilty to criminal possession of a weapon after a pretrial hearing in 2013 and was sentenced to 3 years in prison. The plea came after a pretrial hearing in which several officers and detectives testified under oath that they didn't see Burke beat Loeb.

Defense attorney Bruce Barket of Garden City, noting that Loeb has already served more than his entire sentence because of an additional probation violation, said it's impossible for his client to serve more time in prison.

In addition, Barket said no conviction is possible, with so many of the charges the result of lies by police.

"It's our strong belief that these charges cannot be sustained," Barket said.

Ambro ordered Loeb released, but told him he needs to return until the case is resolved.

“I understand that, your honor,” he replied. Loeb is expected to speak to reporters Tuesday afternoon.

Barket thanked Ferris for agreeing to his request to undo the conviction.

“We don’t have a system in our society where evidence exists apart from how it was collected,” Barket said. In this case, he said police lied to prosecutors, grand jurors and a judge and filed false reports to cover up Burke’s crimes.

“Chris should not and will not be convicted of anything as a result of this process,” Barket said. “Ultimately, he was proven to be the truthful one.”

When Burke pleaded guilty last year in federal court to violating Loeb’s civil rights and covering it up, he said Loeb accurately described how Burke treated him. Loeb had broken into Burke’s police vehicle and stole a duffel bag that he said contained “disgusting pornography,” a gun belt without a gun and other items.

Burke took his property back before it could be kept as evidence and later beat Loeb and threatened to kill him.