

FOR IMMEDIATE RELEASE

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BOSTON, MA – Today, Plaintiffs Stacy Foster, Jamie Kimball, and Jonathan Riley filed a class action lawsuit in federal court in Boston on behalf of more than 21,000 individuals who were wrongfully convicted of drug offenses in Massachusetts due to the misconduct of former state chemist Annie Dookhan in the Hinton Drug Lab. The plaintiffs are represented by Daniel Marx and William Fick of Fick & Marx LLP and Luke Ryan of Sasson Turnbull Ryan & Hoose.

Last year, the Massachusetts Supreme Judicial Court vacated the convictions of the so-called “Dookhan Defendants” and dismissed the charges against them with prejudice, meaning prosecutors could not try these cases again. “Vacating these wrongful convictions was a major victory and a significant first step in doing justice for the victims of the drug lab scandal,” said William Fick, of Fick & Marx LLP, “but much more work is needed to undo the tremendous damage from the drug lab scandal.”

In addition to having been wrongfully convicted, Plaintiffs Stacy Foster, Jamie Kimball, Jonathan Riley, and the other Dookhan Defendants were also forced to pay substantial fees and costs in connection with their cases, including counsel fees, victim-witness fees, and probation fees. Some class members also lost money and property that was seized and forfeited by the police, and others who were too poor to pay were forced to perform unpaid community service.

“Charging defendants, many of whom struggle to make ends meet, all sorts of costs and fees to fill the coffers of the Commonwealth and run the criminal justice systems is bad policy with harmful consequences,” said Luke Ryan, of Sasson Turnbull Ryan & Hoose. “Refusing to refund money, to pay for uncompensated labor, and to return seized property to people who were wrongfully convicted is even worse—it is against the law.”

In *Nelson v. Colorado*, the U.S. Supreme Court recently ruled that due process requires states to return all money and property taken from defendants as a consequence of criminal convictions, if those convictions are later invalidated. Because Plaintiffs Stacy Foster, Jamie Kimball, and Jonathan Riley—like all Dookhan Defendants—were wrongfully convicted, but are no longer convicted, the Commonwealth cannot treat them as if they were convicted, by keeping their money and property.

“If the Commonwealth is seriously committed to restoring the integrity of the criminal justice system, it will do the right thing, as a matter of constitutional law, basic fairness, and common sense,” said Daniel Marx, of Fick & Marx LLP. “The Commonwealth took millions of dollars from the pockets of people who were wrongfully convicted, and it must now give them their money back.”

Fick & Marx LLP is a boutique law firm in Boston specializing in criminal defense, civil litigation, and appellate work. Sasson Turnbull Ryan & Hoose is a five-person law firm in Northampton that concentrates in criminal and civil rights litigation, domestic relations and estate planning. For the past several years, attorneys at both firms have worked closely with the ACLU of Massachusetts and the Committee for Public Counsel Services in litigation arising from the drug lab scandals that resulted in tens of thousands of wrongful convictions in Massachusetts.

For further inquiries, contact Daniel Marx or William Fick at Fick & Marx LLP (857-321-8360) or Luke Ryan at Sasson Turnbull Ryan & Hoose (413-586-4800).

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