

WORCESTER,SS

COMMONWEALTH OF MASSACHUSETTS
TRIAL COURT
OF THE COMMONWEALTH
0762CR001852

COMMONWEALTH
V.
LAWRENCE D. CIRIGNANO

AFFIDAVIT IN SUPPORT OF COMMONWEALTH'S MOTION
TO CONTINUE TRIAL

1. My name is Joseph A. **Quinlan**. I am an assistant district attorney for the Middle District. I have been assigned the prosecution of complaint **0762CR1852**. As the assigned prosecutor, I am familiar with the facts of the case, as set forth in police reports, witness statements and other documentation. I also am generally familiar with the publicity surrounding this case.
2. Sarah Loy is the victim in this case. It is alleged that the defendant committed an assault and battery upon her and also violated her civil rights during a December 16,2006 rally in which he was one of the speakers, and Ms. Loy was holding a sign expressing an opposing view.
3. Police began an investigation at the scene just minutes after the encounter by interviewing Ms. Loy and Mr. Cirignano. Police subsequently interviewed other people, and also obtained a copy of a video made by organizers of the rally.
4. This district court complaint against defendant Cirignano issued February 20,2007 after a show-causing hearing. The defendant initially appeared for arraignment April 11,2007. There has been a lot of publicity both in print media and the internet concerning this case.

5. This summer the defendant unsuccessfully argued a motion to dismiss the civil rights count, claiming, in summary, that Ms. Loy's rights could not be violated because she did not have a permit to be at the rally, while the defendant's group did hold a permit to be there.
6. The Court, Ricciardone, J., rejected that argument and denied the motion. A trial date subsequently was set for October 15, 2007.

Last week, Ms. Loy contacted me and said a complaint application was filed against her by Shari Worthington, the person who held the permit for the December 16, 2006 rally. Ms. Worthington also was a speaker at the rally. I have read Ms. Worthington's application, dated September 24, 2007. Ms. Worthington is asking that the court issue a complaint charging Ms. Loy with disturbing a lawful assembly, General Laws Chapter 272, Section 40. A show-cause hearing on this application is scheduled for October 29, two weeks after defendant Cirignano's trial date. Ms. Worthington waited nearly 10 months since the rally – and just a few weeks before the trial in which Ms. Loy would be testifying -- to seek this criminal charge against Ms. Loy.

8. As the person targeted as a defendant in Ms. Worthington's complaint application, Ms. Loy would have a 5th Amendment right to remain silent in the defendant Cirignano's trial. Ms. Loy's trial testimony would address the same events and facts that are the focus of the pending show-cause hearing sought by Ms. Worthington. At the same time, Ms. Loy's conduct that Ms. Worthington is alleging was unlawful is the same conduct addressed by defendant Cirignano's unsuccessful motion to dismiss. Judge Ricciardone's decision rejecting defendant Cirignano's motion would suggest that Ms. Worthington's complaint application lacks any merit.

Signed Under the Pains
And Penalties of Perjury

Joseph A. Quinlan
Assistant District Attorney

Dated: October 1,2007