

COMMONWEALTH OF MASSACHUSETTS

WORCESTER, ss.

SUPERIOR COURT DEPARTMENT

CIVIL ACTION NO.: 2285CV00971(A)

SPECIAL ASSIGNMENT

JOAO DEPINA,

Plaintiff,

v.

WORCESTER COUNTY DISTRICT  
ATTORNEY'S OFFICE; JOSEPH D.  
EARLY, JR., in his personal and official  
capacities; ANTHONY MELIA in his  
personal and official capacities; BOSTON  
POLICE DEPARTMENT; DANTE  
WILLIAMS in his personal and official  
capacities; and RACHAEL ROLLINS, in  
her personal capacity,

Defendants.

**PLAINTIFF'S OPPOSITION TO DEFENDANTS DANTE  
WILLIAMS AND BOSTON POLICE DEPARTMENT MOTION  
TO STAY DISCOVERY AND FOR A PROTECTIVE ORDER**

Plaintiff Joao DePina hereby files his Opposition to Defendants Dante Williams and Boston Police Department's Motion to Stay Discovery and for a Protective Order.

**1.0 BACKGROUND**

On November 9, 2021, DePina heckled Defendant Rachael Rollins while she was giving a press conference on a public street. (Plaintiff's Verified Complaint and Demand for Jury Trial "Compl." at ¶¶ 12-16). At the time of the incident, Defendant Rollins was the Suffolk County District Attorney. *Id.* at ¶ 13. Defendant Detective Dante Williams was present at the press conference and observed all of the events, yet he knowingly filed a false police report. *Id.* at ¶ 18. Defendant Williams was employed with Defendant Boston Police Department. *Id.* at ¶ 7.

For heckling Defendant Rollins, three days later, on November 12, 2021, DePina was charged for attorney intimidation in violation of G.L. c.268, § 13B. *Id.* at ¶ 17. In the words of Defendant Assistant District Attorney Anthony Melia, DePina was prosecuted for merely “questioning [Defendant Rachael Rollins] ability to be the district attorney....” *Id.* at ¶ 43.

On May 25, 2022, the criminal charge against DePina was dismissed for lack of probable cause. *See* Compl. at ¶ 46. The trial court held that “[t]here exists no probable cause or references, direct or indirect, to [DePina’s] pending criminal cases. [DePina’s] speech is within the First Amendment’s protective reach.” *Id.*

The criminal charge was initiated by Defendant Williams. **Exhibit 1** (Criminal Complaint and Application in Case No. 2017CR003064).<sup>1</sup> Defendant Williams and Detective Jeffrey Cecil were present during the November 9 press conference and witnessed the incident for which DePina was charged. *Id.* at 4. Upon information and belief, Defendant Williams filed the charges against DePina at Defendant Rollins’ behest. *See* Compl. at ¶ 19. Defendant Rollins is listed as the victim, and there is information provided in the criminal complaint which must have come from Rollins. *See* **Exhibit 1**. For example, Depina allegedly “has made multiple attempts to contact the DA, Ms. Rollins directly to talk about these pending cases, to no avail.” *Id.* at 4.

There was a three-day window between the filing of criminal charges against DePina and his encounter with Defendant Rollins. There were communications and discussions between Defendant Williams, Defendant Rollins, and Detective Cecil that DePina seeks to obtain through his discovery requests. It is inequitable for the Defendants to have conspired and put DePina

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<sup>1</sup> The criminal complaint and application are subject to notice as records from a related judicial proceeding. *Dwight v. Dwight*, 371 Mass. 424, 426 (Mass. 1976) (“We take judicial notice of our own records.”); *see also Miller v. Norton*, 353 Mass. 395, 399 (1967); *Poland v. New Bedford, Woods Hole, Martha's Vineyard Nantucket S.S. Authority*, 342 Mass. 75, 77 n. 2 (1961).

through the hell of a criminal prosecution for the obvious exercise of his right to speak freely and petition his government, and then for the City Defendants to turn around and slam the door shut on discovery of exactly how that all transpired.

## **2.0 LEGAL AUTHORITY**

“Litigants may be denied an opportunity for discovery if their complaints and affidavits have ‘not made even a minimal showing warranting the requested discovery.’” *E.A. Miller, Inc. v. South Shore Bank*, 405 Mass. 95, 100 (1989) (quoting *MacKnight v. Leonard Morse Hosp.*, 828 F.2d 48, 51 (1st Cir. 1987)). Pursuant to Mass. R. Civ. P. 26(c), the Court may enter a protective order only for good cause shown “which justice requires to protect a party or person from annoyance, embarrassment, oppression, or undue burden or expense.” The City Defendants fail to meet these requirements.

## **3.0 LEGAL ARGUMENT**

### **3.1 The City Defendants are not entitled to a stay of discovery.**

Defendants Dante Williams and Boston Police Department (“City Defendants”) intend to raise defenses of qualified immunity, sovereign immunity, and lack of subject matter jurisdiction in a forthcoming motion to dismiss. *See* Defendants Dante Williams and Boston Police Department Motion to Stay Discovery and For a Protective Order (“Motion to Stay”) at 1-2.

The SJC has stated that the Massachusetts Civil Rights Act claims adopt “the standard of immunity for public officials developed under § 1983.” *Duarte v. Healy*, 405 Mass. 43, 46 (1989); *see also Dinsdale v. Commonwealth*, 424 Mass. 176, 182 (1997). Qualified immunity is a judicially-created doctrine that shields public officials from liability for performing discretionary functions “insofar as their conduct does not violate clearly established statutory or constitutional

rights of which a reasonable person would have known.” *Rodrigues v. Furtado*, 410 Mass. 878, 882 (1991) (quoting *Harlow v. Fitzgerald*, 457 U.S. 800, 818 (1982)).

The SJC has noted a “desirability of resolving immunity issues quickly.” *Brum v. Town of Dartmouth*, 428 Mass. 684, 688 (1999); *see also Caron v. Silvia*, 32 Mass. App. Ct. 271, (1992) (“Consistent with the reasons underlying the qualified immunity defense, it was important that the immunity issue be resolved at the earliest possible stage of litigation, preferably before any discovery, on a motion to dismiss or for summary judgment.”) (citing *Mitchell v. Forsyth*, 472 U.S. 511, 526-527 (1985)). While the SJC admonishes the importance of resolving immunity issues quickly, the Superior Court has discretion in determining whether to stay discovery before a motion to dismiss is resolved.

In the federal system, the U.S. Supreme Court has ruled that defendants raising qualified immunity defenses are entitled to dismissal before the commencement of discovery, except where a plaintiff alleges violations of clearly established law. *Mitchell, supra* at 526 (1985) (“Unless the plaintiff’s allegations state a claim of violation of clearly established law, a defendant pleading qualified immunity is entitled to dismissal before the commencement of discovery.”). Even if Massachusetts followed the federal rule, the City Defendants are not entitled to a stay of discovery prior to a ruling on a motion to dismiss because DePina plausibly pled violations of clearly established law in his Complaint. *See* Compl. at ¶¶ 12-25.

Similar to the Commonwealth Defendants motion to stay discovery and for a protective order, the City Defendants are arguing to strip this Court of discretion on granting a stay. The Superior Court is well within its discretion to decide whether to grant a stay.

The City Defendants cite *Hudson v. Commissioner of Correction*, 46 Mass. App. Ct. 538 (1999), *aff’d* 431 Mass. 1. In *Hudson*, the Appeals Court of Massachusetts held the trial court did

not abuse its discretion in granting a motion for protective order and to stay discovery where a *pro se* litigant's "entire argument" on appeal was premised on procedural indulgences granted to *pro se* litigants. *Id.* at 549.

Similarly, here, the City Defendants' entire argument before this Court is seeking a procedural indulgence granted to government litigants. The City Defendants are asking this Court for special treatment based entirely on their position as government officials who have an intent to raise immunity defenses on a forthcoming motion to dismiss.

When a plaintiff plausibly pleads a constitutional violation of clearly established law, even under the federal approach, discovery may commence before the resolution of a motion to dismiss, even where a qualified immunity defense is raised. Therefore, the case law does not support the City Defendants' position and does not require a procedural indulgence for government litigants. The standard is whether a plaintiff plausibly pleads a violation of clearly established law, and whether the government litigants have shown good cause pursuant to Mass. R. Civ. P. 26(c).

**3.2 DePina has met his burden for discovery, and there is no good cause to grant the City Defendants' Motion to Stay pursuant to Mass. R. Civ. P 26(c).**

The City Defendants have not argued that DePina failed to meet his burden of making a minimal showing warranting discovery, nor could they.<sup>2</sup> DePina's complaint alleged conduct that violates clearly established constitutional rights. *See* Compl. at ¶¶ 12-25. DePina requests that pre-motion to dismiss discovery proceed as permitted under the Massachusetts Rules of Civil Procedure. The City Defendants' have not shown good cause pursuant to Mass. R. Civ. P. 26(c). There should be no special privileges for the government. A special privilege for government officials to delay discovery is inherently prejudicial to plaintiffs, especially in this case where the

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<sup>2</sup> Should the City Defendants attempt to annex a motion to dismiss as an exhibit or otherwise make such arguments in reply, it would be procedurally improper. *See* Superior Court Rule 9(a)(3).

violation of DePina’s constitutional rights is clear – he was prosecuted without probable cause for questioning whether a government official is competent to perform her job while standing on a public street, and Defendant Williams initiated a criminal charge for that. (Compl. at ¶¶ 12-25).

An official who commits a patently “obvious” violation of the Constitution is not entitled to qualified immunity. *Hope v. Pelzer*, 536 U.S. 730, 738 (2002). If freedom of speech includes the right to curse at a public official, then it surely includes the right to question whether a public official is competent to perform their job during a press conference. *See, e.g., Chaplinsky v. New Hampshire*, 315 U.S. 568, 569 (1942) (“‘You are a God damned racketeer’ and ‘a damned Fascist and the whole government of Rochester are Fascists or agents of Fascists’ ”); *Sandul v. Larion*, 119 F.3d 1250, 1255 (6th Cir. 1997) (“In 1990 when [the defendant] was arrested for his use of the ‘f-word,’ it was clearly established that speech is entitled to First Amendment protection.”); *Buffkins v. City of Omaha*, 922 F.2d 465, 467 (8th Cir. 1990) (“I will have a nice day, asshole.”).

A reasonably well-trained and experienced officer would know that there was no probable cause to file a criminal complaint against DePina. “A government official may not base her probable cause on an ‘unjustifiable standard’ such as speech protected by the First Amendment.” *Mink v. Knox*, 613 F.3d 995, 1003-04 (10th Cir. 2010) (quoting *Wayte v. United States*, 740 U.S. 598, 608 (1985)); *see also Swiecicki v. Delgado*, 463 F.3d 489, 498 (6th Cir. 2006) (“[A]n officer may not base his probable-cause determination on speech protected by the First Amendment.”) And, no reasonable person could have found probable cause under G.L. c. 268, § 13B in any event. *See Villareal v. Laredo*, U.S. Ct. App., No. 20-40359, slip op. (5th Cir. Aug. 12, 2022) (“It should be obvious to any reasonable police officer that locking up a journalist for asking a question violates the First Amendment.”).

Defendant Detective Williams initiated criminal charges against DePina for an interaction between DePina and Rollins on a public street, the pinnacle of an open forum, where the right to speak freely and petition the government is at its apex. *Cornelius v. NAACP Legal Defense Ed. Fund*, 473 U.S. 788, 817 (1985) (“[T]he quintessential public forums, includes those places which by long tradition or by government fiat have been devoted to assembly and debate, such as parks, streets, and sidewalks.”) (quotation marks and citations omitted). For exercising his constitutionally protected right to speak freely and petition his government, Defendant Williams retaliated against DePina by initiating criminal charges that resulted in an unjust abuse of the criminal justice system. *See* Compl. ¶¶ 17-21, 71-78. The criminal charge against DePina was dismissed for lack of probable cause, and the court noted that “[DePina’s] speech is within the First Amendment’s protective reach.” *Id.* at ¶ 46. There is no reasonable argument that the defense of qualified immunity applies to Defendant Williams. *Houston v. Hill*, 482 U.S. 451, 462-63 (1987) (“The Constitution does not allow such speech to be made a crime. The freedom of individuals verbally to oppose or challenge police action without thereby risking arrest is one of the principal characteristics by which we distinguish a free nation from a police state.”).

The City Defendants cited to *Hornibrook v. Richard*, 488 Mass. 74, 83-84 (2021) to argue that “no discovery can properly be taken from them until after a ruling on the forthcoming Motion to Dismiss.” (Mot. at 4). The *Hornibrook* case involves absolute immunity, and the Supreme Judicial Court extended absolute immunity to a conservator “acting pursuant to judicial approval.” *Id.* Because the City Defendants’ do not raise absolute immunity as a purported defense, the case is not applicable for the City Defendants.

The City Defendants argue that that order issued by the Single Justice on the Commonwealth Defendants’ appeal supports their motion because a Single Justice reversed this

Court's decision to deny the Commonwealth Defendants' motion to stay discovery. (Motion to Stay at 5) On appeal, the Single Justice found that "[s]ome of the protection conferred by immunity from suit would be lost if the petitioners were required to engage in discovery prior to the determination of their motion."<sup>3</sup> (Motion to Stay at 5 & Motion to Stay Exhibit 1 at 3). Contrary to the City Defendants' argument, no immunity will be lost by the City Defendants. There is no presumption that immunity applies to the City Defendants, and DePina has plausibly pled that Defendant Williams violated clearly established law. Further, even if there were no jurisdiction over some defendants, DePina is entitled to third-party discovery from the City Defendants as third-parties to Plaintiff's case against the remaining defendants. *See* Mass. R. Civ. P. 34(c)(2). Finally, the Commonwealth Defendants raised the defense of absolute immunity, which is not available to the City Defendants. Therefore, the ruling by the Single Justice does not wield the applicable law to the City Defendants and does not support good cause to stay discovery.

The City Defendants' have not met their burden to show good cause to delay discovery. The requested discovery is to gain a full and complete picture of the behind-the-scenes communications between the Defendants to understand their roles more fully. Moreover, robust discovery will allow the Supreme Judicial Court a wider lens if this case is taken on appeal on issues involving immunity doctrines and delaying discovery is inherently prejudicial to DePina. Therefore, there is no good cause to grant a stay of discovery pursuant to Mass. R. Civ. P 26(c).

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<sup>3</sup> DePina is appealing the erroneous decision by the Appellate Court Single Justice and uphold this Court's decision to deny the Commonwealth Defendants' motion. Thus, at a minimum, the stay motion should not be allowed until all such appeals are exhausted.

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#### 4.0 CONCLUSION

For the foregoing reasons, Plaintiff respectfully requests this Court deny the City Defendants' Motion to Stay Discovery and for a Protective Order.

Dated: December 5, 2022.

Respectfully Submitted,

/s/ Marc J. Randazza

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Attorneys for Plaintiff,

Joao DePina

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing document was served upon all parties through the Court's electronic filing system on this 5th day of December, 2022, or otherwise caused for service via U.S. Mail, as follows:

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*Counsel for Defendants Worcester County Prosecutor's Office, Joseph D. Early, Jr., Anthony Melia, and Rachael Rollins.*



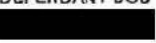
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*Counsel for Defendants Boston Police Department and Dante Williams.*

/s/ Marc J. Randazza  
Marc J. Randazza

# **Exhibit 1**

Criminal Complaint and Application  
Boston Municipal Court – Dorchester  
Case No. 2017CR003064

<b>CRIMINAL COMPLAINT</b> ORIGINAL		DOCKET NUMBER 2107CR003064	NO. OF COUNTS 1	<b>Trial Court of Massachusetts BMC Department</b> 
DEFENDANT NAME & ADDRESS Joao G Depina 			COURT NAME & ADDRESS BMC Dorchester 510 Washington Street Dorchester, MA 02124- (617)288-9500	
DEFENDANT DOB 	COMPLAINT ISSUED 11/12/2021	DATE OF OFFENSE 11/09/2021	<b>ORIGINAL</b>	
ARREST DATE				
OFFENSE CITY / TOWN Boston	OFFENSE ADDRESS Ferndale St. and Norfolk St.		NEXT EVENT DATE & TIME 12/27/2021 09:00 AM	
POLICE DEPARTMENT Boston PD Area B-3	POLICE INCIDENT NUMBER 212082441		NEXT SCHEDULED EVENT Arraignment	
OBTN	PCF NUMBER 2446892	DEFENDANT XREF ID 6492112	ROOM/SESSION Arraignment (1st) Session	

The undersigned complainant, on behalf of the Commonwealth, on oath complains that on the date(s) indicated below the defendant committed the offense(s) listed below and on any attached pages.

COUNT	CODE	DESCRIPTION
1	268/13B/A	WITNESS/JUROR/POLICE/COURT OFFICIAL, INTIMIDATE c268 §13B

On 11/09/2021 did, directly or indirectly, wilfully threaten, attempt or cause physical injury, emotional injury, economic injury or property damage to; or did convey a gift, offer or promise of something of value to; or did mislead, intimidate or harass another person who was a witness or potential witness; person who is or was aware of information, records, documents or objects that relate to a violation of a criminal law or a violation of conditions of probation, parole, bail or other court order; judge, juror, grand juror, attorney, victim witness advocate, police officer, correction officer, federal agent, investigator, clerk, court officer, court reporter, court interpreter, probation officer or parole officer; person who is or was attending or a person who had made known an intention to attend a proceeding described in this section; or family member of a person described in this section, with intent to or with reckless disregard for the fact that it may; (i) impede, obstruct, delay, prevent or otherwise interfere with: a criminal investigation at any stage, a grand jury proceeding, a dangerousness hearing, a motion hearing, a trial or other criminal proceeding of any type or a parole hearing, parole violation proceeding or probation violation proceeding; or an administrative hearing or a probate or family court proceeding, juvenile proceeding, housing proceeding, land proceeding, clerk's hearing, court-ordered mediation or any other civil proceeding of any type; or (ii) punish, harm or otherwise retaliate against any such person described in this section for such person or such person's family member's participation in any of the proceedings described in this section, in violation of G.L. c.268, § 13B(1).

(PENALTY: state prison not more than 10 years; or jail or house of correction not more than 2½ years; or fine not less than \$1000, not more than \$5000; or both. Superior Court jurisdiction, however, District Court has final jurisdiction for intimidation of a witness or juror under G.L. c.218, §26.)

SIGNATURE OF COMPLAINANT 	SWORN TO BEFORE CLERK/MAGISTRATE/ASST. CLERK/DEP. ASST. CLERK X 	DATE 11/12/21
NAME OF COMPLAINANT Brennando DeLacruz	CLERK/MAGISTRATE/ASST. CLERK X 	DATE 11/12/21

Notice to Defendant: 42 U.S.C. § 3796gg-4(e) requires this notice: If you are convicted of a misdemeanor crime of domestic violence you may be prohibited permanently from purchasing and/or possessing a firearm and/or ammunition pursuant to 18 U.S.C. § 922 (g) (9) and other applicable related Federal, State, or local laws.

11/23/22 14:17 FROM-  
**CRIMINAL COMPLAINT**

#2107CR3064

1 of 1

DORCHESTER COURT - BMC



I, the undersigned complainant, request that a criminal complaint issue against the accused charging the offense(s) listed below. If the accused **HAS NOT BEEN ARRESTED** and the charges involve:

- ONLY MISDEMEANOR(S), I request a hearing  **WITHOUT NOTICE**, because of an imminent threat of
  - BODILY INJURY  COMMISSION OF A CRIME  FLIGHT  WITH NOTICE to accused
- ONE OR MORE FELONIES, I request a hearing  **WITHOUT NOTICE**  WITH NOTICE to accused
- WARRANT is requested because prosecutor represents that accused may not appear unless arrested.

ARREST STATUS OF ACCUSED  
 HAS  HAS NOT been arrested

**INFORMATION ABOUT ACCUSED**

NAME (FIRST MI LAST) AND ADDRESS DEPINA, JOAO GOMES				BIRTH DATE		SOCIAL SECURITY NUMBER	
				PCF NO. 002446892		MARITAL STATUS	
				DRIVERS LICENSE NO.			STATE MA
HAIR Black		RACE BLACK	COMPLEXION MEDIUM BROWN	SCARS/MARKS/TATTOOS		BIRTH STATE OR COUNTRY	DAY PHONE
GENDER MALE		HEIGHT 509	WEIGHT 215	EYES BROWN			
EMPLOYER/SCHOOL			MOTHER'S MAIDEN NAME (FIRST MI LAST) GOMES		FATHER'S NAME (FIRST MI LAST) DEPINA, JOSE		

**CASE INFORMATION**

COMPLAINANT NAME (FIRST MI LAST) WILLIAMS, DETECTIVE DANTE			COMPLAINANT TYPE <input checked="" type="checkbox"/> POLICE <input type="checkbox"/> CITIZEN <input type="checkbox"/> OTHER		PD BOSTON POLI
ADDRESS 1 BULFINCH PL. BOSTON, MA 02114			PLACE OF OFFENSE FERNDAL ST. AND NORFOLK ST., BOSTON, MA 02124		
			INCIDENT REPORT NO. 212082441		OBTN
			CITATION NO(S). 212082441		

OFFENSE CODE	DESCRIPTION	OFFENSE DATE
1 268/13B/A-5	WITNESS/JUROR/POLICE/COURT OFFICIAL, INTIMIDATE c268 §13B	11/09/2021
VARIABLES (e.g. victim name, controlled substance, type and value of property, other variable information; see Complaint Language Manual) 11/09/2021 (OFFENSE DATE)		
2		
VARIABLES		
3		
VARIABLES		

REMARKS DRF. MADE STATEMENTS TO THE VT. W/ INTENT TO INTIMIDATE HER		COMPLAINANT'S SIGNATURE <i>[Signature]</i>	DATE FILED 11/12/21
COURT USE ONLY	A HEARING UPON THIS COMPLAINT APPLICATION WILL BE HELD AT THE ABOVE COURT ADDRESS ON	DATE OF HEARING	TIME OF HEARING

DATE	PROCESSING OF NON-ARREST APPLICATION (COURT USE ONLY)	CLERK/JUDGE
	NOTICE SENT OF CLERK'S HEARING SCHEDULED ON:	
	NOTICE SENT OF JUDGE'S HEARING SCHEDULED ON:	
	HEARING CONTINUED TO:	
	APPLICATION DECIDED WITHOUT NOTICE TO ACCUSED BECAUSE: <ul style="list-style-type: none"> <li><input type="checkbox"/> IMMINENT THREAT OF <input type="checkbox"/> BODILY INJURY <input type="checkbox"/> CRIME <input type="checkbox"/> FLIGHT BY ACCUSED</li> <li><input type="checkbox"/> FELONY CHARGED AND POLICE DO NOT REQUEST NOTICE</li> <li><input type="checkbox"/> FELONY CHARGED BY CIVILIAN; NO NOTICE AT CLERK'S DISCRETION</li> </ul>	

DATE	COMPLAINT TO ISSUE	COMPLAINT DENIED	CLERK/JUDGE
11/12/21	<input checked="" type="checkbox"/> PROBABLE CAUSE FOUND FOR ABOVE OFFENSE(S) NO(S): 1. <input type="checkbox"/> 2. <input type="checkbox"/> 3. BASED ON <input checked="" type="checkbox"/> FACTS SET FORTH IN ATTACHED STATEMENT(S) <input type="checkbox"/> TESTIMONY RECORDED; TAPE NO. _____ START NO. _____ END NO. _____ <input type="checkbox"/> WARRANT <input checked="" type="checkbox"/> SUMMONS TO ISSUE ARRAIGNMENT DATE: 12/27/21	<input type="checkbox"/> NO PROBABLE CAUSE FOUND <input type="checkbox"/> REQUEST OF COMPLAINANT <input type="checkbox"/> FAILURE TO PROSECUTE <input type="checkbox"/> AGREEMENT OF BOTH PARTIES <input type="checkbox"/> OTHER: COMMENT	<i>[Signature]</i>



Boston Police Department  
Boston PD

**# 212082441 - Offense/Incident Report**

REPORTED ON DATE / TIME Nov 10, 2021 15:35	DISTRICT / SECTOR / REPORTING AREA / SUBDIVISION 4 / SUBDIVISION 5 A1 / A422	OCCURRED FROM DATE / TIME - OCCURRED TO DATE / TIME Nov 9, 2021 18:10
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REPORTING OFFICER  
**DANTE WILLIAMS #011474**

REPORT TAKEN LOCATION  
**1 BULFINCH PL, BOSTON, MA 02114**

- EVENT STATISTICS
- |  |  |
|--|--|
| <input type="checkbox"/> Gun                                   | <input type="checkbox"/> Drugs             |
| <input type="checkbox"/> Sexual Assault                        | <input type="checkbox"/> NIDV              |
| <input type="checkbox"/> Child Present                         | <input type="checkbox"/> Homeless          |
| <input type="checkbox"/> CRU - Hate/Bias                       | <input type="checkbox"/> Car Jack          |
| <input checked="" type="checkbox"/> Other Agency/Unit Notified | <input type="checkbox"/> Bicycle           |
| <input type="checkbox"/> DVIP                                  | <input type="checkbox"/> Licensed Premise  |
| <input type="checkbox"/> Warrant Arrest                        | <input type="checkbox"/> School            |
| <input type="checkbox"/> Juvenile                              | <input type="checkbox"/> Disabled          |
| <input type="checkbox"/> Gang                                  | <input type="checkbox"/> Search Warrant    |
| <input type="checkbox"/> Homeland Security                     | <input type="checkbox"/> Shots Fired       |
| <input type="checkbox"/> Sex Offender                          | <input type="checkbox"/> Elderly           |
| <input type="checkbox"/> Homeland Security UASI                | <input type="checkbox"/> Victim Shot       |
| <input type="checkbox"/> Home Invasion                         | <input type="checkbox"/> Victim Stabbed    |
| <input type="checkbox"/> Human Trafficking                     | <input type="checkbox"/> Child Abuse       |
| <input type="checkbox"/> Body Worn Camera                      | <input type="checkbox"/> Auto Investigator |

**NARRATIVE**

On Tuesday, 11/09/21, at around 6:10 P.M., while holding a press conference at Ferndale St and Norfolk St., relative to a shooting incident that occurred hours earlier, the Suffolk County District Attorney, Rachel Rollins was attempting to make a statement to members of the press. The area had been cordoned-off for members of the press to assemble, and the DA was within that area.

As the DA began making her statement an individual -- known to her as having 3 separate criminal cases ( BMC-Dorchester Div. Docket numbers 2107CR002559A, 2007CR002818A (3 counts), and 1807CR003369A) pending prosecution by the Suffolk County District Attorneys Office, which she leads -- began to loudly heckel her, while making multiple offensive comments of a personal nature directly to her (invoking her name several times while doing so), which appeared as an intent to effect or interfere with these pending Suffolk County cases (he made several indirect references to these cases during his verbal offensive). One of the cases has a pretrial court date coming-up on 11/16/21 (Docket #1807CR003396A).

REPORTING OFFICER SIGNATURE / DATE DANTE WILLIAMS #011474 Nov 10, 2021 16:54 (e-signature) PRINT NAME DANTE WILLIAMS #011474	SUPERVISOR SIGNATURE / DATE DANIEL ADAMS #011575 Nov 10, 2021 16:59 (e-signature) PRINT NAME DANIEL ADAMS #011575
---	--

Detectives Dante Williams and Jeffrey Cecil, witnessed this incident, while in close proximity (within 10 ft.) to either the victim or the suspect. The suspect recorded the incident and uploaded it to his Facebook page. Det. Williams secured a copy of this recording.

The suspect, Joao G. Depina, D.O.B. [REDACTED] has made multiple attempts to contact the DA, Ms. Rollins directly to talk about these pending cases, to no avail. This incident appears to be an escalation from a prior similar incident on 8/2 /21, during the Caribbean Festival.

The suspect's behavior, immediately ceased as Ms. Rollins stepped away from the press, as other public officials were approaching.

REPORTING PARTY-1

REPORTING PARTY-1 (ORGANIZATION)

R-1 Myself

OFFENSE-1

OFFENSE CODE

INTIMIDATING WITNESS

OCCURRED FROM DATE/TIME

Nov 9, 2021 18:10

OCCURRED TO DATE/TIME

Nov 9, 2021 18:15

OFFENSE COMPLETION

COMPLETED  
 ATTEMPTED

SUSPECTED HATE CRIME

YES  NO

DOMESTIC VIOLENCE

YES  NO

GANG INFORMATION

None/Unknown

OFFENSE LOCATION

CITY

DORCHESTER

STATE

MA

ZIP

02124

COUNTRY CODE

US

INTERSECTION STREET 1

FERNDALE ST

INTERSECTION STREET 2

NORFOLK ST

LOCATION CATEGORY

Highway/ Road/ Alley/ Street/ Sidewalk

DISTRICT / SECTOR / REPORTING AREA / SUBDIVISION 4 / SUBDIVISION 5

B3 / C421 / 437

PUBLIC / PRIVATE

Public

VICTIMS-1

VICTIMS-1 NAME (LAST, FIRST MIDDLE)

V-1 ROLLINS, RACHEL

DOB / ESTIMATED AGE RANGE

45 - 50 years old

SEX

Female

RACE / ETHNICITY

Black

VICTIM IS OFFICER

YES  NO

SUSPECTS-1

SUSPECTS-1 NAME (LAST, FIRST MIDDLE)

S-1 DEPINA, JOAO GOMES

DOB / ESTIMATED AGE RANGE

[REDACTED]

SEX

Male

RACE / ETHNICITY

Black / Not of Hispanic Origin

HOME ADDRESS

[REDACTED]

WITNESS-1

WITNESS-1 NAME (LAST, FIRST MIDDLE)

W-1 WILLIAMS, DET. DANTE

SEX

Male

PHONE NUMBER

(617) 343-4234 (primary, WORK)

REPORTING OFFICER SIGNATURE / DATE

DANTE WILLIAMS #011474 Nov 10, 2021 16:54 (e-signature)

PRINT NAME

DANTE WILLIAMS #011474

SUPERVISOR SIGNATURE / DATE

DANIEL ADAMS #011575 Nov 10, 2021 16:59 (e-signature)

PRINT NAME

DANIEL ADAMS #011575

<b>WITNESS-2</b>		
WITNESS-2 NAME (LAST, FIRST MIDDLE) <b>W-2 Cecil, Det. Jeffrey</b>	DOB / ESTIMATED AGE RANGE <b>41 - 56 years old</b>	
SEX <b>Male</b>	RACE / ETHNICITY <b>White</b>	PHONE NUMBER <b>(617) 343-4633 (primary, work)</b>
HOME ADDRESS <b>1 SCHROEDER PLZ, ROXBURY, MA 02120</b>		

**RELATIONSHIPS ADDENDUM**

NAME	RELATIONSHIP	SUBJECT
<b>RACHEL ROLLINS</b>	<b>ACQUAINTANCE OF</b>	<b>JOAO GOMES DEPINA</b>

REPORTING OFFICER SIGNATURE / DATE <b>DANTE WILLIAMS #011474 Nov 10, 2021 16:54 (e-signature)</b>	SUPERVISOR SIGNATURE / DATE <b>DANIEL ADAMS #011575 Nov 10, 2021 16:59 (e-signature)</b>
PRINT NAME <b>DANTE WILLIAMS #011474</b>	PRINT NAME <b>DANIEL ADAMS #011575</b>