The Commonwealth of Massachusetts

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Press Release

Appeals Court upholds Antoine Jackson's gun conviction

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Court rules he had no “expectation of privacy” in someone else's shoe

In an unpublished decision April 10, the Appeals Court rejected all arguments that Milton Police had done anything wrong in stopping a car that proved to have an unlicenced .45 secreted in the glove box.

“Milton Police conducted this investigation the right way and gave my office the evidence we needed to get an armed criminal off the street,” District Attorney William R. Keating said. “We are gratified the Appeals Court has reinforced that so definitively.”

It was Antoine Jackson's second conviction for carrying a firearm without a license, and it sent him to prison.

After a Norfolk Superior Court jury trial in 2002, prosecuted by Assistant District Attorney Kate Welch, the trial judge sentenced Jackson to 5 to 7 years in State Prison.

On April 29, 2000, Milton Police Officer Lawrence Lundrigan observed Jackson driving a motor vehicle with a crack in the windshield an apparent violation of traffic safety regulations. He pulled the car over and learned that Jackson was driving without a license or registration and placed him under arrest. While dealing with Jackson, the officer noticed a passenger dip his arm down as if to hide something on the floor or in his shoe.

A pat-frisk of that passenger, Marcus Briggs, to determine if it was a weapon or other object that had been hidden, revealed a key secreted in his shoe. That key opened the glove box, where the pistol was hidden.

The court dismisses the claim that the evidence of the gun should have been excluded because the officer did not have the right to take the key from Brigg's shoe, by saying: “First, the defendant has no standing to challenged the alleged violation of Brigg's rights; he has no reasonable expectation of privacy in Brigg's shoe…”

Any and all defendants mentioned are legally innocent until proven guilty.