

## **Top Massachusetts court refuses to dismiss 40,323 cases linked to rogue state evidence lab chemist**

There was good news and bad news Monday for public defenders trying to get Massachusetts to dismiss some 40,000 criminal charges linked to a rogue chemist working at a state evidence laboratory.

The Supreme Judicial Court of Massachusetts ruled that convicted defendants who seek a new trial over alleged misconduct by Annie Dookhan can't face harsher sentences than those they originally got if they are convicted a second time around, nor can they be tried on charges that were earlier dismissed pursuant to plea bargains. This will encourage individuals who previously worried that they could wind up worse off to challenge convictions, their advocates said.

However, the court refused to simply dismiss 40,323 drug cases linked to Dookhan, who worked for the state from 2003 to 2012, the Wall Street Journal (sub. req.) reports.

“Given the unprecedented circumstances surrounding the debacle at the Hinton drug lab, and the substantial efforts that are being made to deal with the impact of Dookhan’s misconduct on affected defendants, we conclude that, at this juncture, any delays in the provision of postconviction relief do not ‘rise to the level of constitutional error,’” the court wrote in its opinion.

By Martha Neil