

REPORT OF THE SPECIAL PROSECUTOR FOR BRISTOL
COUNTY

INVESTIGATION OF FORMER FALL RIVER MAYOR WILL
FLANAGAN

May 12, 2015

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I. BACKGROUND

In August 2014, a group of Fall River citizens initiated a process to recall the sitting Mayor of Fall River, Will Flanagan (hereinafter “Mayor Flanagan” and “the mayor”). In an effort to force a special recall election, supporters of the recall initiative began the process of collecting the necessary signatures from registered Fall River voters. On August 12, 2014, Fall River City Councilor Jasiel Correia (hereinafter “Correia” and “Councilor Correia”), perceived by the mayor’s own chief of staff to be an ally of Mayor Flanagan, signed the recall petition.

On September 8, 2014, in the midst of the recall initiative, Fall River radio station WSAR reported a story of an after-hours meeting between Fall River City Councilor Jasiel Correia and then Fall River Mayor Flanagan, during which the mayor displayed a firearm. In an interview with WSAR, Councilor Correia alleged that the mayor summoned him to an early morning meeting inside the mayor’s car on the waterfront in Fall River on August 15, 2014 (approximately two days after Correia signed the recall petition). Councilor Correia reported that Tommy Gosselin, a friend and political supporter of Mayor Flanagan was present for the entire meeting and Fall River City Councilor Paul DaSilva (hereinafter “DaSilva” and “Councilor DaSilva”) unexpectedly entered the mayor’s vehicle in the midst of the meeting. Correia further alleged that during a discussion about the recall, the mayor placed a firearm on the dashboard of his car while attempting to persuade to Correia to withdraw his name from the recall petition.

Following Correia’s appearance on WSAR, Flanagan, Gosselin, and DaSilva provided their own statements—Flanagan and Gosselin spoke publicly on WSAR

and DaSilva provided a statement to reporter Jo Goode of The Herald News. In these public statements, Flanagan, Gosselin, and DaSilva all denied that the mayor had displayed a firearm on the dashboard of the car or that the mayor attempted to coerce Correia into withdrawing his name from the recall petition. Flanagan admitted to being in possession of his firearm during the meeting but claimed Correia saw it on his hip, where it was holstered. Gosselin and DaSilva each said they were unable to see the mayor's firearm from the backseat.

On September 12, 2014, then Bristol County District Attorney Samuel Sutter appointed the undersigned, William H. Connolly, Special Prosecutor ("the Special Prosecutor") assigned to investigate the circumstances of the August 15, 2014, incident. As Special Prosecutor, I have been tasked to determine whether criminal charges should issue against Flanagan or others stemming from the August 15 meeting.

In the course of this investigation, the Special Prosecutor, with the assistance of Massachusetts State Police Captain Chris Mason and Massachusetts State Police Detective Jack Mawn, interviewed 16 witnesses, reviewed news reports and radio interviews, analyzed telephone records, and analyzed texts messages extracted from cell phones, all of which have been considered in reaching the conclusions detailed herein.

It is important to note that witness statements and credibility assessments comprise a substantial portion of this report. This careful analysis was required in order to assess the applicability of criminal statutes to the evidence.

II. WITNESS STATEMENTS

A. *Jasiel Correia's Initial Allegations to FRPD and WSAR Radio*

Correia first reported his allegation to law enforcement on August 26, 2014,¹ when he and Fall River City Council President Joe Camara (hereinafter “Camara” and “Councilor Camara”) met with Fall River Police Chief Daniel Racine (hereinafter “Chief Racine”). During the meeting, Chief Racine and Correia discussed the options available to Correia. At that time, Correia told Chief Racine that he did not want to pursue a criminal complaint, and he accepted the police chief’s offer that he call the mayor and discuss the allegations. When confronted with Correia’s allegations, Mayor Flanagan told Chief Racine that Correia had seen the mayor’s gun during their meeting because he and Correia were discussing obtaining a license to carry a firearm. When Chief Racine confirmed that he had spoken to Mayor Flanagan, Correia was satisfied that he and his family were not in danger and that pursuing a criminal complaint was not necessary.

According to Correia, he did not intend for the matter to become public, but over the weekend of September 6, 2014, he was contacted by Fall River radio station WSAR, which was seeking Correia’s comment on the incident. WSAR news host Barry Richard had learned of Correia’s allegation, told Correia that he intended report the allegation on air, and wanted Correia to appear on the radio to discuss the allegation. Correia agreed to appear on WSAR on Monday, September 8, 2014, because the story was going to be reported, and he preferred to address it himself.

¹ August 26 was identified by Councilor Camara as the date of the meeting with Chief Racine.

During the interview, Correia described his initial signing of the recall petition at a City Council meeting on August 12, 2014. Correia explained that he had approached the recallers, wanting to know their position, their point of view, and why they were attempting to recall the mayor. He also wanted to know why they were attacking him personally. Correia told Barry Richard that he decided he would sign the petition because they were passionate about their cause and it was going to validate whether or not the mayor was doing his job.

Concerning the early morning meeting in the mayor's car, Correia repeated the same allegations he reported to Chief Racine.² Correia stated that he missed a telephone call from Mayor Flanagan late at night on August 14, 2014. When Correia returned the call, the mayor said he needed to meet with Correia and it was urgent. Correia, who had been painting a bathroom at his business along the waterfront in Fall River, left his office and went to the agreed upon location near Boondocks Bar and Grill. When Correia drove down Water Street, the mayor flashed his car lights and asked Correia to get into his car. As Correia approached and entered the front seat of the car, he believed the mayor was alone, but to his surprise he saw Gosselin sitting in the rear passenger seat. The mayor proceeded to drive, and a discussion ensued about Correia signing the recall petition. The mayor expressed his disappointment in Correia and said he took it personally. Correia told the mayor it was not personal and they had to move the city forward. Correia also told the mayor that some of his mistakes were egregious. When they discussed the recall petitioners, the mayor expressed his belief that Correia had been the victim of some

² Chief Racine confirmed to that Correia's statements to him were consistent with the story Correia reported on the radio.

negative tactics used by the recall petitioners. While Correia did not agree with some of their tactics, he stated that he had not personally experienced the “negative” tactics. According to Correia, the mayor was not angry and was relatively calm. The mayor told Correia that it was a trust issue and that he betrayed their friendship.

When the mayor drove back to the original location on the waterfront and parked the car, City Councilor Paul DaSilva suddenly joined the meeting, getting into the back seat next to Gosselin. Correia did not recall whether DaSilva’s car was already at the location or if he pulled up after they had returned. Being caught by surprise and believing the situation to be bizarre, Correia said more than once, “What is this?” With DaSilva now part of the meeting, the mayor asked Correia to say that he was forced into signing the recall petition because the recallers were threatening him and his family. Correia told the mayor that he had not been threatened and reiterated to Barry Richard that none of the recall petitioners had ever threatened him or forced him into signing the petition. At some point during the discussion, Correia recalled the mayor asking DaSilva if he would have signed the recall petition in good faith, and DaSilva responded that he would not have signed the petition because he did not believe elected officials should get involved.

Correia also claimed that the mayor wanted Correia to go public by speaking to the newspaper and saying he was being threatened. At some point during the discussion, Gosselin commented that it was dangerous out there for Correia and that Correia needed to arm himself. Correia said he did not need to arm himself, did not have a license to carry a firearm, and did not plan on getting one. Following that comment, the mayor retrieved a firearm from the center console, placed it on the

dashboard of the vehicle, and said, "I never leave my house without this."³ At this point, Correia did not feel comfortable. According to Correia, the mayor was being persistent and told Correia they needed to come to some conclusion on the issue. Correia, in turn, said the mayor had a law degree and he could not ask someone to perjure themselves.

At this point, as it was approaching 1:00 or 1:15 in the morning, Correia said he was going away for the weekend and needed to process everything before getting back to him next week. As Correia exited the car, the mayor said, "Thank you," and shook his hand. Correia said that after he left, the mayor's car was still there.

According to Correia, the mayor did not point the gun at him or say he was going to shoot him, but Correia felt there was an intent to intimidate him. When specifically asked whether he felt threatened or intimidated by the gun, Correia said "of course" and explained that he was outnumbered and had never been in a situation where a gun was displayed by someone not in law enforcement. When asked if he believed "they were trying to get a message to you," Correia replied, "I would say yes and no." Correia explained that "everything got a little out of hand on all sides, not in terms of yelling or losing control," but things seemed premeditated and planned out. Correia expressed that he did not appreciate the treatment and said he believed the mayor crossed a line he should not have crossed.

A little more than a week after the meeting in the mayor's car, Correia and other city councilors marched in the Great Feast of the Holy Ghost parade on Sunday, August 24, 2014. Correia explained to Barry Richard that, before the parade

³ Correia could not recall whether the firearm was in a holster.

began, Correia spoke to Fall River City Council President Joe Camara and disclosed to him what had occurred on August 15, 2014. In an effort to corroborate Correia's story, they engaged Paul DaSilva in the conversation. According to Correia, DaSilva confirmed the portion of the meeting he witnessed. With DaSilva's corroboration, Correia felt he had a secondary source to confirm his allegation, and Correia then reported the incident to Fall River Police Chief Daniel Racine to make sure law enforcement was involved. Upon reporting the incident, Chief Racine advised Correia that he needed to decide what steps he wanted to take. According to Correia, he did not want to make it public, and he decided to accept the chief's offer to speak to the mayor. It was Correia's understanding that the chief had in fact spoken to the mayor. In explaining his decision to speak to Chief Racine, Correia stated, "Not that I thought something was going to happen. But just in case you always want to make sure."

When asked by Barry Richard what he intended to do, Correia stated that he took the necessary steps to protect himself and his family. Correia also stated that moving forward with a criminal complaint was not necessary.

Councilor Correia made a second call into WSAR On September 8 after Tommy Gosselin appeared on the Sense and Nonsense radio program. Correia said he would answer any questions. When asked about the timing of the meeting, Correia said the mayor called at 11:44 p.m. and Correia called him back. Refuting what Gosselin had said, Correia stated that Gosselin did not open the car door for Correia, Gosselin was already in the back seat when he entered the car, and Mayor Flanagan never mentioned Gosselin coming to the meeting. Correia also reiterated

that he was never threatened by the recall petitioners and said the assertion was ridiculous. Correia again acknowledged that there had been a discussion about the recall petitioners using tactics that were wrong, in particular those used during the public forums at city council meetings. Correia also added that the mayor had called The Herald News prior to the August 15 meeting and told a reporter that Correia had been threatened by the recall petitioners and wanted it reported. In a September 8, 2014, article, The Herald News reported that Mayor Flanagan contacted The Herald News at some point after Correia signed the recall petition and claimed that Correia had called him crying on the evening he signed the petition and said he had been threatened by members of the recall group.

In a follow up interview with Correia on September 10, Barry Richard played a recorded interview with the mayor in which the mayor made an offer to meet with Correia. After listening to the interview, Correia said he was disappointed in what he heard and that the mayor was calling Correia a liar. Correia insisted that if the mayor wanted to move the city forward, he should come out and admit that he is lying.

In response to specific questioning from Barry Richard, Correia provided additional details of the August 15 meeting. Correia recalled that the mayor was dressed in workout clothes; he believed the mayor was wearing shorts and a tee shirt. Correia did not know if Mayor Flanagan had a gun holster in his waistband, but Correia did recall that the mayor placed the gun on the dashboard in the area of the steering wheel. When Richard asked Correia why he had not filed a criminal complaint, Correia reiterated that he took the steps necessary to keep himself and

his family safe. Correia added that the event occurred over a month ago and that it was not intended for the story to turn into a media circus. Correia added that if the matter went to court, he and his family would have to deal with it for another year and it would not accomplish much. Correia did not feel that he or his family were in danger, and he did not think anything was going to happen as a result of the August 15 meeting.

Correia also addressed a claim by Ann O'Neil-Souza, Mayor Flanagan's chief of staff at the time, that Correia had contacted O'Neil-Souza and said he signed the petition because he was being threatened.⁴ Correia said phone records would show that he did not call O'Neil-Souza. Telephone records confirm that O'Neil-Souza called Correia at 11:58 p.m. on September 12, 2014, and they spoke for 28 minutes.

B. Investigative Interviews of Jasiel Correia

Correia voluntarily assented to an interview on October 20, 2014. In his interview, Correia discussed the circumstances surrounding his decision to sign the recall petition, which ultimately gave rise to the August 15 meeting in the mayor's car. Correia explained that he attended a Board of Health meeting on August 8 that was attended by individuals who began the recall petition process. During the meeting, the subject of fees being levied against private trash haulers was discussed. Correia described the environment as intense, and he said councilors and Board of Health members were offered police escorts to their cars. Correia stated that no one

⁴ In a text message recovered from O'Neil-Souza's cell phone, she told Barry Richard of WSAR radio that her statement to him was that she had called Correia. Barry Richard apologized and said he would correct the mistake.

was pointing fingers at him, but Correia made a statement that apparently caught the attention of Jordan Silvia, a leader of the recall effort.

The following week, on August 12, 2014, during public input time at the City Council's Tuesday meeting, Jordan Silvia alluded to something Correia had said at the Board of Health meeting. Knowing the comment was directed at him, Correia smirked. After Correia smirked, Silvia switched gears and began to verbally attack Correia. When Silvia finished speaking, Correia left the council chambers and approached Silvia, who was standing among a group of people. According to Correia, he wanted to know why Silvia was attacking him and attempting to put political pressure on him over his relationship with the mayor. Correia acknowledged that he signed the petition after Silvia told him he would speak to Correia only if he signed the petition. When he signed, Correia told Silvia, "I'm going to support your efforts, because you have to prove yourselves still to the community."⁵ Correia said Silvia was surprised that he signed, and then Silvia told Correia that he did not believe Correia had been elected and also claimed that Correia was related to the former Mayor Correia. Correia told Silvia that he was in fact elected and was not related to the former mayor, and Correia told him and his supporters that people were not going to take them seriously if they did not have their facts straight.

According to Correia, he texted Mayor Flanagan before returning to the City Council chamber and told the mayor that he needed to speak to him. Phone records show a text exchange between Correia and the mayor at 6:28 p.m. on August 12,

⁵ Interview quotes have been edited to remove sounds that are not words, repeated words, and false beginnings in instances where meaning is not altered.

2014, which appears to be consistent with the time Correia would have been returning to the council chamber.⁶ Records also show a text from the mayor to Correia at 11:55 p.m., and a 10-minute telephone call from Correia to the mayor at 12:26 a.m. on August 13, 2014.

Upon leaving the council chamber, Correia received a call from Ann O’Neil-Souza. Phone records confirm that O’Neil-Souza called Correia at 11:58 p.m. and they spoke for 28 minutes. According to Correia, O’Neil-Souza was “almost sobbing on the phone,” asking Correia how he could have signed the petition. Correia described O’Neil-Souza as very emotional, questioning how Correia could sign on with the recallers, and referring to the recallers as “criminals.” O’Neil-Souza also told Correia that he could rescind and that “you can’t give in to people like this.” In response to O’Neil-Souza’s claim in the media that Correia told her he was threatened by the recallers and that he would make it right with the mayor, Correia stated that O’Neil-Souza misinterpreted what he was saying. Correia explained that he told O’Neil-Souza that he was “going to make this right in terms of discussing it with the mayor.” Correia also denied that he told O’Neil-Souza that he was threatened by the recallers.

Correia stated that when he arrived back home, he called Mayor Flanagan from his cell phone, told Mayor Flanagan that he had signed the recall petition, and explained why he signed the petition. Correia explained that one particular

⁶ The City of Fall River website listed 5:30 p.m. as the start of the Committee on Finance meeting and 7:00 p.m. as the start of the Regular Meeting of the City Council. The video of the meeting, however, shows Citizen Input time occurring before the Committee on Finance meeting, and Jordan Silvia is shown speaking at the outset of Citizen Input time.

comment bothered him, when the mayor said, “If I was in a foxhole right now, at war, and grenades were being thrown in, I wouldn't want you by my side.” Correia told the mayor, “If that’s how you're going to treat me, and you're going to think that I’m going to take the mistakes for you and I’m going to take the grenades, then obviously we have different ideas of this relationship.” Correia also told the mayor, “I’m there to help you when it’s the right thing to do. I’m not there to help you when I think you’re making mistakes. Why would I do that?” According to Correia, he felt that the mayor viewed him as his “pawn.”

On the evening of August 14, 2014, the mayor called Correia at 11:44 p.m., but Correia did not answer. When Correia returned the call at 11:57 p.m.,⁷ the mayor asked Correia where he was, which Correia thought was odd. When Correia said he was “out and about,” the mayor responded, “No. I need to know where you are. Where are you at? It’s very urgent that I speak to you tonight.” Thinking maybe the mayor had “come to his senses” on the issue of Correia signing the recall petition, Correia agreed to meet the mayor. Correia went on to provide a description of the meeting in the mayor’s car that was consistent with Correia’s story to WSAR.

In discussing Gosselin’s presence in the mayor’s car, Correia stated that he had met Gosselin previously and knew him to be a supporter of the mayor. Correia stated there was nothing about their past interactions that would give Correia reason to fear Gosselin, but Correia had heard during his campaign that Gosselin was a thug and a difficult person to deal with.

⁷ Telephone records confirm the time of these two calls.

As the mayor drove around with Correia and Gosselin, they discussed the recall and some of the disagreements Correia had with the mayor's work. According to Correia, when he expressed disagreement with some of the mayor's decisions, Gosselin interjected and said, "I can't believe what I'm hearing." Consistent with statements made by Gosselin during his investigative interview, Correia said they drove to one of Gosselin's buildings and discussed solar panels, because Correia does some solar energy work. As they discussed the recall petitioners and their tactics, Correia felt that the mayor was trying to manipulate him into believing the recall supporters were using tactics of intimidation with Correia. During the drive, Mayor Flanagan told Correia he felt disrespected and asked Correia to withdraw his signature from the recall petition.

After returning to Water Street, Councilor DaSilva "out of nowhere" showed up and slipped into the mayor's car, without a knock at the door or a wave through the window. When DaSilva entered the car, the mayor asked him how he was doing; DaSilva never asked what they were all doing there, and he did not attempt to explain his own presence. Correia explained that the mayor then turned and spoke directly to DaSilva:

Paul, let me ask you an unbiased question. These were exact words. "Let me ask you an unbiased question. Would you in good faith," used the word "good faith," "have signed that recall petition?" And Paul says, "No, because" Something to the effect of, "No, because I don't think the Council should get involved. If the people want to do it, they can do it, but the Council shouldn't get involved." And the mayor says, "Well, there you have it. That's, that's, that's how I feel as well, that the Council shouldn't be involved."

In response to DaSilva's comments, Correia was adamant that he was not rescinding his signature. At this point, Gosselin turned the conversation back to the danger of the recallers, stating, "Jasiel, it's dangerous out there for you. You need to protect yourself. You should arm yourself." At that point, Correia said he did not have a gun and was not planning on getting one. According to Correia, the notion of him arming himself was ridiculous because he has always been against guns. At this point, the mayor removed a gun from the center console, placed it on the dashboard, and said, "I never leave my house without this." At this point, Correia felt that the atmosphere changed:

I was actually scared. Prior to that I wasn't afraid. I wasn't. I was concerned. It was a weird situation to be in, but I was not scared. Now that there was an actual gun in the car and there's three other individuals, I was concerned.

The mayor then stated, "We need to come to a conclusion to this tonight." In what Correia described as an effort to diffuse the situation, the mayor told Correia he needed him to "do this for [him] as a friend" and suggested that he could call Jo Goode at The Herald News, "[t]hey'll put it in the paper and we can wrap this all up." In an effort to remove himself from the situation, Correia said, "Let me ponder the events of tonight. Let me see what I can do."

In describing his mindset when the mayor displayed the gun, Correia explained that he did not believe the mayor was going to shoot him:

Q: When he, when he took it out, did you have a fear that it was going to be used in the car that night?

A: No, I don't think I did. I don't...I never...I didn't think he was going to actually shoot me. I didn't think that. What I think it was used for was...you know, I don't think he just took it out just because. I don't think he took it out to show that he had weapon. I believe that he took it out to show how forceful

he...how he meant business. He meant business. He was trying to send a message.

* * *

A: I think he took it out to intimidate me, to show who's boss, to show that he has a gun in the car. Now, what I will tell right here is I was more afraid of Tommy Gosselin than the mayor. And just...and the only reason is just logic. If the mayor actually had done something to me that's career-ending, obviously. If Tommy Gosselin does something to me and the mayor can, can say, "Oh, well, that didn't happen that way."

Correia did believe, however, that the mayor was attempting to threaten or intimidate him:

Q: What did you feel he was trying to intimidate you to do or threaten you to do?

A: I think he was trying to be very sly about it. He was trying to get me to call The Herald. That was, that was, that was a...you know, definitely call The, The Herald News and say, "I was threatened by Jordan Silvia to sign that document, to sign the recall petition." And that's what [inaudible] was. That was the basis, I think, of the entire car ride and the entire conversation. In my opinion it's not something that popped into his mind. That was the goal of the ride.

* * *

A: I thought. This is what I felt. I felt that the mayor was going to somehow get, maybe not Tommy Gosselin, but somebody, some thugs that he deals with, to attack my business or my family or my home. I mean, they know where I live. They know where my business is. I was scared. I was very concerned. . . . I knew that if I did not comply somehow with his request, that he would be...he would have some kind of revenge. Whether that was to attack my business somehow with . . . I don't know how. Just somehow attacking my business, which he has done by the way.

C. Investigative Interview of Jasiel Correia Sr.

Jasiel Correia Sr. confirmed that his son called him on the morning of August 15, 2014, and described what had happened with the mayor. Correia Sr. recalls that the mayor wanted Jasiel to go to the newspapers and claim that he and his family were threatened by the recall supporters. Correia Sr. said nobody in his family had ever been threatened by the recallers. Correia Sr. said his son never said anything to him about being threatened by the recallers, and, if he had, he would have spoken to his brother who is a New Bedford police officer. When asked his impression of his son's mindset, Correia Sr. stated, "Yeah. I don't think that he was threatened while it was happening. It was just a very uncomfortable and uneasy situation for him"

D. Investigative Interview of Jordan Silvia

Jordan Silvia was considered to be one of the leaders of the recall effort, and it was Silvia who directed harsh comments at Correia during public input at the City Council meeting on August 12, 2014. In a voluntary interview on November 12, 2014, Jordan Silvia denied ever physically threatening Correia and was unaware of any threats made by other supporters of the recall, though he stated that he could not speak for the other recall supporters.⁸ Silvia also described his meeting with Correia outside the City Council chamber on August 12, 2014. Silvia acknowledged politically attacking Correia during the council meeting. Silvia recalled Correia approaching him in the atrium outside the council chamber and asking Silvia about the recall. According to Silvia, Correia stated that he did not agree with the recall

⁸ Jordan Silvia had an obvious bias against Mayor Flanagan and a motive to deny any threats made against Correia. Silvia's statements, however, were consistent with those of Correia, who was found to be credible.

but he supported the right to petition for a recall. Silvia recalled that Correia wanted to speak privately and that Correia led Sylvia to an area where he wanted to speak. Silvia stated that some people were walking in their midst and by the time Correia signed the petition the room was full.

E. Mayor Will Flanagan Interview on WSAR

Mayor Flanagan declined a request to be interviewed by the Special Prosecutor and declined a request to image his cell phone. He was, however, interviewed by Barry Richard from WSAR on September 8, 2014. On that date, he began his remarks by saying that he was really taken aback by what Correia had reported in his radio interview, and Mayor Flanagan volunteered that Paul DaSilva and others in the community would refute Correia's statements. When asked whether he had called Correia to request the August 15 meeting, the mayor did not directly answer the question, but instead attempted to attribute the genesis for the meeting as Correia's fear of the recall petitioners. The mayor began his answer by explaining that he was contacted by people in the community who said that Correia had signed the petition. After hearing this, the mayor contacted Correia and said, "I understand you signed the recall." According to the mayor, Correia said he did sign the petition because he felt threatened and people knew where his home and business were. He also stated that he signed it so people would leave him alone, but if he had to do it over again he would not sign the petition. According to the mayor, he told Correia that he cannot let people bully him into doing things he does not want to do. After describing this conversation to Barry Richard, Flanagan then answered the original question and said he did call Correia on Thursday evening,

August 14. According to Flanagan, Correia called back and said, “You know mayor, I have been thinking about a lot what you told me and that’s not right what they’ve done to me. I feel that I’m being threatened. They’ve driven by my business. They know where I live. And I just don’t feel right about this whole situation.” According to Flanagan, he said, “Well, I can still talk to you about it. If you want we can meet up. It’s late we can meet up some other time.” Correia said that he was available to meet and Flanagan stated that he had just finished working out, so he was also available.

In describing the beginning of the meeting, Flanagan said that Gosselin got out of the car and offered to let Correia sit in front seat so he and Flanagan could talk. Flanagan said they took a ride and talked about city business and city issues. According to Flanagan, Correia reiterated that he felt threatened by the recallers, that he did not want to sign the petition, and that the recallers bullied him into signing it. When they arrived back on Water Street, City Councilor Paul DaSilva was driving by the location, pulled over, and got into Flanagan’s car. After DaSilva entered the car, Correia stated that he was even thinking of getting a firearm. Flanagan said that it was Correia’s choice, that he (the mayor) had a license to carry,⁹ and if Correia decided to get license Flanagan would write a letter in support of his application. Flanagan said he did not pull a gun out but that Correia did see Flanagan’s gun on his waistband and commented, “You have yours.” According to Flanagan, he did not move his shirt to expose his gun. Responding to Correia’s

⁹ Fall River Police Chief Daniel Racine confirmed that Mayor Flanagan had a license to carry a firearm at the time of the alleged incident.

allegation that Flanagan placed his firearm on the dashboard of his car, Flanagan stated that his car did not have a dashboard.

Flanagan expressed to Barry Richard that people were trying to unduly influence Correia because he is young. Flanagan emphasized that he had seen Correia several times since the alleged incident and Correia never discussed the allegation with him. Flanagan also acknowledged that Fall River Police Chief Dan Racine spoke to him and repeated a story similar to the one that Correia had reported publicly on the radio.

In a second, recorded interview with WSAR, Flanagan expressed concern about the way Fall River was being portrayed and offered to sit down with Correia to discuss the issue, talk about ways they could move forward from the issue, and focus on the issues that matter to Fall River. When asked about what caused Correia to sign the recall petition, Flanagan said he knows what Correia is saying now and he knows what Correia said then, and only Correia can say why he is saying something different.

F. Mayor Will Flanagan Polygraph Examination

On September 24, 2014, Mayor Flanagan underwent a polygraph examination arranged by his attorney, Kevin Reddington. During the examination, two questions specifically relevant to the August 15, 2014, meeting were asked: 1) Did you display that gun to that man in a threatening manner?; and 2) Was that gun displayed in a threatening manner to that man? It was the opinion of the polygraph examiner that Flanagan passed the polygraph test, with a finding of “No Deception Indicated.”

G. Tommy Gosselin Radio Interview

On September 8, 2014, Tommy Gosselin appeared as an in-studio guest on the Sense and Nonsense show on WSAR. According to Gosselin, on the evening of August 14, he and Flanagan went for their normal walk along the boardwalk, when Flanagan received a text from Correia saying he had something important to discuss. When they finished their walk, Flanagan asked Gosselin to go with him to meet Correia and “Paulie” (DaSilva). Flanagan and Gosselin parked on the side of the gas company and then saw Correia pull up. As a courtesy to Correia, Gosselin got in the back seat and believed he left the front door open for Correia. Correia came over to the car, put his head in, and said, “Hi Tom.” Gosselin then described DaSilva’s arrival: “Within I would say two minutes Paulie DaSilva pulls over in a silver Toyota pick-up truck or Forerunner, gets out, he jumps in.” (Gosselin confirmed on four different occasions throughout the interview that DaSilva arrived at the meeting within minutes.) Gosselin then described Correia as initiating the conversation, stating:

Mayor, I’m sorry, but unfortunately I was overwhelmed, not only that, I was scared, I was threatened, I was worried about my mom, my dad, I’m worried about my office, I’m worried about myself, I’m really stressed out right now, but he also said mayor, I’m really not happy about your policies and procedures.

In explaining how the subject of a gun arose, Gosselin stated that when Correia told them he felt threatened, the mayor said he always tried to carry his firearm and that Correia should get a license to carry if he feels threatened. According to Gosselin, DaSilva stated that he was thinking of getting a license to carry. Gosselin described Correia as stressed out and scared of the recall

petitioners, but Correia also expressed his dissatisfaction with the mayor's policies and procedures. Regarding the allegation of a gun being displayed, Gosselin said he was in the back seat and did not see it, but if the mayor said he took out the gun, then he probably did take out the gun. When asked again how the meeting was arranged, Gosselin said Flanagan received a text saying it was very important that Correia talk to him and Flanagan called Correia back in response to that text. When the radio hosts informed Gosselin that Flanagan and Correia both said the meeting was arranged through phone calls and not texts, Gosselin said, "To my knowledge, when I'm walking and the mayor's doing a lot of talking, I'm always ahead of him; he's always texting, to my knowledge. I could be wrong 'cause I'm not on his phone; I believe it was a text, but I could be wrong."

Gosselin said there was nothing threatening about the meeting, no one raised their voice, no one fought, and Flanagan and Correia shook hands when the meeting ended.

When a caller to the radio program pointed out the inconsistency between Flanagan's and Gosselin's statements concerning DaSilva's advance knowledge of the meeting, Gosselin said, "To the best of my knowledge I believe Paulie either got texted or Paulie seen the mayor's car on the way home cause he does live that way." When asked, "So you don't actually know?" Gosselin responded "I don't know. He was there within a minute. I jumped out, got in the back seat. Jasiel jumped in the front seat. Paulie was on the side of me within a minute. If it's two minutes, it's a miracle."

H. Investigative Interview of Tommy Gosselin

Gosselin submitted to a voluntary interview on October 20, 2014. At the outset of his interview, Gosselin was given the opportunity to listen to a recording of his September 8, 2014, interview on WSAR. After listening to the recording, Gosselin corrected his previous statement to WSAR that DaSilva entered the mayor's car at the very beginning of the August 15 meeting, stating instead that he, Correia, and the mayor went for a ride before DaSilva joined the meeting. According to Gosselin, they went for a ride to one of Gosselin's buildings so Correia "could give me an education about solar panels." Gosselin explained that he brought up solar panels because he and Correia had discussed it previously, it was on his mind, and he had not seen Correia in months.

When they returned to Water Street seven to ten minutes later, DaSilva pulled up in his car and approached the mayor's car. When questioned during the voluntary interview about DaSilva approaching the car, according to Gosselin, DaSilva addressed Correia before entering the car:

A: "Hey, what's going on? Jasiel, I would have never let those guys threaten me. Jasiel, I won't let them bully me and I would never sign that recall."

Q: But he says all that before he's in?

A: He said that right at the window on the mayor's side.

Q: The mayor's window is down?

A: Yup, that's when we're saying, "Just come in and we'll have a discussion. Come on in." And he jumps in. So now it's me and Paulie in the backseat.

Q: When you pull back to Water Street and park in front of the museum, at this point, had you seen DaSilva's car?

A: It wasn't there when we first pulled over.

Q: Okay.

A: It was a second [inaudible] like, we just parked and, boom, he's there.

Q: But did you see his, did you see his car pull up? Do you have any way of knowing whether he was . . .

A: Yes, in his car.

Q: . . . in his car or on foot?

A: No, he drove over. He was in a silver Toyota Four Runner, and he came right out.

In describing how DaSilva happened to be at the meeting, Gosselin explained that DaSilva was at The Cove for last call and then saw the mayor's car when he was on his way home. Gosselin described the conversation as follows:

A: . . . all of it changed too, and I'm going to be straight forward and as much as I can remember at the time. Word for word [inaudible] I don't know, but I'm, I'm pretty [sure I] know the whole story. "Mayor, I just want to put this behind us. I'm sorry. I made a mistake." He was scared. They overwhelmed him. They . . . he was scared. He said he was painting at his house. He was scared when he was painting. He was hearing noises in his offices. He's scared for his mother and father where they live. The kid was really scared for these people. And then how this gun conversation is, Jasiel said I said it. Do I recall saying anything about a gun? I don't recall. Maybe I could've, I don't, but if I said it, it was nothing about Jasiel. I mean, the way it was, the way they said it was said that, "Tommy in the backseat says, you know, it's a dangerous world. Get a gun." That's not my words. My words, if it was, was me would've been, "Jasiel, if you're that scared of these people, go get a gun." Someone told him he should get a gun. And I don't remember.

* * *

A: Afraid of them to be honest with you. So the story did . . . however it came out, it came out. Paulie D in the back said, "I'm telling you, I'm thinking I'm going to get a gun." Jasiel says, "I think I'm going to get one, too." Mayor says, "Listen. You guys are both [inaudible] letters. Jasiel, I'll write a letter for

you. Paulie, I'll write a letter for you. You just got to be wise with it, but I'll get both of yous [sic] a letter." That was it. That situation was all over.

Q: At, at any point in time, did you see a gun?

A: Absolutely not.

During the interview, Gosselin said it was known that Correia was feeling threatened. Gosselin identified Carl Garcia and Gerry Donovan as two individuals who could confirm that Correia was feeling threatened. With respect to Donovan, Gosselin stated that Donovan personally called him and stated that Correia was scared:¹⁰

Q: Okay. How did you know that Correia told Ann [O'Neil-Souza] that he was feeling threatened by . . .

A: He . . . that night he told about four people. And it's only because my friend owns a bar. And he walked by the bar, and he got in his car, he told one guy, I can't think of the guy's name, he told one guy that is in the bar, and he's like, "I just called Ann O'Neil-Souza." He told a couple people. And so the guy who owns the bar is Gerry Donovan, my friend. Gerry calls me and tell me. He said, "This kid's really scared."

Q: Gerry Donovan? What bar does he own?

A: Dunny's.

Q: Dunny's? Okay. So he called you the night of that meeting?

A: Was either the night or couple days later, I just know he called me.

Q: And said this kid's scared?

A: This kid was scared. It was all around the City. Anybody who works in the City knows around the City that this kid was threatened.

¹⁰ As set forth below at page 44, Gerry Donovan denied telling Gosselin that Correia was scared.

When asked whether the conversation in the mayor's car was consistent with Correia having requested the meeting, Gosselin stated that the mayor and Correia wanted to see each other:

Q: What you recall of the conversation and how it transpired, given what Jasiel was saying, what the mayor was saying, was that consistent with Jasiel having requested the meeting? Like, given what you heard, did it make sense that Jasiel requested the meeting?

A: Yeah, yeah. They, they both requested, they both wanted to see each other.

Q: Okay.

A: They wanted, they wanted to get it out.

Q: All right.

A: It was a mutual thing. Now, it wasn't that . . . and I look at everything. I sit back and say to myself, 'cause [inaudible] sit there, "Well, why isn't anybody else . . . he didn't go Linda to sign, he didn't go to Miozza to sign, he didn't go to, I don't know, whoever else, there other . . . a third one that signed it, because he had a special bond with this kid. That's the only reason they tried to work it out. And he still likes the kid. Now it's getting to be ugly [inaudible]. Now the kid's suing him, now, but, that's among themselves.

When asked about his conversations with DaSilva after the news story broke, Gosselin said the following:

A: And it was just short, me and him, short, yeah, it is what it is.

Q: Not, "Hey, do you remember anything about the gun being displayed?"

A: No, no.

Q: And I ask because, and again, not everybody does exactly what, in hindsight, makes perfect sense. I'm not suggesting what you're telling me isn't accurate. But the reason, the reason I ask you this . . .

A: I didn't want to put him in that predicament, and I didn't want to be in that predicament.

Q: But if you're being disparaged on the radio and you hear people discussing a view of something somewhat serious that just didn't happen the way it's

being portrayed, and you and two other people witnessed the same version that Correia's, you know, or witnessed the same events that Correia's is now relaying to the media, I would think you might call DaSilva and, and say, "Hey, did you ever see a gun come out?"

A: No. I'll tell you the reason why. I talked to a friend of mine who is an attorney. And he said, "Don't talk to media no more. Don't talk to Paulie about it." He said, "Don't talk to the mayor about it. Let it lie."

I. Investigative Interviews of Paul DaSilva

Paul DaSilva voluntarily submitted to interviews on two occasions, October 27, 2014, and November 18, 2014. During his first interview, DaSilva discussed the events surrounding Correia's signing of the recall petition on August 12, 2014.

DaSilva specifically recalled Jordan Silvia having strong words directed at Correia during the meeting, and DaSilva recalled Correia exiting the council chamber while the meeting was ongoing. DaSilva, whose chamber seat is directly next to Correia's, recalled that upon Correia returning to the chamber, Correia said that he signed the petition because "[t]hey wouldn't let me speak to, to me unless I signed it." DaSilva told Correia that he would not have signed the petition. When asked if Correia said anything about feeling threatened or intimidated, DaSilva stated, "No. I just told, he's like, 'They wouldn't let me speak to them unless I signed it.' Uh, I guess you can look at it differently, but that's really what, all he said." DaSilva stated that he did not have any further discussion that night with Correia about him signing the petition. DaSilva also recalled a brief discussion with Pat Casey that same night in which she mentioned Correia having signed the petition: "She had just said that she had learned that he signed it. And I said, 'I wouldn't have signed it.' That was it, really. I didn't, we didn't elaborate."

Recalling the events of August 14 and August 15, 2015, DaSilva stated that he was at a function at BK's Tavern prior to the meeting in Mayor Flanagan's car. DaSilva recalled that Faust Fiore, an employee of WSAR, was the last person he spoke to before leaving BK's Tavern for home. DaSilva described his route of travel and explained that he came upon the mayor's car as he traveled south on Water Street.¹¹ DaSilva stopped his car, rolled down his window, and the mayor told DaSilva to "jump in." DaSilva said there was nowhere to park on his side of road, so he turned his car around and parked. Upon entering the mayor's car, DaSilva saw Gosselin to his right and Correia in the front passenger seat. When explaining how he was able to recognize the mayor's car as he drove by, he explained that he sometimes has a photographic memory. Yet, within seconds of making that statement, DaSilva struggled to remember the first conversation he heard upon entering the mayor's car: "I don't recall, like, remember everything that happened that night. It was, you're going back a few months back, and to remember it now, months later."

DaSilva did recall the mayor expressing his disappointment in Correia for signing the recall petition and also recalled Correia saying something about the mayor's policies. DaSilva also recalled thinking it was late and wanting to go home. When asked about the conversation surrounding a gun, DaSilva stated that he did not recall who initiated the conversation but recalled expressing his possible

¹¹ Contrary to media reports, the individuals who saw DaSilva at BK's tavern shortly before he left did not hear DaSilva say that he had to leave to go to a meeting. No evidence was uncovered that directly refuted DaSilva's claim that he happened to see the mayor's car on his way home, but the circumstances of his arrival to the meeting and his seamless transition into the conversation suggest that his presence was not coincidental.

interest in getting a gun: "I don't know. I don't remember exactly who brought it up. But they had said something about getting a gun and I was like, 'Oh, I'm thinking about getting one.'" DaSilva could not recall whether Correia or Gosselin said anything about getting a gun, and he also stated that he did not see a gun that night. Although DaSilva recalls that the two front seats in the Mayor's SUV were bucket seats, he could not recall if there was a center console.

DaSilva recalled marching in the Holy Ghost Feast parade on August 24, 2014, and recalled seeing Camara and Correia, but he denied participating in any discussions about the August 15 meeting inside the mayor's car.

Q: Okay. Do you remember being present during a discussion with Joe Camara and Jasiel Correia where Jasiel was describing what had happened in the car, in his meeting with the mayor, when you were present with Tommy Gosselin?

A: No.

Q: Okay. You don't remember a discussion?

A: They, they may have had the conversations with themselves. When I was walking in the parade, I was walking, saying hello to people, as you're, walking in the procession. Did they have that conversation? I don't know.

* * *

Q: Okay. At any point, on the day of the parade, did you tell Joe Camara that you were not invited by the mayor to meet with him and Jasiel Correia that night, that you just happened to see the mayor's car as you were driving home? Do you remember . . .

A: No.

Q: . . . telling Joe Camara that?

A: If I did, I don't remember. But I can't recall the conversation that was how long ago was that? Before . . .

When DaSilva was asked whether he confirmed to Camara that a gun was displayed inside the mayor's car, DaSilva denied that Camara specifically asked him about the presence of a gun during the August 15 meeting. DaSilva did acknowledge a conversation about the mayor and a gun, but DaSilva claimed that Camara simply asked whether the mayor owns a gun.

Q: What did he say to you? What were the words he used?

A: Was something about the mayor and a gun, and I didn't, I do know the mayor has a gun. So that's really

Q: What is your answer to the question?

A: It was yes, but it was, like, may . . .

Q: What did you think you were answering?

A: Does the mayor have a gun?

Q: Okay. You thought that it was a general question about whether the mayor has a gun?

A: Yeah.

In a follow-up interview with DaSilva on November 18, 2014, he was asked about his interview with Herald News reporter Jo Goode. DaSilva confirmed, with the benefit of phone records, that he spoke with Jo Goode for eleven minutes and 33 seconds at 1:34 p.m. on September 8, 2014. When asked about his statement to Joe Goode that he was at The Cove restaurant prior to the meeting in the mayor's car, DaSilva said he simply mistook the dates, and upon looking more carefully at his calendar, he realized that he had been at The Cove on a different night and was actually at BK's Tavern prior to the meeting in the mayor's car. DaSilva was also

asked about his statement to Jo Goode that the recall petitioners had gone to Correia's home:

Q: You mentioned that Jasiel Correia said to you something about the recall petitioners as either going to his home or knowing where his home was.

A: Yes.

Q: Okay. When did he say that to you?

A: I believe it was at the Council Chambers where he had said, he's like, "I signed it." And he just, and I just, when I said, told him, I was like, "Dude, I wouldn't sign that." He's like, "But they've been go-," it may have been there, but it's like they were going to his house. I was like, that's, I guess that's . . . 'cause they were basically targeting him on the, the 12th. That was when they were kind of targeting, **I thought, at the, at the council meeting. And, which is when he signed it. So I believe it was that day.**

Q: But you have a, you have a very specific memory that at some point he said to you the recall petitioners were going to your house, were going to his house?

A: **Yeah. I don't recall exactly when.**

Q: No, I'm just asking if you recall that he definitely said that to you? **'Cause you told Jo Goode that he said in the car that**, and maybe she was mistaken about that, but you had mentioned that he had told you the recall group had gone his home and his work?

A: **So it was in the, could've been the car. I know he had said stuff, saying [inaudible]. It could, it was the car, now that I think about it.** He was there and saying that they're going to his house and his place of business and he can't have that, because he owns a business. He doesn't want the bad publicity, so . . .

DaSilva was also questioned about potentially pertinent telephone calls reflected in cell phone records. When asked about an entry showing that the mayor called DaSilva at 10:52 p.m. on August 14, 2014, DaSilva explained that prior to his interview that day he looked at his phone and was able to see that the mayor left a voicemail on the evening of August 14, 2014, but he was unable to retrieve the voicemail and did not recall the substance of the message.

When shown an entry in subpoenaed phone records showing a call from DaSilva to Mayor Flanagan at 12:30 a.m. and a 12:33 a.m. text to O'Neil-Souza on August 15, 2014, DaSilva could not remember why he would have attempted to call the mayor or text the mayor's chief of staff at that time.

Q: I've got it underlined. August 15th, 4:30 Universal Time, entry 181, seizure time 23 seconds, elapsed time, zero. So it, it's possible you didn't talk to him, because there's no elapsed time. I don't know, but it shows the originating number as yours.

A: Mm hmm.

Q: And the number it called is the Mayor's. And my first questions to you is, am I reading that accurately?

A: That's what it says there, yeah.

* * *

Q: Does that look like you placed a call to the Mayor at 12:30 in the morning on August 15th?

A: That's what it says here.

* * *

Q: But you don't have any, any recollection of . . .

A: No.

Q: . . . making that call or sending that text?¹²

A: No.

DaSilva also could not recall a discussion he had with O'Neil-Souza at 1:18 a.m. on August 15, 2014, shortly after his meeting with the mayor, Correia, and Gosselin:¹³

¹² In the 12:33 a.m. text to O'Neil-Souza on August 15, 2015 (outlined in a table below), DaSilva asked O'Neil-Souza if she was awake.

Q: I didn't create this. This came from AT&T. So I am going to accept, for purposes of my investigation, that you spoke to O'Neil-Souza for 20 minutes, 51 seconds at 1:18 in the morning, after the meeting in the mayor's car with Jasiel Correia and Tommy Gosselin. Okay? I'm going to accept that as true. The question I have for you is, if you were to assume that happened, that you actually talked to her . . .

A: Mm hmm.

Q: . . . as the record shows and it's not just a mistake, do you think you would've said to her, "You're not gonna believe what happened. I was just in the mayor's car with Jasiel Correia, Tommy Gosselin, and they were meeting on the Waterfront at 12:30 in the evening, and I drove by, and there they were, the three of them." If you were talking to O'Neil-Souza not long after that incident happened, do you think you probably would've discussed with her what had just happened?

A: I don't think I even spoke about with [her] what happened.

On September 8, 2014, the day the story was reported on WSAR, Paul DaSilva recalled being in Middletown, Rhode Island, and recalled receiving phone calls and being told about the story. DaSilva was asked whether he told any of these individuals that he had not seen a gun:

Q: Okay. And did you tell those people, "I never saw a gun."

A: I don't think I ever spoke, told them exactly what happened. But I was just like, I thought it was kind of, with everything happening, I was just, I couldn't believe it. So did I tell them? I don't believe so.

When DaSilva was shown telephone records, he acknowledged that on September 8, 2014, the day the story broke, he spoke to the mayor at 11:39 a.m. for two minutes and had back-to-back phone conversations with the mayor and Gosselin at 4:11 p.m. and 4:15 p.m. Although DaSilva was "blown away" by the

¹³ Although this phone call as well as the 12:33 a.m. text from DaSilva to O'Neil-Souza initially suggested the possibility that O'Neil-Souza was aware of the planned meeting, an analysis of O'Neil-Souza's text messages corroborates her statement that she did not learn of the meeting until sometime closer to September 8, 2014.

media coverage and the allegation of a gun, he and Gosselin never discussed whether one of them had seen a gun in the mayor's car.

Q: When he called you, did Gosselin say to you, "Hey, did you ever see a gun?"

A: I don't recall him asking that.

Q: Did you say to Gosselin, "Hey, did you ever see a gun?"

A: I don't, I don't remember.

* * *

Q: Again, here's where we come back to me really struggling to understand, like, the logic here. News story breaks, the news story is that there was a gun in the car that you were sitting in with the mayor, with Jasiel Correia and Tommy Gosselin. That, that blows you away, because you were in that car and you never saw a gun. So the gun part of it took you by surprise, right? And you talked to Gosselin who was in the car with you. And you never think to say, 'Hey, you were in that car too with me. I didn't see a gun. Did you see a gun?' You guys didn't have that kind of conversation?

A: No, we just talked about, I'm just getting an attorney, 'cause I don't want to even, 'cause I was getting threatening messages . . .

Q: Why get an attorney?

A: What is it?

Q: Why get an attorney?

A: 'Cause I didn't want to deal with the, there was some text messages I got from, like, Barry Richard saying, "They're gonna hang this guy out to dry." And I'm like what is . . . you know what I mean, I just didn't want, I was getting almost harassed by the guy. That's why . . .

Q: By Barry Richard?

A: Yeah.

DaSilva also acknowledged a 14-minute follow-up call from Gosselin at 11:08 a.m. the following day, September 9, 2014:

- Q: And when he called you, what did he say?
- A: We spoke about, the, you know, and I told him I think . . .
- Q: Hold, hold on. Don't, . . . you cut short your sentence. You spoke about what?
- A: Like, I'm gonna get an attorney. I don't want to have to talk to anyone, you know what I mean? 'Cause it, people are just, everything starts flying around and everything this and that with the stuff in the media. And I was just, like, [inaudible].
- Q: All right. Did it, did it take you 13 minutes and 55 seconds to tell him, "I'm getting a lawyer?" That's all you talked about?
- A: I did talk to him. The whole conversation, I don't, I don't remember exactly. But I know what I spoke to him about a lot, just, like, "Listen. I'm just gonna get, I'm not gonna speak to anyone" and you know, because obviously, you have different media outlets trying to reach out to you and stuff like that and I'm like, "I'm not talking to anyone."
- Q: During that call, that 13 minute, 55 second call on September 9th at 11:08 a.m., during that call, did you say to him, "Tommy, did you see a gun in the car that night?" Did you ask him that?
- A: The exact conversation, I don't remember exactly.
- Q: Do you remember if he asked you whether you had seen a gun in the car that night?
- A: I don't remember.
- Q: Did you say to him, "Hey, Tommy, did you ask the Mayor if he had his gun with him that night?"
- Q: No, I never really, with everything going, I didn't ask, like, his side of the story.

On September 9, 2014, immediately following his 13-minute, 55-second telephone call with Gosselin, DaSilva dialed the number for Fall River City Hall, 508-324-2000, and spoke for 22 minutes and 21 seconds. DaSilva did not remember the

telephone call, but stated that it could have been City Council business, and he did not recall placing a call to the mayor on September 9.

J. WSAR Radio Interview of City Councilor Joe Camara

On September 9, 2014, City Council President Joe Camara was interviewed by Barry Richard. In discussing his interaction with Correia and DaSilva on the day of the parade, Camara said he could not recall whether he and Correia approached DaSilva or whether DaSilva approached them, but he recalls asking DaSilva, "Is this true. You saw this? You witnessed this? You were there?" According to Camara, DaSilva said, "Yeah." DaSilva also confirmed that he happened to be driving by the location, saw Flanagan's car, and stopped. During his interview, Camara expressed support for the idea that DaSilva would have driven by the location of the meeting given where he was coming from. Camara also stated that DaSilva only heard part of the conversation between Correia and Camara, but when Camara asked DaSilva if he saw the gun, DaSilva said, "Yeah." Camara said DaSilva was not in Flanagan's car for long but confirmed he was there when the gun was displayed.

Camara also confirmed that the version of events described by Correia on the radio on September 8 was the same version Correia described to Camara. When asked which story was more credible, Camara said he had no reason to doubt Correia's story.

K. Investigative Interviews of Joe Camara

City Council President Joseph Camara appeared voluntarily for interviews, the first on October 20, 2014, and the second on November 24, 2014. The interviews of Councilor Camara focused mostly on his interaction with Correia and

DaSilva on the day of the Holy Ghost Feast parade. In describing those events, Camara explained that before the start of the parade, he and Correia were talking in the area of some bleachers that had been set up for the parade. As Correia was describing what had occurred inside Flanagan's car on August 15, 2014, DaSilva joined their conversation. Immediately upon DaSilva joining the discussion, Correia asked DaSilva if he just happened to come upon the meeting that morning. DaSilva explained that he was just driving by and saw Flanagan's car. According to Camara, Correia was focused on understanding how DaSilva came to be at the meeting. When Camara asked DaSilva if he was there "the whole time this stuff's going on," DaSilva responded that he was not there the whole time, just for about ten minutes. Camara then asked DaSilva if he was there "when the gun was being shown and when all this crap was going on," and DaSilva responded, "Yeah."

Camara specifically recalled that DaSilva confirmed his presence when the gun was out, and he even asked DaSilva a second time to confirm his presence when the mayor displayed a gun. Camara explained that after thinking about Correia's story, he approached DaSilva during a pause in the parade and said, "Let me get this straight. You were in the car when this whole thing was going on and the gun was being shown?" According to Camara, DaSilva responded, "Yeah." When advised of DaSilva's claim that he only recalls Camara asking him "if the mayor has a gun," Camara said he may have asked DaSilva that question when he was speaking to the mayor at the parade about a video the mayor made in which he is shown shooting a firearm, but Camara said he recalls specifically that on two separate occasions—once before the parade and once during the parade—DaSilva confirmed being in the

car when the gun was displayed. Camara also commented, "I like Paul. I, I think he's in a horrible situation. I think he's a good kid."

L. Investigative Interviews of Ann O'Neil-Souza

Ann O'Neil-Souza, Mayor Flanagan's chief of staff, appeared voluntarily for two interviews, the first on October 24, 2014, and the second on November 21, 2014.

During her interviews, O'Neil-Souza explained that she was present for the City Council meeting on August 12, 2014, and witnessed Jordan Silvia directing remarks towards Correia. O'Neil-Souza characterized Silvia's tone as unpleasant and his remarks as disrespectful toward Correia. After Silvia's remarks, O'Neil-Souza stepped into the foyer, where she observed Correia walking up a set of stairs toward Silvia, who was standing at the top of the stairs holding a clip board. O'Neil-Souza was not close enough to hear what was said, but she saw Correia take the clip board that Silvia had been holding and signed what O'Neil-Souza assumed was the recall petition. O'Neil-Souza observed people standing behind Silvia when Correia signed the petition but did not know if they were recall supporters. O'Neil-Souza said the conversation between Correia and Silvia lasted less than five minutes. O'Neil-Souza was surprised to see Correia sign the petition because he got along very well with the mayor's administration and seemed to be an ally of the mayor. After seeing Correia sign the petition, O'Neil-Souza went back into the City Council chamber and stayed for another 15-20 minutes before heading home. While O'Neil-Souza was still in the City Council chamber, she texted Mayor Flanagan to let him know that she was going home to watch the meeting on television because the

meeting was too contentious. In her text, O'Neil-Souza did not say that Correia had signed the petition.

After the meeting ended, O'Neil-Souza called Correia and told him that she and her family had supported Correia, he seemed supportive of the administration, and she was perplexed by his decision to sign the recall petition. O'Neil-Souza said she was not angry with Correia, but she was upset that he had signed the petition. When O'Neil-Souza asked Correia why he had signed the petition, he stated that he felt threatened and harassed, the recallers knew where he lived and worked, they had been calling him, and "his primary concern was for he and his family." O'Neil-Souza recalled that Correia said he would "make it right" with the mayor. O'Neil-Souza spoke to the mayor after her conversation with Correia, told the mayor that she spoke to Correia and that "he seemed literally shaken" and she urged him to call the mayor. O'Neil-Souza explained that he seemed shaken because he was nervous on the phone and kept repeating, "My main concern is for my family."

O'Neil-Souza also spoke to City Councilors Paul DaSilva and Pat Casey that evening, both of whom O'Neil-Souza identified as allies of the mayor. O'Neil-Souza recalled that Councilor Casey told her that upon returning to the Council chamber, Correia said he signed the recall petition because Jordan Silvia would not speak to him unless he signed the petition. In her conversation with Councilor DaSilva, O'Neil-Souza described what Correia had said about being threatened and being concerned for his family, and DaSilva told O'Neil-Souza that Correia had said the same thing to him. O'Neil-Souza claimed that both Casey and DaSilva heard Correia say that he was threatened into signing the recall petition:

I was just calling him 'cause Councilor Casey had told me exactly the same thing that Councilor DaSilva had told her after the meeting when they exchanged that Councilor Correia had felt threatened into signing the petition.

O'Neil-Souza stated that she first heard of Correia's allegation concerning the August 15, 2014, meeting from Ken Fiola, the Director of Fall River's Office of Economic Development. Prior to the story becoming public, Fiola told O'Neil-Souza that Correia allegedly had been out with the mayor, the mayor placed his gun on the dashboard of his car, and Correia felt threatened. O'Neil-Souza stated that upon speaking to Fiola, she did not discuss the allegation with the mayor because "frankly, I didn't believe it." Prior to Correia discussing his allegation on WSAR radio, there were rumors circulating that Correia was going on the radio to discuss his allegation. According to O'Neil-Souza, she did not discuss the allegation with Mayor Flanagan until after Correia's appearance on WSAR. In that conversation with the mayor, he stated that he had been out for a walk on the evening in question and had the gun on his waistband.

M. Text Messages Retrieved from O'Neil-Souza's Cell Phone

On November 21, 2014, O'Neil-Souza consented to the extraction of text messages from her cell phone and the review of text messages involving relevant parties during the periods pertinent to this investigation.

Flanagan (WF), O'Neil-Souza (AOS), and DaSilva (PD) the Evening Correia Signed the Recall Petition			
8/12/14	11:54 p.m.	WF to AOS	"Jasiel signed the recall petition!"
8/12/14	11:57 p.m.	AOS to WF	"Give me his phone number"
8/13/14	12:05 a.m.	PD to WF and AOS	"I know"
8/13/14	12:05 a.m.	PD to WF, AOS	"I just got that"

8/13/14	12:27 a.m.	AOS to WF	"He is going to call you"
8/13/14	12:40 a.m.	AOS to WF	"Did you talk to Jasiel"
8/13/14	12:40 a.m.	WF to AOS	"Yes I told him I don't trust him and he's out"
8/13/14	12:45 a.m.	AOS to WF	"I talked to him too and told him my kids respected him and now they see him as a hater"
8/13/14	12:47 a.m.	WF to AOS	"Now I know how Jesus Christ felt . . . I'm surrounded by Judas."
8/13/14	12:49 a.m.	WF to AOS	"Haters never win"
8/14/14	12:54 p.m.	WF to AOS	"Don't forget our organizational meeting 6:00 pm tonight highland fence 681 S Beach St, Fall River, MA 02724"

WF, AOS, PD Evening of August 14, Early Morning August 15			
8/14/14	10:00 p.m.	PD to AOS, WF	DaSilva posts a Facebook posting from a friend of his named Renee, who states that a woman named Edith is paying people to sign the recall petition and some people are signing the petition multiple times
8/14/14	10:25 p.m.	WF	"Who is Renee"
8/14/14	10:29 p.m.	AOS	"I have no idea"
8/15/14	12:26 a.m.	PD	"My friend"
8/15/14	12:26 a.m.	PD	"Read about what she said about an Edith?"
8/15/14	12:51 a.m.	WF	Identifies Edith's last name
8/15/14	12:51 a.m.	AOS	"Who is that"
8/15/14	12:52 a.m.	WF	"She is paying the people"
8/15/14	12:52 a.m.	AOS	"Can we prove it"
8/15/14	12:55 a.m.	WF	"Rene [last name] is telling people"
8/15/14	12:57 a.m.	WF	"She is Paul s friend someone should speak with her"
8/15/14	1:13 a.m.	WF	Mayor Flanagan sends two texts, one identifying Rene's husband and one identifying a friend of Rene's
8/15/14	1:47 a.m.	WF	"Edith [last name] hasn't voted since 2010 special election"
8/15/14	1:47 a.m.	WF	Sends text listing Edith's address
8/15/14	1:48 a.m.	WF	"Not surprising"
8/15/14	1:55 a.m.	WF	"None of these people have!"
8/15/14	1:55 a.m.	PD	Sends text describing Edith
8/15/14	1:47 a.m.	PD	Sends text listing Edith's address

8/15/14	1:57 a.m.	PD	Sends text with screenshot of Jordan Silvia's girlfriend's address
PD and AOS Early Morning August 15			
8/15/14	12:33 a.m.	PD	"You Awake?"
8/15/14	12:34 a.m.	AOS	"Yes"
8/15/14	12:35 a.m.	AOS	"What's up"
8/15/14	1:15 a.m.	PD	"Call me"
8/15/14	1:15 a.m.	AOS	"Lots of laughs"
8/15/14	1:15 a.m.	AOS	"Just talked to Will"
8/15/14	1:17 a.m.:	AOS	"What's going on"
8/15/14	1:50 to 1:54 a.m.	PD and AOS	Exchange nine text messages attempting to identify Jordan Silvia's date of birth and address.

III. WITNESS CREDIBILITY

A. *Jasiel Correia's Credibility*

It is the opinion of the Special Prosecutor that Correia and his story are credible. In his various interviews, Correia answered questions directly, his answers made sense, and he did not appear evasive or deceptive in any respect. The Special Prosecutor also could not identify any credible motive for Correia to have fabricated his allegation against the mayor. Additionally, it is the opinion of the Special Prosecutor that Fall River City Council President Joe Camara was credible in all respects. The Special Prosecutor therefore accepts as true Camara's statement that DaSilva corroborated Correia's story about a gun being displayed inside the mayor's car during the meeting on August 15, 2014, further bolstering the credibility of Correia. The Special Prosecutor also credits the statements of Jasiel Correia Sr., who confirmed that Correia called him on the morning of August 15, 2014, and described to him the same story that Correia had reported on the radio.

Finally, the Special Prosecutor has concluded that various other facts, discussed herein, serve to undermine the credibility of Gosselin, DaSilva, and the mayor, and bolster the credibility of Correia.

It is important to note that Councilor Correia's statements were not without inconsistencies. For example, when Councilor Correia was interviewed by Barry Richard on September 10, 2014, he stated that the mayor placed the firearm on the dashboard in front of where he was sitting, in the area of the steering wheel. In Correia's investigative interview on October 20, 2014, Correia stated that the gun was placed on the dashboard in the area above the navigation screen, which is located in the middle of the dashboard. In assessing a witness's credibility, inconsistencies are one of many important considerations. In consideration of all the factors that weigh on credibility, it is the opinion of the Special Prosecutor that Correia's inconsistent statements were not indicative of deception or fabrication.

B. Mayor Flanagan's Credibility

For the reasons set forth below, it is the opinion of the Special Prosecutor that the story Mayor Flanagan's told to WSAR radio was not credible. It is also the opinion of the Special Prosecutor that the lie detector test administered to Mayor Flanagan is not persuasive on the issue of the credibility, because the only question asked that was directly relevant the August 15, 2014, incident was whether the mayor displayed the gun in a threatening manner. For the reasons set forth in Section IV below, it is indeed possible, and even likely, that the mayor believes he did not display the gun in a threatening manner.

C. Tommy Gosselin's Credibility

It is the opinion of the Special Prosecutor that Gosselin and his story are not credible. In Gosselin's September 9, 2014, interview on WSAR radio and his October 20, 2014, interview with the Special Prosecutor, Gosselin delivered his answers with supreme confidence, but he did so even when attesting to facts that were unquestionably false. For example, at the outset of Gosselin's interview on WSAR, he asserted that Correia requested the meeting with the mayor and that he did so in a text to the mayor stating that Correia had something important to discuss. Later in the interview, when informed that both Correia and the mayor said it was a telephone call, Gosselin said, "I believe it was a text, but I could be wrong." Gosselin also falsely asserted on four separate occasions in his WSAR interview that DaSilva joined the meeting within minutes, on one occasion stating with maximum conviction, "Paulie was on the side of me within a minute. If it's two minutes, it's a miracle." Not only did Correia and DaSilva both refute this claim, Gosselin himself acknowledged during his October 20, 2014, interview with the Special Prosecutor that he was mistaken when he previously made that assertion. Gosselin also confidently told WSAR that, upon finishing his walk with the mayor on the evening of August 14, the mayor asked if Gosselin would go with him to meet Correia and DaSilva. Later in the same interview, when a caller to the radio program pointed out the inconsistency between Flanagan's and Gosselin's statements concerning DaSilva's advance knowledge of the meeting, Gosselin changed his story and said that, to the best of his knowledge, DaSilva either received a text about the meeting or saw the mayor's car on his way home. When asked by the show's hosts, "So you

don't actually know?" Gosselin responded, "I don't know." Gosselin has also given conflicting accounts of the how the conversation in the mayor's car turned to Correia's signing of the recall petition. In Gosselin's WSAR interview, he claimed that Correia entered the mayor's car and immediately apologized for signing the petition. In his October 20 interview, Gosselin stated that DaSilva initiated the conversation when he approached the mayor's car and said through the open window, "Jasiel, I would have never let those guys threaten me. Jasiel, I won't let them bully me and I would never sign that recall." Not only are Gosselin's statements inconsistent, Paul DaSilva for his part said nothing about making statements through an open window of the mayor's car.

Gosselin's credibility has also been undermined by the statement of his own friend, Gerry Donovan, who has refuted a claim by Gosselin that Donovan was aware of the threats being made against Correia by the recall supporters. In a telephone interview on February 4, 2015, Captain Chris Mason read to Gerry Donovan the portion of Gosselin's interview transcript, quoted above at page 24, in which Gosselin claimed that Donovan called him and said, "This kid's really scared." Donovan denied to Captain Mason that any such conversation occurred between him and Gosselin. Captain Mason also asked Donovan if he had ever heard from one of his customers that Correia was saying he had been threatened by the recallers. Donovan stated that he had never heard such a statement from a patron.

Finally, Gosselin established his willingness to lie for the benefit of the mayor when he called WSAR on August 15, 2014.¹⁴ In his call to the *Sense and Nonsense* show, Gosselin, without naming himself on air, claimed that he was with Correia the previous evening and that Correia discussed being threatened by the recallers:

Thank you guys. I was with Jasiel last night, had a little company with Jasiel for about an hour, and I asked Jasiel, "Was you threatened?" and Jasiel said to me they came around him and there was a few of them, and it was an overwhelming response from them, they talked about his business, they talked about where he lived, where . . .

Before Gosselin could finish, the hosts of the show interrupted Gosselin and terminated the call. Although the caller did not identify himself on-air, Host Wayne Rego recalls the telephone call and confirmed that it was Gosselin who called. According to Rego, the studio telephone displayed Gosselin's name and Rego was also familiar with Gosselin's voice. It is also the opinion of the Special Prosecutor and Captain Chris Mason, both of whom were present for the October 20, 2014, interview of Tommy Gosselin, that the caller sounded like Gosselin. Subpoenaed telephone records also establish that on August 15, 2014, Gosselin's cell phone made repeated calls—19 phone entries between 4:55 p.m. and 5:45 p.m.—to WSAR at 508-673-1480 during the *Sense and Nonsense* show. The last call, at 5:45 p.m., lasted 114 seconds. Based upon the above, it is the opinion of the Special Prosecutor that the above-quoted telephone call was made by Gosselin. In addition,

¹⁴ WSAR has been unable to confirm the date of the recording, but *Sense and Nonsense* host Wayne Rego has a specific recollection of the call and believes it was on or around August 15, 2014. Rego recalls that they were discussing rumors of Correia having been threatened into signing the recall petition when Gosselin's name came up on the studio telephone's caller ID. Rego recalls that Gosselin called more than once and Rego did not answer Gosselin's initial calls because he knew Gosselin to be a close ally of the mayor.

between calls to WSAR, Gosselin's cell phone dialed Flanagan's cell phone at 5:27 p.m., with an elapsed time of 14 seconds. At 5:48 p.m., just after hanging up with WSAR, Gosselin dialed Flanagan's number again, with an elapsed time of 13 seconds. At 6:04 p.m., Gosselin dialed Flanagan's cell phone and it appears they spoke for 91 seconds.

It is clear from the evidence developed in this investigation that Gosselin simply lied when he called WSAR. In Gosselin's apparent attempt to either initiate or perpetuate a story of Correia being threatened by the recall petitioners, he described a conversation between himself and Correia that never happened. Even granting Gosselin the benefit the doubt that he was referencing the conversation in the mayor's car, in Gosselin's statements to WSAR and the Special Prosecutor he never described a similar conversation. Nowhere in those statements did Gosselin claim that he directly asked Correia if he had been threatened, and Gosselin likewise never attributed to Correia a statement about recall petitioners coming "around him."

It also appears that in his October 20, 2014, interview, Gosselin attempted to cover up the fact that he had previously called WSAR:¹⁵

Q: I forget whether I heard this on the recording or if you said this at the beginning of the interview, but there was some reference to you having called the radio station prior to that September 8 [call]?

A: I called and asked to go on. No, no, never, I don't . . .

Q: Okay. I just wanted to make sure I wasn't missing a report or . . .

¹⁵ As of October 20, 2014, the Special Prosecutor was not aware of the date or substance of Gosselin's previous call to WSAR, and therefore was unable to question Gosselin about the details of the call. A recording of the call was turned over to the Special Prosecutor on November 24, 2014.

A: I never, never, never, never called WSAR. I called that day when he tortured my wife that was the only thing.

D. Paul DaSilva's Credibility

It is the opinion of the Special Prosecutor that DaSilva and his story were not credible. At various times throughout Paul DaSilva's interviews, he made tortured efforts to avoid answering simple questions directly, reflecting an attempt to be careful rather than truthful. One of many examples included the following exchange, in which the Special Prosecutor asked DaSilva to explain his understanding of the major disagreement between Mayor Flanagan and Councilor Correia over what transpired in the mayor's car:

Q: Okay. So at some point, you're aware it's big news, though, right? You're getting calls from the reporters asking you to speak, to come on the radio?

A: Yes.

Q: Okay. You didn't want to speak. And I'm not passing judgment on that. That's your right, to speak or not to speak. But you're getting requests to speak about it, right?

A: Yeah.

Q: Okay. So at that time, you're aware this has become a big news story.

A: Yeah. I [inaudible] the time, what time it was.

Q: Okay. After it became a big news story, did you become aware that there was a significant disagreement between the mayor and Jasiel Correia about exactly what happened in the car that night?

A: Like I said, I, during the day, I'm at work, so I don't really, I don't pay attention to . . .

Q: But, I, and again, if I'm being confusing, you let me know, but this is being recorded. I don't think I'm being confusing. My simple question is, at some point, do you, after this becomes a public story, do you become aware that the mayor and Jasiel Correia have a significant disagreement over what

happened in the car that night? That's my question. And if that question is confusing, you let me know.

A: Is it confusing?

Q: That question. Yes.

A: No, don't . . .

Q: You understand what . . . I'm asking.

A: Ask your question again. I'm sorry.

Q: After you become aware that this is a big news story . . . the press is reaching out to you to get your version of events, right?

A: Mm hmm.

Q: After that, after you're aware this is a big news story, do you learn that Jasiel Correia and the mayor are having a significant disagreement over what happened in the car that night, between the mayor and Jasiel Correia?

A: I never listened to any of what they said on the radio. So, I was looking what the papers wrote. I . . .

Q: Right. They're writing two very . . . the, so you did read the news stories. I'm not saying the radio, but you . . .

* * *

A: I looked at it briefly. Like I said, I'm, I'm at work during the day. And then, when everything happened, I was kind of disgusted with everything. But...

* * *

Q . . . did you learn anywhere, in looking at headlines, did you learn somewhere that they, Jasiel and the mayor, have a huge disagreement over what happened in the car that night?

A: I don't know how to answer that, 'cause I didn't read, I didn't, like, listen to what they said on the radio. I didn't pay attention to that. So . . .

Q: As you sit here today . . .

A: Yeah.

Q: . . . what’s your understanding of what the mayor had to say about what happened in the car that night?

A: That’s, I kind of just, with the media, kind of just unplugged. I really have. Just because . . .

* * *

Q: My question is, as you sit here today, what is your understanding of what the mayor has had to say about what transpired in the car that night between him and Jasiel Correia?

A: I think there’s, there is a disagreement.

Q: What’s the disagreement, as you understand it?

A: Was it ‘cause of the gun?

Q: I’m asking you a question.

A: Yeah.

Q: What’s your understanding of the disagreement?

A: Was it threatening? That’s only what I think it is, was it threatening?

In addition to straining to answer this question, DaSilva was being untruthful when he suggested that he “unplugged” and had not paid attention to the news stories. At the time the story broke, DaSilva was bombarded with texts about Correia’s allegations, and DaSilva appeared to fully comprehend what the allegations were when he exchanged texts with O’Neil-Souza:

9/8/14	12:14 p.m.	O’Neil-Souza to DaSilva	“Wtf”
9/8/14	12:16 p.m.	DaSilva	“He is lying thru his teeth”
9/8/14	12:17 p.m.	DaSilva	“I was driving home and saw mayors car”
9/8/14	12:18 p.m.	O’Neil-Souza	“Where [sic] you in the car”
9/8/14	12:19 p.m.	DaSilva	“I stopped and was like oh hey it’s the mayor”

DaSilva also provided answers that were simply unbelievable. For example, in direct contradiction of City Council President Joe Camara's statements concerning his discussions with DaSilva at the parade, DaSilva claimed that he did not participate in any discussion with Camara and Correia about the meeting in the mayor's car on August 15, 2014. DaSilva even denied that he discussed with Camara how he came upon the meeting. For his part, Camara had defended this aspect of DaSilva's story, stating that DaSilva had confirmed that his presence at the meeting was purely by chance. In another one of DaSilva's tortured explanations, he agreed that during the parade Camara mentioned something about the mayor having gun but claimed that Camara's question was simply, "Does the mayor have a gun?" According to DaSilva, he said "yes" because he knows that the mayor has a gun. Camara, however, was unequivocal that DaSilva not only confirmed he saw a gun during the meeting, but he twice confirmed to Camara that he had seen the gun. It is the opinion of the Special Prosecutor that DaSilva was untruthful when he denied having any discussions with Camara or Correia about the meeting in the mayor's car.

DaSilva also claimed during his interview on October 27, 2014, that he was not aware of what Councilor Camara had said publicly concerning his discussion with DaSilva at the parade:

Q: Are you aware that Joe Camara has, has stated, and has stated to me but also stated on the radio, that the day of the parade, he specifically asked you if you saw a gun that night in the mayor's car, and that you said yes? Are you aware that Joe Camara has said that?

A: I don't know what he has said or hasn't said. I just [inaudible] the mayor have a gun?

DaSilva’s claim that he was not aware of Camara’s statements was simply a lie. In a text exchange on September 8 between DaSilva and his friend Eric Amaral, confirmed by Amaral to have been a discussion about what Councilor Camara was saying in his radio appearance, DaSilva specifically asked what Camara had said to the media:

9/8/14	1:08 p.m.	DaSilva to Eric Amaral	“What did Joe say?”
9/8/14	1:25 p.m.	Eric Amaral	“He backed you and said u weren’t there long”
9/8/14	1:25 p.m.	Eric Amaral	“He said that you said you saw the gun”

Other text messages further undermine DaSilva’s story. In the texts that were recovered from DaSilva’s phone, there was not a single instance of DaSilva refuting that a gun was displayed. Instead, DaSilva repeatedly stated that “Nobody was threatened”:

9/8/14	3:25 p.m.	Incoming	“Paul is all this news coming out true? Please tell [sic] this kid made all this up.”
9/8/14	3:38 p.m.	Outgoing	“I don’t think there was any threatening done”
9/8/14	7:24 p.m.	Outgoing	“I don’t believe anyone was threatened.”
9/8/14	7:24 p.m.	Outgoing	“I don’t believe anyone was threatened”
9/8/14	7:27 p.m.	Outgoing	“No one was threatened”

DaSilva’s text messages also revealed an interesting exchange with Councilor Correia on September 8, in which Correia encouraged DaSilva to speak publicly:

9/8/14	1:21 p.m.	Correia	“Paul just do the right thing. I have hard evidence. And I don't want you to perjure yourself.”
9/8/14	1:34 p.m.	DaSilva	“Can you call me?”
9/8/14	1:48 p.m.	Correia	“I can”

According to Correia and confirmed by phone records, Correia did in fact call DaSilva later that day at 4:16 p.m. but DaSilva did not return his call.

Another obvious flaw in DaSilva's story was his failure to say anything about his meeting with the mayor and Councilor Correia when he spoke to O'Neil-Souza for over 21 minutes at 1:18 a.m. on August 15, immediately following the meeting in the mayor's car. O'Neil-Souza stated that she could not recall that she even had a conversation with DaSilva in the early morning hours of August 15, but her own statements and her text messages to DaSilva on September 8 ("Wtf" and "Were you in the car?") suggest she had not been told of the meeting until on or around September 8. At the very least, it is clear that prior to September 8, O'Neil-Souza had no idea that Councilor DaSilva was in the mayor's car during the early morning meeting. For these reasons, it is clear that during his 1:18 a.m. call DaSilva failed to say anything to O'Neil-Souza about the meeting he had just attended with the mayor and Correia. In light of the text messages being exchanged among DaSilva, O'Neil-Souza, and Mayor Flanagan between 12:26 a.m. and 1:54 a.m., DaSilva's failure to mention the meeting that had just occurred in the mayor's car suggests an effort to conceal the meeting from O'Neil-Souza. It is the opinion of the Special Prosecutor that DaSilva intentionally kept quiet about the meeting because there was something to hide.

E. Credibility of O'Neil-Souza

In the opinion of the Special Prosecutor, Ann O'Neil-Souza was generally credible, but the Special Prosecutor does not accept O'Neil-Souza's claim that Councilor Correia told her over the phone on August 12 that he signed the recall petition because he had been threatened. Whether driven by loyalty to the mayor, politics, or an inaccurate memory, O'Neil-Souza made the claim when she texted and

called Barry Richard at WSAR after the story of the meeting was made public. In her text to Barry Richard at 12:55 p.m. on September 8, 2014, O'Neil-Souza stated:

"Jasiel told me late evening on August 12 that he signed the recall petition because he was intimidated by the petitioners and he feared for his and his family's safety! I spoke with him after Council meeting! He told me he would make it right!"

O'Neil-Souza made the same claim in her interview on October 24, 2014, but she also asserted that Correia made similar statements to Councilor DaSilva and Councilor Pat Casey after signing the recall petition on August 12, 2014:

A: No, I actually spoke to Council Paul DaSilva later that evening as well. Because he and Councilor Casey, I believe I spoke with as well, who knew that when Councilor Correia, they told me, that when Councilor Correia returned to the chamber, he mentioned that he had signed the recall petition because Jordan Silvia wouldn't speak with him unless he signed it, when he come came out.

* * *

A: I spoke to Councilor DaSilva about what Councilor Correia had told me about feeling threatened by the recall petitioners. Again, they knew where he lived, they knew where he worked, they had called him, he was concerned for his family. **And he said that Councilor Correia said the same to him.**

* * *

Q: Okay. And how about you calling DaSilva, what was your purpose in calling him?

A: I was just calling him **'cause Councilor Casey had told me exactly the same thing that Councilor DaSilva had told her after the meeting when they exchanged that Councilor Correia had felt threatened into signing the petition.**

Contrary to O'Neil-Souza's claim, Councilor Casey, in an affidavit submitted in a civil suit, stated that Correia returned to the Council chambers after signing the recall petition and explained that the recall supporters would not speak to him unless he signed the petition, and he signed it to get them "off [his] back." In her

affidavit, Casey did not attribute to Correia any statements about being threatened by the recall supporters. Also contrary to O’Neil-Souza’s claim, Councilor DaSilva’s description of Correia’s statements from the evening of August 12, 2014, were also consistent with Casey’s:

Q: Okay. Um, did he say anything during that discussion, about feeling intimidated or threatened to sign it? Beyond the words he used?

A: No. I just told, like, what he’s, he’s like, “They wouldn’t let me speak to them unless I signed it.” I guess you can look at it differently, but that’s really what, all he said.

O’Neil-Souza’s text exchanges with Mayor Flanagan on the evening of August 12, 2014, also undermine O’Neil-Souza’s claim that Correia told her he was threatened into signing the petition. In O’Neil-Souza’s interview on October 24, 2014, she stated that she was not mad at Correia for signing the petition, only upset, and suggested to Correia that he go to the media with the story. Yet, on the same evening, O’Neil-Souza was referring to Correia as a “hater,” telling the mayor in a text that she told Correia that her “kids respected him and now see him as a hater.” At no point during the text exchange did O’Neil-Souza tell the mayor that Correia was threatened into signing.

IV. POTENTIALLY APPLICABLE CRIMINAL CHARGES

Having concluded that Correia’s factual allegations are credible, it is the responsibility of the Special Prosecutor to consider whether the credible evidence supports a criminal charge. The crime of assault is often applicable in cases where a weapon is displayed, but the crime of assault requires that a victim be placed in apprehension of an immediate battery. M.G.L c. 265, §13A. Correia has stated that he did not believe the mayor was going to shoot or assault him when he displayed

the gun, and therefore the crime of assault is inapplicable. The crime of Attempted Extortion, M.G.L. c.265, §25, requires proof of a verbal or written threat to injure a person or their property with the intent to compel the person to do something against their will. Although the evidence establishes that the mayor attempted to coerce Correia into withdrawing his name from the recall petition and telling The Herald News that he had been threatened by the recall supporters, there is no allegation that the mayor explicitly threatened Correia. The Massachusetts Intimidation statute, M.G.L. c.268, §13B, also does not apply because it does not apply generally to acts of intimidation. The Intimidation statute is limited in its application to harassing, threatening, or intimidating behavior directed at judges, prosecutors, police officers and other specified court personnel, or directed at individuals involved in certain investigations and court proceedings.

The lone criminal charge even arguably applicable to the credible evidence in this case is Threat to Commit a Crime, M.G.L. c.275 §2. In order to prove a criminal threat, the evidence must establish an expression, by words or implication, of an intention to injure a person or property, now or in the future, and an ability to do so in circumstances that would justify apprehension on the part of the recipient of the threat. *Commonwealth v. Troy T.*, 54 Mass.App.Ct. 520, 522-23 (2002); *Commonwealth v. Gittens*, 55 Mass.App.Ct. 148,154 (2002); Massachusetts Criminal Model Jury Instructions (Revised 2013). To assess whether an express or implied statement constitutes a threat, the context in which the allegedly threatening statement was made and all of the surrounding circumstances are considered.

The circumstances surrounding the display of the gun were as follows:

According to Correia, during the initial part of his meeting with the mayor on August 15, which was unexpectedly attended by an ally of the mayor's, Correia felt that the mayor was trying to manipulate him into believing the recall supporters were using tactics of intimidation with him. When DaSilva arrived to the meeting, Correia felt that his presence was not accidental, and Correia felt that he was outnumbered 3-1. The mayor immediately turned to DaSilva and sought his opinion on whether a city councilor should sign the recall petition, prompting DaSilva to state that the City Council should not get involved in the recall process. As Correia continued to reiterate to the mayor that he would not rescind his signature, Gosselin stated, "Jasiel, it's dangerous out there for you. You should arm yourself." It was during this conversation that the mayor retrieved his gun from the center console, stated that he never leaves home without his gun, and placed it on the dashboard. Correia also recalls that after the mayor retrieved the gun, DaSilva said that he was thinking of getting a gun because of how crazy the recallers were.

At some point following the display of the gun, the mayor shifted gears, stating to Correia, "I need you to do this for me as a friend." According to Correia, the mayor "tried to diffuse the situation" and make Correia feel more comfortable.

According to Correia, the mayor kept the gun holstered and Correia did not think the mayor was going to shoot him. It was Correia's feeling that the mayor took out the gun "to show how forceful he was, how he meant business. He meant business. He was trying to send a message." Correia believed the mayor was trying to intimidate him into calling The Herald News and reporting that he had been

threatened by the recall supporters. Correia felt that if he did not do what the mayor was asking, the mayor would have some kind of revenge by having someone attack him, his business, his family, or his home.

It is apparent from the credible evidence that the mayor utilized a variety of tactics to attempt to pressure and coerce Correia into withdrawing his signature from the recall petition and telling the local newspaper that the recallers had threatened him. At the outset of the meeting, the mayor attempted to manipulate Correia into believing that he had actually been threatened. When that did not work, the mayor, with the assistance of DaSilva, attempted to convince Correia that the city council should not get involved in the recall process. When that failed, the mayor displayed his firearm, either in an attempt to demonstrate that he was in charge, to show that he meant business, to create an intimidating environment, to further his effort to convince Correia that the recallers were a threatening group, or possibly all of these. Finally, after displaying the firearm, the mayor resorted to an emotional plea, telling Correia that he needed him to do it as a friend to the mayor.

To the average person, guns are scary, and their display under any circumstance can be intimidating. The mayor's display of a firearm under the circumstances of this early morning meeting undoubtedly caused Correia to feel coerced and intimidated. As Correia stated in his interview on WSAR, the meeting was clearly coordinated, he was outnumbered, and had never seen a firearm displayed by someone not in law enforcement. Correia has also stated that the circumstances of the meeting in the mayor's car caused him to fear that the mayor might have a thug harm him, his business, or his family.

Correia's reaction to the coercive and intimidating circumstances created by the mayor are indeed understandable, but it is the opinion of the Special Prosecutor that the evidence does not establish an intent on the mayor's part to convey a threat to injure Correia or his property, and therefore is insufficient to establish the commission of a crime. Significantly, there were no contemporaneous words or actions accompanying the mayor's display of the firearm that conveyed an intent to injure. *See e.g., Commonwealth v. Hokanson*, 74 Mass.App.Ct. 403, 405-407 (2009 (evidence sufficient where defendant upset and angry simulated a "trigger-finger" and stated, "The next time I come in here, boom, boom, boom, boom. Every f*ckin' one of them. Nobody will be standing.") For example, the mayor did not make a statement that he expected Correia to do as he said, or that it would be too bad if something were to happen to him or his business. There was likewise nothing about the mayor's prior relationship with Correia that would suggest the display of the firearm was a statement of an intent to injure. Their relationship was a political one, they were perceived to be political allies prior to Correia signing the recall petition, and there was no history of violence or hostility between them. *See e.g., Commonwealth v. Melton*, 77 Mass.App.Ct., 552, 558 (2010) (violent history of defendant towards victim relevant to threats analysis); *Commonwealth v. Chalifoux*, 362 Mass. 811, 816-817, 291 N.E.2d 635, 639 (1973) (victim's testimony of prior assault relevant to issue of apprehension). There also was no demonstrated history of violence generally by the mayor or a known history of the mayor using thugs to harm political opponents, as Correia feared. It is also an important consideration that there was nothing intimidating about the mayor's tone of voice. As Correia

pointed out in his interview on WSAR, nobody raised their voices during the meeting. Finally, there was nothing particularly aggressive or menacing about the mayor's movements that conveyed an intention to injure Correia or his property. *See e.g., Commonwealth v. Milo M.*, 433 Mass 149, 155 (2001) (intent may be inferred from very angry demeanor and defiant manner toward victim when holding drawing depicting violence toward victim). As understandably distressing as the situation was to Correia, the evidence simply does not establish an expression of an intent to injure, an essential element of the crime.

It is also the opinion of the Special Prosecutor that Correia's concerns of harm to himself, his family, and his property have evolved over time, not because Correia has manufactured a concern that does not exist, but because the events that have transpired since the August 15 meeting have heightened any fear he previously felt. In his investigative interview on October 24, 2014, Correia described his current concern:

Yeah. I think that now, because of all this, my concerns have grown. There's, I feel that, I don't know. I mean it's hard to explain it this way, but I feel like the mayor is trying to wiggle out of everything that's happening. And I fear that if he does wiggle out of this, there's going to be retaliation for sure. Right now I know he's on, he's kind of on notice. He can't do anything. But I just, I feel like he's gearing up. I just, there's something about him that is very unsettling.

This fear of retaliation was not present to the same degree when Correia first discussed the incident publicly. In his interview with WSAR on September 8, 2014, Councilor Correia did express genuine concern when responding "of course" to Barry Richard's question of whether he felt threatened or intimidated by the gun, but Councilor Correia also expressed that he did not think he was going to be

harmed: “Not that I thought something was going to happen. But just in case you always want to make sure.” Also, when Correia described the story to his father on the morning of August 15, with the story fresh in Councilor Correia’s mind, it was his father’s belief that Correia did not feel threatened: “Yeah. I don’t think that he was threatened while it was happening. It was just a very uncomfortable and uneasy situation for him”

Correia’s statement that he did not think something was going to happen and his father’s assessment of Correia’s state of mind are not, in and of themselves, proof that a threat did not occur. These facts do, however, serve to diminish proof of another necessary element of the crime—that the threat was made under circumstances that could reasonably have caused Correia to fear that the mayor had the intention to carry out the threat.

For these reasons, the credible evidence in this matter is insufficient to prove two critical elements of the crime.

V. CONCLUSION

The evidence in this matter is insufficient to prove the commission of a criminal offense by former Mayor Will Flanagan or any others in connection with the August 15, 2014, early morning meeting involving Mayor Flanagan, City Councilor Jasiel Correia, City Councilor Paul DaSilva, and Tommy Gosselin. Accordingly, this investigation will be closed and no criminal charge will issue.

Respectfully Submitted,
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/s/ William H. Connolly
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