COMMONWEALTH OF MASSACHUSETTS
SUPREME JUDICIAL COURT

SUFFOLK, ss.   NO. SJ-2014-0005

KEVIN BRIDGEMAN,
and others

v.

DISTRICT ATTORNEY FOR THE SUFFOLK DISTRICT,
and others

Corrected Affidavit of Paola Villarreal[1]

I, Paola Villarreal, state as follows:

1.   I am a data science fellow at the American Civil

Liberties Union Foundation of Massachusetts (ACLUM).

2.   As part of my fellowship, I program systems that

analyze criminal justice data.

3.   Under the supervision of ACLUM attorneys, I have

analyzed the Annie Dookhan case data supplied by the respondent

District Attorneys in this case, as well as data supplied by the

Trial Court concerning cases charged under G.L. c. 94C when

Dookhan was employed as a chemist.

4.   I have also reviewed the Committee for Public Counsel

Services' estimates of the numbers of cases that could be

affected by the scandal involving Sonja Farak. <u>See</u> Affidavit of

Christopher K. Post.

---

[1] This affidavit updates the affidavit filed on June 29, 2016, by making
corrections to Paragraphs 28 and 29.

5.　My analysis indicates that:

- Roughly **one in six** cases with adverse c. 94C dispositions from 2004 to 2010 – the years when Dookhan worked as a chemist for the full year – were tainted by Dookhan's misconduct.

- Roughly **one in four** cases with adverse c. 94C dispositions from 2004 to 2010 are potentially tainted by the Dookhan and Farak/Amherst scandals.

- The Dookhan cases are largely possession cases. Approximately **62%** of adverse Dookhan cases involve adverse drug dispositions only for possession, and 37% involve adverse dispositions for drug distribution.

- Roughly **87%** of the Dookhan cases involve people who were convicted only of non-distribution offenses or who sustained an adverse disposition for a distribution offense only after being charged with a crime carrying a mandatory minimum sentence.

I.　Background

6.　I have been a systems programmer since 1999, and I first joined ACLUM in 2015 through a ten-month Open Web Fellowship sponsored by Mozilla.

7.　Before coming to the ACLU, I worked for the Office of the President of Mexico as the Sub-director of Computer Systems,

was the Executive Director of Technical Innovation for the
Mexico City government's City Lab, and worked in the private
sector as a software engineer, including running my own business
providing consultation services in digital systems. I have been
awarded fellowships at Harvard University's Berkman Center for
Internet and Society and MIT's Media Lab that begin this fall.
Ex. 1.

8.   At ACLUM, I have worked under the direction and
supervision of ACLUM's attorneys to analyze the data provided to
ACLUM in Bridgeman v. District Attorney for the Suffolk
District, SJ-2014-0005.

9.   The goal of my analysis is to provide the Court with
information about the cases that the DAs have identified as
being impacted by Dookhan's misconduct.

10.   This analysis relied on: 1) the lists of cases handled
by Dookhan that were supplied to ACLUM in May 2016 by the seven
DAs' offices that are parties to the case; and 2) the Trial
Court's lists of c. 94C cases and defendants that were supplied
to ACLUM and other parties in February and April 2016.

11.   Here is a brief summary of what those files contain:

   a.   The DAs' lists include the docket numbers,
   defendants' names, and other identifying information for
   each case identified by the DAs as having been handled by
   Dookhan as a primary or secondary chemist, in which
   prosecutors secured adverse dispositions on c. 94C charges.
   Most DAs also provided similar lists of cases they

identified as having been handled by Dookhan but not resulting in adverse dispositions on c. 94C charges.

b.   The files provided by the Trial Court contained information about defendants who faced c. 94C charges in the Commonwealth and the disposition of these charges.

c.   Although the Court's February 3, 2016 letter to the parties described the data being provided by the Trial Court as encompassing all defendants convicted under c. 94C during the 2003-2012 time period, the data in fact appears to contain all cases involving c. 94C charges (not just convictions), which were opened between 2003 and June 2011. Thus, the cases have file dates between January 1, 2003 and June 30, 2011.

d.   The Trial Court's adult and juvenile "caseparty" files contain defendants' names, identifying information, docket numbers, file dates, and other case information, including the MassCourts ID number assigned to each case.

e.   The Trial Court's adult and juvenile "chargedisp" files contain the charges and dispositions of each c. 94C case in the relevant time period, identified by the MassCourts ID number. The "chargedisp" files do not contain personally identifying information or docket numbers.

12.   The code that I used to process and analyze this data, which I wrote, is available upon request.

II.   Producing a List of Dookhan Defendants

13.   The first step in my work was to synthesize the lists provided by the DAs into a single list of Dookhan cases with adverse dispositions on c. 94C charges, where each row on the list represents a single Dookhan case in which a defendant received an adverse disposition for a c. 94C charge.

14.   To this day, there is no definitive list of all cases or defendants that have adverse dispositions in Dookhan cases. However, through data analysis and coding, I have prepared a

single list encompassing 24,483 Dookhan cases with adverse dispositions, which I have been able to analyze.

15. My ability to create a definitive list was limited by the varying quality of the DAs' disparate lists. It took weeks to turn these lists into data that could be processed in a meaningful way. Some cases inevitably fell out of my analysis because their docket numbers were incorrectly entered or formatted.

16. To process the data, I wrote scripts that were designed to clean the data of formatting and other irregularities, and to normalize the data so that the lists could be merged together despite starting out in different formats. For example:

    a. I had to ensure that the list contained one row per docket number. While most counties provided lists that contained one row per docket number, some counties had duplicates. Moreover, Essex County's list contained one row per charge. And Middlesex County's data apparently included one row per drug certificate per defendant, sometimes resulting in as many as seven docket numbers within a single row, and other times resulting in multiple rows with the same docket number. Middlesex County's data also frequently contained initials and other text within the docket field. Analyzing this data thus required me to write scripts that recognized the format of a docket number and pulled the information from all of the DAs' lists into a list containing a single unique docket number in each row.

    b. A challenging part of unifying the lists was standardizing the docket numbers so that they would match the format of the docket numbers used in the Trial Court data. This required me to convert a number of different formats used by the different DAs' offices (such as "ESCR##-####" or "MICR#######") into the format used by the

5

Trial Court ("####CR#####" or "####CR######"). I performed this task for the adult docket numbers. Due to the great variety of formats DAs used for the juvenile dockets, I was not able to normalize them in any timely manner. They remain in the format provided by the DAs.

      c.   Unifying the lists also required me to normalize the format for names, social security numbers, and other information.

      d.   I also added fields to the analysis, including the county that the data came from, whether it came from a juvenile or adult list, and whether it came from an adverse disposition list.

17.   Through this process, I have produced an imperfect but consolidated list of 24,483 cases identified by the DAs as Dookhan cases that have at least one adverse disposition on a c. 94C charge. A version of this list that is stripped of individual information – and includes just docket numbers and counties – is provided as Exhibit 2.

18.   The 24,483 adverse Dookhan cases in the DAs' lists are broken down as follows:

Dookhan cases with adverse dispositions, as identified by District Attorneys			
County	Adult	Juvenile	Total
Barnstable	1,245	17	1,262
Bristol	2,170	85	2,255
Dukes	61	0	61
Essex*			4,208
Middlesex*			3,594
Norfolk*			2,316
Plymouth	2,004	93	2,097
Suffolk	8,621	69	8,690
		TOTAL:	24,483

*did not separately identify juvenile and adult cases

19.   This consolidated list undercounts the total number of
Dookhan cases in several respects.

20.   First, this lists undercounts Dookhan cases because it
necessarily excludes cases in which defendants have already
obtained relief from their adverse c. 94C dispositions.
Specifically, it does not include Dookhan cases where
prosecutors obtained adverse c. 94C dispositions that have
already been vacated — for example, through post-conviction
litigation following the disclosure of Dookhan's misconduct in
August 2012 — since those cases do not currently have adverse
c. 94C dispositions attached to them.

21.   Second, the list also undercounts Dookhan cases due to
errors in the DAs' lists, including the failure in some instance
to include a properly formatted unique docket number for every
case.

22.   Third, the list will undercount Dookhan cases if DAs
failed to identify some cases in which Dookhan was a primary or
secondary chemist. See Affidavit of David Colarusso ¶¶ 21-22.

23.   My next step in processing this data was to match this
list of Dookhan cases to the Trial Court's adult c. 94C data in
order to obtain the charge and disposition information for the
adverse Dookhan cases identified by the DAs. This required two
steps:

a. First, I matched the docket numbers in the list of adverse Dookhan cases to the docket numbers in the adult "caseparty" file provided by the Trial Court. I did not attempt to match the juvenile dockets to the juvenile data due to the extensive variations in the formatting of these dockets on the DAs' lists.

b. Second, I used the MassCourts ID number for each matched case from the "caseparty" file to obtain the dispositional and charge information in the adult "chargedisp" files. This gave me the complete charge and disposition data for all the adverse Dookhan cases identified by the DAs that could be matched to a case in the available Trial Court data.

24. Through this process, I was able to match 23,735 cases from the DAs' lists to cases in the Trial Court's data.

III. Measuring the Impact of Dookhan's Misconduct

25. Matching the Dookhan cases to the Trial Court data enabled me to calculate the Dookhan scandal's impact on the Commonwealth's drug prosecutions.

26. I calculated the percentage of adverse drug cases for each year in the Trial Court's "chargedisp" file that involved Dookhan. This required several steps:

a. First, because different DAs' offices used different definitions of what an adverse disposition was, I standardized the analysis by applying a single definition of "adverse disposition" across the board.

b. With the help and direction of attorneys at ACLUM, I coded each of the possible dispositions in the adult "chargedisp" file as adverse or non-adverse.

- I coded the following dispositions as adverse: "guilty" (and other variants, including "guilty – filed"), "continued without a finding" (and "dismissed – after continuance without a finding"), "responsible," "admit to sufficient

8

facts," "delinquent," and "plea to sufficient facts/Nollo Contendre/Alford."

- By contrast, the following dispositions and various variations of them appearing in the MassCourts database (some in very small numbers), were not coded as adverse: "dismissed," "nolle prosequi," "not guilty," "filed without a finding," "to be dismissed upon payment," "not responsible," "transferred to another court," "denied – charge amended," "probable cause found," "no probable cause found," "conversion," "no bill," "improper jurisdiction," "inactivated for lack of service," "not delinquent," "fix this code." For purposes of this analysis, "pretrial probation as a disposition" was not classified as adverse.

c.   I wrote scripts that determined whether each c. 94C charge in the adult "chargedisp" list resulted in an adverse disposition, and then calculated the number of unique cases that had an adverse disposition in a c. 94C charge.

d.   I then calculated the number of these cases that were Dookhan cases, by county and by year. Ex. 3.

e.   The total number of adverse Dookhan cases in this analysis is lower than the overall adverse Dookhan cases identified by the DAs for two primary reasons: 1) Not every case in the DAs' lists could be matched to a case in the MassCourts database. Juvenile cases, cases opened before 2003 or after June 30, 2011, and cases with incorrect docket numbers were not possible to match. 2) The DAs' lists used different definitions of adverse dispositions, whereas this calculation relied on a single uniform definition of an adverse disposition provided in ¶ 26.b. Thus, it excluded some cases that the DAs identified as having adverse Dookhan dispositions, if the dispositions would be regarded as non-adverse under the definition used in ¶ 26.b.

27. Dookhan cases represent 17% (20,229 out of 121,749 or approximately one in six) of all cases with adverse drug dispositions from 2004 to 2010, the years in which Dookhan

worked at the Hinton lab for the entire year. For the counties

that used the Hinton lab, that figure is 25% (20,229 of 79,979

or approximately one in four).

County	MassCourts cases with c. 94C adverse dispositions	Dookhan cases with c. 94C adverse dispositions	Dookhan cases as percentage of all cases with adverse c. 94C dispositions
Dookhan Cases as percentage of cases with adverse c. 94C dispositions, 2004-2010			
Barnstable	4,167	1,118	27%
Berkshire	2,887	0	0%
Bristol	11,198	2,340	21%
Dukes	383	50	13%
Essex	13,905	3,157	23%
Franklin	1,378	0	0%
Franklin-Worcester	263	0	0%
Hampden	16,283	0	0%
Hampshire	2,910	0	0%
Middlesex	13,968	2,696	19%
Nantucket	194	0	0%
Norfolk	6,523	1,963	30%
Plymouth	8,220	1,881	23%
Suffolk	21,615	7,024	32%
Worcester	17,855	0	0%
Total	121,749	20,229	17%
Adjusted Total*	79,979	20,229	25%

*excludes counties that did not use the Hinton lab

28. Meanwhile, CPCS has estimated that there were 5,963

Farak cases with adverse c. 94C dispositions from 2004 through

2010, and that the overall number of Farak and Amherst lab cases

with adverse c. 94C dispositions from 2004 through 2010 is

13,715. See Affidavit of Christopher K. Post at ¶¶ 15, 21-24.

29. If these estimates are accurate, then Farak cases

represent nearly 5% (5,963 of 121,749) of all adverse c. 94c

dispositions, and the Farak and Amherst lab cases represent 11%

(13,715) of all adverse c. 94c cases from 2004 to 2010.

30.   Combining my analysis of Dookhan cases with CPCS's

estimate of Farak and Amherst lab cases yields the following

estimate: The Dookhan and Farak/Amherst scandals represent 28%

(33,994 of 121,749) of all Massachusetts cases with adverse

c. 94C dispositions — that is, more than one in four — from 2004

to 2010.

Dookhan and Farak/Amherst Cases as Percentage of All
Massachusetts Cases with Adverse Dispositions
on c. 94C Charges, 2004-2010

Cases not involving Dookhan
or Farak
(72%)

Dookhan
(17%)

Amherst/Farak Total
(11%)

Farak
(5%)
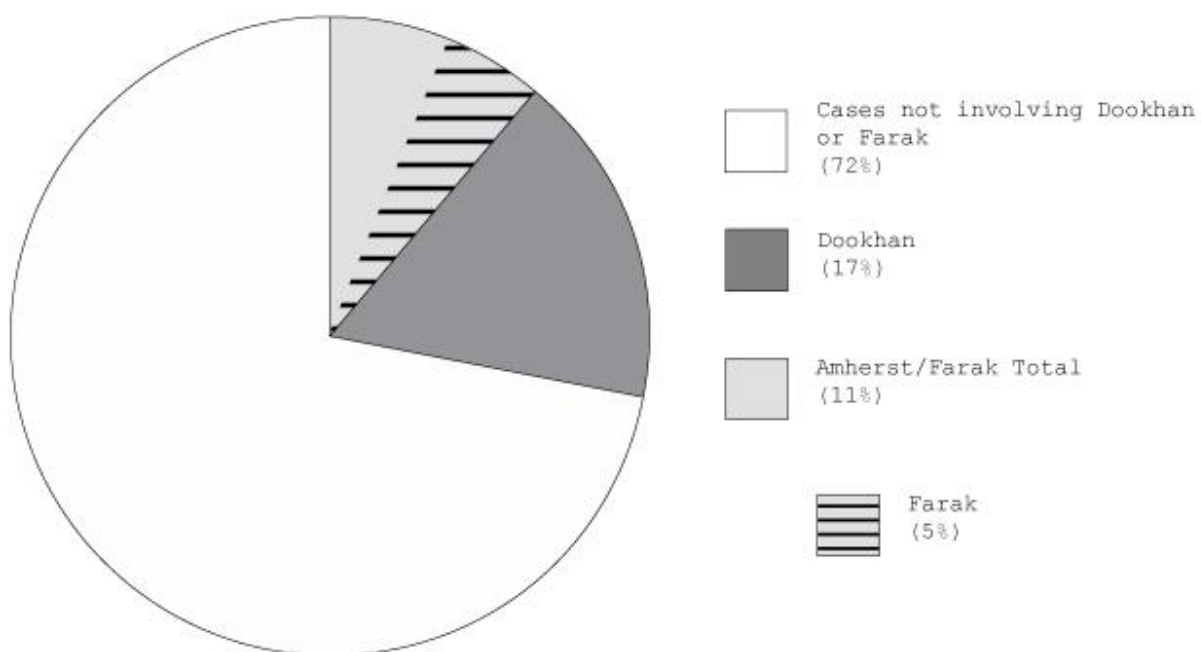
IV. Analyzing Adverse Dookhan Cases

31. I also ran analyses to learn more about the adverse

Dookhan cases, including the number that involved possession or

distribution offenses, and the impact of mandatory minimum

charges on Dookhan defendants' adverse dispositions.

32. This set of analyses included the following steps:

a.   I started with the 20,229 Dookhan cases that were
identified by the DAs, which I had matched to Trial Court
data that had an "adverse" c. 94C disposition (using the
standardized definition of "adverse" discussed in ¶ 26.b).
Working with this reduced sample, rather than all of the
adverse cases identified by the DAs, is the best way to
calculate the percentage of adverse Dookhan cases that have
certain characteristics because it ensures that a
consistent definition of an adverse disposition is used in
making each calculation, and avoids including cases which
could not be matched in the Trial Court data.

b.   With the help of ACLUM attorneys and the
Massachusetts Sentencing Commission's crime list, I
categorized each c. 94C offense as a mandatory minimum or
non-mandatory minimum offense; and as a drug possession,
drug distribution, or other c. 94C offense. For these
purposes, I treated c. 94C conspiracy as a non-mandatory
minimum offense, and did not categorize it as a possession,
distribution, or other c. 94C offense. Ex. 4.

c.   Using these categories, I created a table that
automatically summarized information from the Trial Court's
"chargedisp" file about each of the charges within each
adverse Dookhan case, including: 1) mandatory minimum
charges and adverse dispositions; and 2) possession,
distribution, and other adverse dispositions. Ex. 5.

d.   Any non-94C offenses that were part of the
Dookhan cases were not part of my analysis.

33. This analysis revealed that 37% (7,598 of 20,596) of

adverse Dookhan cases include an adverse disposition for drug

distribution, while 63% (12,998 of 20,596) do not; 62% (12,701

12

of 20,596) of adverse Dookhan cases involve one or more adverse dispositions for drug possession but no adverse dispositions for drug distribution. (Some offenses, such as being present where heroin is kept and c. 94C conspiracy, are not classified as possession or distribution offenses for purposes of this analysis. See Ex. 4.)

Dookhan Cases with Adverse Drug Dispositions for Distribution
Versus
Dookhan Cases with Adverse Drug Dispositions Only for Possession

Possession, no distribution
(62%)

Distribution
(37%)

Other
(1%)
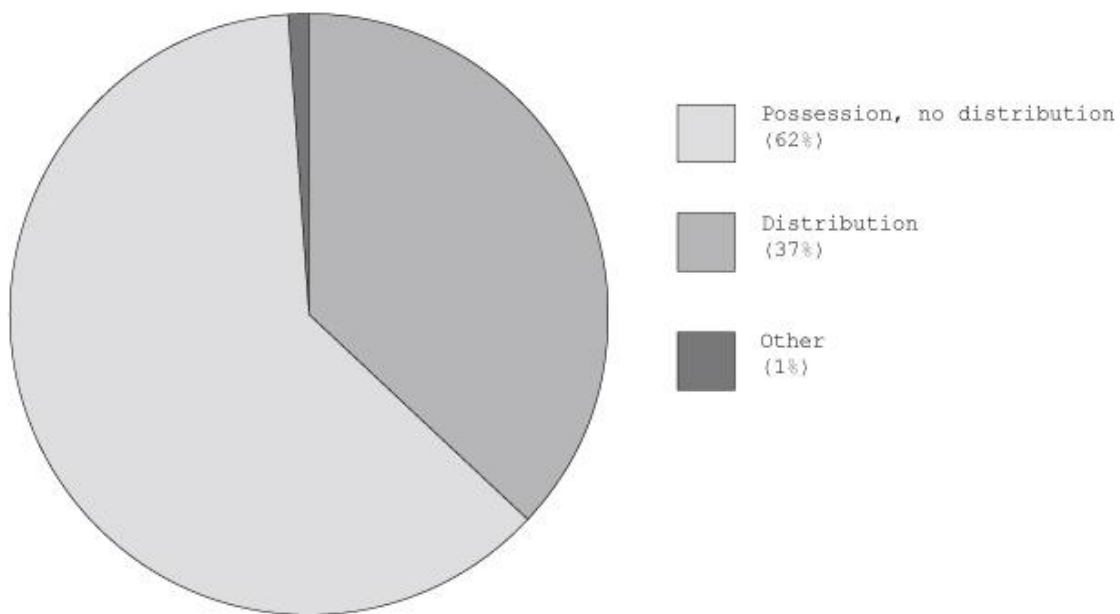
34.   I next looked at how mandatory minimums impacted drug convictions in adverse Dookhan cases.

35.   This analysis showed that 28% (5,665 of 20,596) of adverse Dookhan cases involved one or more mandatory minimum charges. Among those, 32% (1,791 of 5,665) resulted in adverse

dispositions for mandatory minimum offenses, whereas 68% (3,874 of 5,665) resulted in adverse dispositions for a non-mandatory minimum offense.

36. Within the set of Dookhan cases involving mandatory minimums, school zone cases stood out. Approximately 22% of all adverse Dookhan cases involved school zone charges. Of these, 9% (405 of 4,520) yielded an adverse disposition for a school zone charge, whereas 91% (4,115 of 4,520) yielded adverse dispositions for non-school zone offenses.

37. Among the 7,598 cases with adverse dispositions for drug distribution, 4,896 (24% of the total 20,596 analyzed) involved mandatory minimum charges; 2,702 (13% of 20,596) did not.

38. Thus, 87% (17,894 of 20,596) of adverse Dookhan cases either did not involve an adverse disposition for a distribution offense, or resulted in an adverse disposition for a distribution offense only after the defendant was charged with a crime carrying a mandatory minimum sentence.

Profile of Adverse Dookhan Cases

Non-distribution cases
(63%)

Distribution cases involving
mandatory minimum charges
(24%)

Distribution cases
not involving mandatory
minimum charges
(13%)
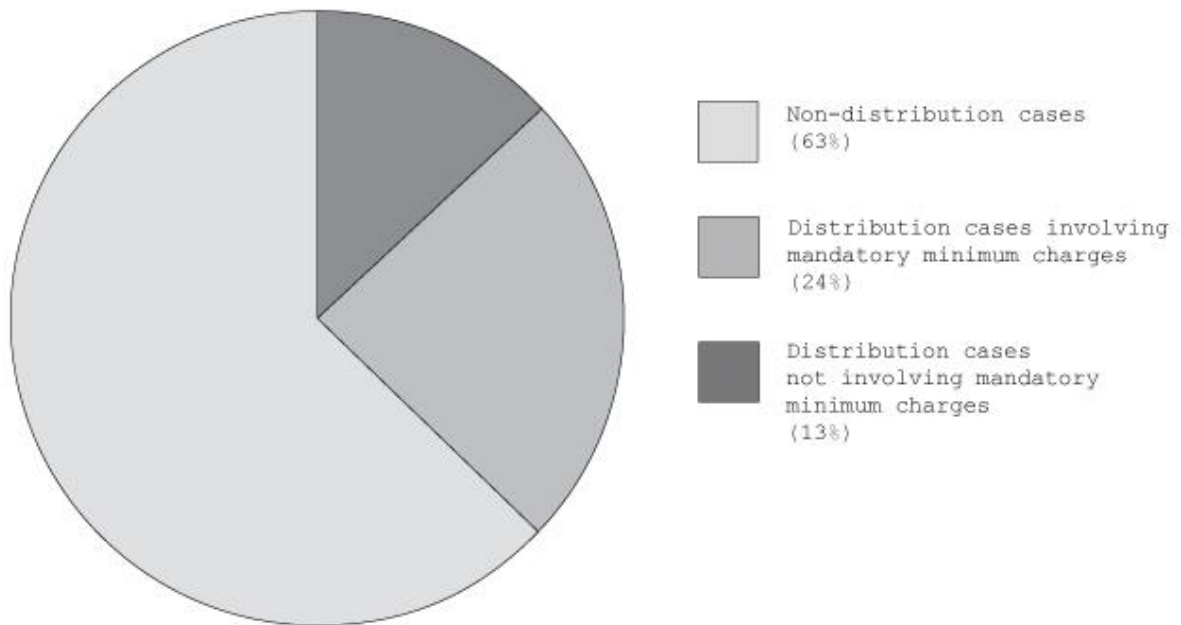
V.   Analyzing Adverse Dookhan Charges

39.   Because some Dookhan cases involve multiple adverse
c. 94C dispositions, I analyzed the adverse c. 94C counts
themselves to learn how many of them involved adverse
dispositions for drug possession, drug distribution, and
mandatory minimum offenses.

40.   For this analysis, I again used the sample of 20,596
cases from the DAs' adverse Dookhan lists that were matched to
cases in the Trial Court data that have adverse dispositions for
c. 94C drug charges.

41.   The 20,596 adverse Dookhan cases involved 37,525 adverse dispositions for c. 94C offenses.
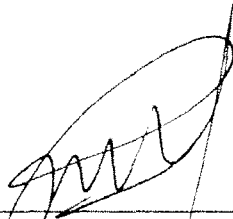
42.   Of these, 56% (20,969 of 37,525) are for drug possession offenses, 39% (14,498 of 37,525) are for drug distribution offenses. The remaining 5% (2,058 of 37,525) are for offenses that were not categorized as drug possession or drug distribution offenses.

43.   Of the 37,525 adverse Dookhan dispositions, 9% (3,366) were for mandatory minimum offenses.

Dookhan Adverse Dispositions, by Charge Type

Possession
(56%)

Distribution
(39%)

Distribution triggering
mandatory minimums
(9%)

Other
(5%)
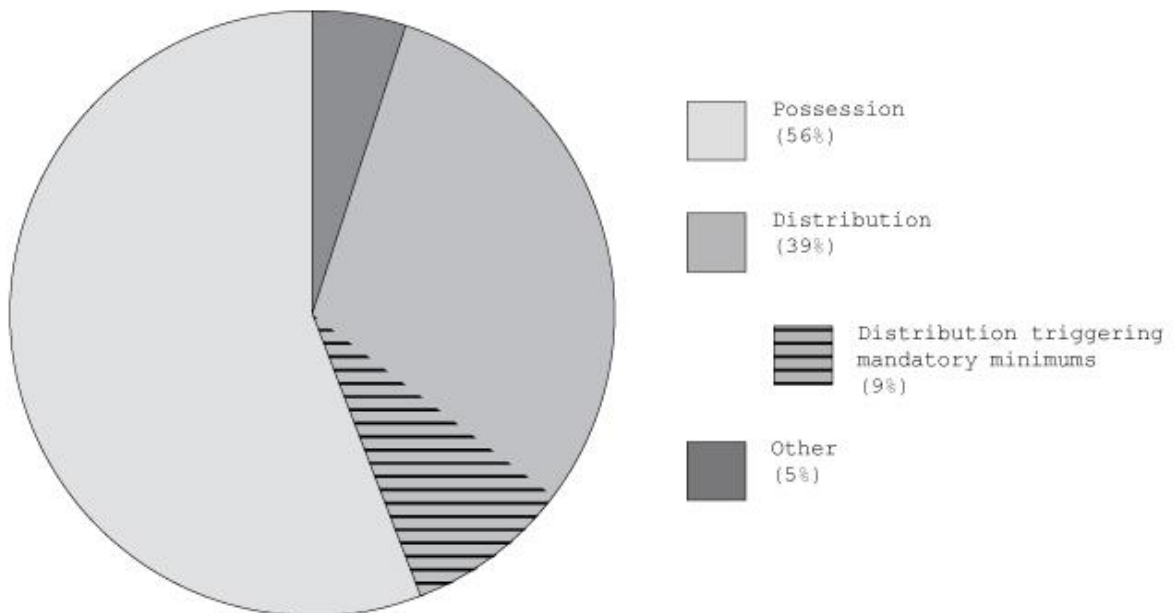
SIGNED UNDER PAINS AND PENALTIES OF PERJURY ON JUNE 30, 2016.

_____
Paola Villarreal

EXHIBIT 1

Exhibit 1 omitted
(Paola Villarreal CV)

EXHIBIT 2 (IMPOUNDED)

See attached CD

EXHIBIT 3

Ex. 3. Percent Dookhan cases by County and Year

County	Year	Total 94 Adverse	Adverse Dookhan	Percent
Barnstable	2003	741	9	1%
Barnstable	2004	686	198	29%
Barnstable	2005	670	172	26%
Barnstable	2006	815	232	28%
Barnstable	2007	733	126	17%
Barnstable	2008	579	115	20%
Barnstable	2009	345	138	40%
Barnstable	2010	339	137	40%
Barnstable	2011	162	31	19%
Berkshire	2003	454	0	0%
Berkshire	2004	475	0	0%
Berkshire	2005	433	0	0%
Berkshire	2006	511	0	0%
Berkshire	2007	500	0	0%
Berkshire	2008	465	0	0%
Berkshire	2009	297	0	0%
Berkshire	2010	206	0	0%
Berkshire	2011	108	0	0%
Bristol	2003	1498	8	1%
Bristol	2004	1483	223	15%
Bristol	2005	1717	706	41%
Bristol	2006	1958	667	34%
Bristol	2007	2140	588	27%
Bristol	2008	1815	142	8%
Bristol	2009	1087	11	1%
Bristol	2010	998	3	0%
Bristol	2011	477	0	0%
Dukes	2003	59	1	2%
Dukes	2004	101	21	21%
Dukes	2005	69	11	16%
Dukes	2006	52	2	4%
Dukes	2007	43	1	2%
Dukes	2008	48	5	10%
Dukes	2009	31	5	16%
Dukes	2010	39	5	13%
Dukes	2011	13	3	23%
Essex	2003	1714	39	2%
Essex	2004	1839	451	25%
Essex	2005	2271	688	30%
Essex	2006	2755	524	19%
Essex	2007	2477	407	16%
Essex	2008	2134	404	19%
Essex	2009	1233	360	29%
Essex	2010	1196	323	27%
Essex	2011	548	63	11%

County	Year	Total 94 Adverse	Adverse Dookhan	Percent
Franklin	2003	230	0	0%
Franklin	2004	194	0	0%
Franklin	2005	293	0	0%
Franklin	2006	252	0	0%
Franklin	2007	234	0	0%
Franklin	2008	173	0	0%
Franklin	2009	117	0	0%
Franklin	2010	115	0	0%
Franklin	2011	35	0	0%
Franklin-Worcester	2003	2	0	0%
Franklin-Worcester	2004	3	0	0%
Franklin-Worcester	2005	11	0	0%
Franklin-Worcester	2006	52	0	0%
Franklin-Worcester	2007	50	0	0%
Franklin-Worcester	2008	72	0	0%
Franklin-Worcester	2009	42	0	0%
Franklin-Worcester	2010	33	0	0%
Franklin-Worcester	2011	9	0	0%
Hampden	2003	2232	0	0%
Hampden	2004	2631	0	0%
Hampden	2005	2752	0	0%
Hampden	2006	2819	0	0%
Hampden	2007	2721	0	0%
Hampden	2008	2294	0	0%
Hampden	2009	1526	0	0%
Hampden	2010	1540	0	0%
Hampden	2011	685	0	0%
Hampshire	2003	381	0	0%
Hampshire	2004	424	0	0%
Hampshire	2005	488	0	0%
Hampshire	2006	618	0	0%
Hampshire	2007	520	0	0%
Hampshire	2008	457	0	0%
Hampshire	2009	208	0	0%
Hampshire	2010	195	0	0%
Hampshire	2011	80	0	0%
Middlesex	2003	2100	28	1%
Middlesex	2004	2297	604	26%
Middlesex	2005	2425	728	30%
Middlesex	2006	2633	538	20%
Middlesex	2007	2464	342	14%
Middlesex	2008	1921	298	16%
Middlesex	2009	1018	179	18%
Middlesex	2010	1210	7	1%
Middlesex	2011	580	1	0%

County	Year	Total 94 Adverse	Adverse Dookhan	Percent
Nantucket	2003	29	0	0%
Nantucket	2004	32	0	0%
Nantucket	2005	37	0	0%
Nantucket	2006	38	0	0%
Nantucket	2007	43	0	0%
Nantucket	2008	20	0	0%
Nantucket	2009	18	0	0%
Nantucket	2010	6	0	0%
Nantucket	2011	6	0	0%
Norfolk	2003	934	8	1%
Norfolk	2004	960	283	29%
Norfolk	2005	1006	352	35%
Norfolk	2006	1278	321	25%
Norfolk	2007	1066	201	19%
Norfolk	2008	915	215	23%
Norfolk	2009	633	255	40%
Norfolk	2010	665	336	51%
Norfolk	2011	302	84	28%
Plymouth	2003	1371	10	1%
Plymouth	2004	1333	397	30%
Plymouth	2005	1451	385	27%
Plymouth	2006	1742	349	20%
Plymouth	2007	1442	187	13%
Plymouth	2008	1055	147	14%
Plymouth	2009	597	186	31%
Plymouth	2010	600	230	38%
Plymouth	2011	279	55	20%
Suffolk	2003	3451	17	0%
Suffolk	2004	3361	1041	31%
Suffolk	2005	3560	1380	39%
Suffolk	2006	3613	1068	30%
Suffolk	2007	3772	826	22%
Suffolk	2008	3016	803	27%
Suffolk	2009	2191	921	42%
Suffolk	2010	2102	985	47%
Suffolk	2011	930	341	37%
Worcester	2003	2820	0	0%
Worcester	2004	2944	0	0%
Worcester	2005	3244	0	0%
Worcester	2006	3085	0	0%
Worcester	2007	3043	0	0%
Worcester	2008	2849	0	0%
Worcester	2009	1260	0	0%
Worcester	2010	1430	0	0%
Worcester	2011	660	0	0%

County	Year	Total 94 Adverse	Adverse Dookhan	Percent
	Total, 2004-2010	121749	20229	17%
	Total, 2003-2011	144639	20927	14%

EXHIBIT 4

Ex. 4. Categorization of c. 94C Charges

MassCourts charge description	Statute No.	Mandatory Minimum	School Zone Mandatory	Drug Possession	Drug Distrib.	Other 94C
FALSE PRESCRIPTION, PRACT ISSUE CLASS A c94C ?19(a)	94C/19/A					Y
DRUG, PHARMACIST FAIL LABEL c94C ?21	94C/21/A					Y
PRESCRIPTION, WRITE IMPROPER c94C ?22(a)	94C/22/C					Y
PRESCRIPTION, WRITE IMPROPER, SUBSQ.OFF. c94C ?22(a)	94C/22/D					Y
DRUG, FAIL REPORT DISPENSING c94C ?24(a)	94C/24/A					Y
DRUG LABEL, REMOVE/ALTER c94C ?25(4)	94C/25/C					Y
DRUG RECORDS, FAIL KEEP c94C ?25(5)	94C/25/E					Y
DRUG SEAL, BREAK c94C ?25(7)	94C/25/G					Y
DRUG, DISPENSE W/O PRESCRIPTION c94C ?25(1)	94C/25/I				Y	
DRUG, DISTRIBUTE UNAUTHORIZED c94C ?25(2)	94C/25/M				Y	
DRUG INFO, REGISTRANT GIVE FALSE c94C ?26(2)	94C/26/A					Y
HYPODERMIC SALES RECORD, FL KEEP c94C ?27(d)	94C/27/A					Y
HYPODERMIC, DISTRIB TO UNAUTH PERSON c94C ?27(b)	94C/27/C					Y
HYPODERMIC, DISTRIB WITHOUT LIC c94C ?27(e)	94C/27/E					Y
HYPODERMIC, OBTAIN WITHOUT LIC c94C ?27(e)	94C/27/G					Y
HYPODERMIC, OBTAIN WITHOUT LIC, SUBSQ. c94C ?27(e)	94C/27/H					Y
HYPODERMIC, POSSESS c94C ?27(a)	94C/27/I					Y
0917HYPODERMIC, POSSESS, SUBSQ.OFF. c94C ?27(a)	94C/27/J					Y
HYPODERMIC, POSSESS, SUBSQ.OFF. c94C ?27(a)	94C/27/J					Y
HYPODERMIC, STORE IMPROP c94C ?27(b)	94C/27/K					Y
HYPODERMIC, STORE IMPROP, SUBSQ. c94C ?27(b)	94C/27/L					Y
HYPODERMIC FOR DRUGS, UNLICENSED SALE OF c94C ?27	94C/27/P					Y
DRUG, DISTRIBUTE CLASS A c94C ?32(a)	94C/32/A				Y	
DRUG, DISTRIBUTE CLASS A, SUBSQ.OFF. c94C ?32(b)	94C/32/B	Y			Y	

MassCourts charge description	Statute No.	Mandatory Minimum	School Zone Mandatory	Drug Possession	Drug Distrib.	Other 94C
DRUG, POSSESS TO DISTRIB CLASS A c94C ?32(a)	94C/32/C				Y	
DRUG, POSSESS TO DISTRIB CLASS A, SUBSQ. c94C ?32(b)	94C/32/D	Y			Y	
COCAINE, DISTRIBUTE c94C ?32A(c)	94C/32A/A	Y			Y	
COCAINE, DISTRIBUTE, SUBSQ.OFF. c94C ?32A(d)	94C/32A/B	Y			Y	
COCAINE, POSSESS TO DISTRIBUTE c94C ?32A(c)	94C/32A/C	Y			Y	
COCAINE, POSSESS TO DISTRIBUTE, SUBSQ. c94C ?32A(d)	94C/32A/D	Y			Y	
DRUG, DISTRIBUTE CLASS B c94C ?32A(a)	94C/32A/E				Y	
DRUG, DISTRIBUTE CLASS B, SUBSQ.OFF. c94C ?32A(b)	94C/32A/F	Y			Y	
DRUG, POSSESS TO DISTRIB CLASS B c94C ?32A(a)	94C/32A/G				Y	
DRUG, POSSESS TO DISTRIB CLASS B, SUBSQ. c94C ?32A(b)	94C/32A/H	Y			Y	
METHAMPHETAMINE, DISTRIBUTE c94C ?32A(c)	94C/32A/I	Y			Y	
METHAMPHETAMINE, DISTRIBUTE, SUBSQ.OFF. c94C ?32A(d)	94C/32A/J	Y			Y	
METHAMPHETAMINE, POSSESS TO DISTRIB c94C ?32A(c)	94C/32A/K	Y			Y	
METHAMPHETAMINE, POSSESS TO DISTRIB, 2ND c94C ?32A(d)	94C/32A/L	Y			Y	
PHENCYCLIDINE, DISTRIBUTE c94C ?32A(c)	94C/32A/M	Y			Y	
PHENCYCLIDINE, DISTRIBUTE, SUBSQ.OFF. c94C ?32A(d)	94C/32A/N	Y			Y	
PHENCYCLIDINE, POSSESS TO DISTRIB c94C ?32A(d)	94C/32A/O	Y			Y	
PHENCYCLIDINE, POSSESS TO DISTRIB, SUBSQ c94C ?32A(d)	94C/32A/P	Y			Y	
DRUG, DISTRIBUTE CLASS C c94C ?32B(a)	94C/32B/A				Y	
DRUG, DISTRIBUTE CLASS C, SUBSQ.OFF. c94C ?32B(b)	94C/32B/B	Y			Y	
DRUG, POSSESS TO DISTRIB CLASS C c94C ?32B(a)	94C/32B/C				Y	
DRUG, POSSESS TO DISTRIB CLASS C, SUBSQ. c94C ?32B(b)	94C/32B/D	Y			Y	
DRUG, DISTRIBUTE CLASS D c94C ?32C(a)	94C/32C/A				Y	
DRUG, DISTRIBUTE CLASS D, SUBSQ.OFF. c94C ?32C(b)	94C/32C/B				Y	

MassCourts charge description	Statute No.	Mandatory Minimum	School Zone Mandatory	Drug Possession	Drug Distrib.	Other 94C
DRUG, POSSESS TO DISTRIB CLASS D c94C ?32C(a)	94C/32C/C				Y	
DRUG, POSSESS TO DISTRIB CLASS D, SUBSQ. c94C ?32C(b)	94C/32C/D				Y	
DRUG, DISTRIBUTE CLASS E c94C ?32D(a)	94C/32D/A				Y	
DRUG, DISTRIBUTE CLASS E, SUBSQ.OFF. c94C ?32D(b)	94C/32D/B				Y	
DRUG, POSSESS TO DISTRIB CLASS E c94C ?32D(a)	94C/32D/C				Y	
DRUG, POSSESS TO DISTRIB CLASS E, SUBSQ. c94C ?32D(b)	94C/32D/D				Y	
COCAINE, TRAFFICKING IN 18 GRAMS OR MORE, LESS THAN 36 GRAMS c94C ?32E(b)	94C/32E/A	Y			Y	
COCAINE, TRAFFICKING IN 28 GRAMS OR MORE, LESS THAN 100 GRAMS c94C ?32E(b)	94C/32E/A	Y			Y	
COCAINE, TRAFFICKING IN c94C ?32E(b)	94C/32E/A	Y			Y	
HEROIN/MORPHINE/OPIUM, TRAFFICKING IN c94C ?32E(c)	94C/32E/B	Y			Y	
MARIHUANA, TRAFFICKING IN c94C ?32E(a)	94C/32E/C	Y			Y	
METHAMPHETAMINE, TRAFFICKING IN c94C ?32E(b)	94C/32E/D	Y			Y	
HEROIN/MORPHINE/OPIUM, TRAFFICKING IN 100 GRAMS OR MORE, LESS THAN 200 GRAMS c94C ?32E(c)	94C/32E/G	Y			Y	
COCAINE, DISTRIBUTE TO MINOR c94C ?32F(d)	94C/32F/A	Y			Y	
DRUG, DISTRIBUTE TO MINOR CLASS A c94C ?32F(a)	94C/32F/B	Y			Y	
DRUG, DISTRIBUTE TO MINOR CLASS B c94C ?32F(b)	94C/32F/C	Y			Y	
DRUG, DISTRIBUTE TO MINOR CLASS C c94C ?32F(c)	94C/32F/D	Y			Y	
DRUG, POSSESS TO DISTR TO MINOR CLASS A c94C ?32F(a)	94C/32F/E	Y			Y	
DRUG, POSSESS TO DISTR TO MINOR CLASS B c94C ?32F(b)	94C/32F/F	Y			Y	
DRUG, POSSESS TO DISTR TO MINOR CLASS C c94C ?32F(c)	94C/32F/G	Y			Y	
COUNTERFEIT DRUG, DISTRIBUTE c94C ?32G	94C/32G/A					Y

MassCourts charge description	Statute No.	Mandatory Minimum	School Zone Mandatory	Drug Possession	Drug Distrib.	Other 94C
COUNTERFEIT DRUG, POSSESS TO DISTRIBUTE c94C ?32G	94C/32G/B					Y
DRUG PARAPHERNALIA, DISTRIBUTE c94C ?32I(a)	94C/32I/A					Y
DRUG PARAPHERNALIA, POSSESS TO DISTRIB c94C ?32I(a)	94C/32I/B					Y
DRUG PARAPHERNALIA TO MINOR, SELL c94C ?32I(b)	94C/32I/C					Y
DRUG PARAPHERNALIA, SELL TO MINOR c94C ?32I(b)	94C/32I/C					Y
ROLLING PAPERS WARNING NOTICE, FAIL POST c94C ?32I(c)	94C/32I/D					Y
DRUG VIOLATION NEAR SCHOOL/PARK c94C ?32J	94C/32J	Y	Y		Y	
DRUG VIOLATION NEAR SCHOOL/PARK c94C ?32J	94C/32J	Y	Y		Y	
DRUG FUNDS, CAUSE MINOR TO POSSESS c94C ?32K	94C/32K/A					Y
DRUG, CAUSE MINOR TO DISTRIBUTE c94C ?32K	94C/32K/B				Y	
DRUG, FALSE REGIS NUMBER FOR c94C ?33(a)	94C/33/A					Y
DRUG, FALSE REGIS NUMBER FOR, SUBSQ.OFF. c94C ?33(c)	94C/33/B					Y
DRUG, OBTAIN BY FRAUD c94C ?33(b)	94C/33/C					Y
DRUG, OBTAIN BY FRAUD, SUBSQ.OFF. c94C ?33(c)	94C/33/D					Y
PRESCRIPTION, UTTER FALSE c94C ?33(b)	94C/33/E					Y
PRESCRIPTION, UTTER FALSE, SUBSQ.OFF. c94C ?33(c)	94C/33/F					Y
DRUG, POSSESS CLASS A c94C ?34	94C/34/A			Y		
DRUG, POSSESS CLASS A, SUBSQ.OFF. c94C ?34	94C/34/B			Y		
DRUG, POSSESS CLASS B c94C ?34	94C/34/C			Y		
DRUG, POSSESS CLASS B, SUBSQ.OFF. c94C ?34	94C/34/D			Y		
DRUG, POSSESS CLASS C c94C ?34	94C/34/E			Y		
DRUG, POSSESS CLASS C, SUBSQ.OFF. c94C ?34	94C/34/F			Y		
DRUG, POSSESS CLASS D c94C ?34	94C/34/G			Y		
DRUG, POSSESS CLASS D, SUBSQ.OFF. c94C ?34	94C/34/H			Y		
DRUG, POSSESS CLASS E c94C ?34	94C/34/I			Y		
HEROIN, POSSESS c94C ?34	94C/34/J			Y		
HEROIN, POSSESS, SUBSQ.OFF. c94C ?34	94C/34/K			Y		

MassCourts charge description	Statute No.	Mandatory Minimum	School Zone Mandatory	Drug Possession	Drug Distrib.	Other 94C
MARIHUANA +1 OZ, POSSESS c94C ?34	94C/34/L			Y		
MARIHUANA +1 OZ, POSSESS c94C ?34	94C/34/L			Y		
MARIHUANA, POSSESS c94C ?34	94C/34/L			Y		
MARIHUANA +1 OZ, POSSESS, SUBSQ. OFF. c94C ?34	94C/34/M			Y		
MARIHUANA, POSSESS, SUBSQ.OFF. c94C ?34	94C/34/M			Y		
HEROIN, BEING PRESENT WHERE KEPT c94C ?35	94C/35					Y
DRUG, LARCENY OF c94C ?37	94C/37					Y
CONSPIRACY TO VIOLATE DRUG LAW c94C ?40	94C/40					

EXHIBIT 5

See attached CD