

Boston Globe

6,000 drug cases to be dismissed after misconduct by chemist, prosecutors



Sonja Farak was arraigned at Eastern Hampshire District Court in Belchertown in 2013.

By Shawn Musgrave GLOBE CORRESPONDENT NOVEMBER 30, 2017

On Thursday, Massachusetts district attorneys said they would dismiss more than 6,000 drug convictions due to misconduct by a former drug lab chemist and two former state prosecutors. This marks the second time this year that thousands of drug charges were wiped away due to official misconduct.

The dismissals follow years of litigation over crimes committed by Sonja Farak, a former chemist at the Amherst drug lab. Farak was arrested in 2013 for stealing from the evidence locker to feed her own addiction. She pleaded guilty in 2014.

Farak's misconduct was compounded further by two former state prosecutors in the attorney general's office who withheld evidence regarding the scope of the chemist's crimes. Last June, a Springfield judge ruled that the prosecutors committed a "fraud upon the court."

Two women convicted for drug possession based in part on evidence handled by Farak filed a lawsuit in the state's highest court in September, alleging that prosecutors never notified them of the misconduct findings against either Farak or the prosecutors. In early November, a judge ordered all Massachusetts district attorneys to review their case files for Farak-related convictions and identify charges they were willing to dismiss.

The order followed a similar protocol mandated by the Supreme Judicial Court's regarding cases tainted by Annie Dookhan, who worked as a chemist in the Hinton drug lab until her arrest in 2012 for widespread evidence tampering. After the SJC ordered prosecutors to review Dookhan-related cases, seven district attorneys dropped a total of more than 20,000 cases in June.

The Hampden County District Attorney's Office alone agreed to dismiss nearly 4,000 cases related to Farak, according to numbers provided by the ACLU of Massachusetts. The Northwestern District Attorney's Office is seeking to dismiss "every single drug conviction" tainted by Farak, which comes to nearly 1,500 cases, according to an emailed statement.

Middlesex County agreed to dismiss all of its Farak cases, a total of 245 cases. Essex County indicated that it will dismiss all juvenile and district court cases, Plymouth County will dismiss approximately 100 cases, Worcester County will dismiss more than 200, Suffolk County will dismiss all of its 134 Farak cases, and Norfolk County will dismiss convictions for 76 defendants, according to emailed statements.

No counts have been provided by the district attorneys in in Berkshire or Bristol counties, nor by the Cape and Islands District Attorney's Office.

One of the lawsuit plaintiffs, Nicole Westcott of Granby, said at a press conference that dismissing convictions like hers will help people recovering from addiction find housing and other services they might need.

"I'm trying to give people hope," Westcott said, adding that she wants Farak and the two prosecutors to be held accountable but does not harbor any personal resentment.

Westcott and fellow plaintiff Herschelle Reaves are represented by the American Civil Liberties Union of Massachusetts and law firm Fick and Marx. The state's public defender agency, the Committee for Public Counsel Services, is also party to the suit.

The two state prosecutors who committed misconduct — Anne Kaczmarek and Kris Foster — both worked under former Massachusetts attorney general Martha Coakley, and have since left their positions for other jobs in state government.

Attorneys from both the ACLU and CPCS indicated they will press forward with litigation until every single Farak-related case is dismissed, and indicated at the press conference they believe the state Attorney General's Office bears considerable blame.

"There can be zero tolerance for a war on drugs that is fought by committing fraud on a court of justice," said Randy Gioia, deputy chief counsel for CPCS, in a prepared statement.

In filings with the SJC, prosecutors from the office of current attorney general Maura Healey enumerated steps her staff has taken to address the scandal, including searching its own databases for potentially affected cases and providing assistance to Hampden County prosecutors.

“Staff in the AG’s Office have been working hard for months to review databases, identify the Farak defendants, and secure their speedy relief. For the ACLU to suggest otherwise is false and irresponsible,” said Jillian Fennimore, a spokeswoman for Healey, in an emailed statement.

Shawn Musgrave is an investigative reporter based in Boston. He can be reached at shawnmusgrave@gmail.com or on Twitter [@shawnmusgrave](https://twitter.com/shawnmusgrave). Reporting for this story was supported by the Fund for Investigative Journalism.

<https://www.bostonglobe.com/metro/2017/11/30/more-than-drug-cases-dismissed-after-misconduct-chemist-and-former-prosecutors/C9cWcNDn34axTv8mXRLB9O/story.html>

Boston Herald

DAs to Vacate More than 6,000 in State Drug Lab Scandal

Brian Dowling, Laurel J. Sweet – Thursday, November 30, 2017

The state's 10 district attorneys' offices are moving to vacate and dismiss more than 6,000 convictions in closed narcotic cases they agree were compromised by the illegal conduct of disgraced drug lab chemist Sonja Farak, defense attorneys and the ACLU Massachusetts said.

"There can only be zero tolerance for a war on drugs that is fought by committing fraud on a court of justice," said Randy Gioia, deputy chief counsel for the Committee for Public Counsel Services.

"Dismissal of all the affected cases with prejudice is the only appropriate remedy," Gioia said. "Dismissal vindicates the rights of our clients to due process and fair prosecution and restores the integrity to the justice system by sending a clear message to prosecutors that no conviction will be allowed to stand in the face of such fraud."

The ACLU expects prosecutors to pledge to dismiss 6,057 cases by the end of today, including 3,640 cases from the Hampden prosecutors, 245 from Middlesex prosecutors, 1,497 from Northwestern prosecutors, 134 from Suffolk prosecutors and 241 from Worcester prosecutors.

The thousands of cases will be added to the tally of a separate massive state lab scandal: In April, the SJC tossed 21,500 cases tied to ex-state chemist Annie Dookhan due to evidence tampering.

In a joint filing submitted today in an ongoing case brought to the Supreme Judicial Court by public defenders and civil rights attorneys, the DAs agreed to dismiss the convictions of the Farak defendants.

"Given the nature and extent of her misconduct, re-testing the substances at issue is unlikely to yield a reliable result," said Suffolk District Attorney Daniel F. Conley in a statement. "The most appropriate step is to notify the court that we will not pursue any further litigation in any of the identified cases."

Essex District Attorney Jonathan Blodgett's Office said in a separate statement that the Committee for Public Counsel Services, which had sought broad dismissal of cases Farak worked on, was alerted yesterday "that it is our intention to dismiss all of our juvenile and district court cases in which Sonja Farak was the chemist."

Blodgett's final list is expected next week.

Farak worked at the University of Massachusetts Amherst drug lab in Amherst from 2004 to

2013. She was arrested in early 2013 for stealing cocaine from the lab, and police at the time seized "mental health worksheets" she kept from her substance abuse therapy indicating she had been getting high off drug samples since 2011. The attorney general's office later said her drug use could have stemmed as far back as 2004.

In 2014, Farak pleaded guilty to the drug theft and was sentenced to 18 months.

Prosecutors had been asked in the SJC suit to identify so-called "Farak defendant" cases they would not re-prosecute if a motion to dismiss or vacate were successful, and those they could and would re-prosecute a case if the underlying conviction were vacated. A Farak defendant is defined as anyone whose drug certificate Farak signed, who pleaded guilty to a drug charge, was found guilty or who admitted to sufficient facts to warrant a finding of guilty.

Attorney General Maura Healey's office has not listed any cases it will dismiss, because drugs for its cases were tested at the State Police Crime Laboratory and not the Department of Public Health lab where Farak worked.

The resolution of the two state lab debacles come as a wave of other misconduct has shaken the state's justice system to the core. Scandals in multiple local police departments' evidence rooms have thrown cases into question, and public defenders have unearthed problems with the state's drunken-driving tests, throwing tens of thousands of cases into dispute.

http://www.bostonherald.com/news/local_coverage/2017/11/das_to_vacate_more_than_6000_convictions_in_state_drug_lab_scandal

CBSNews

6,000 Drug Cases Linked to “Rogue Chemist” at Mass. Crime Lab to Be Dismissed

By **CRIMESIDER STAFF AP** November 30, 2017, 4:15 PM



Former chemist Sonja Farak pleaded guilty to stealing drugs at the Massachusetts state crime lab where she worked

BOSTON — Massachusetts prosecutors said Thursday that they will dismiss more than 6,000 convictions tied to a former chemist who authorities say was high almost every day she worked at a state drug lab for eight years.

The move comes months after the American Civil Liberties Union and the state's public defender agency asked the state's highest court to throw out all of the cases [tainted by Sonja Farak](#), who pleaded guilty in 2014 to stealing drugs from a state crime lab at the University of Massachusetts Amherst and tampering with evidence.

"Dismissal vindicates the rights of our clients to due process and fair prosecution and restores the integrity to the justice system by sending a clear message to prosecutors that no conviction will be allowed to stand in the face of such fraud," said Randy Gioia of the Center for Public Counsel Services.

It is the second time in less than a year that the state's prosecutors have been forced to throw out thousands of cases due to misconduct by drug lab chemists. [More than 20,000 convictions were tossed in April](#) after another chemist, [Annie Dookhan](#), was caught tampering with evidence and falsifying tests.

The total number of Farak's cases that will be dismissed could grow as several other prosecutors haven't yet provided numbers to the Supreme Judicial Court. Most of them are low-level drug cases and officials say they're not aware of anyone who's still behind bars as a result of a tainted conviction. But convictions can impact a person's ability to get housing, loans and other things.

The Hampden District Attorney's office said it would dismiss about 3,940 district and juvenile convictions involving drug samples tied to Farak. The Northwestern district attorney has agreed to throw out 1,497 convictions, saying it would not be in the "best interests of justice" to re-try the cases, even though they don't believe anyone was wrongfully convicted.

"The egregious misconduct committed by one rogue chemist at the Amherst Lab shook the very foundation of our criminal justice system, the integrity of which must be preserved at all costs," District Attorney David Sullivan said in a statement.

A trial judge, who earlier this year threw out the convictions of several defendants whose cases were handled by Farak, found that two former assistant attorneys general misled the court and "tampered with the fair administration of justice" by withholding evidence about the scope of the chemist's misconduct.

Attorneys say prosecutors also failed to notify the people whose cases were tainted by Farak until they brought the matter to the state's highest court.

Carol Rose, executive director of the ACLU of Massachusetts, said prosecutors and others in the criminal justice system must take steps to ensure something like this never happens again.

"Two historic scandals is more than enough," she said.

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<https://www.cbsnews.com/news/6000-drug-cases-linked-to-rogue-chemist-at-mass-crime-lab-to-be-dismissed/>

MassLive

ACLU, public defenders slam Massachusetts attorney general's office for prosecutors' misconduct in Sonja Farak case

Updated 4:24 PM; Posted 4:13 PM



Nicole Westcott, a plaintiff in the court case seeking the dismissals of all drug cases tainted by Sonja Farak, speaks at an ACLU press conference on Nov. 30, 2017 in Boston. (SHIRA SCHOENBERG / THE REPUBLICAN)

By [Shira Schoenberg](#)
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Representatives of the ACLU and the Committee for Public Counsel Services, the public defenders, on Thursday harshly criticized the state attorney general's office for not doing enough to resolve issues related to prosecutorial misconduct in the Sonja Farak case.

Attorney General Maura Healey's office admitted the misconduct of two former assistant attorneys general who prosecuted Farak, a former state drug lab chemist. Healey's office supports the dismissal of many of the cases tainted by Farak.

"Attorneys general in any state should be the law firm for ... wrongfully convicted people," said Matt Segal, legal director for the American Civil Liberties Union of Massachusetts. "The Massachusetts attorney general's office has not been their law firm. It has been their prosecutor."

The wrongdoing occurred under Healey's predecessor, Attorney General Martha Coakley.

Farak was arrested in 2013 for stealing samples from the Amherst drug lab to feed her own addiction. She later pleaded guilty to evidence tampering and drug charges.

Prosecutors said Thursday they plan to dismiss more than 6,000 cases as a result of Farak's misconduct.

A Hampden County Superior Court judge earlier this year lashed out at two former assistant attorneys general, Anne Kaczmarek and Kris Foster, for withholding evidence in the Farak case.

"Their intentional and deceptive actions ensured that justice would certainly be delayed, if not outright denied, and in the process, they violated their oaths as assistant attorneys general and officers of the court," wrote Judge Richard Carey.

The Republican reported at that time that Foster now works as general counsel at the state Alcoholic Beverages Control Commission, while Kaczmarek is an assistant clerk magistrate in Suffolk Superior Court.

According to facts laid out in Healey's court brief, Farak was arrested in January 2013. Kaczmarek was assigned to prosecute her, and Foster was assigned to comply with discovery requests.

State troopers assigned to the attorney general's office searched Farak's car and found evidence that in 2011, Farak had sought mental health treatment and had "consumed, or grappled with the urge to consume, drugs." The attorney general's office did not disclose the mental health evidence to prosecutors, the grand jury or defendants.

Because Kaczmarek and Foster shielded the 2011 evidence from disclosure, a judge originally found that Farak's misconduct was limited to a six-month period in 2012 and 2013. After the

new evidence came to light in 2014, a judge instructed the state to investigate the full scope of Farak's misconduct, which dated back to 2004 or 2005.



'Misjudged dates,' 'mistake' led to failure to submit records of state chemist's drug use

Asked why she didn't turn over records of convicted state drug lab chemist Sonja Farak's drug use to district attorneys, former assistant state AG Anne Kaczmarek said, "I don't know. It was a mistake."

Healey's office said it supports a process similar to the one used in another case of misconduct by a state chemist, Annie Dookhan, who falsified the results of drug tests. In that instance, district attorneys reviewed each case touched by Dookhan and dismissed more than 21,000 cases. Prosecutors retained fewer than 3,000 cases, which they intended to prosecute again.

Healey's office, which prosecuted Farak, said it did not prosecute any Farak-related drug cases, and it worked to provide each district attorney with a list of their affected cases.

"Sonja Farak's crimes were egregious and, as our filings today make clear, this office has been working hard to resolve these cases as quickly as possible," said Healey spokeswoman Jillian Fennimore. "Staff in the AG's Office have been working hard for months to review databases, identify the Farak defendants, and secure their speedy relief."

Fennimore said it is "false and irresponsible" for the ACLU to suggest otherwise. "It's unfortunate that the ACLU chose to stage a press conference without reading the AG's brief filed in this case, which calls for speedy relief for these defendants," Fennimore said.

Officials with the ACLU and the public defenders' office said the attorney general's response is inadequate. Although the advocates cheered the dismissal of the 6,000 cases, they plan to call on the Supreme Judicial Court to order the dismissal of every case affected by Farak.

So far, district attorneys in some counties, including Middlesex, Suffolk and Hampshire/Franklin, dismissed all cases touched by Farak. Northwestern District Attorney David Sullivan, who represents Hampshire and Franklin counties, said his office decided not to sift through the county's 1,497 cases to decide which ones to re-prosecute.

However, other counties could decide to retain some cases. Hampden County is dismissing all of its 3,940 District and Juvenile Court cases, and is still reviewing its 500 to 1,000 Superior Court cases. Berkshire County, which has 615 cases, is still reviewing them.

Segal said the exact number of cases touched by Farak is still unknown. "That's one reason we're going to continue fighting this case," Segal said.

Carol Rose, executive director of the ACLU of Massachusetts, said the ACLU is calling on the attorney general's office and the district attorneys to put in place protections to ensure that defendants are notified if their cases are touched by misconduct and that cases are dismissed when appropriate.

"Two historic scandals is more than enough," Rose said. "It's time to hold accountable all elected leaders including DAs." Rose said it should not have taken litigation to ensure that defendants tainted by Farak's misconduct were notified and their cases were dismissed.

"If they do fail to do the right thing, the ACLU will see them in court, and the people of Massachusetts will see them at the polls," Rose said.

The District Attorneys, in a joint court brief, say they agree Farak defendants should be notified, and cases should be evaluated for dismissal on a case-by-case basis. They disagree that every case touched by Farak should be dismissed.

They note that the district attorneys were not involved in the misconduct by the attorney general's office, so they should not be sanctioned.

Randy Gioia, deputy chief counsel for the Committee for Public Counsel Services, said the case also has a racial dimension. He said people who are wealthy and white are more likely to

be sent to drug rehab, while others are more likely to get arrested and sent to jail by a system, Gioia said, that "was rotten to the core."

"Prosecutors, who were sworn to prosecute criminal conduct, concealed evidence of criminal conduct," Gioia said. "Was it because the people with drug problems who were the victims of Sonja Farak's crimes didn't matter?"

Public defender Rebecca Jacobstein said her clients went to prison due to tainted drug certificates and because the attorney general's office hid exculpatory evidence. One of her clients, she said, served 15 months in prison "because attorneys at the Attorney General's Office just didn't care about how their dishonesty would affect him."

Segal said the ACLU wants to see changes to the system so that in the future, all wrongful convictions are dismissed, all defendants whose convictions were based on misconduct are notified and prosecutors who commit misconduct are held accountable.

Nicole Westcott, a plaintiff in the court case seeking the dismissals, said she struggled with addiction and has been sober for four years. She is trying to make amends to those she harmed and, she said, "Prosecutors need to do the same."

http://www.masslive.com/politics/index.ssf/2017/11/aclu_public_defenders_slam_att.html

MassLive

More than 6,000 Massachusetts drug cases will be dismissed due to Sonja Farak misconduct

Updated 12:59 PM; Posted 12:23 PM

By **Shira Schoenberg**
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More than 6,000 drug cases will be dismissed due to the misconduct of former state drug lab chemist Sonja Farak.

That includes 3,940 cases from Hampden County, 1,497 cases from the Northwestern District, which covers Hampshire and Franklin counties, and additional cases from Worcester, Middlesex and Suffolk counties, for a total of 6,057.

The rest of the state's district attorneys must file court documents by the end of the day Thursday detailing how many cases, if any, they will dismiss.

Attorney General Maura Healey must also submit a court filling.

Farak was arrested in 2013 for stealing samples from the Amherst drug lab to feed her own addiction. She later pleaded guilty to evidence tampering and drug charges.

The ACLU, the Committee for Public Counsel Services, Hampden County Lawyers for Justice and others filed a lawsuit arguing that every case involving Farak should be dismissed.

A Hampden County judge previously ruled that two assistant attorneys general withheld evidence in the case.

Lawyers from the ACLU and public defenders' office cited the prosecutorial misconduct as another reason why the cases should be dismissed.

"Dismissal vindicates the rights of our clients to due process and a fair prosecution and restores integrity to the justice system by sending a clear message to prosecutors that no conviction will be allowed to stand in the face of such fraud," said Randy Gioia, deputy chief counsel for the Committee for Public Counsel Services.

Another 21,800 cases were previously dismissed in a separate case involving misconduct by another drug lab state chemist Annie Dookhan, who allegedly falsified test results.

This is a breaking news story that will be updated.

http://www.masslive.com/politics/index.ssf/2017/11/more_than_6000_drug_cases_will.html

PROSECUTORS TO DROP THOUSANDS OF CONVICTIONS TIED TO DISGRACED CHEMIST

By Katie Lannan

STATE HOUSE NEWS SERVICE

BOSTON, NOV. 30, 2017....District attorneys from across the state on Thursday announced they would dismiss convictions involving evidence tainted by former state drug lab chemist Sonja Farak, a number the American Civil Liberties Union of Massachusetts tallied at more than 6,000.

Hampden District Attorney Anthony Gulluni said he would drop 3,940 district and juvenile court convictions involving samples where Farak, who pleaded guilty in 2014 to tampering with evidence at the Department of Public Health laboratory in Amherst, signed the certificate of analysis. Northwestern District Attorney David Sullivan's office says it filed documents with the Supreme Judicial Court to drop 1,497 criminal cases involving certificates signed by Farak.



FARAK

"The egregious misconduct committed by one rogue chemist at the Amherst Lab shook the very foundation of our criminal justice system, the integrity of which must be preserved at all costs," Sullivan said in a statement. "Although we have no reason to believe that anyone was wrongfully convicted in the cases being dismissed, it would not be in the best interests of justice to attempt to reprosecute them."

The filings and announcements came in response to a Committee for Public Counsel Services and the American Civil Liberties Union petition, which asked the state's highest court to craft a remedy for Farak's misconduct.

The organizations held a press conference at the ACLU's downtown Boston office, where they called for all convictions to be dismissed in the Farak cases.

"Dismissal vindicates the rights of our clients' to due process and fair prosecution, and restores the integrity to the justice system by sending a clear message to prosecutors that no conviction will be allowed to stand in the face of such fraud," said Randy Gioia, deputy chief counsel of the CPCS public defender division.

Speakers also blasted state prosecutors involved in the cases. Attorney General Maura Healey's office said some of the suggestions made at the press conference were "false and irresponsible."

Essex District Attorney Jonathan Blodgett's office said it intends to dismiss all juvenile and district court cases where Farak was the chemist, and said a final list of cases would be ready next week. Middlesex District Attorney Marian Ryan agreed to dismiss 238 district court cases and 7 in Superior Court, and Suffolk District Attorney Dan Conley indicated he would drop all 134 of his office's "Farak Cases."

According to the ACLU, 241 cases will be dismissed in Worcester County.



Nicole Westcott, who was convicted on drug charges in a case where Sonja Farak served as the state's chemist, said at an ACLU press conference Thursday that she wants to see prosecutors held accountable for misconduct in her and others' cases. [Photo: Katie Lannan/SHNS]

After a January ruling by the Supreme Judicial Court, prosecutors identified 21,839 convictions for dismissal in what the ACLU's Carol Rose called a "similarly disturbing but unrelated" involving samples tainted by another former state chemist, Annie Dookhan.

This time, "the scope of misconduct is far worse," Rose said.

"Upon finding out about Ms. Farak's malfeasance, prosecutors from the Massachusetts Attorney General's Office actually misled the courts and the people of Massachusetts about the scope of the scandal," Rose said. "Worse, when the evidence of tampering came to light, Massachusetts' elected district attorneys again failed to notify thousands of people who'd been wrongfully convicted by the tainted evidence, until we sued."

Matthew Segal, legal director for the ACLU of Massachusetts, described what he referred to as "egregious" conduct from prosecutors.

"The attorney general's office in any state should be a law firm for all the people, but for wrongfully convicted people, the Massachusetts Attorney General's Office has not been their law firm," Segal said. "It has been their persecutor. It hid exculpatory evidence from them, it deceived courts and defense attorneys in their cases and despite that, it has not agreed to dismiss a single case that it handled, or even to make lists of which people it harmed. That is shameful."

Charges against the defendants in the tainted cases were brought by district attorneys, though the case against Farak herself was prosecuted by the Attorney General's Office, under former Attorney General Martha Coakley. The Superior Court later found that two former assistant attorneys general, Anne Kaczmarek and Kris Foster, committed prejudicial prosecutorial misconduct in the Farak investigation.

"It's unfortunate that the ACLU chose to stage a press conference without reading the AG's brief filed in this case, which calls for speedy relief for these defendants," Jillian Fennimore, Healey's communications director, said in a statement. "Sonja Farak's crimes were egregious and, as our filings today make clear, this office has been working hard to resolve these cases as quickly as possible. Staff in the AG's Office have been working hard for months to review databases, identify the Farak defendants, and secure their speedy relief. For the ACLU to suggest otherwise is false and irresponsible."

Nicole Westcott, who was convicted in a case where Farak was the state drug lab chemist, said at the press conference that as part of her path to sobriety she has had to identify the people she wronged and make amends. Westcott said she wants to see prosecutors do the same.

"I want them to be held accountable like I was held accountable," she said.

-END-

11/30/2017

<http://www.statehousenews.com/news/20172471#>

WBUR

Thousands of Drug Lab Cases Linked To State Chemist Sonja Farak To Be Dismissed07:08

November 30, 2017 Updated Nov 30, 2017 12:00 AM



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Massachusetts prosecutors are dismissing roughly six-thousand criminal drug cases because of misconduct by a former state chemist and two former state prosecutors with the attorney general's office.

Chemist Sonja Farak pleaded guilty in 2014 to stealing drug samples and using drugs while working at a state drug lab in Amherst.

Randy Gioia is an attorney for the Public Defender Division of the Committee for Public Counsel Services, on Thursday he applauded the decision to dismiss the cases associated with Farak.

"Sonja Farak was a state chemist at the mass drug lab in Amherst," said Gioia. "She started working at the lab in 2004, from the time she started working until the day she was arrested, she committed fraud after fraud after fraud. She corrupted thousands of cases."

The dismissals follow years of litigation, with a lawsuit filed by the American Civil Liberties Union of Massachusetts, and the State Public Defender's agency, the Committee for Public Council Services, on behalf of two defendants.

"I've been in sobriety for about four years now and just trying to build a new life and trying to become a functioning civilian human was hard," said Nicole Westcott of Granby.

The Attorney General's office has put out a statement saying, "Sonja Farak's crimes were egregious and, as our filings today make clear, this office has been working hard to resolve these cases as quickly as possible ... for the ACLU to suggest otherwise is false and irresponsible."

<http://www.wbur.org/radioboston/2017/11/30/thousands-farak-convictions>

Boston Globe

6,000 drug cases tainted by lab scandal to be dismissed

By

ALANNA DURKIN RICHER

AP,

November 30, 2017

BOSTON (AP) — Massachusetts prosecutors said Thursday that they will dismiss more than 6,000 convictions tied to a former chemist who authorities say was high almost every day she worked at a state drug lab for eight years.

The move comes months after the American Civil Liberties Union and the state's public defender agency asked the state's highest court to throw out all of the cases tainted by Sonja Farak, who pleaded guilty in 2014 to stealing drugs from the state crime lab at the University of Massachusetts Amherst and tampering with evidence.

"Dismissal vindicates the rights of our clients to due process and fair prosecution and restores the integrity to the justice system by sending a clear message to prosecutors that no conviction will be allowed to stand in the face of such fraud," said Randy Gioia of the Center for Public Counsel Services.

It is the second time in less than a year that the state's prosecutors have been forced to throw out thousands of cases due to misconduct by drug lab chemists. More than 20,000 convictions were tossed in April after another chemist, Annie Dookhan, was caught tampering with evidence and falsifying tests.

The total number of Farak's cases that will be dismissed could grow as several other prosecutors haven't yet provided numbers to the Supreme Judicial Court. Most of them are low-level drug cases and officials say they're not aware of anyone who's still behind bars as a result of a tainted conviction. But convictions can impact a person's ability to get housing, loans and other things.

The Hampden District Attorney's office said it would dismiss about 3,940 district and juvenile convictions involving drug samples tied to Farak. The Northwestern district attorney has agreed to throw out 1,497 convictions, saying it would not be in the "best interests of justice" to re-try the cases, even though they don't believe anyone was wrongfully convicted.

"The egregious misconduct committed by one rogue chemist at the Amherst Lab shook the very foundation of our criminal justice system, the integrity of which must be preserved at all costs," District Attorney David Sullivan said in a statement.

A trial judge, who earlier this year threw out the convictions of several defendants whose cases were handled by Farak, found that two former assistant attorneys general misled the court and "tampered with the fair administration of justice" by withholding evidence about the scope of the chemist's misconduct.

Attorneys say prosecutors also failed to notify the people whose cases were tainted by Farak until they brought the matter to the state's highest court.

Carol Rose, executive director of the ACLU of Massachusetts, said prosecutors and others in the criminal justice system must take steps to ensure something like this never happens again.

"Two historic scandals is more than enough," she said.

Follow Alanna Durkin Richer at <http://twitter.com/aedurkinricher> . Read more of her work at <http://bit.ly/2hIhzDb>

https://www.boston.com/news/local-news/2017/11/30/6000-drug-cases-tainted-by-lab-scandal-to-be-dismissed?s_campaign=Email:BComToday

Boston Herald

DAs to Dump 7,500 More Drug Convictions\

Cases tied to second chemist scandal

[Brian Dowling](#) Friday, December 01, 2017



Credit: Christopher Evans

Sonja Farak, is arraigned in Eastern Hampshire District Court. in Belchertown. Staff file photo by Christopher Evans

An estimated 7,500 drug convictions based on testing conducted by disgraced state chemist Sonja Farak will be dismissed, prosecutors said, acknowledging the widespread toll from the latest evidence scandal to rock the criminal justice system.

District attorneys across the state told the Supreme Judicial Court yesterday they would dismiss cases that Farak signed off on while working as a chemist at the state's drug lab in Amherst, where she stole from drug samples and seized evidence for nearly a decade prior to her 2013 arrest.

Prosecutors in some districts identified dozens of cases, while others found thousands ripe for dismissal — a tabulation hailed by the American Civil Liberties Union's Massachusetts office and public defenders.

“Dismissal vindicates the rights of our clients to due process and fair prosecution and restores the integrity to the justice system by sending a clear message to prosecutors that no conviction will be allowed to stand in the face of such fraud,” said Randy Gioia, deputy chief counsel for the Committee for Public Counsel Services.

The Farak damage toll comes months after an April court order tossed 21,839 cases connected to another evidence-tampering scandal involving ex-chemist Annie Dookhan.

Both cases unfolded against the backdrop of scandals involving police evidence rooms and lawsuits filed against the state’s drunken driving testing system that have put tens of thousands of other cases in jeopardy.

“It turns out, for thousands of people, the system that sent them to jail or put them on probation was rotten to the core,” Gioia said.

Convictions tied to Farak in all 11 DAs’ offices will be dropped. Most were handled by the Hampden office, which had 3,940 cases; then the Northwestern DA with 1,497 cases; Berkshire DA is reviewing 600 cases; Essex said it has fewer than 500 cases; Middlesex has 245 cases; Worcester has 241 cases; Bristol has 203 cases; Suffolk has 134 cases; Plymouth has about 100 cases; Norfolk is dismissing cases from 76 defendants; and the Cape and Islands have about 50 cases.

Defense attorneys said they believe no Farak defendants are serving time from these cases, though it’s possible some had been sentenced for later crimes based on the tainted Farak convictions.

ACLU Massachusetts legal director Matthew Segal pledged to continue its case against state prosecutors — including the attorney general — saying the Bay State needs to “cure its addiction to wrongfully convicting people of drug crimes.”

“We need a justice system that reserves its harshest judgment not for poor people who have struggled with addiction,” Segal said, “but instead for powerful people who commit misconduct.”

http://www.bostonherald.com/news/local_coverage/2017/12/das_to_dump_7500_more_drug_convictions