

COMMONWEALTH OF MASSACHUSETTS
FRANKLIN COUNTY
THE SUPERIOR COURT

FRANCESCO COMPAGNONE,
and PATRICIA SCUTARI,

Docket Number:_____

Plaintiffs,

v.

MASSACHUSETTS STATE POLICE,

Defendant.

AFFIDAVIT OF PATRICIA SCUTARI

1 I, PATRICIA SCUTARI, a Plaintiff in the above-
2 numbered complaint, hereby state the following is true
3 to the best of my knowledge and belief:

4 1. I am a resident of the Commonwealth of
5 Massachusetts. I am also registered with the
6 Commonwealth as a medical marijuana patient. I use
7 medicinal marijuana to treat the effects of cancer,
8 amongst other debilitating medical conditions.

9 2. On September 13, 2016, my residence, 1
10 Wendell Depot Road, Wendell, MA, was raided by the

11 Massachusetts State Police. My medicinal marijuana
12 plants were seized by Massachusetts State Police.

13 3. Before the raid occurred, I was working in
14 my office which is located approximately 1 mile from
15 my residence. Around 3:00 p.m., I heard a helicopter
16 flying very low over my office. I went outside to see
17 what was happening. I watched the helicopter flying
18 very low over the nearby swamplands. It then took off
19 in the direction of my residence which is located in
20 the center of town.

21 4. About then, my partner, Francesco
22 Compagnone, called me to say that a helicopter was
23 extremely low over our gardens. I immediately got in
24 my car and drove home. When I arrived, I saw a dark,
25 blackish-green helicopter very close to the ground
26 hovering over the garden. I entered the yard and stood
27 under the chopper, and looked up at a man staring down
28 at me. He was so low that I could feel the pounding of
29 the aircraft in my chest. I felt like I was in a high
30 intensity action movie. Not like anything I have ever

31 experienced before in my life. After about five
32 minutes, the chopper flew off.

33 5. I walked towards the house with the
34 intention of calling our local police for help. Upon
35 doing so, I found five men heading towards me on their
36 way to the garden area. Two men had gold colored
37 badges hanging from chains around their necks. The
38 other three men had no visible signs of
39 identification.

40 6. I confronted the men and asked who they
41 were. One of the men said he was State police. They
42 said they were on my property to “seize the illegal
43 plants that are growing in [my] yard.”

44 7. I told them that there were no illegal
45 plants and that we are medical marijuana patients, in
46 compliance with the medical marijuana law. The man
47 speaking to me said something to the effect of: “If
48 the plants are growing outdoors in plain view, then
49 they are illegal.”

50 8. I then asked, "Do you have a warrant?" One
51 of the men responded that a warrant isn't necessary.
52 They then proceeded to cut down marijuana plants
53 located in the yard.

54 9. My partner then got very upset, and arguing
55 ensued with the two men wearing badges. He, my
56 partner, then turned and ran back to the garden to try
57 and stop the men from cutting our plants.

58 10. I and two officers walked to the garden. The
59 three unidentified men were waiting by the plants.
60 Upon arriving to the garden, my partner was telling
61 them that they had better not touch his garden. He
62 kept asking how they could justify what they were
63 about to do. He asked for their names and some kind of
64 identification. One officer said in response to the
65 request for names, "You can have my name!" But did not
66 give it. My partner then said something to the effect
67 of: "Who sent you? How do we know who you are?" It was
68 then that one of the men said that he works for D.A.

69 Sullivan, and that they can call his office. Yet,
70 still no names or ID were shown.

71 11. The men then started ripping apart the
72 fencing that enclosed the plant beds. As soon as they
73 could get at them, they started hacking off branches
74 and piling them on the ground.

75 12. My partner continued to protest their
76 actions verbally. My partner was then threatened by
77 one of the men, saying that they will handcuff him to
78 the fence and you can stand there and watch us, if he
79 doesn't be quiet.

80 13. I pleaded with them to please let us take
81 some of the plant that was almost ready to harvest. I
82 explained that I was a cancer survivor, among other
83 debilitating medical conditions. I said that I use no
84 prescription medications and that this is my medicine
85 that took us 6 months to grow.

86 14. They responded that the plants have been
87 seized, they are now the property of the State of

88 Massachusetts, and they couldn't give any parts of the
89 plant to me, otherwise they'd be breaking the law.

90 15. I told them: that we have complied with all
91 the laws; that the state knows about me, my finances,
92 and my health; that the state has my address, phone
93 number and email; that the Commonwealth could have
94 sent a letter, or something to tell us earlier in the
95 season that they had a problem with the location of
96 our plants, and we could have adjusted the location;
97 but, instead you come in here at the eleventh hour and
98 rip up our plants. We can't just plant 10 more seeds
99 at this time of year and regrow our medicine. What are
100 we supposed to do now?

101 16. My partner said: I'm trying to grow good
102 pure medicine for this woman. One of the men
103 responded, "Does he have a driver's license? Then tell
104 him to go to the dispensary."

105 17. I began speaking with the officer who had
106 remained rather silent and did not participate in the
107 cutting and hauling. He inquired as to my current

108 health condition in a concerned and sincere manor. I
109 told him that I had just had a CT Scan on the previous
110 Friday and that things were looking good. I then
111 appealed to him to please let me have one plant to
112 move into the greenhouse. He said I could and we
113 harvested it and brought the cuttings into the locked
114 greenhouse. The plant was not ready to be cut yet so
115 we were only able to glean some of the tops.

116 18. The Officer then asked me if he could see
117 our papers. I went to the house to get them. When I
118 returned, the officer that requested the papers was
119 out by one of the vehicles that was being loaded with
120 the carefully bundled plants.

121 19. I asked why they were sent to do this to us.
122 He replied that: No one is targeted. A helicopter
123 flies over with a spotter and calls the ground crew
124 when plants are spotted in plain view. I disputed the
125 *plain view* comment saying something to the effect of:
126 “How can you call this plain view? We have an 8 foot
127 fence surrounding the whole yard?”

128 20. He commented that if I was upset I should be
129 upset with the Department of Public Health that wrote
130 the law. He then said that this law does everyone a
131 disservice because it is written so vaguely. He even
132 said something to the effect of: "I'm sure you felt
133 that you were interpreting the law correctly doing
134 what you were supposed to do, but they tell us that we
135 have to interpret it this way." I asked for his name
136 and he gave me his name and badge number. He also told
137 me that he was from the Boston area and that he worked
138 for the State Narcotics Task Force.

139 21. I then returned to the yard where my partner
140 was observing while the other four men were still
141 bundling plants. When I got there Apollo said "I still
142 haven't been given your names." One of the men walked
143 over to me, handed me a business card with his name,
144 and said "I'll give her my name." He then turned and
145 left the yard to supervise the loading of the trucks.

146 22. They continued to load the harvested plants
147 into a black pickup truck and a silver SUV. When they

148 left, the pickup truck and SUV drove East and a third
149 vehicle, a small dark sedan, driven by the officer
150 claiming to work for DA Sullivan headed west.

151 23. This entire ordeal lasted approximately one
152 hour. These men did not treat us with the respect that
153 we deserve. They did not notify the local police or
154 the town of Wendell. We were unclear as to who sent
155 them or whether they in fact were police officers. I
156 felt like I was treated like a criminal.

157 (The rest of this page is intentional left blank)

158 (Signature page to follow)

Signed under the pains and penalties of perjury this

_____ day of _____, 20 ____.

PATRICIA SCUTARI

<u>Commonwealth of Massachusetts</u>	
-----, SS	
The foregoing instrument was acknowledged by me this	
_____ day of _____, 20 ____ by:	
_____ who is personally	
known by me or who has produced:	
_____ as identification.	
----- <i>State of Notary's Commission</i>	<i>Notary's Seal & Signature:</i>
----- <i>Printed Name of Notary</i>	
----- <i>Notary's Expiration</i>	
----- <i>Notary Identification Number (optional)</i>	