



The Commonwealth of Massachusetts
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January 26, 2022

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Andrew Quemere
aquemere0@gmail.com (response by email only)

Re: Public Records Request 22-017

Dear Mr. Quemere:

This letter is in response to your January 11, 2022, request under the Public Records Law, M.G.L. c. 66, § 10 et seq., seeking information and records concerning this Office’s “Brady list.”

Attached along with this letter please find a .pdf containing a list of officers for whom this Office maintains discovery notices consistent with our legal and ethical obligations (“*MDAO Discovery Notice List (1.26.22).pdf*”), as well as a .pdf containing the associated discovery notices (“*MDAO Discovery Notices (1.26.22).pdf*”). The list and notices are current as of today’s date, January 26, 2022. These notices, tracked by name and department, are used to disclose allegations about the named officers as required to comply with this Office’s obligation under *Brady v. Maryland*, 373 U.S. 83 (1963) and other constitutional duties.

Our Office interprets this obligation broadly and therefore the notices comprise a broad range of conduct, not all of which necessarily indicates an officer has been deemed untruthful or untrustworthy. Furthermore, the preparation of a notice and inclusion on this list is not an indication that its disclosure in any particular case to any particular defendant has been required.

We are further providing you with a memorandum of law addressing police discovery obligations and the disclosure of exculpatory evidence to criminal defendants (“*Memo re Brady – Officers (03.26.21) FINAL.pdf*”). This memo explains, inter alia, the circumstances under which a discovery notice is drafted, disseminated to the relevant police department where appropriate, and provided to defense counsel in all criminal proceedings where an officer who is the subject of a discovery notice is to serve as a witness.



Upon learning of adverse findings following an internal affairs investigation or other misconduct by a police officer, our Office's Police Discovery Team, which consists of several experienced trial and appellate prosecutors, reviews the underlying facts to determine if disclosure is required. Where appropriate, we issue and disseminate a draft discovery notice to the relevant department's chief or IA designate to ensure factual accuracy. Once an officer is placed on the "Brady" list, we provide a copy of the discovery notice to the relevant department's chief and the officer in question. With limited exceptions, a discovery notice will continue to issue and will be provided to opposing counsel in all future cases in which the officer is a potential witness regardless of the age of the underlying conduct.

If you have any questions about this Office's response, do not hesitate to contact our Office's Chief of Administration, Meghan Kelly, at Meghan.Kelly@state.ma.us or at (781) 897-8340.

The law requires we advise you that should you wish to challenge any aspect of this response, you may appeal to the Supervisor of Public Records following the procedure set forth in 950 C.M.R. 32.08, a copy of which can be found online at <http://www.mass.gov/courts/case-legal-res/law-lib/laws-by-source/cmr/>. You may also file a civil action in Superior Court in accordance with M.G.L. c. 66, § 10A.

Sincerely,

/s/ Daniel M. DeBlander
Assistant District Attorney