

Public Statement by Carlos Henriquez - February 5, 2014

Throughout this process, I have found it imperative to separate opinion from fact. Everyone has an opinion, to which each of us is entitled. We are also all capable of seeking facts through effort and critical independent thought. Facts can be proven.

- It is a fact that I am Carlos Henriquez, 37 years old, and have served as State Representative of the 5th Suffolk District neighborhoods of Roxbury and Dorchester, since January 6, 2011.
- It is a fact I have been consistently active in supporting legislation and funding to support victims of domestic violence and to prevent future occurrences.
- It is a fact that the majority of perpetrators of domestic violence are men, and their victims are usually women and children. The 5th Suffolk District has a high number of restraining orders stemming from domestic violence.
- It is a fact that many victims live in fear and silence. It is my opinion that we must do more to protect them and encourage them to speak.
- It is my opinion that domestic violence is a cowardly and shameful act and it is a poor behavior learned in households and passed on. It is sometimes further fueled by substance abuse or mental health issues.
- It is a fact that in the 38 years of my parents' marriage, I never witnessed domestic violence.
- It is my opinion that domestic violence is not a women's issue solely, but very much one that should be championed and supported by strong men.

On July 7, 2012 my life was forever changed by the events that occurred that night and the false accusations that followed:

- It is a fact that I have been accused by a woman that I was dating of kidnapping her for two hours, backhanding her across her face, punching her in the chest, holding her down and choking her, taking her cell phone and its SIM card.
- It is a fact that two days later she invited the media to a press conference at the law offices of her civil attorneys. She also secured a restraining order against me citing that she was in fear of bodily harm.
- It is a fact that on December 2, 2012, the eve before the start of the pre-trial, she called me several times from a blocked number, insisting on seeing me so we could talk in person and "make things right." She had a friend drop her at my home because her friend felt she was not able to drive herself since she had been drinking and taking Ambien.
- It is a fact that I refused contact and called my attorney, my brother and Boston Police. My brother gave her my attorney's number and asked her to leave.

Once the trial began, I believed that the facts of that night would come to light and that regardless of the jury selected, the variation in her reports to police officers and the lack of physical evidence would raise enough doubt that I would be found innocent.

- It is a fact that Northeastern Police Officer Brandos, the first to hear her story, noted in his report that she described the vehicle and stated “he’s a politician.” He also noted that other than scrapes on her shin, she showed no visible marks. However, the jury were presented photos of more than a dozen bruises on her torso, legs and arms.
- It is a fact that she testified under oath that I backhanded her across the face, choked her, punched her in the chest and held her down, representing the 3 charges of assault and battery. It is a fact that no photo evidence showed bruises to her face or neck, nor did she show any during her press conference. When asked the origin of the other marks on her body, she testified “I do not recall.”
- It is a fact that I have proclaimed my innocence since July 7, 2012 because any and all contact was always consensual. I never touched my accuser in any way that would cause harm or injury.
- It is a fact that each police report varied greatly and during testimony, the officers admitted to taking her report, but not doing further investigation.
- It is a fact that the Commonwealth withheld evidence.
- It is a fact that the jury unanimously believed that I punched her in the chest and held her down, after a verdict slip was changed by the judge after deliberations had already begun.
- It is a fact that the jury doubted the woman’s claim of being backhanded across her face; the jury doubted that she was choked; and the jury doubted that her cell phone and SIM card had been stolen. This resulted in 2 guilty verdicts of misdemeanor assault and battery (domestic violence).
- It is a fact that the jury was composed of all white men and women. It is my opinion that an all-white jury can raise doubts about fairness. It is also my opinion that a jury of all one race does not mean that it cannot be fair.
- It is my opinion that while the court regards these charges as misdemeanors, I consider them serious.

It is a fact that the judge sentenced me to 2 ½ years in prison, with six months to serve and two years suspended and two years’ probation. The judge offered no stay of execution for me to see my family or prepare my personal finances.

- It is a fact that the judge did cite that jail was necessary because I showed no remorse. Remorse is related to guilt. Therefore, asking me to show remorse after the verdict is a violation of my 5th Amendment rights.
- It is my opinion that juries decide guilt and innocence, not always based on the truth. This is no different than the majority decides laws but not morality.
- It is my opinion that a jury, who chose not to believe 60% of her story, should have had reasonable doubt about the other 40%.
- It is a fact that I am in jail.

It is a fact that I willingly appeared before the House Ethics Committee, knowing I would be in shackles and aware of how the media would exploit that image. It is my opinion that while being shackled bothers me, it is minor compared to being falsely accused, convicted and incarcerated.

- It is my opinion that if the community does not like the portrayal of me, men who look like me or of our community in the media, then they should stop supporting that media outlet with their dollars and viewing time.
- It is my opinion that regardless of who occupies the 5th Suffolk District seat, if the community cannot move past sadness, symbolism and the discomfort that the truth brings, and move toward critical independent thinking and real civic engagement, there will be little progress no matter who is elected.
- It is a fact that I was initially saddened by how quickly some members of my community devalued, discarded and disposed of me, as soon as the jury reached its verdict. What concerns me most is that if the community will do that to me, what chance do the poorer, less educated, or addicted black, Latino, white and Asian men and women have of returning home, needing a second chance to get back on their feet.
- It is a fact that I have remained focused on the most pressing issues of the district, continuing to successfully advocate and to secure funding for the 5th Suffolk.
- It is my opinion that based on multiple readings of the 2013-2014 Rules of the Massachusetts House of Representatives, and the fact that I was not indicted, and my independent judgment has never been, nor is it now impeded, that I have never, past or present, broken a rule of the House.

It is my opinion that these circumstances are uncomfortable and embarrassing to many, including my family, friends, constituents and colleagues.

- It is a fact that several have called on me to resign.
- It is a fact that not one of those people has spoken to me personally, but have commented in the press instead.
- It is my opinion that the vast majority have not taken the time to research the facts.
- It is my opinion that those calling for my resignation have rarely contacted me or worked with my office these last three years to increase the very representation they now claim to lack. They have not helped to push or shape legislation, lobbied for increased funding for education, mental health and substance abuse, or crime and public safety in the District.
- It is a fact that Domestic Violence is prevalent.
- It is a fact that much more needs to be done to prevent and protect against Domestic Violence.
- It is a fact that I will continue to affirm the two points above through my private and public work.
- It is a fact that as on July 7, 2012, I maintain my innocence. Contrary to what my accuser has said, domestic violence has never been perpetrated by me on the night of July 7, 2012 or any other time.