

COMMONWEALTH OF MASSACHUSETTS

MIDDLESEX, SS.

\_\_\_\_\_ COURT  
DOCKET NO. \_\_\_\_\_

**COMMONWEALTH**

**v.**

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**COMMONWEALTH'S NOTICE  
REGARDING A POTENTIAL COMMONWEALTH WITNESS**

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Now comes the Commonwealth, and in light of Mass. R. Crim. P. 14 and case law, including Matter of Grand Jury Investigation, 485 Mass. 641 (2020), hereby notifies the defendant that one of the potential witnesses in this case, **Hopkinton Police Sgt. Timothy Brennan**, was the subject of an internal affairs investigation stemming from the failure to report a sexual assault. The sexual assault which Sgt. Brennan failed to report alleged a crime committed by another Hopkinton police officer. The investigation sustained numerous violations of internal rules and regulations of the Hopkinton Police Department, including attention to duty and failure to report a crime. Sgt. Brennan was placed on paid administrative leave on \_\_\_\_\_.

The Commonwealth recognizes that it is within this court's discretion to decide whether an officer's credibility is a critical issue at trial and whether prior false statements in an unconnected matter may significantly impact the trial, Commonwealth v. Lopes, 478 Mass. 593, 606 (2018), but contends that such information is not admissible for impeachment. "The well-established rule in Massachusetts is that [s]pecific acts of prior misconduct of the witness . . . not material to the case in which he testifies cannot be shown by the testimony of impeaching witnesses or other extrinsic evidence to affect [the witness's] credibility." Commonwealth v. LaVelle, 414 Mass. 146, 151 (1993) (quotation omitted). See Commonwealth v. Avalos, 454 Mass. 1, 10-11 (2009) (absent a conviction, evidence of act of untruthfulness inadmissible for impeachment); Mass. G. Evid. § 608(b)

(specific instances of misconduct showing untruthfulness not admissible to attack or support credibility).

Respectfully Submitted  
For the Commonwealth

MARIAN T. RYAN  
DISTRICT ATTORNEY

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Assistant District Attorney

Date: