



THE COMMONWEALTH OF MASSACHUSETTS

OFFICE OF THE ATTORNEY GENERAL

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August 7, 2015

The Honorable C. Jeffrey Kinder
Hampden County Superior Court
50 State Street
PO Box 559
Springfield, MA 01102

Dear Judge Kinder,

As you know, this office has appointed retired Superior Court Judge Peter Velis as a Special Assistant Attorney General ("SAAG") in the Farak matter. As we mentioned in court on June 23, 2015, we have asked Judge Velis to take the lead role on behalf of the Attorney General's Office in the investigation we are coordinating pursuant to Commonwealth v. Cotto. In that capacity, we expect Judge Velis to serve as the senior representative of this office in effecting that investigation, including without limitation the immunization and presentation of Sonja Farak as a potential witness. He will continue to work with Thomas Caldwell, Assistant Attorney General, such other personnel as may become necessary to complete this task on behalf of the Commonwealth and me as Chief of the Criminal Bureau.

As we further stated in open court on June 23, Judge Velis will lead --independently from any staff in the Attorney General's Office, including the assigned Massachusetts State Police -- the investigation regarding allegations of discovery violations in the prosecution of Sonja Farak in January 2013. In that capacity, Judge Velis will operate entirely free from any involvement of this office. To the extent Judge Velis requires additional resources, this office has agreed to help facilitate interactions with other state agencies without trespassing into or interfering with Judge Velis' independent prerogative.

In the last week, this office received a mailing from Attorney Luke Ryan addressed to Judge Peter Velis as SAAG at our Boston office. The mailing was opened by the main receptionist in the normal course of business and was incorrectly sent to me. For the reasons which follow, nothing happened to compromise Judge Velis' independence.

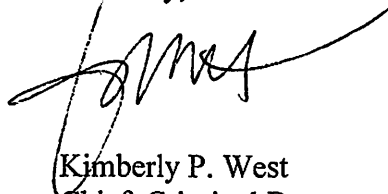
Following the ordinary procedure, the receptionist entered the mail into the office database. Since Judge Velis' name was not immediately recognized by the receptionist as a SAAG, it was directed to me since the receptionist knew from the database that I had received previous correspondence from Mr. Ryan in April 2015 unrelated to Judge Velis' independent

investigation. My assistant received the package before giving it to me. The receptionist's standard intake sheet was on top and I noticed my name in the description's first paragraph (copied from the April 2015 mailing description on the earlier intake). I also noticed Judge Velis' name in the second paragraph description and noticed that the package was from Mr. Ryan as reflected in the contact field. Further, I noticed the received date stamp on the top of the second page. As a result, I did not read any contents of the letter.

I gave the package back to my assistant without the intake sheet and asked her to scan and to e-mail it to me. She did so and I forwarded the email to Judge Velis and copied AAG Caldwell. I have asked and neither my assistant nor AAG Caldwell opened the email or the attachment. Since these events, the document has been deleted from the scanning machine and all of our computers. I informed Judge Velis immediately of these events and understand he has informed Mr. Ryan.

Please let me know if you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read 'Kimberly P. West', written over a horizontal line.

Kimberly P. West
Chief, Criminal Bureau
The Commonwealth of Massachusetts
Office of the Attorney General

KPW/lac

cc. Michael Hussey, CPCS
✓Matthew Segal, ACLU
Randy Gioia, CPCS
Martin W. Healy, Mass Bar Association
Judge Peter Velis
Luke Ryan, Esq.
Rebecca Jacobstein, Esq.
Jane Montori, Hampden DA's Office