

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, ss.

BOSTON MUNICIPAL COURT
WEST ROXBURY DIVISION
DOCKET NO. 2206CR000590
DOCKET NO. 2206CR000593

_____)
COMMONWEALTH)
)
v.)
)
SHANNON LLEWELLYN)
CATHERINE VITALE)
_____)

DEFENDANTS’ INTERIM SUMMARY
REGARDING SELECTIVE PROSECUTION

NOW COME the Defendants Shannon Lllewellyn and Catherine Vitale, and in accordance with the directive of the Court, hereby submit this Interim Summary regarding the data they have compiled and submitted as of January 1, 2024 regarding Selective Prosecution of political protesters in Suffolk County.

I. Contents

- 1) Overall Interim Statistics for Non-Targeted Protesters (meaning protesters not on the so-called “enemies list” who are protesting George Floyd, race issues, climate change, LGBTQ, and either side of the Palestine dispute)
- 2) Analysis of the dispensation of community service obligations for non-targeted protesters.
- 3) State of Analysis for targeted protesters (meaning those protesters on the so-called “enemies list” or who have protested against the Mayor of Boston and/or vaccine mandates).

Overall Interim Statistics for Non-Targeted Protesters

The data compiled thus far (through January 1, 2024) and set forth in Defendants' Memorandum in Support of Selective Prosecution Discovery and in two supplementary volumes, covers 114 arrests in Suffolk County arising out of protest activity concerning race issues, climate change, LGBTQ matters, and the Palestine conflict.¹

Of the 114 arrests, 41 involved felony charges (35 from the May 31, 2020 riots, 5 felony cases from a climate change protest that deployed "Dragon's Teeth" barriers to block traffic on the central artery, and one felony charge involving an LGBTQ protester charged with Assault and Battery upon a Police Officer causing Serious Bodily Injury). Of these felony arrests, there were only 7 cases (all felony charges arising out of the May 31, 2020 "George Floyd" riot) resulting in anything other than a dismissal. These seven felony cases resulted in 4 CWO's, 2 guilty pleas, and one not guilty trial verdict.²

¹ The materials submitted by the Defendants also include some mention of protest activity that plainly included criminal activity but which did not result in arrests. Defendants do not know at this juncture whether this failure to effect arrests is the result of simple neglect, a policy deployed in some instances by the police or the Mayor of Boston, or demoralization on the part of some police because of the lack of meaningful prosecution by the District Attorney's Office. In any event, the Defendants' motion is not premised on selective enforcement and is squarely aimed at selective prosecution. The statistics presented here therefore do not include, for example, the 100 Palestine protesters that physically blocked the B.U. Bridge for two hours during rush hour and gridlocked city traffic (as well as skirmishing with counterprotesters) for whom there were no arrests.

² BPDNews press release for the May 31, 2020 incident stated that 9 BPD officers were treated at hospitals while dozens more were treated "in the streets during these incidents."

Of the 114 arrests, 73 involved misdemeanors and all resulted in dismissals, 32 of those misdemeanor dismissals were prior to arraignment. The statistical totals for the 114 arrest are:

CONVICTION RATE (OVERALL)

114 Arrests	2 Convictions	1.75%
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FELONY CONVICTION RATE

41 Felony Arrests	2 Convictions	4.8%
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MIDMEANOR CONVICTION RATE

73 Misdemeanor Arrests	0 Convictions	0%
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DISMISSAL RATE (OVERALL)

114 Arrests	107 Dimissals	94%
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FELONY DISMISSAL RATE

41 Felony Arrests	34 Dimissals	83%
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MISDEMEANOR DISMISSAL RATE

73 Misdemeanor Arrests	73 Dimissals	100%
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II. Community Service Dispensations

Of the 114 cases, 47 dispositions involved community service conditions. This breaks down to 16 felony cases with community service (including the CWOFs and guilty pleas) and 29 felonies dismissed with no community service obligations. For the 73 misdemeanor arrests, 31 had community service as part of their dimissal and the remaining 42 cases had no community service obligations. The statistical totals are:

COMMUNITY SERVICE (OVERALL RATE)

114 Arrests 47 Community Service **41%**

FELONY CHARGES WITH COMMUNITY SERVICE

41 Felony Arrests 16 Community Service **39%**

FELONY CHARGES WITHOUT COMMUNITY SERVICE

41 Felony Arrests 25 w/o Community Service **61%**

MISDEMEANOR CHARGES WITH COMMUNITY SERVICE

73 Misdemeanor Arrests 31 Community Service **42%**

MISDEMEANOR CHARGES WITHOUT COMMUNITY SERVICE

73 Misdemeanor Arrests 42 w/o Community Service **58%**

It is worth noting that the dismissed charges without any community service obligations include amongst the felony cases: 8 cases of Larceny over \$1,200; 17 cases of B & E Nighttime with Intent to Commit a Felony; 1 case of Assault and Battery with a Dangerous Weapon; 1 case of inciting a riot; and 2 cases of A & B on a Police Officer. The misdemeanor cases dismissed with community service are almost all climate change protesters, includes repeat offenders, and involve community service obligations of 4 hours (14 total), 10 hours (2 total) and 25 hours (9 total).

The repeat offenders amongst those receiving a community service dispensation as part of their dismissals are as follows:

- **Dylan Sessler**;-- 2301CR000506(4 hours) -- 2301CR001952(28 hours)
- **Allen Patrick Mcgonagill**; 2201CR002995(dism) -- 2301CR001954(28 hours)
- **Rebecca Phillips**; 2305CR000074(dism) -- 2301CR001955(28 hours)

- **Mary Elizabeth Hansen;** 2201CR003049(felony, 40 hours) – 2305CR000576 (dism)
- **Paul Edward Shannon;** 2203CR000417 (10 hours) – 2301CR000503 (4 hours)
- **Alexander Jacob Chambers;** 2305CR000069 (dism)– 2301CR000501 (4 hours) – 2301CR001472 (25 hours)
- **Gregory Mangan;** 2305CR000067(dism) – 2305CR000577(dism) – 2301CR000504(4 hours) --2301CR001470(25 hours)
- **Virginia Fisher;** 2305CR000575(dism) – 2301CR000510(4 hours)
- **Julia Hansen;** 2301CR000513(4 hours) – 2301CR001465(25 hours)
- **Paul Edward Shannon;** 2203CR000417(10 hours) -- 2301CR000503(4 hours)
- **John Reynolds Burkhardt** (Central Artery blocking traffic) – 2301CR001467(25 hours)

III. State of Analysis For Targeted Protesters

The data for the protesters on the so-called “enemies list” or who have protested against the Mayor of Boston and/or vaccine mandates is incomplete. This is because no discovery has been received regarding the “master list of protesters” referenced in a BPD email sent to several dozen recipients. All defendants can say at this juncture is based upon approximately 5 persons known to them or their counsel who are on the so-called “enemies list.” Those persons are:

- **Shannon Llewelyn** (listed as “Shannon Kay): A mother of a young child with no prior convictions who is a defendant in this matter.
- **Catherine Vitale:** A mother of 2 young children with no prior record who is a defendant in this matter. Ms. Vitale was also a candidate on the ballot for Boston City Council on a platform diametrically opposed to Mayor Wu’s policies.

- **Michelle Effendi:** A mother of 4 young children with no prior record who is a defendant in the Central Division based on a protest against vaccine policy.
- **Shawn Nelson:** An honorably discharged military veteran with no prior record and also a candidate on the ballot for Boston City Council running against Mayor Wu's policies. Mr. Nelson has three pending cases in Divisions of the Boston Municipal all arising out of protest activities regarding vaccine mandates and the policies of Mayor Wu.
- **Shana Cottone:** A Boston Police Sergeant with no prior record. Ms. Cottone has not been charged with any crimes, but has been terminated from the BPD on the basis of her protest activities against vaccine mandates and Mayor Wu's policies.

For all the above parties, no dismissals with or without community service have ever been effectuated or offered and their cases have been pending for an average of 18 months.

By their attorney,

DATED: January 02, 2023

William E. Gens, BBO# 556595
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CERTIFICATE OF SERVICE

I hereby certify that on this day a true copy of the above document was served upon the Office of the District Attorney by HAND on:

DATE: 01/03/2023