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October 13, 2022

Maura Healey, Esquire  
Attorney General  
Commonwealth of Massachusetts  
Massachusetts Attorney General's Office  
One Ashburton Place  
Boston, MA 02108

Re: Jason Davis  
Vs: Paul Rennie, et al  
Civil Action Number: 96-11598-MEL

Attorney General Healey:

Can you help the family of Jason Davis obtain justice after nearly 30 years of suffering?

I attach your 2014 email to the Davis family.

We just lost for the seventh time in the Legislature on H. 4570. **My 85 year old client started fighting for justice for his committed mentally ill son when he was 55.** The savage brutality of his son occurred on 8.12.93 at the Westborough State Hospital.

Representative Cabral and Senator Pacheco acted favorably on H. 4570 when it was before their Joint Committee on State Administration and Regulatory Oversight this Winter. We then could not get past the House Ways and Means Committee. It is still languishing there without any real hope of victory.

We just keep on going around and around the mulberry bush with no justice in sight. We need some real help from a booming voice to provide justice to the Davis family. This case screams out for it. It should not remain in the abyss where it has been for 29 years.

On February 18, 2022 I spoke before the Joint Committee on State Administration and Regulatory Oversight. The video of the hearing is set forth here [9:27 – 20:38 mark]:

<https://malegislature.gov/Events/Hearings/Detail/4202/Video1>

In 2020 U.S. Senators Edward Markey and Elizabeth Warren both called for justice for Jason Davis and the payment of his entire 2.5M Federal Court judgment:

<https://www.bostonherald.com/2020/08/29/father-of-jason-davis-accuses-markey-warren-of-neglecting-calls-for-justice/>

The Commonwealth committed Jason Davis to a mental health facility where an historical wave of violence was acute, ongoing, documented and well known to all who cared to know. It also provided caretakers to him which included convicted violent felons hired pursuant to a written State hiring policy. When expected and, indeed, statistically probable harm befell Jason Davis on August 12, 1993, the Commonwealth told him to take the matter up with the convicted violent felons who brutalized him insofar as it was washing its hands of the matter. First though the State, through the Office of its Attorney General, availed itself to a one-month Federal District Court trial which it lost, a Federal Appeal which it lost and a Certiorari filing with the Supreme Court which it lost. The State then ran for the proverbial hills after defending the very criminals – in three federal courts – who brutalized Jason Davis. The unpaid Davis judgment is 2.5M.

The Davis series of reported federal cases actually set forth some of the most profoundly important constitutional protections for the mentally ill ever articulated by our Federal Courts for our Nation. See Davis v. Rennie, 264 F. 3d 86 (1<sup>st</sup> Cir. 2001); Davis v. Rennie, 997 F. Supp. 137 (D. Mass. 1998); Davis v. Rennie, 553 U.S. 1053 (2002). **It is ironic to note that Jason Davis is a national legal hero, given the substantial contributions he has made to our national constitutional landscape, but yet he cannot even obtain justice in his own State.**

The rub has always been that the Commonwealth does not usually pay intent based Federal Civil Rights claims but they have done just that, on a number of occasions, with the blessing of the Legislature. On May 12, 2022 Governor Baker, to his great credit, spearheaded the payment of 56M - to the injured and deceased soldiers at the Holyoke Soldiers Home – to compensate them for their Federal Civil Rights claims. The Legislature also indemnified intent based civil rights claims in the Joshua Messier (3M) case – with no trial and no legislative bill having even been filed – and the Dennis R. Smith (1M) case.

I would really relish the chance to meet with you about the Jason Davis case. My 85 year old client deserves justice after a 29 year fight for it.

It is respectfully submitted that there is room at the table of justice for Jason Davis.

Would you meet with the Davis family to help us finally get justice and will you stand with us in the public eye to demand justice?

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

By: /s/ Christopher M. Perry  
Christopher M. Perry

CMP/pmc