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ATTEST

CLERK MAGISTRATE

COMMONWEALTH OF MASSACHUSETTS

PENRGAD 800-691-2888

EXHIBIT

GJ 1

9-16-15

HAMPSHIRE, ss.

SUPERIOR COURT DEPARTMENT  
NO.

PENRGAD 800-691-2888

GRAND JURY  
EXHIBIT

11/23/15

## IN THE MATTER OF A GRAND JURY INVESTIGATION

COMMONWEALTH'S PETITION FOR GRANT OF IMMUNITY  
PURSUANT TO G.L. c. 233, §§ 20C-20E

This is an application by Special Assistant Attorney General Peter Velis for, and on behalf of, the Attorney General for the Commonwealth of Massachusetts pursuant to G.L. c. 233, §20C-20E for an order granting transactional immunity to Sonja Farak (DOB 1/13/78) (hereinafter referred to as "the witness"). In support of this application, the Commonwealth states the following:

1. A Hampshire Grand Jury is presently preparing to investigate allegations of larceny of controlled substances, tampering with evidence and conspiracy at the Amherst Drug Lab which occurred in Hampshire County on or about 2004 to January 2013.
2. The witness was a chemist employed by DPH to perform chemical analysis on narcotic samples. She had been so employed since 2003. In January 2013, she was arrested and ultimately charged with four counts of tampering with evidence, four counts of theft of controlled substances from a dispensary, and two counts of possession of a Class B substance.
3. The witness pled guilty in January 2014 to all of the above counts. Those charges were based on the witness' destruction of drug evidence that was submitted to the lab, the theft of those same substances from the laboratory and unlawfully possessing a Class B substance discovered unsecured at her workstation and in her automobile.

8/25/15  
Amy J.  
Tchonowick, Jr.  
All work

4. Subsequent to her conviction, information was revealed suggesting that her drug use may have gone further back in time and perhaps took place during work hours at the Amherst Lab.
5. The Commonwealth intends to examine the witness regarding the scope and timing of any possible additional misconduct, including, the larceny of controlled substances, tampering with evidence and conspiracy. The witness is likely vested with a valid Fifth Amendment privilege against incriminating herself by testifying based upon the previous charges coupled with the above-mentioned subsequent information.
6. This Court has jurisdiction to hear this application pursuant to G.L. c. 233, § 20E, which provides, in relevant part, that "[a] justice of the . . . superior court shall, at the request of the attorney general, and after a hearing, issue an order granting immunity to a witness . . .".
7. The grand jury investigation at issue involves inquiries into offenses for which a witness may be granted immunity pursuant to G.L. c. 233, §20D, to wit: larceny of controlled substances, tampering with evidence and conspiracy.
8. The Commonwealth has been notified by the witness, that if called to testify before a grand jury, the witness is likely to refuse to answer questions or produce evidence concerning her knowledge of, or involvement in a scheme related to larceny of controlled substances, tampering with evidence and conspiracy on the grounds that such testimony or such evidence might tend to incriminate her.

WHEREFORE, the Commonwealth respectfully requests that this Court:

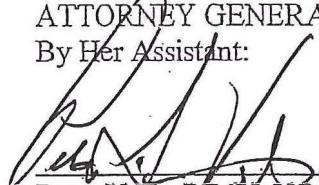
- (a) Enter an order impounding this application and the related papers;
- (b) Schedule a hearing on this application;
- (c) Conduct a hearing pursuant to G.L.c. 233, §20E to determine whether or not the witness did validly refuse, or is likely to refuse to answer questions or produce evidence on the grounds that such testimony or

such evidence might tend to incriminate him or her and that the criminal proceeding in this court involves an offense listed in G.L. c. 233, §20D;

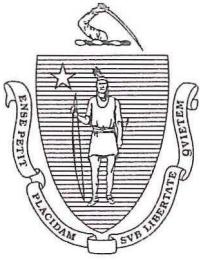
- (d) Enter an order granting immunity to the witness with respect to the transactions, matters, or other things as to which she is compelled to testify, and directing the witness to answer any and all questions asked of the witness and to produce any and all evidence requested during the criminal proceedings in this matter; and
- (e) Enter such other orders as the Court deems just and appropriate.

Respectfully Submitted  
For the Commonwealth,

MAURA HEALEY  
ATTORNEY GENERAL  
By Her Assistant:



Peter Velis, PBO# 508620  
Special Assistant Attorney General  
One Ashburton Place, 19th Floor  
Boston, MA 02108



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

MAURA HEALEY  
ATTORNEY GENERAL

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

James Hanchett  
25 Kenneth Road  
Northampton, MA 01027

December 10, 2015

Dear Mr. Hanchett:

This letter confirms that the Office of the Attorney General will meet with you to receive an accurate and complete statement pertaining to your knowledge of Larceny of Narcotics, Evidence Tampering, Distribution of Controlled Substances, Possession of Controlled Substances and other crimes at the Amherst Drug Laboratory. You have been previously advised by this office to seek legal counsel in regards to this matter. You have the right to have an attorney contact this office and be present during any conversations and take part in any negotiations between the Office of the Attorney General regarding the aforementioned subject.

It is of great importance that you understand that statements made or other information provided by you will not be used by the Office of the Attorney General directly against you in any judicial proceeding. Following our meeting, the Office of the Attorney General will evaluate the information you provided. This letter does not obligate the Attorney General or any other law enforcement agency to enter into any further agreements with you, nor does it prohibit the Attorney General or any other law enforcement agency from prosecuting you for any offense. If any subsequent agreement is to be made, its terms will be negotiated separately. The protections provided to you by this agreement pertain only to statements made, and information provided, by you during the course of the meeting. These protections do not extend to statements made or testimony provided by you at other times.

If you have any questions or concerns, please contact me directly at 617 963-2245 or 617 653-7096. Thank you.

*Thomas Caldwell*  
Thomas Caldwell  
Assistant Attorney General

EXHIBIT 23

PENGAD 800-831-6999

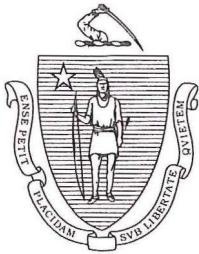
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EXHIBIT 16

PENGAD 800-831-6999

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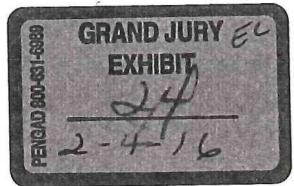


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Eric Klein, Esq.  
MOSES  
90 N. Washington St.  
Boston, MA 02114



November 24, 2015

Re: Sharon Salem

Dear Attorney Klein:

This letter confirms that the Office of the Attorney General will meet with your client, Sharon Salem to receive an accurate and complete proffer from her pertaining to her knowledge of, and/or involvement in, Larceny of Narcotics, Evidence Tampering, Distribution of Controlled Substances, Possession of Controlled Substances and other crimes related to her involvement and other possible co-conspirators' involvement in/at the Amherst Drug Laboratory. Hereinafter, this meeting will be referred to as "the Proffer Meeting."

1. Except as stated herein, no statements made or other information provided by your client during the Proffer Meeting will be used by the Office of the Attorney General against her in any judicial proceeding, except for purposes of cross-examination, rebuttal and/or impeachment, should she offer testimony in any proceeding materially different from any statements made or information provided during the Proffer Meeting, or in a prosecution based on false statements made or false information provided during the Proffer Meeting.
2. No statements made or other information provided by Sharon Salem in the Proffer Meeting will be used by the Office of the Attorney General directly against her in any judicial proceeding, except: to rebut any evidence offered, or factual assertions made, by or on behalf of Sharon Salem at any stage of a criminal or civil proceeding (including but not limited to any motion hearing, trial or sentencing) which is inconsistent with or contrary to statements made during the Proffer Meeting; or in a prosecution of Sharon Salem based on false statements made or false information provided by Sharon Salem.
3. The Office of the Attorney General and any law enforcement partner(s) may make derivative use of or may pursue any investigative leads suggested by any statements made or other information provided by your client in the course of the Proffer Meeting. Any evidence directly or indirectly derived from statements

made or other information provided by her during the Proffer Meeting may be used against her and others in any criminal case or other proceeding. This provision is necessary in part to eliminate the possibility of a hearing at which the Commonwealth would have to prove that the evidence it would introduce is not tainted by any statements made or other information provided during the Proffer Meeting. See Kastigar v. United States, 406 U.S. 441 (1972).

4. Following the Proffer Meeting, the Office of the Attorney General will evaluate the information your client has provided. This letter does not obligate the Attorney General or any other law enforcement agency to enter into any further agreements with your client, nor does it prohibit the Attorney General or any other law enforcement agency from prosecuting your client for any offense. If any subsequent agreement is to be made, its terms will be negotiated separately.
5. The protections provided to your client by this agreement pertain only to statements made, and information provided, by your client during the course of the Proffer Meeting. These protections do not extend to statements made or testimony provided by your client at other times.
6. This agreement is made only between the Office of the Attorney General and your client. It does not bind any other state or federal prosecuting authority.
7. The foregoing is the complete agreement between the Office of the Attorney General and your client. This agreement shall be of no effect unless it is executed on behalf of both the Office of the Attorney General and your client. If you and your client agree that this letter accurately describes the entire agreement between your client and the Office of the Attorney General with regard to your client's proffer, please confirm this by signing in the appropriate place below.

Very truly yours,

BY:

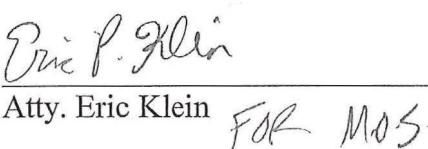


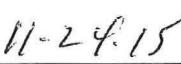
Thomas A. Caldwell  
Assistant Attorney General  
Criminal Bureau  
(617) 727-2200, x. 2245

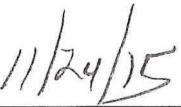
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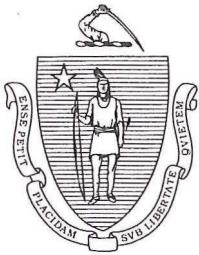
Acknowledged and Agreed to:

  
Sharon Salem

  
Atty. Eric Klein 

  
Date

  
Date

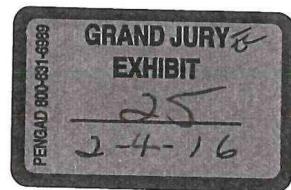


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Michelle Gates, Esq.  
MOSES  
90 N. Washington St.  
Boston, MA 02114



November 24, 2015

Re: **REBECCA PONTES**

Dear Attorney Gates:

This letter confirms that the Office of the Attorney General will meet with your client, Rebecca Pontes to receive an accurate and complete proffer from her pertaining to her knowledge of, and/or involvement in, Larceny of Narcotics, Evidence Tampering, Distribution of Controlled Substances, Possession of Controlled Substances and other crimes related to her involvement and other possible co-conspirators' involvement in/at the Amherst Drug Laboratory. Hereinafter, this meeting will be referred to as "the Proffer Meeting."

1. Except as stated herein, no statements made or other information provided by your client during the Proffer Meeting will be used by the Office of the Attorney General against her in any judicial proceeding, except for purposes of cross-examination, rebuttal and/or impeachment, should she offer testimony in any proceeding materially different from any statements made or information provided during the Proffer Meeting, or in a prosecution based on false statements made or false information provided during the Proffer Meeting.
2. No statements made or other information provided by Rebecca Pontes in the Proffer Meeting will be used by the Office of the Attorney General directly against her in any judicial proceeding, except: to rebut any evidence offered, or factual assertions made, by or on behalf of Rebecca Pontes at any stage of a criminal or civil proceeding (including but not limited to any motion hearing, trial or sentencing) which is inconsistent with or contrary to statements made during the Proffer Meeting; or in a prosecution of Rebecca Pontes based on false statements made or false information provided by Rebecca Pontes .
3. The Office of the Attorney General and any law enforcement partner(s) may make derivative use of or may pursue any investigative leads suggested by any statements made or other information provided by your client in the course of the Proffer Meeting. Any evidence directly or indirectly derived from statements

made or other information provided by her during the Proffer Meeting may be used against her and others in any criminal case or other proceeding. This provision is necessary in part to eliminate the possibility of a hearing at which the Commonwealth would have to prove that the evidence it would introduce is not tainted by any statements made or other information provided during the Proffer Meeting. See Kastigar v. United States, 406 U.S. 441 (1972).

4. Following the Proffer Meeting, the Office of the Attorney General will evaluate the information your client has provided. This letter does not obligate the Attorney General or any other law enforcement agency to enter into any further agreements with your client, nor does it prohibit the Attorney General or any other law enforcement agency from prosecuting your client for any offense. If any subsequent agreement is to be made, its terms will be negotiated separately.
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Very truly yours,

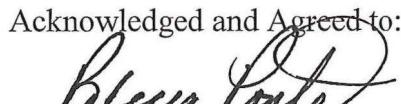
BY:



Thomas A. Caldwell  
Assistant Attorney General  
Criminal Bureau  
(617) 727-2200, x. 2245

Date: November 24, 2015

Acknowledged and Agreed to:

  
Rebecca Pontes

  
Atty. Michelle Gates

  
Joe Moses

  
Date

  
Date