

**From:** [Kennedy, Rosemary](#)  
**To:** [Meenan, Evan](#); [Campbell, John](#)  
**Subject:** FW: Giglio Disclosure/Trooper Sommers  
**Date:** Tuesday, January 4, 2022 3:48:02 PM  
**Attachments:** [20210907 trooper resignation release FINAL.docx](#)

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**From:** Kennedy, Rosemary  
**Sent:** Friday, September 10, 2021 12:17 PM  
**To:** Lanthier, MaryKay <[MaryKay.Lanthier@vermont.gov](mailto:MaryKay.Lanthier@vermont.gov)>; Davis, Chris <[Chris.Davis@vermont.gov](mailto:Chris.Davis@vermont.gov)>; Kushner, Marco <[Marco.Kushner@vermont.gov](mailto:Marco.Kushner@vermont.gov)>; Bliss, Zanna <[Zanna.Bliss@vermont.gov](mailto:Zanna.Bliss@vermont.gov)>; 'Matthew Hart' <[matthew.hart@mhartlaw.com](mailto:matthew.hart@mhartlaw.com)>; 'Rob Sussman' <[rsussman@sakslawvt.com](mailto:rsussman@sakslawvt.com)>; 'Matthew Branchaud' <[mattbranchaud@yahoo.com](mailto:mattbranchaud@yahoo.com)>; Devin McLaughlin <[dmclaughlin@langrock.com](mailto:dmclaughlin@langrock.com)>; 'Peter F. Langrock' <[PLangrock@langrock.com](mailto:PLangrock@langrock.com)>; 'Mark E. Furlan' <[mfurlan@furlanlawvt.com](mailto:mfurlan@furlanlawvt.com)>; 'Thomas Enzor' <[lamarenzor2@gmail.com](mailto:lamarenzor2@gmail.com)>; 'Dan Maguire (dan@maguirelawvt.com)' <[dan@maguirelawvt.com](mailto:dan@maguirelawvt.com)>; 'Dan Sedon' <[dansedon@sedonandericson.com](mailto:dansedon@sedonandericson.com)>; 'christopher@oplawvt.com' <[christopher@oplawvt.com](mailto:christopher@oplawvt.com)>; 'Chris Montgomery' <[cmontgomery@barrsternberg.com](mailto:cmontgomery@barrsternberg.com)>; 'Rob McClallen' <[rob@mcclallenlaw.com](mailto:rob@mcclallenlaw.com)>; 'Mike McClallen' <[mike@mcclallenlaw.com](mailto:mike@mcclallenlaw.com)>; Milligan, Sean <[Sean.Milligan@vermont.gov](mailto:Sean.Milligan@vermont.gov)>; 'Ember Tilton' <[etilton@furlanlawvt.com](mailto:etilton@furlanlawvt.com)>  
**Cc:** SAS - Rutland <[SAS.Rutland@vermont.gov](mailto:SAS.Rutland@vermont.gov)>  
**Subject:** RE: Giglio Disclosure/Trooper Sommers

**From:** Kennedy, Rosemary  
**Sent:** Wednesday, September 8, 2021 4:35 PM  
**To:** Lanthier, MaryKay <[MaryKay.Lanthier@vermont.gov](mailto:MaryKay.Lanthier@vermont.gov)>; Davis, Chris <[Chris.Davis@vermont.gov](mailto:Chris.Davis@vermont.gov)>; Kushner, Marco <[Marco.Kushner@vermont.gov](mailto:Marco.Kushner@vermont.gov)>; Bliss, Zanna <[Zanna.Bliss@vermont.gov](mailto:Zanna.Bliss@vermont.gov)>; 'Matthew Hart' <[matthew.hart@mhartlaw.com](mailto:matthew.hart@mhartlaw.com)>; 'Rob Sussman' <[rsussman@sakslawvt.com](mailto:rsussman@sakslawvt.com)>; 'Matthew Branchaud' <[mattbranchaud@yahoo.com](mailto:mattbranchaud@yahoo.com)>; Devin McLaughlin <[dmclaughlin@langrock.com](mailto:dmclaughlin@langrock.com)>; 'Peter F. Langrock' <[PLangrock@langrock.com](mailto:PLangrock@langrock.com)>; 'Mark E. Furlan' <[mfurlan@furlanlawvt.com](mailto:mfurlan@furlanlawvt.com)>; 'Thomas Enzor' <[lamarenzor2@gmail.com](mailto:lamarenzor2@gmail.com)>; Dan Maguire ([dan@maguirelawvt.com](mailto:dan@maguirelawvt.com)) <[dan@maguirelawvt.com](mailto:dan@maguirelawvt.com)>; 'Dan Sedon' <[dansedon@sedonandericson.com](mailto:dansedon@sedonandericson.com)>; 'christopher@oplawvt.com' <[christopher@oplawvt.com](mailto:christopher@oplawvt.com)>; 'Chris Montgomery' <[cmontgomery@barrsternberg.com](mailto:cmontgomery@barrsternberg.com)>; 'Rob McClallen' <[rob@mcclallenlaw.com](mailto:rob@mcclallenlaw.com)>; 'Mike McClallen' <[mike@mcclallenlaw.com](mailto:mike@mcclallenlaw.com)>; Milligan, Sean <[Sean.Milligan@vermont.gov](mailto:Sean.Milligan@vermont.gov)>; Ember Tilton <[etilton@furlanlawvt.com](mailto:etilton@furlanlawvt.com)>  
**Cc:** SAS - Rutland <[SAS.Rutland@vermont.gov](mailto:SAS.Rutland@vermont.gov)>  
**Subject:** RE: Giglio Disclosure/Trooper Sommers

Good afternoon,

Attached please find a VSP press release re: the resignation of three troopers. I am attaching this press release as notice pursuant to the State's discovery obligation under V.R.Cr.P. 16, *Brady v.*

*Maryland*, 363 U.S. 83 (1963), and *Giglio v. United States*, 405 U.S. 150 (1972).

Former Trooper Sommers was stationed in Rutland. The RCSAO does not intend to call him as a witness in any case. If you know of a resolved case in which he played a key role and you would like me to consider whether the conviction was unfairly based on his uncorroborated testimony or sworn affidavit, please bring that to my attention. We have attempted to identify the pending cases in which former Trooper Sommers worked on and have dismissed some or are evaluating our ability to proceed without him. Please, if you have a pending case, feel free to discuss the matter with my deputy assigned to the case or myself.

I do not believe Rutland County has cases with former Trooper Witkowski; if you are aware of any, please let me know.

I am just learning about former Trooper Pfindel's resignation today; I will attempt to search his involvement in any Rutland cases, but if you are aware of any, please let me know.

Thank you,

Rose

**Rosemary M. Kennedy**  
**Rutland County State's Attorney**  
**400 Asa Bloomer Building**  
**Rutland, VT 05701**  
**[\(802\) 786-2531](tel:8027862531)**

STATE OF VERMONT  
DEPARTMENT OF PUBLIC SAFETY  
VERMONT STATE POLICE

## **Vermont State Police issues statement on resignation of three troopers**

WATERBURY, Vt. (Tuesday, Sept. 7, 2021) — Three state troopers have resigned following allegations related to fraudulent COVID-19 vaccination cards.

Shawn Sommers and Raymond Witkowski submitted their resignations on Aug. 10, 2021, one day after another Vermont State Police trooper raised concerns with supervisors about their conduct. David Pfindel resigned effective Sept. 3 following additional investigation by the Department of Public Safety.

The three former troopers are suspected of having varying roles in the creation of fraudulent COVID-19 vaccination cards, which may be a violation of federal law. The details surrounding this incident, reported to supervisors by other troopers, were immediately reported to federal law enforcement authorities.

“The accusations in this case involve an extraordinary level of misconduct — a criminal violation of the law — and I could not be more upset and disappointed,” said Col. Matthew T. Birmingham, director of the Vermont State Police. “If these allegations are proved to be true, it is reprehensible that state troopers would manipulate vaccination cards in the midst of a pandemic, when being vaccinated is one of the most important steps anyone can take to keep their community safe from COVID-19.”

“I’m embarrassed that this situation has occurred and know that it has tarnished the reputation of the Vermont State Police,” Col. Birmingham continued. “That said, the alleged criminal conduct from these troopers does not represent the values and actions of the dedicated men and women of the Vermont State Police.”

Added Vermont Public Safety Commissioner Michael Schirling: “Based on an initial internal review, we do not believe there is anything more the state police could have done to prevent this from occurring. As soon as other troopers became aware of this situation, they raised the allegations internally, and commanders took swift and decisive action to hold these individuals accountable and report this matter to federal authorities.”

The state police referred the matter to the Federal Bureau of Investigation and the U.S. Attorney’s Office in Burlington. An investigation by the FBI is underway, and as a result the state police was unable to release information about the incident prior to today’s statement.

Sommers and Witkowski both joined the Vermont State Police in July 2016 and were assigned to field stations following their graduation from the Vermont Police Academy in January 2017. Sommers worked at the Rutland Barracks until October 2017, when he transferred to Shaftsbury; he transferred back to Rutland in December 2020. Witkowski spent his state police career at the Shaftsbury Barracks. Pfindel was hired in January 2014 and assigned to the St. Albans Barracks. He transferred to Shaftsbury in February 2016, became a detective trooper with the Bureau of Criminal Investigations in July 2016, and returned to work as a road trooper in April 2020.

Due to the ongoing FBI investigation, the Vermont State Police is unable to comment further at this time.