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March 30, 2020

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**BY E-MAIL**

Chief Justice Ralph D. Gants  
Supreme Judicial Court  
John Adams Courthouse  
1 Pemberton Square  
Boston, MA 02108

Re: Special Master's Report and Recommendations

Dear Chief Justice Gants:

Thank you for the opportunity to serve as Special Master on this important and time-sensitive matter caused by the COVID-19 pandemic. I am attaching my Special Master's Report and Recommendations for the Supreme Judicial Court in *Committee for Public Counsel Services and Massachusetts Association of Criminal Defense Lawyers v. Chief Justice of the Trial Court, et al.*, No. SJC-12926.

I and my colleagues at Ropes & Gray have worked hard with several of the parties in an effort to focus and resolve the issues raised by the Petitioners. While certain of the parties declined to participate in the Special Master's efforts, several of the parties engaged in a robust sharing of ideas on how to best address the public health issues raised by the Petitioners and resolve the matter. The following parties, each of whom worked diligently on the issues, support the Special Master's Report and Recommendations: the Petitioners, the Office of the Massachusetts Attorney General, and the District Attorneys of each of Berkshire County, the Northwest Counties, Middlesex County and Suffolk County.

The Petitioners informed me in writing that while they support "the framework, the timelines, and the individualized review of the Report and Recommendation," they object to "the definition of excluded offense" and "the 5 year lookback for pretrial because presumably that was weighed when they were held and not found dangerous." The Petitioners "respectfully request that those provisions be reconsidered and that, in all events, the Special Master remain involved so that it is possible to reassess the framework if necessary once the lists are submitted."

I hope the Court will find this Report and Recommendations helpful in its important work on this time-sensitive matter.

Very truly yours,

*/s/ Brien T. O'Connor*

Brien T. O'Connor

Enclosure

cc: Attorney General Maura Healy  
First Assistant Attorney General Mary Strother  
District Attorney Marian Ryan  
District Attorney Rachael Rollins  
District Attorney Andrea Harrington  
District Attorney David Sullivan  
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