

REDACTED

S.J.C. No. DAR-_____
App. Ct. No. 2026-P-0611

Commonwealth of Massachusetts Supreme Judicial Court

COMMONWEALTH,
APPELLEE
v.

DAVID C. REED,
APPELLANT

ON APPEAL FROM A JUDGMENT OF THE DUDLEY DISTRICT COURT

APPLICATION FOR DIRECT APPELLATE REVIEW
FOR DAVID C. REED

HAYLIE JACOBSON
BBO #712183

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June 4, 2026

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REQUEST FOR DIRECT APPELLATE REVIEW

This appeal presents the important and novel question whether due process prohibits a probation violation hearing when the probationer is not competent to stand trial.

The judge below recognized that other trial court judges have declined to hold violation hearings when the probationer is not competent. He noted, however, that the constitutionality of such proceedings “has not been determined by the appellate courts in Massachusetts.” See *post*, at 32-33. In the absence of guidance from this Court, the judge went forward with the violation hearing against David Reed, despite the fact that Mr. Reed was not competent. At the close of the hearing, the judge found Mr. Reed in violation, terminated his continuance without a finding, entered a finding of guilty, and sentenced him to six months in the house of correction.

Pursuant to Mass. R.A.P. 11, Mr. Reed respectfully requests that this Court allow direct appellate review of those rulings and hold that an incompetent probationer may not be subjected to a violation hearing or sentenced to incarceration.

STATEMENT OF PRIOR PROCEEDINGS & FACTS

On September 25, 2023, at the age of 68, David Reed admitted to sufficient facts on one count of violating an abuse prevention order, two counts of assault and battery on a police officer, and one count of simple assault and battery. The case was continued without a finding for one year. Between March and April 2024, three probation

violation notices were filed based on new criminal complaints charging domestic assault and battery and violating a 209A order.

A hearing was held on September 17, 2024, regarding Mr. Reed's competency to stand trial. The evidence at that hearing indicated that, [REDACTED]

[REDACTED]
[REDACTED]
[REDACTED]

[REDACTED] The judge (Pellegrini, J.) found that Mr. Reed lacked competence, and the new criminal complaints were later dismissed at the end of the time period outlined in G.L. c. 123, §16(f).

Mr. Reed's motion to dismiss *this* case in the interest of justice under §16(f), however, was denied. And on July 8, 2025, probation requested that the court proceed with a violation hearing. Defense counsel objected based on Mr. Reed's continued incompetency, but the judge (Abdella, J.), ordered that the violation hearing proceed.

The hearing was held on July 25, 2025. Prior to the start of the hearing, Judge Abdella addressed the issue of Mr. Reed's lack of competence. He concluded, based on a brief analysis of the factors in *Abbott A. v. Commonwealth*, 458 Mass. 24 (2010)—that is, the defendant's interest, the Commonwealth's interest, and the risk of error—that the violation hearing could proceed. See *post*, at 32-35 (judge's oral findings). Defense counsel again objected.

At the adjudicatory phase of the hearing, the probation officer presented documentary evidence (including police reports regarding

the alleged new offenses) and the testimony of the complainant in the new offenses charging violations of a 209A order and assault and battery on a family member. Defense counsel cross-examined her but did not present any further evidence. The judge found that Mr. Reed had violated the conditions of his probation.

After hearing from the probation officer and defense counsel, the judge terminated the continuance without a finding, entered a finding of guilty on the underlying charges, and sentenced Mr. Reed to six months in the house of correction. Counsel filed a timely notice of appeal the same day as the hearing. The case was entered in the Appeals Court on May 4, 2026. Mr. Reed's brief was filed on May 29, 2026.

ISSUE PRESENTED

Whether, consistent with the right to due process of law under the Fourteenth Amendment to the United States Constitution and arts. 1, 10, and 12 of the Massachusetts Declaration of Rights, a person who is not competent to stand trial—and who therefore cannot understand the proceedings or meaningfully consult with their attorney—may be subjected to a probation violation hearing, revocation of probation, and imprisonment.

Mr. Reed moved to dismiss the case in the interest of justice and objected to the judge's decision to move forward with the probation violation hearing in light of his incompetency. In addition, the judge engaged in a due process analysis in deciding to hold the violation hearing. Therefore, Mr. Reed's argument that the hearing violated his

right to due process of law is preserved for this Court's review.

ARGUMENT

The District Court violated Mr. Reed's right to due process of law by holding a probation violation hearing and sentencing him to six months' incarceration when he was not competent to stand trial.

"It is axiomatic that the trial, conviction, or sentencing of a legally incompetent person violates that person's constitutional right to due process" under both art. 12 and the Fourteenth Amendment. *Commonwealth v. Simpson*, 428 Mass. 646, 649 (1999). See also *Drope v. Missouri*, 420 U.S. 162, 171 (1975). Because a probation violation hearing is part of the sentencing process, holding such a hearing when the probationer is not competent runs afoul of the prohibition against "sentencing ... a legally incompetent person." *Simpson, supra*. And subjecting an incompetent probationer to a violation hearing inflicts the same basic unfairness as subjecting an incompetent defendant to a trial—it puts the probationer at risk of incarceration, potentially for years or for life, based on a proceeding that is fundamentally unreliable.

A. A probation violation hearing is part of the sentencing process, and sentencing an incompetent person is a per se violation of due process.

"The need for competency survives trial and extends through the sentencing phase of a criminal proceeding." *United States v. Pellerito*, 878 F.2d 1535, 1544 (1st Cir. 1989). Accord *Simpson, supra*. And this Court has repeatedly explained that "a probation violation hearing is part of the sentencing process." *Commonwealth v. Pena*, 462 Mass. 183, 191 n.8 (2012). See also *Commonwealth v. Faulkner*, 418 Mass.

352, 360 (1994). Because “a probation violation hearing remains a point in the sentencing process” and “the defendant has a right” not to be sentenced while incompetent, probationers also have the right not to be subjected to a violation hearing when they are incompetent. See *Faulkner*, 418 Mass. at 360 (discussing right to counsel).

That a probation violation hearing is considered part of the sentencing process is no mere technicality. At the dispositional phase of a violation hearing, “the judge must determine the appropriate disposition for the defendant,” and any punishment imposed is for the underlying offense, not the violation. See *Commonwealth v. Eldred*, 480 Mass. 90, 102 (2018). In other words, imposition of a disposition after a finding of a probation violation is indistinguishable from sentencing a defendant after trial. Because the latter violates due process when the defendant is not competent, so does the former.

B. *Subjecting an incompetent person to a probation violation hearing violates due process under the traditional Mathews v. Eldridge test.*

Even setting aside the right to be competent at sentencing, holding a violation hearing when the probationer is not competent violates due process under the traditional *Mathews v. Eldridge*, 424 U.S. 319 (1976), balancing test. To determine whether due process permits a particular proceeding after the defendant has been found not competent, this Court weighs: (1) “the private interest that will be affected by the official action,” (2) the government’s interest, and (3) “the risk of erroneous deprivation of liberty.” See *Matter of a Juvenile*, 485 Mass. 831, 835, 837 (2020).

1. The defendant's liberty interest at a violation hearing is substantial.

“The probationer has a liberty interest at stake in the revocation proceeding.” *Commonwealth v. Durling*, 407 Mass. 108, 115 (1990). After all, a probationer who is found in violation faces the possibility of imprisonment. See *Commonwealth v. Kelsey*, 464 Mass. 315, 325 (2013). Short of incarceration, a violation hearing can also lead to more restrictive conditions of probation, an extension of the probationary period, or both. See Rule 8(d)(iii) of the District/Municipal Court Rules for Probation Violation Proceedings. If the case was originally continued without a finding, the outcome of a violation hearing may be the difference between a conviction and dismissal of the charges. See Rule 9(b) of the District/Municipal Court Rules for Probation Violation Proceedings. In other words, the stakes at a probation violation hearing are remarkably similar to a criminal trial. See *Kelsey*, *supra*.

Indeed, the “enormity of the stakes ... is clearly apparent in this case.” *Matter of a Juvenile*, 485 Mass. at 838. If Mr. Reed had not been found in violation, or if his CWOFF had not been terminated, the underlying charges would have been dismissed and the case would have been “over” without any sentence of incarceration. *Id.* Instead, his record now reflects a guilty finding on the underlying charges, and he was sentenced to (and served) six months’ imprisonment.

2. The government's interest in public safety does not require a probation violation hearing.

The fact that courts can detain a probationer pending a violation hearing diminishes the government’s interest in conducting the

hearing when the probationer is not competent. Compare *Matter of a Juvenile*, 485 Mass. at 839. See *Eldred*, 480 Mass. at 98. If the alleged violation is a criminal offense, the probationer could also be charged and either placed on conditions of release or detained without bail. See G.L. c. 276, §§58, 58A; *Abbott A. v. Commonwealth*, 458 Mass. 24, 33 (2010); *Commonwealth v. Torres*, 441 Mass. 499, 507 (2004). And if the probationer remains incompetent and their release “create[s] a likelihood of serious harm,” they can be civilly committed. See generally G.L. c. 123, §§8,12,16,18. “Given these options, the safety of the public does not require that a [violation] hearing proceed when the defendant is incompetent to stand trial.” *Matter of a Juvenile*, 485 Mass. at 839.

The Commonwealth does also have an interest in “imposing effective punishment on a convicted criminal *when rehabilitation is not possible*.” *Durling*, 407 Mass. at 116 (emphasis added). But as explained *infra*, a probationer’s incompetency compromises the reliability and accuracy of the violation hearing—i.e., the process for determining whether probation has been violated and whether rehabilitation is possible. And the government can have no legitimate interest in imposing punishment where there has not been a fair and reliable determination of the probationer’s ability to “rehabilitate himself on probation.” *Kelsey*, 464 Mass. at 321. See *Durling*, 407 Mass. at 116.

3. *Subjecting incompetent probationers to violation hearings will lead to wrongful findings of violation, wrongful revocations, and wrongful imprisonment.*

The interest in a reliable, accurate evaluation of whether the probationer violated probation—“the only interest shared by both

parties—is of central concern in determining the scope of a probationer’s due process rights.” *Kelsey*, 464 Mass. at 321. A probationer’s lack of competency fundamentally undermines the reliability and accuracy of the probation violation proceeding and creates an untenable risk of both “factual” and “strategic” error. See *Matter of a Juvenile*, 485 Mass. at 837.

When the probationer is incompetent, there is a significant risk that the judge will find the probationer in violation when they have not, in fact, violated probation. “[A] lawyer representing an incompetent client in a probation revocation will be hamstrung in disputing the [Commonwealth’s] evidence and marshalling any sort of contrary defense case.” *State v. Gonzalez*, 57 Kan. App. 2d 618, 626 (2019). Cf. *Commonwealth v. Carson C.*, 489 Mass. 54, 60 (2022). And counsel’s inability to marshal a defense will lead to innocent people being found in violation. For example, a probationer charged with failing to pay restitution who is unable to pay can only present that defense if they can understand the alleged violation, articulate their financial circumstances, and provide supporting documentation. See *Commonwealth v. Pereira*, 93 Mass. App. Ct. 146, 150-151 (2018). More generally, an incompetent probationer may have acted in self-defense, or may have an alibi or knowledge of a third-party culprit or information that could be used to impeach a witness, but if they cannot convey that information to counsel—or cannot understand that that information is relevant—they may be found in violation anyway.

The risk of factual error at a violation hearing is heightened by the absence of procedural protections that safeguard against wrongful convictions at trial. A probation violation need only be proved by a preponderance of the evidence. See *Eldred*, 480 Mass. at 101. Contrast *Abbott A.*, 458 Mass. at 31-32. And a finding of violation can be based entirely on hearsay. See *Durling*, 407 Mass. at 118-120. See also *People v. Concepcion*, 972 N.Y.S.2d 818, 821 (App. Term 2013). The absence of these procedural safeguards makes the protections that probationers do have—including the rights to present a defense, *Kelsey*, 464 Mass. at 320, call witnesses, *Commonwealth v. Hartfield*, 474 Mass. 474, 481 (2016), and present mitigating circumstances, *Pena*, 462 Mass. at 188—all the more important. See *Concepcion*, 972 N.Y.S.2d at 821. These rights “are directly related to ensuring the accuracy of fact-finding.” *Lopez v. Evans*, 25 N.Y.3d 199, 206 (2015). But “[w]ithout competency, the minimal due process rights guaranteed to probationers at probation revocation hearings would be rendered useless.” *Donald v. State*, 930 N.E.2d 76, 80 (Ind. App. 2010). See *Hinnant, petitioner*, 424 Mass. 900, 907 (1997). In short, holding a violation hearing when the probationer is incompetent not only undermines the accuracy and reliability of the proceeding but also threatens the probationer’s other due process rights.

A probationer’s incompetency also creates a risk that the disposition will be needlessly harsh due to the probationer’s inability to assist counsel in presenting mitigating circumstances to the court. “After a violation is found, ‘[h]ow best to deal with the probationer is

within the judge’s discretion.” *Eldred*, 480 Mass. at 102, quoting *Durling*, 407 Mass. at 111. The judge must consider the circumstances of the underlying offense and the violation, as well as “the unique circumstances facing each person they encounter.” See *Eldred*, 480 Mass. at 95, 103. But counsel cannot effectively present the probationer’s “unique circumstances”—which might weigh against revocation or in favor of a lesser sentence—without their client’s assistance. Compare *Matter of a Juvenile*, 485 Mass. at 840. This not only creates a risk that probation will be erroneously revoked, or that a needlessly long sentence will be imposed, but also undermines the probationer’s constitutional right to “present [the] court with mitigating circumstances and to put [the] probation violations in [the] ‘best possible light.’” *Pena*, 462 Mass. at 188, quoting *United States v. Morin*, 889 F.2d 328, 332 (1st Cir. 1989). See *Black v. Romano*, 471 U.S. 606, 612 (1985).

A probationer’s lack of competency “also affects the risk of strategic error.” *Abbott A.*, 458 Mass. at 29. “This risk of strategic error is greatest at trial, where the decision to proceed with trial rather than plead guilty, perhaps in return for a prosecutor’s plea recommendation, may substantially affect the severity of a defendant’s sentence on conviction.” *Id.* A probationer accused of a violation faces a similar risk. An incompetent probationer cannot make the strategic decision to waive the violation hearing, and cannot waive it knowingly and voluntarily, see *Commonwealth v. Santana*, 489 Mass. 211, 218 (2022), depriving them of the ability to bargain with probation for a more favorable dispositional recommendation. See *Hinnant*, 424 Mass. at 907

(rendition hearing where defendant is incompetent violates due process in part because they cannot “decide whether to waive rendition or challenge it”).

And probation’s recommendation could make the difference between termination and reprobation, between reprobation and revocation, or between several months’ incarceration and several years’. In other words, an incompetent probationer could receive a significantly harsher disposition simply because they are not competent and not able to waive the hearing. This is precisely the sort of erroneous deprivation of liberty that due process protects against.

“Where the liberty interest at stake in a [probation violation] hearing is so high, where the government’s interest in proceeding with the hearing despite the defendant’s incompetency is so low, and where the risk of factual and strategic error in determining whether” probation was violated, whether to revoke probation, and, if so, what sentence to impose, “is so great, ... due process requires that [probation violation] hearings be stayed until such time as a defendant becomes competent.” *Matter of a Juvenile*, 485 Mass. at 841.

REASONS FOR DIRECT APPELLATE REVIEW

Whether due process prohibits an incompetent probationer from being subjected to a violation hearing, revocation, and incarceration is a novel question of law that has not previously been addressed by this Court or the Appeals Court and is “of such public

interest that justice requires a final determination by [this] Court.”
Mass. R.A.P. II(a).

No appellate court in Massachusetts has yet grappled with the question presented here. But among the courts that have addressed this issue, there appears to be a consensus that holding a violation hearing when the probationer is not competent violates due process. See *Smith v. Commonwealth*, 687 S.W.3d 914, 920 (Ky. App. 2024); *Gonzalez*, 57 Kan. App. 2d at 627; *Lewis v. State*, 505 S.W.3d 725, 729-730 (Ark. App. 2016); *Concepcion*, 972 N.Y.S.2d at 821; *Donald*, 930 N.E.2d at 80; *Harrison v. State*, 905 So.2d 858, 861 (Ala. Crim. App. 2005); *State ex rel. Vanderbeke v. Endicott*, 210 Wis.2d 502, 515-516 (1997); *State v. Qualls*, 50 Ohio App. 3d 56, 58 (1988). See also *Lopez*, 25 N.Y.3d at 206-207 (parolee must be competent at revocation hearing); *People v. Martin*, 61 Mich. App. 102, 108 (1975) (probationer cannot plead guilty to violation while incompetent).

Given the immense liberty interest at stake at a probation violation hearing, this Court should grant direct appellate review and should make clear that such a hearing may not proceed when the probationer is not competent.

Respectfully submitted,

DAVID C. REED

By his attorney,

/s/ Haylie Jacobson
HAYLIE JACOBSON, BBO #712183

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June 4, 2026

CERTIFICATE OF COMPLIANCE

I hereby certify that this application for direct appellate review complies with Mass. R.A.P. 11 and 20(a). The application is set in 14-point Athelas font and its argument section contains 1,979 words, as determined by the “Word Count” feature in Microsoft Word

/s/ Haylie Jacobson

HAYLIE JACOBSON, BBO #712183

CERTIFICATE OF SERVICE

I hereby certify that in the matter of *Commonwealth v. David C. Reed*, S.J.C. No. DAR-____, Appeals Court No. 2026-P-0611, I have today served this Application for Direct Appellate Review on the Commonwealth by directing a copy through the electronic filing system to:

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June 4, 2026

2364CR001203 Commonwealth vs. Reed, David C

- Case Type:
- Criminal
- Case Status:
- Closed
- File Date
- 04/21/2023
- DCM Track:
-
- Initiating Action:
- A&B ON FAMILY / HOUSEHOLD MEMBER c265 §13M(a)
- Status Date:
- 07/25/2025
- Case Judge:
-
- Next Event:
-

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

Party Information

Reed, David C
- Defendant

Alias

Party Attorney

- Attorney
- DeGoosh-DiMarzio, Esq., Eric Paul
- Bar Code
- 684091
- Address
- The Law Office of Eric P. DiMarzio
PO Box 75
Chepachet, RI 02814
- Phone Number
- (508)971-1251

[More Party Information](#)

Party Charge Information

- **Reed, David C**
- - Defendant
- **Charge # 1:**
265/13M/B-0 - Misdemeanor - more than 100 days incarceration A&B ON FAMILY / HOUSEHOLD MEMBER c265 §13M(a)

- Original Charge
- 265/13M/B-0 A&B ON FAMILY / HOUSEHOLD MEMBER c265 §13M(a) (Misdemeanor - more than 100 days incarceration)
- Amended Charge
-

Charge Disposition

Disposition Date
Disposition
09/25/2023
Dismissed - Request of Commonwealth

- **Reed, David C**
- - Defendant
- **Charge # 2:**
209A/7-4 - Misdemeanor - more than 100 days incarceration ABUSE PREVENTION ORDER, VIOLATE c209A §7

- Original Charge
- 209A/7-4 ABUSE PREVENTION ORDER, VIOLATE c209A §7 (Misdemeanor - more than 100 days incarceration)
- Amended Charge
-

Charge Disposition

Disposition Date
Disposition
09/25/2023
Continued Without a Finding
07/25/2025
Guilty - Probation violation found

- **Reed, David C**
- - Defendant
- **Charge # 3:**
265/13A/F-0 - Felony A&B, VIOL ABUSE PREVENTION ORDER c265 §13A(b)

- Original Charge
- 265/13A/F-0 A&B, VIOL ABUSE PREVENTION ORDER c265 §13A(b) (Felony)
- Amended Charge
-

Charge Disposition

Disposition Date
Disposition
09/25/2023
Dismissed - Request of Commonwealth

- **Reed, David C**
- - Defendant
- **Charge # 4:**
265/13D/A-0 - Misdemeanor - more than 100 days incarceration A&B ON POLICE OFFICER c265 §13D

- Original Charge
- 265/13D/A-0 A&B ON POLICE OFFICER c265 §13D (Misdemeanor - more than 100 days incarceration)
- Amended Charge
-

Charge Disposition

Disposition Date
Disposition
09/25/2023
Continued Without a Finding
07/25/2025
Guilty - Probation violation found

- **Reed, David C**
- - Defendant
- **Charge # 5:**
265/13D/A-0 - Misdemeanor - more than 100 days incarceration A&B ON POLICE OFFICER c265 §13D

- Original Charge
- 265/13D/A-0 A&B ON POLICE OFFICER c265 §13D (Misdemeanor - more than 100 days incarceration)
- Amended Charge
-

Charge Disposition

Disposition Date

Disposition
09/25/2023
Continued Without a Finding
07/25/2025
Guilty - Probation violation found

- Reed, David C**

- Defendant

- Charge # 6:**

- 265/13A/B-1 - Misdemeanor - more than 100 days incarceration** A&B c265 §13A(a)

- Original Charge

- 265/13A/B-1 A&B c265 §13A(a) (Misdemeanor - more than 100 days incarceration)

- Amended Charge

-

Charge Disposition

Disposition Date
Disposition
09/25/2023
Continued Without a Finding
07/25/2025
Guilty - Probation violation found

Events

<u>Date</u>	<u>Session</u>	<u>Location</u>	<u>Type</u>	<u>Result</u>
04/21/2023 08:30 AM	Trial Session (Dudley)		Arraignment	Held - Personal Recog. Release
05/30/2023 08:30 AM	Trial Session (Dudley)		Default Removal Hearing	Held - Default Removed - CR
06/13/2023 08:30 AM	Trial Session (Dudley)		Pretrial Hearing	Held
07/03/2023 08:30 AM	Trial Session (Dudley)		Motion Hearing (CR)	Held - Motion denied
08/10/2023 08:30 AM	Trial Session (Dudley)		Discovery Compliance & Jury Election	Held
09/25/2023 08:30 AM	Trial Session (Dudley)		Probable Disposition	Held - Disposed by Plea
04/04/2024 08:30 AM	Trial Session (Dudley)		Probation Violation Hearing	Reschedule of Hearing
04/30/2024 08:30 AM	Trial Session (Dudley)		Probation Violation Hearing	Reschedule of Hearing
05/22/2024 08:30 AM	Trial Session (Dudley)		Probation Violation Hearing	Reschedule of Hearing
07/02/2024 08:30 AM	Trial Session (Dudley)		Probation Violation Hearing	Reschedule of Hearing
07/22/2024 08:30 AM	Trial Session (Dudley)		Probation Violation Hearing	Reschedule of Hearing
08/19/2024 08:30 AM	Trial Session (Dudley)		Probation Violation Hearing	Reschedule of Hearing
09/17/2024 08:30 AM	Trial Session (Dudley)		Probation Violation Hearing	Reschedule of Hearing
09/25/2024 08:30 AM	Administrative Session		Continued Without Finding Until	Reschedule of Hearing
11/19/2024 08:30 AM	Trial Session (Dudley)		Probation Violation Hearing	Reschedule of Hearing

<u>Date</u>	<u>Session</u>	<u>Location</u>	<u>Type</u>	<u>Result</u>
01/14/2025 08:30 AM	Trial Session (Dudley)		Probation Violation Hearing	Reschedule of Hearing
01/23/2025 08:30 AM	Trial Session (Dudley)		Probation Violation Hearing	Defendant defaulted-FI to Appear
01/24/2025 08:30 AM	Trial Session (Dudley)		Default Removal Hearing	Held - Default Removed - CR
03/19/2025 08:30 AM	Trial Session (Dudley)		Probation Violation Hearing	Not Held
03/25/2025 08:30 AM	Administrative Session		Continued Without Finding Until	Event Cancelled
04/23/2025 08:30 AM	Trial Session (Dudley)		Motion Hearing (CR)	Reschedule of Hearing
05/21/2025 08:30 AM	Trial Session (Dudley)		Motion Hearing (CR)	Held - Motion denied
07/08/2025 08:30 AM	Trial Session (Dudley)		Hearing to Review Status	Review Completed
07/22/2025 08:30 AM	Trial Session (Dudley)		Probation Violation Hearing	Reschedule of Hearing
07/25/2025 08:30 AM	Trial Session (Dudley)		Probation Violation Hearing	Held-Viol Found-Cont W/O Find Revoked

Docket Information

<u>Docket Date</u>	<u>Docket Text</u>	<i>Image Avail.</i>
04/21/2023	Criminal Complaint issued from Electronic Application: Originating Court: Dudley District Court Case Number: 2364AC001245-AR Receiving Court: Dudley District Court ;	
04/21/2023	Complaint issued upon new arrest.	
04/21/2023	Statement of facts filed.	
04/21/2023	Event Resulted: Arraignment scheduled on: 04/21/2023 08:30 AM Has been: Held - Personal Recog. Release Hon. Jaclyn Greenhalgh, Presiding	
04/21/2023	Defendant arraigned before Court, advised of right to counsel. Judge: Greenhalgh, Hon. Jaclyn	
04/21/2023	Commonwealth's request for finding under C276 §56A filed. Judge: Greenhalgh, Hon. Jaclyn	
04/21/2023	Court finds abuse is alleged in connection with the charged offense. C276 §56A. Judge: Greenhalgh, Hon. Jaclyn	
04/21/2023	Plea of Not Guilty entered on all charges. Judge: Greenhalgh, Hon. Jaclyn	
04/21/2023	Bail revocation warning (276/58) given to the defendant Judge: Greenhalgh, Hon. Jaclyn	
04/21/2023	Released on Personal Recognizance Judge: Greenhalgh, Hon. Jaclyn	
04/21/2023	Release on personal recognizance with pre-trial conditions, to wit: Stay away from victim/witness, No Contact with victim/witness, Other condition(s):	

Docket Date	Docket Text	Image Avail.
	scram with testing 4 times a day	
04/21/2023	Appearance filed On this date Nicholas Charles Adamopoulos, Esq. added as Appointed - Indigent Defendant for Defendant David C Reed Appearance filed for the purpose of Case in Chief by Judge Hon. Jaclyn Greenhalgh.	
05/26/2023	Warrant Issued: Straight Warrant issued on 05/26/2023 for Reed, David C	
05/30/2023	Warrant recalled: Straight Warrant cancelled on 05/30/2023 for Reed, David C	
05/30/2023	Event Resulted: Default Removal Hearing scheduled on: 05/30/2023 08:30 AM Has been: Held - Default Removed - CR Hon. Michael P. Welsh, Presiding	
05/30/2023	Defendant before court voluntarily after issuance of warrant and warrant cancelled Judge: Welsh, Hon. Michael P.	
05/30/2023	Commonwealth's motion to hold the defendant without bail filed and DENIED.	
05/30/2023	Appearance filed On this date Alicia M McKinley, Esq. added as Appointed - Indigent Defendant for Defendant David C Reed Appearance filed for the purpose of Bail Only by Judge Hon. Michael P. Welsh.	Image
05/30/2023	Appearance filed On this date Alicia M McKinley, Esq. dismissed/withdrawn as Appointed - Indigent Defendant for Defendant David C Reed	
05/31/2023	Commonwealth's motion to hold defendant without bail on 276/58B filed and DENIED.	
05/31/2023	Order of pretrial conditions of release under G.L. c.276 § 42A filed.	
06/13/2023	Event Resulted: Pretrial Hearing scheduled on: 06/13/2023 08:30 AM Has been: Held Hon. Jaclyn Greenhalgh, Presiding	Image
07/03/2023	Event Resulted: Motion Hearing (CR) scheduled on: 07/03/2023 08:30 AM Has been: Held - Motion denied Hon. James G Haddad, Presiding	
07/03/2023	Commonwealth's motion to hold the defendant without bail filed and DENIED.	
07/03/2023	Appearance filed On this date Christopher Gonzalo Monroy, Esq. added as Appointed - Indigent Defendant for Defendant David C Reed Appearance filed for the purpose of Bail Only by Judge Hon. James G Haddad.	Image
07/03/2023	Appearance filed On this date Christopher Gonzalo Monroy, Esq. dismissed/withdrawn as Appointed - Indigent Defendant for Defendant David C Reed	
07/10/2023	Commonwealth's motion to revise/revoke bail or conditions of release filed and DENIED.	
08/10/2023	Event Resulted: Discovery Compliance & Jury Election scheduled on: 08/10/2023 08:30 AM Has been: Held Hon. Michael P. Welsh, Presiding	Image
09/25/2023	Event Resulted: Probable Disposition scheduled on: 09/25/2023 08:30 AM	

Docket Date	Docket Text	Image Avail.
	Has been: Held - Disposed by Plea Hon. Michael P. Welsh, Presiding	
09/25/2023	One or more charges disposed by tender of plea. Judge: Welsh, Hon. Michael P.	
09/25/2023	Plea colloquy given. Judge: Welsh, Hon. Michael P.	
09/25/2023	Change of Plea to Admission to Sufficient facts entered. Judge: Welsh, Hon. Michael P.	
09/25/2023	Waiver of Jury Trial found after colloquy Judge: Welsh, Hon. Michael P.	
09/25/2023	Defendant warned pursuant to alien status, G.L. c. 278, § 29D. Judge: Welsh, Hon. Michael P.	
09/25/2023	Tender of plea filed and accepted by the Court. Judge: Welsh, Hon. Michael P.	
09/25/2023	Sentence Imposed:: Sentence Date: 09/25/2023 Judge: Hon. Michael P. Welsh Charge #: 2 ABUSE PREVENTION ORDER, VIOLATE c209A §7 Charge #: 4 A&B ON POLICE OFFICER c265 §13D Charge #: 5 A&B ON POLICE OFFICER c265 §13D Charge #: 6 A&B c265 §13A(a) Probation: Risk/Need Probation Duration: 1 Years, 0 Months, 0 Days Start Date: 09/25/2023 End Date: 09/25/2024	Image
09/25/2023	Probation order of conditions imposed or revised Judge: Welsh, Hon. Michael P.	 Image
09/25/2023	Appearance filed On this date Nicholas Charles Adamopoulos, Esq. dismissed/withdrawn as Appointed - Indigent Defendant for Defendant David C Reed	
09/27/2023	Charges Disposed:: Charge # 1 A&B ON FAMILY / HOUSEHOLD MEMBER c265 §13M(a) On: 09/25/2023 Judge: Hon. Michael P. Welsh Dismissed - Request of Commonwealth Charge # 2 ABUSE PREVENTION ORDER, VIOLATE c209A §7 On: 09/25/2023 Judge: Hon. Michael P. Welsh Continued Without a Finding Charge # 3 A&B, VIOL ABUSE PREVENTION ORDER c265 §13A(b) On: 09/25/2023 Judge: Hon. Michael P. Welsh Dismissed - Request of Commonwealth Charge # 4 A&B ON POLICE OFFICER c265 §13D On: 09/25/2023 Judge: Hon. Michael P. Welsh Continued Without a Finding Charge # 5 A&B ON POLICE OFFICER c265 §13D On: 09/25/2023 Judge: Hon. Michael P. Welsh Continued Without a Finding Charge # 6 A&B c265 §13A(a) On: 09/25/2023 Judge: Hon. Michael P. Welsh Continued Without a Finding	

<u>Docket Date</u>	<u>Docket Text</u>	<u>Image Avail.</u>
03/05/2024	Probation Violation Notice filed with notice of scheduled hearing date and certificate that service to be completed in hand or by mail on the defendant.	 Image
03/05/2024	Notice of Probation detention hearing for alleged violation of probation served and filed with court	 Image
03/05/2024	Probable Cause found for probation violation. Judge: Welsh, Hon. Michael P.	Image
03/05/2024	Probation Detention Hearing Finding and Order filed. Defendant to be detained until final probation violation hearing. Judge: Welsh, Hon. Michael P.	 Image
03/05/2024	Defendant is ordered committed based on an alleged violation of probation to Worcester County House of Correction returnable on 04/04/2024 08:30 AM Probation Violation Hearing; mittimus issued. Court location of next event (if not this court): Further Orders: *** DEFENDANT TO BE TRANSPORTED TO COURT FOR HEARING *** Judge: Welsh, Hon. Michael P.	
03/05/2024	Appearance filed On this date Eric Paul DeGoosh-DiMarzio, Esq. added as Appointed - Indigent Defendant for Defendant David C Reed Appearance filed for the purpose of Probation Violation Hearing by Judge Hon. Michael P. Welsh.	
03/07/2024	Order for examination of defendant as to COMPETENCE TO STAND TRIAL & CRIM. RESPONSIBILITY issued to pursuant to G.L.c. 123, § 15(a) Judge: Welsh, Hon. Michael P.	
03/12/2024	Amended Probation Violation Notice filed with notice of scheduled hearing date and certificate that service to be completed in hand or by mail on the defendant.	 Image
04/04/2024	Event Resulted: Probation Violation Hearing scheduled on: 04/04/2024 08:30 AM Has been: Reschedule of Hearing For the following reason: On Order of the Court Hon. Jaclyn Greenhalgh, Presiding	
04/04/2024	Released on Personal Recognizance Judge: Greenhalgh, Hon. Jaclyn	
04/09/2024	Amended Probation Violation Notice filed with notice of scheduled hearing date and certificate that service to be completed in hand or by mail on the defendant.	 Image
04/09/2024	Notice of Probation detention hearing for alleged violation of probation served and filed with court	 Image
04/09/2024	Probable Cause found for probation violation. Judge: Abdella, Hon. Andrew	Image
04/09/2024	Probation Detention Hearing Finding and Order filed. Defendant to be detained until final probation violation hearing. Judge: Abdella, Hon. Andrew	 Image
04/09/2024	Defendant is ordered committed based on an alleged violation of probation to Worcester County House of Correction returnable on 04/30/2024 08:30 AM Probation Violation Hearing; mittimus issued.	

<u>Docket Date</u>	<u>Docket Text</u>	<u>Image Avail.</u>
	Court location of next event (if not this court): Further Orders: *** DEFENDANT TO BE TRANSPORTED TO COURT FOR HEARING *** Judge: Welsh, Hon. Michael P.	
04/30/2024	Event Resulted: Probation Violation Hearing scheduled on: 04/30/2024 08:30 AM Has been: Reschedule of Hearing For the following reason: On Order of the Court Hon. Andrew Abdella, Presiding	
04/30/2024	Motion to review, copy, and inspect dr.s report ALLOWED. ORAL MOTION Judge: Abdella, Hon. Andrew	
04/30/2024	Habeas Corpus for prosecution issued to Worcester County House of Correction returnable for 05/22/2024 08:30 AM Probation Violation Hearing: Further Orders: DEFENDANT TO APPEAR IN PERSON Judge: Abdella, Hon. Andrew	
05/22/2024	Event Resulted: Probation Violation Hearing scheduled on: 05/22/2024 08:30 AM Has been: Reschedule of Hearing For the following reason: On Order of the Court Hon. Michael P. Welsh, Presiding	
05/23/2024	Event Resulted: Continued Without Finding Until scheduled on: 09/25/2024 08:30 AM Has been: Reschedule of Hearing For the following reason: On Order of the Court Hon. Michael P. Welsh, Presiding	
07/02/2024	Event Resulted: Probation Violation Hearing scheduled on: 07/02/2024 08:30 AM Has been: Reschedule of Hearing For the following reason: On Order of the Court Hon. Jaclyn Greenhalgh, Presiding	
07/18/2024	Event Resulted: Probation Violation Hearing scheduled on: 07/22/2024 08:30 AM Has been: Reschedule of Hearing For the following reason: On Order of the Court Hon. Jaclyn Greenhalgh, Presiding	
08/19/2024	Event Resulted: Probation Violation Hearing scheduled on: 08/19/2024 08:30 AM Has been: Reschedule of Hearing For the following reason: On Order of the Court Hon. John Stapleton, Presiding	
08/19/2024	Motion for Both Comm & Resp. request to inspect and copy doctors report ALLOWED. Judge: Stapleton, Hon. John	
09/17/2024	Event Resulted: Probation Violation Hearing scheduled on: 09/17/2024 08:30 AM Has been: Reschedule of Hearing For the following reason: On Order of the Court Hon. Robert J. Pellegrini, Presiding	
09/17/2024	Court finds defendant not competent to stand trial.	

<u>Docket Date</u>	<u>Docket Text</u>	<u>Image Avail.</u>
	Judge: Pellegrini, Hon. Robert J.	
09/17/2024	Notice to compute parole eligibility of defendant found incompetent to stand trial. C123 §16(f) Judge: Pellegrini, Hon. Robert J.	 Image
11/19/2024	Event Resulted: Probation Violation Hearing scheduled on: 11/19/2024 08:30 AM Has been: Reschedule of Hearing For the following reason: On Order of the Court Hon. Michael P. Welsh, Presiding	
11/19/2024	Motion to amend probation conditions DENIED. DEFENDANTS ORAL MOTION Judge: Welsh, Hon. Michael P.	
11/25/2024	Probation Violation Notice filed with notice of scheduled hearing date and certificate that service to be completed in hand or by mail on the defendant. Judge: Greenhalgh, Hon. Jaclyn	 Image
11/25/2024	Notice of Probation detention hearing for alleged violation of probation served and filed with court Judge: Greenhalgh, Hon. Jaclyn	 Image
11/25/2024	Probation Detention Hearing Finding and Order filed. Defendant to be released until final probation violation hearing. Judge: Greenhalgh, Hon. Jaclyn	 Image
11/25/2024	Probable Cause found for probation violation. Judge: Greenhalgh, Hon. Jaclyn	
01/14/2025	Event Resulted: Probation Violation Hearing scheduled on: 01/14/2025 08:30 AM Has been: Reschedule of Hearing For the following reason: On Order of the Court Zachary Hillman, Presiding	
01/23/2025	Event Resulted: Probation Violation Hearing scheduled on: 01/23/2025 08:30 AM Has been: Defendant defaulted-FI to Appear Hon. Robert J. Pellegrini, Presiding	
01/23/2025	Default Warrant ordered to issue. Judge: Pellegrini, Hon. Robert J.	
01/24/2025	Warrant recalled: Default Warrant cancelled on 01/24/2025 for Reed, David C	
01/24/2025	Event Resulted: Default Removal Hearing scheduled on: 01/24/2025 08:30 AM Has been: Held - Default Removed - CR Hon. John Stapleton, Presiding	
01/24/2025	Defendant before court voluntarily after issuance of warrant and warrant cancelled Judge: Stapleton, Hon. John	
01/24/2025	Event Resulted: Continued Without Finding Until scheduled on: 03/25/2025 08:30 AM Has been: Event Cancelled For the following reason: Violation of probation filed Hon. Michael P. Welsh, Presiding	

<u>Docket Date</u>	<u>Docket Text</u>	<u>Image Avail.</u>
01/24/2025	Amended Probation Violation Notice filed with notice of scheduled hearing date and certificate that service to be completed in hand or by mail on the defendant.	 Image
01/24/2025	Notice of Probation detention hearing for alleged violation of probation served and filed with court	 Image
01/24/2025	Probable Cause found for probation violation. Judge: Stapleton, Hon. John	Image
01/24/2025	Probation Detention Hearing Finding and Order filed. Defendant to be released until final probation violation hearing. Judge: Stapleton, Hon. John	 Image
03/19/2025	Event Resulted: Probation Violation Hearing scheduled on: 03/19/2025 08:30 AM Has been: Not Held Hon. Michael P. Welsh, Presiding	
03/19/2025	Defendant's motion to Dismiss filed with the following, if any, supporting documents: memorandum of law, affidavit in support of motion	 Image
04/23/2025	Event Resulted: Motion Hearing (CR) scheduled on: 04/23/2025 08:30 AM Has been: Reschedule of Hearing For the following reason: On Order of the Court Zachary Hillman, Presiding	
05/21/2025	Event Resulted: Motion Hearing (CR) scheduled on: 05/21/2025 08:30 AM Has been: Held - Motion denied Hon. Timothy M Bibaud, Presiding	
05/23/2025	Defendant's motion to Dismiss filed and DENIED.	 Image
07/08/2025	Event Resulted: Hearing to Review Status scheduled on: 07/08/2025 08:30 AM Has been: Review Completed Hon. Andrew Abdella, Presiding	Image
07/08/2025	Probation order of conditions imposed or revised Judge: Abdella, Hon. Andrew	 Image
07/11/2025	Event Resulted: Probation Violation Hearing scheduled on: 07/22/2025 08:30 AM Has been: Reschedule of Hearing For the following reason: On Order of the Court Hon. Andrew Abdella, Presiding	
07/25/2025	Event Resulted: Probation Violation Hearing scheduled on: 07/25/2025 08:30 AM Has been: Held-Viol Found-Cont W/O Find Revoked Hon. Andrew Abdella, Presiding	
07/25/2025	Charges Disposed:: Charge # 2 ABUSE PREVENTION ORDER, VIOLATE c209A §7 On: 07/25/2025 Judge: Hon. Andrew Abdella Guilty - Probation violation found Charge # 4 A&B ON POLICE OFFICER c265 §13D On: 07/25/2025 Judge: Hon. Andrew Abdella Guilty - Probation violation found Charge # 5 A&B ON POLICE OFFICER c265 §13D On: 07/25/2025 Judge: Hon. Andrew Abdella	

<u>Docket Date</u>	<u>Docket Text</u>	<u>Image Avail.</u>
	Guilty - Probation violation found Charge # 6 A&B c265 §13A(a) On: 07/25/2025 Judge: Hon. Andrew Abdella Guilty - Probation violation found	
07/25/2025	Violation of probation found. Judge: Abdella, Hon. Andrew	 Image
07/25/2025	Probation revoked and sentence imposed. Judge: Abdella, Hon. Andrew	
07/25/2025	At hearing, Court orders that the charge disposition of Continuance without a Finding on offense count(s) be revoked and a new disposition to be imposed on each count. Judge: Abdella, Hon. Andrew	
07/25/2025	All fees waived. Judge: Abdella, Hon. Andrew	
07/25/2025	Notice of appeal to the Appeals Court filed by the Defendant Judge: Abdella, Hon. Andrew	 Image
07/25/2025	Docket report of court proceedings to date Judge: Abdella, Hon. Andrew	 Image
07/25/2025	Sentence Imposed:: Revision Date: 07/25/2025 Judge: Hon. Andrew Abdella Sentence Revoked By Hon. Andrew Abdella Dudley District Court 07/25/2025 Reason: Revocation after violation of probation conditions Charge #: 2 ABUSE PREVENTION ORDER, VIOLATE c209A §7 Committed to HOC Term: 0 Years, 6 Months, 0 Days To Serve: 0 Years, 6 Months, 0 Days Charge #: 4 A&B ON POLICE OFFICER c265 §13D Committed to HOC Term: 0 Years, 6 Months, 0 Days To Serve: 0 Years, 6 Months, 0 Days Served Concurrent Charge # 2 Charge #: 5 A&B ON POLICE OFFICER c265 §13D Committed to HOC Term: 0 Years, 6 Months, 0 Days To Serve: 0 Years, 6 Months, 0 Days Served Concurrent Charge # 2 Charge #: 6 A&B c265 §13A(a) Committed to HOC Term: 0 Years, 6 Months, 0 Days To Serve: 0 Years, 6 Months, 0 Days Served Concurrent Charge # 2 Committed to Worcester County House of Correction Credits 75 Days	

Case Disposition

<u>Disposition</u>	<u>Date</u>
Disposed by Plea	09/27/2023

CRIMINAL DOCKET		DOCKET NUMBER 2364CR001203		NO. OF COUNTS 6	Trial Court of Massachusetts District Court Department	
DEFENDANT NAME AND ADDRESS David C Reed 113 A F Putnam Rd Charlton, MA 01507			DOB 09/03/1955	GENDER Male	COURT NAME & ADDRESS Dudley District Court 279 West Main Street Dudley, MA 01571	
			DATE COMPLAINT ISSUED 04/21/2023			
			PRECOMPLAINT ARREST DATE 04/20/2023			INTERPRETER REQUIRED
FIRST FIVE OFFENSE COUNTS						
COUNT	CODE	OFFENSE DESCRIPTION				OFFENSE DATE
1	265/13M/B	A&B ON FAMILY / HOUSEHOLD MEMBER c265 §13M(a)				04/20/2023
2	209A/7	ABUSE PREVENTION ORDER, VIOLATE c209A §7				04/20/2023
3	265/13A/F	A&B, VIOL ABUSE PREVENTION ORDER c265 §13A(b)				04/20/2023
4	265/13D/A	A&B ON POLICE OFFICER c265 §13D				04/20/2023
5	265/13D/A	A&B ON POLICE OFFICER c265 §13D				04/20/2023
DEFENSE ATTORNEY Adamopoulos			OFFENSE CITY/TOWN Charlton		POLICE DEPARTMENT CHARLTON PD	
DATE & JUDGE		DOCKET ENTRY		DATE & JUDGE		FEES IMPOSED
4/21/23 PL NB Greenhalgh 6/13/23 Sax w/ victim SCRAM w/ 4 xaday testing No abuse 6/13/23 Greenhalgh To attend A & H meetings daily		☐ Attorney appointed (SJC R. 3:10) ☐ Atty denied & Deft. Advised per 211 D §2A ☐ Waiver of Counsel found after colloquy Terms of release set: ☒ PR ☐ Bail ☐ See Docket for special condition ☐ Held (276 §58A)				Counsel Fee (211D § 2A ¶12) \$ 0 ☐ WAIVED
						Counsel Contribution (211D § 2) \$ ☐ WAIVED
						Default Warrant Fee (276 § 30 ¶1) \$ ☐ WAIVED
						Default Warrant Arrest Fee (276 § 30 ¶2) \$ ☐ WAIVED
						Probation Supervision Fee (276 § 87A) \$ ☐ WAIVED
				Bail Order Forfeited		
				Advised of right to jury trial: ☐ Waiver of jury found after colloquy ☐ Does not waive		
				Advised of trial rights as pro se (Dist. Ct. Supp.R.4)		
				Advised of right of appeal to Appeals Ct. (M.R. Crim P.R. 28)		
SCHEDULING HISTORY						
NO.	SCHEDULED DATE	EVENT	RESULT		JUDGE	TAPE START/STOP
1	04/21/2023	Arraignment	☒ Held ☐ Not Held but Event Resolved ☐ Cont'd			
2	6/13/23	PT	☒ Held ☐ Not Held but Event Resolved ☐ Cont'd		Greenhalgh, J	
3	8/10/23	DCE	☒ Held ☐ Not Held but Event Resolved ☐ Cont'd		Welsh, J.	
4	9/25/23	Dispo	☐ Held ☐ Not Held but Event Resolved ☐ Cont'd			
5			☐ Held ☐ Not Held but Event Resolved ☐ Cont'd			
6			☐ Held ☐ Not Held but Event Resolved ☐ Cont'd			
7			☐ Held ☐ Not Held but Event Resolved ☐ Cont'd			
8			☐ Held ☐ Not Held but Event Resolved ☐ Cont'd			
9			☐ Held ☐ Not Held but Event Resolved ☐ Cont'd			
10			☐ Held ☐ Not Held but Event Resolved ☐ Cont'd			
APPROVED ABBREVIATIONS ARR = Arraignment PTH = Pretrial hearing DCE = Discovery compliance & jury selection BTR = Bench trial JTR = Jury trial PCH = Probable cause hearing MOT = Motion hearing SRE = Status review SRP = Status review of payments FAT = First appearance in jury session SEN = Sentencing CWF = Continuance-without-finding scheduled to terminate PRO = Probation scheduled to terminate DFTA = Defendant failed to appear & was defaulted WAR = Warrant Issued WARD = Default warrant issued WR = Warrant or default warrant recalled PVH = probation revocation hearing.						
A TRUE COPY ATTEST:		CLERK-MAGISTRATE / ASST CLERK X			TOTAL NO. OF PAGES	ON (DATE)

CRIMINAL DOCKET DOCKET ENTRIES		DEFENDANT NAME David C Reed	DOCKET NUMBER 2364CR001203
DATE	DOCKET ENTRIES		
5/26/23	Warrant to issue "non-compliance" NON-BAILABLE Haddad		
5/26/23	Comm motion to hold A w/o bail on 276/58B, 5/30/23 P. McKinley - bail, denied - Welsh J.		
5/30/23	DRH, Rec. Warrant		
5/31/23	Request for non compliance "non bailable" warrant to issue		
5/31/23	Comm motion to hold A w/o bail on 276/58B,		
5/31/23	DRH, Rec. Warrant, denied - Welsh J. Any more motions from DA to go before Judge Welsh, A to go to meetings everyday until gets into program.		
JUN 13 2023	No contact order vacated, no abuse order imposed and all other conditions remain, Greenhalgh, J.		
7/3/23	Request for non-compliance warrant; Appt Murray P;		
7/3/23	COMMONWEALTH'S MOTION; Denied (J. Haddad) TO REVOKE BAIL		
7/10/23	COMMONWEALTH'S MOTION; Denied, Greenhalgh, TO REVOKE BAIL		
3/5/24	Prob issued + served VOP on 3-5-24, Prob requests detention, atty DiMarzio VOP & PC found, A held on detention, request for ISA Eval.		
4/4/24	VOP - Mutt - in person, A requests ^{competency +} bail be addressed + reduced to PR, A is ^{responsibility} released from detention Greenhalgh on PR		
4/30/24	VOP - habe in person		
4/9/24	Prob issued amended VOP, Prob requests detention, PC Found, A held on detention - Abdella J.		
APPROVED ABBREVIATIONS ARR = Arraignment PTH = Pretrial hearing DCE = Discovery compliance & jury selection BTR = Bench trial JTR = Jury trial PCH = Probable cause hearing MOT = Motion hearing SRE = Status review SRP = Status review of payments FAT = First appearance in jury session SEN = Sentencing CWF = Continuance-without-finding scheduled to terminate PRO = Probation scheduled to terminate DFTA = Defendant failed to appear & was defaulted WAR = Warrant issued WARD = Default warrant issued WR = Warrant or default warrant recalled PVH = probation revocation hearing.			



CRIMINAL DOCKET DOCKET ENTRIES		DEFENDANT NAME David C Reed	DOCKET NUMBER 2364CR001203
DATE	DOCKET ENTRIES		
4-30-24	Δ's request to review, copy + inspect drs. report. - also Concur - Allowed - Abdulla J.		
5/22/24	VOP - habe - in person - Welsh J.		
7/2/24	VOP - Prob extended to 3/25/25 for supervised prob.		
	" Waive travel Rest. - Welsh J.		
5/22/24	Vacate detention, Δ released to stay w/ daughter in CT. - Welsh J.		
7/2/24	SR - Dr. Murray to be summoned in to testify on competency - per J. Welsh		
7/22/24	VOP - Dr. Murray to be summoned in to testify on competency - per J. Greenhalgh		
7/17/24	Δ's oral motion to continue to 8/19/24 - allowed Green		
8/19/24	VOP		
AUG 19 2024	Both Parties oral motion to inspect and copy Doctors report, Allowed, Staufelien, J		
9/17/24	VOP		
9/17/24	Ct 2. Judge Pellegrini. Dr. Murray present. - After hearing, Δ found to be incompetent - C. to 11/19/24 VOP Status		
9/17/24	Request to compute parole eligibility form faxed to Bridgewater State Hospital. (JRM-ACM)		
10/4/24	Cond. That Δ live w/ his daughter is vacated, Δ is to work w/ Prob on housing. Welsh J.		
11/4/25	VOP Hillman, J		
NOV 19 2024	Δ's oral motion to amend Prob conditions, denied, Welsh, J		
APPROVED ABBREVIATIONS ARR = Arraignment PT = Pretrial hearing CE = Discovery compliance & jury selection T = Bench trial JT = Jury trial PC = Probable cause hearing M = Motion hearing SR = Status review SRP = Status review of payments FA = First appearance in jury session S = Sentencing CW = Continuance-without-finding scheduled to terminate P = Probation scheduled to terminate DFTA = Defendant failed to appear & was defaulted WAR = Warrant Issued WARD = Default warrant issued WR = Warrant or default warrant recalled PR = probation revocation hearing			

CRIMINAL DOCKET DOCKET ENTRIES		DEFENDANT NAME David C Reed	DOCKET NUMBER 2364CR001203
DATE	DOCKET ENTRIES		
11/25/24	Amended VOP filed. Prob requests detention, PC		
	Found. Δ not held. Monroy - bail Greentalk, J		
11/22/25	VOP - Δ to be in person to be hidden <u>Warrant</u>		
	Pellegriini, J		
JAN 24 2025	Rec. Warrant Att. Pimero on Zoom Prob files		
	Amended VOP, Prob files for detention,		
	NOT detained, Stapleton, J PC found for violation		
3/19/25	VOP - Welsh.		
3/19/25	Δ's motion to dismiss pursuant 12316F filed,		
3/19/25	Judge Welsh orders we can not proceed w/		
	VOP as Δ is still incompetent &		
4-23-25	MOT - Probation extended - Welsh; Δ not		
	present, no warrant to issue. Short continuance (Hillman)		
5-21-25	- MOT - Probation extended - Hillman		
	- Δ's motion to dismiss taken under advisement (Bibaud)		
	- Δ's motion to dismiss pursuant to 12316F denied (Bibaud)		
7-8-25	SR (Status on motion) - Probation extended - Bibaud		
7/8/25	Probation answered ready on VOP. Δ objects to proceeding		
	forward w/ VOP. VOP will proceed, but court will		
	give date. Prob extended to next date. (Abdella, J.)		
7/22/25	VOP BF 7-11-25 @ rea of prob &		
	all agreed (C)		
7/25/25	VOP		
JUL 25 2025	After hearing on violation of probation Δ found		
	in violation of Prob. Prob. revoked CWO		
	revoked G to enter Comanche HOC Cmtel		
	75 days credit, Abdella, J Remit \$ Notice of appeal		
APPROVED ABBREVIATIONS ARR = Arraignment PT = Pretrial hearing CE = Discovery compliance & jury selection T = Bench trial JT = Jury trial PC = Probable cause hearing M = Motion hearing SR = Status review SRP = Status review of payments FA = First appearance in jury session S = Sentencing CW = Continuance-without-finding scheduled to terminate P = Probation scheduled to terminate DFTA = Defendant failed to appear & was defaulted WAR = Warrant Issued WARD = Default warrant issued WR = Warrant or default warrant recalled PR = probation revocation hearing			



1 ASSISTANT DISTRICT ATTORNEY: -- the probation
2 hearing.

3 THE COURT: Okay. We can put those matters off.
4 We'll do the probation hearing.

5 THE CLERK: Thank you.

6 THE COURT: Okay. Just so the record is clear for the
7 parties and for any reviewing court, this Court is
8 before -- the matter was pending since the first notice of
9 violation in January of 2025.

10 The defendant is on probation for both violation of
11 restraining order, as well as assault and battery on a
12 family and household member.

13 There have been new alleged criminal cases that are
14 before this Court, that this Court assumes would be the
15 basis for a violation of probation hearing.

16 The Court notes at the last hearing, the defendant
17 raised the issue of competence that has arisen in the new
18 criminal matters as a bar to there being a violation of
19 probation hearing. And I do remember counsel referencing
20 the *Zachairah Z* case.

21 This Court also notices that other courts have chosen
22 to not have a violation of probation hearing.

23 This Court makes the following legal findings for
24 clarity: The Court finds that the *Zachairah Z* case is
25 helpful in guiding this Court in determining competence in

1 the course of a violation of probation hearing, an issue
2 that has not been determined by the appellate courts in
3 Massachusetts.

4 In *Zachairah*, the SJC declined to extend criminal
5 responsibility in the context of a violation of probation
6 hearing and allowed the hearing to go forward for a variety
7 of reasons and a well-thought opinion.

8 This Court also looks to the case of *Abbott A*, a
9 Supreme Justice Court decision, which allows a 58A hearing
10 to go forward before an individual has been deemed to not
11 be competent. In that decision, the SJC laid out a
12 three-part test to make a determination as to whether or
13 not the hearing should go forward.

14 This Court finds that there is not legal precedent
15 requiring competence to be allowed as a -- as a defense to
16 a violation of probation hearing. However, in the interest
17 of absolute judicial caution, this Court engages in the
18 *Abbott A* three-step test as follows, in case any reviewing
19 court were to tell this Court, this Court should have
20 analyzed it under that rubric.

21 The first factor is the private interest that the
22 defendant has in violation of probation hearing. That
23 interest is great, because his liberty is at stake.

24 The second interest is the Commonwealth or probation's
25 interest in going forward with the hearing. That interest

1 is also great, based on the nature of these charges and the
2 two goals of probation to first make sure that the terms of
3 probation have been complied with; and.

4 Second, that the safety of the public is upheld.

5 The third factor in the analysis the SJC has set forth
6 in the *Abbott A* case in a 58A hearing is the risk of error;
7 the risk of both factual error, as well as the risk of
8 strategic error.

9 The SJC, in the *Abbott A* case, held that a 58A hearing
10 could go forward because the risk of error weighs in favor
11 of having the hearing; that being that the factual risk of
12 error is low, because the evidence in matters such as this
13 are usually police reports, complaints, allegations of
14 those sort, which are normal and regular; and that the risk
15 of strategic error is quite low, because unlike the risk of
16 trial, determination whether or not to have a trial,
17 whether or not to enter into a plea, here the risk of
18 strategic error is just the decisions about what evidence
19 to admit or whether or not to cross-examine witnesses.
20 Therefore, much like the *Abbott A* case, which is a pretrial
21 matter, and this is a matter in which there has already
22 been a disposition, this Court, weighing those factors as
23 instructed in that case, finds that it is appropriate to
24 have a violation of probation hearing at this time.

25 This Court notes that the *Zachairah Z* case did note

1 that evidence of mental health and mental capacity are very
2 relevant factors in determining both the adjudication of a
3 violation of probation, as well as if we reach the
4 disposition phase.

5 So I just give the Court's framework legally to all
6 the parties and to any reviewing court so it is clear why
7 the Court is going forward here today.

8 MR. DeGOOSH-DiMARZIO: And, your Honor, I would just
9 that the Court notes the defense's objection.

10 THE COURT: I do.

11 MR. DeGOOSH-DiMARZIO: Thank you.

12 THE COURT: Thank you.

13 Okay. Officer, you may proceed.

14 THE PROBATION OFFICER: Thank you, your Honor.

15 Probation officer Nicole Triola, for the record.

16 In regards to probationer David Reed, on Docket
17 2364CR1203, your Honor, at this time, probation would like
18 to present into evidence the conditions of probation as
19 ordered on September 25th of 2023.

20 THE COURT: I assume there's no objection?

21 MR. DeGOOSH-DiMARZIO: No objection to those.

22 THE COURT: Okay. They shall so be admitted.

23 (Exhibit Number 1, conditions of probation, dated
24 9.25.2023, was received in evidence and marked.)

25 MR. DeGOOSH-DiMARZIO: Your Honor, may my -- may my