

COMMONWEALTH OF MASSACHUSETTS
SUPREME JUDICIAL COURT

HAMPDEN, SS

DAR NO 31074
A.C. NO. 2026-P-0527

COMMONWEALTH OF MASSACHUSETTS,
Plaintiff-Appellee

v.

AYYUB ABDUL-ALIM
Defendant-Appellant

DEFENDANT/APPELLANT'S
APPEAL FROM AN ORDER DENYING DEFENDANT/APPELLANT'S MOTION
FOR POSTCONVICTION RELIEF BY THE HAMPDEN DIVISION OF THE
SUPERIOR COURT DEPARTMENT

APPLICATION FOR DIRECT APPELLATE REVIEW

JAMES B. KRASNOO (BBO # 279300)
KRASNOO, KLEHM and FALKNER, LLP
28 ANDOVER STREET, SUITE 240
ANDOVER, MA 01810
Telephone (978)-475-9955
Facsimile (978)-474-9005
Cell (978)-337-2998
jkrasnoo@kkf-attorneys.com

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REQUEST FOR DIRECT APPELLATE REVIEW

Pursuant to Mass. R. App. P. 11, Defendant-Appellant Ayyub Abdul-Alim hereby requests direct appellate review.

STATEMENT OF PRIOR PROCEEDINGS

Abdul-Alim was charged in four counts with possessing on December 18, 2011; (1) and (2) rifles without a firearms identification card, (3) ammunition without an FID card, (1)-(3) violating G.L. c. 269 § 10(h), and (4) a large capacity feeding device, violating G.L. c. 269 §10(m).

Abdul-Alim filed many pretrial motions, including motions to dismiss and to suppress.

On November 12, 2014, Abdul-Alim had evidentiary hearings on Motions to Suppress, at which defendant's "wife," Siham Stewart and Springfield police officer Ronald Sheehan testified and August 9, 2016 at which FBI Special Agent James Hisgen and Sheehan testified. A hearing on August 14, 2017 concerned three motions to dismiss. On April 9, 2018, Judge Page, the trial judge, heard various motions one of which addressed the admissibility of a prior certified conviction of the defendant. At that hearing both Stewart and Abdul-Alim testified

about their “marriage” and Corporal Ramon Silva, a Gang Intelligence Officer, testified about the physical location of the visiting room at Ludlow House of Correction where Stewart and Abdul-Alim met.

Jury-waived trial began on May 2, 2018, concluding in guilty verdicts on May 7, 2018 and in sentencing on May 21, 2018, to not less than four years nor more than seven years, concurrent on all four counts.

On May 29, 2018, Abdul-Alim timely appealed. Given leave to file a motion for new trial he filed on December 20, 2021 his Consolidated Motion for New Trial in this case 1479CR00007.

After three evidentiary hearings, on October 30, 2023 of Attorney Daniel Kelly, Abdul-Alim’s pretrial and trial attorney, on November 6, 2023 of Abdul-Alim and on November 13, 2023 of Thomas Robinson, Adul-Alim’s predecessor attorney to Abdul-Alim, Judge Hodge on January 10, 2024 granted Abdul-Alim’s motions for new trials in both cases in his Order.

Judge Hodge granted a new trial on the first three counts of the indictments because, under *Commonwealth v. Guardado*, 493 Mass. 1

(2023), the Commonwealth failed to present evidence at trial that Abdul-Alim was unlicensed. As to Count 4, Judge Hodge found the Commonwealth failed to provide sufficient evidence at trial to prove beyond a reasonable doubt he knowingly possessed a large capacity feeding device. The Commonwealth timely filed its notice of appeal only as to Count 4 of the Indictment; Appeals Court (AC) Docket no. 2024-P-0178. On January 17, 2025, the AC, in summary decision vacated the defendant's conviction on Count 4. *Commonwealth v. Abdul-Alim*, 105 Mass. App. Ct. 1110 (2025), 2025 Mass. App. Unpub. LEXIS 35, *1,4-5. Application for further appellate review, FAR-30203, was denied on March 14, 2025.

To Counts 1, 2 and 3, on April 17, 2025, the Commonwealth filed its nol-prosequi stating in part: “The Commonwealth...does not intend to prosecute counts 1, 2 and 3, of the above-captioned indictment...[I]t is not in the interests of justice to continue prosecution of these counts.”

On July 2, 2025, Abdul-Alim moved to amend his consolidated motion.

On January 5, 2026, Judge Hodge issued his Memorandum and Order, (Memo), denying two of three grounds Abdul-Alim asserted for post-conviction relief; Abdul-Alim objected. His Memo, at pp. 3-4 addressing Abdul-Alim's argument for post-conviction relief that "the Commonwealth was required to have proven at trial that the defendant did not have a license to carry a firearm in order to convict him for violating G.L. c. 269, § 10(m)," noted proof was statutorily expressly required and was part of the Superior Court Model Jury Instructions published on November 13, 2024 and applicable to 10(m) violations occurring before October 2, 2024. He concluded:

"therefore, that proof of the lack of a valid firearms license was an essential element of the defendant's offense of unlawful possession of a large capacity feeding device and that the Commonwealth had the burden of proving that element beyond a reasonable doubt. See G.L. c. 269, § 10(m)."

Judge Hodge at Memo, pp. 4-5 then directed the parties to file written submissions. Abdul-Alim timely responded on January 23, 2026; the Commonwealth moved to reconsider on January 28, 2026; Abdul-Alim opposed reconsideration on February 11, 2026. In its motion the Commonwealth conceded the following (emphasis supplied):

...the Commonwealth also states that, pursuant to the Court's order for the Commonwealth to state its position regarding whether there was trial evidence that establishes that the defendant was a person prohibited from having a license to carry a firearm, there was no evidence adduced during the evidentiary phase of the trial that clearly established that the defendant had prior convictions that rendered him legally ineligible to have a license. Further, the commonwealth states that the insufficiency of the evidence adduced at trial inherently creates a substantial risk of a miscarriage of justice; accordingly, it appears that insufficient trial evidence with respect to an essential element of proof cannot be non-prejudicial error or error that is harmless beyond a reasonable doubt.

On February 26, 2026, Judge Hodge in his Memo ruled adversely to Abdul-Alim as to two remaining questions, whether there was prejudicial error in the defendant's trial because the Commonwealth presented no evidence the defendant lacked a license and whether trial counsel, Daniel Kelly, rendered ineffective assistance. On February 26, 2026, Abdul-Alim timely objected to the Superior Court's rulings and on March 2, 2026 timely filed his Notice of Appeal.

STATEMENT OF FACTS

I. PRETRIAL PROCEEDINGS

On December 18, 2011, Stewart reported to Sheehan that Abdul-Alim, at jail, told her, to move weapons from apartment # 6; those items, were seized by warrant by police on December 18, 2011. Abdul-Alim remain-

ed unindicted for possession of these weapons until January 2, 2014.

One offense presently remains: Count (4) Unlawful Possession of a Large Capacity Feeding Device in violation of M.G.L. c. 269, §10(m).

Abdul-Alim moved to suppress his interrogation by Sheehan and FBI Special Agent James Hisgen on Sunday December 11, 2011, two days after his arrest. 14-07, H 11/12/14, pp. 6-7. The parties stipulated that, in 2011, Abdul-Alim was arrested on Friday, December 9 on gun charges, that police spoke with him at the station on December 11, before his arraignment on Monday, December 12, that he had counsel when Stewart spoke to him on December 17, which conversation was the basis for a search warrant executed on December 18.

Stewart lived with Abdul-Alim in Springfield. After Abdul-Alim's arrest on December 9, 2011, she visited him at the jail where he told her he had something to be moved from the fourth floor apartment's bathroom ceiling and his hand movements showed her it was guns. She called Sheehan and three police officers came. She had all Abdul-Alim's keys for all the buildings including this apartment and her second-floor apartment. In April, 2012, she began to receive FBI payments from Joint Counterterrorism Task Force (JCTF) of which Sheehan is part

and FBI Hisgen is involved. Dr. Norton Norzalon, Kasteen Matine, and Mr. Homde stayed in the apartment but no one was living there when police found the gun. Contrasting Sheehan's testimony that she was petrified Abdul-Alim would learn that she was the informant, she denied being afraid. She gave no written statement to police and never described the guns.

Two days after Abdul-Alim's arrest, on Sunday, December 11, 2011, Sheehan and Hisgen met Abdul-Alim in custody to see if he was interested in cooperating with FBI. Sheehan, interested in assisting JCTF investigations, told Abdul-Alim that, if he could provide assistance, he might have a reduced sentence but would probably have to do jail time as his sentence for his particular crime was substantial, involved a minimum mandatory sentence and Sheehan was offering him a way out of a 10 to 15 year sentence. Abdul-Alim volunteered information on ability to obtain weapons, drugs, an AK47 and bullet proof vests and was asked about associating with radical Muslims, to whom he had access and of awareness of anyone engaged in an intent to harm the United States. Left if Abdul-Alim wanted to speak, he could call Hisgen, he never did so.

On Sunday, December 17, 2011, Stewart reported to Sheehan her jail visit with Abdul-Alim. Pursuant to a search warrant, police recovered weapons including an SKS rifle, high powered rifle ammunition, and a high capacity magazine.

On March 9, 2015, the Court found, under *Commonwealth v. Rosario*, 422 Mass. 48, 56-57 (1996), inadmissible the Hisgen/Sheehan interview “[w]here the interrogation occur[ed] more than six hours after the defendant’s arrest [with] no ...waiver of the right to prompt arraignment,” and that Stewart was not a police informant at the meeting and, defendant’s right to counsel not having yet attached, Stewart’s information was constitutionally obtained. Both parties sought interlocutory review.

On March 31, 2015, Robinson withdrew as counsel; Attorney Daniel D. Kelly (“Kelly”) filed his appearance.

Upon remand by AC, the hearing addressed the *Rosario* issue. Hisgen, an FBI agent for 12 years, a couple of hours after he learned of the arrest, met with Abdul-Alim on December 11, 2011 to interview him in custody to verify information about terrorism matters and to see if Abdul-Alim would cooperate with the FBI and provide information

about terrorism investigations Hisgen's testimony was of great worth to support and corroborate Abdul-Alim's defense in his two cases. The interview was unrecorded. They with active cases against Abdul-Alim asked no specific questions to see what kind of information he had and what individuals he knew and whether he could report on them. Abdul-Alim discussed certain aspects of radical Islam. Hisgen had attempted for some time to cultivate Abdul-Alim, known to Hisgen "on his radar" from 2008 until his arrest, as a source and from 2008 on had telephoned and spoken with Abdul-Alim to come talk with the FBI. From multiple sources, Hisgen knew, from 2008 to date of interview, of Abdul-Alim's criminal arrests and convictions for firearms offenses, and questioned Abdul-Alim to see if he could help Hisgen in criminal investigations and they could help each other. Hisgen both let Abdul-Alim know that Hisgen had information regarding his ability to help Hisgen and desired helpful criminal and/or terrorist data.

Sheehan corroborated the meeting between Hisgen and Abdul-Alim, a 15- to 20-minute interview, on Sunday, two days later following the arrest, to see if Abdul-Alim was interested in cooperating and had helpful information about terrorism he was willing to provide to the

FBI. Hisgen asked Abdul-Alim's knowledge of fundamental Islamic radicals in the area and other locations. The interview's purpose was to have a relationship to lead to Abdul-Alim's cooperation with law enforcement; Sheehan and Hisgen were there to see what Abdul-Alim had to say about terrorism and criminal activity. Abdul-Alim was to contact "us" if interested in cooperating. On September 13, 2016, the Court ordered suppression.

On August 14, 2017, the Court heard three motions, a *McCarthy* motion, a motion to suppress Abdul-Alim's statements, and a Motion to Suppress Items not contained in the search warrant return. On August 15, 2017, as to the *McCarthy* motion, the Court denied the dismissal, finding the Grand Jury evidence sufficient and as to the Motion to Suppress Items, the Court denied the motion because the warrant return procedures were ministerial, with no contention of police misconduct. As to Motion to Suppress Statements of Abdul-Alim, after hearing from a Department of Corrections investigator and Abdul-Alim, on August 22, 2017, the Court allowed suppression.

On April 9, 2018, the Court heard Commonwealth's motions to admit a record of certified prior convictions (left undecided), for in-Court

Identification (allowed) and motion to limit evidence of the defendant's prior misconduct (not ruled on).

II. TRIAL

The Commonwealth at trial never proved Abdul-Alim lacked a license to possess a firearm, introduced no convictions demonstrating his ineligibility to possess a firearm and offered no evidence to show Abdul-Alim knew he possessed a high capacity firearm.

In opening, Kelly stated Abdul-Alim would testify the FBI requested him, by calling and visiting him at his employment, to be an informant, which request he refused, so this case was "payback."

Stewart recounted her second time jail visit on December 17, 2011 when Abdul-Alim asked her help to hide something and of his gestures, Stewart said: "...I can see his finger. And I know it's a gun." Stewart told Sheehan told what happened and described the meeting. ([14-07], T 1, 5/2/18 at pp. 25, 43-45, 53-54). Stewart, with the key obtained from Abdul-Alim while he was arrested to the fourth floor apartment, opened the apartment for the police, directed them to the bathroom, stayed with them until they finished, saw the police retrieve the bag from the ceiling, open it, remove and leave with its contents, and then, locked up.

Stewart had no knowledge of anyone else having access to the fourth floor apartment, but two men, Dr. Norton and Kasid [Kasim], had lived 4 to 5 months earlier to December, 2011 at that apartment; Norton, after getting out of jail having had no place to stay, just stayed upstairs for six to seven months before he moved. Abdul-Alim did not work for the new owner in 2011.

On two occasions, Stewart knew Abdul-Alim had guns. On July 4, on the roof, he fired a gun found in the bag by police; she did not observe this but recognized its sound. On another occasion, she heard four sounds of shots; Abdul-Alim told her two days later that he shot the gun four times. The Court limited her testimony to the July 4 incident. Government, mostly through Sheehan, paid Stewart about \$13,000 to \$14,000.

Springfield Police Captain Philip Tarpey, on December 18, 2011, authored the search warrant and prepared his affidavit for the search warrant. Tarpey met Stewart who with keys opened the door to the apartment. Stewart told him of the guns in the ceiling of the bathroom. Tarpey never took custody of the keys. From the bathroom ceiling area, Tarpey identified all 16 items: the black duffle bag, M-80 fireworks, a

bulletproof vest, metal plates, a semi-automatic pistol, a semi-automatic magazine, 27 rounds of ammunition, 41 rounds of ammunition, a .25 caliber pistol, magazine and rounds, .357 Magnum rounds, 5 spent shell casings, test fired rounds, 2 rounds 7.62x39 ammunition, pistol holder, 5 rounds .25 caliber, test fired rounds and a facemask. Tarpey acknowledged his several inaccuracies about and omissions from the return of the warrant, grand jury tags with incorrect dates, and incorrect numbers of caliber rounds and casings; he wrote 34 rounds for the high capacity magazine, a mistake, the 34 number differing from the number of 7.62-caliber rounds on the tags totaling 83 rounds for all ammunition, a wrong date of 12/9/ of 2013 which referred to a different incident, and in the return, not listing the magazine separately from the gun, yet another mistake. For the December [18], 2011 search, charges issued on August 28, 2013, twenty months later; Tarpey neither took the evidence nor did he fill out the inventory forms showing its transfer.

John Kent and Brett Staples, Springfield Police Officers, identified Abdul-Alim's fingerprint card of December 9, 2011.

Ilya Shnayder, owner of the apartment building, testified that Abdul-Alim was property manager for the previous owner of the building.

Sheehan, assigned for 17 years to the FBI JTTF since 2001-2002, was aware of Abdul-Alim before December, 2011, and investigating in the Amherst, MA area narcotics and weapons, was briefed about Abdul-Alim and his activities and identified him as the man he arrested on December 9, 2011. Sheehan directed Stewart to Tarpey; Stewart later assisted Sheehan in an investigation for which she received approximately \$14,000 cash after 2011. Sheehan reviewed the jail visitors' logs to see Stewart's visits to Abdul-Alim, sought but received no visitors' room videos of December 17, 2011, did no follow-up work on the serial numbers of the guns seized on December 18, 2011 and corroborated Abdul-Alim's arrest.

Kelly claimed the fingerprint on the magazine was planted, and Abdul-Alim's prints were put on the magazine.

Estrada, currently assigned since March 2007 doing fingerprint work in the Major Crimes Unit, established his expertise. Of hundreds of firearms he has examined, Estrada determined useable prints about

12 times. Estrada identified the magazine he processed for fingerprints from which he got an impression, identified Abdul-Alim's finger-print card of December 9, 2011 and determined the person whose latent impression was on the Norinco magazine was the same person whose fingerprints are on the fingerprint card. Estrada explained he first made sure that the fingerprint was similar to the latent impression, then examined "events" within the fingerprint until he had at least 8, sufficient to make an identification. Prentice (who died before trial), did the initial comparison, made the original identification, authored the report in January, 2012 that Estrada relied on and Estrada did the verification. Estrada claimed it very hard to plant a fingerprint and one cannot transfer a person's fingerprint from an AFIS or fingerprint card onto a gun muzzle. Estrada acknowledged a discrepancy with regard to approximately 20 rounds of 7.62-caliber ammo, as the evidence tags, his processing and the tag sent to the State Lab by him have three differing numbers on them.

State Police Lieutenant John Crane, 12 years in the Springfield Ballistics Office, identified exhibit 8 as test fired in his presence on January 7, 2012. State Officer John S. Schrijn who over twenty years

has test-fired thousands of weapons, testified the SKS successfully test-fired on January 17, 2012. He described the weapon and its barrel length, identified two discharge cartridge cases of rounds and the magazine (exhibit 5), which held 34 rounds compatible with the SKS.

Erica Nadeau prepared samples for DNA analysis but developed no DNA profile.

The Court denied Abdul-Alim's Motion for a Required Finding of Not Guilty.

Silva, as a recordskeeper of the visitors' log for inmate Abdul-Alim, testified to Abdul-Alim's December 15, 2011 attorney visit, the December 17, and 21, 2011 visits with Stewart, and described the visiting room and retention video surveillance policies.

Norzelin who resided at 685 State Street, Apartment No. 6 for the year 2010 with Kasib Maten, friends with Abdul-Alim for 11 years, asked Abdul-Alim to retain in his name the utility bills for the apartment, until Norzelin could make the payments. In 2010, Norzelin knew Abdul-Alim was not a property manager and had no key to the apartment. After December, 2010, Norzelin moved.

Swan, State Representative for the 11th Hampden District, had an office where constituents came to make complaints. Abdul-Alim, middle-to-late 2011, entered Swan's office, at least twice to complain about efforts by a police officer and FBI agent who wanted Abdul-Alim to turn informer and to ask if Swan could be helpful by calling the FBI and/or the District Attorney. Swan awaiting more specifics about the complaints did not make the phone calls. At an earlier sidebar Kelly professed that, as Swan would testify that Abdul-Alim complained to Swan before December 17, 2011, and before involvement in the instant case, Abdul-Alim's defense of FBI's attempt to coerce him into becoming an informant and of "planted" evidence could not be recent contrivance as Abdul-Alim was in custody from December 9, 2011 to 2017; these charges lodged in 2013.

Nullifying his opening to the Court, Kelly, having stated Abdul-Alim would testify, rested without calling Abdul-Alim and moved unsuccessfully for a required finding of not guilty. The Court found Abdul-Alim guilty of all four offenses.

III. POST-TRIAL

On May 21, 2018, Abdul-Alim read his letter to the Court accusing Kelly of abandoning Abdul-Alim's defense. Abdul-Alim, after sentencing, timely filed his Appeal and his consolidated motion.

Kelly testified on October 30, 2023 at the Motion for New Trial that he never explored hiring his fingerprint expert to determine whether or not the fingerprint was planted, did not know of changes in consistency as to untreated fingerprints and did not attempt to show Estrada's failure to comply with finger-print department's rules. Kelly claimed Abdul-Alim declined to testify at the last minute and that Kelly informed him that he would not be able to prove his defense stated in his opening, although Kelly was then aware of the corroborating FBI records and Hisgen's testimony to the same effect. Kelly could not remember Abdul-Alim's reason for refusal to testify and never told the court of Abdul-Alim's refusal. To get Abdul-Alim "off his back," Kelly sent before trial a state subpoena to Hisgen but learned as the subpoena failed to comply with *U.S. ex rel Tuohy v. Ragen* (340 U.S. 162 (1951)) that Hisgen was under no obligation to appear and told Abdul-Alim of its invalidity and "the *Tuohy* process" would be futile, as "[t]here [wa]s no way an FBI agent was going to come in and be helpful

to him.” Yet Kelly had Hisgen listed as his witness on March 27, 2018, shortly before trial. Kelly denied it more effective to have a federal agent corroborate that FBI wanted him as an informant than to have Abdul-Alim, solely, claim it. Kelly conceded that Hisgen, with no knowledge that Abdul-Alim was framed, could not testify either to support or deny that. Kelly did not send legitimate process to secure Hisgen’s attendance, because Kelly did not want Hisgen to appear even though Abdul-Alim often told Kelly that Hisgen’s testimony was valuable to his defense. Kelly, in conflict with his own client, did not move to withdraw. Kelly, though an officer of the court, never told the Court Abdul-Alim’s statements to the Court, that he had wanted to testify and that Kelly did not call him as a witness, were untrue. Kelly denied Abdul-Alim ever wanted Kelly to withdraw his waiver of jury trial. His defense being badly damaged, Kelly never discussed a plea. Kelly received but ignored Krasnoo’s letter and explained his failure to respond, initially claiming that he did so to refrain from contradicting the client but acknowledging that the answers to some of its questions did not hurt or help aid the client.. He had no memory of the jurors’ votes at trial no. 1, did not remember that Abdul-Alim testified at that trial and that

Commonwealth v. Abdul-Alim, 91 Mass. App. Ct. 165 (2017) discussed his testimony, but Kelly knew the defendant pursued his same defense at both trials. No harm existed to have Hisgen's motion testimony admitted at trial, but Kelly claimed it a tactical decision not to call Hisgen.

Abdul-Alim on November 6, 2023 denied Kelly ever discussed with him Kelly's unwillingness to, or intention of not, subpoenaing Hisgen and stated that Kelly repeatedly told him that he, Kelly, had subpoenaed Hisgen. Abdul-Alim learned of the ineffectiveness of the state court subpoena summoning Hisgen only when Krasnoo received Kelly's file. When Kelly said he couldn't get Hisgen to appear, Abdul-Alim asked to use Hisgen's transcripts, but Kelly replied only that he had neither them nor the FBI records at the courthouse. Abdul-Alim told Kelly he denied as a lie the occurrence of any Stewart /Abdul-Alim jail meeting to move firearms, denied ever seeing them and ever touching those weapons and when told by Kelly that the Commonwealth now was using Estrada as its fingerprint expert, claiming that Estrada "pulled" the print, thereby eliminating Kelly's defense against its admissibility, he immediately requested Kelly to move to withdraw his

waiver of jury trial but Kelly then told him that Judge Page said not to come back “flip-flopping and changing his mind.” He, at the library, learned of his right to move to withdraw his jury trial waiver but Kelly refused to do it. Abdul-Alim never knew he could tell the Court directly that he wanted to testify even when his attorney did not want him to testify. Asked to assume the fingerprint to be his, Abdul-Alim could not opine how long ago it could have been affixed, because he never touched the magazine and was last in the apartment “like, two years ago.”

On November 13, 2023, Robinson testified to the similar defenses in both cases proffered by the defendant:

“that the Government had conspired to plant evidence on [Abdul-Alim] in order to turn him into an informant for the government because of his close ties to the Muslim community, the nation of Islam...,and he had some family connections. I believe his father was some type of enforcer within the Muslim community. So there was a lot of interest in law enforcement circles for him to provide information and work for the Government...

[I]n the first case, he’s arrested on the street, and the defense was that the police had planted a firearm on him. In the second case, there were firearms that were recovered in an apartment unit in a building that he managed, and it would have been..., being the same theory of defense, that those were not his guns,...put there by law enforcement to encourage him to cooperate.”

(Robinson Aff.) Robinson's mistaken belief that some FBI records were received during, not after, the first trial was corrected by a memorandum with exhibits, filed on November 16, 2023. Robinson discussed with Abdul-Alim the effect of Prentice's death upon the evidence, could not recall conversations with Kelly and expected Abdul-Alim to testify in trial number two.

The FBI records were admitted as Exhibit 2 and relied upon by the Superior Court.

Events from November 16, 2023 through March 2, 2026 are set forth in **STATEMENT OF PRIOR PROCEEDINGS** at pp. 2-6, *supra*. The Superior Court, entirely failing to address that, as the statutory element of M. G.L. c. 269, 10(m) requires the Commonwealth to prove the defendant to be unlicensed, he could dispense with it. He ruled both that:

Absent a ruling that a violation of G.L. c. 269, 10(m), is a firearms violation, the defendant cannot show that [*New York State Rifle and pistol Ass'n v. Bruen*, [597 U.S. 1, 10 (2022)] and *Guardado* [491 Mass. 666, 690 (2023) and 493 Mass. 1, 6 (2023)], rulings apply in his case and cannot establish that it was error to convict him without proof that he had no license.

The defendant wanted to have Hisgen testify, but trial counsel believed that it would be a mistake because Hisgen,

as an FBI agent, would never admit that the police planted the weapons or the defendant's fingerprints on the magazine as payback for the defendant not cooperating with the investigation. In trial counsel's view, the only helpful testimony Hisgen was likely to give was already undisputed: that Hisgen and other law enforcement personnel had asked the defendant to cooperate in their investigation, due to the defendant's contacts within his community, and that the defendant did not cooperate. Trial counsel also believed that Hisgen's testimony was unnecessary because the defendant had been prepared to give that testimony.

The Court both stated:

For the same reason, trial counsel believed that there was no need to offer into evidence the FBI records which contained that information. Trial counsel's failure to present the FBI records was a strategic decision. Although the question may be close, the Court finds that the defendant has not shown that decision to be manifestly unreasonable. Evidence of law enforcement's pursuit of the defendant as an informant was presented at the defendant's jury trial. It was unavailing and the defendant was convicted.¹

and credited Kelly's testimony that he explained this to the defendant and explained Hisgen did not have to appear unless subpoenaed with the procedure applicable to FBI agents, and Kelly's failure to send

¹ The Court in self-contradiction found the defense availing in considering the powerful effect of the FBI records in Abdul-Alim's claim in his first trial that a gun was planted on him because he refused to become an informant for the FBI and he granted the motion for new trial in trial no.1, 1279CR00043 on that ground.

Hisgen a valid subpoena was part of his tactical decision not to call Hisgen, this tactical decision, was not manifestly unreasonable.

STATEMENT OF ISSUES

G.L. c. 269, §10(m) requires the Commonwealth to prove the defendant unlicensed to possess a high capacity firearm. The Court eliminated this statutorily mandated requirement because no court precedent addressed whether such a weapon is a firearm. Must the defendant's conviction be reversed? The issue was raised, properly pre-served in the Superior Court and timely appealed.

ARGUMENT

THE SUPERIOR COURT WRONGFULLY IGNORED THE STATUTORILY MANDATED ESSENTIAL ELEMENT OF THE CRIMINAL OFFENSE OF M.G.L. c. 269, §10(m), REQUIRING THE COMMONWEALTH TO PROVE THAT THE DEFENDANT WAS UNLICENSED, AND, DESPITE THE ABSENCE OF PROOF ON THAT ISSUE AT TRIAL, CONCEDED BY THE COMMONWEALTH, FOUND THAT THE DEFENDANT WAS NOT ENTITLED TO A NEW TRIAL

At no time throughout the trial was there any evidence offered to show that the defendant lacked a license to carry a firearm. The Commonwealth conceded both omission of this essential element of proof required by G.L. c. 269, §10(m) and its failure to prove a required essential element of proof was prejudicial, not harmless error. Com-

monwealth's Motion to Reconsider, p. 1. Throughout the trial, no prior convictions although available to the Commonwealth were introduced. No evidence showed Abdul-Alim ineligible to possess a firearm or a license.

G.L.c. 269, §10(m) commands the Commonwealth to prove the defendant unlicensed:

(m)....any person not exempted by statute who knowingly has in his possession,... a large capacity firearm or large capacity feeding device therefor **who does not possess a valid license to carry firearms issued under section 131 or 131F of chapter 140, except as permitted or otherwise provided under this section or chapter 140**, shall be punished...

(Emphasis supplied. Superior Court Model Jury Instructions so instruct. Neither the Supreme Court ("SCOTUS") nor the Supreme Judicial Court ("SJC") has addressed the Second Amendment right to possess large capacity weapons or feeding devices or whether the Commonwealth must prove lack of a valid license.

The Commonwealth bears the burden to prove all essential elements. In *Guardado (I)*, 491 Mass. 666, 692 (2023), the SJC ruled:

...The Commonwealth's burden of proving the essential element of a crime "cannot be altered because of any difficulty the Commonwealth may have in proving [the

element] as compared to the relative ease with which the defendant could prove [its negative].”

(Emphasis supplied.) The SJC has adhered to *Guardado (I)*, 491 Mass. 666 and *(II)*, 493 Mass. 1 (2023). In *Commonwealth v. Gibson*, 492 Mass. 559, 579-580 (2023), the SJC affirming Gibson’s murder and robbery charges, vacated his firearms convictions:

In [*Guardado*, 491 Mass. 666.], we held that the due process clause and the Second Amendment to the United States Constitution require the Commonwealth to bear the burden of disproving that a defendant had a license to possess a firearm when prosecuting a defendant for unlawful possession of a firearm, and the jury instructions must relay this burden. *Id.* at 692-693. Where the jury is not instructed on this burden, and where there is no record evidence on the lack of license, the defendant is entitled to vacatur of the conviction. See *id.* at 692-694. The holding in that case applies prospectively “and to those cases that were active or pending on direct review as of the date of the issuance of [*New York State Rifle & Pistol Ass’n v. Bruen*, 597 U.S. 1 [(2022)].” *Id.* at 694. As the defendant’s direct appeal was pending at the time of the issuance of *Bruen* on June 23, 2022, he is entitled to the benefit of our decision in *Guardado*...

Further, after a review of the record, evidence of the defendant’s lack of license never was introduced at trial. Thus, the defendant’s conviction of unlawful possession of a firearm must be vacated ... See *Guardado*, 491 Mass. at 670 n.4,...

Abdul-Alim is in the identical posture to Gibson. The Commonwealth Motion for Reconsideration concedes that *Commonwealth v. Ferrara*,

496 Mass. 483, 486-487 (2025) is “on all fours” with Abdul-Alim. Like Gibson’s and Ferrara’s, Abdul-Alim’s conviction this Court must vacate.

The AC similarly, repeatedly vacated firearm convictions when the Commonwealth produced at trial no proof the defendant’s possession of the weapon was unlicensed. *Commonwealth v. Brawner*, 105 Mass. App. Ct. 1134 (2025); *Commonwealth v. Sigman*, 105 Mass. App. Ct. 1138 (2025).

Neither the SJC nor the AC has specifically addressed *Guardado*’s application to §10(m). The SJC in *Commonwealth v. Shakespeare*, 493 Mass. 67, 96-97 (2023) applying *Guardado I* to 10(n) held:

Although we did not reach the issue whether the absence of licensure is an essential element of the crime of unlawful possession of a large capacity feeding device, *Guardado I, supra* at 693 n.10, we think that our decision in *Guardado I* must be applied to G.L. c. 269, §10(n), as charged here, where it is an extension of a crime under G.L. c. 269, §10(a).

No precedent holds the *Guardado* requirement inapplicable to M.G.L. c. 269 §10(m).

The Commonwealth, to obtain a §10(m) conviction, must prove absence of licensure as an essential element. “No essential element of

the crime may be left to a jury's conjecture, surmise, or guesswork.

Commonwealth v. Kelley, 359 Mass. 77, 88 (1971).” *Commonwealth v. Lopez*, 484 Mass. 211, 216 (2020). To obviate proof of non-licensure. The Superior Court, adopting the Commonwealth's argument, ignored rules of statutory construction compelling courts to follow the dictates of the statute and its clear unambiguous legislative intent. *Dinkins v.*

Massachusetts Parole Board, 486 Mass. 605, 611 (2021) makes clear:

“[S]tatutory language should be given effect consistent with its plain meaning and in light of the aim of the Legislature unless to do so would achieve an illogical result.” *Commonwealth v. Wassilie*, 482 Mass. 562, 573,... (2019),...

“Where the language of a statute is clear, . . . courts must give effect to its plain and ordinary meaning and . . . need not look beyond the words of the statute itself.... *Commonwealth v. Rossetti*, 489 Mass. 589, 593 (2022).” *S.W. v. Commonwealth*, 497 Mass. 597, 602 (2026).

Rossetti, 489 Mass. at 593 (2022) states rules of statutory construction:

As with all matters of statutory construction, our goal in construing [a] ... statute is to ascertain and effectuate the intent of the Legislature.” ... “[T]he language of the statute ... is ‘the principal source of insight’ into the intent of the Legislature.”... Therefore, “we start ‘with the language of the statute itself and presume, as we must, that the Legislature intended what the words of the statute say’”... See G.L. c. 4, §6, Third (“Words and phrases shall be construed according to the common and approved usage of the language”). When necessary, “[w]e derive the words' usual and accepted meaning from sources presumably known to

the statute's enactors,...” See G.L. c. 4, §6, Third. “Where the language of a statute is clear, [however,] courts must give effect to its plain and ordinary meaning and ... need not look beyond the words of the statute itself.” *Commonwealth v. Mendes*, 457 Mass. 805, 810-811 (2010),...

In the Matter of an Impounded Case (No. 2), 493 Mass. 470, 472-473

(2024) holds similarly. *Guardado (I)*, 491 Mass. 666, 685-686 (2023),

notes:

“...a statute ‘must be construed so that effect is given to all its provisions, so that no part will be inoperative or superfluous’.... *Commonwealth v. Keefner*, 461 Mass. 507, 511 (2012).”

G.L. c. 269, §10(m) sets forth clear, unambiguous language. The words “who does not possess a valid license to carry firearms” exhibit clear legislative intent. *Id.* After *Guardado (I)*, the Legislature could have revisited these statutory terms of G.L. c. 269, §10(m), especially after alerts by *Bruen* and by *Shakespeare*, 493 Mass. at 96-97, *supra*. Since 2023, the Legislature has amended §10 but not eliminated this element although it certainly could have done so. *Impounded Case No. 2*, *id.* at 473 (“We assume...the Legislature is aware of existing statutes and thus interpret statutes in harmony with prior enactments...”); *Commonwealth v. Callahan*, 440 Mass. 436, 440-441 (2003) (Legislature is not only aware of existing statutes, but is also aware of the prior state

of the law as explicated by the decisions of this court.) This Court must presume “that the Legislature intended what the words of the statute say.” *Rossetti, supra. Mendes, supra* commands: “Where the language of a statute is clear, [however,] courts must give effect to its plain and ordinary meaning and ... need not look beyond the words of the statute itself.” See *Guardado, (I)*, 491 Mass. at 686 (2023) (“Our primary duty in interpreting a statute is to effectuate the intent of the Legislature in enacting it.”)

All Commonwealth courts are powerless to, and foreclosed from rewriting, legislative statutes. In *Suliveres v. Commonwealth*, 449 Mass. 112, 115-116 (2007), when the Commonwealth asked the SJC to substitute fraud for the essential element of force required in rape cases, rejecting the Commonwealth’s request,...noting the Legislature’s failure to amend the statute, the SJC answered at 116-117:

See *Commonwealth v. Lopez*, 433 Mass. 722, 727 (2001) (each element “must independently be satisfied”). Because “[n]o portion of the statutory language may be deemed superfluous,”...we are not free,... to adopt the Commonwealth’s proposed interpretation.

The Legislature is free to amend the rape statute... “[i]t is not for this court ... to rewrite the clear intention expressed by the statute.” *Commonwealth v. Leno*, 415 Mass. 835, 841 (1993),...

In *Commonwealth v. Villalobos*, 437 Mass. 797, 804 (2002), the Court noted both a statute's inadequate, misleading warning, and its inability to ignore or tamper with it: "If the law is to be changed, the change can only be made by the Legislature."

The Commonwealth argued that this *Guardado* element of proof of nonlicensure is inapplicable to large capacity weapons which are not arms under the Second Amendment. The Legislature assumedly noted that the SJC has not settled this question and prophylactically retained this statutory element. Even if the Legislature acted wrongly, *Villalobos* controls, so no court should tamper with its intent for,

If the Commonwealth is correct in its belief that the Legislature intended to accomplish something other than what is described in the words they included in the statute, it is open to the Legislature to amend the statute; it is not our role as a court to either rewrite the statute or to supply words the Legislature did not.

Commonwealth v. Shehadi, 105 Mass. App. Ct. 60, 70 n.13 (2024).

Guardado (I) supra, 491 Mass. at 686-687 recognized the licensure element of the offense as a trial issue still to be proven, for it said (emphasis supplied):

For each of the crimes of which the defendant was convicted — illegal possession of a firearm, illegal possession of a large capacity feeding device, illegal possession of ammunition, and illegal possession of a loaded firearm — the defendant would not have been in violation of the law if he had obtained a proper license to engage in the proscribed activity. See *Commonwealth v. Cassidy*, 479 Mass. 527, 532,... (G.L. c. 269, §10[m]);...

The Superior Court ruled the defendant had failed to show a high capacity weapon was a firearms offense, but the SJC has repeatedly held firearms are weapons. In *Commonwealth v. Cassidy*, 479 Mass. 527, 528 (2018), a §10(m) prosecution for large capacity feeding devices, the SJC said: “The defendant did not dispute that the weapons were his or that they were operable firearms;...” In *Commonwealth v. Marrero*, 484 Mass. 341, 343 (2020) the SJC defined “firearm,” as a “weapon... from which a shot or bullet can be discharged. In *Commonwealth v. Garrett*, 473 Mass. 257, 260 (2015), the SJC, interchangeably, used the words “firearm” and “weapon.” Feeding devices are arms under the Second Amendment. See *Hanson v. District of Columbia*, 120 F.4th 223 232 (D.C. Cir. 2024); *Duncan v. Bonta*, 133 F.4th 852, 867-868 (9th Cir. 2025)(*en banc*). *Ass’n of N.J. Rifle v. AG NJ*, 2026 U.S. App. LEXIS 21156*9-10 (3rd Cir. 2026)(*en banc*) holds that a ban of large capacity ammunition magazines violates the Second Amendment.

STATEMENT OF REASONS WHY D.A.R. IS APPROPRIATE

The issue raised by the within appeal is a question of first impression which should be submitted for final determination to the Supreme Judicial Court because there are no appellate decisions in Massachusetts directly addressing whether the Commonwealth need not comply with the *Guardado (I)* requirement to prove absence of licensure in a G.L.c. 269, §10(m) prosecution. Especially since this Court has currently accepted for review cases attacking the ban on high capacity weapons, see SJC-13963 *Commonwealth v. Joshua Guzman* and SJC-13945 *Commonwealth v. Bryce S. Shufelt*, this issue is of public interest both as it involves the constitutionality of possessing such weapons under the Second Amendment and as it instructs prosecutors in such cases as to their burden of proof.

Defendant-Appellant
Ayyub Abdul-Alim
By his Attorney,

/s/ James B. Krasnoo

James B. Krasnoo (BBO# 279300)
KRASNOO, KLEHM & FALKNER LLP
28 Andover Street, Suite 240
Andover, MA 01810
(978) 475-9955 (telephone)
(978) 474-9005 (facsimile)
jkrasnoo@kkf-attorneys.com

CERTIFICATE OF COMPLIANCE

I hereby certify, pursuant to Mass. R. App. P. 16(k), that the within Application for Direct Appellate Review complies with the requirements of Rule 20(a). Among other things, the application complies with the length limit set forth in Rule 11(b)(5) because the argument section contains 1,922 words, and the application was prepared in Century Schoolbook 14-point font, a proportionally-spaced font, in Microsoft Word for Mac, Version 16.85.

/s/ James B. Krasnoo

James B. Krasnoo

CERTIFICATE OF SERVICE

I hereby certify that on August 17, 2026, I served a true copy of the within document via the Court's efile and serve system upon the attorney of record for the appellee, Commonwealth of Massachusetts:

ADA Travis Lynch
Hampden County District Attorney's Office
Hall of Justice
50 State Street
Springfield, MA 01102
travis.lynch@mass.gov

/s/ James B. Krasnoo

James B. Krasnoo



**COMMONWEALTH OF MASSACHUSETTS
HAMPDEN COUNTY
Public Docket Report**

1479CR00007 Commonwealth vs. Abdul-Alim, Ayyub N

CASE TYPE: Indictment	FILE DATE: 01/02/2014
ACTION CODE: 269/10G/A-0	CASE TRACK: A - Standard
DESCRIPTION: FIREARM VIOL WITH 1 PRIOR VIOLENT/DRUG CRIME c269 §10G(a)	
CASE DISPOSITION DATE: 03/17/2025	CASE STATUS: Open
CASE DISPOSITION: Disposed by Jury Verdict	STATUS DATE : 04/05/2018
CASE JUDGE: Hodge, Hon. David	CASE SESSION: CR Session 5 - Ct. Rm 8

DCM TRACK		
Tickler Description	Due Date	Completion Date
Pre-Trial Hearing	01/21/2014	05/29/2015
Final Pre-Trial Conference	09/04/2014	05/29/2015
Case Disposition	09/18/2014	05/29/2015
Under Advisement	09/08/2016	09/13/2016
Under Advisement	09/13/2017	08/22/2017
CIMG Identity Switch	01/30/2018	01/30/2018
Under Advisement	05/09/2018	05/09/2018
Rescript Received (reversed)	04/16/2025	03/17/2025
Notice of Appeal Filed	09/04/2026	

PARTIES	
Prosecutor Commonwealth	Attorney for the Commonwealth 338410 Katherine E McMahon Office of the Hampden District Attorney Office of the Hampden District Attorney Roderick L Ireland Courthouse 50 State Street Springfield, MA 01102 Work Phone (413) 505-5905 Added Date: 05/30/2019 Attorney 703648 Travis H Lynch Hampden County District Attorney's Office Hampden County District Attorney's Office 50 State St Springfield, MA 01102 Work Phone (413) 747-1000 Added Date: 01/11/2022



COMMONWEALTH OF MASSACHUSETTS
HAMPDEN COUNTY
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Defendant Abdul-Alim, Ayyub N 76 Amherst Street Springfield, MA Surety Hakim, Abdul 225 Inwood Forest Drive Raleigh, NC 27603	Appointed - Appellate Action James B Krasnoo Krasnoo, Klehm and Falkner LLP Krasnoo, Klehm and Falkner LLP 28 Andover St Suite 240 Andover, MA 01810 Work Phone (978) 475-9955 Added Date: 06/15/2018	279300
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**COMMONWEALTH OF MASSACHUSETTS
HAMPDEN COUNTY
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PARTY CHARGES

#	Offense Date/ Charge	Code	Town	Disposition	Disposition Date
1	12/18/2011 FIREARM VIOL WITH 1 PRIOR VIOLENT/DRUG CRIME c269 §10G(a) Sentence Date: 05/21/2018 Not greater than Yrs 7 Mos 0 Days 0 Not less than Yrs 4 Mos 0 Days 0	269/10G/A-0	Springfield	State Prison Sentence Disposition VACATED after 01/10/2024 motion for new trial Guilty Verdict - Lesser 05/07/2018 Included Nolle Prosequi 04/17/2025	
2	12/18/2011 FIREARM VIOL WITH 1 PRIOR VIOLENT/DRUG CRIME c269 §10G(a) Sentence Date: 05/21/2018 Not greater than Yrs 7 Mos 0 Days 0 Not less than Yrs 4 Mos 0 Days 0	269/10G/A-0	Springfield	State Prison Sentence Disposition VACATED after 01/10/2024 motion for new trial Guilty Verdict - Lesser 05/07/2018 Included Nolle Prosequi 04/17/2025	
3	12/18/2011 FIREARM VIOL WITH 1 PRIOR VIOLENT/DRUG CRIME c269 §10G(a) Sentence Date: 05/21/2018 Not greater than Yrs 7 Mos 0 Days 0 Not less than Yrs 4 Mos 0 Days 0	269/10G/A-0	Springfield	State Prison Sentence Disposition VACATED after 01/10/2024 motion for new trial Guilty Verdict - Lesser 05/07/2018 Included Nolle Prosequi 04/17/2025	
4	12/18/2011 FIREARM, POSSESS LARGE CAPACITY c269 §10(m) Sentence Date: 05/21/2018 Not greater than Yrs 7 Mos 0 Days 0 Not less than Yrs 4 Mos 0 Days 0	269/10/AA-0	Springfield	State Prison Sentence Disposition VACATED after 01/10/2024 motion for new trial Guilty Finding 05/07/2018 Guilty Verdict 03/17/2025	



**COMMONWEALTH OF MASSACHUSETTS
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EVENTS				
Date	Session	Event	Result	Resulting Judge
01/21/2014	Criminal 1 - Ct. Rm. 1	Arraignment	Held as Scheduled	
04/07/2014	Criminal 1 - Ct. Rm. 1	Hearing	Held as Scheduled	
04/17/2014	Criminal 1 - Ct. Rm. 1	Pre-Trial Hearing	Held as Scheduled	
06/20/2014	Criminal 1 - Ct. Rm. 1	Hearing for Funds	Held as Scheduled	
06/30/2014	Criminal 1 - Ct. Rm. 1	Evidentiary Hearing on Suppression	Rescheduled	
08/04/2014	Criminal 1 - Ct. Rm. 1	Final Pre-Trial Conference	Rescheduled	
08/06/2014	Criminal 1 - Ct. Rm. 1	Hearing for Funds	Held as Scheduled	
08/19/2014	Criminal 1 - Ct. Rm. 1	Hearing RE: Discovery Motion(s)	Held as Scheduled	
08/25/2014	Criminal 1 - Ct. Rm. 1	Jury Trial	Rescheduled	
09/25/2014	Criminal 1 - Ct. Rm. 1	Hearing for Funds	Held as Scheduled	
10/03/2014	Criminal 1 - Ct. Rm. 1	Hearing on Motion to Continue	Held as Scheduled	
10/06/2014	Criminal 1 - Ct. Rm. 1	Non-Evidentiary Hearing on Suppression	Rescheduled	
10/22/2014	Criminal 1 - Ct. Rm. 1	Hearing	Held as Scheduled	
10/22/2014	Criminal 1 - Ct. Rm. 1	Hearing	Held as Scheduled	
11/10/2014	Criminal 1 - Ct. Rm. 1	Hearing	Held as Scheduled	
11/12/2014	Criminal 1 - Ct. Rm. 1	Evidentiary Hearing on Suppression	Not Held	
11/12/2014	CR Session 5 - Ct. Rm 8	Evidentiary Hearing on Suppression	Held as Scheduled	
11/12/2014	Criminal 1 - Ct. Rm. 1	Hearing on Motion to Continue	Held as Scheduled	
11/17/2014	Criminal 1 - Ct. Rm. 1	Final Pre-Trial Conference	Rescheduled	
12/08/2014	Criminal 1 - Ct. Rm. 1	Jury Trial	Rescheduled	
12/08/2014	Criminal 1 - Ct. Rm. 1	Final Pre-Trial Conference	Rescheduled	
01/20/2015	Criminal 1 - Ct. Rm. 1	Hearing RE: Discovery Motion(s)	Held as Scheduled	
01/30/2015	Criminal 1 - Ct. Rm. 1	Jury Trial	Rescheduled	
01/30/2015	Criminal 1 - Ct. Rm. 1	Non-Evidentiary Hearing to Dismiss	Held as Scheduled	
03/13/2015	Criminal 1 - Ct. Rm. 1	Jury Trial	Rescheduled	
03/20/2015	Criminal 1 - Ct. Rm. 1	Hearing	Held as Scheduled	
03/27/2015	Criminal 1 - Ct. Rm. 1	Non-Evidentiary Hearing on Suppression	Rescheduled	
03/27/2015	Criminal 1 - Ct. Rm. 1	Status Review	Rescheduled	



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03/31/2015	Criminal 1 - Ct. Rm. 1	Hearing for Appearance / Appointment of Counsel	Held as Scheduled	
03/31/2015	Criminal 1 - Ct. Rm. 1	Evidentiary Hearing on Suppression	Rescheduled	
03/31/2015	Criminal 1 - Ct. Rm. 1	Status Review	Rescheduled	
04/27/2015	Criminal 1 - Ct. Rm. 1	Status Review	Held as Scheduled	
05/05/2015	Criminal 1 - Ct. Rm. 1	Hearing for Funds	Rescheduled	
05/28/2015	Criminal 1 - Ct. Rm. 1	Hearing	Held as Scheduled	
07/20/2015	Criminal 1 - Ct. Rm. 1	Motion Hearing	Held as Scheduled	Rup
07/23/2015	Criminal 1 - Ct. Rm. 1	Evidentiary Hearing on Suppression	Canceled	Rup
07/23/2015	Criminal 1 - Ct. Rm. 1	Non-Evidentiary Hearing to Dismiss	Canceled	Rup
09/10/2015	Criminal 1 - Ct. Rm. 1	Motion Hearing	Not Held	Page
09/10/2015	Criminal 1 - Ct. Rm. 1	Conference to Review Status	Not Held	Page
09/10/2015	Criminal 1 - Ct. Rm. 1	Final Pre-Trial Conference	Canceled	Rup
09/16/2015	Criminal 1 - Ct. Rm. 1	Jury Trial	Rescheduled	Rup
11/23/2015	Criminal 1 - Ct. Rm. 1	Conference to Review Status	Held as Scheduled	McDonough
01/14/2016	Criminal 1 - Ct. Rm. 1	Conference to Review Status	Held as Scheduled	Sweeney
04/06/2016	Criminal 1 - Ct. Rm. 1	Conference to Review Status		
06/23/2016	Criminal 1 - Ct. Rm. 1	Evidentiary Hearing on Suppression	Not Held	Ferrara
08/09/2016	Hampden Civil/Criminal	Evidentiary Hearing on Suppression	Held as Scheduled	Ferrara
09/14/2016	Criminal 1 - Ct. Rm. 1	Pre-Trial Conference	Not Held	Carey
11/03/2016	Criminal 1 - Ct. Rm. 1	Conference to Review Status	Held as Scheduled	McDonough
12/14/2016	Criminal 1 - Ct. Rm. 1	Pre-Trial Hearing	Held as Scheduled	McDonough
03/23/2017	Criminal 1 - Ct. Rm. 1	Hearing RE: Discovery Motion(s)	Not Held	Unassigned
04/04/2017	Criminal 1 - Ct. Rm. 1	Hearing RE: Discovery Motion(s)	Held as Scheduled	Unassigned
04/11/2017	Criminal 1 - Ct. Rm. 1	Hearing RE: Discovery Motion(s)	Not Held	Dolaher
04/27/2017	Criminal 1 - Ct. Rm. 1	Evidentiary Hearing on Suppression	Not Held	Dolaher
04/27/2017	Criminal 1 - Ct. Rm. 1	Evidentiary Hearing to Dismiss	Not Held	Dolaher
07/12/2017	Criminal 1 - Ct. Rm. 1	Evidentiary Hearing on Suppression		
07/12/2017	Criminal 1 - Ct. Rm. 1	Final Pre-Trial Conference	Not Held	Dolaher



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07/19/2017	Criminal 1 - Ct. Rm. 1	Jury Trial	Not Held	Dolaher
08/10/2017	Criminal 1 - Ct. Rm. 1	Final Pre-Trial Conference	Rescheduled	Unassigned
08/14/2017	Criminal 1 - Ct. Rm. 1	Evidentiary Hearing on Suppression	Held as Scheduled	Callan
08/14/2017	Criminal 1 - Ct. Rm. 1	Final Pre-Trial Conference	Not Held	Callan
08/23/2017	Criminal 1 - Ct. Rm. 1	Jury Trial	Not Held	Dolaher
08/23/2017	Criminal 1 - Ct. Rm. 1	Hearing on Motion to Continue	Not Held	Dolaher
08/23/2017	Criminal 1 - Ct. Rm. 1	Final Pre-Trial Conference	Not Held	Dolaher
09/20/2017	Criminal 1 - Ct. Rm. 1	Conference to Review Status	Held as Scheduled	Sirois
10/25/2017	Criminal 1 - Ct. Rm. 1	Hearing RE: Discovery Motion(s)	Held as Scheduled	Dolaher
02/16/2018	Criminal 1 - Ct. Rm. 1	Bail Hearing	Not Held	Ricciardone
02/28/2018	Criminal 1 - Ct. Rm. 1	Bail Hearing	Held as Scheduled	Ricciardone
03/06/2018	Criminal 1 - Ct. Rm. 1	Final Pre-Trial Conference	Held as Scheduled	Ricciardone
03/20/2018	Criminal 1 - Ct. Rm. 1	Jury Trial	Rescheduled	Ricciardone
03/21/2018	Criminal 1 - Ct. Rm. 1	Jury Trial	Rescheduled	Ricciardone
03/28/2018	Criminal 1 - Ct. Rm. 1	Conference to Review Status	Held as Scheduled	Ricciardone
04/05/2018	Criminal 1 - Ct. Rm. 1	Jury Trial	Not Held	Ricciardone
04/05/2018	CR Session 5 - Ct. Rm 8	Conference to Review Status	Not Held	Page
04/05/2018	CR Session 5 - Ct. Rm 8	Hearing for Warrant Removal	Held as Scheduled	Page
04/06/2018	CR Session 5 - Ct. Rm 8	Bail Hearing	Held as Scheduled	Page
04/09/2018	CR Session 5 - Ct. Rm 8	Hearing on Motion(s) in Limine	Held as Scheduled	Page
04/09/2018	CR Session 5 - Ct. Rm 8	Jury Trial	Rescheduled	Page
04/12/2018	CR Session 5 - Ct. Rm 8	Final Trial Conference	Held as Scheduled	Page
04/23/2018	CR Session 5 - Ct. Rm 8	Jury Trial	Rescheduled	Page
04/24/2018	CR Session 5 - Ct. Rm 8	Jury Trial	Not Held	Page
04/30/2018	CR Session 5 - Ct. Rm 8	Conference to Review Status	Held as Scheduled	Page
05/02/2018	CR Session 5 - Ct. Rm 8	Jury Waived Trial	Held as Scheduled	Page
05/03/2018	CR Session 5 - Ct. Rm 8	Jury Waived Trial	Held as Scheduled	Page



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05/07/2018	CR Session 5 - Ct. Rm 8	Hearing for Change of Plea	Held as scheduled	Page
05/07/2018	CR Session 5 - Ct. Rm 8	Jury Waived Trial	Held as Scheduled	Page
05/21/2018	CR Session 5 - Ct. Rm 8	Hearing for Sentence Imposition	Held as Scheduled	Page
03/24/2023	CR Session 5 - Ct. Rm 8	Motion Hearing	Held as Scheduled	Hodge
07/12/2023	CR Session 4 - Ct. Rm 6	Motion Hearing	Not Held	Hodge
08/29/2023	CR Session 4 - Ct. Rm 6	Conference to Review Status	Held via Video/Phone	Hodge
10/25/2023	CR Session 4 - Ct. Rm 6	Hearing on Motion for New Trial	Canceled	Hodge
10/30/2023	CR Session 4 - Ct. Rm 6	Hearing on Motion for New Trial	Not Held	Hodge
10/30/2023	CR Session 5 - Ct. Rm 8	Hearing on Motion for New Trial	Held - Under advisement Held as Scheduled	Hodge Hodge
11/06/2023	CR Session 5 - Ct. Rm 8	Hearing on Motion for New Trial	Held as Scheduled	Hodge
11/13/2023	CR Session 5 - Ct. Rm 8	Hearing on Motion for New Trial	Held as Scheduled	Hodge
04/17/2025	CR Session 4 - Ct. Rm 6	Conference to Review Status	Held via Video/Phone	Hodge



**COMMONWEALTH OF MASSACHUSETTS
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INFORMATIONAL DOCKET ENTRIES

Date	Ref	Description	Judge
01/02/2014	1	Indictment returned	
01/02/2014		RE: offense ##1: penalty enhancement under chapter 269 section 10G (a)	
01/02/2014		RE: offense ##2: penalty enhancement under chapter 269 section 10G(a)	
01/02/2014		RE: offense ##3: penalty enhancement under chapter 269 section 10G(a)	
01/08/2014		Habe for arraignment issued ret 1/21/14	
01/21/2014		Deft arraigned before Court	
01/21/2014		Appointment of Counsel Thomas E. Robinson, pursuant to Rule 53	
01/21/2014	2	Appearance of Deft's Atty: Thomas E. Robinson	
01/21/2014	3	Appearance of Commonwealth's Atty: Frank E Flannery	
01/21/2014		Deft waives reading of indictments	
01/21/2014		RE Offense 1:Plea of not guilty	
01/21/2014		RE Offense 2:Plea of not guilty	
01/21/2014		RE Offense 3:Plea of not guilty	
01/21/2014		RE Offense 4:Plea of not guilty	
01/21/2014		Bail set at \$100,000.00 Surety, \$10,000.00 Cash. Next Date: 3/23/17	Carey
01/21/2014		Bail warning read (Carey, J.)	
01/21/2014	4	Bail: mittimus issued	
01/21/2014		Assigned to Track "A", see scheduling order	
01/21/2014		Tracking deadlines Active since return date	
04/02/2014	5	MOTION by Deft: for termination or modification of an impoundment order	
04/02/2014	5.1	Affidavit in support of defendant's motion for termination or midification of an impoundment order	
04/07/2014		MOTION (P#5) allowed (John S. Ferrara, Justice).	
04/17/2014		Event: Pre Trial hearing held (John S. Ferrara, Justice)	
04/17/2014	6	Pre-trial conference report filed	
04/29/2014	7	Notice of assignment of counsel filed.	
04/29/2014	8	MOTION by Deft: for Funds to Obtain FBI Records	
04/29/2014	8.1	Affidavit of Indigency in Support of Motion for Funds	
06/20/2014		MOTION (P#8) allowed (Edward J. McDonough, Justice)	
08/01/2014	9	MOTION by Deft: to suppress statements and physical evidence	
08/01/2014	9.1	Affidavit of counsel in support of motion to suppress statements	
08/01/2014	10	Deft files memorandum in support of motion to suppress statements	
08/01/2014	11	MOTION by Deft: to suppress statements	



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08/01/2014	12	MOTION by Deft: for discovery of fingerprint evidence
08/01/2014	13	MOTION by Deft: in limine to disqualify testimony regarding marital communications and request for voir dire
08/01/2014	14	MOTION by Deft: to be furnished with statements of promises, rewards, inducements or threats
08/01/2014	15	MOTION by Deft: for policy and procedures of the Springfield Police Department and FBI with respect audio/video recording suspect statements
08/01/2014	16	MOTION by Deft: to continue
08/01/2014	17	MOTION by Deft: for discovery of FBI informant file
08/01/2014	18	Ex Parte MOTION by Deft: for funds to hire a crime scene and fingerprint expert
08/01/2014	18.1	Affidavit in support of Ex Parte motion for funds
08/01/2014	19	Ex Parte MOTION by Deft: for funds to hire a ballistics expert
08/01/2014	20	MOTION by Deft: for leave to file late motion to suppress statements and motion to suppress physical evidence
08/04/2014		MOTION (P#16) allowed (no obj. by Comm. Cont'd to 11/14/14, FPTC & 12/8/14, trial (Mary Lou Rup, Justice)
08/04/2014		MOTION (P#20) allowed (no obj. by Comm. . Evid. hrg 10/6/214 (Mary Lou Rup, Justice).
08/06/2014		MOTION (P#18) allowed in an amount not to exceed \$2,500.00 (Mary Lou Rup, Justice)
08/06/2014		MOTION (P#19) After hearing, allowed in an amount not to exceed \$1,000.00 Without Prejudice (Mary Lou Rup, Justice)
08/19/2014	21	Agreement on Discovery motions
09/22/2014	22	Appearance of Commonwealth's Atty: Maximillian Bennett
09/22/2014	23	Ex Parte MOTION by Deft: for funds to hire an investigator
09/22/2014	24	MOTION by Deft: for court issuance of a summons for third party records and copies of the same to defense counsel
09/22/2014	25	MOTION by Deft: for court issuance of a summons for third party records: WEMCo and copies of the same to defense counsel
09/22/2014	25.1	MOTION by Deft: for Court Issuance of a Summons for Third Party Records and copies of the same to the same to Defense Counsel
09/22/2014	24.1	MOTION by Deft: for Court Issuance of a Summons for third party records; Atlas and copies of the same to Defense Counsel
09/24/2014		MOTION (P#23) allowed (C. Jeffrey Kinder, Justice).
09/24/2014	26	MOTION by Commonwealth: to Continue
10/03/2014		MOTION (P#26) allowed in part: Motion to Suppress continued to 11/12/14; further hrg. on Mtn. Continue trial on 11/12/14. (C. Jeffrey Kinder, Justice)
10/22/2014		MOTION (P#25) allowed (C. Jeffrey Kinder, Justice).



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10/22/2014		MOTION (P#25.1) allowed (C. Jeffrey Kinder, Justice).
10/22/2014		MOTION (P#24) allowed (C. Jeffrey Kinder, Justice).
10/22/2014	27	ORDER and Summons (Kinder, Justice)
10/22/2014	28	ORDER and Summons (Kinder, Justice)
11/06/2014	29	MOTION by Deft: to Expedite Production of Transcripts
11/10/2014		MOTION (P#29) allowed (Tina S. Page, Justice).
12/01/2014		Records from Northeast Utilities/Western Mass. Electric regarding 685 State St. Spfld. MA.
12/04/2014		Other records from Atlas Property Management, Inc. received
12/31/2014	30	MOTION by Deft: for Inquiry Regarding Identity of FBI Informant
12/31/2014	31	MOTION by Deft: to Compel Discovery of Fingerprint Evidence
12/31/2014	32	MOTION by Deft: to be Furnished with Statements of Promises Rewards, Inducements or Threats
12/31/2014	33	MOTION by Deft: to Compel
12/31/2014	33.1	Affidavit
01/20/2015	34	Agreement on Discovery motions
01/28/2015	35	Commonwealth files opposition to defendant's motion to dismiss
01/29/2015	36	MOTION by Deft: to suppress statements: MCI Shirley
01/29/2015	36.1	Affidavit in support of motion to suppress statements
01/29/2015	37	Deft files memorandum in support of motion to suppress statements
01/30/2015	38	MOTION by Deft: to Dismiss
01/30/2015		MOTION (P#38) denied (Kinder, Justice)
01/30/2015	38.1	Deft files Affidavit of Counsel in support of Motion to Dismiss
01/30/2015	39	Deft files Memorandum in support of Motion to Dismiss
03/09/2015		MOTION (P#9) denied (Ferrara, Justice).
03/09/2015		MOTION (P#11) allowed (Ferrara, Justice).
03/09/2015	39.1	Findings of Fact, Rulings of Law, and Order on Defenant's Motions to Suppress Evidence and Statements (Ferrara, Justice)
03/11/2015	40	MOTION by Deft: in limine: daubert/lanigan hearing laboratory testing
03/12/2015	41	MOTION by Deft: for suggested questions to the Jury
03/12/2015	42	MOTION by Deft: to preclude the Commonwealth from impeaching the defendant's credibilty with evidence of prior convictions
03/12/2015	43	MOTION by Deft: for the accused to be seated at counsel table
03/12/2015	44	MOTION by Deft: for sequestration of witnesses
03/12/2015	45	MOTION by Deft: to exclude any documents, evidence and statements not provided



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03/12/2015	46	MOTION by Deft: for voir dire of jurors on the subject to racial prejudice
03/12/2015	47	MOTION by Deft: in limine: daubert/lanigan hearing: laboratory testing
03/12/2015	48	MOTION by Deft: in limine to preclude prejudicial evidence
03/12/2015	49	MOTION by Deft: in limine to preclude prejudicial evidence: defendant's statements to lieutenant Martinez and request to impound contents hereof
03/12/2015	49.1	Affidavit in support of request to impound motion
03/12/2015	50	MOTION by Deft: in limine to preclude prejudicial evidence: defendant's written statement and request to impound contents hereof
03/12/2015	50.1	Affidavit in support of request to impound motion
03/12/2015	51	Notice of Interlocutory Appeal filed by Ayyub Abdul-Alim
03/16/2015	52	Notice of Interlocutory Appeal filed by Commonwealth RE: Allowance of Deft.'s Motion to Suppress
03/17/2015	53	Exhibits filed MTS in Counter
03/19/2015	54	MOTION by Deft: for extension of filing deadline, Rule 15 appeal
03/19/2015	54.1	Affidavit in support of motion for extension of filing deadline
03/20/2015		MOTION (P#54) allowed (Ferrara, Justice)
03/31/2015	55	MOTION by Deft: to withdraw
03/31/2015		MOTION (P#55) allowed (Richard Carey, Justice)
03/31/2015	56	Appearance of Deft's Atty: Daniel D Kelly
04/23/2015	57	MOTION by Deft: for discovery of list of property tags
04/23/2015	58	MOTION by Deft: for discovery of photographs
04/23/2015	59	MOTION by Deft: for all exhibits submitted to the Grand Jury
04/23/2015	60	MOTION by Deft: for written statement of defendant referenced in the Grand Jury presentment of this matter
04/23/2015	61	MOTION by Deft: for search warrant, search warrant return, and affidavit submitted in support of search warrant
04/23/2015	62	MOTION by Deft: for any and all written policies, procedures and regulations regarding fingerprint evidence
04/27/2015	63	Pre-trial conference report filed
04/27/2015	64	At SJC, for Suffolk County: Notice of Docket Entry: ORDER: Interlocutory appeal allowed; to Appeals Court (Spina, J.)
05/01/2015	65	Court Reporter Adams, Sara is hereby notified to prepare one copy of the transcript of the evidence of 11/12/2014
05/01/2015	66	MOTION by Deft: for funds for Investigator
05/01/2015	66.1	Deft files Affidavit in support of Ex parte Motion for funds for Investigator



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05/05/2015		Transcript of testimony received 1-CD dated 11/12/14 Transcript of proceedings from Court Reporter Adams, Sara	
05/19/2015	67	Notice of assembly of record; mailed to Appeals Court per Rule 9(d)	
05/28/2015		MOTION (P#66) allowed (Tina S. Page, Justice).	
05/29/2015	68	Notice of Entry of appeal received from the Appeals Court	
07/16/2015	69	Defendant 's Motion to Enlarge time to file Defense Motions	
07/20/2015		Endorsement on Motion to , (#69.0): ALLOWED	Rup
07/20/2015		Event Result: The following event: Motion Hearing scheduled for 07/20/2015 09:23 AM has been resulted as follows: Result: Held as Scheduled Appeared:	Rup
07/20/2015		Event Result: The following event: Final Pre-Trial Conference scheduled for 09/10/2015 09:39 AM has been resulted as follows: Result: Canceled Reason: By Court prior to date Appeared:	Rup
07/20/2015		Event Result: The following event: Non-Evidentiary Hearing to Dismiss scheduled for 07/23/2015 09:17 AM has been resulted as follows: Result: Canceled Reason: Joint request of parties Appeared:	Rup
07/20/2015		Event Result: The following event: Evidentiary Hearing on Suppression scheduled for 07/23/2015 09:15 AM has been resulted as follows: Result: Canceled Reason: Joint request of parties Appeared:	Rup
07/21/2015		Event Result: The following event: Jury Trial scheduled for 09/16/2015 09:07 AM has been resulted as follows: Result: Rescheduled Reason: By Court prior to date	Rup
09/10/2015		Event Result: The following event: Motion Hearing scheduled for 09/10/2015 09:23 AM has been resulted as follows: Result: Not Held Reason: Joint request of parties Appeared:	Page
09/10/2015		Event Result: The following event: Conference to Review Status scheduled for 09/10/2015 09:35 AM has been resulted as follows: Result: Not Held Reason: Joint request of parties Appeared:	Page



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09/10/2015	70	Pre-trial conference report filed	
11/23/2015		Event Result: The following event: Conference to Review Status scheduled for 11/23/2015 09:35 AM has been resulted as follows: Result: Held as Scheduled	McDonough
01/14/2016		Event Result: The following event: Conference to Review Status scheduled for 01/14/2016 09:35 AM has been resulted as follows: Result: Held as Scheduled	Sweeney
04/04/2016	71	Rescript received from Appeals Court; judgment VACATED The order allowing the defendant's motion to suppress statements made to officers while in detention on December 11, 2011, is vacated, and the case is remanded for further proceedings consistent with the memorandum and order of Appeals court..	
06/21/2016		The following form was generated: Notice to Appear Sent On: 06/21/2016 09:22:38	
06/22/2016		Habeas Corpus for defendant issued to MCI - Cedar Junction (at Walpole) returnable for 06/23/2016 09:30 AM Evidentiary Hearing on Suppression. Please Have Deft. here at 9:00 AM	
06/22/2016		Event Result: The following event: Evidentiary Hearing on Suppression scheduled for 06/23/2016 09:30 AM has been resulted as follows: Result: Not Held Reason: By Court prior to date	Ferrara
08/08/2016		Habeas Corpus for defendant issued to MCI - Cedar Junction (at Walpole) returnable for 08/09/2016 09:00 AM Evidentiary Hearing on Suppression. Please Have Deft. here at 9:00 AM	
08/09/2016		Matter taken under advisement The following event: Evidentiary Hearing on Suppression scheduled for 08/09/2016 09:00 AM has been resulted as follows: Result: Held - Under advisement	Ferrara
09/12/2016		Attorney appearance On this date Jane Davidson Montori, Esq. dismissed/withdrawn as Attorney for the Commonwealth for Prosecutor Commonwealth	
09/13/2016		Habeas Corpus for defendant issued to MCI - Cedar Junction (at Walpole) returnable for 09/14/2016 09:19 AM Pre-Trial Conference. Please Have Deft. here at 9:00 AM	
09/13/2016	72	Findings of Fact and Rulings of Law: and Order upon reconsideration of defendant's motion to suppress statements after remand	Ferrara
09/14/2016	73	Pre-trial conference report filed	



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09/14/2016		Event Result: The following event: Pre-Trial Conference scheduled for 09/14/2016 09:19 AM has been resulted as follows: Result: Not Held Reason: Joint request of parties	Carey
11/02/2016		Habeas Corpus for defendant issued to MCI - Cedar Junction (at Walpole) returnable for 11/03/2016 09:35 AM Conference to Review Status. Please have defendant here by 9am	
11/03/2016		Event Result: The following event: Conference to Review Status scheduled for 11/03/2016 09:35 AM has been resulted as follows: Result: Held as Scheduled	McDonough
11/14/2016		General correspondence regarding request for docket sheets	
12/13/2016		Habeas Corpus for defendant issued to MCI - Cedar Junction (at Walpole) returnable for 12/14/2016 09:19 AM Pre-Trial Hearing. Please have defendant here by 9am	
12/14/2016		Event Result: The following event: Pre-Trial Hearing scheduled for 12/14/2016 09:19 AM has been resulted as follows: Result: Held as Scheduled	McDonough
12/14/2016	74	Pre-trial conference report filed	
03/03/2017	75	Defendant 's Motion for discovery	
03/03/2017	76	Defendant 's Motion for discovery	
03/03/2017	77	Defendant 's Motion for discovery	
03/03/2017	78	Defendant 's Motion for discovery	
03/03/2017	79	Defendant 's Motion for Court issuance of a summons for Third Party records by Atlas Management	
03/03/2017	80	Defendant 's Motion for Court issuance of a summons for Third Party records by comcast	
03/23/2017		Event Result: The following event: Hearing RE: Discovery Motion(s) scheduled for 03/23/2017 09:21 AM has been resulted as follows: Result: Not Held Reason: Joint request of parties	Unassigned
04/04/2017		Event Result: The following event: Hearing RE: Discovery Motion(s) scheduled for 04/04/2017 09:21 AM has been resulted as follows: Result: Held as Scheduled	Unassigned
04/04/2017	81	Agreement on Discovery motions Attorney: Kelly, Esq., Daniel Dennis	
04/04/2017		Attorney appearance On this date Maximilian J. Bennett, Esq. dismissed/withdrawn as Attorney for the Commonwealth for Prosecutor Commonwealth	



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04/04/2017	82	Attorney appearance On this date Robert Anton Schmidt, Esq. added as Attorney for the Commonwealth for Prosecutor Commonwealth	
04/10/2017	83	Defendant Daniel Dennis Kelly, Esq.'s Motion to continue trial and motion dates	
04/11/2017		Event Result: The following event: Hearing RE: Discovery Motion(s) scheduled for 04/11/2017 09:21 AM has been resulted as follows: Result: Not Held Reason: Request of Defendant	Dolahaer
04/11/2017	84	Agreement on Discovery motions Attorney: Kelly, Esq., Daniel Dennis	
04/11/2017		Endorsement on Motion to continue trial and motion dates, (#83.0): ALLOWED by agreement	Roscoe
04/11/2017		Event Result: The following event: Evidentiary Hearing on Suppression scheduled for 04/27/2017 09:15 AM has been resulted as follows: Result: Not Held Reason: Joint request of parties	Dolahaer
04/11/2017		Event Result: The following event: Evidentiary Hearing to Dismiss scheduled for 04/27/2017 09:17 AM has been resulted as follows: Result: Not Held Reason: Joint request of parties	Dolahaer
04/11/2017		Event Result: The following event: Final Pre-Trial Conference scheduled for 07/12/2017 09:39 AM has been resulted as follows: Result: Not Held Reason: Joint request of parties	Dolahaer
04/11/2017		Event Result: The following event: Jury Trial scheduled for 07/19/2017 09:07 AM has been resulted as follows: Result: Not Held Reason: Joint request of parties	Dolahaer
06/30/2017	86	Defendant 's Motion to suppress statements	
06/30/2017	87	Defendant 's Motion to dismiss	
06/30/2017	87.1	Affidavit of Daniel D. Kelly, Esq. in support of motion to dismiss indictments under Commonwealth v. McCarthy	
07/12/2017	88	's Joint Motion to continue	
07/12/2017		Endorsement on Motion for issuance of a summons continue, (#88.0): ALLOWED	Unassigned



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07/12/2017		Event Result: The following event: Final Pre-Trial Conference scheduled for 08/10/2017 09:39 AM has been resulted as follows: Result: Rescheduled Reason: By Court prior to date	Unassigned
08/08/2017	89	Defendant 's Motion for discovery informant's immigration file	
08/08/2017	90	Defendant 's Motion for discovery informant's local and state police file	
08/08/2017	91	Defendant 's Motion for discovery officer notes and written statements	
08/08/2017	92	Defendant 's Motion to suppress evidence	
08/08/2017	93	Defendant 's Motion to reconsider the denial of the defendant's motion to dismiss	
08/14/2017		Matter taken under advisement The following event: Evidentiary Hearing on Suppression scheduled for 08/14/2017 09:15 AM has been resulted as follows: Result: Held - Under advisement	Callan
08/14/2017	94	Defendant 's Supplemental Motion to dismiss	
08/14/2017		Event Result: The following event: Final Pre-Trial Conference scheduled for 08/14/2017 09:39 AM has been resulted as follows: Result: Not Held Reason: By Court prior to date	Callan
08/14/2017		Event Result: The following event: Jury Trial scheduled for 08/23/2017 09:07 AM has been resulted as follows: Result: Not Held Reason: By Court prior to date	Callan
08/14/2017	95	Commonwealth's Memorandum in opposition to defendant's motion to suppress- Detective return	
08/14/2017	96	Affidavit of Daniel D. Kelly in support of motion to suppress evidence	
08/14/2017	86.1	Affidavit of Ayyub Abdul-Alim in support of motion to suppress statements	
08/15/2017		Endorsement on Motion to suppress evidence, (#87.0): DENIED The evidence presented to grand jury was sufficient to support the finding of probable cause that the defendant had constructive possession of the weapons and ammunition as charged	Callan
08/15/2017		Endorsement on Motion to suppress evidence, (#92.0): DENIED Required warrant return procedures are ministerial. There is no per se exclusionary rule and the defendant does not even allege, let alone support, a contention of police misconduct. 8/18/17-mailed to Atty., copy left on counter for ADA	Callan
08/22/2017	97	ORDER: and decision on defendant's motion to suppress (allowed j. callan) (notified via mail)	Callan



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08/23/2017		Event Result: The following event: Jury Trial scheduled for 08/23/2017 09:07 AM has been resulted as follows: Result: Not Held Reason: Joint request of parties	Dolahaer
08/23/2017		Event Result: The following event: Hearing on Motion to Continue scheduled for 08/23/2017 09:23 AM has been resulted as follows: Result: Not Held Reason: Joint request of parties	Dolahaer
08/23/2017		Event Result: The following event: Final Pre-Trial Conference scheduled for 08/23/2017 09:39 AM has been resulted as follows: Result: Not Held Reason: Joint request of parties	Dolahaer
09/20/2017		Event Result: The following event: Conference to Review Status scheduled for 09/20/2017 09:35 AM has been resulted as follows: Result: Held as Scheduled	Sirois
10/13/2017	98	List of exhibits	
10/25/2017		Event Result: Judge: Dolahaer, Brian The following event: Hearing RE: Discovery Motion(s) scheduled for 10/25/2017 09:21 AM has been resulted as follows: Result: Held as Scheduled	Dolahaer
01/29/2018		CIMG UPDATE: Defendant was changed during the Identity Management Process	
02/16/2018		Event Result: Judge: Ricciardone, Hon. David The following event: Bail Hearing scheduled for 02/16/2018 09:29 AM has been resulted as follows: Result: Not Held Reason: Request of Defendant	Ricciardone
02/28/2018		Event Result: Judge: Ricciardone, Hon. David The following event: Bail Hearing scheduled for 02/28/2018 09:29 AM has been resulted as follows: Result: Held as Scheduled Oral motion to reduce bail denied without prejudice Judge: Ricciardone, Hon. David	Ricciardone
03/06/2018		Event Result: Judge: Ricciardone, Hon. David The following event: Final Pre-Trial Conference scheduled for 03/06/2018 09:39 AM has been resulted as follows: Result: Held as Scheduled	Ricciardone



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03/06/2018		Event Result: Judge: Ricciardone, Hon. David The following event: Jury Trial scheduled for 03/20/2018 09:07 AM has been resulted as follows: Result: Rescheduled Reason: By Court prior to date	Ricciardone
03/06/2018	99	Joint Pre-Trial Memorandum filed: Final	
03/15/2018		Event Result: Judge: Ricciardone, Hon. David The following event: Jury Trial scheduled for 03/21/2018 09:07 AM has been resulted as follows: Result: Rescheduled Reason: Joint request of parties	Ricciardone
03/15/2018	100	Commonwealth, Defendant 's Joint Motion to continue	
03/15/2018		Endorsement on Motion to continue, (#100.0): ALLOWED Judge: Ricciardone, Hon. David	Ricciardone
03/27/2018	101	Defendant 's Motion in limine to Prohibit Evidence of Prior Conviction (S)	
03/27/2018	102	Defendant 's Motion in limine to Prohibit Evidence of prior Misconduct	
03/27/2018	103	Defendant 's Motion for Sequestration of Witnesses	
03/27/2018	104	Defendant 's Motion in limine to Prohibit Evidence of Private conversations between the Defendant and his Wife, Siham Stewart	
03/27/2018	105	Defendant 's Motion for Voir Dire of Jurors	
03/27/2018	106	Defendant Ayyub N Abdul-Alim's proposed juror Voir Dire questions filed.	
03/27/2018	107	Witness list Applies To: Abdul-Alim, Ayyub N (Defendant)	
03/28/2018		Event Result: Judge: Ricciardone, Hon. David The following event: Conference to Review Status scheduled for 03/28/2018 09:35 AM has been resulted as follows: Result: Held as Scheduled	Ricciardone
03/29/2018		Event Result: Judge: Ricciardone, Hon. David The following event: Jury Trial scheduled for 04/05/2018 09:07 AM has been resulted as follows: Result: Not Held Reason: Transferred to another session	Ricciardone
04/03/2018	108	Opposition to to defendant's motion in limine - martial disqualification filed by Commonwealth	
04/04/2018		Other Records received from Hampden County House of Correction	
04/04/2018	109	Commonwealth 's Motion in limine for admission of in-court identification	



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04/05/2018		Event Result: Judge: Page, Hon. Tina The following event: Conference to Review Status scheduled for 04/05/2018 09:15 AM has been resulted as follows: Result: Not Held Reason: Defendant defaulted	Page
04/05/2018		Issued: Default Warrant issued on 04/05/2018 for Abdul-Alim, Ayyub N	
04/05/2018		Event Result: Judge: Page, Hon. Tina The following event: Hearing for Warrant Removal scheduled for 04/05/2018 11:25 AM has been resulted as follows: Result: Held as Scheduled	Page
04/05/2018		Commonwealth oral motion to increase bail heard-taken under advisement , In meantime, bail revoked. Deft. held w/o Right to Bail Judge: Page, Hon. Tina	Page
04/05/2018	110	The defendant/petitioner is committed without bail for the following reason: Per Order of the Court. Bail Revoked. Deft. Held Without the Right to Bail Next Date: 4/6/18 Judge: Page, Hon. Tina	Page
04/05/2018	111	Witness list Applies To: Commonwealth (Prosecutor)	
04/05/2018	112	Commonwealth 's Motion in limine to admit defendant's certified prior convictions Applies To: Commonwealth (Prosecutor)	
04/06/2018		Event Result: Judge: Page, Hon. Tina The following event: Bail Hearing scheduled for 04/06/2018 09:15 AM has been resulted as follows: Result: Held as Scheduled	Page
04/06/2018		Bail warnings read Judge: Page, Hon. Tina	Page
04/06/2018		Bail set at \$0.00 Surety, \$10,000.00 Cash. as posted. Next Date: 4/9/18 Judge: Page, Hon. Tina	Page
04/06/2018		Bail warnings read	
04/09/2018		Event Result: Judge: Page, Hon. Tina The following event: Jury Trial scheduled for 04/09/2018 09:15 AM has been resulted as follows: Result: Rescheduled Reason: Lack of Jurors	Page



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04/09/2018		Matter taken under advisement Judge: Page, Hon. Tina The following event: Hearing on Motion(s) in Limine scheduled for 04/09/2018 09:15 AM has been resulted as follows: Result: Held - Under advisement	Page
04/09/2018		Endorsement on Motion in limine for Admission of In-Court Identification, (#109.0): ALLOWED without objection Judge: Page, Hon. Tina	Page
04/09/2018		Endorsement on Motion for Sequestration of witnesses, (#103.0): ALLOWED without objection Judge: Page, Hon. Tina	Page
04/11/2018		Event Result: Judge: Page, Hon. Tina The following event: Jury Trial scheduled for 04/23/2018 09:15 AM has been resulted as follows: Result: Rescheduled Reason: By Court prior to date	Page
04/12/2018		Event Result: Judge: Page, Hon. Tina The following event: Final Trial Conference scheduled for 04/12/2018 11:00 AM has been resulted as follows: Result: Held as Scheduled	Page
04/12/2018	113	MEMORANDUM & ORDER: of Decision and Order on Defendant's Motion In Limine Judge: Page, Hon. Tina Judge: Page, Hon. Tina	Page
04/12/2018		Endorsement on Motion in limine to Prohibit Evidence of private conversations between the defendant and his wife, Siham Stewart, (#104.0): DENIED see Memorandum of Decision and Order Judge: Page, Hon. Tina	Page
04/24/2018		Event Result: Judge: Page, Hon. Tina The following event: Jury Trial scheduled for 04/24/2018 09:15 AM has been resulted as follows: Result: Not Held Reason: Request of Defendant	Page
04/24/2018	114	Witness list amended Applies To: Commonwealth (Prosecutor)	



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04/25/2018	115	Waiver of trial by jury	
04/30/2018		Event Result: Judge: Page, Hon. Tina The following event: Conference to Review Status scheduled for 04/30/2018 09:15 AM has been resulted as follows: Result: Held as Scheduled	Page
05/02/2018		Event Result: Judge: Page, Hon. Tina The following event: Jury Waived Trial scheduled for 05/02/2018 09:15 AM has been resulted as follows: Result: Held as Scheduled	Page
05/03/2018		Event Result: Judge: Page, Hon. Tina The following event: Jury Waived Trial scheduled for 05/03/2018 09:00 AM has been resulted as follows: Result: Held as Scheduled	Page
05/03/2018	121	Defendant 's Motion for a required finding of not guilty at the close of the Commonwealth's case	
05/03/2018	120	List of exhibits	
05/03/2018		Endorsement on Motion for a required finding of not guilty at the close of the Commonwealth's case, (#121.0): DENIED after hearing Judge: Page, Hon. Tina	Page
05/03/2018	122	Defendant 's Motion for a required finding of not guilty at the close of all the evidence Judge: Page, Hon. Tina	Page
05/03/2018		Endorsement on Motion for a required finding of not guilty at the close of all the evidence, (#122.0): DENIED Judge: Page, Hon. Tina	Page
05/07/2018		Event Result: Judge: Page, Hon. Tina The following event: Jury Waived Trial scheduled for 05/07/2018 09:15 AM has been resulted as follows: Result: Held as Scheduled	Page
05/07/2018		Offense Disposition:: Charge #4 FIREARM, POSSESS LARGE CAPACITY c269 §10(m) On: 05/07/2018 Judge: Hon. Tina Page By: Bench Trial Guilty Finding	
05/07/2018		Event Result: Judge: Page, Hon. Tina The following event: Hearing for Change of Plea scheduled for 05/07/2018 09:00 AM has been resulted as follows: Result: Held as scheduled	Page



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05/07/2018	116	Defendant waives rights. Judge: Page, Hon. Tina	Page
05/07/2018		Plea colloquy given. Judge: Page, Hon. Tina	Page
05/07/2018	117	Finding on plea of guilty. Judge: Page, Hon. Tina	Page
05/07/2018		Defendant warned pursuant to alien status, G.L. c. 278, § 29D. Judge: Page, Hon. Tina	Page
05/07/2018		Defendant warned pursuant to the habitual offender statute G.L. c. 279, § 25(d) Judge: Page, Hon. Tina	Page
05/07/2018		Defendant warned as to submission of DNA G.L. c. 22E, § 3 Judge: Page, Hon. Tina	Page
05/07/2018		Defendant notified of right of appeal to the Appellate Division of the Superior Court within ten (10) days. Judge: Page, Hon. Tina	Page
05/07/2018	118	Offense Disposition:: Charge #1 FIREARM VIOL WITH 1 PRIOR VIOLENT/DRUG CRIME c269 §10G(a) 269/10G/A-0 On: 05/07/2018 Judge: Hon. Tina Page By: Hearing on Plea Offer/Change Guilty Verdict - Lesser Included Charge #2 FIREARM VIOL WITH 1 PRIOR VIOLENT/DRUG CRIME c269 §10G(a) 269/10G/A-0 On: 05/07/2018 Judge: Hon. Tina Page By: Hearing on Plea Offer/Change Guilty Verdict - Lesser Included Charge #3 FIREARM VIOL WITH 1 PRIOR VIOLENT/DRUG CRIME c269 §10G(a) 269/10G/A-0 On: 05/07/2018 Judge: Hon. Tina Page By: Hearing on Plea Offer/Change Guilty Verdict - Lesser Included Charge #4 FIREARM, POSSESS LARGE CAPACITY c269 §10(m) On: 05/07/2018 Judge: Hon. Tina Page By: Bench Trial Guilty Finding	
05/07/2018		Disposed for statistical purposes	
05/07/2018	119	The defendant/petitioner is committed without bail for the following reason: Per Order of the Court. Bail Revoked Next Date: 5/21/18 Judge: Page, Hon. Tina	Page
05/11/2018	123	Ayyub N Abdul-Alim's Memorandum in support of Defendant's Request for a Sentence Nunc Pro Tunc	
05/16/2018		General correspondence regarding Docket sheets made for ADA Robert Schmidt	
05/16/2018	124	Commonwealth's Memorandum Sentencing Memorandum	



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05/21/2018	Event Result:	Page
	Judge: Page, Hon. Tina The following event: Hearing for Sentence Imposition scheduled for 05/21/2018 09:00 AM has been resulted as follows: Result: Held as Scheduled	
05/21/2018	Defendant sentenced:: Sentence Date: 05/21/2018 Judge: Hon. Tina Page Charge #: 1 FIREARM VIOL WITH 1 PRIOR VIOLENT/DRUG CRIME c269 §10G(a) State Prison Sentence Not Less Than: 4 Years, 0 Months, 0 Days Not More Than: 7 Years, 0 Months, 0 Days Charge #: 2 FIREARM VIOL WITH 1 PRIOR VIOLENT/DRUG CRIME c269 §10G(a) State Prison Sentence Not Less Than: 4 Years, 0 Months, 0 Days Not More Than: 7 Years, 0 Months, 0 Days Served Concurrently Charge # 1 Case 14-7-1 Charge #: 3 FIREARM VIOL WITH 1 PRIOR VIOLENT/DRUG CRIME c269 §10G(a) State Prison Sentence Not Less Than: 4 Years, 0 Months, 0 Days Not More Than: 7 Years, 0 Months, 0 Days Served Concurrently Charge # 1 Case 14-7-1 Charge #: 4 FIREARM, POSSESS LARGE CAPACITY c269 §10(m) State Prison Sentence Not Less Than: 4 Years, 0 Months, 0 Days Not More Than: 7 Years, 0 Months, 0 Days Served Concurrently Charge # 1 Case 14-7-1 Committed to MCI - Cedar Junction (at Walpole) Credits 48 Days Financials: Victim/Witness Assessment on felony G.L. c. 258B, § 8. Amount \$90.00 Further Orders of the Court: Credit by Agreement and Order of the Court	
05/21/2018	125	Issued on this date: Mitt For Sentence (First 6 charges) Sent On: 05/21/2018 11:47:35
05/23/2018	126	List of exhibits All exhibits returned on 5/7/18 @ 2:10 PM BY: Attest: Terrence Ginley, Asst. Clerk Received by: Robert Schmidt, ADA
05/25/2018	127	Defendant 's Motion to revise and revoke
05/25/2018	127.1	Affidavit of counsel in support of motion to revise and revoke



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05/25/2018	128	Attorney Daniel Dennis Kelly, Esq.'s motion to withdraw as counsel of record for party Applies To : Abdul-Alim, Ayyub N (Defendant)	
05/29/2018	129	Defendant 's Motion for appointment of appellate counsel	
05/29/2018	130	Notice of appeal filed. Applies To : Abdul-Alim, Ayyub N (Defendant)	
05/29/2018	130.1	Notice of appeal from sentence to MCI - Cedar Junction (at Walpole) filed by defendant	
05/29/2018		Notification to the Appellate Division sent.	
05/31/2018		Endorsement on Motion for Appointment of Appellate Counsel, (#129.0): Other action taken refer to CPCS appellate Division Judge: Page, Hon. Tina	Page
05/31/2018		Endorsement on Motion to Withdraw, (#128.0): ALLOWED (See Pleading) Judge: Page, Hon. Tina	Page
06/06/2018	131	Court Reporter Sara Adams is hereby notified to prepare one copy of the transcript of the evidence of 11/12/2014 09:15 AM Evidentiary Hearing on Suppression Courtroom #5	
06/06/2018	132	Court Reporter Amy Foulks is hereby notified to prepare one copy of the transcript of the evidence of 01/30/2015 09:17 AM Non-Evidentiary Hearing to Dismiss, 08/14/2017 09:15 AM Evidentiary Hearing on Suppression Courtroom #1	
06/06/2018	133	Court Reporter FTR-5 is hereby notified to prepare one copy of the transcript of the evidence of 08/09/2016 09:00 AM Evidentiary Hearing on Suppression	
06/07/2018	134	Court Reporter FTR-6 is hereby notified to prepare one copy of the transcript of the evidence of 04/09/2018 09:15 AM Hearing on Motion(s) in Limine, 04/12/2018 11:00 AM Final Trial Conference, 04/24/2018 09:15 AM Jury Trial, 04/30/2018 09:15 AM Conference to Review Status, 05/02/2018 09:15 AM Jury Waived Trial, 05/03/2018 09:00 AM Jury Waived Trial, 05/07/2018 09:00 AM Hearing for Change of Plea, 05/21/2018 09:00 AM Hearing for Sentence Imposition NOTE: 4-24-18 Date PM portion	
06/07/2018	135	Court Reporter FTR-2 is hereby notified to prepare one copy of the transcript of the evidence of 04/24/2018 09:15 AM Jury Trial Note: 4-24-18 AM Portion	
06/15/2018		Attorney appearance On this date Daniel Dennis Kelly, Esq. dismissed/withdrawn as Private Counsel for Defendant Ayyub N Abdul-Alim	



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06/15/2018	136	Attorney appearance On this date James B Krasnoo, Esq. added as Appointed - Appellate Action for Defendant Ayyub N Abdul-Alim	
08/03/2018		CD of Transcript of 11/12/2014 09:15 AM Evidentiary Hearing on Suppression received from Sara Adams, Ct. Reporter.	
10/10/2018		CD of Transcript of 01/30/2015 09:17 AM Non-Evidentiary Hearing to Dismiss received from Amy Foulks.	
10/10/2018		CD of Transcript of 04/09/2018 09:15 AM Hearing on Motion(s) in Limine, 04/12/2018 11:00 AM Final Trial Conference, 04/30/2018 09:15 AM Conference to Review Status, 05/02/2018 09:15 AM Jury Waived Trial, 05/03/2018 09:00 AM Jury Waived Trial, 05/07/2018 09:00 AM Hearing for Change of Plea, 05/21/2018 09:00 AM Hearing for Sentence Imposition received from FTR-6.	
11/09/2018		Appeal for review of sentence entered at the Appellate Division: Originating Court: Hampden County Receiving Court: Suffolk County Criminal Case Number: 1884AD090-HD ;	
03/29/2019	137	General correspondence regarding Letter from Attorney James B. Krasnoo regarding outstanding transcript(s) due from Office of Transcription services (OTS) N. 4/1/19 Office of Transcription services (OTS) by mail today Attn: Sybil Martin	
04/26/2019	138	Defendant 's Assented to Motion for Appropriate Relief in the Nature of Mandamus and Affidavit of James B. Krasnoo in Support Thereof N. Callan,J/RAJ	
05/30/2019		Endorsement on Motion for Appropriate Relief in the Nature of Mandamus and Affidavit of James B. Krasnoo in Support Thereof, (#138.0): No Action Taken No action necessary Judge: Callan, Hon. Michael K	Callan
05/30/2019		CD of Transcript of 08/09/2016 09:00 AM Evidentiary Hearing on Suppression, 08/14/2017 09:15 AM Evidentiary Hearing on Suppression, 04/24/2018 09:15 AM Jury Trial received from Pamela Borges DosSantos.	
05/30/2019		Attorney appearance On this date Robert Anton Schmidt, Esq. dismissed/withdrawn as Attorney for the Commonwealth for Prosecutor Commonwealth	
05/30/2019	139	Notice of assembly of record sent to Counsel Applies To: Commonwealth (Prosecutor); Abdul-Alim, Ayyub N (Defendant); Krasnoo, Esq., James B (Attorney) on behalf of Abdul-Alim, Ayyub N (Defendant)	
05/30/2019		Attorney appearance On this date Katherine E McMahon, Esq. added as Attorney for the Commonwealth for Prosecutor Commonwealth	



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05/30/2019	140	Appeal: Statement of the Case on Appeal (Cover Sheet). Applies To: Commonwealth (Prosecutor); Abdul-Alim, Ayyub N (Defendant); McMahon, Esq., Katherine E (Attorney) on behalf of Commonwealth (Prosecutor); Krasnoo, Esq., James B (Attorney) on behalf of Abdul-Alim, Ayyub N (Defendant)
06/06/2019	141	Notice of Entry of appeal received from the Appeals Court
06/13/2019	142	Order from Appellate Division of the Superior Court for the Review of Sentence it is ORDERED: Defendant's case continued to MAY 2020.
01/03/2020	143	Defendant 's Motion to produce personal property receipt
01/06/2020		Endorsement on Motion to produce personal property receipt., (#143.0): Callan DENIED without prejudice. The vague phrase "ongoing legal matters" is insufficient. n via mail
01/14/2020	144	Notice of docket entry received from Appeals Court
10/09/2020		Docket Note: certified docket copies mailed to Atty. Krasnoo
05/11/2021	145	Order from Appellate Division of the Superior Court for the Review of Sentence it is ORDERED: Case continued to the next sitting in November 2021 Applies To: Abdul-Alim, Ayyub N (Defendant)
12/30/2021	146	Defendant 's Motion for leave to file consolidated motions to revise & revoke sentence and motions for New Trial and Memorandum in support of motion to revise and revoke sentence and motions for new trial in excess of twenty pages N 12/31/21 Judge Callan
12/30/2021	146.1	Affidavit filed by Defendant Ayyub N Abdul -Alim in support of Motions for New Trial in the above HDCR2012-043 & HDCR 14cr00007 to revise and revoke sentence in HDCR14-00007 n Judge Callan
12/30/2021	146.2	Affidavit of James B. Krasnoo in Support of motion to revise and revoke sentence and Motions for New Trial in both HDCR2012-00043 & HDCR14-00007 (See attached USB (Exhibits A-S) N. 12/31/21 Callan, J
12/30/2021	147	Defendant 's Motion to revise and revoke Sentence and Motions for new trial and memorandum in support of motion to revise and revoke sentence and motions for new trial N. 12/31/21 Callan,J
12/30/2021	149	Defendant 's Motion for termination or modification an impoundment order and affidavit in support hereof N 12/31/21 Judge Callan
12/31/2021	148	Defendant 's Motion for Expert and affidavit of James B. Krasnoo in support hereof N 12/31/21 Judge Callan



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12/31/2021	150	Order from Appellate Division of the Superior Court for the Review of Sentence it is ORDERED: 11/8/2021-At Suffolk-Appellate Division) After hrg., Judgment imposing said sentence stand and that said appeal be and is hereby dismissed. (Cosgrove, Kenton-Walker & Locke,,JJ.) N.12/31/21 Probation Dept. & Central Date Computation Unit	
01/04/2022		Endorsement on Motion for funds for expert and affidavit of James B. Krasnood in support hereof, (#14.0): Other action taken Comm. to respond by 2/22/22-N Atty's by mail	Callan
01/05/2022		Endorsement on Motion for termination or modification of an Impoundment Order and affidavit in support here of, (#149.0): Other action taken Comm. to respond by 1/31/22-n Atty's by mail	Callan
01/11/2022	151	Attorney appearance On this date Travis H Lynch, Esq. added for Prosecutor Commonwealth	
01/31/2022	152	Commonwealth 's Response to court order n. Judge Callan	
01/31/2022	153	Notice of docket entry received from Appeals Court RE#19; Appellate proceedings stayed to 3/11/22, Status report due then as to the disposition of the motions filed in the trial court on 12/20/2021. *Notice/attest	
02/11/2022	154	Commonwealth 's Response to Court Order N Judge Callan	
02/15/2022		Endorsement on Motion for funds for Expert and affidavit of James B. Krasnood in support hereof, (#148.0): ALLOWED without objection N. 2/16/22 Atty: James Krasnood & ADA Lynch	Callan
03/28/2022	155	Notice of docket entry received from Appeals Court RE#22: Appellate proceedings stayed to 5/11/2022. Status report due then as to the disposition of the motions filed in the trial court on 12/20/2021. *Notice/attest	
03/29/2022		Endorsement on Motion to revise and revoke Sentence and Motions for new trial and memorandum in support of motion to revise and revoke sentence and motions for new trial, (#147.0): Other action taken Commonwealth to respond by 4/29/22. Cover letter to indicate it is to be directed to Judge Callan N.3/29/22 ADA Travis Lynch & Atty; James Krasnood	Callan
04/25/2022	156	Commonwealth 's Motion to extend filing deadline (n. j. Callan)	
04/25/2022	156.1	Affidavit of Travis H. Lynch	
04/27/2022		Endorsement on Motion to extend the filing deadline, (#156.0): ALLOWED in the interests of justice and efficiency Judge: Callan, Hon. Michael K	Callan
05/10/2022	157	Notice of docket entry received from Appeals Court RE#24: appellate proceedings stayed to 06/09/2022. Status report due then indicating whether the Commonwealth has filed its opposition to Defendant's Motion for New trial as anticipated 8Notice/attest	



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05/27/2022	158	Opposition to to Defendants Post Conviction Motions filed by Commonwealth Filed by Atty Travis Lynch	
06/09/2022	159	Notice of docket entry received from Appeals Court RE#25: Appellate proceedings stayed to 8/9/22. Status report due then indicating whether the defendant's motion to extend the time to 9/2/22 to file his reply to the Commonwealth's opposition was allowed. *Notice/attest	
06/09/2022	160	ORDER: re: Defendant's Motion for New Trial CASE IS ASSIGNED TO JUDGE DAVID M HODGE , FOR ANY ACTION HE MAY DEEM APPROPRIATE	Callan
06/09/2022	161	Defendant 's Motion for Leave to File Response to Commonwealth's Consolidated Opposition to Defendant's Post Conviction Motions on or Before September 2, 2022, Assented to by the Commonwealth	
06/09/2022		Endorsement on Motion for Leave to File Response to Commonwealth's Consolidated Opposition to Defendant's Post-Conviction Motions on or Before September 2, 2022 Assented to by the Commonwealth, (#161.0): ALLOWED	Hodge
06/10/2022		Endorsement on Motion for Leave to File Response to Commonwealth's Consolidated Opposition to Defendant's Post-Conviction Motions on or Before September 2, 2022, Assented to by the Commonwealth, (#157.0): ALLOWED	Hodge
06/24/2022	162	Defendant 's Motion for further funds for Expert in the Motion in the amount of \$400.00 and Affidavit of James B. Krasnook in support of hereof	
06/27/2022		Endorsement on Motion for further funds for expert in the amount of \$400.00 and affidavit of James B. Krasnook in support of, (#162.0): ALLOWED n by mail	Hodge
08/05/2022	163	Notice of docket entry received from Appeals Court RE#26: Appellate proceedings stayed to 9/13/22. Status report due then indicating whether reply has been filed or extension of time received from the trial court. Notice	
08/30/2022	164	Defendant 's Assented to Motion (second motion) to extend time for filing response to Commonwealth's consolidated opposition to defendant's post trial motions	
08/31/2022		Endorsement on Motion to extend time for filing response to Commonwealth's consolidated opposition to defendant's post trial motions, (#164.0): ALLOWED Defendant shall have up to and including 11-7-22 to file reply	Callan
10/12/2022	165	Notice of docket entry received from Appeals Court RE#28: Appellate proceedings stayed to 11/16/22. Status report due then indicating whether reply has been filed or extension of time received from the trial court. Notice	
10/12/2022	166	Notice of docket entry received from Appeals Court RE#27: Allowed and accepted for filing. Notice	
11/07/2022	167	Defendant 's Response Response to Commonwealth's consolidated opposition to defendant's post conviction motions the defendant's motions for new trial the FBI materials are newly discovered evidence if introduced and/or utilized at both trials (n j callan)	
11/07/2022	167.1	Affidavit of Mr. Kevin Parisi	



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03/23/2023	168	Defendant 's Motion to take depositions of Defendant's former Counsel, Daniel Kelly and Daniel Hagan	
03/24/2023		Event Result:: Motion Hearing scheduled on: 03/24/2023 02:00 PM Has been: Held as Scheduled Comments: FTR 6 (Aarons) Hon. David Hodge, Presiding Staff: Edward Partyka, Assistant Clerk Magistrate	Hodge
03/24/2023		Endorsement on Motion to take depositions of Defendant's former Counsel, Daniel Kelly and Daniel Hagan, (#168.0): DENIED DENIED after hearing. Hodge, J.	Hodge
07/06/2023	169	Defendant 's Motion to be permitted to attend Julu 12, 2023 hearing by zoom	
07/10/2023		Event Result:: Motion Hearing scheduled on: 07/12/2023 09:30 AM Has been: Not Held For the following reason: Not reached by Court Hon. David Hodge, Presiding	Hodge
07/17/2023	170	Notice of docket entry received from Appeals Court RE#33: Appellate proceedings STAYED to 09/26/2023. Status report due then concerning whether the hearing regarding the post-conviction motions that have been pending in the trial court since 12/20/21, that was scheduled for 7/12/23, has been rescheduled. Notice/attest/Hodge, J.	
08/29/2023		Event Result:: Conference to Review Status scheduled on: 08/29/2023 09:30 AM Has been: Held via Video/Phone Comments: FTR #2 Hon. David Hodge, Presiding Staff: Alyson Yorlano, Assistant Clerk Magistrate	Hodge
09/07/2023		Event Result:: Hearing on Motion for New Trial scheduled on: 10/25/2023 09:30 AM Has been: Canceled For the following reason: Joint request of parties Hon. David Hodge, Presiding	Hodge
09/12/2023	171	Defendant 's Motion to Amend His Consolidated Motions to Revise and Revoke Sentence and Motions for New Trial and Memorandum in Support of Motion to Revise and Revoke Sentence and Motions for a New Trial	
09/27/2023		Event Result:: Hearing on Motion for New Trial scheduled on: 10/30/2023 09:30 AM Has been: Not Held For the following reason: Transferred to another session Hon. David Hodge, Presiding	Hodge



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10/30/2023		Matter taken under advisement: Hearing on Motion for New Trial scheduled on: 10/30/2023 09:30 AM Has been: Held - Under advisement Comments: FTR #5 Hon. David Hodge, Presiding Staff: William T Walsh, Jr., Assistant Clerk Magistrate	Hodge
11/06/2023		Event Result:: Hearing on Motion for New Trial scheduled on: 11/06/2023 09:30 AM Has been: Held as Scheduled Comments: Held in CR 5. FTR 5 Foulks Hon. David Hodge, Presiding Staff: William T Walsh, Jr., Assistant Clerk Magistrate	Hodge
11/13/2023		Event Result:: Hearing on Motion for New Trial scheduled on: 11/13/2023 02:00 PM Has been: Held as Scheduled Comments: Held in CR 5 FTR 5 Aarons Hon. David Hodge, Presiding Staff: William T Walsh, Jr., Assistant Clerk Magistrate	Hodge
11/21/2023	172	Ayyub N Abdul-Alim's Memorandum Supplemental Memorandum concerning testimony of Attorney Thomas Robinson	
11/21/2023	172.1	Affidavit of James B. Krasnood dated November 16, 2023	
11/30/2023	173	Defendant 's Second Supplemental Memorandum, concerning the requirement of proof by the Commonwealth of the absence of license for unlawful possession of a large capacity feeding device set forth in Commonwealth v. Shakespeare, 2023 Mass. Lexis 458	
12/07/2023	174	Commonwealth 's response to pleading #173	
01/10/2024	175	Findings of Fact and Rulings of Law: and order on defendant's motions for post conviction relief Judge: Hodge, Hon. David	Hodge
02/09/2024	176	Commonwealth 's Notice of appeal	



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02/15/2024	Offense Disposition:: Charge #1 FIREARM VIOL WITH 1 PRIOR VIOLENT/DRUG CRIME c269 §10G(a) 269/10G/A-0 On: 05/07/2018 Judge: Hon. Tina Page By: Hearing on Plea Offer/Change Guilty Verdict - Lesser Included Charge #2 FIREARM VIOL WITH 1 PRIOR VIOLENT/DRUG CRIME c269 §10G(a) 269/10G/A-0 On: 05/07/2018 By: Hearing on Plea Offer/Change Guilty Verdict - Lesser Included Charge #3 FIREARM VIOL WITH 1 PRIOR VIOLENT/DRUG CRIME c269 §10G(a) 269/10G/A-0 On: 05/07/2018 By: Hearing on Plea Offer/Change Guilty Verdict - Lesser Included Charge #4 FIREARM, POSSESS LARGE CAPACITY c269 §10(m) On: 01/10/2024 Judge: Hon. David Hodge By: Bench Trial Disposition VACATED after motion for new trial	
02/16/2024	177	Appeal: Statement of the Case on Appeal (Cover Sheet). Applies To: Abdul-Alim, Ayyub N (Defendant); McMahon, Esq., Katherine E (Attorney) on behalf of Commonwealth (Prosecutor); Krasnoo, Esq., James B (Attorney) on behalf of Abdul-Alim, Ayyub N (Defendant)
02/16/2024	178	Notice of assembly of record sent to Counsel Applies To: Abdul-Alim, Ayyub N (Defendant); McMahon, Esq., Katherine E (Attorney) on behalf of Commonwealth (Prosecutor); Krasnoo, Esq., James B (Attorney) on behalf of Abdul-Alim, Ayyub N (Defendant)
02/20/2024	179	Notice of Entry of appeal received from the Appeals Court



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02/21/2024	Offense Disposition:: Charge #1 FIREARM VIOL WITH 1 PRIOR VIOLENT/DRUG CRIME c269 §10G(a) 269/10G/A-0 On: 01/10/2024 Judge: Hon. David Hodge By: Post Dispositon Event Disposition VACATED after motion for new trial Charge #2 FIREARM VIOL WITH 1 PRIOR VIOLENT/DRUG CRIME c269 §10G(a) 269/10G/A-0 On: 01/10/2024 Judge: Hon. David Hodge By: Post Dispositon Event Disposition VACATED after motion for new trial Charge #3 FIREARM VIOL WITH 1 PRIOR VIOLENT/DRUG CRIME c269 §10G(a) 269/10G/A-0 On: 01/10/2024 Judge: Hon. David Hodge By: Post Dispositon Event Disposition VACATED after motion for new trial Charge #4 FIREARM, POSSESS LARGE CAPACITY c269 §10(m) On: 01/10/2024 Judge: Hon. David Hodge By: Bench Trial Disposition VACATED after motion for new trial
05/22/2024	CD of Transcript of 10/30/2023 09:30 AM Hearing on Motion for New Trial, 11/06/2023 09:30 AM Hearing on Motion for New Trial, 11/13/2023 02:00 PM Hearing on Motion for New Trial received from Jolanta Ewing CAMBRIDGE TRANSCRIPTIONS P.O. Box 391587 Cambridge, MA 02139 (617) 547-5690 transcripts@ctran.com.
09/26/2024	General correspondence regarding Appeal update: Commonwealth's appeal is fully briefed and awaiting argument. (possibly Nov 2024) update 9/30/24: argument scheduled for 11/6.
03/17/2025	General correspondence regarding case update after appeal: The Appeals Court reversed the grant of postconviction relief as to count 4, and affirmed as to counts 1-3. The defendant applied for further appellate review, which the Supreme Judicial Court denied on Friday, 3/14. According to the Appeals Court docket, the appellate rescript was issued. There are outstanding claims in Mr. Abdul-Alim's Rule 30 motion in 14-7 which still need to be adjudicated. The transcripts of the three-day evidentiary hearing were apparently order
03/17/2025	180 Rescript received from Appeals Court; judgment OTHER SO MUCH OF THE ORDER ENTERED JANUARY 10, 2024, AS VACATED AND SET ASIDE THE DEFENDANT'S CONVICTION OF POSSESSION OF A LARGE CAPACITY MAGAZINE (INDICTMENT 4) IS REVERSED. IN ALL OTHER RESPECTS THE ORDER IS AFFIRMED..



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03/17/2025	Offense Disposition:: Charge #1 FIREARM VIOL WITH 1 PRIOR VIOLENT/DRUG CRIME c269 §10G(a) 269/10G/A-0 On: 01/10/2024 Judge: Hon. David Hodge By: Post Dispositon Event Disposition VACATED after motion for new trial Charge #2 FIREARM VIOL WITH 1 PRIOR VIOLENT/DRUG CRIME c269 §10G(a) 269/10G/A-0 On: 01/10/2024 By: Post Dispositon Event Disposition VACATED after motion for new trial Charge #3 FIREARM VIOL WITH 1 PRIOR VIOLENT/DRUG CRIME c269 §10G(a) 269/10G/A-0 On: 01/10/2024 By: Post Dispositon Event Disposition VACATED after motion for new trial Charge #4 FIREARM, POSSESS LARGE CAPACITY c269 §10(m) On: 03/17/2025 Judge: Unassigned (BY THE COURT: (ENGLANDER, HERSHFANG & BRENNAN, JJ.) By: Other Court Event Guilty Verdict		
03/17/2025	181	ORDER: ON VACATED SENTENCE (COUNT 4) N. 3/17/25 PROBATION DEPT. & HODGE,J Judge: Roscoe, Stephanie A	Roscoe
03/17/2025	Disp for statistical purposes		
04/17/2025			
04/17/2025	Event Result:: Conference to Review Status scheduled on: 04/17/2025 09:30 AM Has been: Held via Video/Phone Comments: FTR 5, Foley Hon. David Hodge, Presiding Staff: Nancy Ramos, Assistant Clerk Magistrate		Hodge
04/17/2025	182	Commonwealth files Nolle Prosequi as to count(s): 1 FIREARM VIOL WITH 1 PRIOR VIOLENT/DRUG CRIME c269 §10G(a), 2 FIREARM VIOL WITH 1 PRIOR VIOLENT/DRUG CRIME c269 §10G(a), 3 FIREARM VIOL WITH 1 PRIOR VIOLENT/DRUG CRIME c269 §10G(a)	



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04/18/2025		Offense Disposition:: Charge #1 FIREARM VIOL WITH 1 PRIOR VIOLENT/DRUG CRIME c269 §10G(a) 269/10G/A-0 On: 04/17/2025 Judge: Hon. David Hodge By: Post Disposition Event Nolle Prosequi Charge #2 FIREARM VIOL WITH 1 PRIOR VIOLENT/DRUG CRIME c269 §10G(a) 269/10G/A-0 On: 04/17/2025 Judge: Hon. David Hodge By: Post Disposition Event Nolle Prosequi Charge #3 FIREARM VIOL WITH 1 PRIOR VIOLENT/DRUG CRIME c269 §10G(a) 269/10G/A-0 On: 04/17/2025 Judge: Hon. David Hodge By: Post Disposition Event Nolle Prosequi Charge #4 FIREARM, POSSESS LARGE CAPACITY c269 §10(m) On: 03/17/2025 Judge: Unassigned By: Other Court Event Guilty Verdict
07/02/2025	183	Defendant 's Motion to Amend and Memorandum in Support of Motion to Revise and Revoke Sentence and Motions for New Trial
		n. Judge Hodge via email 7/3
07/31/2025	184	Commonwealth 's Response to Pleading #183
10/27/2025	185	Notice of docket entry received from Appeals Court RE#45: Appellate proceedings remain stayed to 12/1/25. Status report due then concerning the review by the trial court of the memoranda filed in connection with the motion for new trial, or within 7 days of a decision by the trial court, whichever occurs first. *Notice/attest/Hodge, J.
11/06/2025		Defendant 's Notice to Court of decision in Commonwealth v. Cuba, 2025 Mass. App. LEXIS 109. n. J Hodge via email 11/6/25
01/06/2026	186	MEMORANDUM & ORDER: Judge: Hodge, Hon. David n. via email
		Hodge
01/12/2026	187	Defendant 's Partial Objection to so Much of the Courts Decision of January 5, 2026, DOC. 186, Denying the Defendant's Claims on Whether the Commonwealth Had to Prove the Defendant's Residency or Non-Residency and Whether the Defendant was Denied his Constitutional Right to Confrontation Because of the Trial Testimony of Fingerprint Detective Juan Estrada. n. J Hodge
01/28/2026	188	Defendant 's Response to Court Memorandum of Decision and Order of January 5, 2026
01/28/2026	189	Commonwealth 's Motion to reconsider N. Judge Hodge



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01/28/2026	190	Commonwealth 's Motion to accept late filing N. Judge Hodge	
02/05/2026		Endorsement on Motion to accept late filing, (#190.0): ALLOWED (n email) Judge: Hodge, Hon. David	Hodge
02/11/2026	191	Opposition to to Commonwealth's motion to reconsider filed by Ayyub N Abdul-Alim	
02/26/2026		Endorsement on Defendant 's Motion to Amend and Memorandum in Support of Motion to Revise and Revoke Sentence and Motions for New Trial, (#183.0): DENIED See memorandum of decision and order of same date. Hodge, J. N. by email	Hodge
02/26/2026		Endorsement on Defendant 's Partial Objection to so Much of the Courts Decision of January 5, 2026, DOC. 186, Denying the Defendant's Claims on Whether the Commonwealth Had to Prove the Defendant's Residency or Non-Residency and Whether the Defendant was Denied his Constitutional Right to Confrontation Because of the Trial Testimony of Fingerprint Detective Juan Estrada, (#187.0): DENIED See Memorandum of Decision and Order of same date. Hodge, J. N. by email	Hodge
02/26/2026		Endorsement on Commonwealth's motion to reconsider, (#189.0): DENIED See Memorandum of Decision and Order of same date. Hodge, J. N. by email	Hodge
02/26/2026	192	MEMORANDUM & ORDER: of Decision on Defendant's Motions for Post-Conviction Relief Judge: Hodge, Hon. David N. by email	Hodge
03/02/2026	193	Defendant 's Objections to the Court's Four Decisions of February 26, 2026, in Docs 183, 187, 189, and 192. n. Judge Hodge 3/2/26	
03/09/2026	194	Notice of appeal filed. Applies To: Abdul-Alim, Ayyub N (Defendant); Krasnoo, Esq., James B (Attorney) on behalf of Abdul-Alim, Ayyub N (Defendant)	
03/11/2026		CD of Transcript of 10/30/2023 09:30 AM Hearing on Motion for New Trial, 11/06/2023 09:30 AM Hearing on Motion for New Trial, 11/13/2023 02:00 PM Hearing on Motion for New Trial received from Cambridge Transcriptions Approved Court Transcriber.	



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HAMPDEN COUNTY
Public Docket Report**

04/14/2026		CD of Transcript of 04/17/2025 09:30 AM Conference to Review Status received from Jolanta Ewing CAMBRIDGE TRANSCRIPTIONS P.O. Box 391587 Cambridge, MA 02139 (617) 547-5690 transcripts@ctran.com.
04/15/2026	195	Appeal: Statement of the Case on Appeal (Cover Sheet). Applies To: Abdul-Alim, Ayyub N (Defendant); McMahon, Esq., Katherine E (Attorney) on behalf of Commonwealth (Prosecutor); Krasnoo, Esq., James B (Attorney) on behalf of Abdul-Alim, Ayyub N (Defendant)
04/15/2026	196	Notice of assembly of record sent to Counsel Applies To: Commonwealth (Prosecutor); Abdul-Alim, Ayyub N (Defendant); McMahon, Esq., Katherine E (Attorney) on behalf of Commonwealth (Prosecutor); Krasnoo, Esq., James B (Attorney) on behalf of Abdul-Alim, Ayyub N (Defendant)