

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, ss.

SUPERIOR COURT DEPT.
DOCKET NO. 2081CV00295

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 of Lisa M. Kavanaugh

I, Lisa M. Kavanaugh, hereby depose and state the following to the best of my knowledge, information and belief:

1. I am an attorney employed by the Committee for Public Counsel Services. I presently serve as the Director of the CPCS Innocence Program, a position I have held for eight years.
2. On Tuesday, February 4, 2020, I received a collect call from one of my clients, who is presently incarcerated at Souza Baranowski Correctional Center. He is classified to a unit on the Southside of the prison.
3. During our phone call, my client informed me that the day before, on Monday, February 3, 2020, he received a written document announcing the implementation of housing status changes for all inmates placed in housing units on the Northside of SBCC. The document indicated that

the changes would be implemented "effective Thursday, January 30, 2020." My client read the policy to me over the phone.

4. On Wednesday, February 5, I met with my client in person, and he provided me with a copy of the document.

5. In the interim since February 5, I have received reports from several other attorneys concerning the timing of SBCC's dissemination of its memorandum regarding "Housing Status Changes." One attorney, Lisa Newman-Polk, received a phone call from her client in the Secure Treatment Program (STP) on the afternoon of Monday, February 3. Her client told her that he had just (that day) received a new "Housing Status Changes" policy, and he read the policy out loud to her over the phone. Another attorney, Chauncey Wood, had a meeting at SBCC on Tuesday, February 4 with a client who is classified to a unit on the Northside. His client likewise reported having just received a new "Housing Status Changes" policy the day before, on Monday, February 3.

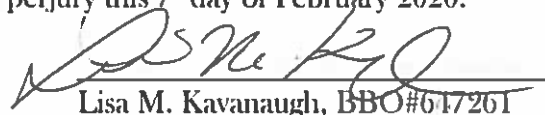
6. Over the past nine days, CPCS has received numerous reports from attorneys who have been denied contact visits and/or whose clients report limited or no access to legal paperwork. These reports include the following:

- a. Attorney David Rangaviz reports that when he met with his Northside client on Thursday, January 30, 2020, he was told he could only have a non-contact visit.
- b. Attorney Donald Frank reports that when he met with his Northside client on Friday, January 31, 2020, he was told he could only have a non-contact visit. Attorney Frank also reports he was initially denied the ability to give his client legal documents; however, after a conversation with a prisoner staff person he was allowed to give his client the documents.
- c. Attorney Lipou Laliemthavisay reports that when she met with her Northside client on Friday, January 31, 2020, she was told that she could only have a non-contact visit.
- d. Attorney Chauncey Wood reports that when he met with his Northside client on Tuesday, February 4, 2020, he was told that he could only have a non-contact visit because it was a Southside visit day. To the best of Attorney Wood's knowledge, there were no Southside contact visits taking place at the time of his client meeting. Moreover, Attorney Wood further noted that his client had only recently (on January 20) been *moved* from Southside to Northside, and the move was precipitated not by any known enemies on the Southside but rather on the basis of a disciplinary ticket.
- e. Attorney Angela Lehman reports that when she had a telephone conversation with her Northside client on Monday, February 3, 2020, he told her that his legal

paperwork had been taken and thrown in a messy pile along with an unknown number of other inmates' paperwork. He further reported to her that his paperwork still had not been returned as of February 3.

- f. Attorney Libby Hugetz reports that when she met with her Northside client on Monday, February 3, 2020 - who had been transferred to MCI-Shirley due to injuries sustained at SBCC - he told her that since his transfer to MCI- Shirley, he has not received any of his property, including legal paperwork.
- g. Attorney Ira Alkalay reports that when he met with his Southside client on Tuesday, February 4, 2020, he was told that he could only have a non-contact visit; furthermore, Attorney Alkalay reports that his client told him he has not received any legal or personal mail since January 10, 2020.
- h. Attorney Philip Weber reports that when he met with his client on Tuesday, February 4, 2020, he was told he could only have a non-contact visit. Attorney Weber also reports that his client said that he has been deprived of his legal paperwork and other property since January 10, 2020.
- i. Attorney Amy Belger reports that when she met with her Northside client on Wednesday, February 5, 2020, her client told her that none of the legal paperwork taken from his cell following the January 10, 2020, incident had been returned to him.
- j. Attorney Elizabeth Doherty reports that when she met with her Northside client on Thursday, February 6, 2020, she was told that she could only have a non-contact visit despite the fact that when she called earlier that morning to confirm that she would be able to have a contact visit, she was told that contact restrictions only applied from 1:00 pm - 4:00 pm. Attorney Doherty also reports that her client was recently moved from Southside to Northside and the move was precipitated not by any known enemies on the Southside but, as her client believes, on the basis of a disciplinary ticket. Attorney Doherty also reports that, according to her client, none of the property and legal paperwork that was taken from his cell following the January 10, 2020, incident had been returned to him.
- k. Attorney Ira Gant reports that when he met with his Southside client on Thursday, February 6, 2020, he was told that he could only have a non-contact visit. Attorney Gant reports that his client indicated he has not been permitted to access any legal paperwork in storage since Friday, January 10, 2020.

Signed under the pains and penalties of perjury this 7th day of February 2020.


Lisa M. Kavanaugh, BBO#617261