

COMMONWEALTH OF MASSACHUSETTS  
SUPREME JUDICIAL COURT  
FOR THE COMMONWEALTH

HAMPDEN, ss.

Appeals Ct. No.  
2026-P-0635,  
SJC No. \_\_\_\_\_

COMMONWEALTH OF MASSACHUSETTS,  
Appellant

v.

DANA DUDLEY,  
Defendant-Appellee

---

**COMMONWEALTH'S APPLICATION FOR DIRECT  
APPELLATE REVIEW**

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THE COMMONWEALTH,  
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May 26, 2026

COMMONWEALTH OF MASSACHUSETTS  
SUPREME JUDICIAL COURT  
FOR THE COMMONWEALTH

HAMPDEN, ss.

Appeals Ct. No.  
2026-P-0635  
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COMMONWEALTH OF MASSACHUSETTS,  
Appellant

v.

DANA DUDLEY,  
Defendant-Appellee

**APPLICATION FOR DIRECT APPELLATE REVIEW**

Now comes the Commonwealth in the above-captioned matter and applies, pursuant to Mass. R. A. P. 11, as appearing in 481 Mass. 1620 (2019), for direct appellate review of the Commonwealth's appeal from the dismissal of the indictment against the defendant on the ground that he has transactional immunity. The defendant did not provide any testimony; indeed, he refused to be sworn. Under the circumstances of this case, where the defendant-witness did not testify despite being subject to a compulsion order under G. L. c. 233, § 20C et seq., the defendant did not have immunity from prosecution for any conduct, leastwise the allegations embodied in the indictment.

As further support for this application, the Commonwealth submits the attached memorandum of law.

May 26, 2026

Respectfully submitted,  
THE COMMONWEALTH,  
ANTHONY D. GULLUNI  
District Attorney  
Hampden District

*/s/ Travis H. Lynch*  
Assistant District Attorney  
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HAMPDEN, ss.

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2026-P-0635  
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COMMONWEALTH OF MASSACHUSETTS,  
Appellant

v.

DANA DUDLEY,  
Defendant-Appellee

**MEMORANDUM OF LAW IN SUPPORT OF THE  
COMMONWEALTH'S APPLICATION FOR DIRECT  
APPELLATE REVIEW**

**I. Statement of Prior Proceedings**

On June 24, 2024, a Hampden County grand jury returned an indictment against the defendant, Dana Dudley, charging him with breaking into a building in the day time, in violation of G. L. c. 266, § 17, carrying a dangerous weapon on school grounds, in violation of G. L. c. 269, § 10(j), and assault by means of a dangerous weapon, in violation of G. L. c. 265, § 15B(b). (R.A.14-16).<sup>1</sup> On February 9, 2026, the defendant filed a motion to dismiss the 2024 indictment on the basis

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<sup>1</sup> The record appendix to this document is referred to as (R.A.##).

of having transactional immunity. (R.A.17). On April 13, 2026, after a non-evidentiary hearing held on March 12, 2026, the motion judge, Bucci, J., allowed the defendant's motion to dismiss. (R.A.27). On April 17, 2026, the Commonwealth timely filed a notice of appeal of the dismissal. (R.A.13). On May 6, 2026, the Commonwealth's appeal was entered in the Massachusetts Appeals Court, where the Commonwealth's appellant brief and record appendix are due on June 15, 2026. (R.A.32).

## **II. Facts Relevant to the Appeal**

The motion judge summarized the background facts of the case and the events relating to an order to the defendant to testify:

On March 11, 2024, the defendant along with Chantz Dudley ("Chantz"),<sup>¶</sup> his son, and Josiah Livingston ("Livingston") forced entry into the Springfield High School of Science and Technology ("Sci-Tech"). The defendant was armed with a knife but was quickly disarmed by school staff. Chantz and Livingston proceeded further into the school and assaulted the victim, Aaron Acheampong. During the assault, a firearm brought by Chantz discharged through a window. Chantz and the defendant left the school without being apprehended.

On the same day, at approximately 5:30 p.m., the defendant presented himself to the Springfield Police Headquarters and gave a statement about the events earlier in the day. The defendant admitted to the officers that he picked up Chantz and Livingston, drove to the school, and helped them enter the building. The defendant signed a photograph of Chantz and identified him by his clothing and actions. All three men were indicted.

On October 10, 2025, the Commonwealth was scheduled to begin the criminal trial of *Commonwealth v. Chantz Dudley* (Docket No. 2479CR00293). The Commonwealth intended to call the defendant to testify about his statement on March 11, 2024. In anticipation of the defendant's continued assertion of his Fifth Amendment right not to testify, the Commonwealth submitted an immunity petition to the court and the court allowed the order. The order provided:

Pursuant to M. G. L. c. 233, § 20C-20E it is hereby ordered that **Dana Dudley** DOB [redacted] is immunized from criminal penalty with regard to his testimony in the criminal trial of *Commonwealth v. Chantz Dudley*. As such, **Dana Dudley** DOB [redacted] is informed that he must answer fully, questions put to him in this or other proceedings subject to being held in contempt of court and he must answer truthfully subject to the pains and penalties of perjury.

Prior to the jury being sworn, the court conducted a voir dire of the defendant at the request of the parties. The defendant through his attorney notified the court that he refused to be sworn or answer any questions. The Commonwealth indicted the defendant for non-summary contempt under G. L. c. 233, § 20H as a result of the voir dire. On March 12, 2026, the defendant pleaded guilty to contempt in violation of G. L. c. 233, § 20H. He was sentenced to six months in the house of correction.

(R.A.27-28).

The motion judge then moved on to address the arguments of the parties and analyze the issue before him. He characterized the defendant's argument as being "that contempt for refusal to testify to the immunized conduct does not obliterate that immunity." (R.A.29). He characterized the Commonwealth argument as being that the

defendant did not have immunity because he did not testify despite being ordered to do so. (R.A.29). He also noted that the Commonwealth argued that the plain text of the order did not have the effect of granting the defendant immunity in the event that he refused to testify, and that the statutory language of G. L. c. 233, § 20G “only grants immunity to witnesses who are actually compelled to testify.” (R.A.29).

The motion judge allowed the motion to dismiss. (R.A.27). He reasoned that the “Commonwealth’s recourse is to pursue contempt charges against the defendant for his refusal to testify after being compelled to do so through a grant of immunity.” (R.A.30-31). Noting that the Commonwealth in fact charged the defendant with contempt, and that the defendant had pleaded guilty to the contempt and was sentenced, the Commonwealth “cannot now also prosecute the immunized defendant for the same ‘transaction, matter, or occurrence.’” *Matter of Grand Jury Investigation*, [485 Mass. 641, 654 (2020)].” (R.A.30-31).

### **III. Issues of Law Raised by the Appeal**

Whether a witness who refuses to be sworn and does not testify or produce any evidence after being ordered to testify under G. L. c. 233, § 20C et seq. does not have transactional immunity.

The Commonwealth's argument that a witness who does not provide testimony after being subject to a compulsion order does not have transactional immunity was preserved via its written submissions and argument to the motion judge as shown in the motion judge's memorandum of decision and the Commonwealth's written opposition. (R.A.29, 22-26).

#### **IV. Argument**

The motion judge ruled on the defendant's motion after a non-evidentiary hearing based upon documentary information, and the appellate court will not defer to his findings of fact. *See Commonwealth v. Tremblay*, 480 Mass. 645, 654-655 (2018). Whether a defendant has immunity is a question of law which an appellate court reviews de novo. *Tran v. Commonwealth*, 496 Mass. 518, 528 (2025). Questions of statutory interpretation are also reviewed de novo. *Commonwealth v. Fleury*, 489 Mass. 421, 424 (2022).

Article 12 of the Massachusetts Declaration of Rights provides, in relevant part, that "No subject shall . . . be compelled to accuse, or furnish evidence against himself." The privilege, once legitimately invoked, may be validly overcome, and the witness forced to testify, but only if the witness is granted so-called "transactional immunity."

*See Matter of Grand Jury Investigation*, 485 Mass. 641, 653 (2020). “[U]nder the Massachusetts Constitution and [G. L. c. 233, §§ 20C-20G], testimony may be compelled only through an order granting transactional immunity that provides ‘absolute immunity from subsequent prosecution based upon any transaction, matter, or occurrence *about which an immunized witness testified or produced evidence.*’” *Id.* (quoting *Attorney Gen. v. Colleton*, 387 Mass. 790, 795 (1982)) (emphasis supplied).

The motion judge erred in finding that the defendant enjoyed transactional immunity for his conduct on March 11, 2024. It is true that an order issued pursuant to G. L. c. 233, §§ 20C-20E, directing the defendant to testify at the criminal trial of Chantz Dudley. Nevertheless, the defendant did not have transactional immunity. This is because the defendant did not testify or produce any evidence whatsoever; instead, he informed the court through counsel that he would refuse to be sworn or answer questions. As transactional immunity is described in cases such as *Matter of Grand Jury Investigation*, 485 Mass. at 653, it appears that the scope of transactional immunity is the subject matter of any testimony that a witness provides while under a compulsion order. *See id.* at 655 (“If the witness, in the course of providing immunized

testimony, admits that he lied, cheated, or killed, the witness may not be prosecuted for that illegal conduct”); *see also Commonwealth v. Troche*, 493 Mass. 34, 51 n.29 (2023) (“Transactional immunity provides a witness protection from prosecution for the crime about which the witness testifies”). As the defendant did not testify about *anything at all*, it follows that the defendant does not have transactional immunity for anything, leastwise his conduct on March 11, 2024. *See Matter of Grand Jury Investigation*, 485 Mass. at 655.

The plain text of the immunity statute does not require the result reached by the motion judge. The first paragraph of General Laws chapter 233, section 20G provides:

A witness who has been granted immunity as provided in section 20E shall not be prosecuted or subjected to any penalty or forfeiture for or on account of any transaction matter, or thing concerning which he is so compelled, after having claimed his privilege against self-incrimination, to testify or produce evidence, nor shall testimony so compelled be used as evidence in any criminal or civil proceeding against him in any court of the commonwealth, except in a prosecution for perjury or contempt committed while giving testimony or producing evidence under compulsion, pursuant to section 20C or 20E.

To the extent that the motion judge appears to have relied on this provision in reaching his decision (R.A.29-30), he was mistaken. A witness is not “compelled” for purposes of § 20G if he refuses to submit

to the order. Interpreting the statute as the motion judge did would extend transactional immunity to matters about which a witness did not testify. This would go beyond the transactional immunity which art. 12 requires for a compulsion order to be valid. *See Matter of Grand Jury Investigation*, 485 Mass. at 653. But the Supreme Judicial Court has “characterized § 20G immunity as a grant of transactional immunity.” *Matter of John Doe Grand Jury Investigation*, 405 Mass. 125, 129 (1989) (citing *Colleton*, 387 Mass. at 797 n.8). It does not appear that section 20G grants more protection than what art. 12 requires. *See Commonwealth v. Austin A.*, 450 Mass. 665, 668 (2008) (“The Massachusetts statutory framework [in G. L. c. 233, § 20C et seq.] provides for immunity to the full extent of art. 12 of the Massachusetts Declaration of Rights”) (footnote omitted). And, again, transactional immunity has been interpreted to relate to the subject matter of a witness’s compelled testimony. *See Matter of Grand Jury Investigation*, 485 Mass. at 653.

To the extent that the plain text of the court order is invoked as support for the motion judge’s decision, that order on its face stated that the defendant “is immunized from criminal penalty with regard to *his testimony*” at the trial of Chantz Dudley. (R.A.28) (emphasis supplied).

As the defendant never testified, there is no conduct for which the defendant has gained immunity per the text of the court order. *See Matter of Grand Jury Investigation*, 485 Mass. at 653.

The motion judge also seems to have assigned significant weight to the Commonwealth's pursuit of statutory contempt proceedings under G. L. c. 233, § 20H in reaching his decision that the defendant had transactional immunity for his alleged conduct on March 11, 2024. (R.A.30-31). He cited to *Commonwealth v. Steinberg*, 404 Mass. 602, 608 (1989) for the proposition that ““a contempt proceeding initiated in the Superior Court pursuant to § 20H will normally be the proper procedure when an immunized witness refuses to testify.”” (R.A.30, quoting *Steinberg*, 404 Mass. at 608). This reliance was misplaced.

The quoted language in *Steinberg* does not relate to whether a witness who refuses to testify has transactional immunity for matters about which he did not testify. The *Steinberg* defendant refused, after being granted immunity, to testify before a grand jury. *Steinberg*, 404 Mass. at 604. The sentence relied on by the motion judge appears in a discussion of the defendant's argument:

that the contempt judgment was invalid because the judge relied on both Mass. R. Crim. P. 43, 478 Mass. 919 (1979), and G. L. c. 233, § 20H, in finding him in contempt. He argues that it is

unclear whether his contempt was criminal or civil and that the rule and the statute conflict.

*Id.* at 608. The Supreme Judicial Court discussed the difference between civil and criminal contempt. *Id.* The Court also noted that the witness's statement that he would not testify warranted summary contempt under Mass. R. Crim. P. 43. *Id.* The quoted sentence appears to have been intended to provide guidance that, in future cases in which a witness refuses to testify after issuance of an immunity order, § 20H should be used rather than Mass. R. Crim. P. 43. *See id.* That language does not appear to hold that, as the motion judge's decision suggests, § 20H contempt proceedings are intended to be the sole recourse for the Commonwealth where a witness refuses to testify after being granted immunity. Indeed, a person may be held in both civil and criminal contempt for the same conduct. *See Vizcaino v. Commonwealth*, 462 Mass. 266, 268 n.1 (2012).

Reading the statute as the motion judge did would incentivize defendants in this defendant's position to be held in contempt instead of testifying as they are required to by court order. The maximum imprisonment allowable under G. L. c. 233, § 20H, is one year in the house of correction. For a charged co-defendant in this defendant's

position, the contempt sanction is much less than the maximum sentence for the lead charged offense. G. L. c. 266, § 17 (ten years in State prison is maximum penalty). The result of this mode of statutory interpretation is absurd and should be rejected. *See Commonwealth v. Morgan*, 476 Mass. 768, 778 (2017).

#### **V. Reasons Direct Appellate Review is Appropriate**

The Commonwealth's appeal presents a novel question of law relating to the effect of a grant of immunity under art. 12 and the immunity statute. The only reported case in which the Commonwealth could find in which a criminal defendant successfully obtained dismissal based on transactional immunity is *Commonwealth v. Dormady*, 423 Mass. 190 (1996). There, this Court affirmed the dismissal of an indictment on transactional immunity grounds where the Commonwealth indicted a former police officer for his conduct about which he was compelled to testify in a police department internal affairs investigation. *Id.* at 191-193. The Commonwealth's appeal in that case was focused upon the propriety of the initial grant of immunity, and also argued that the *Dormady* defendant should have only received use and derivative use immunity. *Id.* at 193. The more basic question which is presented in this case, which is essentially,

when does transactional immunity attach, was not presented in *Dormady*. The answer to this question, regardless of the outcome of the appeal, will provide useful guidance to the Commonwealth in future cases in which it contemplates obtaining immunity for a witness under G. L. c. 233, § 20C et seq.

For the above-stated reasons, the Commonwealth respectfully requests that its application for direct appellate review by the Supreme Judicial Court be allowed.

May 26, 2026

Respectfully submitted,  
THE COMMONWEALTH,  
ANTHONY D. GULLUNI  
District Attorney  
Hampden District

*/s/ Travis H. Lynch*  
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**MASS. R. APP. P. 20 CERTIFICATE OF COMPLIANCE WITH  
THE RULES PERTAINING TO THE FILING OF  
APPLICATIONS FOR DIRECT APPELLATE REVIEW**

I hereby certify that this application conforms to the requirements of Mass. R. A. P. 11(b) and Mass. R. A. P. 20(a), and that the argument section is in Times New Roman proportional fourteen-point font and contains no more than 2,000 words created in Microsoft Word.

May 26, 2026

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**CERTIFICATE OF SERVICE**

I hereby certify that I have electronically filed the Commonwealth's application for direct appellate review and record appendix in the above-named case using this Court's electronic filing system. I further certify that I have served a copy of this application and record appendix on the defendant by sending it via electronic mail<sup>2</sup> to the defendant's attorney of record at the following address:

Attorney Erin O'Connor  
erinoconnorlaw@gmail.com

May 26, 2026

*/s/ Travis H. Lynch*  
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---

<sup>2</sup> This method of service was selected because the defendant's attorney could not be served through this Court's electronic filing system.

COMMONWEALTH OF MASSACHUSETTS  
SUPREME JUDICIAL COURT  
FOR THE COMMONWEALTH

HAMPDEN, ss.

Appeals Ct. No.  
2026-P-0635,  
SJC No. \_\_\_\_\_

COMMONWEALTH OF MASSACHUSETTS,  
Appellant

v.

DANA DUDLEY,  
Defendant-Appellee

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**RECORD APPENDIX FOR  
COMMONWEALTH'S APPLICATION FOR DIRECT APPELLATE  
REVIEW**

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THE COMMONWEALTH,  
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Hampden District

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May 26, 2026

R.A.1

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# 2479CR00294 Commonwealth vs. Dudley, Dana

- Case Type:
- Indictment
- Case Status:
- Open
- File Date
- 06/24/2024
- DCM Track:
- B - Complex
- Initiating Action:
- B&E DAYTIME FOR FELONY, ARMED, PERSON IN FEAR c266 §17
- Status Date:
- 07/24/2024
- Case Judge:
- 
- Next Event:
- 

[All Information](#) | [Party](#) | [Charge](#) | [Event](#) | [Tickler](#) | [Docket](#) | [Disposition](#)

## Party Information

### Hampden County District Attorney - Prosecutor

Alias

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[More Party Information](#)

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Alias

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[More Party Information](#)

## Party Charge Information

- Dudley, Dana
- - Defendant
- Charge # 1:
- **266/17/D-1 - Felony** B&E DAYTIME FOR FELONY, ARMED, PERSON IN FEAR c266
- Original Charge
- 266/17/D-1 B&E DAYTIME FOR FELONY, ARMED, PERSON IN FEAR c266 (Felony)
- Indicted Charge
- 
- Amended Charge
-

**Charge Disposition**

Disposition Date

Disposition

04/13/2026

Dismissed

• **Dudley, Dana**

• - Defendant

Charge # 2:

**269/10/A-0 - Misdemeanor - more than 100 days incarceration** DANGEROUS WEAPON ON SCHOOL GROUNDS,CARRY c269 §10(

• Original Charge

• 269/10/A-0 DANGEROUS WEAPON ON SCHOOL GROUNDS,CARRY c269

• §10( (Misdemeanor - more than 100 days incarceration)

• Indicted Charge

• Amended Charge

**Charge Disposition**

Disposition Date

Disposition

04/13/2026

Dismissed

• **Dudley, Dana**

• - Defendant

Charge # 3:

**265/15B/A-0 - Felony** ASSAULT W/DANGEROUS WEAPON c265 §15B(b)

• Original Charge

• 265/15B/A-0 ASSAULT W/DANGEROUS WEAPON c265 §15B(b) (Felony)

• Indicted Charge

• Amended Charge

**Charge Disposition**

Disposition Date

Disposition

04/13/2026

Dismissed

**Events**






<u>Date</u>	<u>Session</u>	<u>Location</u>	<u>Type</u>	<u>Event Judge</u>	<u>Result</u>
07/24/2024 09:01 AM	Criminal 1 - Ct. Rm. 1	SPRF-3rd FL, CR 1 (SC)	Arraignment	Bucci, Hon. Jeremy C	Held as Scheduled
08/21/2024 09:37 AM	Criminal 1 - Ct. Rm. 1	SPRF-3rd FL, CR 1 (SC)	Hearing on Compliance	Bucci, Hon. Jeremy C	Held as Scheduled
08/27/2024 09:23 AM	Criminal 1 - Ct. Rm. 1	SPRF-3rd FL, CR 1 (SC)	Motion Hearing	Bucci, Hon. Jeremy C	Not Held
09/11/2024 09:23 AM	Criminal 1 - Ct. Rm. 1	SPRF-3rd FL, CR 1 (SC)	Motion Hearing	Bucci, Hon. Jeremy C	Held as Scheduled
12/06/2024 09:19 AM	Criminal 1 - Ct. Rm. 1	SPRF-3rd FL, CR 1 (SC)	Pre-Trial Hearing	Mulqueen, Hon. Jane E	Rescheduled
12/20/2024 09:19 AM	Criminal 1 - Ct. Rm. 1	SPRF-3rd FL, CR 1 (SC)	Pre-Trial Hearing	Mulqueen, Hon. Jane E	Held as Scheduled
12/20/2024 09:29 AM	Criminal 1 - Ct. Rm. 1	SPRF-3rd FL, CR 1 (SC)	Bail Hearing	Mulqueen, Hon. Jane E	Held as Scheduled
01/16/2025 09:17 AM	Criminal 1 - Ct. Rm. 1		Non-Evidentiary Hearing to Dismiss		Not Held
01/16/2025 09:30 AM	CR Session 5 - Ct. Rm 8	SPRF-3rd FL, CR 2 (SC)	Non-Evidentiary Hearing to Dismiss	Josephson, Hon. Bertha D	Held - Under advisement
02/19/2025 09:19 AM	Criminal 1 - Ct. Rm. 1	SPRF-3rd FL, CR 1 (SC)	Pre-Trial Hearing	Mulqueen, Hon. Jane E	Not Held
03/25/2025 09:35 AM	Criminal 1 - Ct. Rm. 1	SPRF-3rd FL, CR 1 (SC)	Conference to Review Status	Mulqueen, Hon. Jane E	Held as Scheduled
05/14/2025 09:24 AM	Criminal 1 - Ct. Rm. 1	SPRF-3rd FL, CR 1 (SC)	Rule 12 Conference	Callan, Hon. Michael K	Rescheduled


<u>Date</u>	<u>Session</u>	<u>Location</u>	<u>Type</u>	<u>Event Judge</u>	<u>Result</u>
06/11/2025 09:24 AM	Criminal 1 - Ct. Rm. 1	SPRF-3rd FL, CR 1 (SC)	Rule 12 Conference	Callan, Hon. Michael K	Rescheduled
06/16/2025 09:24 AM	Criminal 1 - Ct. Rm. 1	SPRF-3rd FL, CR 1 (SC)	Rule 12 Conference	Callan, Hon. Michael K	Not Held
06/16/2025 10:30 AM	CR Session 2 - Ct. Rm 3	SPRF-3rd FL, CR 3 (SC)	Rule 12 Conference	Mulqueen, Hon. Jane E	Held - Under advisement
08/04/2025 09:29 AM	Criminal 1 - Ct. Rm. 1	SPRF-3rd FL, CR 1 (SC)	Bail Hearing	Hodge, Hon. David	Rescheduled
08/13/2025 09:29 AM	Criminal 1 - Ct. Rm. 1	SPRF-3rd FL, CR 1 (SC)	Bail Hearing	Hodge, Hon. David	Rescheduled
08/15/2025 09:29 AM	Criminal 1 - Ct. Rm. 1	SPRF-3rd FL, CR 1 (SC)	Bail Hearing	Hodge, Hon. David	Not Held
08/19/2025 09:30 AM	CR Session 2 - Ct. Rm 3	SPRF-3rd FL, CR 3 (SC)	Bail Hearing	Mulqueen, Hon. Jane E	Canceled
08/21/2025 09:00 AM	CR Session 2 - Ct. Rm 3	SPRF-3rd FL, CR 3 (SC)	Motion Hearing for Reconsideration	Mulqueen, Hon. Jane E	Held as Scheduled
09/02/2025 02:00 PM	Criminal 1 - Ct. Rm. 1	SPRF-3rd FL, CR 1 (SC)	Trial Readiness Conference	Duncan, Hon. Tracy	Not Held
09/08/2025 09:23 AM	Criminal 1 - Ct. Rm. 1	SPRF-3rd FL, CR 1 (SC)	Motion Hearing	Duncan, Hon. Tracy	Held as Scheduled
09/11/2025 09:03 AM	Criminal 1 - Ct. Rm. 1	SPRF-3rd FL, CR 1 (SC)	Hearing for Appearance / Appointment of Counsel	Duncan, Hon. Tracy	Held as Scheduled
10/06/2025 09:39 AM	Criminal 1 - Ct. Rm. 1		Final Pre-Trial Conference		Not Held
10/09/2025 09:37 AM	Criminal 1 - Ct. Rm. 1	SPRF-3rd FL, CR 1 (SC)	Hearing on Compliance	Mulqueen, Hon. Jane E	Held as Scheduled
10/21/2025 09:07 AM	Criminal 1 - Ct. Rm. 1		Jury Trial		Not Held
11/25/2025 09:19 AM	Criminal 1 - Ct. Rm. 1		Pre-Trial Hearing	Mulqueen, Hon. Jane E	Not Held
12/16/2025 09:23 AM	Criminal 1 - Ct. Rm. 1	SPRF-3rd FL, CR 1 (SC)	Hearing on Motion to Continue	Mulqueen, Hon. Jane E	Not Held
01/09/2026 09:19 AM	Criminal 1 - Ct. Rm. 1	SPRF-3rd FL, CR 1 (SC)	Pre-Trial Hearing		Not Held
01/09/2026 09:29 AM	Criminal 1 - Ct. Rm. 1	SPRF-3rd FL, CR 1 (SC)	Bail Hearing		Not Held
02/12/2026 09:19 AM	Criminal 1 - Ct. Rm. 1		Pre-Trial Hearing	Groce, III, Hon. Charles W.	Not Held
02/12/2026 09:29 AM	Criminal 1 - Ct. Rm. 1		Bail Hearing	Groce, III, Hon. Charles W.	Not Held
02/19/2026 09:29 AM	Criminal 1 - Ct. Rm. 1	SPRF-3rd FL, CR 1 (SC)	Bail Hearing	Groce, III, Hon. Charles W.	Not Held
02/19/2026 11:00 AM	CR Session 3 - Ct. Rm 5	SPRF-3rd FL, CR 3 (SC)	Bail Hearing	Bucci, Hon. Jeremy C	Not Held
03/12/2026 09:17 AM	Criminal 1 - Ct. Rm. 1	SPRF-3rd FL, CR 1 (SC)	Non-Evidentiary Hearing to Dismiss	Groce, III, Hon. Charles W.	Not Held
03/12/2026 10:30 AM	CR Session 3 - Ct. Rm 5	SPRF-3rd FL, CR 3 (SC)	Non-Evidentiary Hearing to Dismiss	Bucci, Hon. Jeremy C	Held - Under advisement
04/10/2026 09:29 AM	Criminal 1 - Ct. Rm. 1	SPRF-3rd FL, CR 1 (SC)	Bail Hearing	Duncan, Hon. Tracy	Not Held
04/28/2026 09:35 AM	Criminal 1 - Ct. Rm. 1		Conference to Review Status	Duncan, Hon. Tracy	Not Held








**Ticklers**

<u>Tickler</u>	<u>Start Date</u>	<u>Due Date</u>	<u>Days Due</u>	<u>Completed Date</u>
Pre-Trial Hearing	07/24/2024	12/06/2024	135	12/20/2024
Final Pre-Trial Conference	07/29/2024	04/11/2025	256	04/14/2026
Case Disposition	07/24/2024	04/18/2025	268	04/14/2026
Under Advisement	06/16/2025	07/16/2025	30	06/24/2025
Under Advisement	03/12/2026	04/13/2026	32	04/13/2026
Under Advisement	01/16/2025	02/15/2025	30	03/11/2025

**Docket Information**



<u>Docket Date</u>	<u>Docket Text</u>	<u>File Ref Nbr.</u>	<u>Image Avail.</u>
06/24/2024	Indictment(s) returned	1	 <a href="#">Image</a>
07/03/2024	Attorney appearance On this date Thomas F Prendergast, Esq. added as Attorney for the Commonwealth for Prosecutor Hampden County District Attorney		 <a href="#">Image</a>
07/24/2024	Event Result:: Arraignment scheduled on: 07/24/2024 09:01 AM Has been: Held as Scheduled Comments: FTR1 Hon. Jeremy C Bucci, Presiding Staff: Brian Dolaher, Assistant Clerk Magistrate Michael T Sarnacki, Esq., Assistant Clerk Magistrate Alyson Yorlano, Assistant Clerk Magistrate		
07/24/2024	Defendant arraigned before Court. Judge: Bucci, Hon. Jeremy C		
07/24/2024	Defendant waives reading of indictment Judge: Bucci, Hon. Jeremy C		
07/24/2024	Plea of not guilty entered on all charges. Judge: Bucci, Hon. Jeremy C		
07/24/2024	Bail set at \$0.00 Surety, \$50,000.00 Cash. Without prejudice; Next date: 8/19/25	2	
07/24/2024	Bail warnings read Judge: Bucci, Hon. Jeremy C		
07/24/2024	Attorney appearance On this date Tyler Ingraham, Esq. added as Private Counsel for Defendant Dana Dudley	3	 <a href="#">Image</a>
07/29/2024	Case assigned to: DCM Track B - Complex was added on 07/29/2024		
08/21/2024	Event Result:: Hearing on Compliance scheduled on: 08/21/2024 09:37 AM Has been: Held as Scheduled Comments: FTR 1 Hon. Francis E Flannery, Presiding Staff: Brian Dolaher, Assistant Clerk Magistrate Nancy Ramos, Assistant Clerk Magistrate Alyson Yorlano, Assistant Clerk Magistrate		
08/22/2024	Defendant 's Motion for Bill of Particulars	4	 <a href="#">Image</a>
08/27/2024	Event Result:: Motion Hearing scheduled on: 08/27/2024 09:23 AM Has been: Not Held For the following reason: Joint request of parties Comments: FTR 1 Aarons Hon. Jeremy C Bucci, Presiding Staff: Brian Dolaher, Assistant Clerk Magistrate Nancy Ramos, Assistant Clerk Magistrate Alyson Yorlano, Assistant Clerk Magistrate		 <a href="#">Image</a>

<a href="#">Docket Date</a>	<a href="#">Docket Text</a>	<a href="#">File Ref Nbr.</a>	<a href="#">Image Avail.</a>
09/11/2024	Matter taken under advisement: Motion Hearing scheduled on: 09/11/2024 09:23 AM Has been: Held - Under advisement Comments: FTR-Ctrm1-Marzano: motion allowed by agreement. Hon. Jeremy C Bucci, Presiding Staff: Susan Joaquin, Assistant Clerk Magistrate Nancy Ramos, Assistant Clerk Magistrate Alyson Yorlano, Assistant Clerk Magistrate		
09/11/2024	Endorsement on Motion for bill of particulars, (#4.0): ALLOWED by agreement  Judge: Bucci, Hon. Jeremy C		 <a href="#">Image</a>
12/04/2024	Event Result:: Pre-Trial Hearing scheduled on: 12/06/2024 09:19 AM Has been: Rescheduled For the following reason: By Court prior to date Hon. Jane E Mulqueen, Presiding Staff: Danielle Cruz, Assistant Clerk Magistrate Edward Partyka, Assistant Clerk Magistrate Nancy Ramos, Assistant Clerk Magistrate		
12/16/2024	Defendant 's Motion to dismiss count three	5	 <a href="#">Image</a>
12/16/2024	Dana Dudley's Memorandum in support of Motion to dismiss count three	6	 <a href="#">Image</a>
12/20/2024	Event Result:: Pre-Trial Hearing scheduled on: 12/20/2024 09:19 AM Has been: Held as Scheduled Comments: FTR 1 No report filed Hon. Jane E Mulqueen, Presiding Staff: Danielle Cruz, Assistant Clerk Magistrate Edward Partyka, Assistant Clerk Magistrate Nancy Ramos, Assistant Clerk Magistrate		
12/20/2024	Event Result:: Bail Hearing scheduled on: 12/20/2024 09:29 AM Has been: Held as Scheduled Comments: FTR 1 Hon. Jane E Mulqueen, Presiding Staff: Danielle Cruz, Assistant Clerk Magistrate Edward Partyka, Assistant Clerk Magistrate Nancy Ramos, Assistant Clerk Magistrate		
12/20/2024	Finding and Order on Bail:  Judge: Mulqueen, Hon. Jane E	7	 <a href="#">Image</a>
12/20/2024	Bail set at \$0.00 Surety, \$50,000.00 Cash. Next date: 4/28/26	8	
01/16/2025	Event Result:: Non-Evidentiary Hearing to Dismiss scheduled on: 01/16/2025 09:17 AM Has been: Not Held For the following reason: Transferred to another session Hon. Jane E Mulqueen, Presiding Staff: Danielle Cruz, Assistant Clerk Magistrate Nancy Ramos, Assistant Clerk Magistrate Shana Wilson, Assistant Clerk Magistrate		
01/16/2025	Matter taken under advisement: Non-Evidentiary Hearing to Dismiss scheduled on: 01/16/2025 09:30 AM Has been: Held - Under advisement Comments: FTR 2- Foulks Hon. Bertha D Josephson, Presiding Staff: Susan Joaquin, Assistant Clerk Magistrate		
01/16/2025	Opposition to to defendant's motion to dismiss filed by Hampden County District Attorney	9	 <a href="#">Image</a>
02/19/2025	Event Result:: Pre-Trial Hearing scheduled on: 02/19/2025 09:19 AM Has been: Not Held For the following reason: Joint request of parties Comments: FTR 1 Adams		<a href="#">Image</a>

<u>Docket Date</u>	<u>Docket Text</u>	<u>File Ref Nbr.</u>	<u>Image Avail.</u>
	Hon. Jane E Mulqueen, Presiding Staff: Danielle Cruz, Assistant Clerk Magistrate Michael T Sarnacki, Esq., Assistant Clerk Magistrate Shana Wilson, Assistant Clerk Magistrate		
03/11/2025	ORDER: Memorandum of decision and order on motion to dismiss (emailed parties)  Judge: Josephson, Hon. Bertha D	10	 <a href="#">Image</a>
03/11/2025	Endorsement on Motion to dismiss count three, (#5.0): DENIED see decision and order (emailed parties)  Judge: Josephson, Hon. Bertha D		 <a href="#">Image</a>
03/25/2025	Event Result:: Conference to Review Status scheduled on: 03/25/2025 09:35 AM Has been: Held as Scheduled Comments: FTR 1 adams Hon. Jane E Mulqueen, Presiding Staff: Danielle Cruz, Assistant Clerk Magistrate Michael T Sarnacki, Esq., Assistant Clerk Magistrate Alyson Yorlano, Assistant Clerk Magistrate		
03/25/2025	Defendant 's EX PARTE Motion for funds (to be impounded)	11	
03/25/2025	Affidavit of Tyler Ingraham in support of defendant's motion for funds (to be impounded)	11.1	
03/25/2025	Endorsement on ex parte motion for funds (to be impounded), (#11.0): ALLOWED  Judge: Mulqueen, Hon. Jane E		
05/13/2025	Defendant 's Assented to Motion to continue	12	 <a href="#">Image</a>
05/13/2025	Endorsement on Defendant 's Assented to Motion to continue, (#12.0): ALLOWED to 6/11/25  Judge: Callan, Hon. Michael K		 <a href="#">Image</a>
05/13/2025	Event Result:: Rule 12 Conference scheduled on: 05/14/2025 09:24 AM Has been: Rescheduled For the following reason: Joint request of parties Hon. Michael K Callan, Presiding Staff: Danielle Cruz, Assistant Clerk Magistrate Brian Dolaher, Assistant Clerk Magistrate Susan Joaquin, Assistant Clerk Magistrate		
06/02/2025	Defendant 's Assented to Motion to continue	13	 <a href="#">Image</a>
06/03/2025	Event Result:: Rule 12 Conference scheduled on: 06/11/2025 09:24 AM Has been: Rescheduled For the following reason: Joint request of parties Hon. Michael K Callan, Presiding Staff: Danielle Cruz, Assistant Clerk Magistrate Brian Dolaher, Assistant Clerk Magistrate Edward Partyka, Assistant Clerk Magistrate		
06/03/2025	Endorsement on Defendant 's Assented to Motion to continue, (#13.0): ALLOWED n. via email		 <a href="#">Image</a>
06/16/2025	Event Result:: Rule 12 Conference scheduled on: 06/16/2025 09:24 AM Has been: Not Held For the following reason: Transferred to another session Hon. Michael K Callan, Presiding Staff: Danielle Cruz, Assistant Clerk Magistrate Brian Dolaher, Assistant Clerk Magistrate Edward Partyka, Assistant Clerk Magistrate		
06/16/2025	Commonwealth, Defendant files sentence recommendation 6/24/25 After Rule 12 hearing, the court (Judge Mulqueen) would sentence Count 1: 6-8 years; Count 2: 2 years probation from and after Count 1; and Count 3: 3-5 years concurrent. n. by email	14	 <a href="#">Image</a>
06/16/2025	Matter taken under advisement: Rule 12 Conference scheduled on: 06/16/2025 10:30 AM		

<a href="#">Docket Date</a>	<a href="#">Docket Text</a>	<a href="#">File Ref Nbr.</a>	<a href="#">Image Avail.</a>
	Has been: Held - Under advisement Comments: FTR 3- Aarons Hon. Jane E Mulqueen, Presiding Staff: Susan Joaquin, Assistant Clerk Magistrate		
07/07/2025	Defendant 's EX PARTE Motion for Funds	15	
07/08/2025	Endorsement on Motion for funds , (#15.0): ALLOWED		
07/08/2025	Endorsement on Motion to Impound Ex Parte Motion for Funds, (#16.0): ALLOWED		
07/09/2025	Defendant 's Motion to Impound Ex Parte Motion for Funds	16	
07/17/2025	Defendant 's Motion to reduce bail	17	
07/31/2025	Event Result:: Bail Hearing scheduled on: 08/04/2025 09:29 AM Has been: Rescheduled For the following reason: Request of Defendant Comments: By agreement Hon. David Hodge, Presiding Staff: Danielle Cruz, Assistant Clerk Magistrate Nancy Ramos, Assistant Clerk Magistrate Shana Wilson, Assistant Clerk Magistrate		
08/05/2025	Event Result:: Bail Hearing scheduled on: 08/13/2025 09:29 AM Has been: Rescheduled For the following reason: Joint request of parties Hon. David Hodge, Presiding Staff: Danielle Cruz, Assistant Clerk Magistrate Nancy Ramos, Assistant Clerk Magistrate Shana Wilson, Assistant Clerk Magistrate		
08/15/2025	Event Result:: Bail Hearing scheduled on: 08/15/2025 09:29 AM Has been: Not Held For the following reason: Joint request of parties Comments: FTR 1 Hon. David Hodge, Presiding Staff: Danielle Cruz, Assistant Clerk Magistrate Nancy Ramos, Assistant Clerk Magistrate Shana Wilson, Assistant Clerk Magistrate		
08/18/2025	Event Result:: Bail Hearing scheduled on: 08/19/2025 09:30 AM Has been: Canceled For the following reason: Request of Defendant Hon. Jane E Mulqueen, Presiding Staff: Edward Partyka, Assistant Clerk Magistrate		
08/19/2025	Defendant 's Motion to reconsider Rule 12 decision and amend disposition requested by defendant	18	
08/21/2025	Event Result:: Motion Hearing for Reconsideration scheduled on: 08/21/2025 09:00 AM Has been: Held as Scheduled Comments: FTR 3 (Aarons). R12 determination modified to include "recommendation that the Sentence be served at the Hampden County House of Correction." Hon. Jane E Mulqueen, Presiding Staff: Edward Partyka, Assistant Clerk Magistrate		
08/26/2025	Defendant 's Motion to withdraw appearance and appoint successor counsel	19	
08/26/2025	Defendant 's Motion to convert trial date status on appointment of counsel	20	
09/02/2025	Event Result:: Trial Readiness Conference scheduled on: 09/02/2025 02:00 PM Has been: Not Held For the following reason: Joint request of parties Comments: FTR 1 Hon. Tracy Duncan, Presiding Staff: Danielle Cruz, Assistant Clerk Magistrate Nancy Ramos, Assistant Clerk Magistrate Michael T Sarnacki, Esq., Assistant Clerk Magistrate		

<a href="#">Docket Date</a>	<a href="#">Docket Text</a>	<a href="#">File Ref Nbr.</a>	<a href="#">Image Avail.</a>
09/08/2025	Endorsement on Motion to withdraw appearance and appoint successor counsel, (#19.0): ALLOWED upon successor counsel		
09/08/2025	Endorsement on Motion to convert trial date to status on appointment of counsel, (#20.0): ALLOWED Judge: Duncan, Hon. Tracy		<a href="#">Image</a>  <a href="#">Image</a>
09/08/2025	Event Result:: Motion Hearing scheduled on: 09/08/2025 09:23 AM Has been: Held as Scheduled Comments: FTR 1 Hon. Tracy Duncan, Presiding Staff: Danielle Cruz, Assistant Clerk Magistrate Nancy Ramos, Assistant Clerk Magistrate Michael T Sarnacki, Esq., Assistant Clerk Magistrate		
09/08/2025	Event Result:: Final Pre-Trial Conference scheduled on: 10/06/2025 09:39 AM Has been: Not Held For the following reason: By Court prior to date Hon. Tracy Duncan, Presiding		
09/08/2025	Event Result:: Jury Trial scheduled on: 10/21/2025 09:07 AM Has been: Not Held For the following reason: By Court prior to date Hon. Tracy Duncan, Presiding		
09/11/2025	Event Result:: Hearing for Appearance / Appointment of Counsel scheduled on: 09/11/2025 09:03 AM Has been: Held as Scheduled Comments: ftr1 Hon. Tracy Duncan, Presiding Staff: Danielle Cruz, Assistant Clerk Magistrate Nancy Ramos, Assistant Clerk Magistrate Michael T Sarnacki, Esq., Assistant Clerk Magistrate		
09/11/2025	Attorney appearance On this date Tyler Ingraham, Esq. dismissed/withdrawn as Private Counsel for Defendant Dana Dudley		
09/11/2025	Attorney appearance On this date Erin Marie O'Connor, Esq. added as Appointed - Indigent Defendant for Defendant Dana Dudley Appointment made for the purpose of Case in Chief by Judge Hon. Tracy Duncan.		
09/18/2025	Erin Marie O'Connor, Esq.'s EX PARTE Motion for Funds for Social Worker	21	
09/18/2025	Affidavit of of Defendant's Counsel in Support of Motion for Funds	21.1	<a href="#">Image</a> 
09/18/2025	Defendant 's EX PARTE Motion for funds for investigator	22	<a href="#">Image</a> 
09/18/2025	Affidavit of Defendant 's Counsel in support of Motion for funds	22.1	<a href="#">Image</a> 
09/22/2025	Endorsement on EX PARTE Motion for Funds for Social Worker, (#21.0): ALLOWED N. 9/22/25 ATTY: O'CONNOR (E) Judge: Duncan, Hon. Tracy		<a href="#">Image</a>  <a href="#">Image</a>
09/22/2025	Endorsement on EXPARTE MOTION FOR FUNDS FOR INVESTIGATOR, (#22.0): ALLOWED N. 9/22/25 ATTY: O'CONNOR (E)		 <a href="#">Image</a>
10/09/2025	Event Result:: Hearing on Compliance scheduled on: 10/09/2025 09:37 AM Has been: Held as Scheduled Comments: FTR 1 Hon. Jane E Mulqueen, Presiding Staff: Danielle Cruz, Assistant Clerk Magistrate Michael T Sarnacki, Esq., Assistant Clerk Magistrate Shana Wilson, Assistant Clerk Magistrate		
11/25/2025	Event Result:: Pre-Trial Hearing scheduled on: 11/25/2025 09:19 AM Has been: Not Held For the following reason: Joint request of parties Comments: FTR 1 Hon. Jane E Mulqueen, Presiding Staff: Danielle Cruz, Assistant Clerk Magistrate		

<u>Docket Date</u>	<u>Docket Text</u>	<u>File Ref Nbr.</u>	<u>Image Avail.</u>
	Brian Dolaher, Assistant Clerk Magistrate Shana Wilson, Assistant Clerk Magistrate		
12/16/2025	Event Result:: Hearing on Motion to Continue scheduled on: 12/16/2025 09:23 AM Has been: Not Held For the following reason: Joint request of parties Comments: FTR 1 Hon. William J Ritter, Presiding Staff: Danielle Cruz, Assistant Clerk Magistrate Brian Dolaher, Assistant Clerk Magistrate Susan Joaquin, Assistant Clerk Magistrate		
01/07/2026	Defendant 's Agreed Motion to Continue Bail Hearing and Pre-Trial Hearings	23	
01/08/2026	Event Result:: Pre-Trial Hearing scheduled on: 01/09/2026 09:19 AM Has been: Not Held For the following reason: Joint request of parties Hon. Jane E Mulqueen, Presiding Staff: Susan Joaquin, Assistant Clerk Magistrate Alyson Yorlano, Assistant Clerk Magistrate		<a href="#">Image</a>
01/08/2026	Event Result:: Bail Hearing scheduled on: 01/09/2026 09:29 AM Has been: Not Held For the following reason: Joint request of parties Hon. Jane E Mulqueen, Presiding Staff: Susan Joaquin, Assistant Clerk Magistrate Alyson Yorlano, Assistant Clerk Magistrate		
01/09/2026	Endorsement on agreed motion to continue bail and pretrial hearing, (#23.0): ALLOWED n email  Judge: Mulqueen, Hon. Jane E		 <a href="#">Image</a>
02/09/2026	Defendant 's Motion to dismiss pursuant to immunity	24	
02/09/2026	Dana Dudley's Memorandum memorandum of law in support of motion to dismiss	25	 <a href="#">Image</a>
02/12/2026	Event Result:: Pre-Trial Hearing scheduled on: 02/12/2026 09:19 AM Has been: Not Held For the following reason: Joint request of parties Comments: ftr1 Marzano Hon. Charles W. Groce, III, Presiding Staff: Danielle Cruz, Assistant Clerk Magistrate Nancy Ramos, Assistant Clerk Magistrate Alyson Yorlano, Assistant Clerk Magistrate		
02/12/2026	Event Result:: Bail Hearing scheduled on: 02/12/2026 09:29 AM Has been: Not Held For the following reason: Joint request of parties Comments: ftr1 Marzano Hon. Charles W. Groce, III, Presiding Staff: Danielle Cruz, Assistant Clerk Magistrate Nancy Ramos, Assistant Clerk Magistrate Alyson Yorlano, Assistant Clerk Magistrate		
02/19/2026	Event Result:: Bail Hearing scheduled on: 02/19/2026 09:29 AM Has been: Not Held For the following reason: Transferred to another session Hon. Charles W. Groce, III, Presiding Staff: Danielle Cruz, Assistant Clerk Magistrate Nancy Ramos, Assistant Clerk Magistrate Alyson Yorlano, Assistant Clerk Magistrate		
02/19/2026	Event Result:: Bail Hearing scheduled on: 02/19/2026 11:00 AM Has been: Not Held For the following reason: Request of Defendant Comments: Request for bail hearing withdrawn after R12 on 2579CR0511. FTR-Ctrm3-Foulks-Sirois Hon. Jeremy C Bucci, Presiding Staff: Danielle Cruz, Assistant Clerk Magistrate		

<u>Docket Date</u>	<u>Docket Text</u>	<u>File Ref Nbr.</u>	<u>Image Avail.</u>
	Nancy Ramos, Assistant Clerk Magistrate Alyson Yorlano, Assistant Clerk Magistrate		
03/12/2026	Event Result:: Non-Evidentiary Hearing to Dismiss scheduled on: 03/12/2026 09:17 AM Has been: Not Held For the following reason: Transferred to another session Hon. Charles W. Groce, III, Presiding Staff: Danielle Cruz, Assistant Clerk Magistrate Nancy Ramos, Assistant Clerk Magistrate Michael T Sarnacki, Esq., Assistant Clerk Magistrate		
03/12/2026	Matter taken under advisement: Non-Evidentiary Hearing to Dismiss scheduled on: 03/12/2026 10:30 AM Has been: Held - Under advisement Comments: FTR 3, A. Foulks. Hon. Jeremy C Bucci, Presiding Staff: Brian Dolaher, Assistant Clerk Magistrate		
03/13/2026	Defendant 's EX PARTE Motion for Funds for Investigation	26	
03/13/2026	Affidavit of Atty Erin O'Connor in Support of Motion for Funds	26.1	<a href="#">Image</a>
03/13/2026	Defendant 's Motion to Bring Case Forward for Bail Hearing: Commonwealth Agrees to Date Not Bail Hearing	27	 <a href="#">Image</a>
03/19/2026	Endorsement on Defendant 's EX PARTE Motion for Funds for Investigation, (#26.0): ALLOWED N. by email		 <a href="#">Image</a>
03/31/2026	Defendant 's Agreed motion to schedule: request for Bail Hearing on 4-10-26	28	
04/10/2026	Endorsement on Motion to bring case forward for bail hearing: Commonwealth agrees to date not bail hearg, (#27.0): No Action Taken		 <a href="#">Image</a>
04/10/2026	Endorsement on agreed motion to schedule: request for bail hearing on 4/10/26, (#28.0): DENIED written findings to follow  Judge: Mulqueen, Hon. Jane E		 <a href="#">Image</a>
04/10/2026	Event Result:: Bail Hearing scheduled on: 04/10/2026 09:29 AM Has been: Not Held For the following reason: Joint request of parties Comments: FTR 1 Hon. Jane E Mulqueen, Presiding Staff: Danielle Cruz, Assistant Clerk Magistrate Michael T Sarnacki, Esq., Assistant Clerk Magistrate Shana Wilson, Assistant Clerk Magistrate		
04/13/2026	ORDER: Decision and Order on Defendant's Request for Bail Hearing	29	
04/13/2026	Opposition to Motion to Dismiss Indictment for Lack of Probable Cuse and Defective Presentation to the Grand Jury filed by	31	 <a href="#">Image</a>
04/13/2026	MEMORANDUM & ORDER:  Decision and Order on Defendant's Motion to Dismiss pursuant to Immunity  Judge: Bucci, Hon. Jeremy C	30	 <a href="#">Image</a>
04/13/2026	Endorsement on Defendant 's Motion to dismiss pursuant to immunity, (#24.0): ALLOWED After Hearing. See finding and order		 <a href="#">Image</a>
04/13/2026	Offense Disposition:: Charge #1 B&E DAYTIME FOR FELONY, ARMED, PERSON IN FEAR c266 §17 On: 04/13/2026 Judge: Hon. Jeremy C Bucci By: Other Court Event Dismissed  Charge #2 DANGEROUS WEAPON ON SCHOOL GROUNDS,CARRY c269 §10(j) On: 04/13/2026 Judge: Hon. Jeremy C Bucci By: Other Court Event Dismissed  Charge #3 ASSAULT W/DANGEROUS WEAPON c265 §15B(b) On: 04/13/2026 Judge: Hon. Jeremy C Bucci By: Other Court Event Dismissed		
04/13/2026	The following form was generated:  Release from Custody Order	32	 <a href="#">Image</a>

<u>Docket Date</u>	<u>Docket Text</u>	<u>File Ref Nbr.</u>	<u>Image Avail.</u>
	Sent On: 04/13/2026 16:15:46 Submitted On: 04/13/2026 16:18:29		
04/14/2026	Event Result:: Conference to Review Status scheduled on: 04/28/2026 09:35 AM Has been: Not Held For the following reason: Case Disposed Hon. Tracy Duncan, Presiding Staff: Danielle Cruz, Assistant Clerk Magistrate Michael T Sarnacki, Esq., Assistant Clerk Magistrate Shana Wilson, Assistant Clerk Magistrate		
04/17/2026	Notice of appeal filed.  Applies To: Hampden County District Attorney (Prosecutor)	33	 <a href="#">Image</a>
04/21/2026	Commonwealth 's Notice Regarding Transcript Order	34	 <a href="#">Image</a>
04/27/2026	Attorney appearance On this date Travis H Lynch, Esq. added as Attorney for the Commonwealth for Prosecutor Hampden County District Attorney	35	 <a href="#">Image</a>
05/01/2026	CD of Transcript of 03/12/2026 10:30 AM Non-Evidentiary Hearing to Dismiss received from Jill M. Kourafas, Freelance Stenographer & Owners + Founder Immediate Past President of the Massachusetts Court Reporters Association MA Certified Shorthand Reporter No. 149308 Registered Professional Reporter NCRA No. 41122 CPCS State Contracted Transcriber.		
05/06/2026	Attorney appearance On this date Travis H Lynch, Esq. dismissed/withdrawn as Attorney for the Commonwealth for Prosecutor Hampden County District Attorney		
05/06/2026	Attorney appearance On this date Thomas F Prendergast, Esq. dismissed/withdrawn as Attorney for the Commonwealth for Prosecutor Hampden County District Attorney		
05/06/2026	Attorney appearance On this date Katherine E McMahon, Esq. added as Attorney for the Commonwealth for Prosecutor Hampden County District Attorney		
05/06/2026	Appeal: Statement of the Case on Appeal (Cover Sheet).  Applies To: Hampden County District Attorney (Prosecutor); Dudley, Dana (Defendant); O'Connor, Esq., Erin Marie (Attorney) on behalf of Dudley, Dana (Defendant); Lynch, Esq., Travis H (Attorney) on behalf of Hampden County District Attorney (Prosecutor)	36	 <a href="#">Image</a>
05/06/2026	Notice of assembly of record sent to Counsel  Applies To: Hampden County District Attorney (Prosecutor); Dudley, Dana (Defendant); O'Connor, Esq., Erin Marie (Attorney) on behalf of Dudley, Dana (Defendant); Lynch, Esq., Travis H (Attorney) on behalf of Hampden County District Attorney (Prosecutor)	37	 <a href="#">Image</a>
05/07/2026	Notice of Entry of appeal received from the Appeals Court	38	 <a href="#">Image</a>

### Case Disposition

<u>Disposition</u>	<u>Date</u>	<u>Case Judge</u>
Dismissed	04/13/2026	

COMMONWEALTH OF MASSACHUSETTS

HAMPDEN, SS

SUPERIOR COURT

INDICTMENT NO.

24CR294-1

COMMONWEALTH

VS.

DANA DUDLEY

INDICTMENT

ENTERING WITHOUT BREAKING AT NIGHT

OR BREAKING AND ENTERING IN THE DAY TIME

GENERAL LAWS CHAPTER 266, SECTION 17

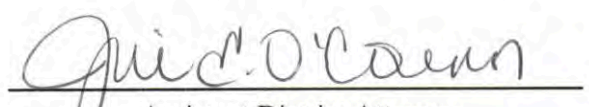
At the Superior Court, begun and holden at Springfield, within and for the County of Hampden, on the first Tuesday of June 2024. The GRAND JURORS for the Commonwealth of Massachusetts on their oath present that:

DANA DUDLEY

defendant herein, of Chicopee in the County of Hampden, on or about March 11, 2024 at SPRINGFIELD in the County of Hampden, did, in the night time, enter without breaking, or break and enter in the day time, a building, ship, vessel, or vehicle, with intent to commit a felony, the owner or any other person lawfully therein being put in fear, in violation of General Laws chapter 266, section 17.

  
Foreperson of the Grand Jury

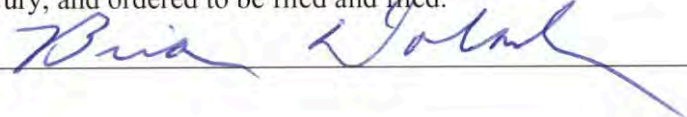
A TRUE BILL

  
Assistant District Attorney

=====

RETURN

HAMPDEN, ss On this 24th day of June, 2024, this indictment was returned and presented to said Superior Court by the Grand Jury, and ordered to be filed and filed.

ATTEST:  Assistant Clerk

HAMPDEN, SS

SUPERIOR COURT  
INDICTMENT NO.  
24CR294-2

COMMONWEALTH  
VS.  
DANA DUDLEY

---

INDICTMENT  
CARRYING A DANGEROUS WEAPON IN A SCHOOL BUILDING  
OR ON SCHOOL GROUNDS  
GENERAL LAWS CHAPTER 269, SECTION 10(j)

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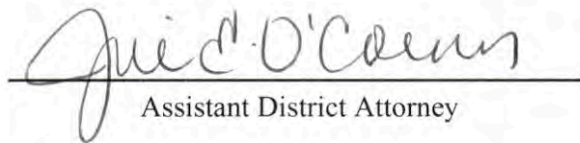
At the Superior Court, begun and holden at Springfield, within and for the County of Hampden, on the first Tuesday of June 2024. The GRAND JURORS for the Commonwealth of Massachusetts on their oath present that:

DANA DUDLEY

defendant herein, of Chicopee in the County of Hampden, on or about March 11, 2024 at SPRINGFIELD in the County of Hampden, not being a law enforcement officer, and notwithstanding any license obtained by him under the provisions of chapter one hundred and forty, did carry on his person a firearm, pistol, revolver, rifle or smoothbore arm from which a shot, bullet or pellet can be discharged by whatever means, loaded or unloaded or other dangerous weapon, to wit: a knife, in any building or on the grounds of an elementary or secondary school, college or university, to wit: Springfield High School of Science and Technology, without the written authorization of the board or officer in charge of such elementary or secondary school, college, or university, in violation of General Laws chapter 269, section 10(j).

  
Foreperson of the Grand Jury

A TRUE BILL

  
Assistant District Attorney

=====

RETURN

HAMPDEN, ss On this 24th day of June, 2024, this indictment was returned and presented to said Superior Court by the Grand Jury, and ordered to be filed and filed.

ATTEST:  Assistant Clerk

COMMONWEALTH OF MASSACHUSETTS

HAMPDEN, SS

SUPERIOR COURT

INDICTMENT NO.

24CR294-3

COMMONWEALTH

VS.

DANA DUDLEY

INDICTMENT

ASSAULT BY MEANS OF A DANGEROUS WEAPON

GENERAL LAWS CHAPTER 265, SECTION 15B(b)

At the Superior Court, begun and holden at Springfield, within and for the County of Hampden, on the first Tuesday of June 2024. The GRAND JURORS for the Commonwealth of Massachusetts on their oath present that:

DANA DUDLEY

defendant herein, of Chicopee in the County of Hampden, on or about March 11, 2024 at SPRINGFIELD in the County of Hampden, did assault Aaron Acheampong by means of a dangerous weapon, namely a knife, in violation of General Laws chapter 265, section 15B(b).

Ashley Probst  
Foreperson of the Grand Jury

A TRUE BILL

Quinn O'Connell  
Assistant District Attorney

.....

RETURN

HAMPDEN, ss On this 24th day of June, 2024, this indictment was returned and presented to said Superior Court by the Grand Jury, and ordered to be filed and filed.

ATTEST: Brian L. Golub Assistant Clerk

4/13/26 Allowed & Rth. Mag. (See Finding), Brian & John  
and order. (Bucci, P.) ARTIST: Assoc. Clerk

COMMONWEALTH OF MASSACHUSETTS  
DEPARTMENT OF THE TRIAL COURT

HAMPDEN, ss

HAMPDEN COUNTY SUPERIOR COURT  
CRIMINAL DIVISION  
INDICTMENT NO: 2479CR00294

COMMONWEALTH OF  
MASSACHUSETTS

v.

DANA DUDLEY  
Defendant

HAMPDEN COUNTY  
SUPERIOR COURT  
FILED


FEB 09 2026

*James J. ...*  
CLERK OF COURTS

DEFENDANT DANA DUDLEY'S MOTION TO DISMISS PURSUANT TO IMMUNITY

Now comes the defendant, DANA DUDLEY, who moves this Honorable Court to dismiss the above-named criminal indictment against him as immunity has been granted by this Honorable Court. *See In the Matter of a Grand Jury Investigation*, 485 Mass. 641 (2020) *see also* M.G.L. Ch. 233 § § 20C-20G.

Respectfully Submitted,  
DANA DUDLEY  
By his Attorney,

  
Erin O'Connor, Esq.  
HARE, STAMM & HARRIS, LLC.  
1350 Main Street, Suite 1000  
Springfield, MA 01103  
BBO# 684283

Date: 2/5/26

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true copy of the within Motion was this day served upon the following—<sup>email</sup> by ~~personal~~ delivery:

Agent for the  
Office of the Hampden County District Attorney  
50 State St.  
Springfield, MA 01103

SIGNED under the pains and penalties of perjury.

Dated: 2/5, 2026



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Erin O'Connor, Esq.

COMMONWEALTH OF MASSACHUSETTS  
DEPARTMENT OF THE TRIAL COURT

HAMPDEN, ss

HAMPDEN COUNTY SUPERIOR COURT  
CRIMINAL DIVISION  
INDICTMENT NO: 2479CR00294

COMMONWEALTH OF  
MASSACHUSETTS

vi.

DANA DUDLEY  
Defendant

HAMPDEN COUNTY  
SUPERIOR COURT  
FILED

FEB 09 2026

CLERK OF COURTS

MEMORANDUM OF LAW IN SUPPORT OF MOTION TO DISMISS

I. Introduction

The Defendant moves to dismiss the above criminal indictment charging him with armed breaking and entering during the daytime, for felony, carrying dangerous weapon on school grounds, and assault with a dangerous weaon as he was granted immunity from prosecution. *See Immunity Paperwork* attached as Exhibit- A.

II. Background Context

On October 10, 2025, Mr. Dana Dudley was summoned to this Court by the Commonwealth to testfy in the matter of *Commonwealth v. Chantz Dudley* Indictment # 2479CR00293. On said date Mr. Dana Dudley asserted his Fifth Amendment Privilege not to testify in this matter. The Commonwealth, in response to the Defendant's assertion of his Fifth Amendment Privilege, provided immunity to the Defendant from prosecution for these charges. *See Ex. - A.* On said date this Honorable Court granted Mr. Dudley said immunity from prosecution.

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Mr. Dudley did not testify and had been held in contempt and criminally indicted pursuant to Immunity Witness Failing to Testify M.G.L. Ch. 233 § 20H, *see* Indictment No. 2579CR00511.

III. The Defendant moves to dismiss the above criminal indictment against him as he has been immunized from prosecution.

Pursuant to *In the Matter of a Grand Jury Investigation*, 485 Mass. 641 (2020), statutory immunity removes the risk of prosecution for the covered conduct. It goes on to state that the only remaining exposure is perjury or contempt, not prosecution for the immunized conduct.

“A witness who has been granted immunity as provided in section 20E shall not be prosecuted or subject to any penalty or forfeiture for or on account of any transaction matter, or thing concerning which he is so compelled, after having claimed his privilege against self-incrimination, to testify or produce evidence, nor shall testimony so compelled be used as evidence in any criminal or civil proceeding against him in any court of the commonwealth, except in a prosecution for perjury or contempt committed while giving testimony or producing evidence under compulsion, pursuant to section 20C or 20E,” *Id* at 654. (emphasis added).

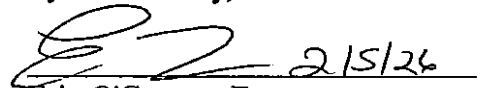
Pursuant to the *Immunity Paperwork* and granted by this Court, the Commonwealth sought immunity for Mr. Dana Dudley. On October 10, 2025, Honorable Justice William Ritter granted Dana Dudley said immunity and ordered that pursuant to M.G.L. Ch. 233 § § 20C-20E Dana Dudley is immunized from criminal penalty.

“[I]t would be difficult to imagine an immunity more complete,” *In the Matter of a John Doe Grand Jury Investigation*, 405 Mass. 125, 130 (1989). *In Matter of a John Doe*, the Supreme Judicial Court held where witness immunized by single justice refused to testify, “When a single justice orders a witness to testify before a grand jury concerning the grand jury’s investigation of a crime or crimes listed in § 20D, the immunity granted is transactional immunity, immunity from prosecution for offenses to which the compelled testimony relates,” *Id.* at 129. *See Commonwealth v. Russ R.*, 433 Mass. 515 (2001), continued refusal is contempt, not protected silence. Mr. Dana Dudley has been held, charged and indicted on contempt following his

immunization. The contempt does not obliterate the immunity that Mr. Dudley has received on these charges. *See also, Sheriff of Suffolk County v. Pire*, 438 Mass. 96 (2002); *see also* M.G.L. Ch. 233 § § 20C-20G.

For all of the above reasons the charges against Mr. Dudley on the above indictment must be dismissed.

Respectfully Submitted,  
DANA DUDLEY  
By his Attorney,



Erin O'Connor, Esq.  
HARE, STAMM & HARRIS, LLC.  
1350 Main Street, Suite 1000  
Springfield, MA 01103  
BBO# 684283

COMMONWEALTH OF MASSACHUSETTS

HAMPDEN, ss.

SUPERIOR COURT  
DEPARTMENT OF THE  
TRIAL COURT  
CRIMINAL ACTION  
NO.: 24-294

COMMONWEALTH

v.

DANA DUDLEY

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COMMONWEALTH'S OPPOSITION TO DEFENDANT'S  
MOTION TO DISMISS

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Now comes the Commonwealth and respectfully requests that this Honorable Court deny the defendant's motion to dismiss. In support of this request, the Commonwealth respectfully submits this memorandum for the Court's consideration along with a full transcript of the court proceedings of October 10, 2025 and the petition for immunity presented to the court that day.

**BACKGROUND**

On March 11, 2024, the Commonwealth alleges that the Defendant, Dana Dudley, went to the Springfield High School of Science and Technology (Sci-Tech) along with Chantz Dudley and Josiah Livingston. The three men forced entry into the school which was in session at the time. Dana Dudley entered the school armed with a knife and was quickly disarmed and pushed aside by school staff. Chantz Dudley and Josiah Livingston proceeded further into the school and assaulted the victim, Aaron Acheampong. The assault escalated to the point that the firearm Chantz Dudley had brought into the school

discharged through a window. After the discharge of the firearm, Chantz and Dana Dudley were able to leave the school grounds without being apprehended.

At approximately 5:30PM on March 11, 2024, Dana Dudley presented himself to Springfield Police Headquarters and gave a statement regarding the events earlier in the day. As part of his statement, he admitted to officers that he had picked up Chantz Dudley and Josiah Livingston, driven them to Sci-Tech, and assisted them in gaining entry into the school. During the statement Dana Dudley signed a photograph of Chantz Dudley identifying him by his clothing and his actions. The Commonwealth indicted Dana Dudley, Chantz Dudley, and Josiah Livingston for their actions.

On October 10, 2025, the Commonwealth was scheduled to begin a trial on Commonwealth v. Chantz Dudley indictment No. 2479CR00293. As part of that trial the Commonwealth intended to call Dana Dudley to testify in accordance with his statement of March 11, 2024. In furtherance of that objective, the Commonwealth submitted to the Court a completed immunity petition for Dana Dudley (Exhibit 1 attached). Prior to the jury being sworn Commonwealth and Defense asked the court to conduct a voir dire of Dana Dudley. Dana Dudley refused to be sworn or answer any questions during the voir dire (Transcript provided as Exhibit 2). As a result of this hearing the Commonwealth indicted Dana Dudley for non-summary contempt under G.L. c. 233, § 20H.

### **ARGUMENT**

Dana Dudley now moves to dismiss indictment No. 2479CR00294 on the grounds that he has immunity for his conduct on March 11, 2024 which gave rise to the indictment. The motion should be denied. Because Dana Dudley did not testify about anything despite the order to do so, he does not have immunity for his conduct on March 11, 2024 with which he is charged by indictment.

Under art. 12 of the Massachusetts Declaration of Rights, a grant of immunity must be for so-called “transactional immunity” in order to be a valid override of the right not to be “compelled to accuse, or furnish evidence against himself.” See *Attorney Gen. v. Colleton*, 387 Mass. 790, 793 (1982). “Transactional immunity has been described . . . as that which ‘grants immunity from prosecution for offenses to which compelled testimony relates.’” *Id.* at 795 n.4 (quoting *Kastigar v. United States*, 406 U.S. 441, 443 (1972)). This differs from the right secured under the Fifth Amendment to the United States Constitution, which only requires the provision of “use” and “derivative use” immunity for testimony compelled under an immunity order. See *In re Vaccari*, 460 Mass. 756, 760 (2011). “[U]nder the Massachusetts Constitution and the governing statutes, G. L. c. 233, §§ 20C-20G, testimony may be compelled only through an order granting transactional immunity that provides ‘absolute immunity from subsequent prosecution based upon any transaction, matter, or occurrence about which an immunized witness testified or produced evidence.’” *Matter of Grand Jury Investigation*, 485 Mass. 641, 654 (2020) (quoting *Colleton*, 387 Mass. at 795). “Under [G. L. c. 233,] § 20G, a witness with immunity may not be criminally prosecuted for any transaction about which the witness is compelled to testify. Nor may the Commonwealth seek any civil penalty or forfeiture regarding such a transaction.” *Id.* at 655. “‘It would be difficult to imagine an immunity more complete.’” *Id.* (quoting *Matter of a John Doe Grand Jury Investigation*, 405 Mass. 125, 130 (1989)).

*Commonwealth v. Dormady*, 423 Mass. 190 (1996) is an example of a case in which a defendant properly obtained dismissal of a criminal charge based upon the grant of absolute immunity. This case does not involve a statutory grant of immunity under G. L. c. 233, § 20E et seq.; rather, it involved a public employee compelled to testify or provide information by his employer. “A public employer has the power to compel the

testimony of a public employee regarding that employee's ability directly to perform required governmental tasks or the employee's general fitness for public service.” *Dormady*, 423 Mass. at 193 (citing *Broderick v. Police Comm'r of Boston*, 368 Mass. 33, 38 (1975), *cert. denied*, 423 U.S. 1048 (1976)). This testimony cannot be compelled under threat of discharge from employment absent a grant of immunity, which for purposes of art. 12 requires that the public employer grant the employee transactional immunity with respect to the subject matter of the compelled testimony. *Id.* at 193-194; *see Carney v. Springfield*, 403 Mass. 604, 610 (1988). The *Dormady* defendant was a police officer of a municipality who was compelled to testify at an internal affairs hearing; he was assured that he had been granted transactional immunity for his testimony at the IA hearing. Later, the *Dormady* defendant was indicted for the conduct about which he was compelled to testify at the IA hearing. *Dormady*, 423 Mass. at 190-193. The *Dormady* defendant successfully moved to dismiss the indictment on the ground that he had been granted transactional immunity for his conduct about which he was compelled to testify at the IA hearing, and the Supreme Judicial Court affirmed the dismissal. *Id.* at 193-199.

The order granting immunity to Dana Dudley in this case cites to G. L. c. 233, §§ 20C-20E, and then states, in relevant part: “it is hereby ordered that **Dana Dudley** . . . is immunized from criminal penalty with regard to his testimony in the criminal trial of *Commonwealth v. Chantz Dudley*.”(emphasis in original). But the defendant never testified about anything, even though he was ordered to do so. There is no testimony which relates to the transaction at issue in the indictment. *See Colleton*, 387 Mass. at 795 n.4. The plain text of the order granting immunity does not grant Dana Dudley immunity in the event that he refused to testify. The plain text of the order does not compel dismissal of No. 2479CR00293.

The plain text of G. L. c. 233, § 20G provides:

A witness who has been granted immunity as provided in section 20E shall not be prosecuted or subjected to any penalty or forfeiture for or on account of any transaction matter, or thing concerning which he is so compelled, after having claimed his privilege against self-incrimination, to testify or produce evidence, nor shall testimony so compelled be used as evidence in any criminal or civil proceeding against him in any court of the commonwealth, except in a prosecution for perjury or contempt committed while giving testimony or producing evidence under compulsion, pursuant to section 20C or 20E.

As noted above, this statutory language has been construed to grant transactional immunity to witnesses who are actually compelled to testify. *Matter of Grand Jury Investigation*, 485 Mass. at 655. The immunity statute's plain text does not compel dismissal of indictment No. 2479CR00293 on immunity grounds where Dana Dudley refused to testify at all. Construing the statute to have this effect would lead to absurd results. *See Commonwealth v. Morgan*, 476 Mass. 768, 778 (2017).

### CONCLUSION

Applying the aforementioned analysis to the facts set forth by both parties in the exhibits, the Commonwealth submits that the Defendant does not have any immunity for his actions on March 11, 2024. WHEREFORE, based upon a reasonable application of the facts and arguments set forth herein to the above referenced case law, the Commonwealth respectfully requests that defendant's Motion to Dismiss be DENIED.

Respectfully Submitted,

FOR THE COMMONWEALTH,  
ANTHONY GULLUNI  
DISTRICT ATTORNEY

DATED: 3/12/26

By: Thomas F. Prendergast

Thomas F Prendergast  
Assistant District Attorney  
Hampden District  
50 State Street  
Springfield, MA 01103  
BBO #691546

COMMONWEALTH OF MASSACHUSETTS

HAMPDEN, ss.

SUPERIOR COURT  
CRIMINAL ACTION  
NO. 2479CR00294

HAMPDEN COUNTY SUPERIOR COURT  
FILED

APR 13 2026

  
CLERK OF COURTS

COMMONWEALTH

vs.

DANA DUDLEY

**MEMORANDUM OF DECISION AND ORDER ON  
DEFENDANT'S MOTION TO DISMISS PURSUANT TO IMMUNITY**

The defendant, Dana Dudley, is charged with breaking and entering in the daytime in violation of G. L. c. 266, § 17, carrying a dangerous weapon in a school building in violation of G. L. c. 269, § 10 (j), and assault by means of a dangerous weapon in violation of G. L. c. 265, § 15B (b). The defendant now moves to dismiss the indictments on the grounds that immunity has been granted pursuant to G. L. c. 233, §§ 20C-20E. On March 12, 2026, a non-evidentiary hearing was held on the motion to dismiss. For the following reasons, the defendant's motion is **ALLOWED.**

**BACKGROUND**

The Commonwealth alleges the following. On March 11, 2024, the defendant along with Chantz Dudley ("Chantz"),<sup>1</sup> his son, and Josiah Livingston ("Livingston") forced entry into the Springfield High School of Science and Technology ("Sci-Tech"). The defendant was armed with a knife but was quickly disarmed by school staff. Chantz and Livingston proceeded further into the school and assaulted the victim, Aaron Acheampong. During the assault, a firearm brought by

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<sup>1</sup> "Chantz" is used for clarity because the defendant shares the "Dudley" surname.

Chantz discharged through a window. Chantz and the defendant left the school without being apprehended.

On the same day, at approximately 5:30 p.m., the defendant presented himself to the Springfield Police Headquarters and gave a statement about the events earlier in the day. The defendant admitted to the officers that he picked up Chantz and Livingston, drove to the school, and helped them enter the building. The defendant signed a photograph of Chantz and identified him by his clothing and actions. All three men were indicted.

On October 10, 2025, the Commonwealth was scheduled to begin the criminal trial of *Commonwealth v. Chantz Dudley* (Docket No. 2479CR00293). The Commonwealth intended to call the defendant to testify about his statement on March 11, 2024. In anticipation of the defendant's continued assertion of his Fifth Amendment right not to testify, the Commonwealth submitted an immunity petition to the court and the court allowed the order. The order provided:

Pursuant to M. G. L. c. 233, § 20C-20E it is hereby ordered that **Dana Dudley** DOB [REDACTED] is immunized from criminal penalty with regard to his testimony in the criminal trial of *Commonwealth v. Chantz Dudley*. As such, **Dana Dudley** DOB [REDACTED] is informed that he must answer fully, questions put to him in this or other proceedings subject to being held in contempt of court and that he must answer truthfully subject to the pains and penalties of perjury.

Prior to the jury being sworn, the court conducted a voir dire of the defendant at the request of the parties. The defendant through his attorney notified the court that he refused to be sworn or answer any questions. The Commonwealth indicted the defendant for non-summary contempt under G. L. c. 233, § 20H, as a result of the voir dire. On March 12, 2026, the defendant pleaded guilty to contempt in violation of G. L. c. 233, § 20H. He was sentenced to six months in the house of correction.

## DISCUSSION

The issue presented is whether the defendant may be prosecuted for his conduct on March 11, 2024, that gave rise to the indictments against him. The defendant argues that the charges against him must be dismissed because he is immunized from prosecution for that conduct based upon the immunity paperwork and order of the court. Specifically, he argues that contempt for refusal to testify to the immunized conduct does not obliterate that immunity. The Commonwealth counters that the defendant does not have immunity for his conduct on March 24, 2024, because he did not testify about it despite the order to do so. The Commonwealth argues that the plain text of the order granting immunity does not grant the defendant immunity in the event that he refused to testify and the statutory language of G. L. c. 233, § 20G, only grants immunity to witnesses who are actually compelled to testify.

In *Matter of Grand Jury Investigation*, 485 Mass. 641 (2020), the Supreme Judicial Court discussed, among other things, granting immunity to a witness and its scope under the Massachusetts Constitution and governing statutes, G. L. c. 233, §§ 20C-20G. “An immunity order is sometimes referred to as a compulsion order because it grants immunity to the witness that is ‘coextensive with the scope of the privilege against self-incrimination, and therefore is sufficient to compel testimony over a claim of the privilege.’” *Id.* at 654, quoting *Kastigar v. United States*, 406 U.S. 441, 453 (1972). “[T]estimony may be compelled only through an order granting transactional immunity that provides ‘absolute immunity from subsequent prosecution based upon any transaction, matter, or occurrence about which an immunized witness testified or produced evidence.’” *Id.*, quoting *Attorney Gen. v. Colleton*, 387 Mass. 790, 795 (1982). “The scope of transactional immunity is set forth in G. L. c. 233, § 20G:

‘A witness who has been granted immunity as provided in section 20E shall not be prosecuted or subjected to any penalty or forfeiture for or on account of any transaction

matter, or thing concerning which he is so compelled, after having claimed his privilege against self-incrimination, to testify or produce evidence, *nor shall testimony so compelled be used as evidence in any criminal or civil proceeding against him* in any court of the commonwealth, except in a prosecution for perjury or contempt committed while giving testimony or producing evidence under compulsion, pursuant to section 20C or 20E' (emphasis in original, footnote omitted)."

*Id.*

Here, the defendant was granted immunity for his conduct on March 11, 2024, as provided in G. L. c. 233, §§ 20C-20E, and thus cannot later be prosecuted for it. See *Id.* and *Commonwealth v. Austin A.*, 450 Mass. 665, 668 (2008) ("This so-called 'transactional immunity' protects a witness from prosecution for or on account of any transaction, matter, or thing concerning which a witness is compelled to testify or produce evidence"). The Commonwealth moved forward with the immunization process to compel the defendant to testify in his son's trial about the incident that occurred on March 11, 2024, at Sci-Tech. The court allowed the request and issued an order that granted immunity and compelled the defendant's testimony. The defendant subsequently refused to make a statement, be sworn, or answer questions. The Commonwealth's recourse is to pursue contempt charges against the defendant for his refusal to testify after being compelled to do so through a grant of immunity. See *Commonwealth v. Steinberg*, 404 Mass. 602, 604 (1989) ("The witness, although immunized, continued to refuse to testify before the grand jury. The Commonwealth promptly sought a contempt order"). Accordingly, the Commonwealth charged the defendant with contempt pursuant to G. L. c. 233, § 20H,<sup>2</sup> the defendant pleaded guilty and was sentenced. See *id.* at 608 ("a contempt proceeding initiated in the Superior Court pursuant to

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<sup>2</sup> General Laws c. 233, § 20H provides in relevant part:

If a witness has been granted immunity pursuant to the provisions of section twenty E by a justice of the supreme judicial court, appeals court or superior court and thereafter refuses to testify or produce evidence after being so ordered by such justice, the attorney general or district attorney shall institute contempt proceedings against such witness in the court where the alleged contempt occurred, and, after hearing or trial, if such witness is adjudged in contempt of court, he shall be punished by imprisonment in the house of correction for a term not to exceed one year or until he complies with the order of the court, whichever occurs first.

§ 20H will normally be the proper procedure to follow when an immunized witness refuses to testify”). The Commonwealth cannot now also prosecute the immunized defendant for the same “transaction, matter, or occurrence.” *Matter of Grand Jury Investigation*, 485 Mass. at 654.

**ORDER**

For the foregoing reasons, the defendant’s motion to dismiss is **ALLOWED**.



Jeremy C. Bucci  
Associate Justice of the Superior Court

Date: April 13, 2026

APPEALS COURT  
Full Court Panel Case  
Case Docket

COMMONWEALTH vs. DANA DUDLEY  
2026-P-0635

CASE HEADER

Case Status	No briefs yet
Status Date	05/06/2026
Nature	Crime against person - no death
Entry Date	05/06/2026
Appellant	Plaintiff
Case Type	Criminal
Brief Status	Awaiting blue brief
Brief Due	06/15/2026
Arg/Submitted	
Decision Date	
Panel	
Citation	
Lower Court	Hampden Superior Court
TC Number	
Lower Ct Judge	Jeremy C. Bucci, J.
TC Entry Date	06/24/2024
SJ Number	
FAR Number	
SJC Number	

INVOLVED PARTY

**Commonwealth**  
Plaintiff/Appellant  
Awaiting blue brief  
Due 06/15/2026

**Dana Dudley**  
Defendant/Appellant  
Awaiting blue brief  
Due 06/15/2026

ATTORNEY APPEARANCE

[Travis H. Lynch, A.D.A.](#)  
[Katherine E. McMahon, A.D.A.](#)

[Erin Marie O'Connor, Esquire](#)

DOCKET ENTRIES

Entry Date	Paper	Entry Text
05/07/2026		Transcript Volume: 03/12/2026 - Hearing
05/06/2026	#1	Lower Court Assembly of the Record Package
05/06/2026	#2	Notice of entry sent.
05/12/2026	#3	Docketing Statement filed for Commonwealth by Attorney Travis Lynch.

As of 05/12/2026 1:15pm