

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, SS.

SUPREME JUDICIAL COURT
FOR SUFFOLK COUNTY
No. SJ-2017-0060

BOSTON MUNICIPAL COURT
DEPARTMENT
CENTRAL DIVISION
No. 1601CR6888

COMMONWEALTH

vs.

SREYNUON LUNN

RESERVATION AND REPORT

I hereby reserve decision and report this case to the full court. The court has been informed that the petitioner is now in Federal custody, so I recognize that the matter is moot as to him; however, because the case raises important, recurring, time-sensitive issues that will likely evade the full court's review in future cases, I anticipate that the full court will address the issues and decide the matter despite its mootness.

The reservation and report is based on the materials that are presently in the record before me:

- a) the petitioner's petition;
- b) the trial court and county court docket sheets;

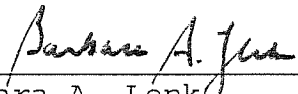
- c) the affidavit of the petitioner's attorney filed with the petition; and
- d) this reservation and report.

In addition, the parties are to prepare and file in the full court a statement of agreed facts and exhibits sufficient to enable the court to resolve the legal issues raised in the petition. The failure to agree on all the material facts could impair the court's ability to decide the matter.

The case will be heard at 11:00 a.m. on March 15, 2017. The parties shall arrange with the Clerk of the full court, as soon as possible, for a briefing schedule. In addition to working with the petitioner's counsel and counsel for the Commonwealth (both the District Attorney's Office in the underlying criminal action and the Attorney General), the Clerk of the full court shall also immediately notify the following, to insure that they will have an opportunity to intervene in the full court case, or to file an amicus brief, if they wish: the Boston Office of Chief Counsel of the United States Department of Homeland Security, Immigration and Customs Enforcement; the United States Department of Justice, Criminal Division; the United States Attorney's Office for the District of Massachusetts; and the Suffolk County Sheriff's Department.

The petitioner is designated the appellant. The statement of agreed facts shall be finalized in time for inclusion in the record appendix filed with his brief. No extensions of time should be anticipated.

By the Court,



Barbara A. Lenk
Associate Justice

Entered: 2.7.17