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February 28, 2022

VIA EMAIL

Andrew Quemere
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**RE: Public Records Request, Brady/Giglio materials
Response to Order of Supervisor of Records**

Dear Mr. Quemere:

The following is this Office's response to the Order of the Supervisor of Records dated February 14, 2022 (hereinafter "Order, 02/14/2022") relating to your appeal.

As you are aware, the Supervisor has taken the position that, pursuant to Globe Newspaper Co. v. Dist. Att'y for the Middle Dist., 439 Mass. 374 (2003) (Middle District), the docket numbers contained in the responsive records do not fall within the definition of "CORI" under G.L. c. 6, § 167 (see Order, 02/14/2022, p. 4). Accordingly, enclosed please find such previously-redacted records with the docket numbers now visible.¹

This Office maintains, however, that it must redact the names of the individuals in these records, as the "nature or disposition of a criminal charge" is disclosed in the same. See G.L. c. 6, § 167. *The names* are easily distinguishable from *the docket numbers*, which the Appeals Court in Middle District categorized as "chronologically maintained court records of public judicial . . . proceedings." See id. at 382, quoting G.L. c. 6, § 172, par. 8.² The name of an individual is

¹ This Office previously released a document titled "Disclosure Regarding Initiation of Investigation Into Member of the Lynn Police Department" dated April 26, 2021 and redacted a Salem District Court docket number disclosed therein. This document is no longer a part of our Brady/Giglio database. It has been replaced by the records appearing at pages 29 to 37 of the enclosed response.

² The Secretary incorrectly stated in the Order dated February 14, 2022 that the "Master List" and the information contained therein, appearing at pages 1 to 5 of the enclosed response, categorically falls outside the scope of CORI because it was "created after the criminal proceedings in which the police officers or troopers were involved" (see Order, 02/14/2022, p. 4). To the contrary, G.L. c. 6, § 167 defines "CORI" as "records and data **in any communicable form**" which "concern an identifiable individual and relate to the nature or disposition of a criminal charge." Id. (emphasis supplied). Indeed, the Master List is more akin to a "statistical [or] analytical report[.]" which the statute excludes from the definition of CORI only where

certainly not a “chronically maintained court record[.]” Furthermore, the Court in Middle District explicitly distinguished its holding from situations in which a request is “**framed with reference to a[] named defendant.**” Id. at 384 (emphasis supplied). For these reasons and those advanced in prior correspondence, this Office redacts the individual names appearing in the attached records.

You may seek review of this response under the provisions of 950 C.M.R. 32.00 (appeal to Supervisor of Public Records) and G.L. c. 66, § 10(b) (civil action in Superior Court).

Sincerely,

Kristen W. Jiang
Kristen W. Jiang
Assistant District Attorney

Enclosures

“individuals are not directly or indirectly identifiable” in the same. Id. As such, this Office continues to redact individual names appearing in the Master List.