

S.J.C. No. DAR - 30935  
App. Ct. No. 25 - P - 1156

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COMMONWEALTH OF MASSACHUSETTS

SUPREME JUDICIAL COURT

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COMMONWEALTH,

Appellee

v.

CHRISTOPHER ALDRICH,

Appellant

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ON APPEAL FROM THE JUDGMENT OF THE  
CONCORD DISTRICT COURT

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APPLICATION FOR DIRECT APPELLATE REVIEW

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For Christopher Aldrich

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May 26, 2026

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## REQUEST FOR DIRECT APPELLATE REVIEW

This appeal presents a novel question of law to extend existing culpability principles to include temporary brain trauma as a defense of lack of criminal responsibility for assault and battery under G.L. c. 265, § 13A and all general intent offenses. Involuntary intoxication cases acknowledge a narrow excuse for general intent offenses when a defendant's mental incapacity results from an external, blameless condition or event. This doctrine should extend to temporary brain trauma when it is caused by an external, involuntary event, such as a blow to the head or a head injury in a car accident, and evidence shows transient brain trauma causing a mental defect sufficient to infer lack of criminal responsibility under *Commonwealth v. McHoul*, 352 Mass. 544, 546-547 (1967). Furthermore, in cases involving voluntary intoxication and traumatic brain injury, the defense of criminal responsibility should still be available when the cause of the mental defect is distinct from the effects of alcohol. See *Commonwealth v. Darch*, 54 Mass. App. Ct. 713, 715 (2002) (defense available when involuntary intoxication distinct from voluntary intoxication). In such cases, the issue for the jury is whether, because of the traumatic brain injury, the defendant lacked substantial capacity under *McHoul*.

Pursuant to Mass. R.A.P. 11, the defendant now requests that this Court allow direct appellate review and find that when the evidence establishes a

temporary brain injury at the time of a general intent offense a lack of criminal responsibility instruction must be available.

### STATEMENT OF PRIOR PROCEEDINGS

On November 10, 2022, by criminal complaint (No. 2247CR001265), the defendant, Christopher Aldrich, was charged with operating under the influence (“OUI”) (G.L. c 90, § 24(1)(a)(1)); negligent operation of a motor vehicle (G.L. c. 90, § 24(2)(a)); and assault and battery on a public employee and a police officer (G.L. c. 265, § 13D). After a jury trial on July 10, 2024 (Lalli, J., presiding), the defendant was convicted on the charges of assault and battery on a public employee, operating under the influence, and negligent operation, but was acquitted on the charge of assault and battery on a police officer. Tr. II: 169-172.<sup>1</sup> The defendant was sentenced to probation for the OUI offense for a term of one and a half years, with the other sentences to run concurrently. Tr. II: 174, 178-179. The notice of appeal was filed on the same day.

The case was entered in the Appeals Court on September 18, 2025. The defendant filed his brief in that Court on March 31, 2026.

### SHORT STATEMENT OF FACTS RELEVANT TO THE APPEAL

In Acton, on November 9, 2022, at about 5:00 p.m., the defendant’s car drifted toward the center of a two lane road and then swerved back, colliding with

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<sup>1</sup> The trial transcript is cited as “Tr. [volume number]: [page number].”

a utility pole. Tr. I: 120-121. The defendant's head and face smashed into the windshield, leaving spider-vein cracks in it. Tr. II: 11, 14, 18. A witness rushed outside her house and helped the defendant out of the car. Tr. II: 11, 14.

The woman smelled alcohol and noticed blood running down his neck from behind his ears. Tr. II: 14, 15. She held a towel to stem the bleeding (Tr. II: 20) and, concerned about his head injury, sat talking to him to keep him awake until emergency care arrived. Tr. II: 14-15. The defendant was friendly and spoke quietly with her. Tr. II: 15, 16, 20.

The first Acton police officer to arrive said the defendant seemed lethargic, but agitated and a little disheveled, and slurred his speech. Tr. I: 86-88. He noted that the defendant was confused, answering that he was coming from Maynard on his way to Maynard. Tr. I: 87-88.

A second Acton officer smelled alcohol and noted slurred speech and glassy, bloodshot eyes. Tr. II: 30-31. When questioned by the second officer about the incident, the defendant became more and more agitated. Tr. II: 31. According to the officer's training, agitation was not indicative of intoxication. Tr. II: 33. The witness who had been sitting with him was struck by the defendant's sudden belligerence and his unwillingness to accept help or go to the hospital or answer the officer's questions. Tr. II: 16.

A paramedic with the Acton Fire Department arrived and found the defendant sitting quietly, arms crossed, and guarding his left leg as if it were injured. Tr. II. 54-55. The defendant refused to cooperate or answer the paramedic's questions about his condition, medical history, medications, or allergies (Tr. II: 54), though he had complained of head and neck pain to the second officer and the paramedic. Tr. II: 122-123.

Based on the vehicle damage and the defendant's condition, the paramedic believed that he had suffered a traumatic neck or head injury.<sup>2</sup> Tr. II: 59, 62. The defendant continually refused medical treatment (Tr. II: 45, 48), but did not know what the paramedic was trying to help him with. Tr. II: 109. The defendant also refused to go in the ambulance. Tr. II: 33, 34, 39, 41, 45-46.

The paramedic conducted a Glasgow Coma Scale test on the defendant because he "wasn't answering questions appropriately." Tr. II: 56; 65. The test is a common, widely used neurological diagnostic to determine the extent of traumatic brain injury. The defendant scored a "14, which is below the maximum of 15." Tr. II: 56. A fourteen score meant that the defendant had lost all capacity to refuse or consent to treatment or to ambulance transport because "anyone that's under a [score] of 15 has implied consent." Tr. II: 64. Based on this assessment and to

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<sup>2</sup> The paramedic had served in the Army as a Combat Lifesaver for six years and had been working for eighteen years as a paramedic. Tr. II: 49-50. There was an adequate basis for implicitly qualifying him as an expert. *Commonwealth v. Ruiz*, 442 Mass. 826, 834 (2004).

prevent further injury, the paramedic determined that the defendant had no choice but to receive medical treatment and be transported to a hospital. Tr. II: 64. The defendant was arrested for OUI and placed in the ambulance. Tr. II: 33, 41.

Inside the ambulance, the defendant's behavior was erratic - from quiet and looking straight ahead with his fists clenched (Tr. II: 57-58), to flailing and yelling (Tr. II: 34, 66), to moaning "Oh baby," to crying about wanting to see his son. Tr. II: 35. The paramedic attributed the erratic behavior to either "alcohol intoxication or [a] brain head injury." Tr. II: 67. When the paramedic attempted treatment, the defendant moved back away from "the needle" (Tr. II: 96) and allegedly said "I'm going to fuck you up" (Tr. II: 35; 109), and punched toward him, contacting the paramedic's left hip. Tr. II: 57. Concerned that such movements might exacerbate a possible spinal cord or traumatic head injury (Tr. II: 62), the paramedic strapped the defendant's right arm to the stretcher and a police officer handcuffed his left arm to it. Tr. II: 59-60.

The paramedic administered a sedative to prevent further movement and injury to the defendant's head or spine. Tr. II: 67. The paramedic testified that he "absolutely" treated the defendant for a brain head injury. Tr. II: 67.

During deliberations, the jury sent two questions to the judge. The first was a request for a re-instruction on "the "conditions" of each charge as read by the judge." Tr. II: 158. The second question bore directly on the defendant's mental

capacity: “What was the test performed to decide that the defendant had lost his ability to consent to treatment?” Tr. II: 158.

### ISSUE OF LAW RAISED BY THE APPEAL

Whether a lack of criminal responsibility defense instruction to a general intent crime is required when the evidence establishes that a temporary traumatic brain injury deems a defendant incapable of consent, personal choice, or knowledge of his condition at the time of the offense?

This issue was not raised or properly preserved in the lower court.<sup>3</sup>

### ARGUMENT

I. A TEMPORARY TRAUMATIC BRAIN INJURY SHOULD BE A DEFENSE TO A GENERAL INTENT CRIME WHEN THE INJURY WAS INVOLUNTARY AND THE EVIDENCE SHOWS THAT IT CAUSED A LACK OF SUBSTANTIAL CAPACITY UNDER COMMONWEALTH V. MCHOUL.

Massachusetts already recognizes a general intent defense for a temporary, nonculpable condition that causes a lack of criminal responsibility. Involuntary intoxication is a defense to general intent crimes, such as assault and battery, when intoxication was actually involuntary and the evidence supports a lack of criminal responsibility under *Commonwealth v. McHoul*, 352 Mass. 544 (1967).

*Commonwealth v. Darch*, 54 Mass. App. Ct. 713, 715 (2002). Even in a case

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<sup>3</sup> Failure to raise this defense at trial would not support a claim under *Commonwealth v. Saferian*, 366 Mass. 89 (1974), because the defense is novel and would have been speculative at trial, and thus was not an “available, substantial ground of defense.”

involving both voluntary intoxication (defendant admits to alcohol use) and involuntary intoxication the defense is still available. *Id.*

*Darch* and other cases involving alcohol or drug use stand for the proposition that when there is any evidence that causes a distinct mental defect, including a temporary mental defect, a defendant may rely on that mental defect to support a lack of criminal responsibility defense. See, e.g., *Commonwealth v. Berry*, 457 Mass. 602, 615 (2010) (bipolar disorder stemming from brain injury); *Commonwealth v. Brennan*, 399 Mass. 358, 362 (1987) (alcoholism-induced organic brain syndrome); *Commonwealth v. Monico*, 396 Mass. 793, 798 (1986) (temporary brain injury caused by a car accident); *Commonwealth v. Sheehan*, 376 Mass. 765, 769 (1978) (if drug use causes a mental defect apart from drug addiction itself, lack of criminal responsibility defense available, even if drug use was voluntary). Accordingly, the *McHoul* standard is met when “the cause of a mental condition that creates a lack of criminal responsibility is distinct from the effects of any voluntary consumption of alcohol.” *Darch*, 54 Mass. App. Ct. at 715 (citation omitted).

Indeed, under *McHoul*, lack of criminal responsibility may be raised by “**any evidence** which, if believed, might create a reasonable doubt concerning the defendant’s criminal responsibility at the time of the [crime].” *Commonwealth v. Mills*, 400 Mass. 626, 627 (1987) (emphasis supplied). Expert testimony is not

required to raise such a doubt; the defendant may rely on the facts of the case, the Commonwealth's witnesses, lay witness testimony, or any combination. *Id.* at 628. In fact, when the evidence establishes a distinct mental defect, the defendant is entitled to a lack of criminal responsibility instruction. *Commonwealth v. Santiago*, 485 Mass. 416, 425 (2020) (citation omitted). The practical question for a jury then becomes whether, because of the temporary mental defect, the defendant lacked “substantial capacity to either appreciate the criminality [wrongfulness] of his conduct or to conform his conduct to the requirements of the law.” *McHoul*, 352 Mass. at 546-547.

This case involved voluntary intoxication and a temporary traumatic brain injury. Temporary brain trauma is a transient, neurological injury that is functionally equivalent to involuntary intoxication in the way it negates criminal responsibility. As with involuntary intoxication, the defendant's nonculpable condition, a brain injury, was involuntary and transient. Smashing his head into a windshield was a temporally independent, physically separate cause of a distinct injury.<sup>4</sup>

The Commonwealth's evidence, including expert testimony from an experienced paramedic and lay testimony, established the brain injury as a mental

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<sup>4</sup> A traumatic brain injury caused by a car accident can constitute a “mental defect.” See *Monico*, 396 Mass. at 798 (finding a temporary brain injury constituted mental defect for *McHoul* purposes).

defect distinct from the effects of alcohol. On scene, the defendant was confused, uncooperative, and quick to agitation, a symptom inconsistent with intoxication according to police testimony. Based upon his observations of the smashed windshield and the defendant's physical and behavioral symptoms, the paramedic assumed he had a potentially serious head injury. The defendant complained to the paramedic of head and neck pain but repeatedly refused treatment, refused to answer basic medical questions, was unwilling or incapable of appreciating the severity and risk of his injury, and did not understand what the paramedic wanted to treat him for. Even when he did answer he "wasn't answering [the paramedic's] questions appropriately." Tr. II: 56; 65.

Based on the on-scene evidence, the paramedic conducted a Glasgow Coma Scale test and diagnosed a traumatic brain injury, by which he determined that the defendant lacked the capacity to consent or refuse treatment. Inherent to that determination, of course, was that the defendant lacked the capacity to understand his own circumstances. Thus, the evidence established that the defendant's brain injury was a transient mental defect and that the "mental defect existed wholly apart from any use of alcohol." *Darch*, 54 Mass. App. Ct. at 716. On that basis, he was entitled to a lack of criminal responsibility instruction.

The remaining question is whether, because of the temporary mental defect, the defendant lacked substantial capacity. More specifically, whether the lack of

capacity and loss of consent caused by his brain injury put the element of “intent to touch” at issue.<sup>5</sup> Those questions were for a jury to decide.

The accident and behavioral evidence observed by the paramedic that suggested a brain injury and the test confirming a brain injury that led to loss of consent is the strongest evidence that the defendant lacked substantial capacity. The behavioral and symptomatic evidence in the ambulance also raised a doubt about his substantial capacity. For example, he did not appear to have any idea why he was in the ambulance or what he was being treated for. His conduct was erratic and impulsive, including defensively punching out and contacting the paramedic’s hip in response to imminent, unwanted physical touch or treatment. To the extent that he “consciously or deliberately intended” anything, it was to prevent a physical intrusion that he could not appreciate or understand the reasons for. In all, the Commonwealth’s case produced strong evidence that the defendant lacked substantial capacity, certainly sufficient evidence for a criminal responsibility instruction. *Commonwealth v. Pike*, 428 Mass. 393, 395 (1998).

Indeed, the evidence raised a major question about whether the defendant could even have been found criminally responsible for his conduct in the ambulance. The paramedic attributed the defendant’s erratic conduct to *either*

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<sup>5</sup> The assault and battery instruction required the jury to find beyond a reasonable doubt that the defendant “consciously and deliberately intending. . .intended the touching to occur” without the paramedic’s consent. Tr. II: 166.

intoxication *or* brain trauma, which means the jury had to decide that critical factual issue. The jury question seeking more information about the loss of consent shows that they struggled to resolve that exact issue. Their question concerning the relevance of the brain injury remained unanswered, however.

Had a criminal responsibility instruction been available, their *own* answer very well might have been “not guilty.” Without such an instruction, however, they could not consider the brain injury as a mental defect that negated liability. Without an instruction, they could not acquit even if one of them believed his conduct was caused by brain injury and not intoxication. Without an instruction, the jurors had no way of even knowing whether the lost capacity and consent evidence was incriminatory or exculpatory. *Carter v. Kentucky*, 450 U.S. 288, 303 (1981) (“Juries are not experts in legal principles; to function effectively, and justly, they must be accurately instructed in the law.”).

On the facts of this case, the Commonwealth cannot show affirmatively that the evidence did not merit a criminal responsibility defense instruction. The absence of the criminal responsibility instruction directly impacted the defendant’s right to have the jury consider a complete defense theory supported by the evidence. It also relieved the Commonwealth of its burden to prove the defendant’s guilt because, once raised by evidence, the Commonwealth must disprove lack of

criminal responsibility beyond a reasonable doubt. *Commonwealth v. Lawson*, 475 Mass. 806, 811 (2016).

The Massachusetts and Federal Constitutions require a temporary brain injury instruction for general intent assault and battery and all general intent offenses. Every person charged with a crime has independent constitutional rights to present a defense and to call witnesses under both constitutions.<sup>6</sup> The availability of any defense, including a *McHoul* defense, is based on the evidence not the whether the offense at issue is general or specific intent. Furthermore, a defense theory is not *presented* if the jury is not instructed on the legal standards required to evaluate that theory.

The right to present a defense includes the right to call witnesses. As the jury question shows, a big problem in a case like this is that the observable symptoms of intoxication and a traumatic brain injury are substantially similar: slurred speech, glassy eyes, unsteadiness, disorientation, impulsivity, and erratic behavior changes. Since both symptom sets share a high number of commonalities or overlapping elements an expert may be needed to sort the sets and provide a jury with a competent basis to find the relevant facts to reach an informed verdict. If a temporary brain injury defense were available in this case, additional expert

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<sup>6</sup> Art. XII expressly guarantees the right “to produce all proofs, that may be favorable” and “to be fully heard in his defense.” See *Crane v. Kentucky*, 476 U.S. 683, 690 (1986) (right to complete defense rooted in Sixth and Fourteenth Amendments).

testimony could have prevented jury confusion, allowing the jury to properly consider the brain injury and loss of consent as exculpatory - and liability-negating - evidence.

Losing legal consent is a big deal. Certainly the jurors thought so. It was not just 'being drunk.' Consent and capacity were lost due to a brain injury, not alcohol. The Commonwealth's own evidence raised the criminal responsibility defense. The unavailability of the defense raises serious due process issues. Where, as here, the evidence shows the defendant lacked substantial capacity "for any reason save voluntary intoxication, he [would have] a complete defence."

*Commonwealth v. McAlister*, 365 Mass. 454, 464 (1974) (parenthetical added).

General intent assault and battery still requires proof of criminal responsibility. Even if the Commonwealth proves the physical act of assault and battery, it must still prove beyond a reasonable doubt that the defendant was criminally responsible at the time. It is patently unfair that when evidence shows two separate explanations, one criminal, the other not, that a defendant has *no* rights to a complete defense or to a jury determination of the ultimate issue. Verdicts require a jury finding on all of the evidence, and to do so they must be properly instructed. The unavailability of the lack of criminal responsibility instruction created a substantial risk of a miscarriage of justice because it prejudiced the defendant, which, considered in the context of the evidence at trial,

might have led to a different result. *Commonwealth v. Azar*, 435 Mass. 675, 687-688 (2002).

If this Court determines that a temporary brain injury defense to general intent offenses should be available, future defendants would be able to assert it before trial, provide notice to the Commonwealth under Rule 14, obtain all of the relevant records, and the parties could exchange information in discovery, including any anticipated testimony from an expert. As with all defenses, this would promote judicial economy, fortify the trial mechanism, and ensure protection of due process rights. Recognizing a temporary brain injury defense also would keep the courts of the Commonwealth aligned with developments in forensic neuroscience, which applies brain science to law, criminology, and mental health.

This case is a prime example of why the lack of criminal responsibility defense to general intent offenses should include a temporary brain injury defense. Whether the defendant suffered from an acute brain injury at the time of the alleged assault and battery in the ambulance cannot be seriously doubted. He was entitled to the instruction. Whether he lacked the substantial capacity to either appreciate the wrongfulness of his conduct and to conform his conduct to the law's requirements were questions for a jury. For the foregoing reasons, the defendant, and any future defendant with a proven temporary brain injury charged with a

general intent crime against a person or property, should be entitled to a lack of criminal responsibility instruction.

STATEMENT OF REASONS WHY DIRECT APPELLATE REVIEW  
IS APPROPRIATE

This case presents a novel question of law that will promote substantial justice and fundamental fairness such that justice requires its final determination by this Court. It involves the inclusion of temporary brain injury as a defense of lack of criminal responsibility for general intent offenses. This *McHoul*-based defense is functionally equivalent to the involuntary intoxication defense. An involuntary intoxication claim is not meant to show impairment, but to show a lack of criminal responsibility due to a temporary mental defect at the time of an offense caused by involuntary intoxication. Likewise, a temporary brain injury claim is not offered to show impairment or diminished capacity, but to show a lack of criminal responsibility due to a temporary mental defect at the time of an offense caused by a significant brain injury. It is a narrowly-tailored defense confined to the relatively few cases in which a defendant suffers a brain injury a short time before or immediately prior to a general intent crime.

This application amounts to a modest proposal to include a defense to criminal responsibility consistent with current Massachusetts jurisprudence and constitutional due process. When a temporary mental defect so substantially affects a person's mental functioning that they lose the capacity to consent, their ability to

act voluntarily or deliberately is at issue. They should have the right to present a defense to a charge by the state that their conduct while suffering a brain injury was criminal.

### CONCLUSION

In conclusion, for the reasons stated, this Court should allow the defendant's application for direct appellate review.

Respectfully submitted,  
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By his attorney,

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Dated: May 26, 2026

### Certificate of Compliance

I, Steven C. Reilly, hereby certify that this application for direct appellate review complies with Massachusetts Rules of Appellate Procedure 11 and 20(a). The application is set in 14-point Times New Roman font and its argument section contains 1,987 words, as determined by using the "Word Count" feature in Google Docs.

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Certificate of Service

I, Steven C. Reilly, hereby certify, under the pains and penalties of perjury, that I have served a copy of the defendant's application for direct appellate review to Assistant District Attorney Thomas D. Ralph, Middlesex County District Attorney's Office, 15 Commonwealth Ave., Woburn, MA 01801, by e-file to [tom.ralph@mass.gov](mailto:tom.ralph@mass.gov)

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\_\_\_\_\_  
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Dated: May 26, 2026

**2247CR001265 Commonwealth vs. Aldrich, Christopher Charles**

- Case Type:
- Criminal
- File Date
- 11/10/2022
- Initiating Action:
- OUI-LIQUOR OR .08% c90 §24(1)(a)(1)
- Case Judge:

All Information Party Charge Event Docket Disposition

**Docket Information**

<u>Docket Date</u>	<u>Docket Text</u>	<u>Amount Owed</u>	<u>Image Avail.</u>
11/10/2022	Criminal Complaint issued from Electronic Application: Originating Court: Concord District Court Case Number: 2247AC001554-AR Receiving Court: Concord District Court ;		
11/10/2022	Complaint issued upon new arrest.		
11/10/2022	Event Resulted: Arraignment scheduled on: 11/10/2022 10:00 AM Has been: Held - Personal Recog. Release Hon. William J Galvin, Presiding		
11/10/2022	Defendant arraigned before Court, advised of right to counsel. Judge: Galvin, Hon. William J		
11/10/2022	Bail revocation warning (276/58) given to the defendant Judge: Galvin, Hon. William J		
11/10/2022	Released on Personal Recognizance Judge: Galvin, Hon. William J		
11/10/2022	Appearance filed On this date James Vincent Tabner, Esq. added as Appointed - Indigent Defendant for Defendant Christopher Charles Aldrich Appearance filed for the purpose of Case in Chief by Judge Hon. William J Galvin.		
01/09/2023	Event Resulted: Pretrial Hearing scheduled on: 01/09/2023 09:00 AM Has been: Held-PT Hon. William J Galvin, Presiding		
01/09/2023	Pretrial conference report filed. Judge: Galvin, Hon. William J		
01/09/2023	Commonwealth's motion to summons non-privileged documents pursuant to R. Crim. P. 17 filed and ALLOWED.		
01/19/2023	Event Resulted: Hearing to Review Status scheduled on: 01/19/2023 09:00 AM Has been: Review Completed Hon. Lynn C. Brendemuehl, Presiding		
01/19/2023	After Hearing Court Endorsed R. 17 Order, RE: Lahey Hospital  Judge: Brendemuehl, Hon. Lynn C.		
01/19/2023	Commonwealth's motion to Advance Case filed with the following, if any, supporting documents:		
02/21/2023	Event Resulted: Hearing to Review Status scheduled on: 02/21/2023 09:00 AM		

<u>Docket Date</u>	<u>Docket Text</u>	<u>Amount Owed</u>	<u>Image Avail.</u>
	Has been: Review Completed Hon. Joseph P Hurley, Presiding		
02/21/2023	Defendant is ordered committed to Middlesex Jail in lieu of having posted bail in the amount ordered: (\$1,000.00 Bond; \$100.00 Cash), returnable for 03/06/2023 10:00 AM Discovery Compliance & Jury Election; mittimus issued.  Court location of next event (if not your court): Further Orders: ***10AM ZOOM CONFERENCE. DO NOT TRANSPORT**** MEETING ID: 160 317 5207 PASSCODE: 646915  Judge: Hurley, Hon. Joseph P		
02/21/2023	Reasons for ordering bail.  Judge: Hurley, Hon. Joseph P		
03/06/2023	Event Resulted: Discovery Compliance & Jury Election scheduled on: 03/06/2023 10:00 AM Has been: Reschedule of Hearing For the following reason: On Order of the Court Hon. Sharon Lalli, Presiding		
03/06/2023	Defendant waives 30 day continuance right under C276 s.35.  Judge: Lalli, Hon. Sharon		
03/06/2023	Defendant is ordered committed to Middlesex Jail in lieu of having posted bail in the amount ordered: (\$1,000.00 Bond; \$100.00 Cash), returnable for 04/26/2023 10:00 AM Discovery Compliance & Jury Election; mittimus issued.  Court location of next event (if not your court): Further Orders: *** Do Not transport - Defendant to Appear Via Zoom. Meeting ID: 160-317-5207; Passcode: 646915 ***  Judge: Lalli, Hon. Sharon		
04/26/2023	Event Resulted: Discovery Compliance & Jury Election scheduled on: 04/26/2023 10:00 AM Has been: Not Held Hon. Lynn C. Brendemuehl, Presiding		
04/26/2023	The Court enters the following order: R. 17 Records Received May be Inspected & Copied by Parties  Judge: Brendemuehl, Hon. Lynn C.		
04/26/2023	Defendant is ordered committed to Middlesex Jail in lieu of having posted bail in the amount ordered: (\$1,000.00 Bond; \$100.00 Cash), returnable for 05/17/2023 09:00 AM Hearing to Review Status; mittimus issued.  Court location of next event (if not your court): Further Orders: **** PLEASE TRANSPORT TO COURT ****  Judge: Brendemuehl, Hon. Lynn C.		
05/17/2023	Event Resulted: Hearing to Review Status scheduled on: 05/17/2023 09:00 AM Has been: Not Held For the following reason: Defendant Not Present Hon. Sharon Lalli, Presiding		
05/17/2023	The Court enters the following order: Motion to be filed by 6/12/2023.  Judge: Lalli, Hon. Sharon		
05/17/2023	Defendant waives 30 day continuance right under C276 s.35.  Judge: Lalli, Hon. Sharon		

<u>Docket Date</u>	<u>Docket Text</u>	<u>Amount Owed</u>	<u>Image Avail.</u>
05/17/2023	<p>Defendant is ordered committed to Middlesex Jail in lieu of having posted bail in the amount ordered: (\$1,000.00 Bond; \$100.00 Cash), returnable for 06/26/2023 02:00 PM Motion to suppress; mittimus issued.</p> <p>Court location of next event (if not your court): Further Orders: *** TRANSPORT TO COURT ***</p> <p>Judge: Lalli, Hon. Sharon</p>		
06/07/2023	Defendant's motion to reschedule or continue scheduled court hearing filed with the following, if any, supporting documents:		
06/12/2023	<p>Event update:: Motion Hearing (CR) scheduled on: 06/12/2023 09:00 AM Has been: Held as scheduled Hon. Lynn C. Brendemuehl, Presiding</p>		
06/12/2023	The Court enters the following order: Motion to be filed ten days prior to 6/26/23		
06/12/2023	<p>No action taken on Motion to Continue.</p> <p>Judge: Brendemuehl, Hon. Lynn C.</p>		
06/22/2023	<p>Event Resulted: Hearing to Review Status scheduled on: 06/22/2023 02:00 PM Has been: Reschedule of Hearing For the following reason: Commonwealth's witness unavailable Hon. Lynn C. Brendemuehl, Presiding</p>		
06/23/2023	<p>Event Resulted: Motion to suppress scheduled on: 06/26/2023 02:00 PM Has been: Reschedule of Hearing For the following reason: Commonwealth's witness unavailable Hon. Lynn C. Brendemuehl, Presiding</p>		
06/23/2023	<p>Defendant is ordered committed to Middlesex Jail in lieu of having posted bail in the amount ordered: (\$1,000.00 Bond; \$100.00 Cash), returnable for 07/26/2023 11:00 AM Motion to suppress; mittimus issued.</p> <p>Court location of next event (if not your court): Further Orders: ***TRANSPORT TO COURT***</p> <p>Judge: Brendemuehl, Hon. Lynn C.</p>		
07/24/2023	<p>Event Resulted: Hearing to Review Status scheduled on: 07/24/2023 02:00 PM Has been: Not Held For the following reason: Defense Counsel Not Present Hon. Lynn C. Brendemuehl, Presiding</p>		
07/25/2023	<p>Event Resulted: Motion Hearing (CR) scheduled on: 07/25/2023 09:00 AM Has been: Held - Motion allowed Hon. Sharon Lalli, Presiding</p>		
07/25/2023	<p>Event Resulted: Motion to suppress scheduled on: 07/26/2023 11:00 AM Has been: Reschedule of Hearing For the following reason: Defendant's request without objection Hon. Sharon Lalli, Presiding</p>		
07/25/2023	<p>Defendant is ordered committed to Middlesex Jail in lieu of having posted bail in the amount ordered: (\$1,000.00 Bond; \$100.00 Cash), returnable for 10/04/2023 02:00 PM Motion to suppress; mittimus issued.</p> <p>Court location of next event (if not your court): Further Orders: ***TRANSPORT TO COURT***</p> <p>Judge: Lalli, Hon. Sharon</p>		
09/18/2023	Commonwealth's motion to advance and continue filed with the following, if any, supporting documents:		

<u>Docket Date</u>	<u>Docket Text</u>	<u>Amount Owed</u>	<u>Image Avail.</u>
09/19/2023	Event Resulted: Hearing to Review Status scheduled on: 09/19/2023 09:00 AM Has been: Review Completed Hon. Lynn C. Brendemuehl, Presiding		
09/19/2023	Commonwealth's motion to reschedule or continue scheduled court hearing filed and ALLOWED. over Defense Counsel's R.36 objection		
09/19/2023	Defense Counsel's R. 36 objection noted for the record.  Judge: Brendemuehl, Hon. Lynn C.		
09/19/2023	Event Resulted: Motion to suppress scheduled on: 10/04/2023 02:00 PM Has been: Reschedule of Hearing For the following reason: Commonwealth's request with objection Hon. Lynn C. Brendemuehl, Presiding		
09/19/2023	Defendant is ordered committed to Middlesex Jail in lieu of having posted bail in the amount ordered: (\$1,000.00 Bond; \$100.00 Cash), returnable for 11/13/2023 11:00 AM Motion to suppress; mittimus issued.  Court location of next event (if not your court): Further Orders: ****PLEASE TRANSPORT TO COURT **** *** CANCEL MITT FOR 10/4/2023 ***  Judge: Brendemuehl, Hon. Lynn C.		
11/13/2023	Event Resulted: Motion to suppress scheduled on: 11/13/2023 11:00 AM Has been: Held - under advisement For the following reason: On Order of the Court Hon. Lynn C. Brendemuehl, Presiding		
11/13/2023	Taken under advisement ( [Judge] ).: Motion to suppress scheduled on: 11/13/2023 11:00 AM Has been: Held - under advisement For the following reason: On Order of the Court Hon. Lynn C. Brendemuehl, Presiding		
11/13/2023	Trial under advisement by judicial officer: Motion to suppress scheduled on: 11/13/2023 11:00 AM Has been: Held - under advisement For the following reason: On Order of the Court Hon. Lynn C. Brendemuehl, Presiding		
11/13/2023	Motion under advisement by judicial officer.: Motion to suppress scheduled on: 11/13/2023 11:00 AM Has been: Held - under advisement For the following reason: On Order of the Court Hon. Lynn C. Brendemuehl, Presiding		
11/13/2023	Finding of Judge on matter taken under advisement: Motion to suppress scheduled on: 11/13/2023 11:00 AM Has been: Held - under advisement For the following reason: On Order of the Court Hon. Lynn C. Brendemuehl, Presiding		
11/13/2023	Exhibits retained by Court. - List filed  Judge: Brendemuehl, Hon. Lynn C.		
11/13/2023	Defendant waives 30 day continuance right under C276 s.35.  Judge: Brendemuehl, Hon. Lynn C.		
11/13/2023	Defendant is ordered committed to Middlesex Jail in lieu of having posted bail in the amount ordered: (\$1,000.00 Bond; \$100.00 Cash), returnable for 01/10/2024 10:00 AM Hearing to Review Status; mittimus issued.  Court location of next event (if not your court): Further Orders: *** Do Not transport - Defendant to Appear Via Zoom. Meeting ID: 160-317-5207; Passcode: 646915 ***  Judge: Brendemuehl, Hon. Lynn C.		

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<u>Docket Date</u>	<u>Docket Text</u>	<u>Amount Owed</u>	<u>Image Avail.</u>
11/17/2023	Decision on defendant's motion to suppress filed.  Judge: Brendemuehl, Hon. Lynn C.		
11/17/2023	Motion to Suppress DENIED.		
01/10/2024	Event Resulted: Hearing to Review Status scheduled on: 01/10/2024 10:00 AM Has been: Review Completed Hon. Lynn C. Brendemuehl, Presiding		
01/10/2024	Defendant is ordered committed to Middlesex Jail in lieu of having posted bail in the amount ordered: (\$1,000.00 Bond; \$100.00 Cash), returnable for 02/28/2024 09:00 AM Motion to suppress; mittimus issued.  Court location of next event (if not your court): Concord District Court Further Orders: ***TRANSPORT TO COURT***  Judge: Brendemuehl, Hon. Lynn C.		
02/26/2024	Event Resulted: Motion Hearing (CR) scheduled on: 02/26/2024 09:00 AM Has been: Held - Motion allowed Hon. Sharon Lalli, Presiding		
02/26/2024	Commonwealth's motion to reschedule or continue scheduled court hearing filed and ALLOWED.		
02/26/2024	Event Resulted: Motion to suppress scheduled on: 02/28/2024 09:00 AM Has been: Reschedule of Hearing For the following reason: Brought forward Hon. Sharon Lalli, Presiding		
02/26/2024	Defense Counsel objects under R. 36.  Judge: Lalli, Hon. Sharon		
02/26/2024	Defendant is ordered committed to Middlesex Jail in lieu of having posted bail in the amount ordered: (\$1,000.00 Bond; \$100.00 Cash), returnable for 03/27/2024 09:00 AM Motion to suppress; mittimus issued.  Court location of next event (if not your court): Further Orders: **** CANCEL MITT FOR 2/28/2024 **** ** PLEASE TRANSPORT TO COURT ON 3/27/2024 **		
03/27/2024	Event Resulted: Motion to suppress scheduled on: 03/27/2024 09:00 AM Has been: Held - Motion denied Hon. Lynn C. Brendemuehl, Presiding		
03/27/2024	After full hearing, Defendant's motion to suppress blood results and medical records is moot in-part and denied in-part.  Judge: Brendemuehl, Hon. Lynn C.		
03/27/2024	Event Scheduled Event: Jury Trial (CR) Date: 07/09/2024 Time: 09:00 AM Result: Reschedule of Hearing		
03/27/2024	Defendant is ordered committed to Middlesex Jail in lieu of having posted bail in the amount ordered: (\$1,000.00 Bond; \$100.00 Cash), returnable for 07/09/2024 09:00 AM Jury Trial (CR); mittimus issued.  Court location of next event (if not your court): Further Orders: **** TRANSPORT TO COURT ****  Judge: Brendemuehl, Hon. Lynn C.		

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<u>Docket Date</u>	<u>Docket Text</u>	<u>Amount Owed</u>	<u>Image Avail.</u>
07/08/2024	Commonwealth's motion in Limine to Qualify Pathologist as Expert filed with the following, if any, supporting documents:		
07/09/2024	Commonwealth's motion to qualify pathologist as expert heard and RESERVED. Judge: Lalli, Hon. Sharon		
07/09/2024	Voir Dire of Dr. Timothy Skelton pertaining to expert witness determination performed. Judge: Lalli, Hon. Sharon		
07/09/2024	The Court enters the following order: Dr. Timothy Skelton qualified as expert. Judge: Lalli, Hon. Sharon		
07/09/2024	Defendant 's Criminal motion to sequester witnesses orally presented to the court ALLOWED Judge: Lalli, Hon. Sharon		
07/09/2024	Commonwealth's list of witnesses filed Judge: Lalli, Hon. Sharon		
07/09/2024	Motion in Limine to qualify pathologist as expert ALLOWED. Judge: Lalli, Hon. Sharon		
07/09/2024	Defendant's motion in Limine with regards to blood results and any evidence regarding results of any blood testing filed with the following, if any, supporting documents: Judge: Lalli, Hon. Sharon		
07/09/2024	Commonwealth's motion in Limine to admit in-Court identification by witnesses filed and ALLOWED. Judge: Lalli, Hon. Sharon		
07/09/2024	Juror seating chart filed. Judge: Lalli, Hon. Sharon		
07/09/2024	Exhibits retained by Court. - List filed Judge: Lalli, Hon. Sharon		
07/09/2024	Defendant objects to witness #6 testifying and OVERRULED. Judge: Lalli, Hon. Sharon		
07/09/2024	Defendant objects to expert witness testimony of Dr. Timothy Skelton and OVERRULED. Judge: Lalli, Hon. Sharon		
07/09/2024	Event Resulted: Jury Trial (CR) scheduled on: 07/09/2024 09:00 AM Has been: Reschedule of Hearing For the following reason: Scheduled Hearing held in part. Hon. Sharon Lalli, Presiding		
07/09/2024	Event Scheduled Event: Jury Trial (CR) Date: 07/10/2024 Time: 09:00 AM Result: Held - JuryVerdict - 24D		
07/09/2024	Defendant is ordered committed to Middlesex Jail in lieu of having posted bail in the amount ordered: (\$1,000.00 Bond; \$100.00 Cash), returnable for 07/10/2024 09:00 AM Jury Trial (CR); mittimus issued.  Court location of next event (if not your court): Further Orders: **** TRANSPORT TO COURT FOR 9:00AM JURY TRIAL **** Judge: Lalli, Hon. Sharon		

<u>Docket Date</u>	<u>Docket Text</u>	<u>Amount Owed</u>	<u>Image Avail.</u>
07/10/2024	Defendant's renewed objection to expert testimony of Dr. Timothy Skelton heard and overruled. Judge: Lalli, Hon. Sharon		
07/10/2024	Defendant's objection to testimony of witness #6 heard and overruled. Judge: Lalli, Hon. Sharon		
07/10/2024	Defendant's oral motions for required finding of not guilty at the close of Commonwealth's case heard and DENIED. Judge: Lalli, Hon. Sharon		
07/10/2024	Event Resulted: Jury Trial (CR) scheduled on: 07/10/2024 09:00 AM Has been: Held - JuryVerdict - 24D Hon. Sharon Lalli, Presiding		
07/10/2024	Charges Disposed:: Charge # 1 OUI-LIQUOR OR .08% c90 §24(1)(a)(1) On: 07/10/2024 Judge: Hon. Sharon Lalli Guilty Verdict - 24D program  Charge # 2 NEGLIGENT OPERATION OF MOTOR VEHICLE c90 §24(2)(a) On: 07/10/2024 Judge: Hon. Sharon Lalli Guilty Verdict  Charge # 3 A&B ON POLICE OFFICER c265 §13D On: 07/10/2024 Judge: Hon. Sharon Lalli Not Guilty Verdict  Charge # 4 A&B ON PUBLIC EMPLOYEE c265 §13D On: 07/10/2024 Judge: Hon. Sharon Lalli Guilty Verdict  Charge # 5 ALCOHOL IN MV, POSSESS OPEN CONTAINER OF * c90 §24I On: 07/10/2024 Judge: Hon. Sharon Lalli Responsible  Charge # 6 MARKED LANES VIOLATION * c89 §4A On: 07/10/2024 Judge: Hon. Sharon Lalli Responsible  Charge # 7 LIGHTS VIOLATION, MV * c90 §7 On: 07/10/2024 Judge: Hon. Sharon Lalli Responsible		
07/10/2024	Commonwealth reports ready for trial. Judge: Lalli, Hon. Sharon		
07/10/2024	Commonwealth's list of witnesses filed Judge: Lalli, Hon. Sharon		
07/10/2024	Judicial finding regarding assessment or waiver of monies in criminal case filed. Judge: Lalli, Hon. Sharon		
07/10/2024	Defendant's request under c.276 s.100C (par 1) not to seal the records after a finding of Not Guilty or No Probable Cause filed Judge: Lalli, Hon. Sharon		
07/10/2024	Trial exhibit list filed. Judge: Lalli, Hon. Sharon		
07/10/2024	Jury verdict slip filed. Judge: Lalli, Hon. Sharon		
07/10/2024	Sentence Imposed:: Sentence Date: 07/10/2024 Judge: Hon. Sharon Lalli  Charge #: 1 OUI-LIQUOR OR .08% c90 §24(1)(a)(1)		

<u>Docket Date</u>	<u>Docket Text</u>	<u>Amount Owed</u>	<u>Image Avail.</u>
	Charge #: 2 NEGLIGENT OPERATION OF MOTOR VEHICLE c90 §24(2)(a) Served Concurrent Charge # 1		
	Charge #: 4 A&B ON PUBLIC EMPLOYEE c265 §13D Served Concurrent Charge # 1		
	Financials: Head Injury fee assessed for OUI or negligent operation. Amount \$250.00 Fee assessed for driver alcohol or drug abuse education program. G.L. c. 90, §24D Amount \$250.00 Victim/Witness Assessment on G.L. c.258B §8 Amount \$50.00 OUI Victims Fund assessment ordered. Amount \$50.00		
	Further Orders of the Court: License Lost Under Section 24D for 45 days  24Q Required - 1/2 Brains at Risk		
	Probation: OUI Probation-24D Duration: 1 Years, 6 Months, 0 Days Start Date: 07/10/2024 End Date: 01/09/2026		
07/10/2024	Notice of appeal to the Appeals Court filed by the Defendant		
01/17/2025	Appearance filed On this date James Vincent Tabner, Esq. dismissed/withdrawn as Appointed - Indigent Defendant for Defendant Christopher Charles Aldrich		
01/17/2025	Appearance filed On this date Steven C Reilly, Esq. added as Appointed - Indigent Defendant for Defendant Christopher Charles Aldrich Appearance filed for the purpose of Case in Chief by Judge Hon. Lynn C. Brendemuehl.		
03/31/2025	Defendant's motion for Defendant's Non-Privileged Documents Obtained Pursuant to Mass. R. Crim. P. 17(a)(2) filed and ALLOWED.		
09/18/2025	Notice of assembly of the record sent to the Appeals Court  Judge: Brendemuehl, Hon. Lynn C.		
01/05/2026	Defendant's motion for Habeas Corpus filed and ALLOWED.		
01/05/2026	Habeas Corpus for prosecution issued to Souza Baranowski Correctional Center returnable for 01/09/2026 09:00 AM Hearing to Review Status: Further Orders: **** TRANSPORT TO COURT ****  Judge: Cappetta, Helen		
01/09/2026	Event Resulted: Hearing to Review Status scheduled on: 01/09/2026 09:00 AM Has been: Review Completed For the following reason: Review Completed-Status reason resolved Hon. Sharon Lalli, Presiding		
01/09/2026	Motion to reconsider sentence ALLOWED. AFTER HEARING		
01/09/2026	Sentence Imposed:: Revision Date: 01/09/2026 Judge: Hon. Sharon Lalli Charge #: 1 OUI-LIQUOR OR .08% c90 §24(1)(a)(1)  Charge #: 2 NEGLIGENT OPERATION OF MOTOR VEHICLE c90 §24(2)(a) Served Concurrent Charge # 1  Charge #: 4 A&B ON PUBLIC EMPLOYEE c265 §13D Served Concurrent Charge # 1		

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<u>Docket Date</u>	<u>Docket Text</u>	<u>Amount Owed</u>	<u>Image Avail.</u>
	<p>Financials:</p> <p>Head Injury fee assessed for OUI or negligent operation. Amount \$250.00</p> <p>Fee assessed for driver alcohol or drug abuse education program. G.L. c. 90, §24D Amount \$250.00</p> <p>Victim/Witness Assessment on G.L. c.258B §8 Amount \$50.00</p> <p>OUI Victims Fund assessment ordered. Amount \$50.00</p> <p>Further Orders of the Court:</p> <p>24D, 24Q &amp; 1/2 Day BAR Vacated; \$300 OUI Fees Remitted</p> <p>Probation:</p> <p>OUI Probation-24D Duration: 1 Years, 6 Months, 0 Days</p> <p>Start Date: 07/10/2024 End Date: 01/09/2026</p>		
01/09/2026	<p>Event Resulted: Probation Until scheduled on:</p> <p>01/09/2026 09:00 AM</p> <p>Has been: Held - Probation Terminated For the following reason: All Charges disposed or Dismissed</p> <p>Hon. Sharon Lalli, Presiding</p>		
01/09/2026	<p>Judicial finding regarding assessment or waiver of monies in criminal case filed.</p> <p>Judge: Lalli, Hon. Sharon</p>		
01/09/2026	<p>Docket report of court proceedings to date</p>		
01/09/2026	<p>Charges Disposed::</p> <p>Charge # 1 OUI-LIQUOR OR .08% c90 §24(1)(a)(1)</p> <p>On: 01/09/2026 Judge: Hon. Sharon Lalli</p> <p>Guilty Verdict</p>		