

Caccaviello, Paul (BER)

From: Wehrs, Brianna (GOV)
Sent: Monday, January 22, 2018 4:39 PM
To: Caccaviello, Paul (BER)
Cc: Arnold, Haley (GOV); Dellaquila, Alexis (GOV)
Subject: RE: Meeting with Gov. Baker and Lt. Governor Polito

Thank you for confirming the meetings on Wednesday February 7th at 2:30pm (with Lt. Governor Polito) and 3:30pm (with Governor Baker). The meetings will be in the Governor's office (room 360) at the State House.

Please let me know if you need parking or entrance instructions.

Best,
Brianna

From: Wehrs, Brianna (GOV)
Sent: Monday, January 22, 2018 4:06 PM
To: 'pcaccaviello@nycap.rr.com'
Cc: Arnold, Haley (GOV); Dellaquila, Alexis (GOV)
Subject: Meeting with Gov. Baker and Lt. Governor Polito

Paul,

I hope you are well. Governor Baker and Lt. Governor Polito would like to meet with you. Would you be available on Wednesday February 7th at 2:30pm and 3:30pm to meet with both the Governor and Lt. Governor?

Please feel free to contact us with any questions.

Best,
Brianna

Brianna Wehrs
Associate Chief for Scheduling and Executive Assistant to Governor Charlie Baker
State House, Room 360
Boston, MA 02133
617-725-4048
brianna.wehrs@massmail.state.ma.us

From: [Capeless, David \(BER\)](#)
To: jon.povich@state.ma.us
Subject: Berkshire District Attorney
Date: Thursday, January 25, 2018 3:04:00 PM
Attachments: [Proposed Timeline.doc](#)

Attached is a proposed timeline of events, which would give Paul Caccaviello ample time to form a campaign committee and gather the necessary signatures to get on the ballot for the September primary.

Berkshire District Attorney - Proposed Timeline

- Feb. 7** **Paul Caccaviello interviews with Governor & Lt. Governor**
- Feb. 13* *Nomination papers available from Secretary's Office*
- Feb. 15** **DA Capeless holds media event to announce stepping down**
Governor issues media release announcing decision to appoint Caccaviello as DA
- Feb. 27* *Last day to enroll in a party*
- March 15** **DA Capeless's last day as DA**
Governor swears in Paul Caccaviello as DA
- May 1* *Last day to submit nomination papers to city/town clerks*
- May 29* *Last day to submit certified nomination papers to Secretary's Office*

From: [Capeless, David \(BER\)](#)
To: lon.povich@state.ma.us
Subject: RE: Berkshire District Attorney
Date: Monday, January 29, 2018 2:03:00 PM

Please let me know, as soon as practicable, whether the proposed timeline is agreeable to the Governor and Lt Governor, so that I may begin to make confidential preparations.

From: Capeless, David (BER)
Sent: Thursday, January 25, 2018 3:04 PM
To: 'lon.povich@state.ma.us'
Subject: Berkshire District Attorney

Attached is a proposed timeline of events, which would give Paul Caccaviello ample time to form a campaign committee and gather the necessary signatures to get on the ballot for the September primary.

From: [Povich, Lon \(GOV\)](#)
To: [Capeless, David \(BER\)](#)
Subject: RE: Berkshire District Attorney
Date: Tuesday, January 30, 2018 6:51:20 PM

Thanks for your notes DA. Not sure how much of a ok I can give to any timeline before the meetings on the 7th. All that said I think the meeting you had was very positive and helpful to the process. Sorry not to be more definitive.

Regards,

Lon

From: Capeless, David F (DAA) [mailto:david.f.capeless@massmail.state.ma.us]
Sent: Monday, January 29, 2018 2:04 PM
To: Povich, Lon (GOV)
Subject: RE: Berkshire District Attorney

Please let me know, as soon as practicable, whether the proposed timeline is agreeable to the Governor and Lt Governor, so that I may begin to make confidential preparations.

From: Capeless, David (BER)
Sent: Thursday, January 25, 2018 3:04 PM
To: 'lon.povich@state.ma.us'
Subject: Berkshire District Attorney

Attached is a proposed timeline of events, which would give Paul Caccaviello ample time to form a campaign committee and gather the necessary signatures to get on the ballot for the September primary.

From: [Capeless, David \(BER\)](#)
To: lon.povich@state.ma.us
Subject: Berkshire District Attorney
Date: Monday, February 12, 2018 4:04:00 PM
Attachments: [Letter to Gov. Baker 02-12-18.doc](#)

Attached is a draft of my letter to Governor Baker, as requested. Please review and advise.

February 12, 2018

Honorable Charles Baker
Governor of the Commonwealth of Massachusetts
State House
Boston, MA 02108

Your Excellency:

As I have previously indicated, it is my intention to resign on March 15, 2018 from the Office of Berkshire District Attorney in order to retire from service to the Commonwealth. I am proud of my thirty-five years of public service as a prosecutor and the legacy of integrity and fair, even-handed justice in my fourteen years as District Attorney. It is a career of accomplishment and great personal satisfaction, although I will leave with a some measure of regret. I do not take such a step lightly, but do so only after careful consideration of the interests and the future safety of Berkshire County's citizens.

I humbly recommend to you that you give careful consideration to appointing my First Assistant, Paul J. Caccaviello, as my successor. Paul is a prosecutor of more than twenty-eight years of experience who has handled all manner of criminal cases, ranging from misdemeanors to murders, with integrity and professionalism. These past thirteen years Paul has worked side-by-side with me as my First Assistant, helping to set policy and direct an Office that is widely respected within the Berkshire County community. I have come to know Paul well and I have the greatest respect for his character and abilities. I am certain that he has the experience and trust of our colleagues in law enforcement, and this makes me confident that this Office's legacy of excellence will continue under his watch.

Thank you for your understanding and consideration.

Sincerely,

David F. Capeless
District Attorney

From: [Capeless, David \(BER\)](#)
To: lon.povich@state.ma.us
Subject: Re: Berkshire District Attorney
Date: Tuesday, February 13, 2018 10:49:55 AM

I can hand-deliver tomorrow the approved final version.

On Feb 12, 2018, at 4:04 PM, Capeless, David (BER)
<David.F.Capeless@MassMail.State.MA.US> wrote:

Attached is a draft of my letter to Governor Baker, as requested. Please review and advise.

<Letter to Gov. Baker 02-12-18.doc>

From: [Povich, Lon \(GOV\)](#)
To: [Capeless, David \(BER\)](#)
Cc: [Lepore, Kristen \(GOV\)](#)
Subject: Letter to Gov Baker 02-12-18.doc
Date: Tuesday, February 13, 2018 11:21:16 AM
Attachments: [Letter to Gov Baker 02-12-18.doc](#)

David,

Here are just a couple of comments on your very fine letter. (one is just a typo). Delivery tomorrow is fine. Glad this is working out.

Regards,

Lon

February 12, 2018

Honorable Charles Baker
Governor of the Commonwealth of Massachusetts
State House
Boston, MA 02108

Your Excellency:

I wish to inform you of my intention to resign on March 15, 2018 from the Office of Berkshire District Attorney in order to retire from service to the Commonwealth. I am proud of my thirty-five years of public service as a prosecutor and the legacy of integrity and fair, even-handed justice in my fourteen years as District Attorney. It is a career of accomplishment and great personal satisfaction, although I will leave with a some measure of regret. I do not take such a step lightly, but do so only after careful consideration of the interests and the future safety of Berkshire County's citizens.

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Thank you for your understanding and consideration.

Sincerely,

David F. Capeless
District Attorney

From: [Capeless, David \(BER\)](#)
To: [Povich, Lon \(GOV\)](#)
Cc: [Lepore, Kristen \(GOV\)](#)
Subject: Re: Letter to Gov Baker 02-12-18.doc
Date: Tuesday, February 13, 2018 11:23:45 AM

Should I deliver the letter to you or to the Governor directly?

On Feb 13, 2018, at 11:21 AM, Povich, Lon (GOV) <lon.povich@MassMail.State.MA.US> wrote:

David,

Here are just a couple of comments on your very fine letter. (one is just a typo).
Delivery tomorrow is fine. Glad this is working out..

Regards,

Lon

<Letter to Gov Baker 02-12-18.doc>

From: [Povich, Lon \(GOV\)](#)
To: [Capeless, David \(BER\)](#)
Cc: [Lepore, Kristen \(GOV\)](#)
Subject: Re: Letter to Gov Baker 02-12-18.doc
Date: Tuesday, February 13, 2018 1:46:38 PM

Room is 271 is fine. Unfortunately Gov is booked all day.

Sent from my iPhone

On Feb 13, 2018, at 11:23 AM, Capeless, David (BER)
<David.F.Capeless@MassMail.State.MA.US> wrote:

Should I deliver the letter to you or to the Governor directly?

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Lon

<Letter to Gov Baker 02-12-18.doc>

From: [Capeless, David \(BER\)](#)
To: [Povich, Lon \(GOV\)](#)
Cc: [Lepore, Kristen \(GOV\)](#)
Subject: Re: Letter to Gov Baker 02-12-18.doc
Date: Wednesday, February 14, 2018 1:50:09 PM

FYI - There have been repeated inquiries by local media about why I hadn't pulled nomination papers, so I did that today, but immediately after filed my retirement application. Still on track, just stalling until 3/1.

On Feb 13, 2018, at 1:46 PM, Povich, Lon (GOV) <lon.povich@MassMail.State.MA.US> wrote:

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Sent from my iPhone

On Feb 13, 2018, at 11:23 AM, Capeless, David (BER) <David.F.Capeless@MassMail.State.MA.US> wrote:

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Regards,

Lon

<Letter to Gov Baker 02-12-18.doc>

From: [Capeless, David \(BER\)](#)
To: lon.povich@state.ma.us
Subject: RE: Thursday's announcements
Date: Tuesday, February 27, 2018 11:28:00 AM

Haven't heard back – is there some confusion?

From: Capeless, David (BER)
Sent: Monday, February 26, 2018 10:55 AM
To: lon.povich@state.ma.us
Subject: Thursday's announcements

Whom should I contact in the Governor's Office to coordinate Thursday's announcements?

From: [Povich, Lon \(GOV\)](#)
To: [Capeless, David \(BER\)](#)
Subject: Re: Thursday's announcements
Date: Tuesday, February 27, 2018 11:38:43 AM

We are all set. My assistant will send you the contact information. I'm out of the office.
Apologies for any delay

Sent from my iPhone

On Feb 27, 2018, at 11:28 AM, Capeless, David F (DAA)
<david.f.capeless@massmail.state.ma.us> wrote:

Haven't heard back – is there some confusion?

From: Capeless, David (BER)
Sent: Monday, February 26, 2018 10:55 AM
To: lon.povich@state.ma.us
Subject: Thursday's announcements

Whom should I contact in the Governor's Office to coordinate Thursday's announcements?

From: [Povich, Lon \(GOV\)](#)
To: [Capeless, David \(BER\)](#); [Guyton, Elizabeth \(GOV\)](#)
Subject: FW: capeless statement/timeline
Date: Thursday, March 1, 2018 7:21:17 AM

DA,

I hope the day goes well and congratulations on a magnificent career serving the people of the Commonwealth! Below is the statement that will go to the Berkshire Eagle at 10:30. Lizzy Guyton, copied, is our contact if you, your staff, or the media have questions. Hope it is a great day!

Lon

From: Guyton, Elizabeth (GOV)
Sent: Wednesday, February 28, 2018 10:43 PM
To: Povich, Lon (GOV); Chakrabarti, Anisha (GOV)
Subject: Re: capeless statement/timeline

"Governor Baker and Lt. Governor Polito thank District Attorney David Capeless for his thirty-five years of dedicated public service to this Commonwealth, appreciate his commitment to protecting the citizens of Berkshire County and wish him well in his retirement. Governor Baker plans to appoint District Attorney Capeless' First Assistant, Paul Caccaviello, as his successor and believes Mr. Caccaviello's years of experience and knowledge from the DA's office make him well qualified to serve in this position pending the results of the November election." - Brendan Moss, press secretary

From: [Capeless, David \(BER\)](#)
To: [Povich, Lon \(GOV\)](#); [Guyton, Elizabeth \(GOV\)](#)
Subject: RE: capeless statement/timeline
Date: Thursday, March 1, 2018 9:14:00 AM

I assume that this statement will be published generally after 11:00 am?

From: Povich, Lon (GOV)
Sent: Thursday, March 01, 2018 7:21 AM
To: Capeless, David (BER); Guyton, Elizabeth (GOV)
Subject: FW: capeless statement/timeline

DA,

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From: [Guyton, Elizabeth \(GOV\)](#)
To: [Capeless, David \(BER\)](#)
Cc: [Povich, Lon \(GOV\)](#)
Subject: Re: capeless statement/timeline
Date: Thursday, March 1, 2018 9:16:42 AM

Good morning -

We will submit it before then, so I expect it will be in the initial coverage on your announcement.

Thank you !

Sent from my iPhone

On Mar 1, 2018, at 9:14 AM, Capeless, David (BER)
<David.F.Capeless@MassMail.State.MA.US> wrote:

I assume that this statement will be published generally after 11:00 am?

From: Povich, Lon (GOV)
Sent: Thursday, March 01, 2018 7:21 AM
To: Capeless, David (BER); Guyton, Elizabeth (GOV)
Subject: FW: capeless statement/timeline

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pending the results of the November election.” - Brendan Moss, press secretary

From: [Capeless, David \(BER\)](#)
To: [Povich, Lon \(GOV\)](#)
Subject: Meeting Tuesday
Date: Monday, March 12, 2018 10:24:00 AM

Can we plan to meet you to exchange letters tomorrow at 11:50 am?

From: [Capeless, David \(BER\)](#)
To: [Povich, Lon \(GOV\)](#)
Subject: Letter exchange
Date: Wednesday, March 14, 2018 8:45:00 AM
Attachments: [Resignation Letter to Gov. Baker from Berkshire DA Capeless 03-15-18.pdf](#)

Attached is my letter of resignation to the Governor, effective tomorrow. It has been a pleasure working with you, and I wish you all the best in the future. Please convey my thanks to the Governor and Lieutenant Governor.



The Commonwealth of Massachusetts
BERKSHIRE DISTRICT ATTORNEY



DAVID F. CAPELESS
DISTRICT ATTORNEY

7 NORTH STREET • P.O. BOX 1969
PITTSFIELD, MA 01202
(413) 443-5951 FAX (413) 499-5349

March 15, 2018

Honorable Charles D. Baker, Jr.
Governor of the Commonwealth of Massachusetts
State House
Boston, MA 02108

Your Excellency:

Please accept my resignation from the Office of Berkshire District Attorney, effective this date. It has been an honor and a privilege to serve the citizens of Berkshire County and the Commonwealth.

Thank you for your understanding and support.

Sincerely,

David F. Capeless
District Attorney

From: [Martini, Michaela \(GOV\)](#)
To: [Capeless, David \(BER\)](#); [Caccaviello, Paul \(BER\)](#)
Cc: [Povich, Lon \(GOV\)](#); [Palleschi, Ed \(GOV\)](#)
Subject: Berkshire District Attorney Appointment Letter
Date: Wednesday, March 14, 2018 1:39:41 PM
Attachments: [Caccaviello Paul Appt.pdf](#)

Good afternoon,

Please find attached Attorney Caccaviello's appointment letter effective tomorrow, March 15th, 2018.

Please let me know if I can be of any further assistance.

Thank you,

Michaela Martini
Program Coordinator
Boards and Commissions
Office of Governor Charles D. Baker
M: 617-797-5963
O: 857-400-5313



OFFICE OF THE GOVERNOR
COMMONWEALTH OF MASSACHUSETTS
STATE HOUSE • BOSTON, MA 02133
(617) 725-4000

CHARLES D. BAKER
GOVERNOR

KARYN E. POLITO
LIEUTENANT GOVERNOR

March 14, 2018

Paul J. Caccaviello, Esq.
46 Central Avenue
Dalton, MA 01226

Dear Mr. Caccaviello:

I am pleased to appoint you the District Attorney of Berkshire County, pursuant to M.G.L. Chapter 54, Section 142, effective March 15, 2018.

Before commencing your responsibilities, you must take an oath of office. This appointment will be void unless that oath is taken within three months of the date of this letter.

Lieutenant Governor Polito and I appreciate your willingness to serve the Commonwealth in this capacity.

Congratulations on your appointment and best wishes for success.

Sincerely,

A handwritten signature in cursive script that reads "Charles Baker".

Charles D. Baker

cc: Karyn E. Polito, Lieutenant Governor
William Francis Galvin, Secretary of the Commonwealth
Thomas G. Shack III, Comptroller of the Commonwealth

vice: David F. Capeless, Esq.