

HOUSE. No. _____

The Commonwealth of Massachusetts

HOUSE COMMITTEE

ON ETHICS

A REPORT

AND RECOMMENDATION

CONCERNING

REPRESENTATIVE CARLOS A. HENRIQUEZ

TABLE OF CONTENTS

- I. Executive Summary
- II. Factual Background
 - A. The July 8, 2012 Incident
 - B. Criminal Proceedings
- III. Authority to Discipline Members
 - A. Constitutional Authority
 - B. House Rules and Investigatory Powers
 - C. The Precedent for Discipline
- IV. Ethics Committee Proceedings
- V. Recommendations
- VI. Acceptance of Committee Report and Order

REPORT OF THE HOUSE COMMITTEE ON ETHICS
CONCERNING REPRESENTATIVE CARLOS HENRIQUEZ

February 4, 2014.

The House Committee on Ethics, to whom a complaint was referred alleging misconduct on the part of Representative Carlos Henriquez of the Fifth Suffolk District, reports as follows:

I. Executive Summary

On January 15, 2014, Representative Henriquez was convicted of two counts of assault and battery in the Cambridge District Court and sentenced to two-and-a-half years in prison, with six months to be served. Representative Henriquez was immediately taken into custody following his conviction and transported to the Middlesex County House of Correction to serve out his six-month sentence.

Speaker of the House, Robert A. DeLeo, referred these facts to the Committee on Ethics by a letter dated January 15, 2014 (the “Complaint”) and directed the Committee to conduct a formal investigation into the matter. A copy of the Speaker’s letter is attached hereto as Exhibit 1.

On February 4, 2014, the House Committee on Ethics—having completed its investigation and evaluation—determined that the Complaint had merit and voted to recommend to the full House of Representatives that he be expelled.

II. Factual Background

Representative Henriquez was first elected as a member of the Massachusetts House of Representatives (the “House”) on November 2, 2010 and was sworn in on January 5, 2011. (See House Journal, January 5, 2011.) He was elected to a second term on November 6, 2012 and sworn in on January 2, 2013. (See House Journal, January 2, 2013.) His current term expires on or about January 6, 2015.

The Massachusetts House of Representatives is comprised of 160 members, each representing a district of approximately 40,000 people. Representative Henriquez’ district – the Fifth Suffolk District – is in the city of Boston and includes several sections of Dorchester and Roxbury.

A. The July 8, 2012 Incident

On July 8, 2012, Representative Henriquez was arrested and charged with three counts of assault and battery, one count of kidnapping, one count of witness intimidation and one count of larceny from a person under \$250, stemming from a widely publicized incident in which he allegedly attacked a 23-year-old woman in the backseat of his rented Zipcar.¹ After the alleged

¹ Criminal Docket Sheet, *Commonwealth v. Henriquez*, No. 1252CR001476 (Jan. 15, 2014).

assault, the victim claims that Representative Henriquez drove her from Arlington to Boston against her will, took the SIM card from her phone, and did not permit her to exit the vehicle until they reached Northeastern University.

As recounted in police reports and trial testimony, the victim met Representative Henriquez at a community event in February 2012 and decided to interview him for a school project.² The two stayed in touch and, sometime in March 2012, their relationship became intimate.³ Representative Henriquez met the victim socially on multiple occasions between March and July 2012 and generally arranged those meetings via text.⁴

On the evening of July 7, 2012, the victim was at her mother's house in Arlington, celebrating her sister's 21st birthday. Over a string of text messages, Representative Henriquez and the victim made plans to meet up later that night with the intention of going to his house.⁵ In the early morning hours of July 8, 2012, Representative Henriquez arrived in Arlington in a rented Zipcar and parked a few houses down from the victim's mother's house.⁶ At approximately 3 a.m., the victim left her mother's house, over her mother's objections, and got into the car with Representative Henriquez.

According to the victim, she and Representative Henriquez climbed into the backseat of the car to "talk" and "make out."⁷ When the victim told Representative Henriquez that she could not go with him and needed to return to her mother's house, he became angry, complained that he had driven all the way out to Arlington to see her and began hitting her.⁸

After being held down and punched repeatedly, the victim allegedly told Representative Henriquez she was recording him with her phone. A struggle for the phone allegedly ensued, and Representative Henriquez allegedly removed its SIM card. Although the victim was eventually able to retrieve her phone, she did not retrieve its SIM card.⁹

Representative Henriquez then climbed into the front seat of the car and drove into Boston. The victim exited the vehicle when Representative Henriquez stopped at a red light on Forsyth Street, near Northeastern University. In the process of exiting the vehicle, the victim scraped her leg and lost a flip-flop.¹⁰ Surveillance video shows the victim entering White Hall (a student dormitory) and using a telephone to call for help at approximately 4:15 a.m.¹¹

² Transcript of victim's trial testimony, *Commonwealth v. Henriquez*, No. 1252CR001476 (Jan. 13, 2014).

³ *Id.*; Arlington Police Incident Report, Case No. 12015342-1 (Jul. 9, 2012).

⁴ Trial Exhibits 42 to 51, inclusive (text messages between Representative Henriquez and victim, dated Jul. 7-8, 2012).

⁵ *Id.*

⁶ Arlington Police Incident Report, Case No. 12015342-1 (Jul. 9, 2012).

⁷ Transcript of victim's trial testimony, *Commonwealth v. Henriquez*, No. 1252CR001476 (Jan. 13, 2014).

⁸ *Id.*

⁹ Transcript of victim's trial testimony, *Commonwealth v. Henriquez*, No. 1252CR001476 (Jan. 13, 2014); BPD-DVU Witness Interview Notes, Report No. 120419163, prepared by Det. Berry-O'Toole (Jul. 8, 2012); BPD-DVU Witness Interview Notes Supplement, Report No. 120419163, prepared by Det. Berry-O'Toole (Jul. 10, 2012).

¹⁰ Trial Exhibits 19-25 and 17, 52 to 56, inclusive (photos of flip-flop and leg abrasions).

¹¹ Trial Exhibit 76 (White Hall Video); NUPD Supplemental Case Report, Case No. 121225, prepared by Officer Adam R. Hill (Jul. 8, 2012).

Northeastern University Police Officer Steven Brandos was the first officer to arrive at the scene. When Officer Brandos encountered the victim she was “visibly upset” and told him that she had been “held against her will” and “beaten” by Representative Henriquez.¹² Officer Brandos immediately called Boston Emergency Medical Services (EMS) and Boston Police to the scene.

Boston Police arrived at 4:24 a.m. and found the victim still “noticeably upset and shaken up.”¹³ The victim told Boston Police Officer Charbel Kamel that Representative Henriquez had punched her repeatedly with a “closed fist” and had refused to let her out of the car until they reached Northeastern.¹⁴ Boston Police observed “multiple bruises” on the victim’s arms and wrists in addition to “scuffs” on her right leg.¹⁵

Boston Police assumed jurisdiction over the case and escorted the victim home.¹⁶ At approximately 6:30 a.m., Boston Police arrested Representative Henriquez at his home in Boston and charged him with three counts of assault and battery, one count of kidnapping, one count of witness intimidation and one count of larceny from a person under \$250. Following his Miranda warning, Representative Henriquez declined to answer any questions or make any statements to law enforcement.¹⁷

The victim was subsequently interviewed by Detectives Allison Berry-O’Toole and Carmen Rodriguez of the Boston Police Domestic Violence Unit (“DVU”) on the morning of July 8, 2012 and again on July 10, 2012.¹⁸ The DVU detectives determined that Boston Police did not have jurisdiction over the case because the assault occurred in Arlington. Accordingly, the case was transferred to the Arlington Police and the victim was re-interviewed by Arlington Police Inspectors Edward DeFrancisco and Gina Bassett on July 9, 2012.

The Committee reviewed photographs of the victim’s injuries provided by the Middlesex District Attorney’s Office and the Clerk of the Cambridge District Court. The photographs include graphic color images of severe bruising on the victim’s chest, torso, back, arms and wrists. Due to the location and extent of the bruising, it was necessary to photograph the victim’s body in various states of undress. In several of the photographs, the victim appears with her shirt raised to expose multiple, dark bruises along her ribcage and back. In other photographs, the victim appears with her shirt unzipped to show a red bruise on her chest. In still other photographs, the victim’s entire shirt has been removed to expose her naked arms from shoulder to wrist, showing large dark bruising at the tops of her arms (near her armpit and bicep), smaller bruising across the middle of her arms (near her elbow and forearm) and additional small bruising at the bottom of her arms (near her wrists). The photos also depict abrasions on the

¹² NUPD Incident Report, Case No. 121225, prepared by Officer Steven Brandos (Jul. 8, 2012).

¹³ BPD Incident Report, Complaint No. 120419183, prepared by Officer Charbel Kamel (Jul. 8, 2012).

¹⁴ *Id.*

¹⁵ *Id.*

¹⁶ NUPD Incident Report, Case No. 121225, prepared by Officer Steven Brandos (Jul. 8, 2012); BPD Incident Report, Complaint No. 120419183, prepared by Officer Charbel Kamel (Jul. 8, 2012).

¹⁷ BPD Incident Report, Complaint No. 120419183, prepared by Officer Charbel Kamel (Jul. 8, 2012).

¹⁸ BPD-DVU Witness Interview Notes, Report No. 120419163, prepared by Det. Berry-O’Toole (Jul. 8, 2012); BPD-DVU Witness Interview Notes Supplement, Report No. 120419163, prepared by Det. Berry-O’Toole (Jul. 10, 2012).

victim's legs. In these photographs, the victim's pants have been removed to expose her naked legs, showing red abrasions and scuff marks across the outer portion of her upper thigh. There are also photographs of the victim's hands with her fingers splayed, showing a broken acrylic fingernail on her hand.

In total, more than forty photographs of the victim's injuries were shown to the jury as trial exhibits.¹⁹ Members of the Committee had an opportunity to review all of them; viewing seven in particular during Day 3 of the Executive Conference.²⁰ In drafting this report, the Committee chose not to release any of the photographs out of respect for the privacy of the victim in this case and in recognition of the impact they may have on other victims of domestic violence as well as other violent crimes.

B. Criminal Proceedings

During the pendency of his criminal case, Representative Henriquez continued to work at the State House and was permitted to retain his committee assignments, legislative staff and salary.

On October 5, 2013, the Middlesex County District Attorney filed a *nolle prosequi*,²¹ dropping the kidnapping charge against Representative Henriquez. On January 8, 2014, the Commonwealth proceeded with its prosecution of Representative Henriquez in the Cambridge District Court on the five remaining charges: three counts of assault and battery, one count of witness intimidation and one count of larceny from a person under \$250.

The trial began on January 8, 2014 and lasted six days. The Commonwealth called eight witnesses including: (i) an employee from Zipcar who testified about the location and use of the vehicle; (ii) Officers Brandos (NUPD) and Kamel (BPD) who testified about their interactions with the victim at the scene; (iii) Detectives Berry-O'Toole and Rodriguez (BPD-DVU) who testified about their interviews with the witness after the incident; (iv) Inspectors Bassett and DeFrancisco (APD) who testified about their investigation, witness interviews and evidence collection; and (v) the victim who testified about her relationship with Representative Henriquez and the July 8, 2012 incident.

The defense recalled one of the Commonwealth's witnesses (Inspector Bassett) and called two additional witnesses of its own, the Representative's brother, Ricardo Bryant, and Captain John Danilecki (BPD), who both testified about an incident on December 2, 2012 when the victim allegedly went to Representative Henriquez' home after calling him several times.

Representative Henriquez did not testify in his own defense during the criminal trial or speak at his sentencing hearing.

¹⁹ Trial Exhibits 9 to 18, inclusive, 30 to 35 inclusive, and 52 to 75, inclusive.

²⁰ The photographs reviewed by the Committee correspond to Trial Exhibits 53, 59, 69, 71, 72, 74, and 75.

²¹ *Nolle prosequi* is Latin for "we shall no longer prosecute" and is routinely filed by district attorneys when they decide to drop a charge against a criminal defendant.

Altogether, the parties introduced 78 exhibits at trial, including more than forty graphic images of the victim's injuries, video footage of her entering a dormitory at Northeastern, and a piece of a broken fingernail retrieved from the Representative's Zipcar.

On January 15, 2014, after a six-day jury trial in the Cambridge District Court, Representative Henriquez was convicted of two counts of assault and battery and sentenced to two-and-a-half years in a house of correction, with six months to be served. Representative Henriquez was found not guilty of one count of assault and battery, one count of witness intimidation and one count of larceny under \$250.

At his sentencing hearing, Representative Henriquez was ordered to a batterer's program and to have no further contact with the victim.

On January 23, 2014, Representative Henriquez filed a notice of appeal of his January 15th convictions.

III. Authority to Discipline Members

The House of Representatives has broad, inherent power to discipline its own members—a power that has long been recognized by the Supreme Judicial Court. This power stems from the Massachusetts Constitution and has been effectuated, in part, by the rules adopted by the House. The House may discipline its members in many ways, including, without limitation, through reprimand, censure or expulsion.

A. Constitutional Authority

“The house of representatives shall be the judge of the returns, elections and qualifications of its own members...; shall choose their own speaker; appoint their own officers, and settle the rules and orders of proceeding in their own house”. Mass. Const. Part 2, Chap. 1, Sec. 3, Art. 10.

Among these many powers, the House of Representatives has the plenary authority and responsibility to discipline its own members. In the 1855 case of *Hiss v. Bartlett*, the Supreme Judicial Court recognized that: “[t]he power of expulsion is a necessary and incidental power, to enable the house to perform its high functions, and is necessary to the safety of the State. It is a power of protection.” 69 Mass (3 Gray) 468, 473. The Court went on to state that: “[i]f the power exists, the house must necessarily be the sole judge of the exigency which may justify and require its exercise.” *Id.* Other jurisdictions often cite *Hiss v. Bartlett* as the ultimate legal authority on legislative discipline because it settles the question relative to whether a legislative body has the authority to discipline, and even expel, its own members, and answers that question squarely in the affirmative.

In *Hiss*, the Supreme Judicial Court found that despite the fact that the Massachusetts Constitution does not contain express language providing for expulsion of members, the omission of explicit language conferring the power was of no consequence:

“because it was regarded as inherent, incidental and necessary, and must exist in every aggregate and deliberative body, in order to the exercise of its functions,

and because without it such body would be powerless to accomplish the purposes of its constitution; and therefore any attempt to express or define it would impair, rather than strengthen it. This being so, the practice and usage of other legislative bodies, exercising the same functions, under similar exigencies; and the reasons and grounds, existing in the nature of things, upon which their rules and practice have been founded; may serve as an example and as some guide to the adoption of good rules, when the exigencies arise under our constitution.”

Hiss v. Bartlett, 69 Mass. 468, 475 (1855).

Judicial authority in other states is consistent with this rule. For example, New York State has no express constitutional language setting forth specific measures to protect the integrity and dignity of the legislature and its proceedings; yet the New York State Senate has, nevertheless, disciplined its members by expulsion. *Monserate v. New York State Senate*, 695 F.Supp.2d 80 (S.D.N.Y. 2010), *aff'd*, 599 F.3d 148 (2nd Cir. 2010)(case of first impression upholding the power of the New York Senate to expel a Senator after a Senate committee investigated his criminal conviction for misdemeanor assault). *See also French v. Senate of State of California*, 146 Cal. 604, 606-607 (1905) (court citing *Hiss v. Bartlett* for the proposition that the power of expulsion is inherent in every legislative body).

In sum, internal disciplinary action of a legislative body is “rooted in the judgment of the House as to what was necessary or appropriate for it to do to assure the integrity of its legislative performance and its institutional acceptability to the people at large as a serious and responsible instrument of government.”²²

B. House Rules and Investigatory Powers

Throughout the history of the General Court, House and Senate committees have been given the power to investigate complaints about their members and to summon and compel witnesses to appear before those committees to provide sworn testimony. The investigative powers of the House of Representatives are well-established. In 1977, the House adopted Rule 16A, the Code of Ethics, which is dedicated to protecting the integrity of the House and avoiding the erosion of public confidence when the actions of a member, officer or employee are called into question. House Rule 16A enumerates fifteen specific forms of misconduct including a broad prohibition against any “transactions, activities, or obligations, which are in substantial conflict with or will substantially impair [the member’s] independence of judgment.” In developing the Code of Ethics, the members of the drafting committee believed that “honorable men and women know what is dishonorable, and the ethical politician knows what is unethical.” House, No. 6609 (1977).

Rule 16 requires the Committee on Ethics to “investigate and evaluate ... any matters relative to alleged violations of Rule 16A by a member, officer, or employee.” Investigations by

²² DESCHLER’S PRECEDENTS OF THE UNITED STATES HOUSE OF REPRESENTATIVES, H. Doc. 94-661, 94th Cong., 2d Sess., Volume 3, Ch. 12, § 12, p. 174 (1979), citing *Powell v. McCormack*, 395 F.2d 577, McGowan, concurring, at 607 (D.C.Cir. 1968), *rev'd on other grounds*, 395 U.S. 486 (1969); Justice Joseph Story, COMMENTARIES ON THE CONSTITUTION OF THE UNITED STATES, Vol. II, § 835 (Boston 1883).

the Committee on Ethics can be initiated in the following ways: (i) at the direction of the Speaker, (ii) by a sworn written complaint filed and delivered by a member, officer or employee to the chairman, or (iii) by a vote of the members appointed to the Committee.

Rules 16 and 17A establish the procedures by which the Committee must meet in Executive Conference as well as the due process rights the Committee must afford the subject of the investigation. Those rights include: (i) notice of the nature of the alleged violation, (ii) a list of prospective witnesses to be called by the Committee; (iii) an opportunity to appear before the Committee during each Executive Conference at which the alleged violation will be considered or discussed; (iv) 48 hours of written notice of each such Executive Conference; (v) an opportunity to be represented by counsel or another representative of the individual's choosing at each such Executive Conference; (vi) election to have such Executive Conferences open to the public; and (vii) election to have such Executive Conferences recorded.

If, after completing its investigation, a majority of members appointed to the Committee finds that any member of the House has violated any provision of Rule 16A, a majority appointed to the Committee may recommend a reprimand, censure, removal from a chairmanship or other position of authority, or expulsion from the House.²³

C. The Precedent for Discipline

As stated previously, the House of Representatives possesses broad disciplinary powers. Specifically, the House Rules expressly provide for the reprimand, censure, removal from a chairmanship or other position of authority, or expulsion of a member of the House of Representatives. Discussed below are the various modes of discipline that the Committee may recommend to the full House for consideration.²⁴ History also demonstrates that some members who have been the subject of ethics investigations have chosen to resign with the intention of avoiding the Committee's investigatory process and forestalling disciplinary action by the full House.

1. Reprimand

Reprimand is the least severe form of discipline the institution can impose on a member. For example, in the 1906 "bucket shop bill" scandal, the House launched an expansive investigation resulting in the reprimand of Representative Simon Swig. See 1906 House Journal pp. 1241-1242. Regarding the reprimand of Representative Swig, the House's order stated "Voted, That the finding that Representative Swig made conflicting statements, not under oath,

²³ Although the House of Representatives has a constitutional right to subpoena witnesses and compel the production of documents, and although the House expressly delegated such powers to the Committee by Orders H3854 and H3870, all of the information requested by the Committee in this matter was available through public records requests. As a result of the lengthy criminal proceedings that predated the Committee's investigation, the Committee was able to review: (i) the criminal docket sheet; (ii) the trial transcript; (iii) the trial exhibits; (iv) the police reports; (v) press clippings; and (vi) General Laws c. 265 s. 13A (the statute under which Representative Henriquez was convicted).

²⁴ Because Representative Henriquez is not a Chairman and does not serve in another position of authority, this report does not detail the removal option.

relative to the subject of the investigation, is justified by the evidence, but that there is no evidence that he attempted improperly or dishonestly to influence any member, or was improperly influenced himself." *Id.*

2. Censure

Censure is a more severe measure of discipline. While a censure does not remove a representative from office, it is generally "aimed at reformation of the person and prevention of further offending acts" and may include some specific punishment or lost privileges. It is a formal statement of disapproval, which can, however, have a powerful effect on a member and his or her relationships within the body.

3. Expulsion

In the twentieth century, expulsion has been used by the Massachusetts House of Representatives only twice. First, in 1906, after publication by a Boston newspaper of allegations of members soliciting other members for money to kill legislation to curb stock selling abuses—the so-called "bucket shop bill" scandal—the House launched an expansive investigation resulting in the expulsion of Representative Frank G. Gethro. See House, No. 1362 and House, No. 1367 (1906).

The last expulsion of a member of the House of Representatives occurred on March 17, 1916. The House, after a Rules committee investigation, accepted the committee's report and found Representative Harry C. Foster "guilty of conduct unbecoming of a member of the General Court, in that he has collected money from persons interested in legislation now pending". 1916 House Journal p. 611. Representative Foster was then expelled from membership of the House.

IV. Ethics Committee Proceedings

The House Committee on Ethics (the "Committee") consists of eleven members, seven appointed by the Speaker and four appointed by the Minority Leader.²⁵ At present, due to a vacancy, the Committee is comprised of ten members:

Vice-Chair David M. Nangle, Seventeenth Middlesex District;
Representative Theodore C. Speliotis, Thirteenth Essex District
Representative Garrett J. Bradley, Third Plymouth District
Representative Paul L. Donato, Thirty-fifth Middlesex District
Representative Patricia A. Haddad, Fifth Bristol District
Representative Peter V. Kocot, First Hampshire District
Representative Elizabeth A. Poirier, Fourteenth Bristol District
Representative F. Jay Barrows, First Bristol District
Representative Matthew A. Beaton, Eleventh Worcester District, and
Representative Shaunna O'Connell, Third Bristol District.

²⁵ House Rule 16.

On January 15, 2014, a complaint was referred to the Committee pursuant to House Rule 16 (the "Ethics Complaint") indicating that Representative Henriquez' had been convicted of serious criminal offenses and sentenced to serve a term of 2 and ½ years in a house of correction, with 6 months to serve. Exhibit 1.

On January 16, 2014, the House adopted an order granting the Committee subpoena power to investigate the Ethics Complaint by gathering testimony and other evidence. See House, No. 3854, attached hereto as Exhibit 2.

On January 21, 2014, the House adopted an order granting the Committee the power to issue a *writ of habeas corpus ad testificandum* to secure the attendance of certain witnesses in connection with the Ethics Complaint. See House, No. 3870, attached hereto as Exhibit 3.

On January 24, 2014, pursuant to G.L. c. 66, s. 10, the House issued a public records request to the Middlesex District Attorney's Office for "all records related to the conviction of Representative Carlos Henriquez." A copy of the House's public records request is attached hereto as Exhibit 6. The Committee also retrieved the file of the Clerk Magistrate of the Cambridge District Court in *Commonwealth v. Henriquez*, No. 1252CR001476.

On January 30, 2014, the House adopted an order extending the Committee's subpoena power to investigate the Ethics Complaint through February 7, 2014 and permitting the Committee's counsel to disclose certain information related to the Ethics Complaint during legal proceedings. See House, No. 3885, attached hereto as Exhibit 5.

On February 3, 2014, the House adopted an order regarding the procedures of the House for consideration of the Ethics Committee Report. See House, No. 3893, attached hereto as Exhibit 10.

1. The Executive Conferences

The Committee held three separate Executive Conferences in this matter on January 24, 2014, January 28, 2014 and February 4, 2014, respectively.²⁶ The meetings were held in Hearing Room A-1 of the State House. As a result of Representative Henriquez' decision to exercise his right under House Rule 16 to appear before the Committee with counsel, the House ordered the Superintendent of the Middlesex House of Correction and the Middlesex County Sheriff to facilitate his attendance at the Executive Conferences by issuing a *writ of habeas corpus ad testificandum*. While the Superintendent required certain standard security measures during transport, Representative Henriquez was not visibly restrained during the Executive Conferences and was, at all times, accompanied by his counsel, Ms. Stephanie Soriano-Mills of Denner Pellegrino, LLP.

The Committee provided Representative Henriquez an opportunity to speak at the beginning and end of each Executive Conference and to consult with his counsel throughout the proceedings.

²⁶ For ease of reference, these dates shall be referred to as "Days 1, 2 and 3" of the Executive Conference.

Day 1 – January 24, 2014

On Day 1 of the Executive Conference, the Committee introduced the parties and reviewed the House Rules governing the proceedings. The stated purpose of the Executive Conference was to review the following alleged violation: On January 15, 2014, Representative Henriquez was convicted by a jury in the Cambridge District of two counts of assault and battery and sentenced to two-and-a-half years in a house of correction, with six months to be served. Representative Henriquez was immediately taken into custody and is currently serving out his sentence at the Middlesex County House of Correction in Billerica.

The Committee also reviewed the process by which it would investigate the alleged violation and unanimously adopted a motion to grant the Vice Chair of the Committee, Representative David M. Nangle of the Seventeenth Middlesex District, the discretion to issue subpoenas. Though not required by the House Rules, the Committee extended Representative Henriquez an opportunity to call witnesses on his behalf subject to the approval of the Committee. The Committee asked Representative Henriquez to submit his proposed witnesses (if any) no later than 2:00 p.m. on Monday, January 27, 2014.

Representative Henriquez declined to exercise his right to address the Committee on Day 1 of the Executive Conference, though he was expressly given two opportunities to do so. After providing Representative Henriquez his second opportunity to speak, the Committee adjourned until January 28, 2014.

Day 2 – January 28, 2014

At the Representative's request, Day 2 of the Executive Conference was recorded, but shall, pursuant to House Rule 16, remain confidential, as Representative Henriquez was given the opportunity, but declined to open the Executive Conference to the public.

Approximately twenty minutes into the proceedings, Representative Henriquez requested that the Executive Conference be recorded. The Committee took a brief recess to accommodate his request, enabling an audio recording. Representative Henriquez was offered the option of enabling a video recording as well, but declined that option after the Committee informed him that an employee from the House Broadcasting Services group would need to listen in on the proceedings in order to operate the video equipment. Once the audio recording was enabled, the Committee restarted the proceedings so that the record would be complete.

As on Day 1, the Committee reviewed the purpose of the Executive Conference, the rules governing the proceedings and re-introduced the parties present. Representative Henriquez then made a brief statement in which he alleged that some members of the Committee were biased because they had made public or private statements about his case or had already expressed an opinion about whether or not he should resign. A copy of said statement is attached hereto as Exhibit 9. When asked to identify which Committee members he believed to be biased and to provide evidence of their alleged statements, Representative Henriquez said that he would provide those details at a later date.

Representative Henriquez went on to state that, while his personal and professional reputation has been attacked, he maintains "the truth of [his] innocence." Representative Henriquez stated that he does not view assault and battery as a minor offense, never observed

acts of domestic violence in his home growing up, and is embarrassed to be associated with such charges. Representative Henriquez told the Committee that the Middlesex District Attorney did not indict him on any felony charges and that he was re-elected in November 2012 despite his misdemeanor arrest. He also told the Committee that he is continuing to serve the people of his district from the Middlesex House of Correction and that he is not distracted or deterred by his present circumstances. He concluded by stating that he is a 37-year-old single legislator and that he is not who his accuser or the press have made him out to be.

The Vice Chair thanked Representative Henriquez for his statement and subsequently invited him to submit evidence of the Committee members' bias by Thursday, January 29, 2014 at 5 p.m.

The Committee then addressed Representative Henriquez' proposed witness list, which his counsel was permitted to submit to the Committee even though neither House Rule 16 nor House Rule 17A required the Committee to afford him such opportunity. Representative Henriquez' proposed witnesses included: (1) Captain John Danilecki (BPD); (2) Detective Lee (BPD); (3) Officer Steven Brandos (NUPD); (4) Detective Allison Berry-O'Toole (BPD-DVU); (5) Detective Carmen Rodriguez (BPD-DVU); (6) Inspector Gina Bassett (Arlington PD); (7) Edward DeFrancisco (Arlington PD); and (8) Richard Bryant.²⁷ Seven of the eight witnesses previously testified at trial.²⁸ Mr. Bryant, the only witness outside of law enforcement, is Representative Henriquez' brother. A copy of Representative Henriquez' proposed witness list is attached hereto as Exhibit 4.

The Committee determined that none of the proposed witnesses would inform the judgment of the Committee as to whether the Representative's conduct and current confinement violated the House Rules. In reaching this conclusion, the Committee relied on the following facts: (i) that the matter was previously investigated by law enforcement, prosecuted by the Middlesex District Attorney and heard by a jury; (ii) that all but one of the witnesses had already testified under oath and been cross-examined by Representative Henriquez' counsel; and (iii) that the Committee would have access to their testimony and other records. Accordingly, the Committee voted unanimously to deny Representative Henriquez' proposed witness list.

In addition to proposing a witness list, Representative Henriquez also propounded seven discovery requests on the Committee including: "(1) all reports from Northeastern Police, Boston Police and the Arlington Police; (2) notes from the July 20, 2012 meeting between Katherine Gonzalves and the DA's office; (3) audio recording of interview of Katherine Gonzalves by Detective O'Tool [sic]; (4) video of Katherine entering White Hall at approximately 4:15 a.m. on July 8, 2012; (5) Boston Police report of the December 2, 2012 incident in which Katherine came to Carlos' home after making many harassing phone calls; (6) transcripts of the entire trial including the voir dire of Detective DeFrancisco [sic] and ADA Koontz (chief of the DV Unit in Middlesex County) concerning exculpatory evidence not turned over; (7) all exhibits introduced

²⁷ The list wrongly identified Inspectors Bassett and DeFrancisco as members of BPD and failed to disclose Mr. Bryan as Representative's Henriquez brother, instead describing him only as a witness to the alleged December 2, 2012 incident. Exhibit 4.

²⁸ Detective Lee was the only proposed witness who did not testify at trial. Based on the trial transcript, it appears that the defense intended to call Detective Lee at trial, but apparently decided not to do so.

at trial including the stipulation by the DA's office concerning the meeting discovered mid trial." Exhibit 4.

Because all of these items were before the Court in the criminal proceeding and because the Committee had access to the entire transcript and all exhibits that were not impounded, the Committee voted unanimously to deny Representative Henriquez' discovery requests. Following the vote, Representative Henriquez clarified his position, noting that he simply wanted the Committee to review those materials, not to produce them to his counsel. Representative Henriquez asked the Committee to conduct a thorough review of the materials he requested. The Committee responded by stating that it was in the process of obtaining information responsive to the Representative's requests, including a complete trial transcript.

The Committee concluded by previewing the schedule for the following week and then adjourned until February 4, 2014.

Day 3 -- February 4, 2014

At the Representative's request, Day 3 of the Executive Conference was recorded, but shall, pursuant to House Rule 16, remain confidential, as Representative Henriquez was given the opportunity, but declined to open the Executive Conference to the public.

As on Days 1 and 2, the Committee reviewed the purpose of the Executive Conference, the rules governing the proceedings and re-introduced the parties present. The Committee then addressed two procedural matters: (i) Representative Henriquez' request for a leave of absence, and (ii) Representative Henriquez' claim that some members of the Committee were bias.

REQUEST FOR LEAVE OF ABSENCE. On January 31, 2014, Representative Henriquez attempted to file, through his legislative aide, a request for a six-month leave of absence with the House Clerk. A copy of Representative Henriquez' request is attached hereto as Exhibit 7. No House Rule allows for a legislative aide to make such a request on behalf of a member. Additionally, there is no allowance either in the House or Joint Rules, the Massachusetts Constitution, or any other General Law for a general leave of absence for a member who is serving a prison term. By requesting a general leave of absence, Representative Henriquez is attempting to dictate the outcome of the Committee's process under the House Rules, bypassing the Committee's authority by trying to choose his preferred method of discipline. In so doing, Representative Henriquez has effectively tried to withdraw the Committee's ability to recommend a particular form of punishment to the House. The Committee believes that in addition to attempting to bypass the Committee's process under the Rules, Representative Henriquez' request for a six-month leave of absence is an acknowledgment by the Representative that he is incapable of fulfilling his constitutional duties while incarcerated. The Committee is aware of no other member of the House who has ever requested, let alone received, a leave of absence to serve out a criminal sentence. The only prolonged absences the Committee is aware of have been for members incapable of reporting to session due to a grave illness or required service in the U.S. military. Importantly, the Committee takes notice of the fact that Representative Henriquez has not participated in any roll call vote during his incarceration. No circumstance of a member voting from a jail cell has been brought to this Committee's attention.

BIAS CLAIMS. On Day 2 of the Executive Conference, Representative Henriquez alleged that some members of the Committee were biased because they had made public or private statements about his case or had already expressed an opinion about whether or not he should resign. On January 30, 2014, Representative Henriquez' attorney provided the Committee with seven news articles that purported to demonstrate the Committee's "perceived bias." A copy of the email with the news articles is attached hereto as Exhibit 8. In the email from his counsel, Representative Henriquez stated that the Committee's investigation is "invalid" and that he "does not consent to it." *Id.* Of the eight news articles provided, two provide the full statement offered by Representative Poirier in which she calls for Representative Henriquez to resign because of his criminal conviction for assault and battery. Three articles include excerpts from that same statement, while the other two do not contain any quotations from any member of the Committee. Through his counsel's email, Representative Henriquez requested that the Committee take "reasonable steps" to "vet the panel." *Id.*

The Committee responded to Representative Henriquez' concerns about the validity of the investigation process as follows: First, the Committee stressed that the members take their roles on the Committee very seriously. Second, the Committee noted that while Representative Henriquez may disagree with the proceedings or the manner in which they are conducted, nothing in the rules requires that he consent to them. Third, the Committee stated that while the rules require members to keep the proceedings strictly confidential, they do not, and indeed cannot, require Committee members to give up their First Amendment rights. Representative Poirier's personal opinion about whether or not Representative Henriquez should resign was, the Committee believed, an entirely separate question than the one before the Committee. The question before the Committee was not whether Representative Henriquez should resign. The question before the Committee was whether his actions violated the House Rules and, if they did, whether he should be subject to disciplinary action. Representative Poirier's personal opinion about the issue of resignation is wholly unrelated to the Committee's investigation and in no way biases the process. Finally, the Committee noted that many people besides Representative Poirier have called upon Representative Henriquez to resign, including the Governor, the Mayor of Boston and the Speaker of the House. The Committee reiterated that the question of Representative Henriquez' resignation was not before the Committee and that only he could decide whether it was appropriate to resign his seat. After providing Representative Henriquez an opportunity to offer any further evidence on this point, Representative Henriquez stated that he had none, though he noted that Representative Poirier stated that it was time for him to "leave" the institution and that the word "leave" could be interpreted to mean not just a resignation, but some other form of discipline such as expulsion. The Committee duly noted his concerns for the record.

The Committee then provided Representative Henriquez an opportunity to make an opening statement, which he declined.

The Committee then reviewed a PowerPoint presentation summarizing the events that gave rise to the Ethics Complaint. The materials contained in the PowerPoint presentation were derived from the trial transcript as well as documents received from the Middlesex District Attorney's Office and the Clerk of the Cambridge District Court. The PowerPoint included: (i) a timeline of events leading up to the arrest of Representative Henriquez on July 8, 2012 and his subsequent criminal conviction on January 15, 2014; (ii) a list of the trial witnesses and exhibits;

(iii) several trial exhibits including photos of the victim's injuries; and (iv) audio of the judge's remarks at sentencing.

At the conclusion of the PowerPoint, members of the Committee were given an opportunity to ask Representative Henriquez questions. The Committee reminded Representative Henriquez that he was not obligated to answer the Committee's questions, and that he was also free to consult with his attorney at any time.

Representative Kocot moved to place Representative Henriquez under oath and the motion was unanimously adopted by the Committee. Representative Henriquez agreed to be sworn in and stated that he would try to answer the Committee's questions as truthfully as he could.

The Committee questioned Representative Henriquez for nearly an hour. The questions ranged from specific inquiries about what happened on July 8, 2012 to more general questions about how Representative Henriquez intends to serve his constituents while incarcerated. In particular, members of the Committee wanted to know how Representative Henriquez intended to participate in the negotiations, committee hearings and floor debates that routinely shape legislation; how he intends to communicate with constituents, particularly female constituents, now that he has been convicted of a crime of domestic violence; and whether, he honestly believes that he can serve his constituents to the best of his abilities right now, given his present circumstances.

The Representative conceded that he is not able to serve his constituents to the "best" of his abilities right now, but argued that he is still able to do the job effectively. Representative Henriquez stated that he receives constituent mail every day and that he is directing his aide to respond to every constituent call that comes in. When the Committee noted that the people of the Fifth Suffolk District elected Representative Henriquez, and not his aide, Representative Henriquez demurred, stating that the people of his district trust his aide and that he is able to keep up with his duties through her.

The Committee asked several specific questions about the night in question, including whether Representative Henriquez had been drinking, whether he hit the victim, and whether he had prevented the victim from exiting the car at any point.

Representative Henriquez stated repeatedly that he never put his hands on the victim in any way that would have inflicted harm upon her. He stated that he and the victim saw each other socially six times and that they again met socially in the early morning hours of July 8, 2012. Representative Henriquez could not explain where the bruising on her body had come from, or why she left her flip-flop behind at Northeastern. He declined to answer questions about whether the victim was in the back seat as they drove into Boston, stating that the questions were too specific and could jeopardize his appeal. Representative Henriquez also declined to answer questions concerning his "side of the story" or to elaborate on what he believes happened that night. Representative Henriquez also failed to answer questions about why he declined to testify at trial. Though the Committee recognized that he was well within his rights to do so, the Committee wondered why they were hearing the Representative's denials for the first time and why he had seen fit not to share them with the jury. The Representative declined to answer such questions.

Throughout the questioning, Representative Henriquez consulted with his counsel; and members of the Committee held their questions each time to permit him time to do so.

Representative Henriquez told the Committee that any member of the House could find themselves in similar circumstances, i.e., wrongfully accused of a crime that they did not commit. Representative Henriquez said he has been carrying around the shame of these accusations since July 9, 2012 and that he has spent a great deal of time thinking about the shame he has caused his family and his colleagues. Yet, Representative Henriquez said, he remains committed to serving the people of his district and believes that the voters of the Fifth Suffolk District should be able to decide for themselves whether he remains in office for another term. He also noted that he will be released in approximately ninety days, about the same amount of time he anticipates it will take the House to schedule a special election. Representative Henriquez surmised that having a state representative in a house of correction for that time, was preferable to having no representative.

Representative Henriquez also questioned whether his conduct is covered by House Rule 16A and suggested that his independence of judgment has not been compromised by either his conviction or his incarceration.

The Committee noted that in response to Representative Henriquez' public plea for support on January 28, 2014, in which he called on his supporters to email Speaker DeLeo, the Speaker had received thirteen emails. The Committee requested from the Speaker, and the Speaker agreed to provide, all of the messages he received regarding Representative Henriquez' status as a member of the House. Of the thirteen messages the Speaker received, eight can fairly be classified as expressing a desire for the voters to decide Representative Henriquez' fate, while five messages called for his removal from office.

2. The Deliberation and Vote

After giving Representative Henriquez an opportunity to be heard and upon evaluating the evidence in the investigation, the Committee by a secret ballot decided by a vote of nine to one that the allegation had merit.

A majority having made this determination, the Committee proceeded to consider its disciplinary recommendation, if any, to the full House. Again by secret ballot, the Committee decided unanimously that Representative Henriquez should be expelled.

V. Recommendations

At the start of the Committee's proceedings in this matter, the Vice Chair read the following statement:

In the history of the Commonwealth, the House Committee on Ethics has rarely been called upon to investigate situations pertaining to one of its Members. This case thus has historical significance and is of vital importance on several fronts.

First, the outcome of this proceeding – whatever it may be – may impact the image and reputation of the House of Representatives in the eyes of the citizens of the Commonwealth of Massachusetts.

Second, the outcome of this proceeding may impact the manner by which members of the House will stand in judgment of the conduct of another member of the House.

Third, the outcome of this proceeding may impact the reputation and livelihood of Representative Henriquez.

All of these factors heighten the significance of the task before this Committee.

The Vice Chair further stated that the Committee's investigation would be conducted in a fair and impartial manner and that the Committee's intention was to learn and discover the truth, without any preconceived notions of the merits of the allegations.

That is precisely what the Committee has done.

Since January 15, 2014, when the Speaker first filed the Ethics Complaint in this matter, the Committee has collected and reviewed 11 police reports, 78 trial exhibits and almost 1,000 pages of trial transcript. During the Executive Conferences, the Committee provided Representative Henriquez more than half a dozen opportunities to be heard, and never once cut him off, interrupted him or treated him with anything but the respect, dignity and professionalism deserving of a member of the House of Representatives. Though some members may have, publicly or privately, disagreed with Representative Henriquez' decision not to resign once he was convicted and sentenced to serve a six-month sentence, none of them desired to be in the position of recommending the expulsion of one of their colleagues from the House of Representatives.

Yet the Committee finds the fact of Representative Henriquez' conviction and confinement to be a violation of House Rule 16A under the particular circumstances presented here, and given the totality of the circumstances, believes that a severe sanction is warranted.

House Rule 16A(1) states: "While members, officers and employees should not be denied those opportunities available to all other citizens to acquire and retain private, economic and other interests, members, officers, and employees should exercise prudence in any and all such endeavors and make every reasonable effort to avoid transactions, activities, or obligations, which are in substantial conflict with or will substantially impair their independence of judgment."

Representative Henriquez' obligation to serve six months in a house of correction substantially conflicts with and impairs his independence of judgment. He himself conceded this point when he requested a six-month leave of absence from the House Clerk.

His incarceration has left all of his constituents without representation. Though the House Rules contemplate many circumstances, they do not precisely address a member who wishes to hold his seat from a house of correction, return to the State House for Executive Conferences and simultaneously seek a six-month leave of absence. However, given the inherent power of the House to discipline its members for misconduct, the Committee responded to these extraordinary circumstances within the letter and spirit of the House Rules and treated

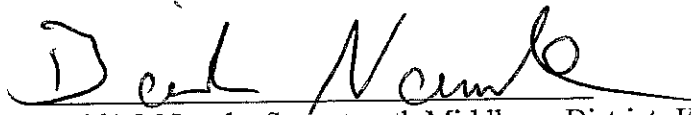
Representative Henriquez as it would any other member of this institution who had seen fit to conduct himself in such a manner.

VI. Acceptance of Committee Report and Order

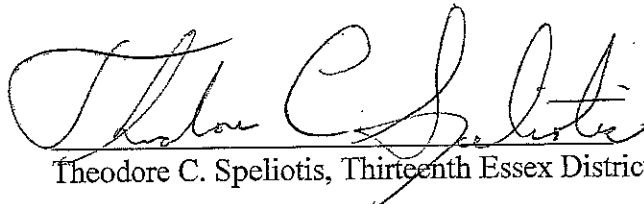
The House Committee on Ethics hereby respectfully moves the acceptance of this report by the adoption of the attached resolution.

Resolved, That the Representative from the Fifth Suffolk District from the House of Representatives be and hereby is expelled forthwith from the House of Representatives, and that his seat be declared vacant on account of his conviction by a duly constituted court of the Commonwealth of serious criminal offenses and his sentence to serve a term of six months in a House of Correction.

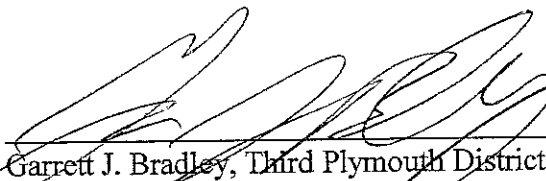
Respectfully submitted,



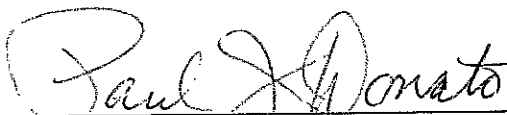
David M. Nangle, Seventeenth Middlesex District, *Vice Chair*



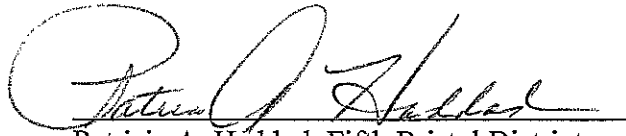
Theodore C. Speliotis, Thirteenth Essex District



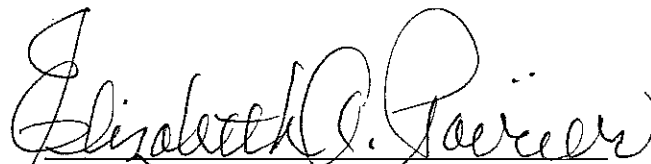
Garrett J. Bradley, Third Plymouth District

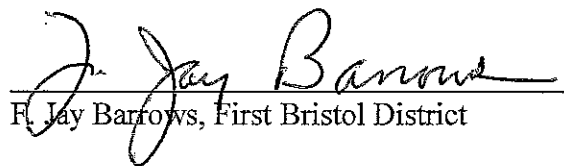



Paul L. Donato, Thirty-fifth Middlesex District



Patricia A. Haddad, Fifth Bristol District


Peter V. Kocot, First Hampshire District


Elizabeth A. Poirier, Fourteenth Bristol District


F. Jay Barrows, First Bristol District


Matthew A. Beaton, Eleventh Worcester District


Shauna O'Connell, Third Bristol District

APPENDIX

February 4, 2014

RESOLUTIONS URGING THE EXPULSION OF THE HONORABLE CARLOS A. HENRIQUEZ, REPRESENTATIVE FROM THE FIFTH SUFFOLK DISTRICT FROM THE MASSACHUSETTS HOUSE OF REPRESENTATIVES.

Resolved, That the Representative from the Fifth Suffolk District from the House of Representatives be and hereby is expelled forthwith from the House of Representatives, and that his seat be declared vacant on account of his conviction by a duly constituted court of the Commonwealth of serious criminal offenses and his sentence to serve a term of six months in a House of Correction.

**Executive Conference Days 1-3
Exhibit List**

- Ex 1 Letter from Speaker Robert A. DeLeo, dated January 15, 2014
- Ex 2 House Order of January 16, 2014 (House, No. 3854) – power to subpoena until January 31, 2014
- Ex 3 House Order of January 23, 2014 (House, No. 3870) – power to issue writ of *habeas corpus ad testificandum* until February 28, 2014
- Ex 4 Discovery and Witness request by Representative Henriquez – email from Attorney Soriano-Mills dated January 27, 2014
- Ex 5 House order of January 30, 2014 (House, No. 3885) – subpoena power extended to February 7, 2014 and counsel’s allowance for disclosure of confidential, non-privileged information
- Ex 6 Email to Middlesex District Attorney’s office from Committee Counsel requesting public records dated January 24, 2014
- Ex 7 Leave of Absence Request from Representative Henriquez – January 31, 2014 letter from his aide containing a letter from Representative Henriquez dated January 15, 2014
- Ex 8 Email of January 30, 2014 from Attorney Soriano-Mills regarding committee process (with attachments)
- Ex 9 Statement of Representative Henriquez
- Ex 10 House order of February 3, 2014 (House, No. 3893) - procedures of the House for consideration of the Ethics Committee Report

EXHIBIT 1



The Commonwealth of Massachusetts

HOUSE OF REPRESENTATIVES
STATE HOUSE, BOSTON 02133-1008

ROBERT A. DELEO
Speaker

ROOM 356
OFFICE PHONE
(617) 722-2500

January 15, 2014

The Honorable David M. Nangle, Vice-Chairman
House Committee on Ethics
State House—Room 146
Boston, Massachusetts 02133

Dear Mr. Vice-Chairman:

I am in receipt of information that Representative Carlos Henriquez of the 5th Suffolk District has been convicted by a duly constituted court of the Commonwealth of serious offenses and, as a consequence of said convictions, has been sentenced to serve a term of months in a House of Correction. Based on this information, I find sufficient cause to warrant further, formal investigations on the part of the Committee on Ethics into this matter.

Therefore, pursuant to House Rule 16, I hereby direct the Committee on Ethics to investigate and evaluate the matter hereto in referred and to make any recommendations it deems proper to the House of Representatives pursuant to its rules.

Thank you for your attention to this matter.

Very truly yours,

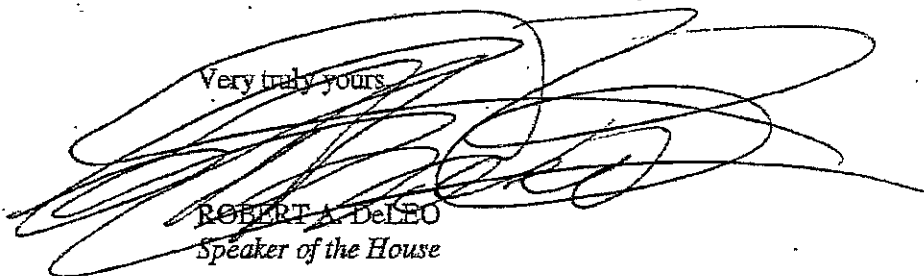

ROBERT A. DELEO
Speaker of the House

EXHIBIT 2

HOUSE DOCKET, NO.

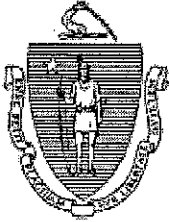
FILED ON: 1/16/2014

HOUSE No. 3854

Filed by Mr. Nangle of Lowell. January 16, 2014

The Commonwealth of Massachusetts

House of Representatives, [Journal Date]



In the Year Two Thousand Fourteen

1 Ordered, That the Committee on Ethics be granted the power to require the attendance of
2 witnesses, administer oaths, take testimony and compel the productions of books, papers,
3 documents and other evidence in connection with the investigation and evaluation of a complaint
4 received by said Committee on January 15, 2014. The powers granted to the Committee pursuant
5 to this Order shall cease to exist as of January 31, 2014
6

EXHIBIT 3

HOUSE DOCKET, NO.

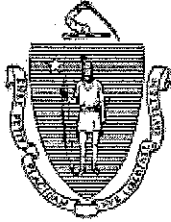
FILED ON: 1/23/2014

HOUSE No. 3870

Filed by Mr. Nangle of Lowell. January 23, 2014.

The Commonwealth of Massachusetts

House of Representatives, [Journal Date]



In the Year Two Thousand Fourteen

- 1 Ordered, That the Vice-Chair of the Committee on Ethics shall be granted the power to
2 issue a writ of habeas corpus ad testificandum to secure the attendance of certain necessary and
3 material witnesses in connection with the investigation and evaluation of a complaint received by
4 said Committee on January 15, 2014. The powers granted to the Vice Chair pursuant to this
5 Order shall cease to exist as of February 28, 2014.
- 6 Ordered, That, the Vice-Chair of the Committee on Ethics be granted the power to direct the
7 Sergeant-at-Arms, the Chief General Court Officer or the Assistant Chief General Court Officer
8 of the House of Representatives to take custody of and secure any witnesses appearing before the
9 Committee on Ethics for the duration of the Executive Conference pursuant to a writ of habeas
10 corpus ad testificandum issued by the Vice-Chair of the Committee on Ethics.

EXHIBIT 4

January 27, 2014

To: James Kennedy, Esquire
Re: Carlos Henriquez
Ethics Committee Investigation

Dear Attorney Kennedy,

As requested, please find below a list of proposed witnesses that Rep. Henriquez would suggest that the Committee call upon in its investigation. Further, we have also included a list of discovery that we also believe will assist the Committee in its review.

Witnesses:

- 1.) Ricardo Bryant – regarding his account of what occurred on December 2, 2012 when the named witness showed up at Carlos' home demanding to see him. Mr. Bryant testified that she stated "Carlos better come outside if he wants this to go away". The witness (Katherine Gonsalvez) also testified that she showed up that night and got "dropped off". She later called her ride to come back and get her when she was told that Carlos would not meet with her and the police had been called.
- 2.) Captain Danilecki – Boston Police - night shift commander who spoke with Carlos on December 2nd and subsequently dispatched a patrol car to his location to remove Katherine Gonsalvez. She left prior to the officer's arrival.
- 3.) Detective Lee – Boston Police – took a complaint out against Katherine Gonsalvez for harassing phone call to Carlos Henriquez (following the July incident). Mr. Lee testified at the magistrates hearing as well as Carlos and Katherine. The complaint subsequently issued.
- 4.) Officer Brandos – Northeastern Police – The first responding officer at 4:17 am on July 8, 2012. Wrote a report that stated that he observed "no visible injuries" except for a scraped knee.
- 5.) Detectives O'Toole and Rodriguez – Boston Police – reports and recorded interview of Katherine.
- 6.) Detectives Basset and DeFrancisco – reports of yet another variation of what happened.

Discovery:

- 1.) All reports from Northeastern Police, Boston Police and the Arlington Police.
- 2.) Notes from the July 20, 2012 meeting between Katherine and the DA's office.
- 3.) Audio recording of interview of Katherine Gonsalvez by Detective O'Toole
- 4.) Video of Katherine entering White Hall at approximately 4:15 am on July 8, 2012.
- 5.) Boston Police report of the December 2, 2012 incident in which Katherine came to Carlos' home after making many harassing phone calls.
- 6.) Transcripts of the entire trial including the voir dire of Detective Defrancisco and ADA Kountz (chief of the DV Unit in Middlesex County) concerning exculpatory evidence not turned over.
- 7.) All exhibits introduced at trial including the stipulation by the DA's office concerning the meeting discovered mid trial.

EXHIBIT 4

Thank you for your attention to this matter. Please feel free to contact me with any questions and/or concerns.

Sincerely,

Stephanie Soriano-Mills
Denner Pellegrino, LLP
4 Longfellow Place, 35th fl
(617) 227-2800

EXHIBIT 5

HOUSE DOCKET, NO.

FILED ON: 1/30/2014

HOUSE No. 3885

Filed by Mr. Nangle of Lowell. January 30, 2014

The Commonwealth of Massachusetts

House of Representatives, [Journal Date]



In the Year Two Thousand Fourteen

- 1 Ordered, That the Committee on Ethics be granted the power to require the attendance of
2 witnesses, administer oaths, take testimony and compel the productions of books, papers,
3 documents and other evidence in connection with the investigation and evaluation of a complaint
4 received by said Committee on January 15, 2014. The powers granted to the Committee pursuant
5 to this Order shall cease to exist as of February 7, 2014.
- 6 Ordered, That, notwithstanding any House or Joint Rule to the contrary, counsel to the House of
7 Representatives, appointed pursuant to section 51 of the chapter 3 of the General Laws, may
8 disclose during any legal proceeding any confidential non-privileged information obtained as a
9 result of said counsel's official position as counsel to the House Committee on Ethics in
10 connection with the investigation and evaluation of a complaint received by the House
11 Committee on Ethics on January 15, 2014.

EXHIBIT 6

From: Kennedy, James C (HOU)
Sent: Friday, January 24, 2014 11:54 AM
To: Pelgro, Michael (DAA)
Subject: Public Records Request
Importance: High

Mike,

Thanks for your time this morning. Pursuant to our conversation, please consider this email a public records request pursuant to section 10 of chapter 66 of the General Laws for all records related to the conviction of Representative Carlos Henriquez.

Please feel free to contact me with any questions or concerns you may have.

Thanks Mike.

Jim

*James C. Kennedy
Chief Legal Counsel
Massachusetts House of Representatives
State House, Room 139
Boston, MA 02133
(617) 722-2360*

The information contained in this communication, including any attachments, is confidential, is intended for the use of the recipient(s) named above, and may be exempt from public disclosure or subject to the attorney/client or attorney work product privileges. If the reader of this message is not an intended recipient, you are notified that any dissemination, distribution or copying of this communication is strictly prohibited. If you receive this communication in error, please delete it and destroy all copies and contact the sender at james.kennedy@mahouse.gov or at 617-722-2360.

EXHIBIT 7

1-31-14
12:42 PM

January 31, 2014

Mr. Steven T. James
House Clerk
Commonwealth of Massachusetts
State House Room 145
Boston, MA 02133

Dear Mr. James:

I want to make you aware that this letter was not signed by the State Representative, but by his legislative aid with his full permission. I was told that a second letter will be provided to you at some point next week, by his lawyer with his signature. If you have any questions or concerns, please feel free to reach me at 857-417-3055. Thank you.

Sincerely,



Jessica DaSilva
Legislative Aid

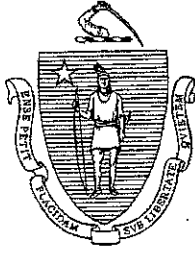


EXHIBIT 7

1-31-14

12:42 PM

The Commonwealth of Massachusetts

House of Representatives

State House, Boston 02133

CARLOS HENRIQUEZ
STATE REPRESENTATIVE
5TH SUFFOLK DISTRICT
ROOM 136, STATE HOUSE
TEL. (617) 722-2396
CARLOS.HENRIQUEZ@MAhouse.gov

COMMITTEES:
WAYS AND MEANS
JUDICIARY
EDUCATION
MENTAL HEALTH &
SUBSTANCE ABUSE

January 15, 2014

Mr. Steven T. James
House Clerk
Commonwealth of Massachusetts
State House Room 145
Boston, MA 02133

Dear Mr. James:

This letter is a formal request for a leave of absence from the House of Representatives. I am requesting a leave of absence for a period of six (6) months.

Please let me know if I can provide any further information.

Thank you very much for your consideration in providing me with this leave of absence.

Sincerely,

A handwritten signature in cursive script, appearing to read "Carlos A. Henriquez".

Carlos A. Henriquez
State Representative

EXHIBIT 8

From: Stephanie Soriano-Mills [<mailto:ssorianomills@gmail.com>]

Sent: Thursday, January 30, 2014 12:34 PM

To: Kennedy, James C (HOU)

Subject: Fwd: Scanned image from MX-M453N

Good Afternoon Attorney Kennedy,

Please be advised that Rep. Henriquez does not intend to have the February 4th hearing open to the public. He does, however, request that the hearing on February 4th be recorded.

As you are aware, Rep. Henriquez spoke of the perceived bias of certain Committee members, or perhaps the Committee as a whole, based on public statements made in the media calling for him to "leave" or be "expelled". The Committee, in turn, asked for the Rep. to send any and all evidence of such bias. Attached please find several (although not all) articles in which this bias was previously shown.

The appearance of impropriety dictates that reasonable steps be taken to vet the panel who will decide the fate of Rep. Henriquez as a legislator. There is ample reason, given the statements made publicly by a member of the panel as well as by the Speaker of the House who appointed such committee, that this is not an unbiased panel. Statements have been made prior to the commencement of this Ethics investigation that Rep. Henriquez "leave this institution". Further, the Boston Globe wrote an article dated 1/15/2014 (attached hereto) which states that Speaker Deleo is taking steps to "expel" Henriquez, even going so far to call the investigation an "expulsion process".

As you know, this process is new for everyone involved. The representative is open to any and all proposals but it is his position that having a decision made comprised of members with a demonstrated bias is an invalid process that he does not consent to.

Thank you in advance for your attention. Please feel free to call and/or email with any questions.

Stephanie Soriano-Mills

[attachments]



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Politics Barack Obama Beacon Hill Campaign Dispatches Casinos Deval Patrick Ed Markey Elizabeth Warren John Kerry Richard Neal

Scott Brown

Massachusetts Rep. Carlos Henriquez sentenced jail following conviction on 2 counts of assault and battery

Print (http://blog.masslive.com/politics_impact/print.html?entry=/2014/01/massachusetts_rep_carlos_henri.html)

 (<http://connect.masslive.com/user/statehouse-news/index.html>) By State House News Service (<http://connect.masslive.com/user/statehouse-news/posts.html>) on January 15, 2014 at 12:56 PM, updated January 15, 2014 at 1:49 PM

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By Michael P. Norton, STATE HOUSE NEWS SERVICE

BOSTON — House members who arrived on Beacon Hill Wednesday for their first substantive session of 2014 were distracted first by a political meeting at a nearby hotel and then by the news that one of their colleagues was led away from a Medford courtroom in handcuffs and is headed to jail.

BEACON HILL

Massachusetts House Speaker Robert DeLeo rules out increased taxes, vows to pass minimum wage increase

(<http://www.masslive.com/politics/in>)

Analysis: Five takeaways from Governor Deval Patrick's final State of the Commonwealth speech

(<http://www.masslive.com/news/bos>)

Supporters of proposal to improve care for foster children make pitch on Beacon Hill

(<http://www.masslive.com/politics/in>)

Gov. Deval Patrick pushes for minimum wage increase, investments in education and infrastructure in final State of the Commonwealth

(<http://www.masslive.com/politics/in>)

State Sen. Marc Pacheco introduces bill to study global warming's impacts on Massachusetts

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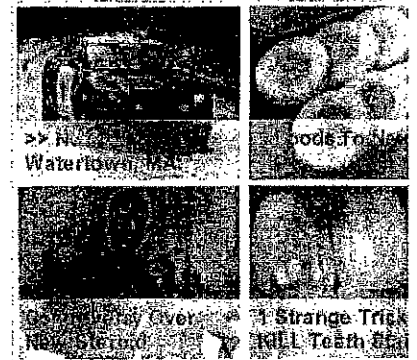
Massachusetts State Rep. Carlos Henriquez, D-Dorchester, as seen in his official Mass. Legislature portrait. Henriquez is a member on the Joint Committee on Education, the Joint Committee on Mental Health and Substance Abuse and the Joint Committee on the Judiciary.

A standard pre-session caucus of House

Democrats, usually an opportunity to be briefed on bills expected to emerge for floor votes, was canceled as some members were milling about the State House corridors.

The cancellation came as news broke about the conviction of Rep. Carlos Henriquez (D-Dorchester) on two assault and battery charges

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Before the session, House Speaker Robert DeLeo and others on his leadership team were at the Omni Parker House Wednesday morning for a meeting of a political committee focused on electing Democrats to the House. As the House gavelled its session to a start at 1 p.m., DeLeo and other ranking House Democrats were still huddled at the downtown hotel. The House recessed its session, intending to return later in the afternoon. The political meeting broke up just before 1:30 p.m. and many of its attendees headed up Beacon Hill to the State House.

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Meanwhile, Henriquez was led from a Medford courtroom in handcuffs after a jury convicted him on two assault and battery charges, and acquitted him on three other charges leveled against him by Middlesex County prosecutors in connection with a July 8, 2012 domestic violence incident.

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According a staff person, attorneys for House Speaker Robert DeLeo are looking into whether House rules allow DeLeo to strip Henriquez of his official committee assignments.

If the Dorchester representative does not resign his House seat, House rules include provisions that enable members to move forward with censure or expulsion. Such an effort would need to follow a hearing and vote of the House Ethics Committee. The committee is without a chairman since Martin Walsh, its former chair, resigned to take office at City Hall. Rep. David Nangle, a Democrat from Lowell, is the committee's vice-chairman.

Video of the Day

Several House Republicans quickly called on Henriquez to resign.

"Now that Representative Henriquez has had his day in court, it is time for him to leave this institution which should in no way condone violence against women," Third Assistant House Minority Leader Elizabeth Poirier of North Attleborough said in a statement released shortly after Judge Michele Hogan announced the sentence. "As elected officials, we must hold ourselves to the highest level of moral and ethical conduct. Mr. Henriquez has breached the trust of his colleagues and constituents, and his reprehensible actions will not be tolerated."

House Minority Leader Bradley Jones said, "The snide remark would be goodbye. And he should resign immediately."

Rep. George Peterson, a Republican from Grafton, said he hopes Henriquez resigns without being asked. "The charges were serious. He has now been found guilty by a jury of his peers. It's time that he should step down."

Massachusetts Republican Party Chair Kirsten Hughes issued the following statement: "The MassGOP calls on the state's leading Democrat, Governor Deval Patrick to immediately demand the resignation of Representative Carlos Henriquez. If the resignation is not tendered right away, there may not be adequate time for a special election and thus robbing the good people of Dorchester representation on Beacon Hill."

One House Democrat, who did not want to be identified, said, "If he was not a rep, he never would have been found guilty."

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At the Medford courthouse where Henriquez was convicted and sentenced Wednesday, his defense attorney, Stephanie Soriano-Mills, said she could not speak to the issue of the representative's future in the House. Asked about her client's state following the verdict, Soriano-Mills described him as "strong."

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Beacon Hill

State Rep. Carlos Henriquez Sentenced To Six Months For Assault Charges

He was led out of the courtroom in handcuffs.

By Steve Annear | Boston Daily | January 15, 2014 2:05 pm

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PHOTO BY ALEX LAU

State Representative Carlos Henriquez will spend half a year behind bars after a jury convicted him of assaulting a woman he was dating in the summer 2012.

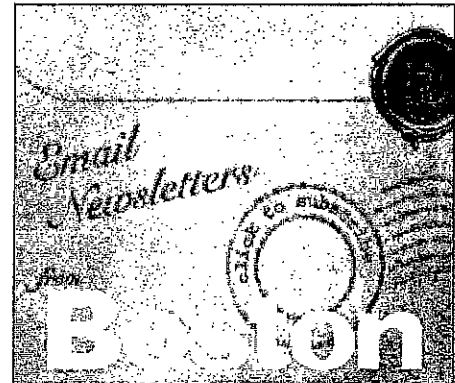
Henriquez, who serves the Dorchester district, was convicted Wednesday on two counts of assault and battery. A six-member jury acquitted the elected official on three other charges stemming from the incident, including intimidation of a witness.

The *State House News Service* reports that Henriquez was taken out of the Medford courtroom in handcuffs after a judge ordered him to spend six months of a two-and-a-half year sentence in the Middlesex County House of Corrections. Henriquez is accused of hitting then-girlfriend Katherine Gonzalves while the two were in a rental car in Arlington, where the victim lives.

According to Gonsalves' account of the assault, which occurred in July 2012, Henriquez became frustrated when she told him she couldn't go home with him that night, after he drove from Dorchester to Arlington around 3 a.m. to see her.

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EXHIBIT 8

During the trial this week, while on the witness stand, Gonzalves told the court that Henriquez "got physical" at that point, and back-handed her while she was in the backseat of the rental car.

From there, the situation allegedly escalated, and Gonzalves said Henriquez choked and punched her before driving off with her still in the back seat. The victim claimed she was unable to get out of the car, as the elected official drove from Arlington back into Boston, and she had to eventually jump out of the vehicle when they were near Northeastern University in order to escape. She was then assisted by officers from Boston and the school.

Henriquez's attorney, Stephanie Soriano-Mills, refuted some of the victim's claims in court by highlighting discrepancies in statements Gonzalves made with law enforcement officials investigating the assault case. Soriano-Mills asked the judge to lessen the sentence, citing Henriquez's lack of a criminal history.

Henriquez continued to show up for events around Boston, and in his district, and serve the community in the year-and-a-half following the assault allegations.

As for what happens to his seat on Beacon Hill following the sentencing, that remains uncertain. But both Democrats and Republicans are calling for Henriquez step down.

"I consider domestic assault to be very, very serious. The House considers that to be very, very serious. Having said that, based upon what has happened today in terms of a jury convicting Rep. Henriquez, I think it's incumbent upon him to weigh the possibility of resigning immediately. If not, it's incumbent upon me as speaker of the House to immediately refer this matter to the Ethics Committee to take action," House Speaker Robert DeLeo told the *State House News Service*.

Mayor Marty Walsh, a former state representative, said in light of the sentencing he would encourage Henriquez to resign "in the best interests of the constituents he represents."

"Violence against women is an epidemic, and is totally and universally unacceptable. This case shines a spotlight on something that plagues our nation every single day. Nearly one quarter of women in this country have experienced violence; Boston is no exception to these startling facts," Walsh said.

House Republicans also demanded Henriquez recuse himself from office with the help of Governor Deval Patrick.

MassGOP Chairwoman Kirsten Hughes issued the following statement:

The MassGOP calls on the state's leading Democrat, Patrick, to immediately demand the resignation of Representative Carlos Henriquez. If the resignation is not tendered right away, there may not be adequate time for a special election and thus robbing the good people of Dorchester representation on Beacon Hill.

Patrick agreed. "Representative Henriquez should immediately resign from the House," he said in a statement.

Henriquez did not take the stand during the trial, and chose not to speak after the judge delivered the sentence. A call to Henriquez's lawyer, about whether or not Henriquez would step down, was not immediately returned.

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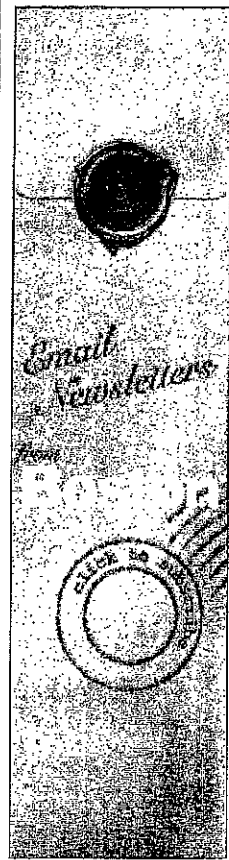
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EXHIBIT 8

Pols push to remove Carlos Henriquez

Jailed rep's Twitter account begs support



UNWANTED MAN: State Rep. Carlos Henriquez leaves a closed-door ethics committee hearing in handcuffs yesterday at the State House. Legislators want him to resign in the wake of his conviction for assault.

Wednesday, January 29, 2014

Email Comments

By: Matt Stout

House lawmakers are stepping up their bid to oust disgraced state Rep. Carlos Henriquez, who was back in handcuffs yesterday before the House Committee on Ethics for the second time in five days with no apparent sign he's stepping down.

Henriquez — less than an hour after his Twitter account lit up with pleas for support — appeared in a closed-door ethics hearing in a familiar yet largely quieter scene than last Friday's initial return to the State House in handcuffs.

The Dorchester lawmaker is serving a six-month sentence after a jury convicted him of a July 2012 attack in which he held down a woman and punched her after she refused to have sex with him. Henriquez has maintained his innocence and in filing for an appeal, has continued to resist repeated calls to resign from fellow Democrats, including Gov. Deval Patrick and Speaker of the House Robert A. DeLeo.

It's unclear what transpired in the secretive ethics hearing, which lawmakers are barred from discussing publicly. But the House has moved quickly to expel him if he doesn't quit, granting the committee subpoena powers within a day of Henriquez's Jan. 15 conviction and now twice bringing him back to Beacon Hill with sheriff's deputies in tow.

Before he appeared, an update was posted to Henriquez's Twitter account calling for Roxbury residents to email DeLeo if they "feel that Carlos has helped the community."

It's unclear who sent the tweet. Henriquez represents the 5th Suffolk District, which is mostly in Dorchester. The Middlesex County Sheriff's office told the Herald last week Henriquez has no access to social media inside the county house of correction in Billerica.

Henriquez's attorney, Stephanie Soriano-Mills, did not return a phone call seeking comment yesterday.

Jack Encarnacao contributed to this report.

More On: House Committee on Ethics Carlos Henriquez Twitter account Deval Patrick

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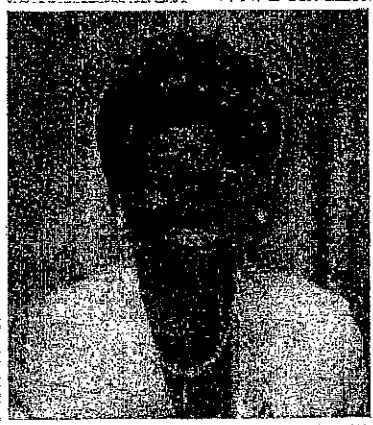
THE CAPITOL VIEW

observations from across the aisle

HOUSE OF
REPRESENTATIVES

WEDNESDAY, JANUARY 15, 2014

State Representative Elizabeth Poirier: Representative Carlos Henriquez Must Resign Immediately



Assistant House Minority Whip, and member of the Massachusetts Caucus of Women Legislators, Elizabeth Poirier (R-North Attleboro) issued the following statement today in response to State Representative Carlos Henriquez being found guilty on two counts of assault and battery:

"In light of today's verdict finding State Representative

Carlos Henriquez guilty of two counts of assault and battery of a young woman, I am calling for his immediate resignation from the House of Representatives.

Now that Representative Henriquez has had his day in court, it is time for him to leave this institution which should in no way condone violence against women.

As elected officials, we must hold ourselves to the highest level of moral and ethical conduct. Mr. Henriquez has breached the trust of his colleagues and constituents, and his reprehensible actions will not be tolerated."

POSTED BY MASSACHUSETTS HOUSE REPUBLICANS AT 1:22 PM

MASSACHUSETTS HOUSE REPUBLICANS

This blog is an opportunity for the members of the House Republican Caucus to share observations with you from across the aisle. We work to provide an alternative voice on Beacon Hill and hope this blog will act as an outlet for us to share important happenings with you from across the Commonwealth.

[VIEW MY COMPLETE PROFILE](#)

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Minority Leader Bradley H. Jones, Jr.

Assistant Minority Leader George N. Peterson, Jr.

Minority Whip Bradford Hill

Assistant Minority Whip Elizabeth Poirier

Rep. Vinny deMacedo- Ranking Member, Ways & Means

Rep. Jay Barrows

Rep. Matthew Beaton

Rep. Nicholas Boldyga

Rep. Leah Cole

Rep. Angelo D'Emilia

Rep. Geoff Diehl

Rep. Peter Durant

EXHIBIT 8**Governor, House speaker, mayor call for resignation of convicted Boston Rep. Carlos Henriquez**

Advertisement (1:10): Body-on-Frame Construction & Crawf Control w/ Andy Ball & Travis R...

You can skip to video in 5

By Maria Cramer and Michael Levenson / Globe Staff / January 15, 2014

MEDFORD — A state representative from Boston was sentenced today to serve six months in a house of correction for assaulting an Arlington woman he was dating in July 2012.

A Cambridge District Court jury convicted Carlos Henriquez, a Democrat who represents Boston's Dorchester neighborhood, on two assault and battery charges, but acquitted him of a third assault and battery charge, one count of witness intimidation, and one count of larceny under \$250.

The conviction prompted a chorus of calls for his resignation. Governor Deval Patrick, House Speaker Robert A. DeLeo, and Boston Mayor Martin J. Walsh all called for him to resign, and DeLeo said he was taking steps to expel him, if he does not step down.

"I would call upon him again, based upon the seriousness of these convictions, that, instead of going through that [expulsion] process, that he would consider resigning from the House," DeLeo said.

The victim, Katherine Gonzalves, testified about the events that unfolded on July 8, 2012, and underwent a rigorous cross-examination by Henriquez's defense attorney, Stephanie Soriano-Mills.

Following the jury's verdict today, Judge Michele Hogan expressed concern that Henriquez was not accepting responsibility for his actions. She told Henriquez from the bench that he should have ended his interactions with Gonzalves early that morning when Gonzalves told him she was not interested in having intimate relations.

"When a woman tells you she doesn't want to have sex, she doesn't want to have sex," Hogan said, adding that she was "very concerned that you're not remorseful."

Hogan sentenced Henriquez to 2½ years in the Middlesex County House of Correction, with six months to be served behind bars.

Henriquez, who did not take the stand, appeared calm as he listened to the verdicts. He was expressionless as Hogan imposed the sentence. And he was stoic as court officers handcuffed him and led him out of the courtroom to await transportation by the sheriff's department.

Leonard H. Kesten, a lawyer for the victim, said, "She is gratified. She always told the truth, she didn't want to be in the media, she didn't want to be beaten."

Kesten said that he and his partner, Richard E. Brody, represented the victim as part of a program under the Middlesex district attorney's office that helps victims of abuse file restraining orders.

They began representing her when she decided to file a restraining order against Henriquez. He said the victim has no plans to sue Henriquez.

"This was about a relationship that had a very bad night. He had a bad night, he lost his temper," Kesten said.

Middlesex prosecutors recommended that Henriquez be required to serve one year behind bars.

But Soriano-Mills asked that Henriquez be placed on probation, citing his lack of a criminal record, his active role in the Dorchester community, and the fact that jurors acquitted him of three of the five charges he faced.

EXHIBIT 8

"A large portion of [Gonzalves's] story, they don't believe," Soriano-Mills said.

She also repeated her client's insistence that he did not harm Gonzalves, which prompted the judge to question whether Henriquez was remorseful.

Gonzalves, who was not in the courtroom for the verdicts, was in court for the sentencing hearing. She declined to give a victim impact statement.

In a statement summarizing the case following Henriquez's arrest in 2012, Middlesex prosecutors alleged that he picked up Gonzalves in Arlington and physically assaulted her inside the car, grabbed her cellphone, and drove into Boston, where Gonzalves jumped out of the car and got help from Boston and Northeastern University police.

Democratic Governor Deval Patrick said in a statement this afternoon, "In light of today's jury verdict, Representative Henriquez should immediately resign from the House."

In brief remarks outside his State House office, DeLeo, also a Democrat, urged Henriquez to resign and called his conviction "very serious."

DeLeo said he would also immediately refer the matter to the House Ethics Committee to begin the formal process for expulsion, in case Henriquez refuses to resign.

DeLeo said he did not have a timeline for how long it might take to oust Henriquez, but said the matter would eventually come to a vote of the full House. DeLeo said he hoped, however, that Henriquez would resign and spare the House from having to take that vote.

Walsh issued a statement, saying that it was a "sad day" for Walsh's district.

"A jury has convicted Rep. Henriquez and a judge has sentenced him to serve jail time. In light of this, I would encourage Rep. Henriquez to resign, in the best interests of the constituents he represents," the statement said.

"Violence against women is an epidemic, and is totally and universally unacceptable. This case shines a spotlight on something that plagues our nation every single day. Nearly one quarter of women in this country have experienced violence; Boston is no exception to these startling facts," he said.

Henriquez joins a roster of Democratic state lawmakers convicted of crimes in recent years. Former senator Anthony D. Galluccio of Cambridge was jailed in 2010 for violating the terms of his house arrest by drinking alcohol after he was involved in a hit-and-run accident; former senator J. James Marzilli Jr. of Arlington was convicted in 2011 of accosting a woman; former senator Dianne Wilkerson of Boston was sent to federal prison in 2011 for taking bribes; and former House speaker Salvatore F. DiMasi is serving an eight-year prison sentence after he was convicted of conspiracy, fraud and extortion in 2011.

After news broke of Henriquez's sentencing, Republican Representative Elizabeth Poirier and the state Republican party called for Henriquez to resign.

"Now that Representative Henriquez has had his day in court, it is time for him to leave this institution which should in no way condone violence against women," Poirier, who represents North Attleborough, said in a statement.

MassGOP Chairman Kirsten Hughes also issued a statement.

"If the resignation is not tendered right away, there may not be adequate time for a special election and thus robbing the good people of Dorchester representation on Beacon Hill," the statement said.

Although Republicans were to quick to call for Henriquez's resignation, the reaction was more muted among other Democrats. Few of Henriquez's colleagues were eager to discuss his conviction.

"It's very sad," said Representative Frank I. Smizik, a Brookline Democrat who was stopped by reporters for his reaction outside the House chamber. "I like him. And he was going to be a good Rep. And if he has to leave, he has to leave."

Smizik said Henriquez's conviction should not be seen as a condemnation of the entire House. "If anyone gets convicted, it's a shame on the institution," he said. "But that's not something that's common in our institution. If there's one out of 160, it's not common in our House."

Maria Cramer can be reached at mcramer@globe.com. Follow her on Twitter @globemcramer.

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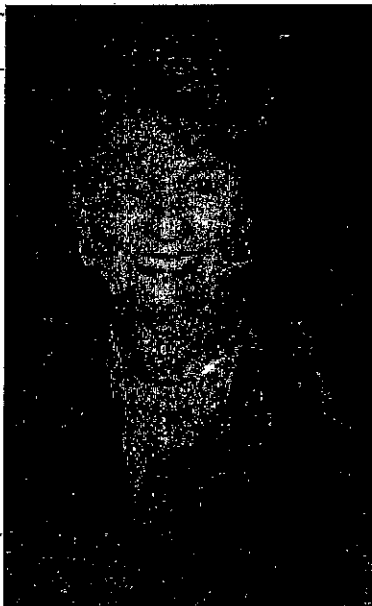
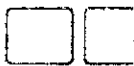
He'll be citing his new found belief in god by the end of the week.

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Poirier Calls for Henriquez Resignation

"It is time for him to leave this institution which should in no way condone violence against women" Poirier says.

Posted by Patrick Maguire (Editor) , January 16, 2014 at 02:59 PM



More

Betty Poir

State Rep. Elizabeth Poirier (R-North Attleboro), who represents a portion of Attleboro, went on record Wednesday to call for the resignation of Rep. Carlos Henriquez.

Henriquez, of Dorchester, was sentenced to six months in prison for assault and battery after he was convicted of holding down a woman and beating her because she refused sex.

Poirier released the following statement:

"In light of today's verdict finding State Representative Carlos Henriquez guilty of two counts of assault and battery of a young woman, I am calling for his immediate resignation from the House of Representatives.

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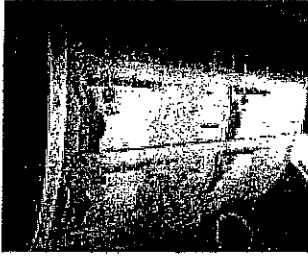
Poirier is not alone. According to the Boston Globe, Gov. Deval Patrick and Boston Mayor

EXHIBIT 8

Marty Walsh would also like Henriquez to resign. House Speaker Robert A. DeLeo said he would begin the formal process for expulsion should Henriquez not resign.

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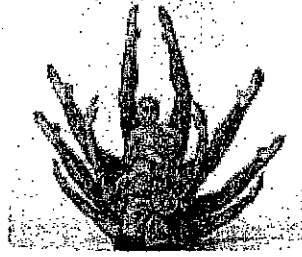
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House gathers after Henriquez sentencing, political meeting

Nashoba Publishing

POSTED: 01/16/2014 10:49:49 AM EST

By Michael P. Norton

STATE HOUSE NEWS SERVICE

STATE HOUSE, BOSTON -- House members who arrived on Beacon Hill Wednesday for their first substantive session of 2014 were distracted first by a political meeting at a nearby hotel and then by the news that one of their colleagues was led away from a Medford courtroom in handcuffs and is headed to jail.

A standard pre-session caucus of House Democrats, usually an opportunity to be briefed on bills expected to emerge for floor votes, was canceled as some members were milling about the State House corridors.

The cancellation came as news broke about the conviction of Rep. Carlos Henriquez (D-Dorchester) on two assault and battery charges and his sentencing to 2.5 years in jail, with six months to be served.

Before the session, House Speaker Robert DeLeo and others on his leadership team were at the Omni Parker House Wednesday morning for a meeting of a political committee focused on electing Democrats to the House. As the House gaveled its session to a start at 1 p.m., DeLeo and other ranking House Democrats were still huddled at the downtown hotel. The House recessed its session, intending to return later in the afternoon. The political meeting broke up just before 1:30 p.m. and many of its attendees headed up Beacon Hill to the State House.

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According a staff person, attorneys for House Speaker Robert DeLeo are looking into whether House rules allow DeLeo to strip Henriquez of his official committee assignments.

Dorchester representative does not resign his House seat, House rules include provisions that members to move forward with censure or expulsion. Such an effort would need to follow a 4 g and vote of the House Ethics Committee. The committee is without a chairman since Martin Walsh, its former chair, resigned to take office at City Hall. Rep. David Nangle, a Democrat from 5 ll, is the committee's vice-chairman.

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Share that Representative Henriquez has had his day in court, it is time for him to leave this 0 tion which should in no way condone violence against women," Third Assistant House Minority Leader Elizabeth Poirier of North Attleborough said in a statement released shortly after 8:1 Michele Hogan announced the sentence. "As elected officials, we must hold ourselves to the 11 a level of moral and ethical conduct. Mr. Henriquez has breached the trust of his colleagues and 0 tuents, and his reprehensible actions will not be tolerated."

Share Minority Leader Bradley Jones said, "The snide remark would be goodbye. And he should resign immediately."

Rep. George Peterson, a Republican from Grafton, said he hopes Henriquez resigns without being asked. "The charges were serious. He has now been found guilty by a jury of his peers. It's time that he should step down."

Massachusetts Republican Party Chair Kirsten Hughes issued the following statement: "The MassGOP calls on the state's leading Democrat, Governor Deval Patrick to immediately demand the resignation of Representative Carlos Henriquez. If the resignation is not tendered right away, there

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It be adequate time for a special election and thus robbing the good people of Dorchester station on Beacon Hill."

EXHIBIT 8

use Democrat, who did not want to be identified, said, "If he was not a rep, he never would be found guilty."

Medford courthouse where Henriquez was convicted and sentenced Wednesday, his defense lawyer, Stephanie Soriano-Mills, said she could not speak to the issue of the representative's future in the legislature. Asked about her client's state following the verdict, Soriano-Mills described him as "a very nice person."

(Metzger, Matt Murphy and Colleen Quinn contributed reporting.)

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EXHIBIT 9

To Stephanie: For Carlos to read as opening statement

Mr. Chairmen, members of the committee, Good Afternoon.

Mr. Chairmen I want to thank you for going over the rules on Friday last, to ensure that I receive a fair and impartial hearing, pursuant to House rule 16.

Mr. Chairmen I would to like ask you to consider if any members of this committee have made public or private comments regarding my legal issues or my standing as a member in the House?

I have spent much of my life in the service of others; a noble cause that I learned growing up. In the community I serve like you I developed a reputation. A reputation made up of commitment, hard work, and service. This reputation earned me the privilege of being elected to serve as a member of the 187th General Court; an honor

EXHIBIT 9

that I have taken seriously each and every day since January 6 2011. I have worked hard and followed the rules

While we are subject to criticism, we all expect certain lines not to be crossed. Even among colleagues, we have rules of engagement to guard against profane, insulting, or abusive language. As we along with our families and friends have learned for better or for worse these rules do not extend to the mainstream media, social media, and the general public.

Our reputation is our Achilles heel and it is well known. My personal and professional life and reputation have been attacked and severely damaged. While I am deeply saddened by all that has transpired, it does not change the truth. The truth of my innocence. The truth is I never witnessed domestic violence in my parents 32 year marriage. The truth is since 2011 upon entering the House following the example of the man who's custody I have been remanded to, I have spoken against domestic violence and

EXHIBIT 9

supported legislation and budget spending to prevent domestic violence. While the Middlesex District Attorney did not indict me and while 2 out of the 5 charges that the jury chose to believe are misdemeanors, please do not think for a moment that I consider assault and battery against a woman as minor. The truth is I consider it a cowardly and shameful act for which I am embarrassed to even be associated/ accused of with. I am sure many of you feel the same way as many of you shy from the very sight of me.

In July 2012 my life, my livelihood and reputation were attacked. At the time my reputation was the only place I was vulnerable. In November 2012 the residents of the 5th Suffolk District re elected me to office. I continued to serve undistracted and unimpeded in my duties. Even now I spend time working on a myriad of issues. For the first time in 3 years I will miss votes and while I mean no direct comparison it will not be the first time a member of the

EXHIBIT 9

House has missed votes, due to being away from the House for an extended leave.

I am a 37 year old single legislator who has spent over 20 years serving others through hard work. I am not who my accuser seeks to portray me as in the media. I ask you to consider the fragility and importance of our reputations as public officials; and to consider the truth and the rules we must all follow as members of the House.

Thank you. I look forward to any questions you may have.

EXHIBIT 10

HOUSE DOCKET, NO.

FILED ON: 2/3/2014

HOUSE No. 3893

Filed by Mr. Nangle of Lowell. February 3, 2014.

The Commonwealth of Massachusetts

House of Representatives, [Journal Date]



In the Year Two Thousand Fourteen

1 Ordered, That the following rules of procedure shall be followed by the House
2 concerning a report of the House Standing Committee on Ethics with relation to the reprimand,
3 censure or expulsion of a member of the House who stands accused of violating the ethical
4 standards of the House, to wit: —

5 1. When the question on adopting the resolution offered by said House Standing Committee on
6 Ethics is under debate the Speaker shall receive no motion that does not relate to the same,
7 except a motion to recess or adjourn, and shall receive no other motion relating to the same
8 except: —

9 (a) to postpone to a day certain; or

10 (b) to amend.

11 These motions shall have precedence in the order in which they stand.

12 2. The accused shall be allowed to address the House subsequent to the opening remarks of the
13 vice-Chairman of the Committee on Ethics; and from time to time thereafter if the floor is
14 available but not in preference to members who have not spoken.

15 3. The degree of vote to reprimand the member shall be a majority of the members present and
16 voting, a quorum being in attendance.

17 4. The degree of vote to censure a member shall be a majority of the members present and
18 voting, a quorum being in attendance.

EXHIBIT 10

- 19 5. The degree of vote to expel a member shall be a majority of the members present and voting, a
20 quorum being in attendance.
- 21 6. When any vote has been ordered, the accused must withdraw from the Chamber, and cannot,
22 for reasons of conflict, vote on the report or on any other votes in relation to the same.
- 23 7. When the report has been accepted or rejected, there shall be no right of reconsideration or
24 appeal.
- 25 8. If a report for expulsion is accepted, the seat shall be presumed vacated immediately.