



In Hernandez case, status of Bristol DA put in doubt

Unintended snag for trial after Baker revokes all of Patrick's 11th-hour appointments



AP/FILE

Thomas Quinn was named acting DA by Deval Patrick.

By [Frank Phillips](#) | GLOBE STAFF JANUARY 14, 2015

The chief prosecutor in the Aaron Hernandez murder trial, Bristol District Attorney Thomas Quinn, is operating under questionable legal status after Governor Charlie Baker on Friday rescinded all last-minute appointments made by former governor Deval Patrick.

Baker did not intend to include Quinn in the rescissions, but the secretary of state's office, which oversees the official recording of gubernatorial appointments, said the governor did — whether he meant to or not.

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The move could complicate the prosecution of the high-profile Hernandez trial. Quinn has been coordinating the prosecution team in the days since Baker's order — potentially without the proper legal authority.

“These are profound and important issues as to whether or not the case can proceed in face of the risk of a judicial action that could question the current authority of the prosecutor,” said Martin G. Weinberg, a veteran Boston criminal attorney.

He called the situation “fascinating.”

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Pool asked if they're Patriots fans

Potential jurors were asked if they had attended Patriots games in the past and about their views on Hernandez's tattoos.

The problem began Friday when Baker sent a one-sentence letter to Secretary of State William Galvin's office informing it that "any and all appointments" Patrick made after Dec. 25 are void. He cited a law that allows an incoming governor to pull back most gubernatorial appointments made by his or her predecessor within two weeks after they are made. Reversing last-minute appointments is not unusual, but doing it as an entire group — rather than person by person — is unconventional.

Patrick appointed Quinn on Jan. 2, six days before leaving office. Baker aides insist that Quinn is not covered by the law because Patrick appointed him as "acting" district attorney, and Quinn can be removed at any point before the next election, in 2016. They said there was no intention to remove Quinn at this point.

"Governor Baker agrees with Governor Patrick that Attorney Quinn should and will continue to serve as acting Bristol County District Attorney until such time that the Governor makes a final decision on this appointment," Baker spokesman Tim Buckley said in a written statement. "Both the Patrick administration, the appointing authority, and Governor Baker have been clear that Mr. Quinn is serving in an 'acting' capacity, and as such is not subjected to Governor Baker's order to rescind some recent appointments."

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*“The letter speaks for itself.” --
Secretary of State William
Galvin, saying that Governor
Charlie Baker’s rescission
covered all last-minute
appointments by Deval Patrick*

Galvin disagreed with the Baker administration's interpretation of Quinn's status, saying there is no such title as "acting" district attorney.

He also said Patrick's letter appointing Quinn acknowledges that it is subject to the law that allows for Baker to cancel it. And, he added, that is what Baker has done.

"The letter speaks for itself," said Galvin. "The governor's letter last Friday states 'any and all' appointments."

Jury selection began Monday in the Hernandez trial, in which the former NFL star faces charges that he murdered Odin Lloyd in June 2013. Hernandez and two other men are accused of driving Lloyd to an industrial park where he was shot multiple times.

Asked Tuesday about the disagreement between Baker and Galvin, Quinn did not directly address those issues.

“My focus has been and will continue to be solely on the important day-to-day work at the Bristol County District Attorney’s Office,” he said in an e-mailed statement to the Globe. “As I have said all along, the decision is Governor Baker’s to make, and I fully respect that fact.”

The questions over Quinn’s status seems to have gotten caught up in Baker’s rush to make a sweeping decree that “any and all” of Patrick’s final appointments would be canceled, rather than individually.

Buckley said the governor wrote the “any and all” letter the day after taking office when his staff could not locate any background information about the appointments, and thus did not have sufficient information to decide on a case-by-case basis who stayed and who went. On Monday, Galvin’s office sent them the list of appointments.

But the quick move by Baker created several missteps. For one, Baker aides discovered this week that 57 of the 61 last-minute appointments were actually exempted from the law.

Additionally, Patrick’s appointment of incoming Attorney General Maura Healey to have the power to swear in her own staff on Jan. 21 was repealed. And the same power given to Supreme Judicial Court Justice Ralph Gants to swear in Healey was also pulled back. Baker quickly restored that power on Tuesday.

Patrick’s move to fill state boards and other positions at the end of his term was not unusual. In 2006, Mitt Romney installed over 200 mostly Republican activists and supporters in his final month in office.

Perhaps the most explosive move by an incoming governor came in January 1983, when Governor Michael Dukakis removed Edward J. King’s appointments to the Massport board. That gave Dukakis control of the powerful agency and was a political coup carried out against King, his Democratic arch-nemesis.

Baker's revocation of the Patrick appointments has also riled labor leader and union members. Patrick appointed several of them to boards and commissions, but they were turned away this week when they went to the secretary of state's office to be sworn in.


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