

THE COMMONWEALTH OF MASSACHUSETTS  
OFFICE OF THE ATTORNEY GENERAL

ONE ASHBURTON PLACE  
BOSTON, MASSACHUSETTS 02108

MAURA HEALEY  
ATTORNEY GENERAL

(617) 727-2200  
(617) 727-4765 TTY  
[www.mass.gov/ago](http://www.mass.gov/ago)

February 1, 2022

**VIA E-MAIL ONLY**

Andrew Quemere  
[aquemere0@gmail.com](mailto:aquemere0@gmail.com)

**Re: Your Public Records Request**

Dear Mr. Quemere:

I write in further response to your January 10, 2022 public records request made pursuant to the Massachusetts public records law, G.L. c. 66, § 10, for “the office’s Brady list” and other related records.

We enclose ninety-seven (97) pages of record that may be responsive to your request and are subject to disclosure under the public records law, G.L. c. 66, § 10 and G.L. c. 4, § 7, cl. 26. Please note that some of these records were redacted in accordance with G.L. c. 4, § 7, cl. 26 insofar as they contain: (a) information specifically or by necessary implication exempted from disclosure by statute, G.L. c. 6, §§ 167, 172 (Criminal Offender Record Information); and (c) email addresses relating to specifically named individuals, the disclosure of which may constitute an unwarranted invasion of personal privacy. *See also* G.L. c. 66A, § 2(c); 940 CMR 11.04(1).

Please be advised we are withholding additional records in accordance with G.L. c. 4, § 7, cl. 26(f) insofar as they constitute materials related to investigations or matters under review that reveal confidential investigative techniques, procedures, and sources of information that are necessarily compiled out of the public view by law enforcement officials. The disclosure of these materials would so compromise effective law enforcement by prematurely releasing information about the nature and course of our review that such disclosure would not be in the public interest.

The public records law permits a custodian of public records to charge requesters for certain costs associated with responding to public records requests. *See* G.L. c. 66, § 10(d) and 950 CMR 32.07. However, G.L. c. 66, § 10(d)(ii)(B) provides that no fees shall be charged for the

Andrew Quemere

February 1, 2022

Page 2

first four (4.0) hours of labor required to respond to a request. As less than 4.0 hours were required to respond to this request, there are no fees to be paid in this instance.

You have the right to appeal this response to the Supervisor of Records pursuant to G.L. c. 66, § 10A(a), and to seek judicial review of an unfavorable decision by commencing a civil action in the superior court under G.L. c. 66, § 10A(c).

Very truly yours,



Hanne Rush

Contract Attorney

General Counsel's Office

**ATTORNEY GENERAL'S OFFICE**  
**List of Law Enforcement Officers Subject to Discovery Notices**  
**(as of 2/1/22)**

1. Sgt. Daniel Desmarais—Lowell Police
2. Officer Nicholas Dokos—Lowell Police
3. Officer David Lavoie—Lowell Police
4. Capt. Matthew Penrose—Lowell Police
5. Officer Rafael Rivera—Lowell Police
6. Det. Jeff Majewski—formerly Westport Police
7. Trooper Matthew Kelley—formerly Massachusetts State Police
8. Trooper Michael Atton—formerly Massachusetts State Police

COMMONWEALTH OF MASSACHUSETTS

BRISTOL, ss.

SUPERIOR COURT DEPARTMENT  
DOCKET: 1773CR00130

COMMONWEALTH

v.

JOAO AGUIAR

---

**COMMONWEALTH’S POST-CONVICTION NOTICE OF EXCULPATORY  
INFORMATION RE: JEFFREY MAJEWSKI**

---

Now comes the Commonwealth and, pursuant to its ongoing discovery obligations, notifies the defendant of exculpatory information, obtained after the defendant’s conviction in this matter, related to the credibility of a key prosecution witness, Jeffrey Majewski (“Majewski”). See Commonwealth v. Ellison, 376 Mass. 1, 22 (1978) (“The Brady obligation comprehends evidence which provides some significant aid to the defendant’s case, whether it furnishes corroboration of the defendant’s story, calls into question a material, although not indispensable, element of the prosecution’s version of events, or challenges the credibility of a key prosecution witness.”).

Majewski was a detective employed by the Westport police department who conducted the investigation in this matter. The Office of the Attorney General has learned that in mid-February 2020, a female civilian made a complaint to both the Bristol District Attorney’s Office and the Westport police department regarding Majewski’s conduct as a police officer. On February 24, 2020, Majewski was placed on administrative leave by the Westport Chief of Police, pending an internal affairs investigation into Majewski’s conduct. Majewski resigned

from his position with the Westport police department prior to the completion of the internal affairs investigation.

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- (7) Text messages between Jeffrey Majewski and "Individual 1" (393 pages).

Respectfully Submitted  
For the Commonwealth,

MAURA HEALEY  
ATTORNEY GENERAL



---

David Clayton, BBO# 666139  
Assistant Attorney General  
One Ashburton Place, 19<sup>th</sup> Floor  
Boston, MA 02108  
617-963-2435

Date: August 19, 2020

CERTIFICATE OF SERVICE

I, David Clayton, do hereby certify that I have served the below-listed counsel with the foregoing pleading, via First Class Mail, this 19<sup>th</sup> day of August 2020.

Dana Sargent  
414 County Street  
New Bedford, MA 02740

Signed under the pains and penalties of perjury.



---

David Clayton  
Assistant Attorney General

COMMONWEALTH OF MASSACHUSETTS

BRISTOL, ss.

SUPERIOR COURT DEPARTMENT  
DOCKET: 1773CR00130

COMMONWEALTH

v.

JOAO AGUIAR

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**NOLLE PROSEQUI**

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Now comes the Commonwealth, and pursuant to Mass. R. Crim. P. 16(a), enters a *nolle prosequi* in the above-captioned matter.

As reason therefore, the Commonwealth has obtained information from an unrelated investigation, that tends to cast doubt on the credibility and veracity of an essential witness in this case. Based on that information, the Commonwealth will not call the witness to testify in this matter. The Commonwealth is therefore unable to proceed with this prosecution.

Respectfully Submitted  
For the Commonwealth,

MAURA HEALEY  
ATTORNEY GENERAL



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David Clayton, BBO# 666139  
Assistant Attorney General  
One Ashburton Place, 19<sup>th</sup> Floor  
Boston, MA 02108  
617-963-2435

Date: October 29, 2020

#46

COMMONWEALTH OF MASSACHUSETTS

BRISTOL, ss.

SUPERIOR COURT DEPARTMENT  
DOCKET: 1773CR00154

BRISTOL SS SUPERIOR COURT  
FILED

COMMONWEALTH

SEP 21 2020

v.

MARC J SANTOS, ESQ.  
CLERK/MAGISTRATE

ARTHUR ARRUDA

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NOLLE PROSEQUI

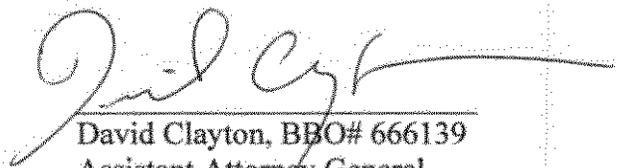
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ATTORNEY GENERAL



David Clayton, BBO# 666139  
Assistant Attorney General  
One Ashburton Place, 19<sup>th</sup> Floor  
Boston, MA 02108  
617-963-2435

Date: September 21, 2020

# 60

COMMONWEALTH OF MASSACHUSETTS

BRISTOL, ss.

SUPERIOR COURT DEPARTMENT  
DOCKET: 1773CR00153

BRISTOL SS SUPERIOR COURT  
FILED

COMMONWEALTH

SEP 21 2020

v.

MARC J SANTOS, ESQ.  
CLERK/MAGISTRATE

JOSE BOTELHO

**NOLLE PROSEQUI**

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For the Commonwealth,

MAURA HEALEY  
ATTORNEY GENERAL



David Clayton, BBO# 666139  
Assistant Attorney General  
One Ashburton Place, 19<sup>th</sup> Floor  
Boston, MA 02108  
617-963-2435

Date: September 21, 2020

COMMONWEALTH OF MASSACHUSETTS

BRISTOL, ss.

SUPERIOR COURT DEPARTMENT  
DOCKET: 1773CR00131

COMMONWEALTH

v.

OCTAVIO BOTELHO

---

**COMMONWEALTH'S POST-CONVICTION NOTICE OF EXCULPATORY  
INFORMATION RE: JEFFREY MAJEWSKI**

---

Now comes the Commonwealth and, pursuant to its ongoing discovery obligations, notifies the defendant of exculpatory information, obtained after the defendant's conviction in this matter, related to the credibility of a key prosecution witness, Jeffrey Majewski ("Majewski"). See Commonwealth v. Ellison, 376 Mass. 1, 22 (1978) ("The Brady obligation comprehends evidence which provides some significant aid to the defendant's case, whether it furnishes corroboration of the defendant's story, calls into question a material, although not indispensable, element of the prosecution's version of events, or challenges the credibility of a key prosecution witness.").

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MAURA HEALEY  
ATTORNEY GENERAL



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David Clayton, BBO# 666139  
Assistant Attorney General  
One Ashburton Place, 19<sup>th</sup> Floor  
Boston, MA 02108  
617-963-2435

Date: August 19, 2020

CERTIFICATE OF SERVICE

I, David Clayton, do hereby certify that I have served the below-listed counsel with the foregoing pleading, via First Class Mail, this 19<sup>th</sup> day of August 2020.

Paul Sahady  
399 North Main Street  
Fall River, MA 02720

Signed under the pains and penalties of perjury.



---

David Clayton  
Assistant Attorney General

COMMONWEALTH OF MASSACHUSETTS

BRISTOL, ss.

SUPERIOR COURT DEPARTMENT  
DOCKET: 1773CR00131

COMMONWEALTH

v.

OCTAVIO BOTELHO

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**NOLLE PROSEQUI**

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Respectfully Submitted  
For the Commonwealth,

MAURA HEALEY  
ATTORNEY GENERAL



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David Clayton, BBO# 666139  
Assistant Attorney General  
One Ashburton Place, 19<sup>th</sup> Floor  
Boston, MA 02108  
617-963-2435

Date: October 29, 2020

COMMONWEALTH OF MASSACHUSETTS

BRISTOL, ss.

SUPERIOR COURT DEPARTMENT  
DOCKET: 1773CR00134

COMMONWEALTH

v.

JEFFREY BRILHANTE

---

**COMMONWEALTH’S POST-CONVICTION NOTICE OF EXCULPATORY  
INFORMATION RE: JEFFREY MAJEWSKI**

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Respectfully Submitted  
For the Commonwealth,

MAURA HEALEY  
ATTORNEY GENERAL



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David Clayton, BBO# 666139  
Assistant Attorney General  
One Ashburton Place, 19<sup>th</sup> Floor  
Boston, MA 02108  
617-963-2435

Date: August 19, 2020

CERTIFICATE OF SERVICE

I, David Clayton, do hereby certify that I have served the below-listed counsel with the foregoing pleading, via First Class Mail, this 19<sup>th</sup> day of August 2020.

Carol Beck  
2 Neptune Road  
Suite 448  
East Boston, MA 02128

Signed under the pains and penalties of perjury.



---

David Clayton  
Assistant Attorney General

COMMONWEALTH OF MASSACHUSETTS

BRISTOL, ss.

SUPERIOR COURT DEPARTMENT  
DOCKET: 1773CR00134

COMMONWEALTH

v.

JEFFREY BRILHANTE

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Assistant Attorney General  
One Ashburton Place, 19<sup>th</sup> Floor  
Boston, MA 02108  
617-963-2435

Date: October 29, 2020

COMMONWEALTH OF MASSACHUSETTS

BRISTOL, ss.

SUPERIOR COURT DEPARTMENT

BRISTOL SS SUPERIOR COURT  
FILED

DOCKET: 1773CR00156

COMMONWEALTH

SEP 21 2020

v.

MARC J SANTOS, ESQ.  
CLERK/MAGISTRATE

TIMOTHY CABRAL

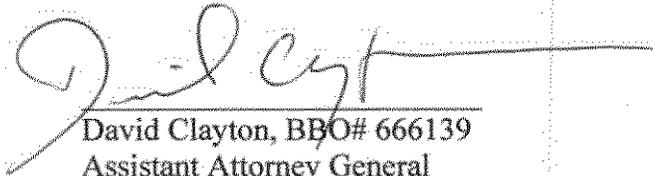
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David Clayton, BBO# 666139  
Assistant Attorney General  
One Ashburton Place, 19<sup>th</sup> Floor  
Boston, MA 02108  
617-963-2435

Date: September 21, 2020

COMMONWEALTH OF MASSACHUSETTS

BRISTOL, ss.

SUPERIOR COURT DEPARTMENT  
DOCKET: 1773CR00148

COMMONWEALTH

v.

EDUARDO CAETANO

---

**COMMONWEALTH’S POST-CONVICTION NOTICE OF EXCULPATORY  
INFORMATION RE: JEFFREY MAJEWSKI**

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ATTORNEY GENERAL



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David Clayton, BBO# 666139  
Assistant Attorney General  
One Ashburton Place, 19<sup>th</sup> Floor  
Boston, MA 02108  
617-963-2435

Date: August 19, 2020

CERTIFICATE OF SERVICE

I, David Clayton, do hereby certify that I have served the below-listed counsel with the foregoing pleading, via First Class Mail, this 19<sup>th</sup> day of August 2020.

Guy Larock  
628 Pleasant Street  
New Bedford, MA 02740

Signed under the pains and penalties of perjury.



---

David Clayton  
Assistant Attorney General

COMMONWEALTH OF MASSACHUSETTS

BRISTOL, ss.

SUPERIOR COURT DEPARTMENT  
DOCKET: 1773CR00148

COMMONWEALTH

v.

EDUARDO CAETANO

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**NOLLE PROSEQUI**

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Respectfully Submitted  
For the Commonwealth,

MAURA HEALEY  
ATTORNEY GENERAL



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David Clayton, BBO# 666139  
Assistant Attorney General  
One Ashburton Place, 19<sup>th</sup> Floor  
Boston, MA 02108  
617-963-2435

Date: October 29, 2020

COMMONWEALTH OF MASSACHUSETTS

BRISTOL, ss.

SUPERIOR COURT DEPARTMENT  
DOCKET: 1773CR00127

COMMONWEALTH

v.

EDDY DEAGUIAR

---

**COMMONWEALTH’S POST-CONVICTION NOTICE OF EXCULPATORY  
INFORMATION RE: JEFFREY MAJEWSKI**

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MAURA HEALEY  
ATTORNEY GENERAL



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David Clayton, BBO# 666139  
Assistant Attorney General  
One Ashburton Place, 19<sup>th</sup> Floor  
Boston, MA 02108  
617-963-2435

Date: August 19, 2020

CERTIFICATE OF SERVICE

I, David Clayton, do hereby certify that I have served the below-listed counsel with the foregoing pleading, via First Class Mail, this 19<sup>th</sup> day of August 2020.

Matthew Koes  
340 Union Street  
Framingham, MA 01702

Signed under the pains and penalties of perjury.



---

David Clayton  
Assistant Attorney General

COMMONWEALTH OF MASSACHUSETTS

BRISTOL, ss.

SUPERIOR COURT DEPARTMENT  
DOCKET: 1773CR00127

COMMONWEALTH

v.

EDDY DEAGUIAR

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Assistant Attorney General  
One Ashburton Place, 19<sup>th</sup> Floor  
Boston, MA 02108  
617-963-2435

Date: October 29, 2020

COMMONWEALTH OF MASSACHUSETTS

BRISTOL, ss.

SUPERIOR COURT DEPARTMENT  
DOCKET: 1773CR00129

COMMONWEALTH

v.

EMANUEL DESOUSA

---

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INFORMATION RE: JEFFREY MAJEWSKI**

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One Ashburton Place, 19<sup>th</sup> Floor  
Boston, MA 02108  
617-963-2435

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C. Samuel Sutter  
34 Borden Street  
Fall River, MA 02721

Signed under the pains and penalties of perjury.



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David Clayton  
Assistant Attorney General

COMMONWEALTH OF MASSACHUSETTS

BRISTOL, ss.

SUPERIOR COURT DEPARTMENT  
DOCKET: 1773CR00129

COMMONWEALTH

v.

EMANUEL DESOUSA

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**NOLLE PROSEQUI**

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Now comes the Commonwealth, and pursuant to Mass. R. Crim. P. 16(a), enters a *nolle prosequi* in the above-captioned matter.

As reason therefore, the Commonwealth has obtained information from an unrelated investigation, that tends to cast doubt on the credibility and veracity of an essential witness in this case. Based on that information, the Commonwealth will not call the witness to testify in this matter. The Commonwealth is therefore unable to proceed with this prosecution.

Respectfully Submitted  
For the Commonwealth,

MAURA HEALEY  
ATTORNEY GENERAL



---

David Clayton, BBO# 666139  
Assistant Attorney General  
One Ashburton Place, 19<sup>th</sup> Floor  
Boston, MA 02108  
617-963-2435

Date: October 29, 2020

\* 61

COMMONWEALTH OF MASSACHUSETTS

BRISTOL, ss.

SUPERIOR COURT DEPARTMENT  
DOCKET: 1773CR00136

BRISTOL SS SUPERIOR COURT  
FILED

COMMONWEALTH

SEP 21 2020

v.

MARC J SANTOS, ESQ.  
CLERK/MAGISTRATE

ANTONIO DIAS

---

**NOLLE PROSEQUI**

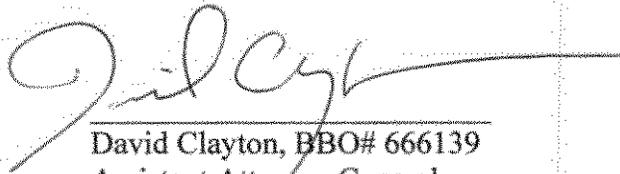
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Respectfully Submitted  
For the Commonwealth,

MAURA HEALEY  
ATTORNEY GENERAL



David Clayton, BBO# 666139  
Assistant Attorney General  
One Ashburton Place, 19<sup>th</sup> Floor  
Boston, MA 02108  
617-963-2435

Date: September 21, 2020

#58

COMMONWEALTH OF MASSACHUSETTS

BRISTOL, ss.

SUPERIOR COURT DEPARTMENT  
DOCKET: 1773CR00152

BRISTOL SS SUPERIOR COURT  
FILED

COMMONWEALTH

SEP 21 2020

v.

MARC J SANTOS, ESQ.  
CLERK/MAGISTRATE

MESSIAS FARIAS

---

**NOLLE PROSEQUI**

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Respectfully Submitted  
For the Commonwealth,

MAURA HEALEY  
ATTORNEY GENERAL



David Clayton, BBO# 666139  
Assistant Attorney General  
One Ashburton Place, 19<sup>th</sup> Floor  
Boston, MA 02108  
617-963-2435

Date: September 21, 2020



THE COMMONWEALTH OF MASSACHUSETTS  
OFFICE OF THE ATTORNEY GENERAL  
ONE ASHBURTON PLACE  
BOSTON, MASSACHUSETTS 02108

MAURA HEALEY  
ATTORNEY GENERAL

(617) 727-2200  
(617) 727-4765 TTY  
[www.mass.gov/ago](http://www.mass.gov/ago)

August 19, 2020

David Rangaviz, Esq.  
Committee for Public Counsel Services  
44 Bromfield Street  
Boston, MA 02108

**Re: Commonwealth v. Rhonda Gadowski**  
**Bristol Superior Court Docket: 1773CR00138**

Dear Attorney Rangaviz:

I am writing in regard to the above-captioned matter. Enclosed with this letter, please find the Commonwealth's motion for protective order, and a nolle prosequi. I will be contacting the Court to schedule a hearing on the motion and for entry of the nolle prosequi.

Please contact me if you have any questions.

Very truly yours,

A handwritten signature in blue ink, appearing to read "D. Clayton", with a long horizontal flourish extending to the right.

David Clayton  
Assistant Attorney General

COMMONWEALTH OF MASSACHUSETTS

BRISTOL, ss.

SUPERIOR COURT DEPARTMENT  
DOCKET: 1773CR00138

BRISTOL, SS SUPERIOR COURT  
FILED

COMMONWEALTH

SEP 21 2020

v.

MARC J SANTOS, ESQ.  
CLERK/MAGISTRATE

RHONDA GADOMSKI

**NOLLE PROSEQUI**

Now comes the Commonwealth, and pursuant to Mass. R. Crim. P. 16(a), enters a *nolle prosequi* in the above-captioned matter.

As reason therefore, the Commonwealth has obtained information from an unrelated investigation, that tends to cast doubt on the credibility and veracity of an essential witness in this case. Based on that information, the Commonwealth will not call the witness to testify in this matter. The Commonwealth is therefore unable to proceed with this prosecution.

Respectfully Submitted  
For the Commonwealth,

MAURA HEALEY  
ATTORNEY GENERAL



David Clayton, BBO# 666139  
Assistant Attorney General  
One Ashburton Place, 19<sup>th</sup> Floor  
Boston, MA 02108  
617-963-2435

Date: September 21, 2020

COMMONWEALTH OF MASSACHUSETTS

BRISTOL, ss.

SUPERIOR COURT DEPARTMENT  
DOCKET: 1773CR00158

COMMONWEALTH

v.

EMANUEL GASPAR

---

**COMMONWEALTH’S POST-CONVICTION NOTICE OF EXCULPATORY  
INFORMATION RE: JEFFREY MAJEWSKI**

---

Now comes the Commonwealth and, pursuant to its ongoing discovery obligations, notifies the defendant of exculpatory information, obtained after the defendant’s conviction in this matter, related to the credibility of a key prosecution witness, Jeffrey Majewski (“Majewski”). *See* Commonwealth v. Ellison, 376 Mass. 1, 22 (1978) (“The Brady obligation comprehends evidence which provides some significant aid to the defendant’s case, whether it furnishes corroboration of the defendant’s story, calls into question a material, although not indispensable, element of the prosecution’s version of events, or challenges the credibility of a key prosecution witness.”).

Majewski was a detective employed by the Westport police department who conducted the investigation in this matter. The Office of the Attorney General has learned that in mid-February 2020, a female civilian made a complaint to both the Bristol District Attorney’s Office and the Westport police department regarding Majewski’s conduct as a police officer. On February 24, 2020, Majewski was placed on administrative leave by the Westport Chief of Police, pending an internal affairs investigation into Majewski’s conduct. Majewski resigned

from his position with the Westport police department prior to the completion of the internal affairs investigation.

The Office of the Attorney General is in possession of various materials related to this matter. Those materials are available for review by defense counsel upon request, and include:

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Respectfully Submitted  
For the Commonwealth,

MAURA HEALEY  
ATTORNEY GENERAL



---

David Clayton, BBO# 666139  
Assistant Attorney General  
One Ashburton Place, 19<sup>th</sup> Floor  
Boston, MA 02108  
617-963-2435

Date: August 19, 2020

CERTIFICATE OF SERVICE

I, David Clayton, do hereby certify that I have served the below-listed counsel with the foregoing pleading, via First Class Mail, this 19<sup>th</sup> day of August 2020.

Brian Keane  
110 K Street  
Suite 330  
Boston, MA 02127

Signed under the pains and penalties of perjury.



---

David Clayton  
Assistant Attorney General

COMMONWEALTH OF MASSACHUSETTS

BRISTOL, ss.

SUPERIOR COURT DEPARTMENT  
DOCKET: 1773CR00158

COMMONWEALTH

v.

EMANUEL GASPAR

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**NOLLE PROSEQUI**

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Respectfully Submitted  
For the Commonwealth,

MAURA HEALEY  
ATTORNEY GENERAL



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David Clayton, BBO# 666139  
Assistant Attorney General  
One Ashburton Place, 19<sup>th</sup> Floor  
Boston, MA 02108  
617-963-2435

Date: October 29, 2020

COMMONWEALTH OF MASSACHUSETTS

BRISTOL, ss.

SUPERIOR COURT DEPARTMENT  
DOCKET: 1773CR00128

COMMONWEALTH

v.

LUIS MACHADO

---

**COMMONWEALTH'S POST-CONVICTION NOTICE OF EXCULPATORY  
INFORMATION RE: JEFFREY MAJEWSKI**

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Majewski was a detective employed by the Westport police department who conducted the investigation in this matter. The Office of the Attorney General has learned that in mid-February 2020, a female civilian made a complaint to both the Bristol District Attorney's Office and the Westport police department regarding Majewski's conduct as a police officer. On February 24, 2020, Majewski was placed on administrative leave by the Westport Chief of Police, pending an internal affairs investigation into Majewski's conduct. Majewski resigned

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Respectfully Submitted  
For the Commonwealth,

MAURA HEALEY  
ATTORNEY GENERAL



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David Clayton, BBO# 666139  
Assistant Attorney General  
One Ashburton Place, 19<sup>th</sup> Floor  
Boston, MA 02108  
617-963-2435

Date: August 19, 2020

CERTIFICATE OF SERVICE

I, David Clayton, do hereby certify that I have served the below-listed counsel with the foregoing pleading, via First Class Mail, this 19<sup>th</sup> day of August 2020.

Jennifer O'Brien  
630 Boston Post Road  
Billerica, MA 01821

Signed under the pains and penalties of perjury.



---

David Clayton  
Assistant Attorney General

COMMONWEALTH OF MASSACHUSETTS

BRISTOL, ss.

SUPERIOR COURT DEPARTMENT  
DOCKET: 1773CR00128

COMMONWEALTH

v.

LUIS MACHADO

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**NOLLE PROSEQUI**

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Respectfully Submitted  
For the Commonwealth,

MAURA HEALEY  
ATTORNEY GENERAL



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David Clayton, BBO# 666139  
Assistant Attorney General  
One Ashburton Place, 19<sup>th</sup> Floor  
Boston, MA 02108  
617-963-2435

Date: October 29, 2020

COMMONWEALTH OF MASSACHUSETTS

BRISTOL, ss.

SUPERIOR COURT DEPARTMENT  
DOCKET: 1773CR00151

COMMONWEALTH

v.

BRUNO MAGALHAES

---

**COMMONWEALTH’S POST-CONVICTION NOTICE OF EXCULPATORY  
INFORMATION RE: JEFFREY MAJEWSKI**

---

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Respectfully Submitted  
For the Commonwealth,

MAURA HEALEY  
ATTORNEY GENERAL



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David Clayton, BBO# 666139  
Assistant Attorney General  
One Ashburton Place, 19<sup>th</sup> Floor  
Boston, MA 02108  
617-963-2435

Date: August 19, 2020

CERTIFICATE OF SERVICE

I, David Clayton, do hereby certify that I have served the below-listed counsel with the foregoing pleading, via First Class Mail, this 19<sup>th</sup> day of August 2020.

Mark Azar  
45 North Main Street  
4<sup>th</sup> Floor  
Fall River, MA 02720

Signed under the pains and penalties of perjury.



---

David Clayton  
Assistant Attorney General

COMMONWEALTH OF MASSACHUSETTS

BRISTOL, ss.

SUPERIOR COURT DEPARTMENT  
DOCKET: 1773CR00151

COMMONWEALTH

v.

BRUNO MAGALHAES

---

**NOLLE PROSEQUI**

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For the Commonwealth,

MAURA HEALEY  
ATTORNEY GENERAL



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David Clayton, BBO# 666139  
Assistant Attorney General  
One Ashburton Place, 19<sup>th</sup> Floor  
Boston, MA 02108  
617-963-2435

Date: October 29, 2020

COMMONWEALTH OF MASSACHUSETTS

BRISTOL, ss.

SUPERIOR COURT DEPARTMENT  
DOCKET: 1773CR00150

COMMONWEALTH

v.

DIANA MAGALHAES

---

**COMMONWEALTH'S POST-CONVICTION NOTICE OF EXCULPATORY  
INFORMATION RE: JEFFREY MAJEWSKI**

---

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ATTORNEY GENERAL



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Assistant Attorney General  
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617-963-2435

Date: August 19, 2020

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4<sup>th</sup> Floor  
Fall River, MA 02720

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David Clayton  
Assistant Attorney General

COMMONWEALTH OF MASSACHUSETTS

BRISTOL, ss.

SUPERIOR COURT DEPARTMENT  
DOCKET: 1773CR00150

COMMONWEALTH

v.

DIANA MAGALHAES

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**NOLLE PROSEQUI**

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Respectfully Submitted  
For the Commonwealth,

MAURA HEALEY  
ATTORNEY GENERAL



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David Clayton, BBO# 666139  
Assistant Attorney General  
One Ashburton Place, 19<sup>th</sup> Floor  
Boston, MA 02108  
617-963-2435

Date: October 29, 2020

COMMONWEALTH OF MASSACHUSETTS

BRISTOL, ss.

SUPERIOR COURT DEPARTMENT  
DOCKET: 1773CR00141

COMMONWEALTH

v.

ANTONIO MEDEIROS

---

**COMMONWEALTH’S POST-CONVICTION NOTICE OF EXCULPATORY  
INFORMATION RE: JEFFREY MAJEWSKI**

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For the Commonwealth,

MAURA HEALEY  
ATTORNEY GENERAL



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David Clayton, BBO# 666139  
Assistant Attorney General  
One Ashburton Place, 19<sup>th</sup> Floor  
Boston, MA 02108  
617-963-2435

Date: August 19, 2020

CERTIFICATE OF SERVICE

I, David Clayton, do hereby certify that I have served the below-listed counsel with the foregoing pleading, via First Class Mail, this 19<sup>th</sup> day of August 2020.

Kenneth Berkland  
24 Old Town Road  
Walpole, MA 02081

Signed under the pains and penalties of perjury.



---

David Clayton  
Assistant Attorney General

COMMONWEALTH OF MASSACHUSETTS

BRISTOL, ss.

SUPERIOR COURT DEPARTMENT  
DOCKET: 1773CR00141

COMMONWEALTH

v.

ANTONIO MEDEIROS

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**NOLLE PROSEQUI**

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For the Commonwealth,

MAURA HEALEY  
ATTORNEY GENERAL



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David Clayton, BBO# 666139  
Assistant Attorney General  
One Ashburton Place, 19<sup>th</sup> Floor  
Boston, MA 02108  
617-963-2435

Date: October 29, 2020

COMMONWEALTH OF MASSACHUSETTS

BRISTOL, ss.

SUPERIOR COURT DEPARTMENT  
DOCKET: 1773CR00137

BRISTOL SS SUPERIOR COURT  
FILED

COMMONWEALTH

SEP 21 2020

v.

MARC J SANTOS, ESQ.  
CLERK/MAGISTRATE

JOHN MELO

**NOLLE PROSEQUI**

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For the Commonwealth,

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ATTORNEY GENERAL



David Clayton, BBO# 666139  
Assistant Attorney General  
One Ashburton Place, 19<sup>th</sup> Floor  
Boston, MA 02108  
617-963-2435

Date: September 21, 2020

COMMONWEALTH OF MASSACHUSETTS

BRISTOL, ss.

SUPERIOR COURT DEPARTMENT  
DOCKET: 1773CR00132

BRISTOL SS SUPERIOR COURT  
FILED

COMMONWEALTH

SEP 21 2020

v.

LUIS PACHECO

MARC J. SANTOS, ESQ.  
CLERK/MAGISTRATE

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**NOLLE PROSEQUI**

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ATTORNEY GENERAL



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Assistant Attorney General  
One Ashburton Place, 19<sup>th</sup> Floor  
Boston, MA 02108  
617-963-2435

Date: September 21, 2020

COMMONWEALTH OF MASSACHUSETTS

BRISTOL, ss.

SUPERIOR COURT DEPARTMENT  
DOCKET: 1773CR00155

COMMONWEALTH

v.

DONALD RAPOZA

---

**COMMONWEALTH’S POST-CONVICTION NOTICE OF EXCULPATORY  
INFORMATION RE: JEFFREY MAJEWSKI**

---

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For the Commonwealth,

MAURA HEALEY  
ATTORNEY GENERAL



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David Clayton, BBO# 666139  
Assistant Attorney General  
One Ashburton Place, 19<sup>th</sup> Floor  
Boston, MA 02108  
617-963-2435

Date: August 19, 2020

CERTIFICATE OF SERVICE

I, David Clayton, do hereby certify that I have served the below-listed counsel with the foregoing pleading, via First Class Mail, this 19<sup>th</sup> day of August 2020.

Brian Keane  
110 K Street  
Suite 330  
Boston, MA 02127

Signed under the pains and penalties of perjury.



---

David Clayton  
Assistant Attorney General

COMMONWEALTH OF MASSACHUSETTS

BRISTOL, ss.

SUPERIOR COURT DEPARTMENT  
DOCKET: 1773CR00155

COMMONWEALTH

v.

DONALD RAPOZA

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**NOLLE PROSEQUI**

---

Now comes the Commonwealth, and pursuant to Mass. R. Crim. P. 16(a), enters a *nolle prosequi* in the above-captioned matter.

As reason therefore, the Commonwealth has obtained information from an unrelated investigation, that tends to cast doubt on the credibility and veracity of an essential witness in this case. Based on that information, the Commonwealth will not call the witness to testify in this matter. The Commonwealth is therefore unable to proceed with this prosecution.

Respectfully Submitted  
For the Commonwealth,

MAURA HEALEY  
ATTORNEY GENERAL



---

David Clayton, BBO# 666139  
Assistant Attorney General  
One Ashburton Place, 19<sup>th</sup> Floor  
Boston, MA 02108  
617-963-2435

Date: October 29, 2020

COMMONWEALTH OF MASSACHUSETTS

BRISTOL, ss.

SUPERIOR COURT DEPARTMENT  
DOCKET: 1773CR00133

COMMONWEALTH

v.

JOSEPH REGO

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**COMMONWEALTH’S POST-CONVICTION NOTICE OF EXCULPATORY  
INFORMATION RE: JEFFREY MAJEWSKI**

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Now comes the Commonwealth and, pursuant to its ongoing discovery obligations, notifies the defendant of exculpatory information, obtained after the defendant’s conviction in this matter, related to the credibility of a key prosecution witness, Jeffrey Majewski (“Majewski”). See Commonwealth v. Ellison, 376 Mass. 1, 22 (1978) (“The Brady obligation comprehends evidence which provides some significant aid to the defendant’s case, whether it furnishes corroboration of the defendant’s story, calls into question a material, although not indispensable, element of the prosecution’s version of events, or challenges the credibility of a key prosecution witness.”).

Majewski was a detective employed by the Westport police department who conducted the investigation in this matter. The Office of the Attorney General has learned that in mid-February 2020, a female civilian made a complaint to both the Bristol District Attorney’s Office and the Westport police department regarding Majewski’s conduct as a police officer. On February 24, 2020, Majewski was placed on administrative leave by the Westport Chief of Police, pending an internal affairs investigation into Majewski’s conduct. Majewski resigned

from his position with the Westport police department prior to the completion of the internal affairs investigation.

The Office of the Attorney General is in possession of various materials related to this matter. Those materials are available for review by defense counsel upon request, and include:

- (1) Investigative report dated February 24, 2020 by investigator Arthur Brillon, Bristol District Attorney's Office (2 pages);
- (2) Westport police internal affairs investigative report 20-2-IA by Lieutenant John Bell (13 pages);
- (3) Memorandum dated February 24, 2020 from Chief Keith A. Pelletier to Jeffrey F. Majewski (1 page);
- (4) Internal Affairs Complaint Notification dated February 24, 2020 from Lieutenant John Bell to Jeffrey Majewski (4 pages);
- (5) Draft Disciplinary Action Notice dated March 4, 2020 (1 page);
- (6) Transcript of recorded internal affairs interview between investigator Paul L'Italien and Jeffrey Majewski, conducted April 13, 2020 (38 pages);
- (7) Text messages between Jeffrey Majewski and "Individual 1" (393 pages).

Respectfully Submitted  
For the Commonwealth,

MAURA HEALEY  
ATTORNEY GENERAL



---

David Clayton, BBO# 666139  
Assistant Attorney General  
One Ashburton Place, 19<sup>th</sup> Floor  
Boston, MA 02108  
617-963-2435

Date: August 19, 2020

CERTIFICATE OF SERVICE

I, David Clayton, do hereby certify that I have served the below-listed counsel with the foregoing pleading, via First Class Mail, this 19<sup>th</sup> day of August 2020.

Justin Drechsler  
P.O. Box 1390  
Montpelier, VT 05601

Signed under the pains and penalties of perjury.



---

David Clayton  
Assistant Attorney General

COMMONWEALTH OF MASSACHUSETTS

BRISTOL, ss.

SUPERIOR COURT DEPARTMENT  
DOCKET: 1773CR00133

COMMONWEALTH

v.

JOSEPH REGO

---

**NOLLE PROSEQUI**

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As reason therefore, the Commonwealth has obtained information from an unrelated investigation, that tends to cast doubt on the credibility and veracity of an essential witness in this case. Based on that information, the Commonwealth will not call the witness to testify in this matter. The Commonwealth is therefore unable to proceed with this prosecution.

Respectfully Submitted  
For the Commonwealth,

MAURA HEALEY  
ATTORNEY GENERAL



---

David Clayton, BBO# 666139  
Assistant Attorney General  
One Ashburton Place, 19<sup>th</sup> Floor  
Boston, MA 02108  
617-963-2435

Date: October 29, 2020

COMMONWEALTH OF MASSACHUSETTS

BRISTOL, ss.

SUPERIOR COURT DEPARTMENT  
DOCKET: 1773CR00157

BRISTOL SS SUPERIOR COURT COMMONWEALTH  
FILED

SEP 21 2020

v.

JOSE REIS

MARC J SANTOS, ESQ.  
CLERK/MAGISTRATE

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**NOLLE PROSEQUI**

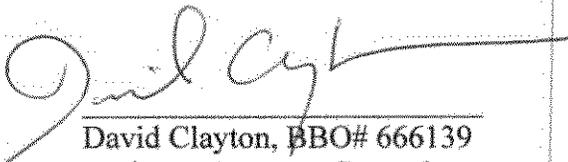
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Now comes the Commonwealth, and pursuant to Mass. R. Crim. P. 16(a), enters a *nolle prosequi* in the above-captioned matter.

As reason therefore, the Commonwealth has obtained information from an unrelated investigation, that tends to cast doubt on the credibility and veracity of an essential witness in this case. Based on that information, the Commonwealth will not call the witness to testify in this matter. The Commonwealth is therefore unable to proceed with this prosecution.

Respectfully Submitted  
For the Commonwealth,

MAURA HEALEY  
ATTORNEY GENERAL



David Clayton, BBO# 666139  
Assistant Attorney General  
One Ashburton Place, 19<sup>th</sup> Floor  
Boston, MA 02108  
617-963-2435

Date: September 21, 2020

COMMONWEALTH OF MASSACHUSETTS

BRISTOL, ss.

SUPERIOR COURT DEPARTMENT  
DOCKET: 1773CR00149

BRISTOL SS SUPERIOR COURT  
FILED

COMMONWEALTH

SEP 21 2020

v.

MARC J. SANTOS, ESQ.  
CLERK/MAGISTRATE

EDUARDO VULTAO

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**NOLLE PROSEQUI**

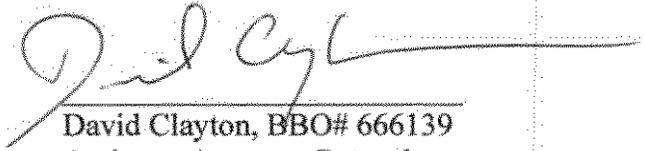
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Now comes the Commonwealth, and pursuant to Mass. R. Crim. P. 16(a), enters a *nolle prosequi* in the above-captioned matter.

As reason therefore, the Commonwealth has obtained information from an unrelated investigation, that tends to cast doubt on the credibility and veracity of an essential witness in this case. Based on that information, the Commonwealth will not call the witness to testify in this matter. The Commonwealth is therefore unable to proceed with this prosecution.

Respectfully Submitted  
For the Commonwealth,

MAURA HEALEY  
ATTORNEY GENERAL



David Clayton, BBO# 666139  
Assistant Attorney General  
One Ashburton Place, 19<sup>th</sup> Floor  
Boston, MA 02108  
617-963-2435

Date: September 21, 2020

COMMONWEALTH OF MASSACHUSETTS

BRISTOL, ss.

SUPERIOR COURT DEPARTMENT  
DOCKET NOS.: 1773CR00130;  
1773CR00131; 1773CR00134;  
1773CR00148; 1773CR00127;  
1773CR00129; 1773CR00158;  
1773CR00128; 1773CR00151;  
1773CR00150; 1773CR00141;  
1773CR00155; 1773CR00133.

BRISTOL, SS SUPERIOR COURT  
FILED

OCT 21 2020

MARC J SANTOS, ESQ.  
CLERK/MAGISTRATE

COMMONWEALTH

v.

JOAO AGUIAR; OCTAVIO BOTELHO; JEFFREY  
BRILHANTE; EDUARDO CAETANO; EDDY DEAGUIAR;  
EMANUEL DESOUSA; EMANUEL GASPAR; LUIS  
MACHADO; BRUNO MAGALHAES; DIANA MAGALHAES;  
ANTONIO MEDEIROS; DONALD RAPOZA; JOSEPH REGO

(Sullivan, J.)  
MS

**COMMONWEALTH'S OMNIBUS MOTION FOR NEW TRIALS  
(MASS. R. CRIM. P. 30(b))**

Now comes the Commonwealth, and moves pursuant to Mass. R. Crim. Pro. 30(b), that this Court vacate the convictions of the above-captioned cases, and order new trials.

**PROCEDURAL HISTORY**

On March 30, 2017, a statewide grand jury, sitting in Suffolk County, issued indictments charging 27 co-defendants with various indictments alleging the offense of Cruelty to Animals, violations of G.L. c. 272, § 77. The offenses allegedly occurred on a property in the town of Westport in July 2016.

During the pendency of the litigation, the Commonwealth filed *nolle prosequis* with regard to two co-defendants, Richard Medeiros and Scottie Medeiros, who both died. On May 30, 2019, Justice William Sullivan allowed a motion to dismiss for lack of probable cause with

10/29/30 Due to the Commonwealth's representation that this case's investigating officer's credibility and veracity is in "serious doubt", fairness dictates and justice requires allowance of this motion. Motion is allowed.

regard to defendant Kenneth Bellevance, Jr. Of the remaining 24 co-defendants, 13 co-defendants plead guilty or admitted to sufficient facts before Justice William Sullivan in June 2019. Those defendants are listed in the chart, below.

<u>Defendant</u>	<u>Docket</u>	<u>Date of Disposition</u>	<u>Sentence</u>
Aguiar, Joao	1773CR00130	June 27, 2019	Guilty, 1-year House of Correction suspended with probation for 2 years
Botelho, Octavio	1773CR00131	June 27, 2019	Guilty, probation for 2 years
Brilhante, Jeffrey	1773CR00134	June 27, 2019	Guilty, probation for 2 years
Caetano, Eduardo	1773CR00148	June 25, 2019	Guilty, probation for 2 years
DeAguiar, Eddy	1773CR00127	June 27, 2019	Guilty, 2½-years House of Correction, suspended with probation for 2 years
DeSousa, Emanuel	1773CR00129	June 27, 2019	Guilty, probation for 2 years
Gaspar, Emanuel	1773CR00158	June 24, 2019	CWOF, probation for 2 years
Machado, Luis	1773CR00128	June 27, 2019	Guilty, 18 months House of Correction suspended with probation for 2 years
Magalhaes, Bruno	1773CR00151	June 27, 2019	CWOF, probation for 2 years
Magalhaes, Diana	1773CR00150	June 27, 2019	CWOF, probation for 2 years
Medeiros, Antonio	1773CR00141	June 27, 2019	CWOF, probation for 2 years
Rapoza, Donald	1773CR00155	June 24, 2019	Guilty, probation for 2 years
Rego, Joseph	1773CR00133	June 27, 2019	Guilty, probation for 2 years

The remaining 11 co-defendants' pending cases were stayed for an interlocutory appeal of a ruling denying a motion to suppress evidence seized pursuant to a search warrant.

In March 2020, the Commonwealth learned that the police officer who led the investigation in the cases, detective Jeffrey Majewski (“Majewski”), had been administratively suspended from the Westport police department. The Westport police department opened an internal affairs investigation into Majewski’s conduct. Majewski subsequently resigned from his position with the Westport police before the conclusion of the internal affairs investigation.

The Commonwealth obtained various materials related to the Majewski internal affairs investigation from Westport’s town counsel. Review of the internal affairs materials led the Commonwealth to determine that there was serious doubt as to Majewski’s credibility and veracity. As such, the internal affairs materials constituted Brady material. The Commonwealth notified defense counsel – both of the 11 pending cases and the 13 post-disposition cases – informing all defendants of the newly obtained Brady material.

The information contained in the internal affairs materials led the Commonwealth to determine that it would not call Majewski as a trial witness in the 11 pending cases. Majewski was a necessary witness in all 11 cases, needed to prove various elements of the alleged offenses of cruelty to animals beyond a reasonable doubt. On September 21, 2020, the Commonwealth filed *nolle prosequis* on the 11 pending cases, ending the prosecutions.

### ARGUMENT

Fairness and justice require that the 13 co-defendants who chose to plead guilty or admit to sufficient facts, and who are similarly situated to the 11 co-defendants whose cases were *nolle prosequied*, be granted new trials. Mass. R. Crim. P. 30(b) permits a trial judge to “grant a new trial at any time if it appears that justice may not have been done.” This case involved 27 co-defendants whose conduct was investigated by Majewski. The 11 co-defendants who exercised their constitutional rights to trials benefited from the discovery of Majewski’s misconduct;

having the cases *nolle prosequed*. The 13 co-defendants who plead guilty or admitted to sufficient facts should receive the same benefit.<sup>1</sup>

Majewski would have been a necessary trial witness, needed to prove certain elements of each of the 13 cases where defendants plead guilty or admitted to sufficient facts, beyond a reasonable doubt. Fairness and justice require that the 13 post-disposition co-defendants be treated similarly to the other 11 co-defendants whose case were *nolle prosequed*. If this motion is granted, the Commonwealth intends to file *nolle prosequis* on each of the 13 co-defendants' cases.

### CONCLUSION

For the foregoing reasons, this Court should allow the Commonwealth's motion for new trials.

Respectfully Submitted  
For the Commonwealth,

MAURA HEALEY  
ATTORNEY GENERAL



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David Clayton, BBO# 666139  
Assistant Attorney General  
One Ashburton Place, 19<sup>th</sup> Floor  
Boston, MA 02108  
617-963-2453

Date: October 19, 2020

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<sup>1</sup> The Commonwealth is aware that at least 5 of the 13 co-defendants planned to file motions for new trials, based upon the Majewski information. The Commonwealth would have assented to the allowance of those motions. The Commonwealth has chosen to file this omnibus motion for new trials in order to meet its ethical obligations, and to ensure that all 13 co-defendants are treated equally.

**COMMONWEALTH OF MASSACHUSETTS**

**BRISTOL, ss.**

**TRIAL COURT FOR THE  
COMMONWEALTH  
SUPERIOR COURT DEPARTMENT  
DOCKET #: 2073CR00240  
2073CR00241  
2073CR00242  
2073CR00243**

**COMMONWEALTH**

**v.**

**DONALD ASHCRAFT  
CRAIG BAIER  
JAMES BENASSI  
JUSTIN PENA**

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**COMMONWEALTH'S NOTICE OF DISCOVERY II**

---

Now comes the Commonwealth in the above-entitled matter and states it has to this date provided counsel for the defendant, the following discovery materials:

1. Search Warrant Execution Report – 6 Market St., New Bedford (2 pages);
2. Search Warrant Execution Report – 15 Old Fearing Hill Rd., Wareham (2 pages);
3. 138 Fearing Hill Road Consent Search Report 9-23-20 (5 pages);
4. Benassi Inventory Form – 138 Fearing Hill Road (2 pages);
5. 6 Market Street Sketch (2 pages);
6. 6 Market Street Photographs (202 photographs);
7. 15 Old Fearing Hill Road Evidence Log (1 page);
8. 15 Old Fearing Hill Road Sketch (2 pages);
9. 15 Old Fearing Hill Road Photographs (105 photographs);
10. Photograph: Benassi AR-15 (1 page);
11. Photograph: Benassi AR-15 Covered (1 page);
12. James Benassi Miranda Rights Warning and Waiver (1 page);
13. James Benassi Photo Array – 8-7-20 (10 pages);
14. Photographs from 138 Fearing Hill Road Consent Search (32 photographs);
15. Additional Photographs from 138 Fearing Hill Road Consent Search (38 photographs);
16. Halunen Consent Recording;
17. Halunen RMV Photograph (1 page);
18. James Benassi LTC, Negative;
19. James Benassi R5;
20. James Benassi RMV Photograph (1 page);

21. Benassi Jail Recordings;
  - a. 8.26-9.11;
  - b. 9.11;
  - c. 9.11-9.27;
22. Benassi Phone Extraction;
23. Chester Halunen LTC;
24. 16 Weaver Street Sketch (1 page);
25. 16 Weaver Street Photographs (43 photographs);
26. 16 Weaver Street Photographs 2 (193 photographs);
27. 457 Wareham Street (33 photographs);
28. Nicholas Ieronimo MSP Arrest Report (13 pages);
29. Nicholas Ieronimo RMV Photograph (1 page);
30. Nicholas Ieronimo LTC, Negative;
31. Search Warrant Execution Report – 457 Middleboro St., Wareham (2 pages);
32. 457 Wareham Street – Search Warrant Execution Report (2 pages);
33. Search Warrant Execution Report – 16 Weaver St., Wareham (2 pages);
34. Photograph: Ieronimo Money Seized (1 page);
35. Search Warrant Execution Report – 36 West Blvd., Wareham (2 pages);
36. Matthew Capozzi MSP Arrest Report (13 pages);
37. Mathew Capozzi LTC, Negative;
38. R5 726WH9;
39. R5, 3 Carol;
40. Matthew Capozzi RMV Photograph (1 page);
41. 36 West Blvd Photographs (169 photographs);
42. 36 West Blvd Sketch (1 page);
43. Pena Inventory Form – 138 Fearing Hill Road (2 pages);
44. Photograph: Pena Handgun (1 page);
45. Donald Ashcraft T-Mobile Tolls – Provided 10/12/21 (23 items);
46. Ashcraft Arrest Photograph (1 page);
47. Ashcraft Miranda Rights and Waiver Form (1 page);
48. Ashcraft Miranda Rights and Waiver Form (2 pages);
49. Ashcraft RMV Photograph (1 page);
50. Identification Photographs by Ashcraft (6 pages);
51. Donald Ashcraft Phone Extraction;
52. Donald Ashcraft Galaxy J7FullCommunications Timeline Report (346 pages);
53. Craig Baier's Phone Extraction;
54. CBaier LGQ710 AdvLogical Timeline Report (225 pages);
55. Address Photographs;
  - a. 6 Market St. New Bedford (1 page);
  - b. 6 Market St. New Bedford 2 (1 page);
  - c. 6 Market St. New Bedford 2 – Café Italia Entrance (1 page);
  - d. 6 Market St. New Bedford – Overview Map (1 page);
  - e. 6 Market St. New Bedford – Overview Map (2) (1 page);
  - f. 6 Market St. New Bedford – Overview Map – Highlighted (1 page);
  - g. 15 Old Fearing Hill Rd. (1 page);
  - h. 15 Old Fearing Hill Rd. (2) (1 page);

- i. 15 Old Fearing Hill Rd. Wareham – Overview Map (1 page);
  - j. 15 Old Fearing Hill Rd. Wareham (1 page);
  - k. 15 Old Fearing Hill Rd. Wareham Overview (1 page);
  - l. 98 Charlotte Furnace Rd. Wareham – Overview Map (1 page);
  - m. 98 Charlotte Furnace Rd. Wareham – Overview Map (2) (1 page);
  - n. 3 Carol St. Carver – Overview Map (1 page);
  - o. 3 Carol St. Carver – Overview Map (2) (1 page);
  - p. 36 West Blvd. Wareham – Overview Map (1 page);
  - q. 36 West Blvd. Wareham – Overview Map (2) (1 page);
  - r. 36 West Blvd. Wareham – Overview Map (3) (1 page);
  - s. 36 West Blvd. Wareham – Overview Map (4) (1 page);
  - t. 36 West Blvd. Wareham (C) (1 page);
  - u. 36 West Blvd. Wareham - (1 page);
  - v. 16 Weaver Street, Wareham – Overview Map (1 page);
  - w. 16 Weaver Street, Wareham (2) (1 page);
  - x. 16 Weaver Street, Wareham (3) (1 page);
56. ATF Firearms Trace Summaries:
- a. Seven Traces – 7-28-20 (8 pages);
    - i. HS Product XDS SN S4909845;
    - ii. Springfield Armory 1911A1 SN NM1016;
    - iii. CZ P-09 SN C614022;
    - iv. Glock GMBH 21GEN4 SN BBUW075;
    - v. Smith & Wesson M&P Shield SN LEP9472;
    - vi. Smith & Wesson SD9VE SN FXH5856;
    - vii. Taurus PT809 SN TKS24219;
  - b. Corrected NM271016 Springfield Armory 1911 (1 page);
  - c. Smith & Wesson SD9VE SN FZX5605 (1 page);
57. Ahmed Fahmy Interview (3 pages);
58. Trevor Hancock Interview (5 pages);
59. Photographs from Florida Interviews (121 items);
60. Garry Sanon – LTC, Negative;
61. RMV Photograph (1 page);
62. Sanon’s Auto Repair – 355 Wareham St. – Map Overview (1 page);
63. Sanon’s Auto Repair – 355 Wareham St. – Business Photo (1 page);
64. Sanon’s Auto Repair – 355 Wareham St. – Business Photo 2 (1 page);
65. Map Overview of 21 Clarence St., Brockton (1 page);
66. Photograph of 21 Clarence St., Brockton (1 page);
67. Photographs of Residence Exteriors with Doors Marked
- a. 6 Market St. New Bedford Exterior – Doors Marked (1 page);
  - b. 36 West Blvd. Onset Exterior – Door Marked (1 page);
  - c. 16 Weaver St. Wareham Exterior – Door Marked (1 page);
  - d. 15 Old Fearing Hill Rd. Exterior – Door Marked (1 page);
68. Quality Inn Surveillance;
69. Quality Inn Surveillance Picture 1 (Ashcraft and Baier) (1 page);
70. Quality Inn Surveillance Picture 2 (Ashcraft and Baier) (1 page);

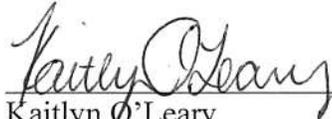
71. Attorney General's Office Arrest Activity Report (2 pages); Crime Lab Evidence Return Receipt – SEL 20-17846 (1 page);
72. Crime Lab Evidence Return Receipt – SEL 20-17846 Submission 2 (1 page);
73. Crime Scene Report – Trooper Michael Lombard– Case Number SEL 20-17846 (1 page);
74. Crime Scene Report – Trooper Beth Garfield – Case Number SEL 20-17846 (1 page);
75. Crime Scene Report – Trooper Thomas Loughran – Case Number SEL 20-17846 (1 page);
76. Operation Paper Moon: Currency Seized (1 page);
77. Operation Paper Moon Search Teams (3 pages);
78. Photograph of Recovered Evidence on August 20, 2020 (1 page);
79. Unit Activity Report – 8-20-20 (3 pages).

Please also be advised that Matthew Kelley, who was dishonorably discharged from the Massachusetts State Police on June 28, 2021, participated in the car stop of Donald Ashcraft and Craig Baier, was present at the search warrant execution at 36 West Boulevard, Wareham MA, and was present at the consent search conducted at 138 Fearing Hill Road, Wareham. He also testified in the Grand Jury relative to his participation in the car stop of Donald Ashcraft and Craig Baier.

The aforementioned discovery notice is true and accurate to the best of the Commonwealth's knowledge. The Commonwealth reserves the right to amend this notice should such notice become necessary.

Respectfully Submitted  
For the Commonwealth,

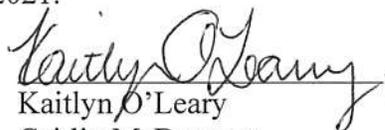
MAURA HEALEY  
ATTORNEY GENERAL

By:   
Kaitlyn O'Leary  
Caitlin McDermott  
Assistant Attorneys General  
Enterprise & Major Crimes Division  
Office of the Attorney General  
One Ashburton Place, 19<sup>th</sup> Floor  
Boston, MA 02108  
(617) 727-2200

**CERTIFICATE OF SERVICE**

I, Kaitlyn O'Leary/Caitlin McDermott, Assistant Attorney General, hereby certify that I or another agent of the Commonwealth has served copies of the foregoing Commonwealth's Notice of Discovery II, with any attachments, on the defendant or, if represented, on the defendant's attorney of record, **by email**, on this day, July 22, 2021.

Signed under the pains and penalties of perjury,



Kaitlyn O'Leary  
Caitlin McDermott  
Assistant Attorneys General

**COMMONWEALTH OF MASSACHUSETTS**

**PLYMOUTH, ss.**

**TRIAL COURT FOR THE  
COMMONWEALTH  
SUPERIOR COURT DEPARTMENT  
DOCKET #: 2083CR00166  
2083CR00167  
2083CR00168**

**COMMONWEALTH**

**v.**

**NICHOLAS IERONIMO  
MATTHEW CAPOZZI  
JUSTIN PENA**

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**COMMONWEALTH'S NOTICE OF DISCOVERY II**

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19. James Benassi R5;
20. James Benassi RMV Photograph (1 page);
21. Benassi Jail Recordings;
  - a. 8.26-9.11;

- b. 9.11;
- c. 9.11-9.27;
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  - g. 15 Old Fearing Hill Rd. (1 page);
  - h. 15 Old Fearing Hill Rd. (2) (1 page);
  - i. 15 Old Fearing Hill Rd. Wareham – Overview Map (1 page);
  - j. 15 Old Fearing Hill Rd. Wareham (1 page);

- k. 15 Old Fearing Hill Rd. Wareham Overview (1 page);
  - l. 98 Charlotte Furnace Rd. Wareham – Overview Map (1 page);
  - m. 98 Charlotte Furnace Rd. Wareham – Overview Map (2) (1 page);
  - n. 3 Carol St. Carver – Overview Map (1 page);
  - o. 3 Carol St. Carver – Overview Map (2) (1 page);
  - p. 36 West Blvd. Wareham – Overview Map (1 page);
  - q. 36 West Blvd. Wareham – Overview Map (2) (1 page);
  - r. 36 West Blvd. Wareham – Overview Map (3) (1 page);
  - s. 36 West Blvd. Wareham – Overview Map (4) (1 page);
  - t. 36 West Blvd. Wareham (C) (1 page);
  - u. 36 West Blvd. Wareham - (1 page);
  - v. 16 Weaver Street, Wareham – Overview Map (1 page);
  - w. 16 Weaver Street, Wareham (2) (1 page);
  - x. 16 Weaver Street, Wareham (3) (1 page);
56. ATF Firearms Trace Summaries:
- a. Seven Traces – 7-28-20 (8 pages);
    - i. HS Product XDS SN S4909845;
    - ii. Springfield Armory 1911A1 SN NM1016;
    - iii. CZ P-09 SN C614022;
    - iv. Glock GMBH 21GEN4 SN BBUW075;
    - v. Smith & Wesson M&P Shield SN LEP9472;
    - vi. Smith & Wesson SD9VE SN FXH5856;
    - vii. Taurus PT809 SN TKS24219;
  - b. Corrected NM271016 Springfield Armory 1911 (1 page);
  - c. Smith & Wesson SD9VE SN FZX5605 (1 page);
57. Ahmed Fahmy Interview (3 pages);
58. Trevor Hancock Interview (5 pages);
59. Photographs from Florida Interviews (121 items);
60. Garry Sanon – LTC, Negative;
61. RMV Photograph (1 page);
62. Sanon’s Auto Repair – 355 Wareham St. – Map Overview (1 page);
63. Sanon’s Auto Repair – 355 Wareham St. – Business Photo (1 page);
64. Sanon’s Auto Repair – 355 Wareham St. – Business Photo 2 (1 page);
65. Map Overview of 21 Clarence St., Brockton (1 page);
66. Photograph of 21 Clarence St., Brockton (1 page);
67. Photographs of Residence Exteriors with Doors Marked
- a. 6 Market St. New Bedford Exterior – Doors Marked (1 page);
  - b. 36 West Blvd. Onset Exterior – Door Marked (1 page);
  - c. 16 Weaver St. Wareham Exterior – Door Marked (1 page);
  - d. 15 Old Fearing Hill Rd. Exterior – Door Marked (1 page);
68. Quality Inn Surveillance;
69. Quality Inn Surveillance Picture 1 (Ashcraft and Baier) (1 page);
70. Quality Inn Surveillance Picture 2 (Ashcraft and Baier) (1 page);
71. Attorney General’s Office Arrest Activity Report (2 pages); Crime Lab Evidence Return Receipt – SEL 20-17846 (1 page);
72. Crime Lab Evidence Return Receipt – SEL 20-17846 Submission 2 (1 page);

- 73. Crime Scene Report – Trooper Michael Lombard– Case Number SEL 20-17846 (1 page);
- 74. Crime Scene Report – Trooper Beth Garfield – Case Number SEL 20-17846 (1 page);
- 75. Crime Scene Report – Trooper Thomas Loughran – Case Number SEL 20-17846 (1 page);
- 76. Operation Paper Moon: Currency Seized (1 page);
- 77. Operation Paper Moon Search Teams (3 pages);
- 78. Photograph of Recovered Evidence on August 20, 2020 (1 page);
- 79. Unit Activity Report – 8-20-20 (3 pages).

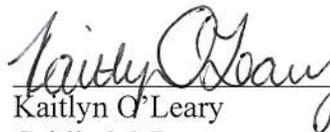
Please also be advised that Matthew Kelley, who was dishonorably discharged from the Massachusetts State Police on June 28, 2021, participated in the car stop of Donald Ashcraft and Craig Baier, was present at the search warrant execution at 36 West Boulevard, Wareham MA, and was present at the consent search conducted at 138 Fearing Hill Road, Wareham. He also testified in the Grand Jury relative to his participation in the car stop of Donald Ashcraft and Craig Baier.

The aforementioned discovery notice is true and accurate to the best of the Commonwealth's knowledge. The Commonwealth reserves the right to amend this notice should such notice become necessary.

Respectfully Submitted  
For the Commonwealth,

MAURA HEALEY  
ATTORNEY GENERAL

By:



Kaitlyn O'Leary

Caitlin McDermott

Assistant Attorneys General

Enterprise & Major Crimes Division

Office of the Attorney General

One Ashburton Place, 19<sup>th</sup> Floor

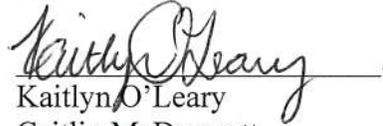
Boston, MA 02108

(617) 727-2200

**CERTIFICATE OF SERVICE**

I, Kaitlyn O’Leary/Caitlin McDermott, Assistant Attorney General, hereby certify that I or another agent of the Commonwealth has served copies of the foregoing Commonwealth’s Notice of Discovery II, with any attachments, on the defendant or, if represented, on the defendant’s attorney of record, **by email**, on this day, July 22, 2021.

Signed under the pains and penalties of perjury,



Kaitlyn O’Leary  
Caitlin McDermott  
Assistant Attorneys General



THE COMMONWEALTH OF MASSACHUSETTS  
OFFICE OF THE ATTORNEY GENERAL

ONE ASHBURTON PLACE  
BOSTON, MASSACHUSETTS 02108

MAURA HEALEY  
ATTORNEY GENERAL

(617) 727-2200  
www.mass.gov/ago

August 13, 2021

**By Email/U.S. Mail**

The Honorable Anthony D. Gulluni  
District Attorney for the Hampden District  
50 State Street  
Springfield, Massachusetts 01102

**Re: *Commonwealth v. Daniel M. Spaulding*  
Hampden Superior Court Criminal Action No. 1879CR00162**

Dear District Attorney Gulluni:

I write to inform you of the guilty conviction of Daniel M. Spaulding, whom you referred to our office in 2017. The information in this letter is a summary of evidence obtained and testimony elicited in grand jury and during the trial of the above-referenced case. We believe this information may be of relevance to some matters your office has previously prosecuted.

On March 24, 2017, the Hampden DA's Office emailed the West Springfield Police Department a list of forty disposed drug cases in which the court had ordered the cash evidence forfeited. Using that list, on March 28, 2017, members of the West Springfield Police Department conducted an inventory of the evidence bags with forfeited cash. All but four of the evidence bags were located. One of the four missing evidence bags was later accounted for, however, the other three were missing without explanation. The matter was referred by you to us on April 3, 2017.

On May 22, 2017 West Springfield Police Captain Daniel Spaulding returned to his Chief the three missing evidence bags from the disposed cases, as follows:

Defendant	Docket	Date Disposed	Amount Returned
Brian Giesing	1223CR001520	02/12/14	\$5,110.00 (minus \$40*)
Pedro Berrios	1423CR008290	04/13/15	\$3,500.00



Anthony Perez	1679CR000001	01/23/17	\$9,001.00
<b>TOTAL</b>			<b>\$17,611.00</b>

**\*Controlled Buy Money**

Following Captain Spaulding's return of the missing evidence bags, we initiated a grand jury investigation. Working with the Secret Service and Federal Reserve, we learned that all three evidence bags returned by Captain Spaulding contained "replacement bills," meaning currency that had been put into circulation after the date it was originally seized. We then conducted a review of additional evidence bags still in the West Springfield Police Department Evidence Room and learned that six other closed cases also had replacement bills. The chart below summarizes the replacement bills located:

DEFENDANT'S LAST NAME	ORIGINAL SEIZURE DATE	DOLLAR VALUE ORIGINALLY SEIZED	NUMBER OF REPLACEMENT BILLS	DOLLAR VALUE OF REPLACEMENT BILLS	MOST RECENT FRB PAYOUT DATE
<b>EVIDENCE BAGS MISSING FROM THE EVIDENCE ROOM THAT CONTAINED REPLACEMENT BILLS</b>					
GIESING	02/18/12	\$5,110.00	51	\$2,490.00	06/13/16
BERRIOS	10/29/14	\$3,500.00	8	\$800.00	06/15/16
PEREZ I	12/08/15	\$9,001.00	76	\$2,420.00	03/13/17
<b>SUBTOTAL</b>		<b>\$17,611.00</b>	<b>135</b>	<b>\$5,710.00</b>	
<b>EVIDENCE BAGS OPEN IN THE EVIDENCE ROOM THAT CONTAINED REPLACEMENT BILLS</b>					
SUFFRITI	02/17/12	\$1,420.00	2	\$40.00	04/19/12
COOK	06/09/12	\$843.26	4	\$140.00	11/30/12
GARCIA	06/09/12	\$3,700.00	51	\$2,430.00	04/02/15
BRUNO	06/18/12	\$1,240.00	1	\$20.00	10/30/12
COLEMAN	09/03/12	\$714.00	5	\$220.00	07/15/15
VICENTY	09/15/13	\$2,229.00	10	\$630.00	12/10/14
<b>SUBTOTAL</b>		<b>\$10,146.26</b>	<b>73</b>	<b>\$3,480.00</b>	
<b>TOTALS</b>		<b>TOTAL DOLLAR VALUE ORIGINALLY SEIZED</b>	<b>TOTAL NUMBER OF REPLACEMENT BILLS</b>	<b>TOTAL DOLLAR VALUE OF REPLACEMENT BILLS</b>	<b>MOST RECENT FRB PAYOUT DATE</b>
		<b>\$27,757.26</b>	<b>208</b>	<b>\$9,190.00</b>	<b>03/13/17</b>

As you know, our grand jury investigation resulted in the indictment of Captain Spaulding on March 30, 2018, for one count of Obtaining an Unwarranted Privilege in violation of G.L. c. 268A, §§ 23(b)(2) and 26. On August 2, 2021, following a jury-waived trial, he was found guilty of that charge. Sentencing has been scheduled for September 21, 2021.

At trial, there was evidence that Captain Spaulding took cash from the Berrios evidence bag on March 13, 2015. As of that date, the Berrios case was ongoing in Springfield District Court. Further, there was evidence at trial that Captain Spaulding took cash from the Perez evidence bag on February 16, 2016. As of that date, the Perez case was ongoing in Hampden Superior Court. Those are the only two cases where there was affirmative evidence that cash was removed by Captain Spaulding prior to the disposition of the case.

Please let me know if you have any questions about the information contained herein or would like to review any portions of the grand jury or trial testimony or evidence.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Gina Kwon', with a stylized flourish at the end.

Gina Kwon  
Chief, Criminal Bureau

## Clayton, David (AGO)

---

**From:** Clayton, David (AGO)  
**Sent:** Wednesday, March 11, 2020 3:56 PM  
**To:** rtutino@publiccounsel.net; kberkland@botelholawgroup.com; Michele Rioux; [REDACTED]; Brian Keane; Mark Booker; Guy Larock; [REDACTED]; Sam S; Dana Sargent; Matthew Burke; Sean McDermott; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; Kerry Souza; paulsahady@sahadylaw.com; Carlos Brito; Pamela Gauvin  
**Cc:** Kelly, Kristyn (AGO)  
**Subject:** Westport Animal Cruelty Cases

Counsel,

We recently learned about certain allegations involving Detective Jeffrey Majewski of the Westport Police. Please see the following link to a press report regarding the allegations. <https://www.wpri.com/target-12/westport-detective-in-rape-case-accused-of-having-relationship-with-victim/>

We are in the process of gathering additional information, and I will communicate further with you in the near future about this matter.

Sincerely,

David E. Clayton  
Chief, Environmental Crimes Strike Force  
Massachusetts Office of the Attorney General  
One Ashburton Place, 19<sup>th</sup> Floor  
Boston, MA 02108  
o: 617.963.2435  
f: 617.727.5755  
[david.e.clayton@mass.gov](mailto:david.e.clayton@mass.gov)



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**From:** [Clayton, David \(AGO\)](#)  
**To:** [Pamela Gauvin](#)  
**Subject:** Re: Commonwealth vs [REDACTED]  
**Date:** Thursday, June 18, 2020 10:54:15 AM  
**Attachments:** [image001.png](#)

---

Hi Pam:

I'm doing ok in these challenging times! I hope you and your family are well. Yes, I am very much aware of the situation surrounding former detective Majewski. We are actively looking into the matter, and I expect I will have additional information for you and the other defense counsel very soon. Once I have that additional information, I will know, and communicate more concretely, our plans to proceed.

Best,  
Dave

David E. Clayton  
Chief, Environmental Crimes Strike Force  
Massachusetts Office of the Attorney General  
One Ashburton Place, 19<sup>th</sup> Floor  
Boston, MA 02108  
o: 617.963.2435  
f: 617.727.5755  
[david.e.clayton@mass.gov](mailto:david.e.clayton@mass.gov)



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**From:** Pamela Gauvin <pam@markeygauvinlaw.com>  
**Date:** Wednesday, June 17, 2020 at 7:06 AM  
**To:** "Clayton, David (AGO)" <david.e.clayton@mass.gov>  
**Subject:** Commonwealth vs [REDACTED]

---

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David, I am checking in regarding my clients matter involving the farm in Westport. As you know his animals were returned to him . He is a business owner and needs to complete insurance forms and still has an open felony case. Majewski retired under very questionable circumstances as I know you are aware. Please advise. I hope you are well and taking care. Best Pamela Gauvin

--

Thank you,

Pam

Pamela Gauvin, Esq.  
Markey & Gauvin, LLP.  
555 Pleasant Street, Suite 5A  
New Bedford MA 02740  
ph 508-717-0284  
fax 774-328-8238

This message contains privileged and confidential information intended only for the use of the addressee named above.



<paulsahady@sahadylaw.com>, Carlos Brito <cbrito@publiccounsel.net>, Pamela Gauvin <[REDACTED]>

**Cc:** "Kelly, Kristyn (AGO)" <Kristyn.Kelly@mass.gov>

**Subject:** Westport Animal Cruelty Cases

Counsel,

We recently learned about certain allegations involving Detective Jeffrey Majewski of the Westport Police. Please see the following link to a press report regarding the allegations. <https://www.wpri.com/target-12/westport-detective-in-rape-case-accused-of-having-relationship-with-victim/>

We are in the process of gathering additional information, and I will communicate further with you in the near future about this matter.

Sincerely,

David E. Clayton  
Chief, Environmental Crimes Strike Force  
Massachusetts Office of the Attorney General  
One Ashburton Place, 19<sup>th</sup> Floor  
Boston, MA 02108  
o: 617.963.2435  
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[david.e.clayton@mass.gov](mailto:david.e.clayton@mass.gov)



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**From:** [Clayton, David \(AGO\)](#)  
**To:** [REDACTED]  
**Subject:** Re: New email address  
**Date:** Monday, July 6, 2020 4:57:14 PM  
**Attachments:** [REDACTED]

---

Hi Ken:

Thanks for the email address update. That's awful that you lost decades worth of emails! I'm working on getting records from the Town of Westport related to Majewski's conduct and his resignation (IA, etc.). I hope to have those soon. We are also vetting the Majewski situation through my chain of command, and hopefully will have decisions to communicate, also soon. I've attached the 6-month status report that I emailed out to everyone last week.

Thanks, and be well.

Dave

---

**From:** Kenneth Fredette <[REDACTED]>  
**Date:** Monday, July 6, 2020 at 4:28 PM  
**To:** "Clayton, David (AGO)" <david.e.clayton@mass.gov>  
**Subject:** New email address

**CAUTION: This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.**

Hey David. I hope you're doing well in this time of madness. This is my new email address as my local internet provider suffered a catastrophic server issue resulting in the loss of 26 years of email addresses and archived documents. Not making that up.

I had the opportunity to talk about Sgt. Majewski with an assistant DA who handles a lot of his cases. Word has it he will not make himself available for cases going forward. You probably know at a minimum the basis of his resignation, so I see no point in setting it out here.

Have a healthy summer.

Ken Fredette  
[REDACTED]

**From:** [Clayton, David \(AGO\)](#)  
**To:** [Don Brisson](#)  
**Subject:** [REDACTED]  
**Date:** Tuesday, August 25, 2020 12:17:50 PM  
**Attachments:** [image001.png](#)  
[Rego, Joseph Majewski post conviction discovery notice.pdf](#)

---

Hi Don:

Per our conversation, attached is the notice that I filed with the court re the [REDACTED] case. I mailed a copy of this notice to his appellate counsel, Justin Drechsler, whose address is on the certificate of service.

Thanks,  
Dave

David E. Clayton  
Chief, Environmental Crimes Strike Force  
Massachusetts Office of the Attorney General  
One Ashburton Place, 19<sup>th</sup> Floor  
Boston, MA 02108  
o: 617.963.2435  
f: 617.727.5755  
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**From:** [Clayton, David \(AGO\)](#)  
**To:** [REDACTED]  
**Subject:** RE: Westport animal cruelty cases  
**Date:** Wednesday, September 30, 2020 3:41:00 PM  
**Attachments:** [image001.png](#)

---

That's correct.

**From:** Justin Drechsler <[REDACTED]>  
**Sent:** Wednesday, September 30, 2020 3:41 PM  
**To:** Clayton, David (AGO) <david.e.clayton@mass.gov>  
**Subject:** Re: Westport animal cruelty cases

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I just want to be clear because I was planning on filing my own Rule 30 as soon as I got an affidavit from trial counsel. You're saying that's unnecessary and you'll handle it?

--

Justin Drechsler, Esq.  
Law Offices of Justin Drechsler, P.C.  
P.O. Box 1390  
Montpelier, VT 05601  
617-210-7955 (phone)  
617-507-2698 (fax)

On Wed, Sep 30, 2020 at 3:35 PM Clayton, David E (AGO) <[david.e.clayton@state.ma.us](mailto:david.e.clayton@state.ma.us)> wrote:

Counsel,

As you may know, earlier this month, the Commonwealth filed nolle prosequis on the 11 cases that were pending in Bristol Superior Court related to the Westport animal cruelty investigation. This action was taken due a determination that the Commonwealth would not call former Detective Jeffrey Majewski, a necessary trial witness, to testify in those cases.

You all represent, or did represent, the 13 co-defendants who either plead guilty or admitted to sufficient facts in 2019. In light of the unique circumstances surrounding these cases, particularly given the fact that there are 13 co-defendants in this matter, I plan to file, on behalf of the Commonwealth, an omnibus Rule 30 motion for new trial on all 13 cases. I will, of course, serve that motion upon all counsel when it is filed.

Best,  
Dave

David E. Clayton  
Chief, Environmental Crimes Strike Force  
Massachusetts Office of the Attorney General  
One Ashburton Place, 19<sup>th</sup> Floor  
Boston, MA 02108  
o: 617.963.2435  
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**From:** Clayton David (AGO)  
**To:** [REDACTED]  
**Subject:** Re: Westport Animal Cruelty Cases  
**Date:** Thursday, July 2, 2020 12:06:09 PM

---

Hi Kerry:

Good to hear from you too! My understanding is that no date is being scheduled until there is a decision from the appeals court (since the cases are all stayed). The judge ordered the Commonwealth to file reports every six months, in the meantime. I think the judge thought it would be a waste of time to make everyone appear when we were still just waiting on the appeal. Of course we're analyzing how the Majewski situation may affect the cases, so I will let you know if we will need a court date sooner.

Dave

---

**From:** Kerry Souza <[REDACTED]>  
**Date:** Thursday, July 2, 2020 at 12:01 PM  
**To:** "Clayton, David (AGO)" <david.e.clayton@mass.gov>  
**Subject:** Re: Westport Animal Cruelty Cases

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Thank you David,

it is good to hear from you as always. I hope you too, are well. I am not aware of any scheduled court date at this time. It was my understanding that one would be assigned following this. If I am wrong please let me know as soon as you are able. Additionally once you learn of an assigned date would you be kind enough to forward me an email letting me know? As I'm sure you understand all of our cases are in a constant state of flux and dates are ever-changing so any information you have regarding a date on this case would be most helpful thank you and my very best to you, I am not aware of any scheduled court date at this time. It was my understanding that one would be assigned following this. If I am wrong please let me know as soon as you are able. Additionally once you learn of an assigned date would you be kind enough to forward me an email letting me know? As I'm sure you understand all of our cases are in a constant state of flux and dates are ever-changing so any information you have regarding a date on this case would be most helpful thank you and my very best to you Kerry

Sent from my iPhone

On Jul 2, 2020, at 11:45 AM, Clayton, David E (AGO) <david.e.clayton@state.ma.us> wrote:

Counsel:

I hope you are all doing well during these challenging times.

Attached, please find the six-month status report re the Westport animal cruelty cases (as ordered by the Court).

As you are likely aware, since my last communication I have learned that Detective Jeffrey Majewski has resigned from his position with the Westport police. Please see the links below to media reports of his resignation.

<https://www.wpri.com/target-12/cop-accused-of-relationship-with-rape-victim-files-for-retirement/>

<https://turnto10.com/i-team/nbc-10-i-team-westport-police-officer-under-internal-investigation-retires>

<https://www.eastbayri.com/stories/det-majewski-retires-from-westport-police-department,80112>

I am currently working to obtain documents from the Town of Westport related to an investigation into former Detective Majewski's conduct and his resignation. I will be in contact once I am in receipt of those documents, which hopefully will be in short order.

Best,

Dave

David E. Clayton  
Chief, Environmental Crimes Strike Force  
Massachusetts Office of the Attorney General  
One Ashburton Place, 19<sup>th</sup> Floor  
Boston, MA 02108  
o: 617.963.2435  
f: 617.727.5755  
[david.e.clayton@mass.gov](mailto:david.e.clayton@mass.gov)

<image001.png>

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**From:** "Clayton, David (AGO)" <david.e.clayton@mass.gov>

**Date:** Wednesday, March 11, 2020 at 3:55 PM

**To:** "rtutino@publiccounsel.net" <rtutino@publiccounsel.net>, "kberkland@botelholawgroup.com" <kberkland@botelholawgroup.com>, Michele Rioux [REDACTED], [REDACTED] <[REDACTED]>, Brian Keane <bkeane@keanelawgroup.com>, Mark Booker <mbooker@mbookerlaw.com>, Guy Larock [REDACTED], [REDACTED] Sam S [REDACTED], Dana Sargent <[REDACTED]>, Matthew Burke <mburke@bevlegal.com>, Sean McDermott <[REDACTED]> [REDACTED] [REDACTED] [REDACTED] Kerry Souza [REDACTED], "paulsahady@sahadylaw.com" <paulsahady@sahadylaw.com>, Carlos Brito <cbrito@publiccounsel.net>, Pamela Gauvin [REDACTED] >

**Cc:** "Kelly, Kristyn (AGO)" <Kristyn.Kelly@mass.gov>

**Subject:** Westport Animal Cruelty Cases

Counsel,

We recently learned about certain allegations involving Detective Jeffrey Majewski of the Westport Police. Please see the following link to a press report regarding the allegations. <https://www.wpri.com/target-12/westport-detective-in-rape-case-accused-of-having-relationship-with-victim/>

We are in the process of gathering additional information, and I will communicate further with you in the near future about this matter.

Sincerely,

David E. Clayton  
Chief, Environmental Crimes Strike Force  
Massachusetts Office of the Attorney General  
One Ashburton Place, 19<sup>th</sup> Floor  
Boston, MA 02108  
o: 617.963.2435  
f: 617.727.5755  
[david.e.clayton@mass.gov](mailto:david.e.clayton@mass.gov)

<image002.png>

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<status report july 2020.pdf>

**From:** Clayton, David (AGO)  
**To:** [REDACTED] Matthew Koes; Jennifer O'Brien; [REDACTED] Paul Sahady; [REDACTED] Brian Keane; kberkland@botelholawgroup.com  
**Subject:** RE: Westport animal cruelty cases  
**Date:** Wednesday, September 30, 2020 3:38:00 PM  
**Attachments:** [image001.png](#)

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That is correct.

---

**From:** Dana Sargent <danasargent2003@yahoo.com>  
**Sent:** Wednesday, September 30, 2020 3:37 PM  
**To:** Matthew Koes <mkoes@mkoeslaw.com>; Jennifer O'Brien <jobrien@obrienlawoffices.org>; Sam S [REDACTED] Paul Sahady <paulsahady@sahadylaw.com>; Justin Drechsler [REDACTED]; Carol Beck <[REDACTED]>; ATTORNEY GUY A LAROCK <[REDACTED]>; Mark Azar <[REDACTED]>; Brian Keane <bkeane@keanelawgroup.com>; kberkland@botelholawgroup.com; Clayton, David (AGO) <david.e.clayton@mass.gov>  
**Subject:** Re: Westport animal cruelty cases

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Much appreciated Dave. I assume that the cases that resulted in pleas will eventually be Nolle Prossed as well.

**DANA A. SARGENT**  
**Law Office of Dana A. Sargent**  
414 County Street  
New Bedford, MA 02740

508-993-9444 phone  
774-628-9596 fax

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On Wednesday, September 30, 2020, 03:35:20 PM EDT, Clayton, David E (AGO) <[david.e.clayton@state.ma.us](mailto:david.e.clayton@state.ma.us)> wrote:

Counsel,

As you may know, earlier this month, the Commonwealth filed nolle prosequis on the 11 cases that were pending in Bristol Superior Court related to the Westport animal cruelty investigation. This action was taken due a determination that the Commonwealth would not call former Detective Jeffrey Majewski, a

necessary trial witness, to testify in those cases.

You all represent, or did represent, the 13 co-defendants who either plead guilty or admitted to sufficient facts in 2019. In light of the unique circumstances surrounding these cases, particularly given the fact that there are 13 co-defendants in this matter, I plan to file, on behalf of the Commonwealth, an omnibus Rule 30 motion for new trial on all 13 cases. I will, of course, serve that motion upon all counsel when it is filed.

Best,

Dave

David E. Clayton

Chief, Environmental Crimes Strike Force

Massachusetts Office of the Attorney General

One Ashburton Place, 19<sup>th</sup> Floor

Boston, MA 02108

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**From:** [Clayton, David \(AGO\)](#)  
**To:** [Matthew Koes](#); [Jennifer O'Brien](#); [REDACTED] [Paul Sahady](#); [REDACTED] [REDACTED]  
[Brian Keane](#); [kberkland@botelholawgroup.com](mailto:kberkland@botelholawgroup.com)  
**Subject:** Westport animal cruelty cases  
**Date:** Wednesday, September 30, 2020 3:34:00 PM  
**Attachments:** [image002.png](#)

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Counsel,

As you may know, earlier this month, the Commonwealth filed nolle prosequis on the 11 cases that were pending in Bristol Superior Court related to the Westport animal cruelty investigation. This action was taken due a determination that the Commonwealth would not call former Detective Jeffrey Majewski, a necessary trial witness, to testify in those cases.

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Best,  
Dave

David E. Clayton  
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**From:** [Clayton, David \(AGO\)](#)  
**To:** [REDACTED] [Paul Sahady](#); [REDACTED] [Matthew Koes](#); [REDACTED] [Brian Keane](#);  
[Jennifer O'Brien](#); [REDACTED]  
**Subject:** Westport animal cruelty new trial motion  
**Date:** Monday, October 19, 2020 2:40:47 PM  
**Attachments:** [Westport motion for new trial.pdf](#)  
[image001.png](#)

---

Counsel:

Attached, please find a copy of the Commonwealth's Omnibus Motion for New Trials, in relation to your clients.

Best,

David E. Clayton  
Chief, Environmental Crimes Strike Force  
Massachusetts Office of the Attorney General  
One Ashburton Place, 19<sup>th</sup> Floor  
Boston, MA 02108  
o: 617.963.2435  
f: 617.727.5755  
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