

Judge orders house arrest, ankle monitor for ex-Lauderhill cop accused of rape

Judge orders tougher pre-trial restrictions for former Lauderhill cop who called woman who has accused him of rape

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Ex-Lauderhill cop calls woman he allegedly raped, judge orders tougher restrictions while he awaits trial

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A former Lauderhill cop accused of rape will await trial on house arrest for making a 26-second phone call that was answered by his accuser at the Coconut Creek restaurant where she works.

Franklin Hartley has been free on \$8,000 bond since August 2013. The conditions of his release prohibit him from contacting the alleged victim.

A judge ordered the new restrictions of house arrest and a GPS ankle monitor Wednesday because Hartley violated the terms of his release by speaking to the woman when she answered the call earlier this month.

State prosecutor Ryan Kelley said the call was clearly leveled as an intimidation tactic as the case gets close to trial. He asked the judge to revoke Hartley's bond and send him to jail to await trial.

The call was clearly a pretext for him to let [the accuser] know that he knew where she worked," Kelley told the judge.

Hartley's defense lawyer, David Sobel, argued that the call was purely to find out if the restaurant had an online menu and no threats or statements of recognition were made to the alleged victim.



Two Lauderdale officers, city sued over rape allegation

"It's totally innocent conduct," Sobel said. "There's no evidence that Mr. Hartley knew she worked at the restaurant. This is truthfully a bad coincidence."

Broward Circuit Judge Michael Usan thought otherwise.

"My impression is that it is more than coincidental and I believe there is a willful violation," Usan said. "I will reiterate, he is to have no contact, direct or indirect or third party, with the victim."

Hartley will be allowed to leave home for work and certain other activities.

Hartley, 36, took the judge's order in silence, concealing his frustration as he lumbered out of the courtroom.



In court on Wednesday, Oct. 28, a judge declined to revoke the bond of Franklin Hartley, an ex-Lauderhill police officer.
(Mike Stocker / Sun Sentinel)

In the hallway, Hartley vented. "This is nonsense, man," he said. "He's a f----- a—h---."

Hartley's mother, a probation officer, shielded her son from a reporter. "No, no, no, he has nothing to say. Just leave," she said.

Hartley and Thomas Merenda, also an ex-Lauderhill officer, are facing criminal charges, as well as being sued in federal court, for allegedly sexually assaulting two women while on duty in May 2012.

The 4 a.m. assaults happened after Hartley pulled two women over after they left a Lauderdale strip club, took the driver's vehicle registration and insurance documents and ordered the women to follow him to the back of a closed tire shop where Merenda showed up in his patrol car, police reports say.

Hartley is accused of threatening to arrest one of the women if she didn't perform oral sex. He raped her afterward, according to police reports.

The officers are further accused of coercing the other woman to punch Merenda in the testicles to satisfy his alleged fetish for pain, reports said.

The woman, who is not being identified because of the nature of the alleged crime, "panicked and hung up" as soon as she recognized Hartley's voice inquiring whether the restaurant had a website and asking for directions, court records show.

Afterward she snapped a photo of the phone's caller ID screen, which she turned over to state prosecutors.

"I'm scared to go to work now," the woman told the judge. "I have someone walk me to and from my car. I don't feel safe at all."

The restaurant is just three miles from Hartley's Margate home, Kelley said, and phone records show that Hartley made the call from his iPhone 6, which could have provided him with the information he ostensibly sought.

Before the alleged rape, Hartley had served five years as a cop, and Merenda, 37, had served 11. Both were fired in March 2014.

Criminal charges were filed in August 2013. The officers have pleaded not guilty to charges of unlawful compensation, a felony punishable by up to 15 years in prison, and misdemeanor battery, which carries a maximum penalty of 60 days in jail.

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