

THE COMMONWEALTH OF MASSACHUSETTS
OFFICE OF THE ATTORNEY GENERAL

WESTERN MASSACHUSETTS DIVISION
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February 17, 2017

BY HAND

Civil Clerk's Office
HAMPDEN SUPERIOR COURT
Attn: Assistant Clerk Lois Cignoli
50 State Street
Springfield, MA 01103

RE: *COMMONWEALTH v. ERICK COTTO, JR.*, and related cases.¹
Hampden County Superior Court No. 2007-00770

Dear Assistant Clerk Cignoli:

With regards to the above-captioned matters, enclosed please find the following for filing and docketing: *the Office of the Attorney General's Response to the Court's Request for Clarification*.

Thank you for your attention to this matter, and please do not hesitate to contact me at (413) 523-7707 should you have any problems or questions at all.

Very truly yours,


Heather A. Valentine
Assistant Attorney General

Enclosures

cc: Assistant District Attorney Deborah Ahlstrom
Luke Ryan, Esq.
Jared Olanoff, Esq.
Rebecca Jacobstein, Esq.
Jennifer Appleyard, Esq.
James McKenna, Esq.

¹ Commonwealth v. Aponte, 1279CR00226; Commonwealth v. Brown, 0579CR01159; Commonwealth v. Harris, 1079CR01233; Commonwealth v. Liquori, 1279CR00624; Commonwealth v. Penate, 1279CR00083; Commonwealth v. Richardson, 1279CR03399; Commonwealth v. Ware, 0779CR01072, 0979CR01072 & 1079CR00253; Commonwealth v. Watt, 0979CR01068 & 0979CR01069; and Commonwealth v. Vega, 0979CR00097.

COMMONWEALTH OF MASSACHUSETTS

HAMPDEN, ss.

SUPERIOR COURT
CRIMINAL ACTION
NO. 2007-770

COMMONWEALTH

v.

ERICK COTTO, JR., and related cases.¹

In response to the Order of the Court (Carey, J.) that as to the nine defendants currently before the Court, the Office of the Attorney General respectfully responds as follows:

(1) the Office of the Attorney General (AGO) defers to the Hampden County District Attorney's Office, but, based on the AGO's Investigative Report Pursuant to *Commonwealth v. Cotto*, 471 Mass. 97 (2015) filed on April 1, 2016, the AGO would not oppose the imposition of a conclusive presumption that Farak's misconduct occurred during the entire period in which she worked at the Amherst Lab, from 2004 until her arrest;

(2) the AGO defers to the Hampden County District Attorney's Office;

(3) to the extent the defendants base their motions to dismiss on allegations of prosecutorial misconduct, the AGO opposes the pending motions to dismiss or vacate indictments with regard to all nine defendants and has submitted a Memorandum in

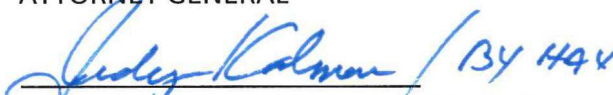
¹ Commonwealth v. Aponte, 1279CR00226; Commonwealth v. Brown, 0579CR01159; Commonwealth v. Harris, 1079CR01233; Commonwealth v. Liquori, 1279CR00624; Commonwealth v. Penate, 1279CR00083; Commonwealth v. Richardson, 1279CR0399; Commonwealth v. Ware, 0779CR01072, 0979CR01072 & 1079CR00253; Commonwealth v. Watt, 0979CR01068 & 0979CR01069; and Commonwealth v. Vega, 0979CR00097.

Opposition to the Defendants' Motions to Dismiss and Proposed Findings of Fact on February 17, 2017;

(4) the AGO defers to the Hampden County District Attorney's Office, but would not oppose the Motions for a Bridgeman Exposure Cap as to each of the nine defendants currently before the Court.

Respectfully submitted,
THE COMMONWEALTH

MAURA HEALEY,
ATTORNEY GENERAL



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