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COMMONWEALTH OF MASSACHUSETTS

WORCESTER, ss.

Worcester Superior Court
NO. 1983CR04051

COMMONWEALTH OF MASSACHUSETTS

v.

GARY CIFIZZARI

COMMONWEALTH'S NOLLE PROSEQUI

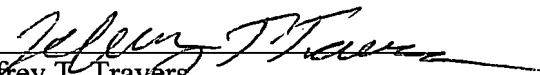
Now comes the Commonwealth, pursuant to Mass.R.Crim.P. 16(a) and enters this Nolle Prosequi on the count of First-Degree Murder against the named defendant in the above referenced docket.

As reasons therefore the Commonwealth states that at the time of the investigation into Ms. Schiappa's murder in 1979, and when Gary Cifizzari was arrested in 1983, DNA testing as an investigative tool was not yet available -- forensic testing at that point in time was very limited. Recently obtained DNA results on evidence from the crime scene were matched to another individual, Michael Giroux. As detailed in the Commonwealth's Assent to the Defendant's Motion for New Trial, the commonwealth expedited further testing of available evidence which yielded either exclusion or inconclusive results in regard to the above defendant.

Gary Cifizzari was convicted based largely on bite mark evidence obtained from the crime scene. However, one of the three Commonwealth experts on bite mark evidence who testified at Gary Cifizzari's trial in 1984 has recanted his testimony, and now supports Gary Cifizzari's request for a new trial. Consequently, the aforementioned evidence leads the Commonwealth to determine that Michael Giroux perpetrated this brutal murder, and a Nolle Prosequi of Gary Cifizzari is in the interests of justice in this case.

Respectfully Submitted
For the Commonwealth,

Dated: December 10, 2019


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