

SJC DAR____
2020-P-1133

Commonwealth of Massachusetts

Supreme Judicial Court

COMMONWEALTH

v.

ALLAH MALLORY

APPLICATION FOR DIRECT APPELLATE REVIEW

MATTHEW SPURLOCK
BBO #601156
ATTORNEY FOR ALLAH MALLORY
COMMITTEE FOR PUBLIC COUNSEL SERVICES
Public Defender Division
109 Main Street, Suite 201
Northampton, Massachusetts 01060
(617) 910-5727
mspurlock@publiccounsel.net

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REQUEST FOR DIRECT APPELLATE REVIEW

The Massachusetts Armed Career Criminal Act (ACCA) imposes lengthy sentence enhancements for firearms offenses where the defendant has been “previously convicted of” one or more qualifying “violent crimes.” G.L. c. 269, § 10G(c). In a series of decisions over the last fifteen years, this Court and others have addressed whether a prior conviction qualifies as a “violent crime” predicate under the so-called “modified categorical approach.” But significant questions concerning this method of proving that predicate convictions qualify for ACCA enhancements continue to vex lower courts.

This appeal presents one such threshold question. This Court suggested in dictum that “at th[e] subsequent offender trial, the trial judge may admit any evidence that *would have been admissible* at the original trial of the alleged predicate offense.” *Commonwealth v. Eberhart*, 461 Mass. 809, 816 (2012) (emphasis added). The *Eberhart* dictum is untested and unsound. Mr. Mallory is not aware of any appellate decision upholding a sentencing enhancement on evidence that was not actually presented at the original trial (or admitted to at the plea).

And for good reasons. Evidence that differs from the evidence actually introduced at the predicate trial (or admitted at the plea) is not relevant to the ACCA determination, because it can shed no light on what the prior jury concluded beyond a reasonable doubt (or what the defendant admitted). And as a matter of

constitutional law, ACCA's sentence enhancements cannot depend on an ACCA fact finder's determination — at a future date on the basis of different evidence — about what the underlying conduct entailed.

This case provides an ideal vehicle to clarify the admissibility of ACCA trial evidence, in the context of both convictions returned by juries and those secured by pleas. Below, the ACCA trial judge recognized that the new (and different) testimony that the Commonwealth sought to introduce at the subsequent offender trial “could not have been the basis for the [predicate] conviction[s].” But he nevertheless felt constrained by the *Eberhart* dictum to admit the testimony over the defendant's objections.

Pursuant to Mass. R.A.P. II, Mr. Mallory respectfully requests direct appellate review of his convictions in the Plymouth Superior Court.

PRIOR PROCEEDINGS

On June 28, 2016, a Plymouth County Grand Jury returned indictments charging Allah Mallory with trafficking heroin, G.L. c. 94C, § 32E(c) (#1), trafficking cocaine, G.L. c. 94C, § 32E(b) (#2), unlawful possession of firearm, G.L. c. 269, § 10(h) (#3), unlawful possession of ammunition, G.L. c. 269, § 10(h) (#5), possession of a firearm during a felony, G.L. c. 265, § 18B (#7), and two counts of firearm violations with three prior qualifying convictions, G.L. c. 269, § 10G(c) (#4 and #6).

The case was tried before a jury (Gildea, J., presiding) in August and September, 2019. The jury returned a guilty verdict on counts 1, 2, 3, 5, and 7 on August 26, 2019. Thereafter, a second jury returned a guilty verdict on counts 4 and 6 on September 10, 2019. Mr. Mallory was sentenced to sixteen to eighteen years on both counts, to be served concurrently.

Mr. Mallory filed his notice of appeal on September 12, 2019. The appeal was docketed in the Appeals Court on October 6, 2020, and stayed pending a motion for a new trial in the trial court. That motion was filed in February 2021, and denied after an evidentiary hearing, on September 4, 2024. Mr. Mallory timely noticed his appeal, and it was docketed in this Court on January 25, 2025.

On February 4, 2025, the Appeals Court ordered that this direct appeal (2020-P-1133) and the appeal from the denial of the motion for a new trial (2025-P-069) be paired for consideration by the same panel.¹

¹ By separate application, Mr. Mallory seeks direct appellate review of the novel and systemically important issues presented in his appeal from the decision on his new trial motion. *Commonwealth v. Mallory*, 2025-P-0069. Mr. Mallory respectfully requests that this Court allow both applications for direct appellate review.

STATEMENT OF FACTS

The Armed Career Criminal Act (ACCA) Trial

Mr. Mallory was indicted under the ACCA, G.L. c. 269, § 10G(c), for firearms offenses with three predicate convictions: one assault and battery by means of a dangerous weapon (ABDW) and two assault and batteries (A&B).² The Commonwealth contended that each of these convictions constituted a crime of violence within the meaning of the statute.

1. The 1998 ABDW Conviction

According to the docket admitted into evidence at the ACCA trial, Mr. Mallory admitted to sufficient facts for an ABDW charge, G.L. c. 265, § 15A, on July 5, 1998. There was no record of the plea colloquy or plea agreement in evidence.

At the ACCA trial, Lieutenant Paul Bonanca testified that on April 25, 1998, he stopped a vehicle driving without headlights. As Bonanca “was stepping out of the cruiser,” the driver, identified as Mallory, “put the vehicle in reverse and proceeded to strike the front of [the] cruiser.” The impact transferred to Bonanca, who was standing next to the driver’s side door.

² This application for direct appellate review focuses on two of the three ACCA predicates. Mr. Mallory’s appeal challenges all three predicates.

2. The 2003 Assault and Battery Conviction

The Commonwealth presented no transcript of the 2003 A&B trial or any other information about what happened there, including any evidence concerning the jury instructions at that trial. Instead, to establish that the 2003 jury convicted Mr. Mallory under a violent rather than a reckless theory of A&B, the Commonwealth relied on the testimony of the victim, Tanya O'Brien, and a Brockton District Court docket sheet.

But Ms. O'Brien had testified on behalf of Mr. Mallory at the 2003 trial, and had denied that he assaulted her. The court therefore appointed counsel to "speak with Ms. [] O'Brien [about] a police report from 2002 and talk[] to her about that incident," and to represent her at a hearing pursuant to *Commonwealth v. Martin*, 423 Mass. 496 (1996). The court concluded, after a *Martin* hearing, that "the witness does not have a legitimate Fifth Amendment issue," apparently because the statute of limitations for perjury had expired.

Defense counsel "ask[ed] that [O'Brien] not be permitted to say anything about the [2003] case . . . because the only statement that I have from her that's in the police report is that nothing happened . . . [p]resumably that's what she said at trial." Counsel objected to the Commonwealth "present[ing] different evidence to this [ACCA enhancement] jury" than what was before the 2003 jury. Although the judge recognized that "the testimony of Ms. O'Brien could not have been the basis for the conviction," he allowed the testimony because in his view *Eberhart*

instructed that “the Court can admit any evidence that would have been admissible at the underlying trial, which I don’t know how this evidence would not be admissible.”

Ms. O’Brien told the ACCA jury that Mr. Mallory struck her during an argument. She did not recall what she told the police. She claimed — consistent with her testimony at the *Martin* hearing — that she “gave false testimony” at the 2003 trial.³

ISSUES PRESENTED

1. To establish that a 2003 A&B conviction returned by a jury verdict qualified as an ACCA predicate, the Commonwealth relied solely on the testimony of a witness whose 2003 trial testimony was inconsistent with (and opposed to) her testimony to the ACCA jury in 2019. Was this evidence sufficient to establish that the 2003 jury unanimously returned a verdict for a violent form of A&B beyond a reasonable doubt?

2. Mallory pled guilty to ABDW in 1998. To establish that he was convicted of a violent crime under the ACCA, the Commonwealth introduced the testimony of a witness. There was no testimony about the facts admitted at the plea. Was this

³ O’Brien initially denied testifying falsely in 2003. The court paused the testimony and questioned O’Brien about this answer. The court observed that O’Brien’s initial answer was “contrary to the information you provided to the Court during the course of the . . . *Martin* hearing.”

evidence sufficient to establish that Mallory was convicted of harmful ABDW beyond a reasonable doubt?

3. Did the admission of evidence at the ACCA trial that was not before the jury that returned the predicate conviction and/or not admitted at the predicate plea, violate the state and federal prohibition against double jeopardy and Mr. Mallory's due process rights?

These issues are preserved. Mr. Mallory moved in limine to exclude testimony of witnesses and evidence not before the jury on the predicate offense, and not admitted at the plea. Trial counsel objected to the method of proof suggested by the *Eberhart* dictum on both statutory and on constitutional grounds.

ARGUMENT

I. ACCA trial testimony that differed from the testimony at the 2003 trial is not probative of what Mallory was convicted of in 2003.

Because the predicates at issue — variants of assault and battery — may or may not qualify as violent crimes, the Commonwealth had the burden of proving “which statutory or common law definition was the basis of the prior conviction.” *Commonwealth v. Wentworth*, 482 Mass. 664, 676 (2019). To establish that a 2003 jury “convicted [Mallory] of” a violent form of A&B, the Commonwealth relied on the testimony of Tanya O’Brien. Her testimony at the 2019 ACCA trial, however,

conflicted with her testimony at the 2003 A&B trial. It was thus not probative of what Mr. Mallory was “convicted of,” G.L.c. 269, § 10G, by the 2003 jury.

Ms. O’Brien testified on behalf of Mr. Mallory at the 2003 trial, and denied that he assaulted her. At the 2019 ACCA trial, however, Ms. O’Brien told the jury that Mr. Mallory struck her during an argument. There was no transcript of the 2003 jury trial, or any other information about the basis for the 2003 jury’s verdict. Although the ACCA trial judge recognized that “the testimony of Ms. O’Brien could not have been the basis for the conviction,” he felt constrained by *Eberhart* to “admit any evidence that would have been admissible at the underlying trial.”

The prosecutor acknowledged that Ms. O’Brien’s 2019 ACCA enhancement testimony was not probative of what she told the 2003 jury. He argued, however, that the jury could assume Ms. O’Brien’s testimony was similar to evidence at the 2003 trial because

Clearly someone or some people testified against the defendant because the defendant was ultimately found guilty of assaulting and battering Ms. O’Brien no matter how much she allegedly may have tanked the case or tried to tank the case.

That approach is untenable. Because A&B “may or may not qualify as [a] violent crime,” *Commonwealth v. Perez*, 100 Mass. App. Ct. 7, 12 (2021), the Commonwealth’s burden under the ACCA was specific: it had to prove beyond a reasonable doubt not just that Mr. Mallory was convicted of A&B, but that he was convicted of intentional (harmful) A&B by the 2003 jury. The prosecutor’s

reliance on conjecture and speculation about what “someone or some people testified,” in 2003, provides no basis for such a finding.

This case starkly illustrates the pitfalls of *Eberhart*’s dictum that, at an ACCA trial, “the trial judge may admit any evidence that *would have been admissible* at the original trial of the alleged predicate offense.” 461 Mass. at 816 (emphasis added).⁴ Nothing in the statute providing for subsequent offender jury trials “of the issue of conviction of a prior offense,” G.L. c. 278, § 11A, authorizes this anomalous procedure. Evidence that was not before the first jury is not probative of the “issue of conviction” by that jury. And it certainly cannot support a conclusion, beyond a reasonable doubt, that the first jury convicted Mr. Mallory of violent rather than offensive or reckless A&B. Perhaps for this reason, no reported Massachusetts case has applied the *Eberhart* “any evidence that would have been admissible” dictum.⁵ This case should not be the first.

⁴In this instance the Commonwealth presented *different* testimony from the *same* witness. But the *Eberhart* dictum endorses testimony from *different witnesses*, as well as the introduction of *new evidence*, so long as it “*would have been admissible* at the original trial of the alleged predicate offense.” 461 Mass. at 816 (emphasis added).

⁵Our courts have held only that a certified conviction is insufficient to establish that the defendant was previously convicted of crime with violent force as an element. In *Commonwealth v. Ashford*, for example, a certified ABDW conviction was insufficient to establish that the defendant committed a violent crime. 486 Mass. 450, 468 (2020). *Ashford* gestured to the *Eberhart* dictum as guidance for how to “prove that a defendant intentionally has used force or a deadly weapon against the person of another, in those instances where a defendant actually did so.” *Id.* at 468. But it had no occasion to consider the implication of this dictum, where (as

2. The ACCA trial testimony was not probative of whether the 1998 ABDW plea admitted to a violent crime.

Because ABDW can be based on intentional or reckless conduct, the Commonwealth was required to prove, beyond a reasonable doubt, that Mr. Mallory “was ‘convicted of’ an intentional, rather than a reckless,” ABDW. *Perez*, 100 Mass. App. Ct. at 15. The Commonwealth’s evidence was limited to a certified copy of the conviction, and testimony from a witness. There was no evidence concerning the facts admitted at the plea hearing colloquy or the plea agreement.

Of course, the testimony of a witness “*would have been admissible*,” *Eberhart*, 461 Mass. at 816 (emphasis added), at a hypothetical trial for the underlying offense. The problem (as Mr. Mallory argued below) is that “the victim-witnesses’ testimony did not address what happened at the plea hearing, or what the defendant agreed that he did.” *Perez*, 100 Mass. App. Ct. at 14. Mr. Mallory was “convicted of,” ABDW based on facts admitted at the 1998 plea hearing, not ACCA trial testimony two decades later. Indeed, “it is not hard to imagine that a defendant could have pleaded guilty to [ABDW] even though there was significant disagreement between the victim and the defendant as to what the defendant actually did and, in particular, whether the conduct was intentional or merely reckless.” *Id.*

here) the Commonwealth seeks to meet its burden with evidence *not* actually before the predicate factfinder. See *Eberhart*, 461 Mass. at 819-820; *Commonwealth v. Beal*, 474 Mass. 341, 352-353 (2016); *Commonwealth v. Colon*, 81 Mass. App. Ct. 8, 24-25 (2011).

“[W]hatever evidence the Commonwealth puts forward must be sufficient for the fact finder to find that the facts *to which the defendant pleaded guilty* showed (beyond a reasonable doubt) that he was convicted of the violent offense.” *Perez*, 100 Mass. App. Ct. at 14 (emphasis in original). The Commonwealth’s evidence failed that test. This Court should clarify that the admitted facts — at the plea hearing or in the plea agreement — are the only evidence of what Mr. Mallory was “convicted of,” §10G, at the 1998 plea.⁶

3. The Commonwealth’s method of proving the ACCA enhancements violates the state and federal constitutions.

By allowing at the ACCA enhancement trial “any evidence that *would have been admissible* at the original trial of the predicate offense,” 461 Mass. at 816 (emphasis added) the *Eberhart* dictum also “runs afoul of the Constitution’s prohibition against Double Jeopardy and guarantee of Due Process of Law,” as Mr. Mallory argued below.

The method of proof suggested in *Eberhart* is dictum. This Court has never explained how evidence that “*would have been admissible* at the original trial of the alleged predicate offense,” but was not actually admitted (or pled to) can shed light on the elements of the crime of which the defendant was actually convicted. This approach has not been followed in any reported case.

⁶ This approach is consistent with G.L. c. 278, § 11A, which provides for “a trial by jury *of the issue of conviction* of a prior offense.” (emphasis added).

That makes sense. Endorsing the *Eberhart* dictum to meet the Commonwealth’s ACCA trial burden would violate significant constitutionally protected interests, as this case illustrates.

a. **Double jeopardy.** The protections against double jeopardy prohibit a “second prosecution for the same offense after conviction.” *Luk v. Commonwealth*, 421 Mass. 415, 419 (1995). A sentencing enhancement, this Court explained, does not implicate double jeopardy because it is “punishment for the second conviction,” — here the convictions for unlicensed possession — “and is not retroactive to the first.” *Bynum v. Commonwealth*, 429 Mass. 705, 709 (1999).

Allowing the Commonwealth to present new evidence concerning the conduct underlying the predicate conviction upends this rationale.⁷ In that circumstance, the defendant is subject to two punishments for the same incident. First, the predicate crime, which as relevant here, “may or may not qualify as violent crime[], depending on [its] particular facts,” *Perez*, 100 Mass. App. Ct. at 12. And second, an ACCA “enhancement” based on the ACCA factfinder’s view of the

⁷ The *Eberhart* dictum suggests that either party may introduce any evidence that would have been admissible at the first trial. It would allow, for example, “the defense [to] present witnesses of its own and argue that the [first] jury might have returned a guilty verdict on some theory,” that did not include the “use of physical force . . . against the person of another.” *Taylor v. United States*, 495 U.S. 575, 601 (1990). That is, of course, that flip side of the Commonwealth’s ACCA trial evidence here where the judge admitted “the testimony of Ms. O’Brien,” even though he recognized that it “could not have been the basis of the [predicate] conviction.”

conduct underlying the predicate offense, on the basis of “evidence that would have been admissible,” *Eberhart*, 461 Mass. at 816, but was *not* actually admitted at the first trial. Permitting the second jury to hear additional evidence under the *Eberhart* dictum violates the Fifth Amendment by retrying a years-old conviction in an effort to prove that the ACCA defendant was convicted of the worst (or most “violent”) form of a crime.

b. **Due process.** The *Eberhart* dictum also violates the federal and state due process protections.

First, defendants are entitled to unambiguous notice about whether their predicate convictions may subject them to the ACCA’s enhanced penalties. *Beal*, 475 Mass. at 350-351. If the ACCA factfinder is entitled to determine, on the basis of “any evidence that would have been admissible,” *Eberhart*, 461 Mass. at 816, whether or not the underlying conduct was violent, the defendant cannot know whether a conviction may subject him to enhanced punishment years later.

The same principle applies to pleas, which may well have been negotiated to a lesser charge than the victim’s testimony (or the police report) would support at trial. Evidence that “would have been admissible,” at a hypothetical trial proves nothing about what the defendant was actually convicted of, and permitting the ACCA factfinder to consider it “allow[s] a later [ACCA judge or jury] to rewrite the parties’ bargain.” *Descamps v. United States*, 570 U.S. 254, 271 (2013).

Second, admitting evidence under *Eberhart*'s dictum would compel the defendant to litigate the facts of the underlying conduct long after memories have faded, and exculpatory evidence disappeared. *Commonwealth v. Wallace*, 472 Mass. 56, 70 (2015). This case illustrates the unfairness of this approach, where the 2019 jury heard new testimony from the Commonwealth's ACCA trial witnesses about what occurred decades earlier.

Third, relitigating the conduct underlying predicate convictions on the basis of a cherry-picked presentation of "evidence that would have been admissible at the original trial of the predicate offense," *Eberhart*, 461 Mass. at 816, inevitably distracts the ACCA jury from the issue properly before them. Such evidence is substantially more prejudicial than probative, rendering the ACCA trial fundamentally unfair. See *Andrew v. White*, 145 S.Ct. 75, 81 (2025) (unduly prejudicial evidence implicates Due Process Clause).⁸

⁸ The availability of an ACCA jury trial pursuant to G.L. c. 278, § 11A does not cure these constitutional infirmities. The protections against double jeopardy and due process guarantees protect different fundamental interests than the right to trial by jury. The fact that "a defendant is entitled to a jury trial to determine whether a sentencing enhancement is applicable," *Wentworth*, 482 Mass. at 675, is cold comfort if the Commonwealth is permitted to present and prove new facts about the conduct underlying the conviction.

For all these reasons, the federal and state constitutions require, at a minimum, that the evidence considered by the ACCA factfinder be limited to evidence *actually introduced* at the first trial, or facts *actually admitted* at the plea.

REASONS WHY DIRECT APPELLATE REVIEW IS APPROPRIATE

This appeal starkly illustrates the challenges that lower courts face when attempting to apply the *Eberhart* dictum to the ACCA inquiry.

To prove that an assault and battery conviction returned by a 2003 jury qualified as an ACCA predicate, the Commonwealth introduced evidence that was *different than* and *contrary to* evidence at that trial. Although the ACCA trial judge recognized that the proposed testimony “could not have been the basis for the conviction,” he felt constrained by *Eberhart* “to admit any evidence that would have been admissible at the underlying trial.”

To establish that a 1998 plea to assault and battery with a dangerous weapon qualified under the ACCA, the Commonwealth presented testimony from a witness to the 1998 incident. That testimony did not address what happened at the plea hearing. And the Commonwealth presented no other evidence about the plea hearing, or what Mr. Mallory had, in 1998, agreed that he did. The ACCA trial judge nevertheless admitted the witness’ testimony, and denied Mr. Mallory’s motion for a required finding.

That approach suggested by the *Eberhart* dictum is untenable as a matter of statutory interpretation and constitutional law. But in the absence of further guidance from this Court, it will continue to confuse and confound lower courts. This Court should use this case to clarify this “question[] of first impression . . . concerning the Constitution[s] of the Commonwealth [and] of the United States” that is “of such public interest that justice requires a final determination by [this] Court.” Mass. R.A.P. 11(a).

CONCLUSION

For the reasons explained above, Mr. Mallory requests that direct appellate review be allowed.

Respectfully submitted,

Allah Mallory

By his attorney,

/s/ Matthew Spurlock
Matthew Spurlock

COMMITTEE FOR PUBLIC
COUNSEL SERVICES
Public Defender Division
109 Main Street #201
Northampton, Massachusetts 01060
(617) 910-5727
mspurlock@publiccounsel.net
BBO #601156

July 2, 2025



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COMMONWEALTH OF MASSACHUSETTS
PLYMOUTH COUNTY
Docket Report

1683CR00215 Commonwealth vs. Mallory, Allah Jerome

CASE TYPE: Indictment	FILE DATE: 06/28/2016
ACTION CODE: 94C/32E/G-0	CASE TRACK: B - Complex
DESCRIPTION: HEROIN/MORPHINE/OPIUM, TRAFFICKING IN 100 GRAMS OR MORE, LESS THAN 200 GRAMS c94C §32E(c)	
CASE DISPOSITION DATE: 09/10/2019	CASE STATUS: Open
CASE DISPOSITION: Disposed by Jury Verdict	STATUS DATE: 08/28/2019
CASE JUDGE:	CASE SESSION: Criminal 3 Brockton

DCM TRACK		
Tickler Description	Due Date	Completion Date
Pre-Trial Hearing	12/02/2016	12/06/2016
Final Pre-Trial Conference	04/04/2017	11/21/2017
Case Disposition	04/14/2017	09/10/2019
Under Advisement	10/12/2017	01/31/2018
Under Advisement	12/08/2017	11/15/2017
Notice of Appeal Filed	03/10/2020	10/06/2020
Under Advisement	04/16/2022	04/16/2024
Under Advisement	11/04/2023	12/19/2023
Notice of Appeal Filed	03/28/2025	

PARTIES		
Prosecutor Plymouth County District Attorney	Attorney for the Commonwealth Jason David Herron Plymouth County District Attorney's Office Plymouth County District Attorney's Office 166 Main St Brockton, MA 02301 Work Phone (508) 584-8120 Added Date: 10/17/2022	690775
	Attorney Julianne Campbell Plymouth County District Attorney's Office Plymouth County District Attorney's Office 166 Main St Brockton, MA 02301 Work Phone (508) 894-2512 Added Date: 09/04/2024	691188



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COMMONWEALTH OF MASSACHUSETTS
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Docket Report

Defendant Mallory, Allah Jerome 933 Warren Ave 3rd floor Brockton, MA 02301	Private Counsel 678388 Jason Green Committee For Public Counsel Services Committee For Public Counsel Services 144 Main St 3rd Floor Brockton, MA 02301 Work Phone (508) 580-4901 Added Date: 06/05/2023
Surety Mallory, Omar C 7 Krypto Circle Randolph, MA 02368	Appointed - Appellate Action 601156 Matthew D Spurlock Committee for Public Counsel Services Committee for Public Counsel Services 109 Main St 201 Northampton, MA 01060 Work Phone (617) 910-5727 Added Date: 10/07/2019



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COMMONWEALTH OF MASSACHUSETTS
PLYMOUTH COUNTY
Docket Report

PARTY CHARGES

#	Offense Date/ Charge	Code	Town	Disposition	Disposition Date
1	04/20/2016 HEROIN/MORPHINE/OPIUM, TRAFFICKING IN 100 GRAMS OR MORE, LESS THAN 200 GRAMS c94C §32E(c)	94C/32E/G-0	Brockton	Sentence Date: 09/10/2019 State Prison Sentence Not greater than Yrs 14 Mos 0 Days 0 Not less than Yrs 10 Mos 0 Days 0 Guilty Verdict	08/26/2019
2	04/20/2016 COCAINE, TRAFFICKING IN, 36 GRAMS OR MORE, LESS THAN 100 GRAMS c94C §32E(b)	94C/32E/B-2	Brockton	Sentence Date: 09/10/2019 State Prison Sentence Not greater than Yrs 7 Mos 0 Days 0 Not less than Yrs 5 Mos 0 Days 0 Guilty Verdict	08/26/2019
3	04/20/2016 FIREARM WITHOUT FID CARD, POSSESS c269 s.10(h)	269/10/G-2	Brockton	Sentence Date: 09/10/2019 State Prison Sentence Not greater than Yrs 18 Mos 0 Days 0 Not less than Yrs 16 Mos 0 Days 0 Guilty Verdict	08/26/2019
4	04/20/2016 FIREARM VIOL WITH 3 PRIOR VIOLENT/DRUG CRIMES c269 §10G(c)	269/10G/C-0	Brockton	Sentence Date: 09/10/2019 State Prison Sentence Not greater than Yrs 18 Mos 0 Days 0 Not less than Yrs 16 Mos 0 Days 0 Filed - Guilty Verdict Guilty Verdict	09/03/2019 09/03/2019
5	04/20/2016 FIREARM WITHOUT FID CARD, POSSESS c269 s.10(h)	269/10/G-2	Brockton	Sentence Date: 09/10/2019 State Prison Sentence Not greater than Yrs 18 Mos 0 Days 0 Not less than Yrs 16 Mos 0 Days 0 Guilty Verdict	08/26/2019
6	04/20/2016 FIREARM VIOL WITH 3 PRIOR VIOLENT/DRUG CRIMES c269 §10G(c)	269/10G/C-0	Brockton	Sentence Date: 09/10/2019 State Prison Sentence Not greater than Yrs 18 Mos 0 Days 0 Not less than Yrs 16 Mos 0 Days 0 Filed - Guilty Verdict Guilty Verdict	09/03/2019 09/03/2019
7	04/20/2016 FIREARM IN FELONY, POSSESS c265 §18B	265/18B/A-3	Brockton	Sentence Date: 09/10/2019 State Prison Sentence Not greater than Yrs 7 Mos 0 Days 0 Not less than Yrs 5 Mos 0 Days 0 Guilty Verdict	08/26/2019



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COMMONWEALTH OF MASSACHUSETTS
PLYMOUTH COUNTY
Docket Report

EVENTS				
Date	Session	Event	Result	Resulting Judge
07/20/2016	Criminal 1 Brockton	Arraignment	Held as Scheduled	Kelley
10/04/2016	Criminal 1 Brockton	Pre-Trial Conference	Held as Scheduled	McGuire
12/06/2016	Criminal 1 Brockton	Pre-Trial Hearing	Held as Scheduled	McGuire
02/14/2017	Criminal 1 Brockton	Hearing on Compliance	Rescheduled	Kelley
04/03/2017	Criminal 1 Brockton	Hearing on Compliance	Held as Scheduled	Creedon
06/06/2017	Criminal 1 Brockton	Trial Assignment Conference	Held as Scheduled	Yessayan
08/08/2017	Criminal 1 Brockton	Non-Evidentiary Hearing on Suppression	Not Held	Moriarty
09/12/2017	Criminal 1 Brockton	Non-Evidentiary Hearing on Suppression	Held as Scheduled	Moriarty
11/08/2017	Criminal 1 Brockton	Evidentiary Hearing on Suppression	Held as Scheduled	Cosgrove
11/21/2017	Criminal 2 Brockton	Final Pre-Trial Conference	Held as Scheduled	Lalli
11/28/2017	Criminal 2 Brockton	Evidentiary Hearing on Suppression	Canceled	Kelley
12/05/2017	Criminal 2 Brockton	Jury Trial	Rescheduled	Chin
02/01/2018	Criminal 2 Brockton	Motion Hearing	Held as Scheduled	Chin
02/05/2018	Criminal 2 Brockton	Jury Trial	Rescheduled	Chin
02/20/2018	Criminal 2 Brockton	Hearing on Withdrawal of Attorney	Held as Scheduled	Chin
03/19/2018	Criminal 2 Brockton	Jury Trial	Canceled	Chin
03/19/2018	Criminal 2 Brockton	Conference to Review Status	Not Held	Chin
04/02/2018	Criminal 2 Brockton	Conference to Review Status	Held as Scheduled	Lalli
05/01/2018	Criminal 2 Brockton	Conference to Review Status	Rescheduled	Chin
05/07/2018	Criminal 1 Brockton	Conference to Review Status	Held as Scheduled	Davis
06/01/2018	Criminal 2 Brockton	Conference to Review Status	Held as Scheduled	Chin
09/10/2018	Criminal 1 Brockton	Motion Hearing	Held as Scheduled	Moriarty
10/05/2018	Criminal 2 Brockton	Final Pre-Trial Conference	Held as Scheduled	Kelley
11/06/2018	Criminal 2 Brockton	Jury Trial	Rescheduled	Kelley
01/04/2019	Criminal 2 Brockton	Final Pre-Trial Conference	Rescheduled	Kelley
01/11/2019	Criminal 2 Brockton	Final Pre-Trial Conference	Held as Scheduled	Davis
01/28/2019	Criminal 2 Brockton	Jury Trial	Rescheduled	Davis
02/13/2019	Criminal 2 Brockton	Final Pre-Trial Conference	Not Held	Davis
03/25/2019	Criminal 2 Brockton	Jury Trial	Not Held	Davis
03/25/2019	Criminal 2 Brockton	Conference to Review Status	Held as Scheduled	Davis



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PLYMOUTH COUNTY
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07/02/2019	Criminal 2 Brockton	Final Trial Conference	Rescheduled	Kelley
07/08/2019	Criminal 2 Brockton	Jury Trial	Rescheduled	Kelley
07/19/2019	Criminal 2 Brockton	Final Trial Conference	Rescheduled	Gildea
08/12/2019	Criminal 2 Brockton	Final Trial Conference	Held as Scheduled	Gildea
08/15/2019	Criminal 2 Brockton	Conference to Review Status	Held as Scheduled	Gildea
08/19/2019	Criminal 2 Brockton	Jury Trial	Not Held	Gildea
08/19/2019	Criminal 2 Brockton	Conference to Review Status	Held as Scheduled	Gildea
08/20/2019	Criminal 2 Brockton	Jury Trial	Held as Scheduled	Gildea
08/21/2019	Criminal 2 Brockton	Jury Trial	Held as Scheduled	Gildea
08/22/2019	Criminal 2 Brockton	Jury Trial	Held as Scheduled	Gildea
08/23/2019	Criminal 2 Brockton	Jury Trial	Held as Scheduled	Gildea
08/26/2019	Criminal 2 Brockton	Jury Trial	Held as Scheduled	Gildea
08/29/2019	Criminal 2 Brockton	Jury Trial	Held as Scheduled	Gildea
09/03/2019	Criminal 2 Brockton	Jury Trial	Held as Scheduled	Gildea
09/04/2019	Criminal 2 Brockton	Jury Trial	Held as Scheduled	Gildea
09/05/2019	Criminal 2 Brockton	Jury Trial	Held as Scheduled	Gildea
09/06/2019	Criminal 2 Brockton	Jury Trial	Canceled	Gildea
09/10/2019	Criminal 2 Brockton	Hearing for Sentence Imposition	Held as scheduled	Gildea
04/29/2021	Criminal 4 Plymouth	Conference to Review Status	Held as Scheduled	Gildea
05/03/2021	Criminal 3 Brockton	Conference to Review Status	Held as Scheduled	Gildea
05/11/2021	Criminal 3 Brockton	Conference to Review Status	Held as Scheduled	Gildea
06/11/2021	Criminal 3 Brockton	Conference to Review Status	Held as Scheduled	Gildea
02/11/2022	Criminal 2 Brockton	Motion Hearing	Held as Scheduled	Gildea
03/17/2022	Criminal 2 Brockton	Motion Hearing	Held - Under advisement	Gildea
			Decision rendered	Gildea
09/22/2022	Criminal 2 Brockton	Motion Hearing	Canceled	Gildea
12/09/2022	Criminal 2 Brockton	Hearing on Motion for New Trial	Canceled	Gildea
01/27/2023	Criminal 2 Brockton	Hearing on Motion for New Trial	Rescheduled	Gildea
02/01/2023	Criminal 2 Brockton	Motion Hearing	Rescheduled	Sullivan
02/01/2023	Civil A Brockton	Motion Hearing		
02/15/2023	Civil A Brockton	Conference to Review Status	Held as Scheduled	Gildea
03/10/2023	Civil A Brockton	Hearing on Motion for New Trial	Rescheduled	Boone
03/24/2023	Civil A Brockton	Hearing on Motion for New Trial	Rescheduled	Boone
03/28/2023	Criminal 2 Brockton	Hearing on Motion for New Trial	Rescheduled	Sullivan
03/28/2023	Civil A Brockton	Hearing on Motion for New Trial	Held as Scheduled	Gildea



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04/21/2023	Criminal 2 Brockton	Conference to Review Status	Rescheduled	Boone
05/19/2023	Civil A Brockton	Conference to Review Status	Not Held	Gildea
05/26/2023	Criminal 2 Brockton	Hearing on Motion for New Trial	Not Held	Gildea
05/26/2023	Criminal 1 Brockton	Hearing on Motion for New Trial	Held as Scheduled	Gildea
06/26/2023	Criminal 4 Plymouth	Hearing on Motion for New Trial	Rescheduled	Gildea
06/26/2023	Criminal 3 Brockton	Hearing on Motion for New Trial	Rescheduled	Gildea
07/18/2023	Criminal 3 Brockton	Hearing on Motion for New Trial	Held as Scheduled	Gildea
08/29/2023	Criminal 3 Brockton	Motion Hearing	Held as Scheduled	Gildea
08/30/2023	Criminal 3 Brockton	Motion Hearing	Held as Scheduled	Gildea
10/05/2023	Criminal 3 Brockton	Motion Hearing	Decision rendered Held - Under advisement	Gildea Gildea

FINANCIAL DETAILS

Date	Money on Deposit	Assessed	Paid	Dismissed	Balance
05/07/2018	Bail posted. Omar C Mallory, surety Receipt: 10219 Date: 05/07/2018	50,000.00	50,000.00	0.00	0.00
Total		50,000.00	50,000.00	0.00	0.00

Deposit Account(s) Summary	Received	Applied	Checks Paid	Balance
BAIL	50,000.00		50,000.00	0.00
Total	50,000.00		50,000.00	0.00



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INFORMATIONAL DOCKET ENTRIES

Date	Ref	Description	Judge
06/28/2016	1	Indictment(s) returned	
07/20/2016		Defendant arraigned before Court.	Kelley
07/20/2016		Case assigned to: DCM Track B - Complex was added on 07/22/2016	
07/20/2016	3	General correspondence regarding appearance of Brian S. Fahy for the commonwealth	
07/20/2016		Plea of not guilty entered on all charges.	Kelley
07/20/2016		Bail set at \$0.00 Surety, \$250,000.00 Cash. Wear G.P.S.	Kelley
07/20/2016		Bail warnings read	Kelley
07/20/2016		Not arraigned on sentencing enhancements	Kelley
07/20/2016	2	Issued on this date: Mittimus in Lieu of Bail Sent On: 07/20/2016 10:57:46	
07/20/2016	4	Commonwealth 's Notice of Discovery 1	
07/20/2016	5	Attorney appearance On this date William Albert Flanagan, Esq. added as Private Counsel for Defendant Allah Jerome Mallory	
07/20/2016		Case continued for October 4, 2016 for PreTrial Conference, December 6, 2016 for PreTrial Hearing (Kelley Brown,J) R. Griffin - Court Reporter	Kelley
07/29/2016	6	Mittimus returned to court: SERVED	
08/03/2016	7	Commonwealth 's Notice of discovery II	
08/05/2016	8	Attorney appearance On this date Frank H Spillane, Esq. added as Private Counsel for Defendant Allah Jerome Mallory	
09/19/2016	9	General correspondence regarding Notice of withdrawal of Atty Flanagan for the defendant new counsel has made an appearance	
09/19/2016		Attorney appearance On this date William Albert Flanagan, Esq. dismissed/withdrawn as Private Counsel for Defendant Allah Jerome Mallory	
10/04/2016		Case continued to December 6, 2016 by agreement re: pre-trial hearing. (McGuire, J.) J. Russo, court reporter	McGuire
12/06/2016	10	Defendant 's Motion for bill of particulars	
12/06/2016	11	Defendant 's Motion for discovery	
12/06/2016	12	Defendant 's Motion for discovery of drug analysis	
12/06/2016		Case continued to February 14,2017 by agreement for discovery compliance (McGuire,J) J Russo court reporter	McGuire
02/14/2017		Case awaiting 2 discovery reports, Case continued to April 3,2017 for compliance (Kelley Brown,J) FTR	Kelley



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02/14/2017	13	Commonwealth's notice of discovery III	
04/03/2017		Case continued to June 6,2017 by agreement for trial assignment (P. Creedon,AC) FTR	Creedon
04/04/2017	14	General correspondence regarding Commonwealth's notice of discovery III	
04/04/2017	15	General correspondence regarding Commonwealth's notice of discovery IV	
06/01/2017	16	Commonwealth 's Notice of Discovery V	
06/01/2017	16.1	Commonwealth 's Notice of Discovery VI	
06/05/2017	17	Defendant 's Motion to suppress evidence	
06/06/2017		Event Result: Case continued to 8/8/17 by agreement on Non Evidentary Motion to Suppress. John Russo Court Reporter	Yessayan
07/14/2017	18	Commonwealth 's Notice of discovery VII	
08/08/2017	19	Defendant 's Motion to suppress evidence	
08/08/2017		Case continued to September 12, 2017 by agreement for motion to suppress (Moriarty, J.) C. Johnson, court reporter	Moriarty
08/31/2017	20	Commonwealth 's Notice of discovery VIII	
09/12/2017		Motion to suppress taken under advisement. Case continued to November 8m	Moriarty
09/12/2017	22	Defendant 's Motion to reconsider bail	
09/14/2017		Endorsement on Motion to suppress evidence, (#19.0): DENIED See memorandum of decision and order	Moriarty
09/14/2017	21	Findings of Fact and Rulings of Law: and order on defendant's motion to suppress evidence seized pursuant to a search warrant: DENIED	Moriarty
09/14/2017		Endorsement on Motion to reconsider bail, (#22.0): ALLOWED Bail reduced to \$50,000.00. See memorandum.	Moriarty
09/14/2017		Bail set at \$0.00 Surety, \$50,000.00 Cash. CONDITIONS: GPS	Moriarty
09/15/2017	23	MEMORANDUM & ORDER: on defendant's motion to reconsider bail:	Moriarty
09/15/2017	24	Notice sent to D.A and defense counsel to appear on November 21, 2017 re: final pre-trial conference	
09/15/2017	25	Notice sent to D.A and defense counsel to appear on December 5, 2017 re: trial	
09/15/2017	26	Notice sent to DA and defense counsel to appear on 11/8/17 re: motion to suppress	
09/15/2017	27	Issued on this date: Mittimus in Lieu of Bail Sent On: 09/15/2017 15:36:23	



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09/15/2017	28	Opposition to to defendant's motion to suppress filed by Plymouth County District Attorney	Moriarty
09/29/2017		Mittimus returned to court: SERVED	
11/08/2017		Motoin ; Held Matter taken under advisement and case continued to November 21,20176 for final pre-trial conference and December 5,2017 for trial second criminal session J Russo court reporter Judge: Cosgrove, Hon. Robert C	Cosgrove
11/13/2017	30	Commonwealths list of potential witnesses	
11/13/2017	31	Commonwealths notice of expert witness	
11/13/2017	32	Commonwealths notice of expert witness	
11/14/2017	29	Opposition to Defendants motion to suppress filed by	
11/15/2017		Endorsement on Motion to suppress evidence, (#17.0): DENIED See memorandum of decision and order (Cosgrove,J) Judge: Cosgrove, Hon. Robert C	Cosgrove
11/15/2017	33	MEMORANDUM & ORDER: The defendants motion to suppress is DENIED (Cosgrove,J) Judge: Cosgrove, Hon. Robert C Judge: Cosgrove, Hon. Robert C	Cosgrove
11/21/2017	34	Defendant 's Motion to suppress evidence seized because of a search warrant execution in violation of the knock and announce requirment	
11/21/2017		Case continued to November 28,2017 for motion to suppress evidence in violation of the knock and announce requirement and December 5,2017 for trial (S Lalli Asst Clerk)	
11/27/2017		Event Result: Judge: Kelley Brown, Hon. Angel The following event: Evidentiary Hearing on Suppression scheduled for 11/28/2017 09:00 AM has been resulted as follows: Result: Canceled Reason: By Court prior to date	Kelley
11/28/2017	35	Defendant 's Motion for Individual Voir Dire Conducted By Counsel	
11/28/2017	36	Defendant 's Motion for Proposed Questions To Be asked To The Jury	
12/04/2017		Transcript received from John Russo regarding motion to suppress hearing on November 8, 2017	
12/05/2017		Case called for trial before Chin, J. Court orders impanelment of 14 jurors Court hears defendants motion to suppress. After hearing, motion taken under advisement by Chin, J. Trial continued to February 5, 2018. Jury released, never sworn (Chin, J.) B. St. Charles, court reporter	
12/05/2017	37	Commonwealth 's Motion in Opposition To Deft.'s Motion To Suppress.	



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12/05/2017	38.1	Joint Pre-Trial Memorandum filed:	
12/05/2017	38	Commonwealth's Notice Of Discovery 1X	
12/05/2017		Commonwealth oral motion to amend indictment #001 to read "over 100 grams but less than 200 grams" - ALLOWED (Chin, J.)	
12/07/2017	39	Notice to Parties of Trial By Jury February 5, 2018 in the second session.	
01/26/2018	40	Defendant 's Motion to continue trial	
01/31/2018		Endorsement on Motion to suppress evidence seized because of a search warrant execution in violation of the knock and announce requirement, (#34.0): DENIED See findings of fact, rulings of law and order. Judge: Chin, Hon. Richard J	Chin
01/31/2018	41	Findings of Fact and Rulings of Law: and order on Defendant's Motion to Suppress It is therefore ORDERED that the defendant's motion to suppress evidence seized from his home on April 20, 2016, be DENIED. Judge: Chin, Hon. Richard J Judge: Chin, Hon. Richard J	Chin
02/01/2018		Case continued to March 19,2018 for jury trial in 2nd session (Chin,J) B. StCharles, court reporter Judge: Chin, Hon. Richard J	Chin
02/01/2018		Event Result: Judge: Chin, Hon. Richard J The following event: Motion Hearing scheduled for 02/01/2018 09:00 AM has been resulted as follows: Result: Held as Scheduled	Chin
02/01/2018		Endorsement on Motion to continue trial, (#40.0): ALLOWED trial continued to March 19,2018 (Chin,J) Judge: Chin, Hon. Richard J	Chin
02/02/2018	42	Notice sent to counsel & DA of March 19,2018 trial in 2nd session @ 9:00AM in Brockton	
02/13/2018	43	Correspondence from Deft. To Court	
02/16/2018	44	Defendant 's Motion to Motion to Withdraw as Counsel	
02/20/2018		Event Result: Judge: Chin, Hon. Richard J The following event: Jury Trial scheduled for 03/19/2018 09:00 AM has been resulted as follows: Result: Canceled Reason: Other event activity needed	Chin



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02/20/2018		Case continued to March 19,2018 for status bring defendant in (Chin,J) B. StCharles, court reporter Judge: Chin, Hon. Richard J Judge: Chin, Hon. Richard J	Chin
02/20/2018		Endorsement on Motion to withdraw as counsel, (#44.0): ALLOWED (Chin,J) Judge: Chin, Hon. Richard J	Chin
02/20/2018		Attorney appearance On this date Frank H Spillane, Esq. dismissed/withdrawn as Private Counsel for Defendant Allah Jerome Mallory	
03/19/2018		Event Result: Judge: Chin, Hon. Richard J The following event: Conference to Review Status scheduled for 03/19/2018 09:00 AM has been resulted as follows: Result: Not Held Reason: Other event activity needed	Chin
03/26/2018		Attorney appearance On this date Lauren Marie McDonough, Esq. added for Defendant Allah Jerome Mallory	
03/26/2018		Appointment made for the purpose of Case in Chief by Judge Hon. Richard J Chin.	
04/02/2018	45	General correspondence regarding Appearance of Atty Lauren McDonough for defendant	
04/02/2018		Case continued to May 1,2018 for status Judge: Lalli, Sharon	Lalli
04/25/2018		Event Result: Judge: Chin, Hon. Richard J The following event: Conference to Review Status scheduled for 05/01/2018 09:00 AM has been resulted as follows: Result: Rescheduled Reason: By Court prior to date	Chin
05/07/2018		Event Result: Judge: Davis, Hon. Brian A The following event: Conference to Review Status scheduled for 05/07/2018 09:00 AM has been resulted as follows: Result: Held as Scheduled	Davis
06/01/2018		Event Result: Conference to Review Status scheduled on: 06/01/2018 09:00 AM Has been: Held as Scheduled Hon. Richard J Chin, Presiding Appeared: Staff: Sharon Lalli, Assistant Clerk Magistrate	Chin



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06/01/2018	47	Defendant 's EX PARTE Motion for funds for chemist filed ; ALLOWED (Chin,J)	Chin
		Judge: Chin, Hon. Richard J	
06/01/2018	48	Defendant 's EX PARTE Motion for funds to retain an investigator filed ; ALLOWED (Chin,J)	Chin
		Judge: Chin, Hon. Richard J	
06/04/2018	49	Document: Notice to Appear for Final Pretrial on October 5,2018 @ 9:00AM in 2nd session @ Brockton Sent On: 06/04/2018 09:57:22	
06/04/2018	50	Notice sent to counsel & DA of October 5,2018 trial @ 9:00AM in 2nd session @ Brockton	
08/23/2018		Issued: Straight Warrant issued on 08/23/2018 for Mallory, Allah Jerome	
08/24/2018	51	Probation 's Motion Motion to Advance Filed and Allowed. Warrant to issue at request of probation	
09/10/2018	52	Surety 's Motion to advance	
09/10/2018		Case brought forward by surety. After hearing and the defendant being held in Federal Custody court orders bail to be returned to surety FTR	Moriarty
		Judge: Moriarty, II, Hon. Cornelius J	
09/10/2018		Bail set at \$0.00 Surety, \$50,000.00 Cash. with pre-trial probation conditions: GPS monitoring	Moriarty
		Judge: Moriarty, II, Hon. Cornelius J Applies To: Mallory, Allah Jerome (Defendant); Plymouth County House of Correction (Holding Institution)	
09/10/2018	53	Issued on this date: Mittimus in Lieu of Bail Sent On: 09/10/2018 14:05:11	
10/05/2018		Defendant not brought into court; he is in federal custody. Attorney McDonough appears on his behalf. ADA Kennedy stands in for ADA Fahy. By agreement of the parties, the final pre-trial date is scheduled for January 4, 2019 at 9:00 a.m. and the jury trial date is rescheduled for January 28, 2019 at 9:00 a.m. (Kelley, J.) FTR.	Kelley
		Judge: Kelley, Hon. Angel	



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10/05/2018		<p>Event Result:: Jury Trial scheduled on: Kelley</p> <p>11/06/2018 09:00 AM</p> <p>Has been: Rescheduled For the following reason: Joint request of parties</p> <p>Hon. Angel Kelley, Presiding</p> <p>Appeared:</p> <p>Staff:</p> <p>Sharon Lalli, Assistant Clerk Magistrate</p>
10/05/2018	55	<p>Document:</p> <p>Notice to Appear for Final Pretrial</p> <p>Sent On: 10/05/2018 14:40:51</p>
01/02/2019		<p>Event Result:: Final Pre-Trial Conference scheduled on: Kelley</p> <p>01/04/2019 09:00 AM</p> <p>Has been: Rescheduled For the following reason: By Court prior to date</p> <p>Hon. Angel Kelley, Presiding</p> <p>Appeared:</p> <p>Staff:</p>
01/11/2019		<p>Case called before the Court. Defendant not brought in (in federal custody). Davis</p> <p>Case continued to 2/13/19 for final pre-trial conference and 3/25/19 for trial.</p> <p>(Davis, J.) FTR</p>
01/11/2019		<p>Event Result:: Jury Trial scheduled on: Davis</p> <p>01/28/2019 09:00 AM</p> <p>Has been: Rescheduled For the following reason: By Court prior to date</p> <p>Hon. Brian A Davis, Presiding</p> <p>Appeared:</p> <p>Staff:</p> <p>Sharon Lalli, Assistant Clerk Magistrate</p>
01/11/2019		<p>Document:</p> <p>Notice to Appear for Final Pretrial</p> <p>Sent On: 01/11/2019 15:52:17</p>
01/11/2019		<p>The following form was generated:</p> <p>Notice to Appear for Trial</p> <p>Sent On: 01/11/2019 15:57:54</p>
02/12/2019		<p>Event Result:: Final Pre-Trial Conference scheduled on: Davis</p> <p>02/13/2019 09:00 AM</p> <p>Has been: Not Held For the following reason: Request of Commonwealth</p> <p>Hon. Brian A Davis, Presiding</p> <p>Appeared:</p> <p>Staff:</p> <p>Sharon Lalli, Assistant Clerk Magistrate</p>
03/22/2019		<p>Event Result:: Jury Trial scheduled on: Davis</p> <p>03/25/2019 09:00 AM</p> <p>Has been: Not Held For the following reason: By Court prior to date</p> <p>Hon. Brian A Davis, Presiding</p> <p>Appeared:</p> <p>Staff:</p> <p>Sharon Lalli, Assistant Clerk Magistrate</p>



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03/25/2019		Defendant not present in court for status conference. Case called for status hearing regarding new trial date. ADA Fahey for the Commonwealth; Attorney McDonough for the defendant. Case continued to July 8, 2019 at 9AM for jury trial - 1st case out. Final trial conference scheduled for July 2, 2019 at 2PM - agreed upon date with counsel. Atty. McDonough objected generally to this trial being continued due to speedy trial issues. ADA Fahey will be responsible for bringing defendant in from federal custody, (Davis, J.) FTR.	Davis
03/27/2019	56	The following form was generated: A Notice to Appear (for Final Trial Conference) was generated and sent to: Defendant: Lauren Marie McDonough, Esq. Prosecutor: Brian S Fahy, Esq.	
03/27/2019	57	The following form was generated: A Notice to Appear (for Jury Trial) was generated and sent to: Defendant: Lauren Marie McDonough, Esq. Prosecutor: Brian S Fahy, Esq.	
05/06/2019	58	Pro Se Defendant 's Motion for speedy trial copies sent May 8,2019	
05/28/2019		Event Result:: Final Trial Conference scheduled on: 07/02/2019 02:00 PM Has been: Rescheduled For the following reason: By Court prior to date Hon. Angel Kelley, Presiding	Kelley
05/28/2019		Event Result:: Jury Trial scheduled on: 07/08/2019 09:00 AM Has been: Rescheduled For the following reason: By Court prior to date Hon. Angel Kelley, Presiding	Kelley
05/28/2019	59	The following form was generated: Notice to Appear for Jury Trial on 8/19/19 at 9am to: Lauren McDonough, Esq. ADA Brian Fahy Sent On: 05/28/2019 11:22:09	
06/10/2019	60	Pro Se Defendant 's Motion for writ of habeas corpus	
07/01/2019	61	Pro Se Defendant 's Motion for speedy trial copy sent July 2,2019	
07/09/2019	62	Habeas Corpus issued for defendant in federal custody at Plymouth County House of Correction for 07/19/2019 09:00 AM Final Trial Conference PLEASE HAVE DEFENDANT HERE BY 8:30AM.	Gildea
07/09/2019	63	Habeas Corpus issued for defendant in federal custody at Plymouth County House of Correction for 08/19/2019 09:00 AM Jury Trial PLEASE HAVE DEFENDANT HERE BY 8:30 AM.	Gildea
07/19/2019		Event Result:: Final Trial Conference scheduled on: 07/19/2019 09:00 AM Has been: Rescheduled For the following reason: Request of Commonwealth Hon. Mark Gildea, Presiding	Gildea
07/23/2019	63.1	Habeas Corpus issued for defendant in federal custody at Plymouth County House of Correction for 08/12/2019 09:00 AM Final Trial Conference	Gildea



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08/12/2019		Defendant not brought into court; he is in federal custody. Attorney McDonough is in another court being held for trial. ADA Fahey reports that the Defendant will not be brought to court for the full week of trial by federal agents. Counsel will notify clerk of an agreed upon date later in the week for status, (Gildea, J.) FTR - 1st session courtroom.	Gildea
08/14/2019	64	Habeas Corpus issued for defendant in federal custody at Plymouth County House of Correction for 08/15/2019 09:00 AM Conference to Review Status	Gildea
08/15/2019		Defendant is not brought in from federal custody. Atty. McDonough and ADA Fahy present. Commonwealth reports that they are not ready for trial. Case continued to Monday, August 19, 2019 at 9am for trial, (Gildea, J.) FTR.	Gildea
08/15/2019	65	Habeas Corpus for defendant issued to Plymouth County House of Correction returnable for 08/19/2019 09:00 AM Jury Trial. SCHEDULE FOR VIDEO CONFERENCE AT 10:00 AM	
08/19/2019		Event Result:: Jury Trial scheduled on: 08/19/2019 09:00 AM Has been: Not Held For the following reason: Defendant not transported to event Hon. Mark Gildea, Presiding	Gildea
08/19/2019		Defendant not brought into court. Both attorneys present; Commonwealth reports Defendant will be brought to court Tuesday. Case continued to August 21, 2019 at 9am for jury trial, (Gildea, J.) FTR.	Gildea
08/19/2019	66	Habeas Corpus for defendant issued to Plymouth County House of Correction returnable for 08/20/2019 09:00 AM Jury Trial.	
08/19/2019	67	Defendant 's Motion in limine to Preclude Reference to the Defendant's Ineligible Status for Firearm Licensing	
08/19/2019	68	Defendant 's Motion in limine to Exclude Reference to a Warrant	
08/19/2019	69	Defendant 's Motion to Sequester	
08/19/2019	70	Defendant 's Motion in limine to Exclude Evidence Regarding a Domestic Violence Incident	
08/19/2019	70.1	Defendant 's Motion in limine to Preclude Admission of Defendant's Silence in Response to Police Questioning	
08/19/2019	70.2	Defendant 's Motion for voir dire of prospective jurors	
08/19/2019	70.3	Defendant 's Motion in limine to exclude evidence of the defendant's prior convictions	
08/19/2019	70.4	Witness list Applies To: Mallory, Allah Jerome (Defendant)	
08/19/2019	70.5	Defendant 's Motion for discovery of evidence submission form and any other reports	
08/20/2019		Defendant comes into court. Commonwealth and Defendant report ready for trial. Case called for trial; ADA Fahy moves for trial. Defendant is set at the bar; venire is sworn. Impanelment begins. 14 jurors are seated and sworn. Indictments are read and opening statements are given. Testimony begins. Case continued to August 21, 2019 at 9am for trial, (Gildea, J.) FTR.	Gildea



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08/20/2019	71	Defendant 's Motion to Dismiss for Lack of a Speedy Trial	
08/20/2019		Endorsement on Motion to dismiss for Lack of a Speedy Trial, (#71.0): DENIED after hearing, (Gildea, J.). Judge: Gildea, Hon. Mark	Gildea
08/20/2019		Endorsement on Motion in limine to Exclude Evidence Regarding a Domestic Violence Incident, (#70.0): ALLOWED without objection, (Gildea, J.).	Gildea
08/20/2019		Endorsement on Motion to Sequester, (#69.0): ALLOWED without objection, (Gildea, J.).	Gildea
08/20/2019		Endorsement on Motion in limine to Exclude Reference to a Warrant, (#68.0): ALLOWED as discussed on the record(10:04), (Gildea, J.).	Gildea
08/20/2019		Endorsement on Motion in limine to Preclude Reference to the Defendant's Ineligible Status for Firearm Licensing, (#67.0): ALLOWED without objection, (Gildea, J.). Judge: Gildea, Hon. Mark	Gildea
08/20/2019		Endorsement on Motion in limine to Preclude Admission of Defendant's Silence in Response to Police Questioning, (#70.1): ALLOWED without objection. (Defendant later seeks to withdraw), (Gildea, J.). Judge: Gildea, Hon. Mark	Gildea
08/20/2019		Endorsement on Motion in limine to exclude evidence of the defendant's prior convictions, (#70.3): Other action taken Reserved (Gildea,J) Judge: Gildea, Hon. Mark Applies To: Mallory, Allah Jerome (Defendant)	Gildea
08/20/2019	71.1	Witness list Potential (Bifurcated portion of the trial) Applies To: Plymouth County District Attorney (Prosecutor)	
08/20/2019	71.2	Joint Pre-Trial Memorandum filed: Commonwealth's	
08/21/2019		Defendant brought into court. Testimony continues before Judge Gildea and 14 jurors. Commonwealth rests. Defense proceeds with evidence. Case continued to August 22, 2019 at 9am for continuation of trial, (Gildea, J.) FTR.	Gildea
08/21/2019	72	Defendant 's Motion for requiring finding of not guilty (at close of Commonwealth's case)	
08/21/2019		Endorsement on Motion for requiring finding of not guilty , (#72.0): DENIED , (Gildea, J.). Judge: Gildea, Hon. Mark	Gildea



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08/22/2019		Docket Note: Defendnat brought into court. Court holds hearing outside presence of jury. After hearing court orders capias to issue as to witness Pierre Jean -Louis	Gildea
		Judge: Gildea, Hon. Mark	
08/22/2019		Capias issued for Witness authorizing an arrest.	
		Applies To: Jean-Louis, Pierre (Witness)	
08/22/2019		Docket Note: Defendant sworn. Voire dire re: right not to testify	Gildea
		Judge: Gildea, Hon. Mark	
08/22/2019		Event Result:: Jury Trial scheduled on: 08/22/2019 09:00 AM Has been: Held as Scheduled. Trial continues before (Gildea,J) and 14 jurors Hon. Mark Gildea, Presiding	Gildea
08/22/2019		Docket Note: Defense rests	
08/22/2019		Defendant oral motion for required finding of not guilty at the close of all evidence Denied	Gildea
		Judge: Gildea, Hon. Mark	
08/22/2019	72.1	Defendant 's Motion for jury instructions	
08/23/2019		Event Result:: Jury Trial scheduled on: 08/23/2019 09:00 AM Has been: Held as Scheduled Comments: FTR Hon. Mark Gildea, Presiding	Gildea
08/26/2019		Event Result:: Jury Trial scheduled on: 08/26/2019 09:00 AM Has been: Held as Scheduled Comments: FTR Hon. Mark Gildea, Presiding	Gildea
08/26/2019	73.1	Defendant 's Motion for Voir Dire of Sitting Jury	



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08/26/2019		<p>Offense Disposition::</p> <p>Charge #1 HEROIN/MORPHINE/OPIUM, TRAFFICKING IN 100 GRAMS OR MORE, LESS THAN 200 GRAMS c94C §32E(c) 94C/32E/G-0</p> <p>On: 08/26/2019 Judge: Hon. Mark Gildea</p> <p>By: Jury Trial Guilty Verdict</p> <p>Charge #2 COCAINE, TRAFFICKING IN, 36 GRAMS OR MORE, LESS THAN 100 GRAMS c94C §32E(b)</p> <p>On: 08/26/2019 Judge: Hon. Mark Gildea</p> <p>By: Jury Trial Guilty Verdict</p> <p>Charge #3 FIREARM WITHOUT FID CARD, POSSESS c269 s.10(h)</p> <p>On: 08/26/2019 Judge: Hon. Mark Gildea</p> <p>By: Jury Trial Guilty Verdict</p> <p>Charge #5 FIREARM WITHOUT FID CARD, POSSESS c269 s.10(h)</p> <p>On: 08/26/2019 Judge: Hon. Mark Gildea</p> <p>By: Jury Trial Guilty Verdict</p> <p>Charge #7 FIREARM IN FELONY, POSSESS c265 §18B</p> <p>On: 08/26/2019 Judge: Hon. Mark Gildea</p> <p>By: Jury Trial Guilty Verdict</p>	
08/26/2019		Defendant notified of right of appeal to the Appeals Court within thirty (30) days.	
08/26/2019	73	The defendant/petitioner is committed without bail for the following reason: Per Order of the Court.	Gildea
		Judge: Gildea, Hon. Mark	
08/27/2019	74	Mittimus returned to court: UNSERVED	
08/28/2019		Recalled: Straight Warrant cancelled on 08/28/2019 for Mallory, Allah Jerome	
08/29/2019		<p>Event Result:: Jury Trial scheduled on:</p> <p>08/29/2019 09:00 AM</p> <p>Has been: Held as Scheduled</p> <p>Comments: Jurors unavailable this day. Jury trial does not go forward this day</p> <p>Hon. Mark Gildea, Presiding</p>	Gildea
08/29/2019	75	Defendant 's Motion in limine to exclude Pen Pack and the testimony of Jaime Lewis	
08/29/2019	76	Defendant 's Motion in limine to preclude testimony of alleged vicitms and fact witnesses from the defendant's predicate convictions	
08/29/2019	77	Defendant 's Motion in limine to exclude any evidence related to vacated conviction	
09/03/2019		<p>Event Result:: Jury Trial scheduled on:</p> <p>09/03/2019 09:00 AM</p> <p>Has been: Held as Scheduled</p> <p>Comments: FTR</p> <p>Hon. Mark Gildea, Presiding</p>	Gildea



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09/03/2019		Endorsement on Motion in limine to exclude pen pack and the testimony, (#75.0): Other action taken reserved (Gildea,J)	Gildea
		Judge: Gildea, Hon. Mark	
09/03/2019		Endorsement on Motion in limine to exclude any evidence related to vacated conviction, (#77.0): ALLOWED without objection (Gildea,J)	Gildea
		Judge: Gildea, Hon. Mark	
09/03/2019	78	Commonwealth 's Motion in limine to admit in court identification pursuant to Commonwealth v Crayton; Reserved until witnesses are testifying (Gildea,J)	Gildea
		Judge: Gildea, Hon. Mark	
09/03/2019	79	Opposition to defendant's motions in limine (Testimony re predicate offenses) filed by	
		Applies To: Plymouth County District Attorney (Prosecutor)	
09/03/2019		Defendant arraigned before Court. of offenses 004,006	Gildea
		Judge: Gildea, Hon. Mark	
09/03/2019		Impanelment of jurors on this date	Gildea
		10 jurors Commonwealth & Counsel both use 2 challenges . Defendant to be returned pursuant to agents with federal custody. Case continued to tomorrow (Gildea,J) FTR	
		Judge: Gildea, Hon. Mark	
09/04/2019		Jury impanelment continues, total of 14 seated jurors. Trial continues before Judge & jurors (Gildea,J) FTR	Gildea
09/04/2019		Endorsement on Motion in limine to exclude pen pack and the testimony of Jamie Lewis, (#75.0): Other action taken Deemed moot as Commonwealth does not seek to introduce evidence (Gildea,J)	Gildea
		Judge: Gildea, Hon. Mark	
09/04/2019		Endorsement on Motion in limine to preclude testimony of alleged victims and fact witnesses from the defendant's predicate convictions, (#76.0): DENIED (Gildea,J)	Gildea
		Judge: Gildea, Hon. Mark	
09/04/2019		Attorney appearance On this date Ryan Matthews, Esq. added as Appointed - Witness G.L. c. 233 §20E(b) for Witness Tanya O' Brien Appointment made for the purpose of Witness in a criminal investigation / case by Judge Hon. Mark Gildea.	
09/05/2019		Trial continues before Judge Gildea & Jurors (Gildea,J) FTR	Gildea



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09/05/2019		Defendant's oral motion to enter transcript from previous trial; ALLOWED over the objection of the commonwealth (Gildea,J) FTR	Gildea
09/05/2019	80	Defendant 's Motion for requiring finding of not guilty After hearing DENIED (Gildea,J) Judge: Gildea, Hon. Mark	Gildea
09/05/2019	81	General correspondence regarding Notice of appearance of Ryan Matthews for witness Tanya O'Brien	
09/10/2019		Event Result:: Hearing for Sentence Imposition scheduled on: 09/10/2019 09:00 AM Has been: Held as scheduled Comments: FTR Hon. Mark Gildea, Presiding	Gildea
09/10/2019		Offense Disposition:: Charge #1 HEROIN/MORPHINE/OPIUM, TRAFFICKING IN 100 GRAMS OR MORE, LESS THAN 200 GRAMS c94C §32E(c) 94C/32E/G-0 On: 08/26/2019 Judge: Hon. Mark Gildea By: Jury Trial Guilty Verdict Charge #2 COCAINE, TRAFFICKING IN, 36 GRAMS OR MORE, LESS THAN 100 GRAMS c94C §32E(b) On: 08/26/2019 By: Jury Trial Guilty Verdict Charge #3 FIREARM WITHOUT FID CARD, POSSESS c269 s.10(h) On: 08/26/2019 By: Jury Trial Guilty Verdict Charge #4 FIREARM VIOL WITH 3 PRIOR VIOLENT/DRUG CRIMES c269 §10G(c) On: 09/03/2019 Judge: Hon. Mark Gildea By: Arraignment Guilty Verdict Charge #5 FIREARM WITHOUT FID CARD, POSSESS c269 s.10(h) On: 08/26/2019 By: Jury Trial Guilty Verdict Charge #6 FIREARM VIOL WITH 3 PRIOR VIOLENT/DRUG CRIMES c269 §10G(c) On: 09/03/2019 Judge: Hon. Mark Gildea By: Arraignment Guilty Verdict Charge #7 FIREARM IN FELONY, POSSESS c265 §18B On: 08/26/2019 By: Jury Trial Guilty Verdict	



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09/10/2019		<p>Defendant sentenced:: Sentence Date: 09/10/2019 Judge: Hon. Mark Gildea</p> <p>Charge #: 1 HEROIN/MORPHINE/OPIUM, TRAFFICKING IN 100 GRAMS OR MORE, LESS THAN 200 GRAMS c94C §32E(c) State Prison Sentence Not Less Than: 10 Years, 0 Months, 0 Days Not More Than: 14 Years, 0 Months, 0 Days Served Concurrently</p> <p>Charge #: 2 COCAINE, TRAFFICKING IN, 36 GRAMS OR MORE, LESS THAN 100 GRAMS c94C §32E(b) State Prison Sentence Not Less Than: 5 Years, 0 Months, 0 Days Not More Than: 7 Years, 0 Months, 0 Days Served Concurrently</p> <p>Charge #: 3 FIREARM WITHOUT FID CARD, POSSESS c269 s.10(h) State Prison Sentence Not Less Than: 16 Years, 0 Months, 0 Days Not More Than: 18 Years, 0 Months, 0 Days</p> <p>Charge #: 4 FIREARM VIOL WITH 3 PRIOR VIOLENT/DRUG CRIMES c269 §10G(c) State Prison Sentence Not Less Than: 16 Years, 0 Months, 0 Days Not More Than: 18 Years, 0 Months, 0 Days Served Concurrently</p> <p>Charge #: 5 FIREARM WITHOUT FID CARD, POSSESS c269 s.10(h) State Prison Sentence Not Less Than: 16 Years, 0 Months, 0 Days Not More Than: 18 Years, 0 Months, 0 Days Served Concurrently</p> <p>Charge #: 6 FIREARM VIOL WITH 3 PRIOR VIOLENT/DRUG CRIMES c269 §10G(c) State Prison Sentence Not Less Than: 16 Years, 0 Months, 0 Days Not More Than: 18 Years, 0 Months, 0 Days Served Concurrently</p> <p>Charge #: 7 FIREARM IN FELONY, POSSESS c265 §18B State Prison Sentence Not Less Than: 5 Years, 0 Months, 0 Days Not More Than: 7 Years, 0 Months, 0 Days Served Concurrently</p> <p>Committed to MCI - Cedar Junction (at Walpole) Credits 746 Days</p>	
09/10/2019	82	<p>Defendant 's Motion for requiring finding of not guilty after discharge of the jury; After hearing DENIED (Gildea,J) FTR</p> <p>Judge: Gildea, Hon. Mark</p>	Gildea
09/10/2019	83	<p>General correspondence regarding Commonwealth's sentencing memorandum</p> <p>Judge: Gildea, Hon. Mark</p>	Gildea



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09/10/2019	84	General correspondence regarding Memorandum in aid of sentencing Judge: Gildea, Hon. Mark	Gildea
09/10/2019	85	Verdict affirmed, verdict slip filed 004,006 Judge: Gildea, Hon. Mark	Gildea
09/10/2019	86	Issued on this date: Mittimus for Sentence (All Charges) Sent On: 09/10/2019 12:23:08 \$90.00 VWF WAIVED (Gildea,J)	
09/10/2019		Defendant notified of right of appeal to the Appellate Division of the Superior Court within ten (10) days. Judge: Gildea, Hon. Mark	Gildea
09/10/2019	87	Defendant notified of right of appeal to the Appeals Court within thirty (30) days. Judge: Gildea, Hon. Mark	Gildea
09/10/2019		Disp for statistical purposes	
09/12/2019	88	Notice of appeal filed. Applies To: Mallory, Allah Jerome (Defendant)	
09/16/2019	89	Notice sent to counsel re: notice of appeal filed	
09/18/2019	90	Notice of appeal from sentence to MCI - Cedar Junction (at Walpole) filed by defendant	
09/18/2019		Notification to the Appellate Division sent.	
09/20/2019		Case sent to Plymouth Superior - PLYMOUTH Location. (RE: Appeal from sentence to Massachusetts Correctional Institution Cedar Junction filed on Sept 18,2019)	
09/24/2019	91	Letter to the Appellate Division cc: BF, LM, and probation Sent On: 09/24/2019 09:57:25	
09/24/2019		Case sent to Plymouth Superior - BROCKTON Location.	
10/07/2019		Attorney appearance On this date Lauren Marie McDonough, Esq. dismissed/withdrawn as Appointed - Indigent Defendant for Defendant Allah Jerome Mallory	
10/07/2019	92	Attorney appearance On this date Matthew D Spurlock, Esq. added as Appointed - Appellate Action for Defendant Allah Jerome Mallory	
10/24/2019		Appeal for review of sentence entered at the Appellate Division: Originating Court: Plymouth County Receiving Court: Suffolk County Criminal Case Number: 1984AD393-PL ;	



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01/03/2020		CD of Transcript of 09/10/2018 09:00 AM Motion Hearing, 01/11/2019 09:00 AM Final Pre-Trial Conference, 03/25/2019 09:00 AM Conference to Review Status, 08/12/2019 09:00 AM Final Trial Conference, 08/15/2019 09:00 AM Conference to Review Status, 08/19/2019 09:00 AM Conference to Review Status, 08/20/2019 09:00 AM Jury Trial, 08/21/2019 09:00 AM Jury Trial, 08/22/2019 09:00 AM Jury Trial, 08/23/2019 09:00 AM Jury Trial, 08/26/2019 09:00 AM Jury Trial, 08/29/2019 09:00 AM Jury Trial, 09/03/2019 09:00 AM Jury Trial, 09/04/2019 09:00 AM Jury Trial, 09/05/2019 09:00 AM Jury Trial, 09/10/2019 09:00 AM Hearing for Sentence Imposition received from FTR-Shari Riemer.
05/14/2020		CD of Transcript of 12/05/2017 09:00 AM Jury Trial, 02/01/2018 09:00 AM Motion Hearing received from Barbara St. Charles.
05/20/2020		CD of Transcript of 09/12/2017 09:00 AM Non-Evidentiary Hearing on Suppression, 11/08/2017 09:00 AM Evidentiary Hearing on Suppression received from John Russo.
10/06/2020	93	One (1) copy of docket entries, original copy of transcript, one (1) copy of notice of assembly issued to parties, one (1) copy of exhibit list and list of documents, and copy of the notice of appeal, each transmitted electronically to clerk of appellate court
10/06/2020	94	Notice to Clerk of the Appeals Court of Assembly of Record
10/06/2020	95	Notice of assembly of record sent to Counsel
10/06/2020	96	Appeal entered in Appeals Court on 10/06/2020 docket number 2020-P-1133
10/21/2020	97	Notice of docket entry received from Appeals Court RE#4: The defendant is granted leave to file, and the trial court to consider, a motion for new trial. Appellate proceedings stayed to 11/23/2020. Status report due then as to the filing and disposition of the motion.
02/08/2021	99	Defendant 's Motion For New Trial Case sent to Plymouth - Hallal,J
02/10/2021	98	Notice of docket entry received from Appeals Court RE#7: Appellate proceedings stayed to 3/8/2021. Status report due then regarding disposition of the new trial motion recently filed in the trial court.
02/17/2021	100	Defendant 's Motion for Discovery pursuant to Mass. R. Crim. P. 30
03/04/2021		Case sent to Plymouth Superior - BROCKTON Location.
03/04/2021		Notice to Justice, ADA and defense counsel of defendant's motion for a new trial and motion for discovery
03/05/2021	101	Defendant 's Motion to issue process for subpoena ad testificandum and subpoena duces tecum pursuant to G.L.c 233(13) & Mass.R.Crim.P.30(d)(4) with affidavit of counsel in support, certificate of materiality 4/16/21 - Emailed to J.Gildea
03/05/2021	102	Affidavit of of Allah Mallory to disclose Google Account Records of Allah Mallory



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03/08/2021	103	Notice of docket entry received from Appeals Court RE#8: Appellate proceedings stayed to 04/08/2021. Status report due then regarding disposition of the defendant's new trial motion.	
03/18/2021	104	Order from Appellate Division of the Superior Court for the Review of Sentence it is ORDERED: That the judgments imposing said sentences stand and that said appeal be and is hereby dismissed.	
04/08/2021	105	Notice of docket entry received from Appeals Court RE#9: Appellate proceedings stayed to 05/12/2021. Status report due then regarding disposition of the defendant's new trial motion.	
04/13/2021	106	ORDER: Commonwealth has 30 days to file opposition to motion for new trial Judge: Gildea, Hon. Mark	Gildea
04/26/2021	107	Habeas Corpus for defendant issued to MCI - Norfolk returnable for 04/29/2021 09:00 AM Conference to Review Status. **HEARING TO BE HELD VIA ZOOM** ** ZOOM ID: 160 4848 5585	
04/29/2021	108	Habeas Corpus for defendant issued to MCI - Norfolk returnable for 05/03/2021 09:00 AM Conference to Review Status. **HEARING TO BE HELD VIA ZOOM. ZOOM ID 160 901 7188**	
04/29/2021		Event Result:: Conference to Review Status scheduled on: 04/29/2021 09:00 AM Has been: Held as Scheduled Comments: Case continued to May 3, 2021 at 9:00am in the 3rd criminal session via Zoom before Gildea, J. Hon. Mark Gildea, Presiding	Gildea
04/29/2021	109	Defendant 's Motion for Mass R. Crim P. 30 summons; filed and allowed (Gildea,J)	
04/29/2021	110	Defendant 's Motion Motion For Mass. R. Crim. P. 30 Summons	
05/03/2021		Event Result:: Conference to Review Status scheduled on: 05/03/2021 09:00 AM Has been: Held as Scheduled Comments: 1. Commonwealth to issue request to Police for records. 2. Motion for records of Google (paper 101) is allowed) 3. Portions of this hearing were not recorded as the FTR system crashed mid hearing. Case continued to June 11 2021 at 9:00 for further status. Hon. Mark Gildea, Presiding	Gildea
05/10/2021	110	Habeas Corpus for defendant issued to MCI - Norfolk returnable for 05/11/2021 09:00 AM Conference to Review Status. **HEARING TO BE HELD VIA ZOOM. ZOOM ID: 160 901 7188	



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05/11/2021		<p>Event Result:: Conference to Review Status scheduled on: 05/11/2021 09:00 AM Has been: Held as Scheduled Comments: 1. Court reconstructs the portions of the record that were not recorded on the last date due to a failure in FTR.</p> <p>2. Court orders that the Certificate of Materiality for the "google" records be executed and sent to counsel for service upon google.</p> <p>3. Court orders that the R.30 records order upon Verizon be executed and issued. Hon. Mark Gildea, Presiding</p>	Gildea
05/13/2021	111	Finding by Court: Certificate of materiality of judge of the Commonwealth of Massachusetts to secure attendance or documents from out of state witness, custodian of records, Google LLC, to testify in criminal prosecution in Massachusetts	Gildea
05/13/2021	112	ORDER for Cell Phone Records for from Verizon	Gildea
05/13/2021	113	<p>Notice and Summons (Dwyer) issued to Keeper of Records Verizon of to produce records by 06/11/2021 to the Clerk of the Superior Court. Subscriber Records: Monthly charge and billing records for the mobile numbers, (508) 933-5969 (account # 988467665-0001) and (508) 930-5472 (account #988467665-001):</p> <p>1. (508) 933-5969: Billing records including for incoming and outgoing calls for the months of March and April 2016.</p> <p>2. (508) 930-5472: Billing records including for incoming and outgoing calls for the months of March and April 2016.</p> <p>Judge: Gildea, Hon. Mark</p>	Gildea
05/21/2021	114	Commonwealth 's Memorandum in OPPOSITION to the Defendant's motion for a new trial	
06/08/2021	115	Habeas Corpus for defendant issued to MCI - Norfolk returnable for 06/11/2021 09:00 AM Conference to Review Status. Via Zoom, Zoom ID 160 901 7188	
06/09/2021		Docket Note: On May 21, 2021, Brockton Police file a sealed envelope containing material related to defendant's post trial discovery. Due to the nature of that information, the envelope is left sealed and is locked in the office safe. On June 10, 2021, the documents were delivered in hand to Judge Gildea in Barnstable Superior Court still sealed in the envelope.	Griffin



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06/11/2021		<p>Event Result:: Conference to Review Status scheduled on: 06/11/2021 09:00 AM Has been: Held as Scheduled Comments: Google has responded that there are no records responsive to that request.</p> <p>Case continued to review the other documetnation in person in Plymouth. Judge Gildea will review his schedule and provide a best date to be distributed to counsel. Hon. Mark Gildea, Presiding</p>	Gildea
06/14/2021		Business Records received from Google Inc.	
07/23/2021	116	<p>MEMORANDUM & ORDER:</p> <p>for the foregoing reasons, it is ORDERED that the Defendant's motion for a new trial be DENIED</p> <p>Judge: Gildea, Hon. Mark</p> <p>7/23/21 cc: B.F. & M.S.</p>	Gildea
07/23/2021		<p>Endorsement on Defendant's motion for new trial, (#99.0): DENIED</p> <p>Judge: Gildea, Hon. Mark</p>	Gildea
07/23/2021	117	Defendant 's Reply to the Commonwealth's opposition to the Defendant's Motion for a New Trial	
08/19/2021	118	Defendant 's Motion for reconsideration third affidavit of post-conviction counsel, memorandum in support	
10/08/2021	119	Defendant 's Motion for Discovery - RENEWED AND AMENDED (Sent to J. Gildea in Barnstable)	
10/29/2021		Case sent to Plymouth Superior - BROCKTON Location.	
11/08/2021	120	<p>Notice of docket entry received from Appeals Court With respect to the Motion of Appellant to stay appellate proceedings filed for Allah Jerome Mallory by Attorney Matthew Spurlock. (Paper #15), on November 8, 2021, the following order entered on the docket: RE#15: The status report is accepted for filing. Appellate proceedings are further stayed to 01/10/2022 by when a status report is due concerning disposition of the defendant's motions for reconsideration of the denial of his new trial motion and for post-conviction discovery.</p>	
01/10/2022	121	<p>Notice of docket entry received from Appeals Court RE#16: Appellate proceedings are further stayed to 02/09/2022, by when a status report is due concerning the disposition of the motions pending in the trial court.</p>	
02/10/2022	122	<p>Habeas Corpus for defendant issued to MCI - Norfolk returnable for 02/11/2022 02:00 PM Motion Hearing. Hearing to be held via Zoom: Meeting ID: 160.563.3573 / NO PW</p>	



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02/11/2022		<p>Event Result:: Motion Hearing scheduled on: 02/11/2022 02:00 PM Has been: Held as Scheduled</p> <p>Comments:</p> <p>Court conducts a Zoom conference. Recorded in the 2nd Criminal Session in Brockton. Defendant is present in Zoom. ADA Herron and Atty Spurlock present by Zoom. Judge Gildea also present by Zoom.</p> <p>Counsel reiterates the state of the case from his perspective and for the benefit of ADA Herron who is newly appearing on the matter and the court orders a hearing on March 17, 2021 at 2:00 in person on the pending motion for post trial discovery.</p> <p>Hon. Mark Gildea, Presiding</p>	Gildea
02/15/2022	123	<p>Notice of docket entry received from Appeals Court RE #17: Appellate proceedings are further stayed to 3/11/2022, by when a status report is due concerning the disposition of the motions pending in the trial court, including whether the hearing occurred on 2/11/22 as anticipated. (Ent 2/9/22)</p>	
03/10/2022	124	<p>Habeas Corpus for defendant issued to MCI - Norfolk returnable for 03/17/2022 02:00 PM Motion Hearing. Please transport defendant IN PERSON</p>	
03/16/2022	125	<p>Opposition to to the defendant's motion to reconsider the denial of the defendant's motion for new trial filed by Commonwealth</p>	
03/17/2022		<p>Matter taken under advisement: Motion Hearing scheduled on: 03/17/2022 02:00 PM Has been: Held - Under advisement Comments: FTR Hon. Mark Gildea, Presiding</p>	Gildea
03/23/2022	126	<p>Matthew D Spurlock, Esq.'s Supplemental, Memorandum in support of discovery motions</p>	
04/11/2022	127	<p>Notice of docket entry received from Appeals Court With respect to the Status Report filed for Allah Jerome Mallory by Attorney Matthew Spurlock (Paper #19), on April 11, 2022, the following entry was made on the docket: RE#19: Appellate proceedings are further stayed to 5/11/22, by when a status report is due concerning the disposition of the motions pending in the trial court, following the 3/17/22 hearing on the motions and subsequent filing of supplemental memoranda. Notice/attest</p>	



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05/13/2022	128	<p>Notice of docket entry received from Appeals Court RE: No. 2022-P-1133 Please take note that, with respect to the Status Report filed for Allah Jerome Mallory by Attorney Matthew Spurlock (Paper #20), on May 13, 2022, the following entry was made on the docket of the above-referenced case: RE#20: Appellate proceedings STAYED to 6/10/2022. Status report due then concerning the disposition of the motions pending in the trial court, following the 3/17/2022 hearing on the motions and subsequent filing of supplemental memoranda. *Notice/attest.</p>	
06/13/2022	129	<p>Notice of docket entry received from Appeals Court with respect to the Status Report filed for Allah Jerome by Attorney Matthew Spurlock (paper #21), on June 13, 2022, the following entry was made: RE#21: Appellate proceedings STAYED to 07/11/22. Status report due then concerning the disposition of the motions pending in the trial court, following the 03/17/22 hearing on the motions and subsequent filing of supplemental memoranda.</p>	
07/11/2022	130	<p>Notice of docket entry received from Appeals Court RE#22: Appellate proceedings STAYED to 08/11/2022. Status report due then concerning the disposition of the motions pending in the trial court.</p>	
08/09/2022	131	<p>Notice of docket entry received from Appeals Court RE#23: Appellate proceedings STAYED to 09/12/2022. Status report due then concerning the disposition of the motions pending in the trial court. *Notice/attest/Gildea, J.</p>	
08/10/2022	132	<p>ORDER: The defendant's motion is ALLOWED and the parties shall appear for hearing on the defendant's Motion for New Trial, as scheduled by the clerk's office copies sent Aug 10,2022</p> <p>Judge: Gildea, Hon. Mark</p>	Gildea
08/10/2022	133	<p>Notice sent to counsel about motion hearing before Judge Gildea in Barnstable Superior Court scheduled for September 22,2022 at 2:00PM</p>	
08/10/2022	134	<p>Habeas Corpus for defendant issued to MCI - Norfolk returnable for 09/22/2022 02:00 PM Motion Hearing. IN PERSON HEARING BE THERE BY 1:00PM BEFORE JUDGE GILDEA IN BARNSTABLE SUPERIOR COURT</p>	
09/19/2022	135	<p>Habeas Corpus for defendant issued to MCI - Concord returnable for 09/22/2022 02:00 PM Motion Hearing. IN PERSON HEARING BE THERE BY 1:00PM BEFORE JUDGE GILDEA IN BARNSTABLE SUPERIOR COURT</p>	
09/20/2022		<p>Event Result:: Motion Hearing scheduled on: 09/22/2022 02:00 PM Has been: Canceled For the following reason: By Court prior to date Comments: Judge Gildea on trial. Hon. Mark Gildea, Presiding</p>	Gildea



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09/21/2022	136	<p>Notice Preceding Dismissal from the Appeals Court</p> <p>In accordance with Massachusetts Appeals Court Rule 19.0 Dismissals of Appeals and Reports in all Cases for Lack of Prosecution (copy enclosed), you are hereby given notice that the above-referenced appeal shall be dismissed for lack of prosecution for the following reasons: Brief/appendix not received or status report not filed. Please note that the appeal is not dismissed at this time, but should no action be taken as outlined in M.A.C. Rule 19.0 (a)-(b) the dismissal process will move forward in 21 days from the date of issuance of this notice.</p>
10/06/2022	137	<p>Notice of docket entry received from Appeals Court</p> <p>RE#24: Appellate proceedings STAYED to 11/10/2022. Status report due then concerning the disposition of the motions pending in the trial court.</p>
10/17/2022		<p>Attorney appearance</p> <p>On this date Jason David Herron, Esq. added as Attorney for the Commonwealth for Prosecutor Plymouth County District Attorney</p>
10/17/2022		<p>Attorney appearance</p> <p>On this date Brian S Fahy, Esq. dismissed/withdrawn as Attorney for the Commonwealth for Prosecutor Plymouth County District Attorney</p>
11/10/2022	138	<p>Notice of Entry of appeal received from the Appeals Court</p> <p>RE#25: Appellate proceedings STAYED to 12/12/2022. Status report due then concerning the disposition of the motions pending in the trial court.</p> <p>Notice/attest/Gildea, J.</p>
12/08/2022		<p>Event Result:: Hearing on Motion for New Trial scheduled on: 12/09/2022 10:00 AM Gildea</p> <p>Has been: Canceled For the following reason: By Court prior to date</p> <p>Comments: Judge Gildea unavailable. Hearing moved to 1/27/23 at 9:00.</p> <p>Hon. Mark Gildea, Presiding</p>
12/13/2022	139	<p>Notice of docket entry received from Appeals Court</p> <p>RE#26: Appellate proceedings STAYED to 01/13/2023. Status report due then concerning the disposition of the motions pending in the trial court, heard on 03/17/2022. Notice/attest/Gildea, J.</p>
01/23/2023	140	<p>Habeas Corpus for defendant issued to MCI - Concord returnable for 01/27/2023 09:00 AM Hearing on Motion for New Trial.</p>
01/25/2023		<p>Event Result:: Hearing on Motion for New Trial scheduled on: 01/27/2023 09:00 AM Gildea</p> <p>Has been: Rescheduled For the following reason: By Court prior to date</p> <p>Comments: Moved to 2/1/23 at 10:00 AM</p> <p>Hon. Mark Gildea, Presiding</p>
01/25/2023	141	<p>Habeas Corpus for defendant issued to MCI - Cedar Junction (at Walpole) returnable for 02/01/2023 10:00 AM Motion Hearing. PLEASE TRANSPORT DEFENDANT TO COURT BY 9:00 A.M.</p>
01/31/2023	142	<p>Habeas Corpus for defendant issued to MCI - Concord returnable for 02/01/2023 10:00 AM Motion Hearing. PLEASE TRANSPORT DEFENDANT TO COURT BY 9:00 A.M.</p>



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02/01/2023		Event Result:: Motion Hearing scheduled on: 02/01/2023 10:00 AM Has been: Rescheduled For the following reason: Transferred to another session Hon. William F Sullivan, Presiding	Sullivan
02/15/2023		Event Result:: Conference to Review Status scheduled on: 02/15/2023 03:00 PM Has been: Held as Scheduled Hon. Mark Gildea, Presiding	Gildea
03/06/2023		Event Result:: Hearing on Motion for New Trial scheduled on: 03/10/2023 09:00 AM Has been: Rescheduled For the following reason: By Court prior to date Conrod Boone, Presiding	Boone
03/07/2023		Event Result:: Hearing on Motion for New Trial scheduled on: 03/24/2023 09:00 AM Has been: Rescheduled For the following reason: Request of Commonwealth Conrod Boone, Presiding	Boone
03/14/2023		Event Result:: Hearing on Motion for New Trial scheduled on: 03/28/2023 09:00 AM Has been: Rescheduled For the following reason: Transferred to another session Hon. William F Sullivan, Presiding	Sullivan
03/23/2023	143	Habeas Corpus for defendant issued to MCI - Concord returnable for 03/28/2023 09:00 AM Hearing on Motion for New Trial. PLEASE TRANSPORT DEFENDANT TO COURT	
03/27/2023	143.1	Notice of docket entry received from Appeals Court RE#29: Appellate proceedings STAYED to 05/22/2023. Status report due then or within 7 days of disposition of the motions pending in the trial court, whichever date is sooner.	
03/28/2023		Event Result:: Hearing on Motion for New Trial scheduled on: 03/28/2023 09:00 AM Has been: Held as Scheduled Hon. Mark Gildea, Presiding	Gildea
03/28/2023	144	Habeas Corpus for defendant issued to MCI - Concord returnable for 04/21/2023 09:00 AM Conference to Review Status. be here by 8:30am Applies To: Mallory, Allah Jerome (Defendant); MCI - Concord (Holding Institution)	
03/28/2023	145	Habeas Corpus for defendant issued to MCI - Concord returnable for 05/26/2023 09:00 AM Hearing on Motion for New Trial. Be here by 8:30am Applies To: Mallory, Allah Jerome (Defendant); MCI - Concord (Holding Institution)	
04/20/2023		Event Result:: Conference to Review Status scheduled on: 04/21/2023 09:00 AM Has been: Rescheduled For the following reason: By Court prior to date Conrod Boone, Presiding	Boone



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04/20/2023	146	Habeas Corpus for defendant issued to MCI - Concord returnable for 05/19/2023 10:00 AM Conference to Review Status. Please be here by 9:00am	
05/18/2023		Event Result:: Conference to Review Status scheduled on: 05/19/2023 10:00 AM Has been: Not Held For the following reason: Not reached by Court Hon. Mark Gildea, Presiding	Gildea
05/25/2023		Event Result:: Hearing on Motion for New Trial scheduled on: 05/26/2023 09:00 AM Has been: Not Held For the following reason: Transferred to another session Hon. Mark Gildea, Presiding	Gildea
05/26/2023	146.1	RESTRICTED INFORMATION - Confidential Discovery (SEALED) (Given to Gildea, J. 5/26/23)	
05/26/2023	147	RESTRICTED INFORMATION - Allah Jerome Mallory's Memorandum in support of new trial (supplemental) (Given to Gildea, J. 5/26/23)	
05/26/2023		Event Result:: Hearing on Motion for New Trial scheduled on: 05/26/2023 10:00 AM Has been: Held as Scheduled Comments: Commonwealth filed documents under seal Defendant filed impounded supplemental pleading for motion for new trial. Commonwealth to provide additional documentation under seal to the Court. Matter continued for evidentiary "Franks" hearing to June 26, 2023 at 2:00p.m. before Gildea, J. at Plymouth Superior Court Habe to issue to MCI Concord Hon. Mark Gildea, Presiding	Gildea
05/26/2023	148	Habeas Corpus for defendant issued to MCI - Concord returnable for 06/26/2023 02:00 PM Hearing on Motion for New Trial. (Franks Hearing)	Gildea
06/05/2023	148.1	Attorney appearance On this date Jason Green, Esq. added as Private Counsel for Defendant Allah Jerome Mallory	
06/07/2023		Event Result:: Hearing on Motion for New Trial scheduled on: 06/26/2023 02:00 PM Has been: Rescheduled For the following reason: Transferred to another session Hon. Mark Gildea, Presiding	Gildea
06/13/2023		Event Result:: Hearing on Motion for New Trial scheduled on: 06/26/2023 02:00 PM Has been: Rescheduled For the following reason: By Court prior to date Hon. Mark Gildea, Presiding	Gildea
06/13/2023	149	Habeas Corpus for defendant issued to MCI - Concord returnable for 07/18/2023 10:00 AM Hearing on Motion for New Trial.	



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06/29/2023	150	Defendant 's Motion to Clarify the Protective Order	
07/14/2023	151	Opposition to providing further documents under seal filed by Commonwealth	
07/14/2023	152	Commonwealth 's Response to the Defendant's motion to clarify protective order	
07/17/2023	153	Habeas Corpus for defendant issued to MCI - Concord returnable for 07/18/2023 10:00 AM Hearing on Motion for New Trial. Please be here by 9:00am	
07/18/2023	154	Defendant 's Response to the Commonwealth's untimely opposition and motion to reconsider the court's order to produce documents for in camera review	
07/18/2023		After hearing case continued to 08/29/2023 at 2:00 p.m. for Motion Hearing. Commonwealth's argument is due by 08/06/2023. (Gildea, J) (FTR)	Gildea
07/20/2023	155	Defendant 's Motion for funds for expedited transcript of sealed Franks hearing	
07/21/2023	156	Court Reporter FTR is hereby notified to prepare one copy of the transcript of the evidence of 07/18/2023 10:00 AM Hearing on Motion for New Trial	
07/24/2023	157	ORDER: for expedited transcript of sealed hearing Judge: Gildea, Hon. Mark	Gildea
08/04/2023		RESTRICTED INFORMATION - CD of Transcript of 07/18/2023 10:00 AM Hearing on Motion for New Trial received from Susan Lobie, CET.	
08/29/2023		Case continued by agreement to August 30, 2023 at 3:30 p.m. for further hearing regarding exhibits	Gildea
08/30/2023		Commonwealth and defendant shall file any supplemental memoranda no later than 9/29/23 Case continued by agreement to October 5, 2023 at 2:30 p.m. for hearing	Gildea
09/29/2023	158	Defendant's Memorandum in Support of Franks Motion	
09/29/2023	159	Commonwealth 's memorandum in opposition to the defendant's motion for new trial (filed under seal)	
09/29/2023	160	Defendant 's memorandum in support of Frank's Motion (Filed under seal)	
10/04/2023	161	Habeas Corpus for defendant issued to MCI - Concord returnable for 10/05/2023 02:30 PM Motion Hearing.	
10/05/2023		Matter taken under advisement: Motion Hearing scheduled on: 10/05/2023 02:30 PM Has been: Held - Under advisement Hon. Mark Gildea, Presiding	Gildea
10/05/2023	161.1	Affidavit of Post Conviction Counsel	
12/21/2023	162	Notice of docket entry received from Appeals Court RE#34: Appellate proceedings stayed to 01/22/24. Status report due then concerning trial court's disposition of pending motion for new trial following hearing on 10/5/23. *Notice/attest/Gildea, J.	



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12/28/2023		<p>Endorsement on Defendant's motion for a new trial, (#99.0): Other action taken</p> <p>It is ordered that the parties submit supplemental briefs specific to the issues raised herein. See memorandum of decision</p> <p>Judge: Gildea, Hon. Mark</p>	Gildea
12/28/2023	163	RESTRICTED INFORMATION - ORDER: Memorandum of Decision and order on Defendant's motion for a new trial	Gildea
01/22/2024	164	<p>Notice of docket entry received from Appeals Court</p> <p>RE#35: Appellate proceedings STAYED to 02/23/2024. Status report due then concerning the disposition of the new trial motion including whether supplemental briefing has concluded. *Notice.</p>	
02/05/2024	165	Status Report and Proposed Briefing Schedule	
02/06/2024		<p>Endorsement on Defendant's Status Report and Proposed Briefing Schedule, (#165.0): This briefing schedule is approved. Defendant to file its brief by end of business 2/29/24 and Commonwealth to file its reply brief by end of business 3/29/24.</p> <p>Judge: Gildea, Hon. Mark</p>	Gildea
02/27/2024	165.1	<p>Notice of docket entry received from Appeals Court</p> <p>Please take note that, with respect to the Status Report filed for Allah Jerome Mallory by Attorney Matthew Spurlock. (Paper #36), on February 27, 2024, the following entry was made on the docket:</p> <p>RE#36: Appellate proceedings STAYED to 04/23/2024. Status report due then concerning the disposition of the new trial motion including whether supplemental briefing has concluded.</p>	
02/29/2024	166	Defendant's Renewed and Amended motion for a new trial	
02/29/2024	167	Defendant 's Motion to file supplemental memorandum pursuant to protective order	
02/29/2024	168	Supplemental Memorandum in support of New Trial Motion	
03/28/2024	169	Commonwealth 's Motion to extend time for filing response to this court's order for supplemental briefing	
03/29/2024		Endorsement on Motion to extend time for filing response to this court's order for supplemental briefing, (#169.0): ALLOWED	Gildea
04/12/2024	170	Commonwealth 's Motion to file its April 12, 2024 filings pursuant to the protective order of this Court issued on May 28, 2023	
04/12/2024	171	Commonwealth's briefing on the issues of staleness and ineffective assistance of counsel and opposition to the defendant's newly presented claims for relief	
04/12/2024	172	Commonwealth 's Motion to reopen evidence on the defendant's motion for new trial	
04/12/2024	173	Commonwealth 's Motion to conduct a limited search of trial exhibit 5: A Samsung Phone	



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04/23/2024	173.1	<p>Notice of docket entry received from Appeals Court with respect to the Status Report filed for Allah Jerome Mallory by Attorney Matthew Spurlock. (Paper #37), on April 23, 2024, the following entry was made on the docket:</p> <p>RE#37: Appellate proceedings STAYED to 6/24/2024. Status report due then concerning the disposition of the Commonwealth's motion to reopen the evidence related to the Rule 30 motion, and disposition of the new trial motion.</p>	
04/25/2024	174	RESTRICTED INFORMATION - Defendant 's Motion to file under protective order(copy sent to Judge Gildea)	
04/25/2024	175	RESTRICTED INFORMATION - Defendant 's Response (copy sent to Judge Gildea)	
04/25/2024	176	RESTRICTED INFORMATION - Opposition to Commonwealth's Untimely Motion to Reopen Evidence filed by Defendant(copy sent to Judge Gildea)	
06/28/2024	177	<p>Notice of docket entry received from Appeals Court</p> <p>RE#38: Appellate proceedings STAYED to 07/24/2024. Status report due then concerning the disposition of the Commonwealth's motion to reopen the evidence related to the Rule 30 motion, and disposition of the new trial motion</p>	
07/24/2024	178	<p>Notice of docket entry received from Appeals Court</p> <p>RE#39: Appellate proceedings STAYED to 08/26/2024. Status report due then concerning the disposition of the Commonwealth's motion to reopen the evidence related to the Rule 30 motion, and disposition of the Rule 30 motion. *Notice.</p>	
09/04/2024		<p>Attorney appearance</p> <p>On this date Julianne Campbell, Esq. added for Prosecutor Plymouth County District Attorney</p>	
09/04/2024	179	<p>RESTRICTED INFORMATION - MEMORANDUM & ORDER:</p> <p>Memorandum of Decision and Order on Defendant's Motion for New Trial; For the foregoing reasons, it is ORDERED that the defendant's Motion for New Trial be DENIED.</p> <p>9/4/24 cc: JH, JC, MDS</p> <p>Judge: Gildea, Hon. Mark</p>	Gildea
09/04/2024		<p>RESTRICTED INFORMATION - Endorsement on Renewed and Amended Motion for a New Trial, (#166.0): DENIED</p> <p>See Memorandum of Decision and Order dated Sept. 4, 2024.</p>	Gildea
09/04/2024	180	<p>Notice of docket entry received from Appeals Court</p> <p>RE#40: Appellate proceedings STAYED to 10/03/2024. Status report due then concerning the disposition of the motion for new trial. *Notice.</p>	
10/01/2024	181	<p>Notice of appeal filed. (Re: Denial of Motion for New Trial)</p> <p>Applies To: Mallory, Allah Jerome (Defendant)</p>	



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10/01/2024	184	ORDER: to produce transcripts of the hearings dated March 23, 2023 and May 26,2023	Gildea
		Judge: Gildea, Hon. Mark	
10/03/2024	182	Notice sent to parties re: Notice of Appeal filed cc: MS, JH, JC	
10/03/2024	183	Notice of docket entry received from Appeals Court RE#41: Appellate proceedings are STAYED to 11/04/2024. Status report due then concerning the status of the assembly of the record on the appeal from the denial of the defendant's motion for new trial. *Notice.	
11/06/2024	185	Notice of docket entry received from Appeals Court Please take note that, with respect to the Status Report filed for Allah Jerome Mallory by Attorney Matthew Spurlock. (Paper #42), on November 6, 2024, the following entry was made on the docket: RE#42: Appellate proceedings are STAYED to 12/4/2024. Status report due then concerning the status of the assembly of the record on the appeal from the denial of the defendant's motion for new trial. *Notice	
12/02/2024	186	Notice of docket entry received from Appeals Court Please take note that, with respect to the Status Report filed for Allah Jerome Mallory by Attorney Matthew Spurlock. (Paper #43), on December 2, 2024, the following entry was made on the docket: RE#43: Appellate proceedings are stayed to 1/31/25. Status report due then or within 7 days of entry of the appeal from the denial of the defendant's motion for new trial. Upon entry of the related appeal, the defendant is to file a motion to consolidate the appeals on both Appeals Court dockets. *Notice	
01/15/2025		CD of Transcript of 07/18/2023 10:00 AM Hearing on Motion for New Trial received from Susan M. Lobie, CET.	
01/15/2025		CD of Transcript of 10/05/2023 02:30 PM Motion Hearing received from Barbara A. Reardon, CET.	
01/15/2025		CD of Transcript of 05/03/2021 09:00 AM Conference to Review Status, 05/11/2021 09:00 AM Conference to Review Status, 06/11/2021 09:00 AM Conference to Review Status, 03/17/2022 02:00 PM Motion Hearing, 03/28/2023 09:00 AM Hearing on Motion for New Trial, 05/26/2023 10:00 AM Hearing on Motion for New Trial, 08/30/2023 03:30 PM Motion Hearing, 02/11/2022 02:00 PM Motion Hearing received from Maryann V. Schofield.	

CERTIFICATE OF COMPLIANCE

I hereby certify that this application for direct appellate review complies with Mass. R.A.P. 11 and 20(a). The application is set in 14-point Athelas font and its argument section contains 1,969 words.

/s/ Matthew Spurlock
Matthew Spurlock

COMMITTEE FOR PUBLIC
COUNSEL SERVICES
Public Defender Division
109 Main Street #201
Northampton, Massachusetts 01060
(617) 910-5727
mspurlock@publiccounsel.net
BBO #601156

July 2, 2025

CERTIFICATE OF SERVICE

Pursuant to Mass. R.A.P. 13(e), I hereby certify that I have made service of this application for direct appellate review upon the attorney of record for the Commonwealth by Electronic Filing System on:

Arne Hantson
Plymouth County District Attorney's Office
166 Main Street
Brockton, MA 02401

/s/ Matthew Spurlock
Matthew Spurlock

COMMITTEE FOR PUBLIC
COUNSEL SERVICES
Public Defender Division
109 Main Street #201
Northampton, Massachusetts 01060
(617) 910-5727
mspurlock@publiccounsel.net
BBO #601156

July 2, 2025