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Judge to ask SJC to hear drug cases tied to Dookhan

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Former state chemist Annie Dookhan.

By Travis Andersen

GLOBE STAFF JUNE 01, 2016

A high-stakes legal fight over whether to dismiss all drug cases tied to disgraced former chemist Annie Dookhan appears to be headed to the state Supreme Judicial Court for oral arguments in the fall, officials said Wednesday.

At a hearing in Boston, Justice Margot Botsford of the high court told lawyers that she will report the matter for oral arguments before the full panel, possibly in September, according to statements the opposing parties issued afterward.

The ACLU of Massachusetts and public defenders are pushing for blanket dismissals or at least a deadline for addressing the drug cases. But a number of district attorneys oppose mass dismissals.

In addition, Botsford said notifying individual defendants of their right to challenge convictions “is an executive function that the DAs can undertake on their own,” said Carrie Kimball Monahan, a spokeswoman for Essex District Attorney Jonathan W. Blodgett.

A state investigator determined Dookhan was involved in testing drugs from more than 40,000 cases at the former Hinton laboratory in Jamaica Plain from 2003 to 2012. She admitted to submitting false reports and tampering with evidence and served prison time.

Since the scandal broke, hundreds of so-called Dookhan defendants have successfully challenged their convictions.

Jake Wark, a spokesman for Suffolk District Attorney Daniel F. Conley, said in an e-mail that there “is simply no new evidence or information warranting a sudden retreat” from a prior agreement between prosecutors and defense lawyers to notify Dookhan defendants about their rights.

But the ACLU and state public defenders have said in court papers that owing to the backlog of cases, “notice cannot truthfully tell Dookhan defendants, who are often indigent




and entitled to appointed counsel, that lawyers are available to handle their cases.”

Milton J. Valencia and Matt Rocheleau of the Globe staff contributed to this report.

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