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COMMONWEALTH OF MASSACHUSETTS

HAMPSHIRE, § .

**SUPERIOR COURT
CRIMINAL ACTION
NO. 08-56**

Commonwealth

vs.

Jason Vassell

**MEMORANDUM AND ORDER ON THE
DEFENDANT'S MOTION FOR DISCOVERY**

February 26, 2009

Introduction

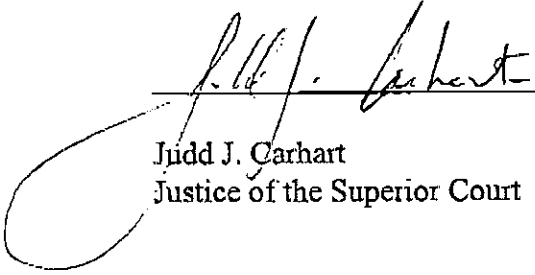
Based upon the filings in this case, I find that the defendant has made a prima facie case showing that a reasonable inference could be drawn that he is the subject of selective prosecution. Therefore, an evidentiary hearing is necessary in order to give the Commonwealth the opportunity to demonstrate the prosecution of the defendant is not race based.

Notwithstanding the fact that I have concluded that the defendant has made the required prima facie case, I find that the defendant is entitled to reasonable discovery in order to litigate his claim.

Accordingly, I order that the defendant be provided the following, reasonably in advance

of th evidentiary hearing:

1. All police reports, witness statements and Grand Jury minutes in the case of Commonwealth v. Damien Varnell, 0698CR12137;
2. Any and all documentation showing the number of cases charged in Hampshire County, in the last five years, of assault and battery, assault and battery with a dangerous weapon, or aggravated assault and battery with a dangerous weapon where the accused and named victim(s) were of different racial backgrounds; and
3. Any and all documentation concerning the number of cases reported to the Northwest District Attorney in the last five years of civil rights violations or hate crimes, including cases where no formal charges resulted.



Judd J. Carhart
Justice of the Superior Court