

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, ss.

SUPERIOR COURT DEPT. DOCKET NO. 2084CV00295

CARL LAROCQUE, ROBERT SILVA-PRENTICE, TAMIK KIRKLAND,  
MASSACHUSETTS ASSOCIATION OF CRIMINAL DEFENSE LAWYERS, and  
COMMITTEE for PUBLIC COUNSEL SERVICES,

Plaintiffs,

v.

THOMAS TURCO, Secretary of the Executive Office of Public Safety and Security;  
CAROL A. MICI, Commissioner of the Massachusetts Department of Correction; and  
STEVEN KENNEWAY, Superintendent of Souza-Baranowski Correctional Center;

Defendants.

**AFFIDAVIT**

I, Katherine C. Essington, state the following:

1. I am the appellate attorney, appointed by CPCS, for Donte Henley, W110625, currently housed on M2 North, Souza-Baranowski Correctional Institution.
2. Mr. Henley was convicted of 2nd degree murder and his appeal is pending. The Commonwealth's brief is due this Thursday, 2/13/20, and the Appeals Court has stated that there will be no additional enlargements of time for the Commonwealth.
3. I visited Mr. Henley, yesterday afternoon, 2/9/20, after receiving a concerning letter from him that was postmarked February 3rd. We had a contact visit.
4. Mr. Henley was not involved in the assault on the prison guards.
5. Mr. Henley told me that after the January 10th incident, he was moved from the South side to the North side of the prison. This move occurred on approximately January 22nd. Prior to that, Mr. Henley stated that he was locked in his cell on the

South Side from January 10th to the 21st, not allowed to make phone calls, and not given any incoming or outgoing mail access, including legal mail.

6. Mr. Henley stated that he was stripped searched when moved and that none of his personal belongings or legal materials were moved with him.

7. Mr. Henley stated that he did not receive the letter that I sent to him on January 14th until approximately January 24th.

8. Mr. Henley stated that to date, his legal materials and personal belongings have not been returned to him. His missing property includes clothing that he purchased, personal hygiene materials, shoes, a television, a tablet, the brief in his case, and his trial transcripts.

9. I intend to seek an enlargement of time for Mr. Henley's reply brief until his legal materials are returned to him because he cannot meaningfully participate in the process of drafting a reply brief without his legal materials.

SIGNED UNDER THE PAINS AND PENALTIES OF PERJURY THIS 10TH DAY OF JANUARY, 2020.



Katherine C. Essington  
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