

COMMONWEALTH OF MASSACHUSETTS

BRISTOL, ss.

SUPERIOR COURT
INDICTMENT
NO.: 1973 CR 00103

BRISTOL, SS SUPERIOR COURT
FILED

JAN 28 2021

MARC J SANTOS, ESQ.
CLERK/MAGISTRATE

COMMONWEALTH

vs.

TIMOTHY SLOWEY

**ORDER ON DEFENDANT'S MOTION FOR PRODUCTION OF
DOCUMENTARY EVIDENCE (Paper # 25)**

After hearing on the defendant's request for the issuance of summonses for records pursuant to *Commonwealth v. Lampron*, 441 Mass. 265 (2004) and *Commonwealth v Dwyer*, 448 Mass. 122 (2006), some records of which may be confidential and/or subject to a statutory privilege. The court finds the following:

The defendant did not specify a time frame for the records he requests. The court notes that the offenses are alleged to have occurred from May 7, 2015 to May 6, 2018. The alleged victim turned 16 years of age on May 7, 2018.

1.) R. I. Department of Children, Youth and Families – ALLOWED. The defendant has established that the records of in-take and any investigation into allegations of statutory rape by the defendant upon the alleged victim, following her disclosure of statutory rape on August 3, 2018 are evidentiary and relevant. These records are presumptively privileged.

2.) New York City Child Protective Services - DENIED. The defendant has failed in his burden to establish how the sought after records are relevant, admissible and necessary.

3.) Hasbro Hospital – ALLOWED. The defendant has shown that records of the alleged victim’s evaluation on August 3, 2018 following her disclosure of statutory rape to North Providence police are evidentiary and relevant. These records are not presumptively privileged.

4.) Planned Parenthood - DENIED. Here the defendant proffers that the medical records of Planned Parenthood relating to an abortion obtained by the alleged victim on either December 14 or 15, 2018, terminating a pregnancy allegedly fathered by the defendant will contain relevant information regarding the timeline of the pregnancy and subsequent abortion. He has provided no additional factual assertion as to the relevance of the records, the pregnancy or the abortion. The abortion occurred in December 2018, seven months after the alleged victim’s seventeenth birthday and outside of the indictment period. There are no allegations of sexual assault alleged to have occurred after she turned sixteen.

5.) MA Department of Children and Families – ALLOWED, only as to all records relating to allegations of abuse of the alleged victim by the defendant during the time period of May 7, 2015 to May 6, 2018. These records are presumptively privileged.

By the Court,



Sharon E. Donatelle
Justice of the Superior Court

DATE: January 25, 2021