

COMMONWEALTH OF MASSACHUSETTS
SUPERIOR COURT DEPARTMENT

SUFFOLK, ss.

No. 2084CV295

CARL LAROCQUE ET AL.,
Plaintiffs

v.

THOMAS TURCO ET AL.,
Defendants

AFFIDAVIT OF APPOINTED COUNSEL FOR PLAINTIFF
ROBERT SILVA-PRENTICE

I, Kathryn Karczewska Ohren, state the following:

(1) I am an attorney who does criminal appeals by appointment through the Massachusetts Committee For Public Counsel Services. I have been a licensed Massachusetts lawyer since 2003.

(2) In that capacity, I represent Robert Silva-Prentice on appeal in criminal docket matter 1784CR444, arising from this Court. Silva-Prentice is currently held at Souza-Baranowski on conviction that I am charged with appealing.

(3) To advance that appeal, I planned an in-person visit with Silva-Prentice. On January 14, 2020, I called the superintendent's office to assure that I would be admitted to see him. The woman who answered the phone said there would be no counsel visits for one week. She said that counsel visits had been suspended on commissioner order.

(4) I thus tried again the next week. On January 21, 2020, I again called the superintendent's office and spoke with Vicky Pineda. In response to request to see Silva-Prentice, Pineda said that all counsel visits were cancelled until at least January 25, 2020. She further said there could be no exception because suspension was on commissioner order. With respect to any potential January 25 visit, she advised me to call

before leaving Boston to assure that entry would be permitted.

(5) On January 29 and February 2, 2020, I visited Robert Silva-Prentice to discuss his appeal. He could not do so. During both visits, he did not have his legal materials, including twenty volumes of trial transcripts. He reported that they had all been confiscated. He thus could not review them to assist in preparing appellate defense.

(6) I thus wrote to the superintendent and Department Of Correction counsel, Nancy White. I stressed that confiscated legal materials had indefinitely delayed Silva-Prentice's appeal. His legal paperwork was later returned to him sometime between February 2 and February 6. Twenty unbound trial transcripts were returned to him in a jumbled and confused state. It is unclear whether they can be organized enough for use.

(7) As a result of significant delay in admitting counsel and returning Silva-Prentice's legal documents, filing his appeal has been indefinitely delayed. Present time in custody will, thus, amount to dead time should appeal succeed. Dead time is quintessentially irreparable harm.

Signed under pains and penalties of perjury, this 10th day of February 2020.



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Dated: February 10, 2020