

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, ss.

SUPERIOR COURT DEPARTMENT

COMMONWEALTH

v.

DAVID PERRY

COMMONWEALTH'S STATEMENT OF THE CASE

Now comes the Commonwealth in the above captioned matter and respectfully offers the following statement for the purpose of informing the Court and the defendant of the general nature of the Commonwealth's factual allegations in this case.

The Statewide Grand Jury issued 34 indictments against the defendant, David Perry. The defendant, David Perry, is both a criminal defense attorney and the owner/operator of a sober house on Washington Street in Roxbury known as Recovery Educational Services, Inc. ("RES"). Perry abused his power in both of these positions by distributing drugs to male substance abuse addicts and exploiting them for sex in exchange for money, rent, drugs, housing, and legal representation. This organized criminal scheme was designed to keep male addicts hooked on drugs and keep them as residents of RES where Perry would profit off them financially and have unfettered access to them for sex. In addition, in his capacity as a practicing lawyer and operator of RES, Perry intentionally deceived numerous courts in the Commonwealth by providing false and misleading letters to probation departments on behalf of individuals associated with RES in exchange for sex, drugs, and money.

This case arises from a complaint made by Perry to the Reading Police Department in December 2016. Perry alleged that an individual, Witness 1^a, who he is acquainted with from RES, stole a watch from his home in Reading. In early January 2016, Reading Police were provided with information that Perry had invited Witness 1 and others to his home in Reading, offered Witness 1 multiple drugs (methamphetamine, cocaine, and liquid "G" also known as the

^a Witness 1 used for privacy of victim.

Date Rape Drug), and the opportunity to participate in a sex party with other men. Witness 1 spent one week at Perry's residence in Reading and stated that these drug/sex parties occurred almost nightly. During that time, Perry provided Witness 1 with drugs in exchange for sexual conduct.

Witness 1 also indicated that while he was a resident at RES in 2012 through 2013, Perry provided false letters to the court on his behalf to satisfy a requirement for Drug Court. The letters stated that Witness 1 was doing well in the program, that his urines were being tested for drugs, and that they were clean. Witness 1 stated that he was not sober during his stay at RES but never received notification that his urine screens returned positive. Witness 1 explained that Perry simply changed the date on these "form" letters for submission to the court on his own behalf and on the behalf of other RES residents.

Another individual, Witness 2,^b indicated that he sought legal advice and representation from Perry in 2016 and Perry told him that he would represent him in exchange for sexual activity. Later in 2016, Witness 2 went to Perry's home in Reading and Perry gave drugs to Witness 2 in exchange for sexual activity.

After a lengthy investigation by the Attorney General's Office, the Massachusetts State Police, and other local and federal agencies, in October of 2017, Superior Court Judge Mary K. Ames began issuing a series of wiretap warrants for Perry's phone. These warrants authorized the interception of thousands of text message and other wire communications relating to Perry's sober house scheme involving the distribution of illegal drugs and sexual exploitation of current and former residents. The text messages revealed more details on the illegal drug distribution network operated by Perry and contained numerous text messages between Perry and others arranging for drug deals that often times occurred at RES. In addition, the text messages shed more light on the sexual conduct aspect of Perry's scheme. Via text messages, Perry and others discussed the sex parties that regularly occurred at Perry's house as well as the particular types of illegal drugs that were present at these parties. Numerous intercepted messages between Perry and others contained references to and details of specific sex actions that either occurred between or were discussed between Perry and others.

^b Witness 2 used for privacy of victim.

The text intercept wiretap led to the arrest of Perry on November 14, 2017, where members of the Massachusetts State Police conducted surveillance in the area of 2599 Washington Street, Roxbury Massachusetts in response to intercepted communications between Perry and an individual (later identified as Witness 3^c) setting up a meeting for the purpose of exchanging illegal drugs. Officers observed Witness 3 walk up to “RES” and meet Perry outside one of the RES buildings (2599 Washington Street), and walk inside another RES building (2597 Washington Street) with Perry. Perry and Witness 3 remained in that building for approximately 30 minutes. Next, they observed Witness 3 exit 2597 Washington Street, hug Perry, and leave the RES campus in the direction of Dudley Square in Roxbury. Officers stopped Witness 3 who produced multiple small bags of fentanyl which were packaged inside another larger, clear plastic bag and showed investigators his cell phone which contained the same intercepted text messages between himself and Perry arranging for the drug deal.

At first, Witness 3 indicated that Perry gave him money to purchase the drugs, however, in a subsequent interview he explained that while they were inside 2597 Washington Street, Perry directly provided him with the drugs in exchange for sex. Perry was arrested a short distance later and search warrants were executed at his home in Reading as well as at RES. Witness 3 also described that Perry exchanged drugs, cash, and reduced rent in exchange for sexual activity throughout much of 2012 when Witness 3 lived at RES. Also, in early 2014, Perry picked up Witness 3 and brought him to his home in Reading where he provided Witness 3 drugs in exchange for sexual activity.

A comprehensive Grand Jury investigation began following Perry’s arrest in November 2017 and included testimony of nearly three dozen individuals, most of whom were civilian witnesses. Investigators learned more about the scale of Perry’s organized, criminal scheme involving illegal drugs, RES and sexual exploitation through interviews of various individuals and records/document based evidence. The investigation revealed that from 2012 through 2017 while Perry was practicing law and operating RES, he targeted multiple victims that fit a specific profile: young, male, drug addicts. Perry distributed drugs to them and exploited them sexually in exchange for money, rent/housing, and legal representation. These actions were all in conjunction with and in furtherance of his law and RES business operations.

^c Witness 3 is used for privacy of victim.

Based on the evidence developed during the course of the grand jury investigation, on February 12, 2018 and May 4, 2018, the Statewide Grand Jury issued the following charges:

February 12, 2018 Indictments

<u>OFFENSE</u>	<u>CITATION</u>	<u>COUNTS</u>	<u>SENTENCE RANGE</u>
Distribution Class B (Fentanyl)	94C, § 32(a)	1	Not more than 10 years state prison or 2.5 years house of correction
Conspiracy	94C, § 40	1	Same

May 4, 2018 Indictments

<u>OFFENSE</u>	<u>CITATION</u>	<u>COUNTS</u>	<u>SENTENCE RANGE</u>
Conspiracy	94C, § 40	7	Not more than 10 years state prison or 2.5 years house of correction
Evidence Tampering	268, § 13E	15	Not more than 10 years state prison or 2.5 years house of correction
Sex for Fee	272, § 53A(b)	3	Not more than 1 year house of correction

Respectfully Submitted
For the Commonwealth,

MAURA HEALEY
ATTORNEY GENERAL

Date: May 9, 2018

By:

Kristyn Dusel, BBO # 679043
Jeffrey Bourgeois, BBO #679071
Assistant Attorneys General
Office of the Attorney General
One Ashburton Place
Boston, MA 02108
617-727-2200