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## **District Attorney Rollins Vacates More than 100 Dookhan-Related Drug Convictions**

BOSTON, November 17, 2020 — In order to remove a huge stain on the legal system caused by the criminal malfeasance of convicted drug lab chemist Annie Dookhan, Suffolk County District Attorney Rachael Rollins late yesterday filed a motion to vacate all so-called List Three convictions in Suffolk County.

The List Three cases were those that District Attorneys did not move to vacate following the Supreme Judicial Court's 2017 ruling in *Bridgeman and others v. District Attorney for the Suffolk District and others*. In that decision, District Attorneys were required to certify that they could produce evidence at a retrial, independent of Dookhan's signed drug certificate or testimony, that the substance at issue was the drug alleged in the charge.

"All List Three cases are forever tainted by egregious and reprehensible government misconduct — even if fresh convictions were to be obtained without Dookhan's involvement," said District Attorney Rollins. "No defendant impacted by this ignominious

chapter of Massachusetts law enforcement history should continue to bear the burden of Dookhan's deceit, her sad and desperate need for attention, and the enormous amount of harm she inflicted upon so many."

Since the 2017 decision by a prior administration to put 117 cases on List Three, there have been significant and profound changes in the political and legal landscape. A handful of these cases have already had new trial motions granted and a nolle prosequi (dismissal) entered or a plea agreement re-negotiated; the remaining 108 are covered by today's motion.

"In these cases, there were mandatory minimums that make it infinitely easier to persuade and leverage defendants to plead guilty," DA Rollins said. "A recent Harvard Law School study commissioned by the late Chief Justice Ralph Gants found that Superior Court cases with Black and Latinx defendants are more likely to include a charge that carries a mandatory minimum incarceration sentence.

"Lastly, we are now in the midst of unprecedented challenges due to a global pandemic," Rollins explained. "With courts struggling to reopen and prosecutors and public defenders being furloughed, it makes little sense to expend additional resources litigating Dookhan cases, some of which are more than 15 years old."

Collateral consequences of a criminal conviction can have life-long impacts on an individual's capacity to gain employment, secure housing, and use government benefits, as well as many other opportunities. The Committee for Public Counsel Services and the American Civil Liberties Union of Massachusetts assent to this motion. The shame and repercussions of the state drug lab scandals are still felt some 15 years later.

Rollins' Office is the first in the state to take such broad affirmative action on List Three cases. But the putrid legacy of Dookhan requires additional fumigation.

List One is composed of individuals who pleaded guilty

before receiving test results of drug analysis, but the court found they were not entitled to relief because Dookhan's misconduct did not impact their decision to plead guilty. Suffolk County's List One was composed of 254 cases, all district court convictions. In addition to these cases, there are some from the Hinton Drug Lab where the defendant pleaded guilty before the drug certificate came back negative. In those cases, and a few similar ones, DA Rollins in May asked the state Supreme Judicial Court to vacate guilty pleas of 64 individuals. Remanded to the trial court, those matters are pending and remain a priority of our office.

Once sentences are vacated, the District Attorney's Office will work collaboratively with the defense bar to further remedy the records of individual defendants.

List Two is composed of Dookhan drug convictions which the District Attorneys wished to vacate and dismiss with prejudice. On April 19, 2017, the SJC issued a declaratory judgment vacating

those convictions and dismissing the original Dookhan related

charges “with prejudice,” meaning prosecutors could never pursue the charges again. In Suffolk County, there were 7,886 such cases.

“This shameful chapter of our history will take dedication and perseverance to undo, and I will and we must. Additionally, we are only aware of this massive betrayal and scandal due to the dogged determination and relentless pursuit of justice by our criminal defense bar, and particularly the work of Attorney Luke Ryan, among others. They are owed a debt of gratitude.” Rollins said.

Suffolk County District Attorney Rachael Rollins’ office serves the communities of Boston, Chelsea, Revere, and Winthrop, Mass. The office handles over 25,000 cases a year. More than 160 attorneys in the office practice in nine district and municipal courts, Suffolk Superior Court, the Massachusetts Appeals Court, the Supreme Judicial Court, and the Boston Juvenile Courts. The office employs some 300 people and offers a wide range of services and programs to serve anyone who comes in contact with the criminal justice system. This office is committed to educating the public about the services we provide, our commitment to crime prevention, and our dedication to keeping the residents of Suffolk County safe.

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