

COMMONWEALTH OF MASSACHUSETTS

HAMPDEN, S.S.

SUPREME JUDICIAL
COURT No.

APPEALS COURT
No. 2023-P-0241

COMMONWEALTH OF MASSACHUSETTS

v.

DANIEL CINTRON

**DEFENDANT'S APPLICATION FOR DIRECT APPELLATE REVIEW
OF THE JUDGMENT OF THE HAMPDEN SUPERIOR COURT**

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APPLICATION FOR DIRECT APPELLATE REVIEW

Defendant Daniel Cintron applies pursuant to Mass. R. A. P. 11 for direct appellate review of the judgment of the Hampden Superior Court finding him guilty of two counts of indecent assault and battery on a child under fourteen, G.L. c.265 §13B, and two counts of intimidation of witness, G.L. c.268 §13B, following a jury-waived trial.

Defendant's appeal raises two unresolved questions under *Commonwealth v. Gonzalez*, 452 Mass. 142 (2008), which held that inconsistent judicial findings rendered after a bench trial do not provide grounds for reversal where "[t]he most likely sources of apparent inconsistency are rational ones, such as judicial leniency": whether and how this rule applies where the inconsistent verdicts are irrational in light of the evidence presented at trial and are not plausibly the result of an attempt at leniency; and what remedy is available to defendants convicted by

inconsistent judicial findings made without the “explanation of the apparent inconsistency” *Gonzalez* mandates in such circumstances.

Mr. Cintron was initially charged with thirty-one sexual abuse and abuse-related crimes against three alleged victims: two nieces and a teenaged sister-in-law. A jury trial resulted in seven not guilty verdicts, dismissal of two charges by the court, and hung juries on the remainder. When the Commonwealth moved to retry Defendant on twenty-two remaining charges involving his two nieces, he elected a jury-waived trial. The only substantive evidence of guilt at the bench trial came from the two complaining witnesses, each of whom claimed in undifferentiated testimony that Defendant had sexually assaulted her in multiple ways at two distinct locations over multiple years, often in the presence of the other, and had warned her after many of the incidents not to tell anyone about the abuse. No physical evidence corroborated these accusations, and much of the forensic and other investigative evidence introduced at trial called them into question. After hearing all the evidence, the trial judge acquitted Mr. Cintron on the vast majority of the indictments but convicted him on four, finding a single instance of indecently touching the genital area of each complaining witness and then warning her not to tell anyone about it at a specific location. Allegations of identical conduct at a different location, and of different indecently assaultive and rapacious conduct at the same location, were acquitted without explanation by the court.

These verdicts were inconsistent, both in that the testimony supporting the counts of conviction was indistinguishable from that supporting the counts of acquittal and in that the Commonwealth's case depended entirely on the credibility of the complaining witnesses; no rational finder of fact could determine the Commonwealth had proved beyond a reasonable doubt a single act of identical abuse and warning as to each alleged victim but failed in its proof as to all other charged acts. Nor can the judge's inconsistent verdicts plausibly be characterized as an attempt at leniency, since the two convictions for child molestation, without more, cast Mr. Cintron into a decades-long twilight of sex offender registration and the social ostracism it carries with it and deprived him of the ability to reside, or even spend unsupervised time with, his own minor children.

The rationale of *Gonzalez*—that inconsistent judicial verdicts rendered in the face of evidence sufficient for conviction, while improper, are not grounds for reversal because they likely represent nothing more than a misguided attempt at sentencing leniency—cannot be stretched to accommodate the facts of Defendant's case. Defendants in Mr. Cintron's position, accused of heinous crimes against children that even a person with the most robust defense would fear to place before lay jurors and their potential to render verdicts based on emotion or disgust, choose bench trials in the rational belief that a judge's knowledge of the law and ability to dispassionately assess evidence will protect them against such vagaries.

Inconsistent judicial verdicts rendered without explanation deprive defendants of the professional detachment for which they look to judges, and expose them to the possibility of emotion-based ‘rough justice’ they choose bench trials to protect against. What remedy the law provides when a fact-finding judge produces the sort of ‘compromise verdict’ accepted as an unavoidable attribute of the jury system but acknowledged as repugnant to the judicial role, and does so without the explanation of that compromise *Gonzalez* mandates, is a question that requires resolution by this Court.

As further support for his Application, Defendant relies upon the attached Memorandum of Law.

April 16, 2023

Respectfully Submitted,

DANIEL CINTRON

By His Attorney,

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**MEMORANDUM OF LAW IN SUPPORT OF
APPLICATION FOR DIRECT APPELLATE REVIEW**

I. **STATEMENT OF PRIOR PROCEEDINGS**

Based on acts alleged to have occurred between 2015 and 2018, on June 19, 2018 a Hampden grand jury indicted Defendant Daniel Cintron for twenty-eight acts of abuse and related crimes allegedly committed against his nieces Sally and Jane.¹ Docket 1879CR00299 at 2-3,5. On July 2, 2018 Defendant was indicted for three additional crimes, these allegedly committed against his sister-in-law Mary.² Docket 1879CR00322 at 2,4. All thirty-one indictments were tried to a Superior Court jury before Wilkins, J., in September 2019, resulting in seven acquittals (including all three counts involving alleged victim Mary), two dismissals by the court, and hung juries on the remainder. Docket 1879CR00299 at 11-12; Docket 1879CR00322 at 9.

¹ Pseudonyms.

² A pseudonym.

The Commonwealth moved to retry Defendant on twenty-two remaining indictments involving alleged victims Sally and Jane, and Mr. Cintron opted for a jury-waived trial before the same judge who presided over his jury trial. Docket 1879CR00299 at 12,17. At this second trial, the Commonwealth augmented its presentation with substitute first complaint testimony and expert testimony on the general characteristics of abused children. Docket 1879CR00299 at 16. Judge Wilkins acquitted Defendant on sixteen counts but convicted him on one count of indecent assault and battery and witness intimidation committed against each of Sally and Jane. Docket 1879CR00299 at 17-19.³ He sentenced Mr. Cintron to two to three years in state prison with three years' probation on and after, required him to register as a sex offender, and prohibited him from living with, caring for, or having any unsupervised contact with children under sixteen. Docket 1879CR00299 at 20.

The case entered the Appeals Court March 3, 2023. See 2023-P-0241.

II. FACTS RELEVANT TO THE APPEAL

1. The Accusations Against Mr. Cintron

Mr. Cintron lived with his wife, Rachel,⁴ and numerous members of her extended family at two separate residences during the period relevant to

³ The judge granted Defendant's motion for a required finding of not guilty on two indictments, both alleging forcible rape of Sally, at the close of the Commonwealth's case. Docket 1879CR00299 at 17.

⁴ A pseudonym.

the charges against him and was alleged to have committed virtually identical sets of crimes against Sally and Jane at each residence. For several years leading up to 2015, Defendant resided with Rachel, his twin nieces Sally and Jane, their mother Carol⁵ and father Valentino, Rachel's mother, and another two of her sisters, Nikita and Mary, on Bay Street in Springfield. When Defendant and Rachel purchased a home on Emmett Street in Chicopee in 2015, her mother and Nikita and Mary moved from Springfield to Chicopee with them. Though Sally and Jane continued to live in Springfield with their parents after this move, the twins' parents claimed the Cintrons' new address as their residence to send them to Chicopee schools, and the girls were at the Emmett Street house almost every weekday. They frequently spent the night on Emmett Street as well, as did their older brother.

In February 2018 Rachel discovered Mr. Cintron was having an affair with another woman and the couple separated, with Defendant leaving the Emmett Street home shortly thereafter. In May 2018 Sally and Jane disclosed a wide variety alleged abuse by Defendant at both the Springfield and Chicopee homes, when they were roughly between the ages of six and nine. Forensic interviews and a police investigation followed, with Mr. Cintron ultimately indicted on twenty-eight charges. After a 2019 jury trial before Wilkins, J., on these indictments, as well as three alleging sex offenses

⁵ A pseudonym.

against Mary, resulted in seven acquittals, two dismissed charges, and mistrials on the majority of counts, the Commonwealth moved to retry

Defendant on twenty-two remaining charges:

- Count One: forcible rape of Sally (penis in mouth in Springfield);
- Count Two: forcible rape of Sally (digital penetration in Springfield);
- Count Three: indecent assault and battery of Sally (hand on genital area in Springfield);
- Count Four: indecent assault and battery of Sally (hand on breast in Springfield);
- Count Five: witness intimidation of Sally (in Springfield);
- Count Seven: indecent assault and battery of Sally (kiss on lips in Springfield);
- Count Eight: forcible rape of Jane (penis in mouth in Springfield);
- Count Nine: forcible rape of Jane (digital penetration in Springfield);
- Count Eleven: indecent assault and battery of Jane (hand on genital area in Springfield);
- Count Twelve: indecent assault and battery of Jane (hand on breast in Springfield);
- Count Thirteen: indecent assault and battery of Jane (hand on penis in Springfield);
- Count Fourteen: indecent assault and battery of Jane (kiss on lips in Springfield);
- Count Fifteen: witness intimidation of Jane (in Springfield);
- Count Seventeen: forcible rape of Sally (penis in mouth in Chicopee);
- Count Eighteen: forcible rape of Sally (digital penetration in Chicopee);
- Count Nineteen: indecent assault and battery of Sally (hand on genital area in Chicopee);
- Count Twenty: witness intimidation of Sally (in Chicopee);
- Count Twenty-One: witness intimidation of Sally (in Chicopee);
- Count Twenty-Three: forcible rape of Jane (penis in mouth in Chicopee);
- Count Twenty-Five: indecent assault and battery of Jane (hand on genital area in Chicopee);
- Count Twenty-Six: witness intimidation of Jane (in Chicopee); and
- County Twenty-Seven: witness intimidation of Jane (in Chicopee).

Defendant waived his right to a jury on retrial and proceeded instead to a bench trial before Judge Wilkins.

2. Substantive Evidence of Abuse at the Bench Trial

The only substantive evidence the Defendant had committed the dozens of crimes for which he was indicted came from the testimony of Sally and Jane, both of whom were twelve years old at the time of the bench trial. II:26.⁶ Sally described the purpose of her appearance at trial as “to testify against Daniel Cintron...[a]bout me being abused by him.” II:39. Sally said this abuse began in the Springfield house, where Defendant “used to touch me on my private parts and he used to make me touch him on his private parts.” II:39. Sally “c[ould]n’t really count” the number of times Mr. Cintron touched her chest and vagina and forced her to touch his penis, and she said after these incidents “he used to tell me that he would hurt my family if I told.” II:39-41. Sally said Jane was often with her during the alleged abuse, that Defendant would touch Jane’s vagina and make her touch his penis, that “[s]ometimes [Mr. Cintron] would make me kiss him” while he was abusing Jane, and if Sally tried to leave Defendant would “grab...[m]y hair with his hands” and “force me to put his private part in my mouth.” II:42-43.

Sally said the abuse continued after Defendant and Rachel moved from Springfield to Chicopee: “[i]t would happen after school when we got off the bus...[p]retty often” in either the basement or Defendant’s bedroom. II:44-45. At the Chicopee house Mr. Cintron purportedly put his hands in Sally’s pants “[o]n top of” her vagina and “was making me put his private part in my

⁶ Citations to the trial transcripts are identified as Volume:Page(s). Citations to the sentencing transcript are identified as Sent:Page(s).

mouth.” II:46-47. Sally said that in the basement of the Chicopee house Defendant would make her touch his penis and would touch her vagina; Jane was there while this happened, and she “would have to put Mr. Cintron’s number one private part in her mouth” while Sally “would either be kissing him or just be standing there.” II:50-51. As she said he had in Springfield, in Chicopee Sally said if she tried to get away “[h]e would grab my hair and...bring me back to where he wanted me to be and he would put his private part in my mouth” and that after incidents of abuse Defendant “said if I told he was going to hurt my family.” II:52-53.

Jane testified that at the Springfield house where they lived together, “Daniel told me to come down [to the basement] and did inappropriate things with me...[s]ometimes my sister would be down there” as well. II:153-154. Jane said Defendant touched her on her chest, vagina, and backside, and put his penis in her mouth at the Springfield house “[m]ore times than I can count,” and she “saw him do to the same things...that he did to me he did to my sister, too.” II:154-157. Jane “was afraid to” tell anyone what was happening at Springfield “[b]ecause he told me that bad things would happen to my family.” II:157-158. According to Jane, after Mr. Cintron and Rachel moved to Chicopee “[t]he same things that [were] happening at the Bay Street [Springfield] house” happened there as well, again “[m]ore times than I can count.” II:159. She said that in the basement of the Chicopee house Defendant “would grab my chest with his hands, grab my private part that I

use to urinate with and my butt with his hands” and “put [his penis] in my mouth.” II:159-160. Sally was often present for these alleged episodes: “[s]he would be kissing” Mr. Cintron while he groped Jane or forced her to give him oral sex, “or we would switch [and] he would put his private part in my sister’s mouth and grab her chest” while kissing Jane. II:160. Jane said Defendant would touch her chest and genital area both over and underneath her clothing, and that his vaginal touchings were both ‘inside and outside of [her] private area.’ II:160-161. Jane reiterated that at both the Springfield and Chicopee houses “Daniel told me that things bad [sic] would happen to my family if I ever told” anyone about the abuse. II:164.

3. Additional Evidence in the Commonwealth’s Case

Dr. Stephanie Block, a psychologist, testified as a Commonwealth expert on the general characteristics of abused children. See I:8-38. She gave evidence on the various reasons children might delay disclosure of abuse, including “if you were, for example, living with your perpetrator and now you’re no longer, that can make you feel more safe in terms of disclosing,” and on the distinction between central and peripheral details in the recall of traumatic memories. I:15-24. She explained that people “develop scripts for repeated events...and get this general memory for what typically happens” in a given scenario even if they cannot recall specific details of particular event or date on which it occurred. I:24. Dr. Block cautioned the trial judge not to draw conclusions regarding an alleged victim’s credibility based on her

affect—emotional, flat, or something else—when describing acts of abuse.

I:25-26.

Carol testified to the twins' first complaint, which she said happened at a Springfield park in early May 2018 after she spoke with her mother and sister Nikita.⁷ I:141. According to Carol, she and her husband kept Sally and Jane separate during this conversation, and spoke with Sally first. I:142. When they spoke with Jane, the couple “used [her] doll as an example. We asked her to show us how Uncle Danny had touched her.” I:143.

She pointed to the vagina area of the doll. She pointed to the breast area of the doll. She pointed to the anus area of the doll. She said both inside the clothes, outside of the clothes. We asked was there anything else that he would do. She did not have the words to describe the next thing she said, but she said he would grab her by the back of the head and the hair and do her head like this. And when she was doing her head like this, his private was in her mouth...After that she was scared and that she was too afraid to tell us because she was afraid of what he was going to do. Pretty much after the gesture of forced oral sex and not having the words to describe it, there was no need for us to ask any more questions. We knew that we had to go to the police.

I:144-145. She added that Jane told her Defendant “used to make them do it together” and that she reported abuse in the basements of both the Springfield and Chicopee homes. I:145-146. Carol then described the process of reporting the twins' claims of abuse to police and the investigation that

⁷ At Defendant's jury trial, Mary was the first complaint witness. She testified to a far more limited disclosure in which in the twins came home after school one day, “said they had something serious to tell me,” and “said to me that Uncle Dan touched them inappropriately.”

followed, including forensic interviews and physical examinations of both Sally and Jane. I:145-146.

Various police and other government witnesses testified to Mr. Cintron's arrest; to coordination, conduct, and observations of forensic interviews with Sally and Jane, as well as other witness interviews and the conduct of police's investigation more generally; to obtaining warrants to search the Chicopee house and to seize and search Defendant's phones, tablets, and computers; to physical examinations of Sally and Jane, which produced no indications of abuse; to the failure of the search of the Chicopee house (based on the twins' claims Defendant had ejaculated during instances of abuse) to turn up any biological evidence of guilt; and of the failure of the search of Defendant's phone and other devices (based on the twins' claims Defendant had filmed them and shown them child pornography during instances of abuse) to turn up any digital evidence of guilt. I:43-47,57-101; II:105-136.

At the close of the Commonwealth's case the judge granted Defendant's motion for a required finding of not guilty on Counts Two and Eighteen based on the fact there was no evidence Defendant had digitally penetrated Sally in either Springfield or Chicopee. III:35.

4. Defense Evidence

Called by the defense, Rachel testified to the history of her relationship with Defendant and to the context of his departure from their marital home.

III:41-43. She vaguely acknowledged having disclosed to Mr. Cintron abuse she and Carol experienced as children at their brother's hands "where we were outside with my older brother where he was having Carol do things to him while I watched." III:46-47. On cross-examination, Rachel said she never told Sally and Jane about what happened to her as a child. III:50.

Mr. Cintron took the stand in his own defense and denied each and every allegation of physical abuse and touching leveled by Sally and Jane. III:70-71. He denied having ever threatened, filmed, or shown pornography to either girl. III:84-86. He described a pattern of escalating emotional and physical abuse he suffered at Rachel's hands beginning with the birth of the couple's son in 2017. III:70,75,82. And he described Rachel's disclosure of the abused she suffered as a child, which she made to him while the couple attempted to mend their relationship following Rachel's discovery of his affair and his departure from the marital home: "when she was a child, her brother, Matthew Mattoon, had taken them to a secluded area in a home they shared...and when they were in that area, he made the two of them strip naked and made her...watch him force Carol to perform oral sex on him." III:82. Mr. Cintron explained he had pushed Rachel and her family to report this past abuse to police, or at least seek counseling, and had expressed anger and concern that the family member who perpetrated this abuse had been allowed access to his own and other children. III:82-84.

5. Verdicts and Sentencing

Before the clerk read out his verdicts on the twenty counts still before him at the close of evidence, the trial judge reminded the parties and the members of the public in the courtroom of the role the presumption of innocence and the requirement of proof beyond a reasonable doubt played in his judgment. He explained

The presumption of innocence alone compels me to find the defendant not guilty unless I'm satisfied beyond a reasonable doubt of his guilt after careful and impartial consideration of the evidence in this case.

So if after an impartial and careful consideration of all the evidence I have a reasonable doubt of the defendant's guilt on any charge, my verdict must be not guilty. If I view the evidence as permitting of either of two conclusions—one of innocence and one of guilt, then, of course I must adopt the conclusion of innocence. I can't base my decision on speculation or guesswork. The only way that Mr. Cintron can be found guilty of any of these charges is if I come to believe that the Commonwealth has proved each and every element of that charge beyond a reasonable doubt.

[I]t's not enough for the Commonwealth to establish a probability, even a strong probability, that the defendant is more likely to be guilty than not guilty. That is not enough. Instead, the evidence must convince me of the defendant's guilt to a reasonable and moral certainty, a certainty that convinces my understanding and satisfies my judgment and reason as someone who is sworn to act conscientiously on the evidence. If I evaluate the evidence and I have a reasonable doubt remaining, the defendant is entitled to the benefit of that doubt and must be acquitted. And I say that just to remind us all of the solemn rules that I must apply in this case.

I've considered all of the remaining 20 indictments in this case under this reasonable doubt test, and every decision—in every instance, my decision rests on whether I in good conscience can truly say that the Commonwealth has proven its case beyond a reasonable doubt.

IV:40-41. The clerk then read out the judge's verdicts: the Commonwealth had failed to prove beyond a reasonable doubt Defendant had digitally raped Jane or made her touch his penis, forced either girl to give him oral sex, indecently touched either girl in any of the numerous ways alleged, or committed any other crime at the Springfield home. IV:41-42. Nor had it proved beyond a reasonable doubt Defendant forced either girl to give him oral sex in Chicopee, or threatened either of them after such alleged act. IV:42-43. It had, however, proved beyond a reasonable doubt he indecently touched each girl's genital area in Chicopee, and had also proved he threatened each girl 'not to tell anyone' about his act under that demanding standard. IV:43. The judge offered no explanation for his determination that the Commonwealth had failed in its proof as to sixteen of the indictments but clear the high hurdle of proof beyond a reasonable doubt as to four.

At sentencing a week later, defense counsel remained stunned by the court's judgment:

Judge, I got to be honest. This is one of the worst days of my career[.] When I got this case back in 2018, I never thought I'd be sitting here. And I'm still in many ways in shock that we're here. We accept the Court's ruling. That part is here. Now we are at the mercy of the Court. You were here for both trials. I don't need to rehash what was clearly obvious for thirty plus charges and maybe not so much as to four. We will never know what had happened, and I don't expect Mr. Cintron is going to apologize for anything. He maintains his innocence.

Sent:14. Counsel also emphasized that the primary consequence to Mr. Cintron of the Court's judgment was not time in prison, but the impacts on his life outside it:

[t]he mother of his child is here. She's trying to change the kid's name. They're in probate court. The mitigating *[sic]* effect that this man will have on him goes beyond any amount of years that you can put his body in prison. His reputation is ruined. He'll have to register as a sex offender pursuant to a 2014 case because these are children. He doesn't have the discretion not to do so.

He's been all over the newspaper. He's afraid to go out.

We're all disappointed. But it's not me. I'm going to go home to my children. The condition that he shouldn't be allowed to live with his child, that's—I don't know that I've ever heard that. There is no allegation that he ever—Judge, he's been living with his child this whole time. Now he just wants to go put this behind him and provide for his child. And to attempt to see the child that he hasn't seen all this time.

He's going to have to register. His face is going to be plastered up. It's not like he can go around this area and everybody doesn't know who he is. He's been humiliated.

Sent:15-17. The trial judge sentenced Mr. Cintron to concurrent state prison terms of two to three years on the indecent assault and battery convictions, with concurrent three-year terms of probation on and after. Sent:20. Conditions of probation included sex offender registration and a prohibition on care for and unsupervised contact or residence with children under sixteen. Sent:20.

III. ISSUES OF LAW RAISED BY THE APPEAL

1. Do inconsistent verdicts rendered by a judge without explanation after a bench trial provide a basis for reversing the resulting convictions where the inconsistency is neither rational nor plausibly the result of an attempt at sentencing leniency?

2. What remedy is available to a criminal defendant convicted on inconsistent verdicts rendered by a judge without explanation after a bench trial?

These issues are preserved for the Court's review. Though trial counsel did not specifically invoke *Commonwealth v. Gonzalez* or point out that it required the judge to explain his verdicts, he expressed pain and confusion about the four guilty findings and their inconsistency with what was 'obvious' about the vast majority of the charges and explained to the judge that the primary suffering imposed on Mr. Cintron by the judgments was not the length of his time in prison but the social ostracism, humiliation, and separation from his children that would follow as a consequence of having been convicted of sex crimes against minors. These protestations were sufficient to bring the fact that these inconsistent verdicts cried out for explanation, and that they could not plausibly be seen as an attempt at or effective act of leniency, to the judge's attention.

IV. ARGUMENT

Inconsistent Judicial Findings Made without Explanation and Which Cannot Plausibly Be Seen as Attempts at Leniency Deprive a Defendant of His or Her Right to a Bench Trial and Bring the Judiciary into Disrepute, and Therefore Constitute Error Requiring Reversal of the Resulting Convictions

The Commonwealth's case depended entirely on the credibility of Sally and Jane, whose allegations were supported by no corroborating evidence aside from a vague first complaint and were contradicted by much of police's investigation. Despite the weakness of this evidence, at Defendant's first trial jurors split on the majority of indictments charging crimes against his two nieces, with some ready to convict him of heinous crimes against young children. Understandably, for his retrial Mr. Cintron chose to forgo the varied perspectives and 'common sense' of a group of laypeople in favor of a single finder of fact whose professional training and experience and role in the judicial system offered assurance his judgment would be based on an evenhanded assessment of the evidence, unswayed by sympathy or the disturbing nature of the twins' allegations. See *Commonwealth v. Adkinson*, 442 Mass. 410, 414 (2004) ("It is entirely logical to believe that an experienced judge would evaluate an alleged sexual assault upon a child more dispassionately than would a jury") (alteration omitted); see also G.L. c.263 §6 (granting defendants right to jury-waived trial).

This faith was misplaced. There was no basis to distinguish between the serial digital rapes, oral rapes, genital fondlings and forced touchings,

and gropings of chest generically alleged by Sally and Jane in both Springfield and Chicopee, or to make differing assessments of credibility as to discrete alleged acts based on Carol's first complaint testimony or Dr. Block's opinion. Nevertheless, the judge found the Commonwealth proved beyond a reasonable doubt a single act of indecent assault and related intimidation against each girl but had failed to prove any rape or other indecent assault or act of intimidation. In the context of this case, where the only substantive evidence of guilt came from the mouths of Mr. Cintron's accusers, these inconsistent findings necessarily mean the judge treated Sally and Jane as credible on one limited set of allegations but discredited their testimony to the majority, including graphic testimony to forced oral sex. It is difficult to conceive of more irrational conduct by a finder of fact, or avoid the conclusion that the judge's findings were based not on the Commonwealth's proof of particular acts of abuse and intimidation but rather on a determination 'something must have happened' to make the girls level so many lurid allegations against their uncle. While such 'rough justice' compromise verdicts are accepted as an unavoidable aspect of the jury system, and tolerated in light of the jury's constitutional role, they are universally recognized as improper, including by this Court, when rendered by judges. Convictions based on such irrational and inexplicable findings should not be permitted to stand.

“[T]he rule is well established in criminal cases that mere inconsistencies in verdicts, one of which is an acquittal, will not render the verdict of guilty erroneous even though such inconsistency may have indicated the possibility of compromise on the part of the jury.” *Commonwealth v. Resende*, 476 Mass. 141, 147 (2017) (quoting *Commonwealth v. Scott*, 355 Mass. 471, 475 (1969)). In *Commonwealth v. Gonzalez*, this Court for the first time addressed the question of inconsistent verdicts in bench trial cases, and held that “apparent inconsistency in a trial judge’s findings alone is insufficient to create an inference of irregularity” or require reversal of convictions based on those findings, since “[t]he most likely sources of apparent inconsistency are rational ones, such as judicial leniency” that does not prejudice a defendant subject to them. 452 Mass. 142, 154 (2008). The Court emphasized that “[f]actually inconsistent findings should be avoided, but if a judge nonetheless renders findings that appear factually inconsistent, the judge should support the result with an explanation of the apparent inconsistency” so all interested parties could understand why the judge did what he or she did and reviewing courts could determine whether the inconsistent verdicts required reversal. *Id.* at 153-154; see *Muller v. First Unum Life Ins. Co.*, 341 F.3d 119, 124 (2nd Cir. 2003) (“A principal purpose of this requirement [for judicial findings after a bench trial] is to permit the appellate court to review the decision”).

The facts of Defendant's case illustrate the indispensability of judicial explanation of inconsistent findings and show that, unlike in *Gonzalez*, affirmance of his convictions is impossible without them. *Gonzalez* was a drug case in which three men were arrested in an apartment that was being used to sell cocaine and heroin. 452 Mass. at 143-145. Despite evidence sufficient to convict the defendants of trafficking cocaine, possession of heroin with intent to distribute, and a park zone violation, and nothing to suggest liability for the heroin but not the cocaine, the judge at their jury-waived trial convicted them only on the possession with intent and park zone charges. *Id.* at 145-146. Noting that "the judge must have found that the quantity of cocaine...was sufficient to support the trafficking conviction of which these three defendants were acquitted," this Court "discern[ed] no reason for the apparently inconsistent findings except that they are the result of the judge's effort at leniency." *Id.* at 155 nn.10 & 11. It continued:

[i]t appears that the judge's findings were designed to reach the desired sentence within the limitations imposed by the applicable mandatory minimum sentences. If indeed this was the judge's rationale for reaching the inconsistent findings he did, it was an improper exercise of his power to render the findings in a jury-waived trial. Nevertheless, it is not a wholly irrational result, and the three defendants are not entitled to reversal.

Id. at 155 n.11. Notwithstanding this conclusion, the Court opined "it does not 'enhance respect for law or for the courts' to allow a judge to 'indulge in 'vagaries' in the disposition of criminal charges that, for historic reasons, has

been granted the jury.” *Id.* at 154 (quoting *United States v. Maybury*, 274 F.2d 899, 903 (2d Cir. 1960)).⁸

Unlike the verdicts in *Gonzalez*, the judge’s inconsistent findings in this case cannot plausibly be viewed as an act of leniency or even a misguided attempt at it. As Mr. Cintron’s trial counsel explained at sentencing, the worst consequence of his convictions was not time in prison but the fact “[h]is reputation is ruined. He’ll have to register as a sex offender... He’s afraid to go out... His face is going to be plastered up. It’s not like he can go around this area and everybody doesn’t know who he is. He’s been humiliated.” Sent:15-17; see *Commonwealth v. Cory*, 454 Mass. 559, 570 (2009) (sex offender “registration requirement...is a continuing, intrusive, and humiliating regulation of the person”) and *Poe v. Sex Offender Registry Board*, 456 Mass. 801, 813 (2010) (“[c]lassification and registration entail possible harm to a sex offender’s earning capacity, damage to his reputation,

⁸ “[W]hile inconsistent jury verdicts are acceptable because they may be the result of leniency, or of compromises made to achieve unanimity, or, more poetically, of the unique function of the jury as ‘the voice of the country,’ no similar rationale justifies inconsistent findings resulting from a trial before a judge.” *Gonzalez*, 452 Mass. at 151 (citing and quoting *Maybury*, 274 F.2d at 902-903); see also *Commonwealth v. Bin*, 480 Mass. 665, 681 (2018) (“It is undisputed that juries do have the authority to render factually inconsistent verdicts, which allows juries to compromise and to act out of leniency”) and contrast *United States v. Duz-Mor Diagnostic Lab.*, 650 F.2d 223, 226 (9th Cir. 1981) (“The reasons for deferring to human frailty in dealing with juries do not apply to bench trials. First, the nature of the judge’s decision involves no collective deliberation and therefore no element of compromise in assessment of the evidence. Second, there is no need to defer to the privacy of jury deliberations or to the possibility that an acquittal is merely an exercise of the jury’s power of deciding in the teeth of both law and facts”).

and most important...the statutory branding of him as a public danger”). Moreover, any notion the trial judge here convicted Mr. Cintron of ‘only’ one sex crime against each of Sally and Jane as an attempt at leniency in the face of their sufficient, if implausible, testimony to his commission of many more (including forcible rapes) is wholly inconsistent with his discretionary act of prohibiting him from residing or having any unsupervised contact with his own minor children as a condition of probation. See Sent:20.

Beyond leniency, *Gonzalez* identified a second potential “[r]ational reason[]” for inconsistent findings: “a judge’s expressions of doubt as to the guilt of a defendant on the charge [that the judge] ‘might or might not be able to articulate in a convincing manner.’” 452 Mass. at 153 (quoting *Harris v. Rivera*, 454 U.S. 339, 347 (1981)). There, no conceivable rational basis for doubt as to the acquitted but not the convicted charges existed because the proof as to all was objective: drugs packed and presented in ascertainable amounts, with indicia of control and intent equally applicable to each. See *id.* at 146-149. The *Gonzalez* judge therefore could not possibly have made a rational distinction between the trafficking and possession with intent charges that justified inconsistent verdicts.

A rational distinction between the acquitted and convicted charges was similarly impossible in Mr. Cintron’s case, though for almost diametrically opposite reasons. Defendant’s trial featured no objective or forensic evidence, and the Commonwealth’s proof depended wholly on the judge’s credibility

assessments: primarily of Sally and Jane, who provided the only substantive evidence of guilt, and also of the first complaint and expert witnesses, who provided bases on which to credit or disbelieve their allegations. But nothing in the testimony of any of these witnesses provided a rational basis on which the trial judge could have distinguished between the four counts on which he convicted (and therefore presumably was convinced beyond a reasonable doubt a specific, identifiable act of abuse and intimidation had occurred) and the sixteen on which he acquitted (and therefore presumably harbored doubt on the same question), since the first complaint and expert testimony did not distinguish whatsoever between discrete acts of claimed abuse and Sally and Jane's testimonies were similarly short on detail as to them all (if anything, they were more detailed as to the acquitted counts alleging forced oral sex).

Even more significantly, because Mr. Cintron's case turned exclusively on his accusers' substantive testimony, the judge's not guilty findings on the majority of charges necessarily meant he discredited most of the girls' allegations of abuse. How could he have credited one subset of their testimony and discredited the rest when there was nothing to distinguish them? Did he believe Sally and Jane were lying about the many acquitted allegations of abuse and threatening, but nevertheless were telling the truth about a single instance of each? That they had somehow confabulated a set of false beliefs based on a core of truthful ones? Or did the volume of the testimony convince the judge Mr. Cintron had done *something* deserving of

punishment even though none of the specific allegations were credible in and of themselves? All these possible bases of inconsistent verdicts would be tolerated, if grudgingly, when rendered by a jury into whose thought processes a reviewing court may not intrude. But they are unacceptable when rendered by a judge at a bench trial unless he or she is “able to articulate in a convincing manner” why some charges merited conviction and others did not, as this Court has directed. *Gonzalez*, 452 Mass. at 153. Because the trial judge’s failure to make the findings required by *Gonzalez* makes such an assessment impossible, Defendant’s convictions cannot stand.

V. REASONS DIRECT REVIEW IS APPROPRIATE

The Legislature has given criminal defendants the right to elect a bench trial when they believe having a judge, rather than lay jurors, as finder of fact is more likely to deliver them a fair trial. *Gonzalez's* findings requirement guarantees this right by ensuring that bench trials are free from the vagaries and potential for inconsistent, compromise verdicts that come with the jury system. What remedy, if any, is available when a bench trial judge renders inconsistent verdicts but fails to make the necessary findings, and therefore strips a defendant of the protections afforded by the option to proceed jury-waived, is a question that requires resolution by this Court.

April 16, 2023

Respectfully Submitted,

DANIEL CINTRON

By His Attorney,

/s/ Merritt Schnipper

Merritt Schnipper

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CERTIFICATE OF COMPLIANCE

I certify that the foregoing document complies with the Rules of Appellate Procedure applicable to formatting of briefs, including the relevant provisions of Rules 16 and 20. Compliance with the length limitation governing Applications for Direct Appellate Review is demonstrated by the fact this Application is printed in Century Schoolbook, a proportional font, and its argument section contains no more than 2,000 words.

/s/ Merritt Schnipper
Merritt Schnipper

CERTIFICATE OF SERVICE

I certify that I electronically filed this Application for Direct Appellate Review through the Court's e-filing system, which will deliver an electronic copy of the same to ADA Katherine McMahon, counsel for the Commonwealth.

/s/ Merritt Schnipper
Merritt Schnipper

1879CR00299 Commonwealth vs. Cintron, Daniel Juan

- Case Type:
- Indictment
- Case Status:
- Open
- File Date
- 06/19/2018
- DCM Track:
- C - Most Complex
- Initiating Action:
- RAPE OF CHILD WITH FORCE c265 §22A
- Status Date:
- 07/08/2020
- Case Judge:
- Wilkins, Hon. Douglas H
- Next Event:
-

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

Party Information

Hampden County District Attorney
- Prosecutor

[Alias](#)

Party Attorney

- Attorney
- Eramo, Esq., Rachael T
- Bar Code
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- 15 Balance Rock Rd
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- Phone Number
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- Attorney
- Vasiliades, Esq., Elizabeth
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- (413)747-1000

[More Party Information](#)

Cintron, Daniel Juan
- Defendant

[Alias](#)

Party Attorney

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- Springfield, MA 01103
- Phone Number
- (413)788-0040

[More Party Information](#)**Party Charge Information**

- **Cintron, Daniel Juan**

- - Defendant

Charge # 1:

[265/22A/A-1 - Felony](#) RAPE OF CHILD WITH FORCE c265 §22A

- Original Charge

- 265/22A/A-1 RAPE OF CHILD WITH FORCE c265 §22A (Felony)

- Indicted Charge

-

- Amended Charge

-

Charge Disposition

Disposition Date

Disposition

04/23/2021

Not Guilty Finding

- **Cintron, Daniel Juan**

- - Defendant

Charge # 2:

[265/22A/A-1 - Felony](#) RAPE OF CHILD WITH FORCE c265 §22A

- Original Charge

- 265/22A/A-1 RAPE OF CHILD WITH FORCE c265 §22A (Felony)

- Indicted Charge

-

- Amended Charge

-

Charge Disposition

Disposition Date

Disposition

04/22/2021

Dismissed

- **Cintron, Daniel Juan**

- - Defendant

Charge # 3:

[265/13B/A-5 - Felony](#) INDECENT A&B ON CHILD UNDER 14 c265 §13B

- Original Charge

- 265/13B/A-5 INDECENT A&B ON CHILD UNDER 14 c265 §13B (Felony)

- Indicted Charge

-

- Amended Charge

-

Charge Disposition

Disposition Date

Disposition

04/23/2021

Not Guilty Finding

- **Cintron, Daniel Juan**

- - Defendant

Charge # 4:

[265/13B/A-5 - Felony](#) INDECENT A&B ON CHILD UNDER 14 c265 §13B

- Original Charge

- 265/13B/A-5 INDECENT A&B ON CHILD UNDER 14 c265 §13B (Felony)

- Indicted Charge

-

- Amended Charge

-

Charge Disposition

Disposition Date

Disposition

04/23/2021

Not Guilty Finding

- **Cintron, Daniel Juan**

- - Defendant

Charge # 5:
268/13B/A-5 - Felony

WITNESS/JUROR/POLICE/COURT OFFICIAL, INTIMIDATE c268 §13B

- Original Charge

- 268/13B/A-5 WITNESS/JUROR/POLICE/COURT OFFICIAL, INTIMIDATE c268 §13B (Felony)

- Indicted Charge

-

- Amended Charge

-

Charge Disposition

Disposition Date

Disposition

04/23/2021

Not Guilty Finding

[Load Party Charges 6 through 10](#) [Load All 28 Party Charges](#)
Events

<u>Date</u>	<u>Session</u>	<u>Location</u>	<u>Type</u>	<u>Event Judge</u>	<u>Result</u>
07/13/2018 09:01 AM	Criminal 1 - Ct. Rm. 1	SPRF-3rd FL, CR 1 (SC)	Arraignment	Callan, Hon. Michael K	Held as Scheduled
07/18/2018 09:31 AM	Criminal 1 - Ct. Rm. 1	SPRF-3rd FL, CR 1 (SC)	58A Dangerousness Hearing	Callan, Hon. Michael K	Held as Scheduled
11/07/2018 09:19 AM	Criminal 1 - Ct. Rm. 1		Pre-Trial Hearing		Rescheduled
11/07/2018 09:29 AM	Criminal 1 - Ct. Rm. 1		Bail Hearing		Held as Scheduled
12/03/2018 09:19 AM	Criminal 1 - Ct. Rm. 1		Pre-Trial Hearing		Held as Scheduled
06/06/2019 09:23 AM	Criminal 1 - Ct. Rm. 1	SPRF-3rd FL, CR 1 (SC)	Hearing on Motion to Continue	Carey, Hon. Richard J	Held as Scheduled
06/06/2019 09:39 AM	Criminal 1 - Ct. Rm. 1		Final Pre-Trial Conference		Not Held
06/20/2019 09:07 AM	Criminal 1 - Ct. Rm. 1		Jury Trial		Not Held
06/20/2019 09:35 AM	Criminal 1 - Ct. Rm. 1	SPRF-3rd FL, CR 1 (SC)	Conference to Review Status	Carey, Hon. Richard J	Held as Scheduled
08/12/2019 09:39 AM	Criminal 1 - Ct. Rm. 1		Final Pre-Trial Conference		Not Held
08/19/2019 09:30 AM	CR Session 6 - Ct. Rm 6		Motion Hearing	Wilkins, Hon. Douglas H	Rescheduled
08/26/2019 09:00 AM	CR Session 6 - Ct. Rm 6		Jury Trial	Wilkins, Hon. Douglas H	Rescheduled
08/26/2019 09:07 AM	Criminal 1 - Ct. Rm. 1		Jury Trial		Not Held
08/27/2019 09:23 AM	CR Session 6 - Ct. Rm 6		Motion Hearing	Wilkins, Hon. Douglas H	Held as Scheduled
08/27/2019 09:39 AM	CR Session 6 - Ct. Rm 6		Final Pre-Trial Conference	Wilkins, Hon. Douglas H	Held as Scheduled
09/04/2019 09:00 AM	CR Session 6 - Ct. Rm 6		Jury Trial	Wilkins, Hon. Douglas H	Held as Scheduled
09/05/2019 09:00 AM	CR Session 6 - Ct. Rm 6	SPRF-2nd FL, CR 8 (SC)	Jury Trial	Wilkins, Hon. Douglas H	Held as Scheduled
09/10/2019 09:07 AM	CR Session 6 - Ct. Rm 6		Jury Trial	Wilkins, Hon. Douglas H	Held as Scheduled

<u>Date</u>	<u>Session</u>	<u>Location</u>	<u>Type</u>	<u>Event Judge</u>	<u>Result</u>
09/11/2019 09:00 AM	CR Session 6 - Ct. Rm 6	SPRF-2nd FL, CR 8 (SC)	Jury Trial	Wilkins, Hon. Douglas H	Held as Scheduled
09/12/2019 09:00 AM	CR Session 6 - Ct. Rm 6	SPRF-2nd FL, CR 8 (SC)	Jury Trial	Wilkins, Hon. Douglas H	Held as Scheduled
09/13/2019 09:00 AM	CR Session 6 - Ct. Rm 6	SPRF-2nd FL, CR 8 (SC)	Jury Trial	Wilkins, Hon. Douglas H	Not Held
09/16/2019 09:00 AM	CR Session 6 - Ct. Rm 6	SPRF-2nd FL, CR 8 (SC)	Jury Trial	Wilkins, Hon. Douglas H	Held as Scheduled
09/17/2019 09:00 AM	CR Session 6 - Ct. Rm 6	SPRF-2nd FL, CR 8 (SC)	Jury Trial	Wilkins, Hon. Douglas H	Held as Scheduled
09/18/2019 09:00 AM	CR Session 6 - Ct. Rm 6	SPRF-2nd FL, CR 8 (SC)	Jury Trial	Wilkins, Hon. Douglas H	Held as Scheduled
09/19/2019 09:00 AM	CR Session 6 - Ct. Rm 6	SPRF-2nd FL, CR 8 (SC)	Jury Trial	Wilkins, Hon. Douglas H	Held as Scheduled
09/20/2019 09:00 AM	CR Session 6 - Ct. Rm 6	SPRF-2nd FL, CR 8 (SC)	Jury Trial	Wilkins, Hon. Douglas H	Held as Scheduled
09/23/2019 12:00 PM	CR Session 6 - Ct. Rm 6	SPRF-2nd FL, CR 8 (SC)	Motion Hearing	Wilkins, Hon. Douglas H	Held as Scheduled
09/25/2019 09:29 AM	Criminal 1 - Ct. Rm. 1	SPRF-3rd FL, CR 1 (SC)	Bail Hearing	Reardon, Jr., Hon. James G	Held as Scheduled
09/25/2019 12:00 PM	CR Session 6 - Ct. Rm 6	SPRF-2nd FL, CR 8 (SC)	Conference to Review Status	Wilkins, Hon. Douglas H	Held as Scheduled
09/30/2019 09:00 AM	CR Session 6 - Ct. Rm 6	SPRF-2nd FL, CR 8 (SC)	Jury Waived Trial	Wilkins, Hon. Douglas H	Not Held
12/02/2019 09:35 AM	Criminal 1 - Ct. Rm. 1		Conference to Review Status		Not Held
12/04/2019 09:35 AM	Criminal 1 - Ct. Rm. 1	SPRF-3rd FL, CR 1 (SC)	Conference to Review Status	Wrenn, Hon. Daniel M	Held as Scheduled
12/09/2019 09:07 AM	Criminal 1 - Ct. Rm. 1		Jury Trial		Rescheduled
01/13/2020 02:00 PM	CR Session 5 - Ct. Rm 5	SPRF-3rd FL, CR 6 (SC)	Conference to Review Status	Ritter, Hon. William J	Held as Scheduled
01/27/2020 09:07 AM	Criminal 1 - Ct. Rm. 1		Jury Trial		Not Held
02/20/2020 09:30 AM	CR Session 5 - Ct. Rm 5	SPRF-3rd FL, CR 2 (SC)	Conference to Review Status	Ritter, Hon. William J	Held as Scheduled
03/30/2020 09:00 AM	CR Session 5 - Ct. Rm 5	SPRF-3rd FL, CR 6 (SC)	Jury Waived Trial	Ritter, Hon. William J	Rescheduled-Covid-19 emergency
04/14/2020 09:35 AM	Criminal 1 - Ct. Rm. 1		Conference to Review Status		Rescheduled-Covid-19 emergency
05/18/2020 09:35 AM	Criminal 1 - Ct. Rm. 1		Conference to Review Status	Ritter, Hon. William J	Rescheduled-Covid-19 emergency
06/15/2020 09:35 AM	Criminal 1 - Ct. Rm. 1		Conference to Review Status	Callan, Hon. Michael K	Held as Scheduled
08/25/2020 09:35 AM	Criminal 1 - Ct. Rm. 1		Conference to Review Status	Ritter, Hon. William J	Not Held
09/28/2020 09:07 AM	Criminal 1 - Ct. Rm. 1		Jury Waived Trial	Ritter, Hon. William J	Not Held
12/28/2020 09:00 AM	Criminal 1 - Ct. Rm. 1	SPRF-3rd FL, CR 1 (SC)	Bail Hearing	Wilkins, Hon. Douglas H	Held as Scheduled
01/08/2021 09:30 AM	Criminal 1 - Ct. Rm. 1	SPRF-3rd FL, CR 1 (SC)	Motion Hearing	Wilkins, Hon. Douglas H	Held as Scheduled
03/15/2021 09:00 AM	Criminal 1 - Ct. Rm. 1		Final Pre-Trial Conference	Wilkins, Hon. Douglas H	Held as Scheduled

<u>Date</u>	<u>Session</u>	<u>Location</u>	<u>Type</u>	<u>Event Judge</u>	<u>Result</u>
03/15/2021 09:00 AM	Criminal 1 - Ct. Rm. 1		Motion Hearing	Wilkins, Hon. Douglas H	Held as Scheduled
04/08/2021 12:00 PM	Criminal 1 - Ct. Rm. 1	SPRF-3rd FL, CR 1 (SC)	Conference to Review Status	Wilkins, Hon. Douglas H	Held as Scheduled
04/20/2021 09:00 AM	Criminal 1 - Ct. Rm. 1		Jury Waived Trial	Wilkins, Hon. Douglas H	Held as Scheduled
04/21/2021 09:00 AM	Criminal 1 - Ct. Rm. 1	SPRF-3rd FL, CR 1 (SC)	Jury Waived Trial	Wilkins, Hon. Douglas H	Held as Scheduled
04/22/2021 09:00 AM	Criminal 1 - Ct. Rm. 1	SPRF-3rd FL, CR 1 (SC)	Jury Waived Trial	Wilkins, Hon. Douglas H	Held as Scheduled
04/23/2021 09:00 AM	Criminal 1 - Ct. Rm. 1	SPRF-3rd FL, CR 1 (SC)	Jury Waived Trial	Wilkins, Hon. Douglas H	Held as Scheduled
04/30/2021 02:00 PM	Criminal 1 - Ct. Rm. 1	SPRF-3rd FL, CR 1 (SC)	Hearing for Sentence Imposition	McDonough, Jr., Hon. Edward J	Held as scheduled

Ticklers

<u>Tickler</u>	<u>Start Date</u>	<u>Due Date</u>	<u>Days Due</u>	<u>Completed Date</u>
Pre-Trial Hearing	07/13/2018	01/09/2019	180	12/03/2018
Final Pre-Trial Conference	07/13/2018	06/24/2019	346	08/27/2019
Case Disposition	07/13/2018	07/08/2019	360	04/30/2021

Docket Information

<u>Docket Date</u>	<u>Docket Text</u>	<u>File Ref Nbr.</u>	<u>Image Avail.</u>
06/19/2018	Indictment(s) returned	1	Image
06/27/2018	Attorney appearance On this date Rachael T Eramo, Esq. added as Attorney for the Commonwealth for Prosecutor Hampden County District Attorney		
07/12/2018	Habeas Corpus for defendant issued to Hampshire County House of Correction returnable for 07/13/2018 09:01 AM Arraignment. Please Have Deft. here at 9AM		
07/13/2018	Event Result:: Arraignment scheduled on: 07/13/2018 09:01 AM Has been: Held as Scheduled Comments: FTR 1 Hon. Michael K Callan, Presiding Appeared: Staff: Sara Adams, Court Monitor Brian Dolaher, Assistant Clerk Magistrate Michael T Sarnacki, Esq., Assistant Clerk Magistrate		
07/13/2018	Defendant arraigned before Court. Judge: Callan, Hon. Michael K		
07/13/2018	Defendant waives reading of indictment Judge: Callan, Hon. Michael K		
07/13/2018	Plea of not guilty entered on all charges. Judge: Callan, Hon. Michael K		
07/13/2018	The defendant\petitioner is committed without bail for the following reason: Per Order of the Court. without prejudice; Next date: 7/18/18 Judge: Callan, Hon. Michael K	2	

Docket Date	Docket Text	File Ref Nbr.	Image Avail.
07/13/2018	Scheduled: Judge: Callan, Hon. Michael K Event: Bail (58A) Date: 07/18/2018 Time: 09:31 AM Result: Held as Scheduled		
07/13/2018	Attorney appearance On this date Joe A Smith, III, Esq. added as Appointed - Indigent Defendant for Defendant Daniel Juan Cintron Appointment made for the purpose of Case in Chief by Judge Hon. Michael K Callan.		
07/13/2018	Commonwealth 's Motion for a dangerous hearing	3	
07/13/2018	Endorsement on Commonwealth 's Motion for a dangerous hearing, (#3.0): ALLOWED Judge: Callan, Hon. Michael K		Image
07/13/2018	Commonwealth 's Motion for court order regarding discovery of recording of child interview	4	
07/13/2018	Endorsement on Commonwealth 's Motion for court order regarding discovery of recording of child interview, (#4.0): ALLOWED by agreement Judge: Callan, Hon. Michael K		Image
07/18/2018	Case assigned to: DCM Track C - Most Complex was added on 07/18/2018		
07/18/2018	Event Result:: Bail (58A) scheduled on: 07/18/2018 09:31 AM Has been: Held as Scheduled Comments: FTR 1 Hon. Michael K Callan, Presiding Appeared: Staff: Sara Adams, Court Monitor Brian Dolaher, Assistant Clerk Magistrate Michael T Sarnacki, Esq., Assistant Clerk Magistrate		
07/18/2018	The defendant\petitioner is committed without bail for the following reason: Held due to dangerousness C.276 § 58A. defendant stipulates to dangerousness held without right to bail 120 days. Next Date: 11/7/18 Judge: Callan, Hon. Michael K	5	
07/18/2018	Commonwealth 's Motion to impound materials submitted during dangerousness hearing	6	Image
07/18/2018	Endorsement on Motion to impound materials submitted during dangerousness hearing, (#5.0): ALLOWED Judge: Callan, Hon. Michael K		Image
08/27/2018	Defendant 's Motion for funds for an investigator and affidavit in support	7	
09/05/2018	Endorsement on Motion for funds for an investigator and affidavit in support, (#7.0): ALLOWED and sealed Judge: Callan, Hon. Michael K		
11/07/2018	Event Result:: Pre-Trial Hearing scheduled on: 11/07/2018 09:19 AM Has been: Rescheduled For the following reason: Joint request of parties Comments: FTR 1 Hon. Daniel M Wrenn, Presiding Appeared: Staff: Amy (DIGITAL RECORDING DEVICE) Foulks, Court Monitor Michael T Sarnacki, Esq., Assistant Clerk Magistrate Lauramarie Sirois, Assistant Clerk Magistrate		
11/07/2018	Event Result:: Bail Hearing scheduled on: 11/07/2018 09:29 AM Has been: Held as Scheduled		

<u>Docket Date</u>	<u>Docket Text</u>	<u>File Ref Nbr.</u>	<u>Image Avail.</u>
	Comments: FTR 1 Hon. Daniel M Wrenn, Presiding Appeared: Staff: Amy (DIGITAL RECORDING DEVICE) Foulks, Court Monitor Michael T Sarnacki, Esq., Assistant Clerk Magistrate Lauramarie Sirois, Assistant Clerk Magistrate		
11/07/2018	Bail warnings read		
11/07/2018	Bail set at \$0.00 Surety, \$50,000.00 Cash. conditions 1) GPS zero curfew with windows for legal/medical/religious 2) to reside with mother 3) no contact direct/indirect with victims 4) no contact direct/indirect with witnesses 5) abide by all restraining order Next Date: 09/25/19	8	
12/03/2018	Event Result:: Pre-Trial Hearing scheduled on: 12/03/2018 09:19 AM Has been: Held as Scheduled Comments: FTR 1 Lauramarie Sirois, Presiding Appeared: Staff: Brian Dolaher, Assistant Clerk Magistrate Amy (DIGITAL RECORDING DEVICE) Foulks, Court Monitor Michael T Sarnacki, Esq., Assistant Clerk Magistrate		
12/03/2018	Pre-trial conference report filed	9	
06/05/2019	Commonwealth 's Motion to convert trial date to status. and affidavit	10	Image
06/05/2019	Commonwealth 's Motion to impound affidavit related to motion to convert trial date to status.	11	Image
06/05/2019	Habeas Corpus for defendant issued to Hampshire County House of Correction returnable for 06/06/2019 09:23 AM Hearing on Motion to Continue. Please have defendant here by 9am		
06/06/2019	Event Result:: Hearing on Motion to Continue scheduled on: 06/06/2019 09:23 AM Has been: Held as Scheduled Comments: FTR 1 Hon. Richard J Carey, Presiding Staff: Brian Dolaher, Assistant Clerk Magistrate Michael T Sarnacki, Esq., Assistant Clerk Magistrate Lauramarie Sirois, Assistant Clerk Magistrate		
06/06/2019	Event Result:: Final Pre-Trial Conference scheduled on: 06/06/2019 09:39 AM Has been: Not Held For the following reason: Request of Commonwealth Comments: FTR 1 Hon. Richard J Carey, Presiding Staff: Brian Dolaher, Assistant Clerk Magistrate Michael T Sarnacki, Esq., Assistant Clerk Magistrate Lauramarie Sirois, Assistant Clerk Magistrate		
06/06/2019	Event Result:: Jury Trial scheduled on: 06/20/2019 09:07 AM Has been: Not Held For the following reason: Request of Commonwealth Hon. Richard J Carey, Presiding Staff: Brian Dolaher, Assistant Clerk Magistrate Michael T Sarnacki, Esq., Assistant Clerk Magistrate Lauramarie Sirois, Assistant Clerk Magistrate		
06/06/2019	Endorsement on Commonwealth 's Motion to convert trial date to status. and affidavit, (#10.0): ALLOWED		Image
06/06/2019	Endorsement on Commonwealth 's Motion to impound affidavit related to motion to convert trial date to status, (#11.0): ALLOWED		Image
06/07/2019	Docket Note: N ADA Eramo via tin re motions 10 and 11.		

<u>Docket Date</u>	<u>Docket Text</u>	<u>File Ref Nbr.</u>	<u>Image Avail.</u>
06/20/2019	Event Result:: Conference to Review Status scheduled on: 06/20/2019 09:35 AM Has been: Held as Scheduled Comments: FTR 1 Hon. Richard J Carey, Presiding Staff: Brian Dolaher, Assistant Clerk Magistrate Michael T Sarnacki, Esq., Assistant Clerk Magistrate Lauramarie Sirois, Assistant Clerk Magistrate		
06/25/2019	Event Result:: Jury Trial scheduled on: 08/26/2019 09:07 AM Has been: Not Held For the following reason: Transferred to another session Hon. Richard J Carey, Presiding		
08/09/2019	Defendant 's Motion to continue.	12	Image
08/09/2019	Affidavit of support of motion to continue.	12.1	Image
08/12/2019	Event Result:: Final Pre-Trial Conference scheduled on: 08/12/2019 09:39 AM Has been: Not Held For the following reason: Joint request of parties Comments: FTR 1 (MTC is allowed, MTC to be filed in writing) Hon. James G Reardon, Jr., Presiding Staff: Brian Dolaher, Assistant Clerk Magistrate Michael T Sarnacki, Esq., Assistant Clerk Magistrate		
08/12/2019	Event Result:: Motion Hearing scheduled on: 08/19/2019 09:30 AM Has been: Rescheduled For the following reason: By Court prior to date Hon. Douglas H Wilkins, Presiding		
08/12/2019	Event Result:: Jury Trial scheduled on: 08/26/2019 09:00 AM Has been: Rescheduled For the following reason: By Court prior to date Hon. Douglas H Wilkins, Presiding Staff: Terrence C Ginley, Assistant Clerk Magistrate		
08/19/2019	Event Result:: Jury Trial scheduled on: 09/10/2019 09:07 AM Has been: Not Held For the following reason: Joint request of parties Hon. Douglas H Wilkins, Presiding		
08/19/2019	Other Rachael T Eramo, Esq., Joe A Smith, III, Esq.'s Joint Motion to Advance Trial Date For Purposes of Empanelment	13	
08/19/2019	Endorsement on , (#13.0): ALLOWED Judge: Wilkins, Hon. Douglas H		
08/27/2019	Event Result:: Motion Hearing scheduled on: 08/27/2019 09:23 AM Has been: Held as Scheduled Comments: FTR6 Foley Hon. Douglas H Wilkins, Presiding Staff: Terrence C Ginley, Assistant Clerk Magistrate		
08/27/2019	Event Result:: Final Pre-Trial Conference scheduled on: 08/27/2019 09:39 AM Has been: Held as Scheduled Comments: FTR6 Foley Hon. Douglas H Wilkins, Presiding Staff: Terrence C Ginley, Assistant Clerk Magistrate		
08/27/2019	Joint Pre-Trial Memorandum filed:	14	Image

<u>Docket Date</u>	<u>Docket Text</u>	<u>File Ref Nbr.</u>	<u>Image Avail.</u>
08/27/2019	Commonwealth 's Motion in limine to admit substitute first complaint testimony	15	Image
08/27/2019	Commonwealth 's Motion for joinder of related offenses for trial pursuant to Massachusetts rules of criminal procedure 9(a)	16	Image
08/27/2019	Endorsement on Motion for joinder of related offenses for trial pursuant to Massachusetts rules of criminal procedure 9(a), (#16.0): ALLOWED by agreement		Image
08/27/2019	Hampden County District Attorney's Memorandum in support of its motion for joinder or related offenses for trial	17	Image
08/27/2019	Defendant 's Motion for additional funds for an investigator and affidavit in support	18	Image
08/27/2019	Endorsement on Motion for additional funds for an investigator and affidavit in support, (#18.0): ALLOWED to \$2,500. Judge: Wilkins, Hon. Douglas H		Image
08/27/2019	Commonwealth 's Motion for voir dire questions	19	Image
08/27/2019	Commonwealth 's Motion in limine to admit evidence of prior bad acts of the defendant	20	Image
08/27/2019	Defendant 's Motion for attorney conducted individual voir dire of prospective jurors	21	Image
08/27/2019	Defendant 's Motion to preclude reference to complainants as "victims"	22	Image
08/27/2019	Commonwealth 's Motion for joinder of related offenses for trial pursuant to Massachusetts rules of criminal procedure 9(a)	23	Image
08/27/2019	Endorsement on Motion for joinder of related offenses for trial pursuant to Massachusetts rules of criminal procedure 9(a), (#23.0): ALLOWED by agreement		Image
08/27/2019	Hampden County District Attorney's Memorandum in support of its motion for joinder of related offenses for trial Judge: Wilkins, Hon. Douglas H	24	Image
09/03/2019	Habeas Corpus for defendant issued to Hampshire County House of Correction returnable for 09/04/2019 09:00 AM Jury Trial. Please Have Deft. Here at 9AM		
09/04/2019	Event Result:: Jury Trial scheduled on: 09/04/2019 09:00 AM Has been: Held as Scheduled Comments: FTR 8- C Aarons Hon. Douglas H Wilkins, Presiding Staff: William T Walsh, Jr., Assistant Clerk Magistrate		
09/04/2019	Habeas Corpus for defendant issued to Hampshire County House of Correction returnable for 09/05/2019 09:00 AM Jury Trial. Please Have Deft. here at 9AM		
09/05/2019	Event Result:: Jury Trial scheduled on: 09/05/2019 09:00 AM Has been: Held as Scheduled Comments: FTR 8- C. Aarons Hon. Douglas H Wilkins, Presiding Staff: William T Walsh, Jr., Assistant Clerk Magistrate		
09/10/2019	Event Result:: Jury Trial scheduled on: 09/10/2019 09:07 AM Has been: Held as Scheduled Comments: FTR8CA Hon. Douglas H Wilkins, Presiding Staff: William T Walsh, Jr., Assistant Clerk Magistrate		
09/10/2019	Defendant 's Motion to sequester witnesses.	26	Image

Docket Date	Docket Text	File Ref Nbr.	Image Avail.
09/10/2019	Endorsement on Motion to sequester witnesses., (#26.0): ALLOWED Judge: Wilkins, Hon. Douglas H		Image
09/11/2019	Event Result:: Jury Trial scheduled on: 09/11/2019 09:00 AM Has been: Held as Scheduled Comments: C. Aarons is the FTR monitor Hon. Douglas H Wilkins, Presiding Staff: William T Walsh, Jr., Assistant Clerk Magistrate		
09/12/2019	Habeas Corpus for defendant issued to Hampshire County House of Correction returnable for 09/13/2019 09:00 AM Jury Trial. Please Have Deft. Here at 9AM		
09/12/2019	Event Result:: Jury Trial scheduled on: 09/12/2019 09:00 AM Has been: Held as Scheduled Comments: FTR8CA Hon. Douglas H Wilkins, Presiding Staff: William T Walsh, Jr., Assistant Clerk Magistrate		
09/12/2019	Event Result:: Jury Trial scheduled on: 09/13/2019 09:00 AM Has been: Not Held For the following reason: Request of Defendant Hon. Douglas H Wilkins, Presiding Staff: William T Walsh, Jr., Assistant Clerk Magistrate		
09/12/2019	MEMORANDUM & ORDER: on impoundment of supplemental juror questionnaires Judge: Wilkins, Hon. Douglas H	43	
09/13/2019	Habeas Corpus for defendant issued to Hampshire County House of Correction returnable for 09/16/2019 09:00 AM Jury Trial. Please have Deft. here at 9AM		
09/16/2019	Event Result:: Jury Trial scheduled on: 09/16/2019 09:00 AM Has been: Held as Scheduled Comments: FTR8CA Hon. Douglas H Wilkins, Presiding Staff: William T Walsh, Jr., Assistant Clerk Magistrate		
09/16/2019	Defendant 's Motion (renewed) for required finding of not guilty	34	Image
09/16/2019	Endorsement on Defendant 's Motion (renewed) for required finding of not guilty, (#34.0): DENIED		Image
09/17/2019	Event Result:: Jury Trial scheduled on: 09/17/2019 09:00 AM Has been: Held as Scheduled Comments: FTR8CA Hon. Douglas H Wilkins, Presiding Staff: William T Walsh, Jr., Assistant Clerk Magistrate		
09/17/2019	Habeas Corpus for defendant issued to Hampshire County House of Correction returnable for 09/18/2019 09:00 AM Jury Trial. Please have defendant here by 9am		
09/18/2019	Event Result:: Jury Trial scheduled on: 09/18/2019 09:00 AM Has been: Held as Scheduled Comments: FTR8CA Hon. Douglas H Wilkins, Presiding Staff: William T Walsh, Jr., Assistant Clerk Magistrate		

Docket Date	Docket Text	File Ref Nbr.	Image Avail.
09/19/2019	Event Result:: Jury Trial scheduled on: 09/19/2019 09:00 AM Has been: Held as Scheduled Comments: FTR CR #8 - C. Aarons, monitor Hon. Douglas H Wilkins, Presiding Staff: William T Walsh, Jr., Assistant Clerk Magistrate		
09/19/2019	Habeas Corpus for defendant issued to Hampshire County House of Correction returnable for 09/20/2019 09:00 AM Jury Trial. Please have defendant here by 9am		
09/20/2019	Offense Disposition:: Charge #6 WITNESS/JUROR/POLICE/COURT OFFICIAL, INTIMIDATE c268 §13B On: 09/17/2019 Judge: Hon. Douglas H Wilkins By: Other Court Event Dismissed by Court in response to jury question- see record Charge #16 WITNESS/JUROR/POLICE/COURT OFFICIAL, INTIMIDATE c268 §13B On: 09/17/2019 Judge: Hon. Douglas H Wilkins By: Other Court Event Dismissed by Court in response to jury question- see record		
09/20/2019	Event Result:: Jury Trial scheduled on: 09/20/2019 09:00 AM Has been: Held as Scheduled- ENDS IN PARTIAL MISTRIAL Comments: FTR#8-T. Foley-CM/L. Sirois-ACM Hon. Douglas H Wilkins, Presiding Staff: William T Walsh, Jr., Assistant Clerk Magistrate		
09/20/2019	Offense Disposition:: Charge #6 WITNESS/JUROR/POLICE/COURT OFFICIAL, INTIMIDATE c268 §13B On: 09/17/2019 Judge: Hon. Douglas H Wilkins By: Other Court Event Dismissed Charge #10 INDECENT A&B ON CHILD UNDER 14 c265 §13B On: 09/20/2019 Judge: Hon. Douglas H Wilkins By: Jury Trial Not Guilty Verdict Charge #16 WITNESS/JUROR/POLICE/COURT OFFICIAL, INTIMIDATE c268 §13B On: 09/17/2019 By: Other Court Event Dismissed Charge #22 OBSCENE MATTER TO MINOR c272 §28 On: 09/20/2019 Judge: Hon. Douglas H Wilkins By: Jury Trial Not Guilty Verdict Charge #24 RAPE OF CHILD WITH FORCE c265 §22A On: 09/20/2019 Judge: Hon. Douglas H Wilkins By: Jury Trial Not Guilty Verdict Charge #28 CHILD IN SEXUAL ACT, POSE/EXHIBIT c272 §29A(b) On: 09/20/2019 Judge: Hon. Douglas H Wilkins By: Jury Trial Not Guilty Verdict ALL OTHER COUNTS RESULTS IN MISTRIAL		
09/20/2019	Habeas Corpus for defendant issued to Hampshire County House of Correction returnable for 09/23/2019 12:00 PM Motion Hearing. Judge: Wilkins, Hon. Douglas H	25	
09/20/2019	List of exhibits	27	Image
09/20/2019	List of jurors filed.	35	Image
09/20/2019	List of exhibits	36	Image
09/20/2019	Verdict affirmed, verdict slip filed Count 10 - Not Guilty	37	Image

<u>Docket Date</u>	<u>Docket Text</u>	<u>File Ref Nbr.</u>	<u>Image Avail.</u>
09/20/2019	Verdict affirmed, verdict slip filed Count 22 - Not Guilty	38	Image
09/20/2019	Verdict affirmed, verdict slip filed Count 24 - Not Guilty	39	Image
09/20/2019	Verdict affirmed, verdict slip filed Count 28 - Not Guilty	40	Image
09/23/2019	Event Result:: Motion Hearing scheduled on: 09/23/2019 12:00 PM Has been: Held as Scheduled Comments: FTR#8/C. Aarons Hon. Douglas H Wilkins, Presiding Staff: William T Walsh, Jr., Assistant Clerk Magistrate		
09/23/2019	Waiver of trial by jury	41	Image
09/23/2019	Defendant 's Motion for additional funds for an investigator	42	Image
09/23/2019	Affidavit of counsel in support of Defendant 's Motion for additional funds for an investigator	42.1	Image
09/24/2019	Habeas Corpus for defendant issued to Hampshire County House of Correction returnable for 09/25/2019 12:00 PM Conference to Review Status. Please Have Deft. Here at 9AM		
09/25/2019	Event Result:: Conference to Review Status scheduled on: 09/25/2019 12:00 PM Has been: Held as Scheduled Comments: FTR-1 Hon. Douglas H Wilkins, Presiding Staff: William T Walsh, Jr., Assistant Clerk Magistrate		
09/25/2019	Event Result:: Bail Hearing scheduled on: 09/25/2019 09:29 AM Has been: Held as Scheduled Comments: FTR-1 Hon. James G Reardon, Jr., Presiding Staff: Brian Dolaher, Assistant Clerk Magistrate Michael T Sarnacki, Esq., Assistant Clerk Magistrate Lauramarie Sirois, Assistant Clerk Magistrate		
09/25/2019	Bail set at \$0.00 Surety, \$5,000.00 Cash. conditions 1) GPS zero curfew with windows for legal/medical/religious 2) to reside with mother 3) no contact direct/indirect with victims 4) no contact direct/indirect with witnesses 5) abide by all restraining order With Added Conditions: That defendant to have No Unsupervised contact with Children Under 18. Also Defendant may live with girlfriend in Monson if her address is compatible with GPS. defendant must have GPS affixed before release. Next Date: 12/2/19		
09/25/2019	Event Result:: Jury Waived Trial scheduled on: 09/30/2019 09:00 AM Has been: Not Held For the following reason: By Court prior to date Comments: FTR-1 Hon. James G Reardon, Jr., Presiding Staff: William T Walsh, Jr., Assistant Clerk Magistrate		
09/25/2019	The following form was generated: Release from Custody Order Sent On: 09/25/2019 14:52:47	29	Image
09/25/2019	Commonwealth 's Motion to continue (and Affidavit).	30	Image
09/25/2019	Endorsement on Motion to continue., (#30.0): ALLOWED Judge: Reardon, Jr., Hon. James G		Image

<u>Docket Date</u>	<u>Docket Text</u>	<u>File Ref Nbr.</u>	<u>Image Avail.</u>
09/25/2019	Commonwealth 's Motion to impound affidavit submitted in connection with Commonwealth's Motion to continue.	31	Image
09/25/2019	Endorsement on Motion to impound affidavit submitted in connection with Commonwealth's motion to continue., (#31.0): ALLOWED Judge: Reardon, Jr., Hon. James G		Image
09/25/2019	ORDER: of GPS supervision conditions. Judge: Wilkins, Hon. Douglas H	32	Image
09/25/2019	ORDER of Pre-Trial Conditions of Release Judge: Wilkins, Hon. Douglas H	33	Image
09/27/2019	Endorsement on Defendant 's Motion for additional funds for an investigator, (#42.0): ALLOWED n. given in hand		Image
12/02/2019	Event Result:: Conference to Review Status scheduled on: 12/02/2019 09:35 AM Has been: Not Held For the following reason: Joint request of parties Kevin J Claffey, Presiding Staff: Brian Dolaher, Assistant Clerk Magistrate Shana Wilson, Assistant Clerk Magistrate		
12/04/2019	Event Result:: Conference to Review Status scheduled on: 12/04/2019 09:35 AM Has been: Held as Scheduled Comments: FTR 1 Hon. Daniel M Wrenn, Presiding Staff: Brian Dolaher, Assistant Clerk Magistrate Shana Wilson, Assistant Clerk Magistrate		
12/04/2019	Event Result:: Jury Trial scheduled on: 12/09/2019 09:07 AM Has been: Rescheduled For the following reason: Joint request of parties Comments: FTR 1 Hon. Daniel M Wrenn, Presiding Staff: Brian Dolaher, Assistant Clerk Magistrate Shana Wilson, Assistant Clerk Magistrate		
12/04/2019	Commonwealth, Defendant 's Joint Motion to continue	44	Image
12/04/2019	Endorsement on Motion to continue (joint), (#44.0): ALLOWED Judge: Wrenn, Hon. Daniel M		Image
01/02/2020	Event Result:: Jury Trial scheduled on: 01/27/2020 09:07 AM Has been: Not Held For the following reason: Transferred to another session Comments: Sent to J. Ritter's session Hon. Daniel M Wrenn, Presiding Staff: Brian Dolaher, Assistant Clerk Magistrate Michael T Sarnacki, Esq., Assistant Clerk Magistrate		
01/13/2020	Event Result:: Conference to Review Status scheduled on: 01/13/2020 02:00 PM Has been: Held as Scheduled Comments: FTR #6 - A. Foulks Hon. William J Ritter, Presiding Staff: Lauramarie Sirois, Assistant Clerk Magistrate		
01/13/2020	Defendant 's Motion to amend pre-trial terms of release	45	Image

Docket Date	Docket Text	File Ref Nbr.	Image Avail.
01/13/2020	Endorsement on Motion to amend pre-trial terms of release, (#45.0): ALLOWED (copy to atty joe smith and probation dept) Judge: Ritter, Hon. William J		Image
02/20/2020	Witness list Applies To: Hampden County District Attorney (Prosecutor)	46	
02/20/2020	Commonwealth 's Motion in limine to Admit Substitute First Complaint Testimony	47	
02/20/2020	Commonwealth 's Motion in limine to Admit First Complaint Testimony	48	
02/20/2020	Commonwealth 's Motion in limine to Admit Evidence of Prior Bad Acts of the Defendant	49	
02/20/2020	Defendant 's Motion to Amend Defendant's Pretrial Terms of Release	50	
02/20/2020	Defendant 's Motion to Sequester Witnesses	51	
02/20/2020	Event Result:: Conference to Review Status scheduled on: 02/20/2020 09:30 AM Has been: Held as Scheduled Comments: FTR # 2- S. Adams Hon. William J Ritter, Presiding Staff: Lauramarie Sirois, Assistant Clerk Magistrate		
02/20/2020	Endorsement on Motion to Amend Defendant's Pretrial Terms of Release, (#50.0): ALLOWED curfew to be lifted to the extent defendant needs to meet with counsel for trial preparation: stay away, no contact with witnesses and address of 64 Emmett Street, Chicopee. Judge: Ritter, Hon. William J		
02/20/2020	The following form was generated: A Clerk's Notice was generated and sent to: Attorney: Joe A Smith, III, Esq. Attorney: Rachael T Eramo, Esq. Surety: Caitlyn Elizabeth Constantino		
03/20/2020	Court orders rescheduling due to State of Emergency surrounding the Covid-19 virus.: Jury Waived Trial scheduled on: 03/30/2020 09:00 AM Has been: Rescheduled-Covid-19 emergency Hon. William J Ritter, Presiding Staff: Lauramarie Sirois, Assistant Clerk Magistrate		
04/09/2020	Court orders rescheduling due to State of Emergency surrounding the Covid-19 virus.: Conference to Review Status scheduled on: 04/14/2020 09:35 AM Has been: Rescheduled-Covid-19 emergency Hon. Michael K Callan, Presiding		
04/30/2020	Court orders rescheduling due to State of Emergency surrounding the Covid-19 virus.: Conference to Review Status scheduled on: 05/18/2020 09:35 AM Has been: Rescheduled-Covid-19 emergency Hon. Michael K Callan, Presiding		
06/15/2020	Event Result:: Conference to Review Status scheduled on: 06/15/2020 09:35 AM Has been: Held as Scheduled Hon. Michael K Callan, Presiding		
08/21/2020	Event Result:: Conference to Review Status scheduled on: 08/25/2020 09:35 AM Has been: Not Held For the following reason: Transferred to another session Comments: case before Judge Wilkins Hon. Francis E Flannery, Presiding Staff: Michael T Sarnacki, Esq., Assistant Clerk Magistrate Lauramarie Sirois, Assistant Clerk Magistrate		

Docket Date	Docket Text	File Ref Nbr.	Image Avail.
09/15/2020	Commonwealth 's Motion to Continue Trial Date	52	Image
09/15/2020	Affidavit of Assistant District Attorney Eileen Sears in Support of Motion to Continue Trial	52.1	Image
09/15/2020	Event Result:: Jury Waived Trial scheduled on: 09/28/2020 09:07 AM Has been: Not Held For the following reason: Request of Commonwealth Hon. Douglas H Wilkins, Presiding Staff: Brian Dolaher, Assistant Clerk Magistrate Shana Wilson, Assistant Clerk Magistrate		
09/15/2020	Endorsement on Motion to Continue Trial, (#52.0): ALLOWED Trial continued to a date in December with assent of the defendant conditioned on the undersigned presiding at the bench trial. Judge: Wilkins, Hon. Douglas H		Image
12/08/2020	Commonwealth 's Notice of appearance	53	Image
12/08/2020	Attorney appearance On this date Elizabeth Vasiliades, Esq. added for Prosecutor Hampden County District Attorney		
12/28/2020	Event Result:: Bail Hearing scheduled on: 12/28/2020 09:00 AM Has been: Held as Scheduled Comments: FTR- T. Foley Hon. Douglas H Wilkins, Presiding Staff: Brian Dolaher, Assistant Clerk Magistrate Shana Wilson, Assistant Clerk Magistrate		
12/28/2020	Released on Personal Recognizance with the following conditions: Other Special Condition conditions 1) GPS zero curfew with windows for legal/medical/religious 2) to reside with mother 3) no contact direct/indirect with victims 4) no contact direct/indirect with witnesses 5) abide by all restraining order With Added Conditions: That defendant to have No Unsupervised contact with Children Under 18. Also Defendant may live with girlfriend in Monson if her address is compatible with GPS. defendant must have GPS affixed before release		
12/28/2020	Bail recognizance form filed.	54	
12/31/2020	Defendant 's Motion to modify pretrial conditions of release emailed n to Wilkins, J.	55	Image
12/31/2020	Endorsement on Motion to Motion to modify pretrial conditions of release, (#55.0): Other action taken The Commonwealth shall file any response by 1/7/21 Judge: Wilkins, Hon. Douglas H		Image
01/06/2021	Opposition to to Defendant's Motion to Amend Conditions of Pre-Trial Release filed by Hampden County District Attorney. N. Judge Wilkins 1/6/21	56	Image
01/06/2021	Endorsement on Commonwealth's Opposition to Defendant's Motion to Amend Conditions of Pre-Trial Release, (#56.0): Other action taken Mark for hearing. Notice also to mother of newborn child. Judge: Wilkins, Hon. Douglas H		
01/08/2021	Event Result:: Motion Hearing scheduled on: 01/08/2021 09:30 AM Has been: Held as Scheduled Comments: FTR remote (S. Adams) Hon. Douglas H Wilkins, Presiding Staff: Brian Dolaher, Assistant Clerk Magistrate		
01/08/2021	Endorsement on Motion to amend conditions of pre trial release, (#55.0): Other action taken modified as set forth on the record, see clerk's log-no unsupervised contact with children under 18 except for daughter Amelia Cintron, stay in Monson Ma., except for legal/medical appointments, curfew from 10pm-6am, Defendant must be at 40 Palmer road, monson ma, Defendant has the option to reside in Springfield with his mother with notice to probation		Image

<u>Docket Date</u>	<u>Docket Text</u>	<u>File Ref Nbr.</u>	<u>Image Avail.</u>
02/03/2021	Witness list (Supplemental) Applies To: Hampden County District Attorney (Prosecutor)	57	Image
02/03/2021	Commonwealth 's Motion for Admission of Expert Testimony	58	Image
02/12/2021	Commonwealth 's Motion in limine to admit evidence of prior bad acts of the defendant	59	Image
02/12/2021	Commonwealth 's Notice to substitute first complaint testimony	60	Image
03/02/2021	Defendant 's Motion to Preclude Reference to Complainants as "Victims"	61	Image
03/02/2021	Witness list Applies To: Cintron, Daniel Juan (Defendant)	62	Image
03/02/2021	Defendant 's Motion to Sequester Witnesses Applies To: Cintron, Daniel Juan (Defendant)	63	Image
03/15/2021	Event Result:: Final Pre-Trial Conference scheduled on: 03/15/2021 09:00 AM Has been: Held as Scheduled Comments: FTR 6 Hon. Douglas H Wilkins, Presiding Staff: Brian Dolaher, Assistant Clerk Magistrate Susan Joaquin, Assistant Clerk		
03/15/2021	Event Result:: Motion Hearing scheduled on: 03/15/2021 09:00 AM Has been: Held as Scheduled Comments: FTR 6 Hon. Douglas H Wilkins, Presiding Staff: Brian Dolaher, Assistant Clerk Magistrate Susan Joaquin, Assistant Clerk		
03/15/2021	Witness list Supplemental Witness List Applies To: Cintron, Daniel Juan (Defendant)	64	Image
03/15/2021	Joint Pre-Trial Memorandum filed: Applies To: Cintron, Daniel Juan (Defendant)	65	
04/08/2021	Defendant 's Motion for funds for Investigator.	66	Image
04/08/2021	Affidavit of In support of Motion for funds for Investigator.	66.1	Image
04/08/2021	Endorsement on Motion for funds for Investigator., (#66.0): ALLOWED Judge: Partyka, Edward		Image
04/08/2021	Event Result:: Conference to Review Status scheduled on: 04/08/2021 12:00 PM Has been: Held as Scheduled Comments: FTR -remote (T. Foley) Hon. Douglas H Wilkins, Presiding Staff: Susan Joaquin, Assistant Clerk Edward Partyka, Assistant Clerk Magistrate Michael T Sarnacki, Esq., Assistant Clerk Magistrate		
04/15/2021	Commonwealth 's Motion in limine for First Complaint Testimony	67	Image

Docket Date	Docket Text	File Ref Nbr.	Image Avail.
04/20/2021	Event Result:: Jury Waived Trial scheduled on: 04/20/2021 09:00 AM Has been: Held as Scheduled Comments: FTR # 1 Hon. Douglas H Wilkins, Presiding Staff: Susan Joaquin, Assistant Clerk Edward Partyka, Assistant Clerk Magistrate Michael T Sarnacki, Esq., Assistant Clerk Magistrate		
04/21/2021	Event Result:: Jury Waived Trial scheduled on: 04/21/2021 09:00 AM Has been: Held as Scheduled Comments: FTR #1 Hon. Douglas H Wilkins, Presiding Staff: Susan Joaquin, Assistant Clerk Edward Partyka, Assistant Clerk Magistrate Michael T Sarnacki, Esq., Assistant Clerk Magistrate		
04/22/2021	Event Result:: Jury Waived Trial scheduled on: 04/22/2021 09:00 AM Has been: Held as Scheduled Comments: FTR #1 Hon. Douglas H Wilkins, Presiding Staff: Susan Joaquin, Assistant Clerk Edward Partyka, Assistant Clerk Magistrate Michael T Sarnacki, Esq., Assistant Clerk Magistrate		
04/22/2021	Defendant 's Motion for required finding of not guilty	68	Image
04/22/2021	Endorsement on Motion for required finding of not guilty, (#68.0): Other action taken Denied without prejudice, except allowed as to counts 2 and 18 for reasons stated on the record.		Image
04/22/2021	Defendant 's Motion for required finding of not guilty (renewed motion)	69	Image
04/22/2021	Endorsement on Motion for required finding of not guilty - renewed motion, (#69.0): DENIED without prejudice after the close of all of the evidence.		Image
04/23/2021	Event Result:: Jury Waived Trial scheduled on: 04/23/2021 09:00 AM Has been: Held as Scheduled Comments: FTR 1 Amy F. Hon. Douglas H Wilkins, Presiding Staff: Susan Joaquin, Assistant Clerk Edward Partyka, Assistant Clerk Magistrate Michael T Sarnacki, Esq., Assistant Clerk Magistrate		
04/23/2021	Offense Disposition:: Charge #1 RAPE OF CHILD WITH FORCE c265 §22A On: 04/23/2021 Judge: Hon. Douglas H Wilkins By: Jury Waived Trial Not Guilty Finding Charge #2 RAPE OF CHILD WITH FORCE c265 §22A On: 04/22/2021 Judge: Hon. Douglas H Wilkins By: Jury Waived Trial Dismissed Charge #3 INDECENT A&B ON CHILD UNDER 14 c265 §13B On: 04/23/2021 Judge: Hon. Douglas H Wilkins By: Jury Waived Trial Not Guilty Finding Charge #4 INDECENT A&B ON CHILD UNDER 14 c265 §13B On: 04/23/2021 Judge: Hon. Douglas H Wilkins By: Jury Waived Trial Not Guilty Finding Charge #5 WITNESS/JUROR/POLICE/COURT OFFICIAL, INTIMIDATE c268 §13B On: 04/23/2021 Judge: Hon. Douglas H Wilkins By: Jury Waived Trial Not Guilty Finding		

Docket Date	Docket Text	File Ref Nbr.	Image Avail.
	Charge #6 WITNESS/JUROR/POLICE/COURT OFFICIAL, INTIMIDATE c268 §13B On: 09/17/2019 Judge: Hon. Douglas H Wilkins By: Other Court Event Dismissed		
	Charge #7 INDECENT A&B ON CHILD UNDER 14 c265 §13B On: 04/23/2021 Judge: Hon. Douglas H Wilkins By: Jury Waived Trial Not Guilty Finding		
	Charge #8 RAPE OF CHILD WITH FORCE c265 §22A On: 04/23/2021 Judge: Hon. Douglas H Wilkins By: Jury Waived Trial Not Guilty Finding		
	Charge #9 RAPE OF CHILD WITH FORCE c265 §22A On: 04/23/2021 Judge: Hon. Douglas H Wilkins By: Jury Waived Trial Not Guilty Finding		
	Charge #10 INDECENT A&B ON CHILD UNDER 14 c265 §13B On: 09/20/2019 By: Jury Trial Not Guilty Verdict		
	Charge #11 INDECENT A&B ON CHILD UNDER 14 c265 §13B On: 04/23/2021 Judge: Hon. Douglas H Wilkins By: Jury Waived Trial Not Guilty Finding		
	Charge #12 INDECENT A&B ON CHILD UNDER 14 c265 §13B On: 04/23/2021 Judge: Hon. Douglas H Wilkins By: Jury Waived Trial Not Guilty Finding		
	Charge #13 INDECENT A&B ON CHILD UNDER 14 c265 §13B On: 04/23/2021 Judge: Hon. Douglas H Wilkins By: Jury Waived Trial Not Guilty Finding		
	Charge #14 INDECENT A&B ON CHILD UNDER 14 c265 §13B On: 04/23/2021 Judge: Hon. Douglas H Wilkins By: Jury Waived Trial Not Guilty Finding		
	Charge #15 WITNESS/JUROR/POLICE/COURT OFFICIAL, INTIMIDATE c268 §13B On: 04/23/2021 Judge: Hon. Douglas H Wilkins By: Jury Waived Trial Not Guilty Finding		
	Charge #16 WITNESS/JUROR/POLICE/COURT OFFICIAL, INTIMIDATE c268 §13B On: 09/17/2019 By: Other Court Event Dismissed		
	Charge #17 RAPE OF CHILD WITH FORCE c265 §22A On: 04/23/2021 Judge: Hon. Douglas H Wilkins By: Jury Waived Trial Not Guilty Finding		
	Charge #18 RAPE OF CHILD WITH FORCE c265 §22A On: 04/22/2021 Judge: Hon. Douglas H Wilkins By: Jury Waived Trial Dismissed		
	Charge #19 INDECENT A&B ON CHILD UNDER 14 c265 §13B On: 04/23/2021 Judge: Hon. Douglas H Wilkins By: Jury Waived Trial Guilty Finding		
	Charge #20 WITNESS/JUROR/POLICE/COURT OFFICIAL, INTIMIDATE c268 §13B On: 04/23/2021 Judge: Hon. Douglas H Wilkins By: Jury Waived Trial Guilty Finding		
	Charge #21 WITNESS/JUROR/POLICE/COURT OFFICIAL, INTIMIDATE c268 §13B On: 04/23/2021 Judge: Hon. Douglas H Wilkins By: Jury Waived Trial Not Guilty Finding		
	Charge #22 OBSCENE MATTER TO MINOR c272 §28 On: 09/20/2019 By: Jury Trial Not Guilty Verdict		
	Charge #23 RAPE OF CHILD WITH FORCE c265 §22A		

Docket Date	Docket Text	File Ref Nbr.	Image Avail.
	On: 04/23/2021 Judge: Hon. Douglas H Wilkins By: Jury Waived Trial Not Guilty Finding Charge #24 RAPE OF CHILD WITH FORCE c265 §22A On: 09/20/2019 By: Jury Trial Not Guilty Verdict Charge #25 INDECENT A&B ON CHILD UNDER 14 c265 §13B On: 04/23/2021 Judge: Hon. Douglas H Wilkins By: Jury Waived Trial Guilty Finding Charge #26 WITNESS/JUROR/POLICE/COURT OFFICIAL, INTIMIDATE c268 §13B On: 04/23/2021 Judge: Hon. Douglas H Wilkins By: Jury Waived Trial Guilty Finding Charge #27 WITNESS/JUROR/POLICE/COURT OFFICIAL, INTIMIDATE c268 §13B On: 04/23/2021 Judge: Hon. Douglas H Wilkins By: Jury Waived Trial Not Guilty Finding Charge #28 CHILD IN SEXUAL ACT, POSE/EXHIBIT c272 §29A(b) On: 09/20/2019 By: Jury Trial Not Guilty Verdict		
04/23/2021	List of exhibits	70	Image
04/23/2021	Verdict affirmed, verdict slip filed	71	Image
04/30/2021	Event Result:: Hearing for Sentence Imposition scheduled on: 04/30/2021 02:00 PM Has been: Held as scheduled Comments: FTR # 2 Hon. Douglas H Wilkins, Presiding Staff: Susan Joaquin, Assistant Clerk Edward Partyka, Assistant Clerk Magistrate Michael T Sarnacki, Esq., Assistant Clerk Magistrate		
04/30/2021	files sentence recommendation Judge: Wilkins, Hon. Douglas H	72	Image
04/30/2021	Notice given to defendant of duty to register as a sex offender. Judge: Wilkins, Hon. Douglas H		
04/30/2021	Acknowledgment of Notification of duty to provide DNA sample received. Judge: Wilkins, Hon. Douglas H		
04/30/2021	Defendant notified of right of appeal to the Appellate Division of the Superior Court within ten (10) days. Judge: Wilkins, Hon. Douglas H		
04/30/2021	Defendant notified of right of appeal to the Appeals Court within thirty (30) days. Judge: Wilkins, Hon. Douglas H		

Docket Date	Docket Text	File Ref Nbr.	Image Avail.
04/30/2021	Defendant sentenced:: Sentence Date: 04/30/2021 Judge: Hon. Douglas H Wilkins Charge #: 19 INDECENT A&B ON CHILD UNDER 14 c265 §13B State Prison Sentence Not Less Than: 2 Years, 0 Months, 0 Days Not More Than: 3 Years, 0 Months, 0 Days Charge #: 25 INDECENT A&B ON CHILD UNDER 14 c265 §13B State Prison Sentence Not Less Than: 2 Years, 0 Months, 0 Days Not More Than: 3 Years, 0 Months, 0 Days Served Concurrently Charge # 19 Case 18-299 Committed to MCI - Cedar Junction (at Walpole) Credits 496 Days Financials: Victim/Witness Assessment on felony G.L. c. 258B, § 8. Amount \$90.00 Further Orders of the Court: Credit by Agreement & Order of the Court		
04/30/2021	Issued on this date: Mittimus for Sentence (All Charges) Sent On: 04/30/2021 15:31:55	73	Image
04/30/2021	Defendant sentenced:: Sentence Date: 04/30/2021 Judge: Hon. Douglas H Wilkins Charge #: 20 WITNESS/JUROR/POLICE/COURT OFFICIAL, INTIMIDATE c268 §13B Served Consecutively Charge # 19 Case 18-299 Charge #: 26 WITNESS/JUROR/POLICE/COURT OFFICIAL, INTIMIDATE c268 §13B Served Consecutively Charge # 19 Case 18-299 Further Orders of the Court: Standard Probation Contract EVALUATION FOR SEX OFFENDER TREATMENT AND COUNSELING ATTEND & COMPLETE SEX OFFENDER TREATMENT IF ORDERED REGISTER AS A SEX OFFENDER STAY AWAY, NO CONTACT WITH VICTIM OR VICTIMS FAMILY NO UNSUPERVISED CONTACT WITH CHILDREN UNDER 16 NOT TO RESIDE OR CARE FOR CHILDREN UNDER 16 Probation: Risk/Need Probation Duration: 3 Years, 0 Months, 0 Days		
04/30/2021	Notice of appeal filed. Applies To: Cintron, Daniel Juan (Defendant); Smith, III, Esq., Joe A (Attorney) on behalf of Cintron, Daniel Juan (Defendant)	74	Image

Case Disposition

Disposition	Date	Case Judge
Disposed by Jury Verdict	04/30/2021	Wilkins, Hon. Douglas H

1879CR00322 Commonwealth vs. Cintron, Daniel Juan

- Case Type:
- Indictment
- Case Status:
- Open
- File Date
- 07/02/2018
- DCM Track:
- C - Most Complex
- Initiating Action:
- RAPE OF CHILD WITH FORCE c265 §22A
- Status Date:
- 07/13/2018
- Case Judge:
- Wilkins, Hon. Douglas H
- Next Event:
-

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

Party Information

Hampden County District Attorney
- Prosecutor

[Alias](#)

Party Attorney

- Attorney
- Eramo, Esq., Rachael T
- Bar Code
- 647866
- Address
- 15 Balance Rock Rd
- Pittsfield, MA 01201
- Phone Number
- (413)212-6657
- Attorney
- Vasiliades, Esq., Elizabeth
- Bar Code
- 569084
- Address
- Hampden District Attorney
- Hall of Justice
- 50 State Street
- Springfield, MA 01102
- Phone Number
- (413)747-1000

[More Party Information](#)

Cintron, Daniel Juan
- Defendant

[Alias](#)

Party Attorney

- Attorney
- Smith, III, Esq., Joe A
- Bar Code
- 680310
- Address
- Law Office of Joe A. Smith III
- 20 Maple St 2nd Floor
- Springfield, MA 01103
- Phone Number
- (413)788-0040

[More Party Information](#)**Party Charge Information**• **Cintron, Daniel Juan**

• - Defendant

Charge # 1:**265/22A/A-1 - Felony** RAPE OF CHILD WITH FORCE c265 §22A

• Original Charge

○ 265/22A/A-1 RAPE OF CHILD WITH FORCE c265 §22A (Felony)

○ Indicted Charge

○

○ Amended Charge

○

Charge Disposition

Disposition Date

Disposition

09/20/2019

Not Guilty Verdict

• **Cintron, Daniel Juan**

• - Defendant

Charge # 2:**265/13H-3 - Felony** INDECENT A&B ON PERSON 14 OR OVER c265 §13H

• Original Charge

○ 265/13H-3 INDECENT A&B ON PERSON 14 OR OVER c265 §13H (Felony)

○ Indicted Charge

○

○ Amended Charge

○

Charge Disposition

Disposition Date

Disposition

09/20/2019

Not Guilty Verdict

• **Cintron, Daniel Juan**

• - Defendant

Charge # 3:**265/13H-3 - Felony** INDECENT A&B ON PERSON 14 OR OVER c265 §13H

• Original Charge

○ 265/13H-3 INDECENT A&B ON PERSON 14 OR OVER c265 §13H (Felony)

○ Indicted Charge

○

○ Amended Charge

○

Charge Disposition

Disposition Date

Disposition

09/20/2019

Not Guilty Verdict

Events

<u>Date</u>	<u>Session</u>	<u>Location</u>	<u>Type</u>	<u>Event Judge</u>	<u>Result</u>
07/13/2018 09:01 AM	Criminal 1 - Ct. Rm. 1	SPRF-3rd FL, CR 1 (SC)	Arraignment	Callan, Hon. Michael K	Held as Scheduled
07/18/2018 09:31 AM	Criminal 1 - Ct. Rm. 1	SPRF-3rd FL, CR 1 (SC)	58A Dangerousness Hearing	Callan, Hon. Michael K	Held as Scheduled
11/07/2018 09:19 AM	Criminal 1 - Ct. Rm. 1		Pre-Trial Hearing		Not Held
11/07/2018 09:29 AM	Criminal 1 - Ct. Rm. 1		Bail Hearing		Held as Scheduled

<u>Date</u>	<u>Session</u>	<u>Location</u>	<u>Type</u>	<u>Event Judge</u>	<u>Result</u>
12/03/2018 09:19 AM	Criminal 1 - Ct. Rm. 1		Pre-Trial Hearing		Held as Scheduled
06/06/2019 09:23 AM	Criminal 1 - Ct. Rm. 1	SPRF-3rd FL, CR 1 (SC)	Hearing on Motion to Continue	Carey, Hon. Richard J	Held as Scheduled
06/06/2019 09:39 AM	Criminal 1 - Ct. Rm. 1		Final Pre-Trial Conference		Not Held
06/20/2019 09:07 AM	Criminal 1 - Ct. Rm. 1		Jury Trial		Not Held
06/20/2019 09:35 AM	Criminal 1 - Ct. Rm. 1	SPRF-3rd FL, CR 1 (SC)	Conference to Review Status	Carey, Hon. Richard J	Held as Scheduled
08/12/2019 09:39 AM	Criminal 1 - Ct. Rm. 1		Final Pre-Trial Conference		Not Held
08/19/2019 09:30 AM	CR Session 6 - Ct. Rm 6		Motion Hearing	Wilkins, Hon. Douglas H	Rescheduled
08/26/2019 09:00 AM	CR Session 6 - Ct. Rm 6		Jury Trial	Wilkins, Hon. Douglas H	Rescheduled
08/26/2019 09:07 AM	Criminal 1 - Ct. Rm. 1		Jury Trial		Not Held
08/27/2019 09:23 AM	CR Session 6 - Ct. Rm 6		Motion Hearing	Wilkins, Hon. Douglas H	Held as Scheduled
08/27/2019 09:39 AM	CR Session 6 - Ct. Rm 6		Final Pre-Trial Conference	Wilkins, Hon. Douglas H	Held as Scheduled
09/04/2019 09:00 AM	CR Session 6 - Ct. Rm 6		Jury Trial	Wilkins, Hon. Douglas H	Held as Scheduled
09/05/2019 09:00 AM	CR Session 6 - Ct. Rm 6	SPRF-2nd FL, CR 8 (SC)	Jury Trial	Wilkins, Hon. Douglas H	Held as Scheduled
09/10/2019 09:07 AM	CR Session 6 - Ct. Rm 6		Jury Trial	Wilkins, Hon. Douglas H	Held as Scheduled
09/11/2019 09:00 AM	CR Session 6 - Ct. Rm 6	SPRF-2nd FL, CR 8 (SC)	Jury Trial	Wilkins, Hon. Douglas H	Held as Scheduled
09/12/2019 09:00 AM	CR Session 6 - Ct. Rm 6	SPRF-2nd FL, CR 8 (SC)	Jury Trial	Wilkins, Hon. Douglas H	Held as Scheduled
09/13/2019 09:00 AM	CR Session 6 - Ct. Rm 6	SPRF-2nd FL, CR 8 (SC)	Jury Trial	Wilkins, Hon. Douglas H	Not Held
09/16/2019 09:00 AM	CR Session 6 - Ct. Rm 6	SPRF-2nd FL, CR 8 (SC)	Jury Trial	Wilkins, Hon. Douglas H	Held as Scheduled
09/17/2019 09:00 AM	CR Session 6 - Ct. Rm 6	SPRF-2nd FL, CR 8 (SC)	Jury Trial	Wilkins, Hon. Douglas H	Held as Scheduled
09/18/2019 09:00 AM	CR Session 6 - Ct. Rm 6	SPRF-2nd FL, CR 8 (SC)	Jury Trial	Wilkins, Hon. Douglas H	Held as Scheduled
09/19/2019 09:00 AM	CR Session 6 - Ct. Rm 6	SPRF-2nd FL, CR 8 (SC)	Jury Trial	Wilkins, Hon. Douglas H	Held as Scheduled
09/20/2019 09:00 AM	CR Session 6 - Ct. Rm 6	SPRF-2nd FL, CR 8 (SC)	Jury Trial	Wilkins, Hon. Douglas H	Held as Scheduled

Ticklers

<u>Tickler</u>	<u>Start Date</u>	<u>Due Date</u>	<u>Days Due</u>	<u>Completed Date</u>
Pre-Trial Hearing	07/13/2018	01/09/2019	180	12/03/2018
Final Pre-Trial Conference	07/13/2018	06/24/2019	346	08/27/2019
Case Disposition	07/13/2018	07/08/2019	360	09/20/2019

Docket Information			
<u>Docket Date</u>	<u>Docket Text</u>	<u>File Ref Nbr.</u>	<u>Image Avail.</u>
07/02/2018	Indictment(s) returned	1	Image
07/10/2018	Attorney appearance On this date Rachael T Eramo, Esq. added as Attorney for the Commonwealth for Prosecutor Hampden County District Attorney		
07/13/2018	Event Result:: Arraignment scheduled on: 07/13/2018 09:01 AM Has been: Held as Scheduled Comments: FTR 1 Hon. Michael K Callan, Presiding Appeared: Staff: Sara Adams, Court Monitor Brian Dolaher, Assistant Clerk Magistrate Michael T Sarnacki, Esq., Assistant Clerk Magistrate		
07/13/2018	Defendant arraigned before Court. Judge: Callan, Hon. Michael K		
07/13/2018	Defendant waives reading of indictment Judge: Callan, Hon. Michael K		
07/13/2018	Plea of not guilty entered on all charges. Judge: Callan, Hon. Michael K		
07/13/2018	The defendant\petitioner is committed without bail for the following reason: Per Order of the Court. without prejudice; Next date: 7/18/18 Judge: Callan, Hon. Michael K	2	
07/13/2018	Commonwealth 's Motion for a dangerous hearing	3	
07/13/2018	Endorsement on Commonwealth 's Motion for a dangerous hearing, (#3.0): ALLOWED Judge: Callan, Hon. Michael K		Image
07/13/2018	Commonwealth 's Motion for court order regarding discovery of recording of child interview	4	
07/13/2018	Endorsement on Commonwealth 's Motion for court order regarding discovery of recording of child interview, (#4.0): ALLOWED by agreement Judge: Callan, Hon. Michael K		Image
07/13/2018	Scheduled: Judge: Callan, Hon. Michael K Event: Bail (58A) Date: 07/18/2018 Time: 09:31 AM Result: Held as Scheduled		
07/13/2018	Attorney appearance On this date Joe A Smith, III, Esq. added as Appointed - Indigent Defendant for Defendant Daniel Juan Cintron Appointment made for the purpose of Case in Chief by Judge Hon. Michael K Callan.		
07/17/2018	Habeas Corpus for defendant issued to Hampshire County House of Correction returnable for 07/18/2018 09:31 AM Bail (58A). Please Have Deft. here at 9AM		
07/18/2018	Case assigned to: DCM Track C - Most Complex was added on 07/18/2018		
07/18/2018	Event Result:: Bail (58A) scheduled on: 07/18/2018 09:31 AM Has been: Held as Scheduled Comments: FTR 1 Hon. Michael K Callan, Presiding Appeared: Staff: Sara Adams, Court Monitor Brian Dolaher, Assistant Clerk Magistrate Michael T Sarnacki, Esq., Assistant Clerk Magistrate		

<u>Docket Date</u>	<u>Docket Text</u>	<u>File Ref Nbr.</u>	<u>Image Avail.</u>
07/18/2018	The defendant\petitioner is committed without bail for the following reason: Held due to dangerousness C.276 § 58A. defendant stipulates to dangerousness held without right to bail for 120 days. Next date: 11/7/18 Judge: Callan, Hon. Michael K	5	
07/18/2018	Commonwealth 's Motion to impound materials submitted during dangerousness hearing	6	Image
07/18/2018	Endorsement on Motion to impound materials submitted during dangerousness hearing, (#6.0): ALLOWED Judge: Callan, Hon. Michael K		Image
08/27/2018	Defendant 's Motion for funds for an investigator and affidavit in support	7	Image
10/04/2018	Endorsement on Motion for funds for an investigator and affidavit in support, (#7.0): ALLOWED (n. via mail) Judge: Wrenn, Hon. Daniel M		Image
11/06/2018	Habeas Corpus for defendant issued to Hampshire County House of Correction returnable for 11/07/2018 09:19 AM Pre-Trial Hearing. Please Have Deft. here at 9AM		
11/07/2018	Event Result:: Pre-Trial Hearing scheduled on: 11/07/2018 09:19 AM Has been: Not Held For the following reason: Joint request of parties Comments: FTR 1 (oral mtc pth hearing allowed) Hon. Daniel M Wrenn, Presiding Appeared: Staff: Amy (DIGITAL RECORDING DEVICE) Foulks, Court Monitor Michael T Sarnacki, Esq., Assistant Clerk Magistrate Lauramarie Sirois, Assistant Clerk Magistrate		
11/07/2018	Event Result:: Bail Hearing scheduled on: 11/07/2018 09:29 AM Has been: Held as Scheduled Comments: FTR 1 Hon. Daniel M Wrenn, Presiding Appeared: Staff: Amy (DIGITAL RECORDING DEVICE) Foulks, Court Monitor Michael T Sarnacki, Esq., Assistant Clerk Magistrate Lauramarie Sirois, Assistant Clerk Magistrate		
11/07/2018	Bail warnings read		
11/07/2018	Bail set at \$0.00 Surety, \$50,000.00 Cash. with conditions 1) GPS, zero curfew with windows for legal/medical/religious 2) to reside with mother 3) no contact direct/indirect with the victims 4) no contact direct/indirect with witnesses 5) abide by all restraining orders Next Date: next date: 9/20/19	8	
11/07/2018	Defendant oral motion to continue PTH allowed j. wrenn Judge: Wrenn, Hon. Daniel M		
11/30/2018	Habeas Corpus for defendant issued to Hampshire County House of Correction returnable for 12/03/2018 09:19 AM Pre-Trial Hearing. Please Have Deft. Here at 9AM		
12/03/2018	Event Result:: Pre-Trial Hearing scheduled on: 12/03/2018 09:19 AM Has been: Held as Scheduled Comments: FTR 1 Lauramarie Sirois, Presiding Appeared: Staff: Brian Dolaher, Assistant Clerk Magistrate Amy (DIGITAL RECORDING DEVICE) Foulks, Court Monitor Michael T Sarnacki, Esq., Assistant Clerk Magistrate		
06/05/2019	Commonwealth 's Motion to convert trial date to status and affidavit..	9	Image

<u>Docket Date</u>	<u>Docket Text</u>	<u>File Ref Nbr.</u>	<u>Image Avail.</u>
06/05/2019	Commonwealth 's Motion to impound affidavit related to motion to convert trial date to status.	10	Image
06/06/2019	Event Result:: Hearing on Motion to Continue scheduled on: 06/06/2019 09:23 AM Has been: Held as Scheduled Comments: FTR 1 Hon. Richard J Carey, Presiding Staff: Brian Dolaher, Assistant Clerk Magistrate Michael T Sarnacki, Esq., Assistant Clerk Magistrate Lauramarie Sirois, Assistant Clerk Magistrate		
06/06/2019	Event Result:: Final Pre-Trial Conference scheduled on: 06/06/2019 09:39 AM Has been: Not Held For the following reason: Request of Commonwealth Comments: FTR 1 Hon. Richard J Carey, Presiding Staff: Brian Dolaher, Assistant Clerk Magistrate Michael T Sarnacki, Esq., Assistant Clerk Magistrate Lauramarie Sirois, Assistant Clerk Magistrate		
06/06/2019	Event Result:: Jury Trial scheduled on: 06/20/2019 09:07 AM Has been: Not Held For the following reason: Request of Commonwealth Hon. Richard J Carey, Presiding Staff: Brian Dolaher, Assistant Clerk Magistrate Michael T Sarnacki, Esq., Assistant Clerk Magistrate Lauramarie Sirois, Assistant Clerk Magistrate		
06/06/2019	Endorsement on Commonwealth 's Motion to convert trial date to status and affidavit.., (#9.0): ALLOWED		Image
06/06/2019	Endorsement on Commonwealth 's Motion to impound affidavit related to motion to convert trial date to status., (#10.0): ALLOWED		Image
06/20/2019	Event Result:: Conference to Review Status scheduled on: 06/20/2019 09:35 AM Has been: Held as Scheduled Comments: FTR 1 Hon. Richard J Carey, Presiding Staff: Brian Dolaher, Assistant Clerk Magistrate Michael T Sarnacki, Esq., Assistant Clerk Magistrate Lauramarie Sirois, Assistant Clerk Magistrate		
06/25/2019	Event Result:: Jury Trial scheduled on: 08/26/2019 09:07 AM Has been: Not Held For the following reason: Transferred to another session Hon. Richard J Carey, Presiding Staff: Brian Dolaher, Assistant Clerk Magistrate Michael T Sarnacki, Esq., Assistant Clerk Magistrate Lauramarie Sirois, Assistant Clerk Magistrate		
08/09/2019	Defendant 's Motion to continue.	11	Image
08/09/2019	Affidavit of support of motion to continue.	11.1	Image
08/12/2019	Event Result:: Final Pre-Trial Conference scheduled on: 08/12/2019 09:39 AM Has been: Not Held For the following reason: Joint request of parties MTC is allowed MTC to be filed in writing Comments: FTR 1 Hon. James G Reardon, Jr., Presiding Staff: Brian Dolaher, Assistant Clerk Magistrate Michael T Sarnacki, Esq., Assistant Clerk Magistrate		

<u>Docket Date</u>	<u>Docket Text</u>	<u>File Ref Nbr.</u>	<u>Image Avail.</u>
08/12/2019	Event Result:: Motion Hearing scheduled on: 08/19/2019 09:30 AM Has been: Rescheduled For the following reason: By Court prior to date Hon. Douglas H Wilkins, Presiding		
08/12/2019	Event Result:: Jury Trial scheduled on: 08/26/2019 09:00 AM Has been: Rescheduled For the following reason: By Court prior to date Hon. Douglas H Wilkins, Presiding Staff: Terrence C Ginley, Assistant Clerk Magistrate		
08/19/2019	Joe A Smith, III, Esq., Rachael T Eramo, Esq.'s Joint Motion to Advance Trial Date For Purposes of Empanelment	12	
08/19/2019	Endorsement on , (#12.0): ALLOWED Judge: Wilkins, Hon. Douglas H		
08/26/2019	Habeas Corpus for defendant issued to Hampshire County House of Correction returnable for 08/27/2019 09:23 AM Motion Hearing. Please Have deft. here at 9AM		
08/27/2019	Event Result:: Motion Hearing scheduled on: 08/27/2019 09:23 AM Has been: Held as Scheduled Comments: FTR6 Foley Hon. Douglas H Wilkins, Presiding Staff: Terrence C Ginley, Assistant Clerk Magistrate		
08/27/2019	Event Result:: Final Pre-Trial Conference scheduled on: 08/27/2019 09:39 AM Has been: Held as Scheduled Comments: FTR6 Foley Hon. Douglas H Wilkins, Presiding Staff: Terrence C Ginley, Assistant Clerk Magistrate		
08/27/2019	Defendant 's Motion for additional funds for an investigator and affidavit in support	13	Image
08/27/2019	Endorsement on Motion for additional funds for an investigator and affidavit in support, (#13.0): ALLOWED to \$2,500. (n via mail)		Image
08/27/2019	Defendant 's Motion for attorney conducted individual voir dire of prospective jurors	14	Image
08/27/2019	Commonwealth 's Motion for voir dire questions	15	Image
08/27/2019	Commonwealth 's Motion in limine to admit evidence of prior bad acts of the defendant	16	Image
08/27/2019	Defendant 's Motion to preclude reference to complainants as "victims"	17	Image
08/27/2019	Endorsement on Motion to preclude reference to complainants as "victims", (#17.0): ALLOWED		Image
08/27/2019	Commonwealth 's Motion for joinder of related offenses for trial pursuant to Massachusetts rules of criminal procedure 9(a)	18	Image
08/27/2019	Endorsement on Motion for joinder of related offenses for trial pursuant to Massachusetts rules of criminal procedure 9(a), (#18.0): ALLOWED by agreement		Image
08/27/2019	Hampden County District Attorney's Memorandum in support of its motion for joinder or related offenses for trial pursuant to Massachusetts rules of criminal procedure 9(a)	19	Image
08/27/2019	Joint Pre-Trial Memorandum filed: Judge: Wilkins, Hon. Douglas H	20	Image
09/04/2019	Event Result:: Jury Trial scheduled on: 09/04/2019 09:00 AM Has been: Held as Scheduled		

<u>Docket Date</u>	<u>Docket Text</u>	<u>File Ref Nbr.</u>	<u>Image Avail.</u>
	Comments: FTR 8- Aarons Hon. Douglas H Wilkins, Presiding Staff: William T Walsh, Jr., Assistant Clerk Magistrate		
09/05/2019	Event Result:: Jury Trial scheduled on: 09/05/2019 09:00 AM Has been: Held as Scheduled Comments: FTR 8- C. Aarons Hon. Douglas H Wilkins, Presiding Staff: William T Walsh, Jr., Assistant Clerk Magistrate		
09/09/2019	Habeas Corpus for defendant issued to Hampshire County House of Correction returnable for 09/10/2019 09:07 AM Jury Trial. Please have Deft. Here at 9AM		
09/10/2019	Event Result:: Jury Trial scheduled on: 09/10/2019 09:07 AM Has been: Held as Scheduled Comments: FTR8CA Hon. Douglas H Wilkins, Presiding Staff: William T Walsh, Jr., Assistant Clerk Magistrate		
09/10/2019	Habeas Corpus for defendant issued to Hampshire County House of Correction returnable for 09/11/2019 09:00 AM Jury Trial. Please Have Deft. Here at 9AM		
09/10/2019	Defendant 's Motion to sequester witnesses.	21	Image
09/10/2019	Endorsement on Motion to sequester witnesses., (#21.0): ALLOWED Judge: Wilkins, Hon. Douglas H		Image
09/10/2019	Defendant 's Motion to sequester witnesses	21.1	Image
09/10/2019	Endorsement on Defendant 's Motion to sequester witnesses, (#21.1): ALLOWED		Image
09/11/2019	Event Result:: Jury Trial scheduled on: 09/11/2019 09:00 AM Has been: Held as Scheduled Comments: C. Aarons is the FTR monitor Hon. Douglas H Wilkins, Presiding Staff: William T Walsh, Jr., Assistant Clerk Magistrate		
09/11/2019	Habeas Corpus for defendant issued to Hampshire County House of Correction returnable for 09/12/2019 09:00 AM Jury Trial. Please Have Deft. here at 9AM		
09/12/2019	Event Result:: Jury Trial scheduled on: 09/12/2019 09:00 AM Has been: Held as Scheduled Comments: FTR8CA Hon. Douglas H Wilkins, Presiding Staff: William T Walsh, Jr., Assistant Clerk Magistrate		
09/12/2019	Event Result:: Jury Trial scheduled on: 09/13/2019 09:00 AM Has been: Not Held For the following reason: Request of Defendant Hon. Douglas H Wilkins, Presiding Staff: William T Walsh, Jr., Assistant Clerk Magistrate		
09/16/2019	Event Result:: Jury Trial scheduled on: 09/16/2019 09:00 AM Has been: Held as Scheduled Comments: FTR8CA Hon. Douglas H Wilkins, Presiding Staff: William T Walsh, Jr., Assistant Clerk Magistrate		
09/16/2019	Habeas Corpus for defendant issued to Hampshire County House of Correction returnable for 09/17/2019 09:00 AM Jury Trial. Please Have Deft. here at 9AM		

<u>Docket Date</u>	<u>Docket Text</u>	<u>File Ref Nbr.</u>	<u>Image Avail.</u>
09/16/2019	Defendant 's Motion for requiring finding of not guilty	22	Image
09/16/2019	Endorsement on Motion for requiring finding of not guilty , (#22.0): DENIED Judge: Wilkins, Hon. Douglas H		Image
09/16/2019	Defendant 's Motion for requiring finding of not guilty (renewed).	23	
09/16/2019	Endorsement on Motion for requiring finding of not guilty , (#23.0): DENIED Judge: Wilkins, Hon. Douglas H		Image
09/16/2019	Defendant 's Motion for required finding of not guilty	23.1	Image
09/16/2019	Endorsement on Defendant 's Motion for required finding of not guilty, (#23.1): DENIED		Image
09/17/2019	Event Result:: Jury Trial scheduled on: 09/17/2019 09:00 AM Has been: Held as Scheduled Comments: FTR8CA Hon. Douglas H Wilkins, Presiding Staff: William T Walsh, Jr., Assistant Clerk Magistrate		
09/18/2019	Event Result:: Jury Trial scheduled on: 09/18/2019 09:00 AM Has been: Held as Scheduled Comments: FTR8CA Hon. Douglas H Wilkins, Presiding Staff: William T Walsh, Jr., Assistant Clerk Magistrate		
09/18/2019	Habeas Corpus for defendant issued to Hampshire County House of Correction returnable for 09/19/2019 09:00 AM Jury Trial. Please have defendant here by 9am		
09/19/2019	Event Result:: Jury Trial scheduled on: 09/19/2019 09:00 AM Has been: Held as Scheduled Comments: FTR CR #8 - C. Aarons, monitor Hon. Douglas H Wilkins, Presiding Staff: William T Walsh, Jr., Assistant Clerk Magistrate		
09/20/2019	Event Result:: Jury Trial scheduled on: 09/20/2019 09:00 AM Has been: Held as Scheduled Comments: FTR#8-T. Foley-CM/L. Sirois-ACM Hon. Douglas H Wilkins, Presiding Staff: William T Walsh, Jr., Assistant Clerk Magistrate		
09/20/2019	Offense Disposition:: Charge #1 RAPE OF CHILD WITH FORCE c265 §22A On: 09/20/2019 Judge: Hon. Douglas H Wilkins By: Jury Trial Not Guilty Verdict Charge #2 INDECENT A&B ON PERSON 14 OR OVER c265 §13H On: 09/20/2019 Judge: Hon. Douglas H Wilkins By: Jury Trial Not Guilty Verdict Charge #3 INDECENT A&B ON PERSON 14 OR OVER c265 §13H On: 09/20/2019 Judge: Hon. Douglas H Wilkins By: Jury Trial Not Guilty Verdict		
09/20/2019	List of exhibits	24	Image
09/20/2019	Verdict affirmed, verdict slip filed	25	Image
09/20/2019	Verdict affirmed, verdict slip filed	26	Image
09/20/2019	Verdict affirmed, verdict slip filed	27	Image

Docket Date	<i>Docket Text</i>	File Ref Nbr.	<i>Image Avail.</i>
12/10/2020	Attorney appearance On this date Elizabeth Vasiliades, Esq. added for Prosecutor Hampden County District Attorney	28	Image

Case Disposition

Disposition	Date	Case Judge
Disposed by Jury Verdict	09/20/2019	Wilkins, Hon. Douglas H