

LAW OFFICES
BRENDAN J. PERRY & ASSOCIATES, P.C.
95 Elm Street
Post Office Box 6938
HOLLISTON, MASSACHUSETTS 01746

BRENDAN J. PERRY (1928-2010)
CHRISTOPHER M. PERRY

TEL: (508) 429-2000
FAX: (508) 429-1405

8.8.19

David Hock
Constituent Services Aide
Office of Senate President Karen E. Spilka
Massachusetts State House
24 Beacon Street
Room 332
Boston, MA 02133

Re: Jason Davis Case

David:

Thank you very much for your time relative to the phone call we had today.

I was very disappointed to hear that the Senate President, due to protocol, cannot file legislation seeking to bring justice to the Davis family. I was very glad though to talk about other alternatives that could still bring justice to the Davis family.

As I told you on the phone, if the Senate President closes the door on the Davis family there will never be any justice for it notwithstanding the fact that the Davis case is one of the most vile and despicable incidents of inpatient brutality ever to take place within the four walls of the Massachusetts Department of Mental Health. I know the Senate President knows this. As you said, she is very “empathetic” toward the Davis case. She has been for a long time. We thank her again for her long support of the Davis case.

During the call you stated, and I agree, that the Davis case is “absolutely” in need of justice. It is and we can achieve it. It has been a 26 year fight with five failed attempts in the Legislature. Failure really is not an option anymore because it will be permanent in nature. **If the Senate President steps away from this matter the Davis family will never obtain justice. We respectfully implore her not to do so.**

I just wanted to reiterate some of the issues I addressed during the call:

1. The Senate President could stand behind a podium, in the public domain, and propose that the Commonwealth of Massachusetts finally provide justice to the

Davis family after its 26 wait. I stated that this speech need only be 3 minutes in length but that, after it was made, Senators and Representatives alike would most likely flock to file legislation given the wide support for this cause in 2014. If the Senate President made this speech Jason Davis would immediately obtain justice because the Senate President is the second most powerful politician in the State who wields an enormous amount of power and influence. I also explained that the Davis case is a political plumb not a bunch of thorns and that helping the Davis family is consistent with the Senate President's long support of mental health issues. I did ask you directly: Will the Senate President stand with the Davis family in the public domain and request that the family be given justice?

2. That the Senate President could talk to the Speaker of the House directly about the Davis case therein requesting that he file legislation in the House. I explained that the Speaker previously embraced the Davis case in 2014 and that his Chief Legal Counsel (Christopher Eicher, Esquire) currently has my 7.25.19 email sent to the Senate President, my 6.28.19 letter to the Senate President, Speaker and Governor and the 2014 Boston Globe article. (I was informed of this fact by Beth Chianca at the Speaker's Office). It is not a reach to suggest that the Speaker and the Senate President could find a way to finally bring justice to the Davis family.
3. That the Senate President could address the Davis case with the Governor and the Speaker of the House during their weekly meetings and urge that the Commonwealth finally bring justice to the family. If these three people decided that it was finally time to bring justice to the Davis family it would happen rather quickly.
4. That the Senate President could urge other Senators and Representatives to file legislation in payment of the Davis judgment.
5. Giving up on the Davis case now, through inaction or otherwise, would be to snatch defeat from the jaws of victory. As my 6.28.19 letter to the Senate President demonstrates, the Governor has said he would defer to the Legislature on the Davis case, the Senate President supports the Davis case, the Speaker has embraced the Davis case and the override of a 2014 veto in the Davis case by Governor Patrick was 152-0 (House) and 39-0 (Senate). (As an aside, the Senate President was one of these 39 votes in the Senate).
6. The Joshua Messier and Dennis R. Smith cases are legally indistinguishable from the Davis case. Since they were paid the Davis case should be paid as well.
7. There is a proposed State statute embodied in the 11.3.17 letter sent to Governor Baker which should be enacted to ensure the safety of our mentally ill. [See jasonstrongma.com](http://jasonstrongma.com).

I also stated during the phone call that the proposed payment of this 2.4M judgement was nothing more than a ceremonial payment given that the State budget will be 43B or so. I then stated, and I believe it is true, that the payment of this judgment – given the size of the State budget – is tantamount to my asking you to borrow your coffee cup for a few days. It really is that insignificant from a financial perspective.

I do not want to get prickly or offensive and that is not my intent but the bottom line here is real simple: (i) there is overwhelming support for the Davis case inside the four walls of the State House; (ii) the powers that be in the State House could bring justice to the Davis family rather quickly if they choose to do so; and (iii) the Senate President has the power and authority *herself* to bring justice to the Davis family.

This case simply cannot die on the vine once again after 5 prior losing trips through the Legislature because any such failure will be permanent.

It is humbly and respectfully submitted that a sitting Senate President could be the architect of the victory for the Davis family.

I look forward to achieving this victory.

Sincerely,
BRENDAN J. PERRY & ASSOCIATES, P.C.

By: /s/ Christopher M. Perry

Christopher M. Perry

CMP/mcp