

Commonwealth of Massachusetts  
Appeals Court

Appeals Court Docket No.: 2024-P-1472

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COMMONWEALTH,  
Appellee  
v.  
FREDERICK PINNEY,  
Appellant

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On Appeal from Judgment on a Jury Verdict entered in  
Hampden Superior Court

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

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## **I. Request for Direct Appellate Review**

Appellant Frederick Pinney hereby requests direct appellate review by the Supreme Judicial Court pursuant to Mass. R. App. P. 11.

## **II. Statement of Prior Proceedings**

Mr. Pinney was indicted by a Hampden County grand jury in April 2014 for the murder of Ms. Tayclair Moore. R.57.<sup>1</sup> Mr. Pinney's first trial ended without a verdict after the court declared a mistrial due to improper intra-jury communications in February 2016. R.6. After a lengthy course of litigation that is described more fully below, Mr. Pinney's second trial took place between February and March 2023 for a total of eleven non-consecutive days. R.11. At the conclusion of trial, the jury found Mr. Pinney guilty of involuntary manslaughter, R.378, and the trial court sentenced him to state prison for nine to ten years, T.X/42. Mr. Pinney filed a timely notice of appeal. R.379. His principal brief was filed with the Appeals Court on July 8, 2025; the Commonwealth's brief is due on December 5, 2025.

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<sup>1</sup> The record appendix is cited at R.[page no.]; the exhibit appendix is cited a E.[Vol. no.]/[page no.]; trial transcripts are cited as T.[Vol. no.]/[page no.]:[line no.]; other transcripts are cited as T.[date]/[page no.]:[line no.]; the addendum is cited as Add.[page no.].

Prior to the start of the second trial, in May 2018, Mr. Pinney filed a motion to suppress statements made to officers during an initial police interview at his residence and the police station. R.21. Following an evidentiary hearing, the court (Callan, J.) allowed Mr. Pinney's motion. R.24. The Commonwealth filed a motion to reconsider the order, which was denied; however, in the trial court's supplemental order denying the motion to reconsider, the court clarified that the motion to suppress was only allowed as to the statements made by Mr. Pinney, and not as to the buccal swab obtained by officers during his interrogation at the police station. R.24, 59. The Commonwealth sought interlocutory review of the judge's order suppressing the statements, and Mr. Pinney sought interlocutory review of the judge's supplemental order regarding the buccal swab. R.24-25.

In November 2018, while the parties were litigating the legality of the first buccal swab, the Commonwealth filed a motion to compel Mr. Pinney to provide a second buccal swab. R.61-68; SR.2-46.<sup>2</sup> In its supporting

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<sup>2</sup> Counsel for the parties have agreed to the content of a supplemental appendix that undersigned counsel is contemporaneously filing in the Appeals Court, and which is cited as SR.[page no.].

memorandum, the Commonwealth stated that because it “anticipates that the defendant will challenge [the judge’s denial of the motion to suppress the initial buccal swab,] ... the Commonwealth seeks to now also compel the defendant’s DNA sample in this matter[.]” R.63. In filing the motion, the Commonwealth relied on the DNA results whose admissibility was at issue, as well as the statements the trial court had already suppressed. SR.5–46.

During a November 29, 2018 hearing, the trial court (Hon. Daniel Wrenn) declined to act on the Commonwealth’s motion, denied the Commonwealth’s request to remove from the record the exhibits containing the contested DNA results and the suppressed statements, and allowed the Commonwealth to supplement the record with exhibits from which most information about the contested DNA results and the suppressed statements had been redacted. T.11/29/18/16:9–17:10; R.75–112.

On May 11, 2020, the Appeals Court suppressed the statements and buccal swab that the Commonwealth had obtained from Mr. Pinney during his initial police interview. *Commonwealth v. Pinney*, 97 Mass. App. Ct. 392 (2020). In July 2020, in reliance on a footnote inviting as much in the Appeals

Court's May 2020 decision, the Commonwealth again moved the court to compel Mr. Pinney to provide a second buccal swab. R.73.

In support of this request, the Commonwealth attached the same exhibits, but this time the Commonwealth relied exclusively on copies of the exhibits on which someone had used a marker to cover suppressed statements and the test results of the illegally obtained DNA. R.75-112; SR.56 - 59. Despite these quasi-redactions, the 2015 DNA reports submitted in support of the Commonwealth's July 2020 motion still identified Mr. Pinney as the suspect the Commonwealth was investigating. R.75-112. In October 2020, following a hearing on the matter and over Mr. Pinney's objection, R.113-124, the trial court (McDonough, J.) allowed the Commonwealth's request. R.125-129.

Mr. Pinney filed a motion to reconsider in November 2020. R.130-147. These motions were denied. R.31-32. Mr. Pinney filed a petition for interlocutory relief pursuant to S.J.C. Rule 2:21, which this Court denied. *Pinney v. Commonwealth*, 487 Mass. 1029, 1030 (2021).

In September 2022, Mr. Pinney filed a motion to suppress the DNA evidence obtained during the second buccal swab, R.162-169, which was denied without prejudice (McDonough, J.). R.38. Mr. Pinney subsequently moved for findings of fact justifying the trial court's decision and a further hearing on the matter. R.39. In its written order, the trial court did "*not* conclude that the Commonwealth's purpose in seeking the second buccal swab was to replicate the results of the Commonwealth forensic testing of the March 23, 2014, buccal swab." R.177. Nevertheless, the court allowed Mr. Pinney's request for a further hearing on the matter, to be evidentiary or non-evidentiary "at either party's option." R.177.

In December 2022, following a hearing at which no evidence was presented, the trial court again denied Mr. Pinney's motion to suppress the buccal swab evidence (McDonough, J.). R.39. Shortly thereafter, Mr. Pinney filed a timely notice of appeal and a motion to stay pending the appeal (which was allowed), pursuant to Mass. R. Crim. P. 15(e). R.39-40.

On January 13, 2023, the Regional Administrative Justice, Hon. Michael K. Callan, took over the case and vacated the stay issued by Judge

McDonough. R.254.<sup>3</sup> On January 30, 2025, a Single Justice of this Court (Hon. Elspeth B. Cypher) denied Mr. Pinney's Rule 15(a)(2) application. Order, *Commonwealth v. Pinney*, No. SJ-2023-0034 (Jan. 30, 2023).

The second trial took place between February and March 2023 for a total of eleven non-consecutive days. R.11. At trial, the Commonwealth argued that Ms. Moore died by ligature strangulation sometime in the early hours of March 23, 2014. The Commonwealth argued that Mr. Pinney either used a drawstring or one of the belts retrieved by officers from his dresser drawer as the ligature. T.X/64:9–19. To support this argument, the Commonwealth presented the results of a second buccal swab that the court had compelled Mr. Pinney to provide (discussed below in more detail), and blood stains from around the apartment. T.VII/136-47, T.VIII/54-56. Other forensic evidence pointed to Ms. Moore's boyfriend, Christopher Podgurski,

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<sup>3</sup> The day before Judge Callan took over the case, the victim, Tayclair Moore's family held a protest outside the Hampden Superior Court, where they issued a public statement voicing frustration with delays in Mr. Pinney's second trial. R.241. That same day, the Hampden District Attorney, Anthony Gulluni, held a press conference to criticize "these seemingly incessant delays" which Gulluni claimed "only served to inflame" the grief of the decedent's loved ones. R.241.

including the electrical cord that had been tied to the bed, which produced a DNA sample matching Mr. Podgurski, while excluding Ms. Moore and Mr. Pinney. T.VIII/44, 48. Furthermore, forensic testing of the decedent's fingernail scrapings included Mr. Podgurski's DNA profile but *excluded* Mr. Pinney's profile. T.VIII/51-52, 69-70.

At the conclusion of trial, the jury found Mr. Pinney guilty of involuntary manslaughter, R.378, and the trial court sentenced him to state prison for nine to ten years. T.X/42.

### **III. Statement of Relevant Facts**

#### **a. Prompted by a Prior DNA Swab that the Police had Illegally Obtained from Mr. Pinney, ADA Matthew Green asks the Court to Compel a Second Swab from Mr. Pinney**

In November 2018, ADA Matthew Green was entertaining misgivings about the legality of a buccal swab that police had previously obtained from the appellant, Mr. Pinney. While the trial judge (Hon. Michael Callan) had ruled that the swab was admissible, Judge Callan had also suppressed statements Mr. Pinney had made during the illegal arrest when the swab had been taken. R.59–60. Given that the “general rule is that evidence is to be



excluded if it is found to be the ‘fruit’ of a police officer's unlawful actions,” *Commonwealth v. Balicki*, 436 Mass. 1, 15 (2002), citing *Wong Sun v. United States*, 371 U.S. 471, 484 (1963), ADA Green had reason to worry.

By November 15, 2018, the issue of the illegally obtained DNA was weighing so heavily on ADA Green’s mind that he decided to file a motion asking the court to require Mr. Pinney to produce a second buccal swab. Owing up to the role that the illegal swab had played in prompting him to seek a second swab, ADA Green candidly acknowledged that the:

Commonwealth anticipates that the defendant will challenge [the judge’s denial of the motion to suppress the initial buccal swab on interlocutory appeal]. In an effort to maximize the Commonwealth’s diligence in this matter, the Commonwealth seeks to now also compel the defendant’s DNA sample in this matter as the DNA testing in this case is crucial.

R.63. ADA Green further acknowledged that, “[t]his is a unique situation where the Commonwealth is seeking *confirmation re-testing*. DNA testing in this matter has *already occurred*.” R.63 (emphasis added). Indeed, the Commonwealth “used [Mr. Pinney’s first] DNA sample to proceed with DNA testing” and *completed* four rounds of testing with it. R.62.

Throughout his request for a second DNA swab, ADA Green relied explicitly on the results of the tests that had been performed on the DNA sample that police had already illegally obtained from Mr. Pinney. R.61–67. And ADA Green also submitted to the court the lab reports showing the results of the tests that had been performed on Mr. Pinney’s illegally-obtained DNA. SR.5–42. What’s more, ADA Green relied on the statements from Mr. Pinney that the trial court had already suppressed. R.65 (incorporating by reference warrant report memorialized suppressed statements); SR.43–46. There can be no doubt that when he decided to seek a second swab, ADA Green’s subjective mental focus was centered on the DNA swab and statements the police had illegally taken from Mr. Pinney.

At a hearing on his motion to compel a second swab, ADA Green acknowledged that the potential illegality of the DNA and the suppressed statements were front of mind when he decided to file that motion. He said that “the Commonwealth is now seeking to compel a DNA swab out of an exercise of extreme caution because the Commonwealth’s application for appeal on the motion is going to bring forth a cross-appeal . . . as to whether

or not that DNA swab was voluntarily given by the Defendant.” T.11/29/18/8:21–9:1. Consistent with their tendency to serve as competent evidence of ADA Green’s subjective motive for seeking the second swab, the court (Wrenn, J.) sustained Mr. Pinney’s objection to ADA Green’s request that the exhibits containing the contested DNA results and the suppressed statement be removed from the record. T.11/29/2018/7:5–22, 17:6–10.

After a single justice of this Court allowed the applications for interlocutory review, the Appeals Court held that Mr. Pinney’s arrest and interrogation were unconstitutional and, as a result, both his statements and the buccal swab collected at the police station had to be suppressed under the exclusionary rule. *Commonwealth v. Pinney*, 97 Mass. App. Ct. 392 (2020). In suppressing Mr. Pinney’s DNA, the Appeals Court held that the Commonwealth had failed to satisfy the requirements of the “attenuation” doctrine, and had failed to satisfy the requirements of the “inevitable discovery doctrine.” *Id.* at 402. Without mentioning it by name, the Appeals

Court pointing toward the “independent source exception”<sup>4</sup> by including this footnote at the end of its decision:

Nothing in our decision should be interpreted as prohibiting the Commonwealth from seeking a court order for the defendant's buccal swab on remand. Such an application, of course, cannot rely on evidence suppressed under our decision.

*Id.* at 402 n. 8.

**b. The First Swab having been Suppressed, ADA Matthew Green Renews his Request for a Second Buccal Swab**

Seizing on the appeals court’s suggestion, in July 2020, ADA Green again moved the court to compel Mr. Pinney to provide a second buccal swab. R.73. In support of this request, ADA Green attached the same State Police Crime Lab’s DNA reports from 2015 regarding the illegally obtained DNA and the same warrant report memorializing the suppressed statements. But this time, ADA Green (or someone in his office) had used marker to cover the suppressed DNA test results and statements. R.75-112; SR.56–59. Despite these redactions, the 2015 DNA reports submitted in

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<sup>4</sup> See, e.g. *Commonwealth v. Almeida*, 496 Mass. 716, 719 (2025), citing *Commonwealth v. Pearson*, 486 Mass. 809, 812-813 (2021); *Commonwealth v. Carvajal*, 496 Mass. 490 (2025)

support of ADA Green's July 2020 request for a second buccal swab still identified Mr. Pinney as the "suspect" the Commonwealth was investigating. R.75-112. In October 2020, following a hearing on the matter and over Mr. Pinney's objection, R.113-124, the trial court (McDonough, J.) allowed the Commonwealth's request. R.125-129.

**c. Ignoring the Irrefutable Evidence that the Illegal Swab had Prompted ADA Green to Request a Second Swab, the Trial Judge Refuses to Suppress the Second Buccal Swab**

In September 2022, Mr. Pinney filed a motion to suppress the DNA evidence obtained during the second buccal swab, R.162-169, which the trial court (Hon. Edward J McDonough) eventually scheduled for a December 22, 2022 hearing that could be evidentiary or non-evidentiary "at either party's option." R.38, 177.

In the lead up to this hearing, ADA Green had before him a burdensome evidentiary task. While he had made efforts to satisfy the objective prong of the independent-source exception (by coloring over the illegally-obtained DNA and statements results with a marker), he still had the subjective prong to contend with. This prong required him to present

evidence of the “subjective intent” he had held in November 2018 when he decided to request a second DNA swab in November 2018, and the evidence he presented would have to prove by a “preponderance of the evidence” that his decision had not been “prompted by” the test results from the illegally obtained DNA. *Commonwealth v. Almeida*, 496 Mass. 716, 722 (2025).

Given that ADA Green’s November 2018 memorandum states that his decision to seek a second swab was prompted by his concerns about the first swab’s legality, R.62–63, and that his memorandum explicitly relied on the illegally obtained DNA test results and statements, R.63–65; SR.5–46, there did not appear to be any evidentiary basis on which ADA Green could satisfy the independent-source doctrine’s subjective prong.

Rather than confronting this issue, ADA Green and the trial court (McDonough, J.) ignored it. Despite the court having explicitly invited the Commonwealth to offer evidence on this issue, ADA Green opted not to offer any evidence at all. R.39. And despite the only evidence in the record on ADA Green’s subjective intent in November 2018 being the memorandum, illegally-obtained DNA results, and illegally obtained

statements ADA Green had submitted showing that he had had been prompted to seek a second swab in November 2018 by the first swab's illegality, Judge McDonough ignored this evidence, and ruled that the second swab was admissible. R.177.

After Mr. Pinney's unsuccessful attempt to obtain an interlocutory appeal of this ruling, R.42, his case went to trial. R.10–11. The Commonwealth placed significant emphasis on the result of the second buccal swab as evidence linking Mr. Pinney to the location where the Commonwealth argued that Ms. Moore had been killed and to the ligature that the Commonwealth argued had been used to strangle her. T.X/64-67. Ultimately, the jury convicted Mr. Pinney of the lesser included charge of involuntary manslaughter. R.51.

#### **IV. Statement of Issues of Law**

In *Commonwealth v. Carvajal*, 496 Mass. 490, 499 (2025), this Court stated that “the second buccal swab was not obtained through the exploitation of the earlier constitutional violation, [so] the exclusionary rule — and, by extension, its exceptions — are simply inapplicable.” Here, the

Commonwealth exploited its earlier constitutional violation by explicitly basing its request for a second swab on the illegally obtained DNA that the Commonwealth had already tested and on statements that had already been suppress. Does this not prove ADA Green's "subjective" intent by showing that his decision to seek the second swab was "prompted" by the prior, illegally obtained DNA swab and statements, *Almeida*, 496 Mass. at 719?

Should the second swab have been admitted into evidence despite the first swab having been obtained through "flagrant police misconduct"? See *Commonwealth v. Lugo*, 102 Mass. App. Ct. 170, 180–181 (2023), citing *Pinney*, 97 Mass. App. Ct. at 401 (citing to Mr. Pinney's case as an example of Springfield police obtaining statements from unwarned arrestees without probable cause pursuant to a "formal policy [that] clearly constitute[d] flagrant police misconduct"); see also *State v. Camey*, 239 N.J. 282, 310–312 (2019) (crafting test for admissibility of second buccal swab that "track[s] the third prong of the independent source doctrine and require[s] the State to show by clear and convincing evidence that the initial impermissible search was not the result of flagrant police misconduct").



## V. Argument<sup>5</sup>

- a. The Commonwealth has not Satisfied Pearson's Subjective Prong, and Cannot Prove that the Erroneous Admission of the Second DNA Swab was Harmless

The first buccal swab the Commonwealth obtained from Mr. Pinney was “the fruit of the defendant's illegal arrest.” *Pinney*, 97 Mass. App. Ct. at 393.<sup>6</sup> Thus, for the illegally obtained sample to be admissible the Commonwealth had to either prove that the buccal swab was “sufficiently attenuated from the underlying illegality,” *id.* at 400, citing *Commonwealth v. Fredette*, 396 Mass. 455, 459 (1985), or else that the taking of “Mr. Pinney’s buccal swab ‘by lawful means was “certain as a practical matter.”” *Pinney*,

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<sup>5</sup> Given that *Carvajal*, 496 Mass. at 499 and *Almeida*, 496 Mass. at 718, provide the reasons justifying direct appellate review, those cases are addressed below in the “Reasons Why Direct Appellate Review is Appropriate” section.

<sup>6</sup> Contrary to the Appeals Court’s previous dictum in this case, *Pinney*, 97 Mass. App. Ct. at 399 n. 6, while “the United States Constitution permits the prosecution to introduce the physical fruits of a voluntary but unwarned statement to police, [the SJC has] concluded that the broader protections of art. 12 of the Massachusetts Declaration of Rights bar the use of physical and testimonial fruits derived from an unwarned statement.” *Commonwealth v. Vasquez*, 482 Mass. 850, 865 n. 24 (2019). As he did below, Mr. Pinney maintains that the seizure of the buccal swabs from him violated art. 12, art. 14, and the Fourth Amendment.

97 Mass. App. Ct at 401, quoting *Balicki*, 436 Mass. at 16, quoting, in turn *Commonwealth v. Perrot*, 407 Mass. 539, 547 (1990).

The Appeals Court has already ruled that the Commonwealth failed to carry its burden under the attenuation and inevitable-discovery exceptions to the exclusionary rule with respect to the first swab. *Pinney*, 97 Mass. App. Ct at 402. Thus, to lawfully use Mr. Pinney’s DNA as evidence against him, it was incumbent on the Commonwealth to satisfy the requirements of the “independent source” doctrine. *Commonwealth v. Pearson*, 486 Mass. 809, 813 (2021). To do so, the Commonwealth had to make two showings: (1) the decision to seek the second DNA sample was not prompted by knowledge gained from the illegally seized DNA, and (2) the request to compel a second swab contained sufficient information to satisfy the statutory standard, apart from any knowledge gained from the illegally seized DNA. *Id.*, citing *Commonwealth v. DeJesus*, 439 Mass. 616, 627 n. 11 (2003), citing, in turn *Murray v. United States*, 487 U.S. 533, 541–543 (1988).

*Pearson*’s first prong requires the court to make a “subjective inquiry” into whether the Commonwealth’s November 2018 decision to seek a second

swab was “prompted by” the unlawfully obtained DNA and statements. *Pearson*, 486 Mass. at 813. Even if the Commonwealth presents testimony or an affidavit stating that the decision to seek a second swab was not “prompted” by unlawfully obtained DNA, the court must not “give dispositive effect to [the Commonwealth’s] assurances on the point.” *Id.* at 815, quoting *Murray*, 487 U.S. at 540 n. 2. Rather, the court must determine the Commonwealth’s<sup>7</sup> subjective intent by “objectively [] assess[ing] the totality of the attendant circumstances to ascertain whether the [Commonwealth’s] stated reasons for seeking the [second DNA sample] are implausible.” *Pearson*, 486 Mass. at 815 (quotation omitted).

Rather than separating the illegally obtained evidence from its decision to seek a second DNA sample, the Commonwealth’s initial memorandum on this topic explicitly links the two. R.61–R.67. Describing what prompted him to bring its November 2018 motion for a second DNA

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<sup>7</sup> Given that this case involves ADA Green’s motion to compel a second buccal swab rather than an application for a search warrant supported by an officer’s affidavit, the person whose subjective intent the court should analyze is ADA Green.

sample, ADA Green wrote that he “anticipates that the defendant will challenge” the legality of the first DNA sample, and that out of his concern for that challenge, he was making the request to compel a second swab “[i]n an effort to maximize the Commonwealth's diligence in this matter.” R.63.

ADA Green also described matches the Commonwealth had found between samples taken from a belt and from Ms. Moore’s body, and the DNA that had been illegally taken from Mr. Pinney. R.63. And ADA Green incorporated by reference the statements that the Commonwealth had illegally taken from Mr. Pinney. R.65; SR.43–46. Given that the Commonwealth filed its November 2018 memorandum contemporaneously with its decision to seek a second sample, that memorandum and its exhibits provide the clearest window into the “subjective” motive prompting that decision. See *Pearson*, 486 Mass. at 815. While “‘subjective intent is always determined by objective means,’” *id.*, quoting *Devenpeck v. Alford*, 543 U.S. 146, 154 (2004), ADA Green’s statements and actions are “inherently reliable as words and deeds indicative of his state of mind when he” sought a second swab. *Flood v. Southland Corp.*, 416 Mass. 62, 69 (1993) (involving guilty plea).

At least three additional factors also show that the illegally obtained evidence prompted the Commonwealth to seek a second swab. First, there is the chronology of the DNA samples. Police in prior cases sought warrants in the immediate wake of the initial entry into the defendants' premises, well before anyone had raised questions about the initial entries' legality. See, e.g. *Murray*, 487 U.S. at 535–536; *Pearson*, 486 Mass. at 810–811. By contrast, the Commonwealth waited for four years — *until the legality of the first DNA sample was being litigated* — to seek an order for a second sample. R.61-67. This order of events inhibits the Commonwealth's ability to satisfy the subjective prong more than the chronologies in *Murray* and *Pearson* did.

Second, there is the flagrant police misconduct in this case. In evaluating the constitutionality of Springfield police obtaining statements from unwarned arrestees without probable cause (as happened here), the appeals court cited Mr. Pinney's case as proof of a "formal policy [that] clearly constitute[d] flagrant police misconduct." *Lugo*, 102 Mass. App. Ct. at 180–181, citing *Pinney*, 97 Mass. App. Ct. at 401. This case also involves the illegal collection of DNA, so the misconduct here is worse than in *Lugo*.

Courts have long recognized that flagrant police misconduct inhibits the Commonwealth's ability to prove attenuation. See e.g., *Lugo*, 102 Mass. App. Ct. at 180–181; *Pinney*, 97 Mass. App. Ct. at 401. Courts should also recognize that flagrant police misconduct makes it difficult for the Commonwealth to prove “subjective intent” under the independent-source exception. Incidental police misconduct is unlikely to prompt a subsequent decision to seek a warrant or court order for evidence. But flagrant police misconduct is likelier to weigh heavily on the Commonwealth's mind when it feels prompted to seek a court order for evidence that the flagrant misconduct had illegally produced.

And third, the Commonwealth exploited the illegally obtained DNA before seeking a second swab. By November 2018, when it asked for a duplicate sample of the swab it illegally obtained, the Commonwealth had already tested Mr. Pinney's DNA against the samples collected from the apartment. The Supreme Court has observed that the subjective prong of the independent-source exception “may well be difficult to establish where the seized goods are kept in the police's possession.” *Murray*, 487 U.S. at 542.

This line of thought applies with more force where, as here, the Commonwealth not only continued to possess the illegally obtained evidence, but had also subjected it to forensic testing, revealing detailed identification evidence that it used as a basis for asking a court to compel a second swab. R.61-67.

Despite the Commonwealth's lack of any evidence or argument on this point, the trial court found that the Commonwealth had made the requisite showing. Specifically, before trial, Judge McDonough found that "the Commonwealth's request . . . for the second buccal swab was prompted by the identical circumstances prompting the Commonwealth's first request for a buccal swab, namely, the relevant, extensive blood and other biological evidence (saliva) retrieved at the scene of the murder." R.178.<sup>8</sup>

In making this finding, Judge McDonough ignored the Commonwealth's November 2018 memorandum stating that the illegal

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<sup>8</sup> The trial court did not reconcile this statement with the fact that when the Commonwealth had made its "first request for a buccal swab" to Mr. Pinney, among the "circumstances" prompting that request were the statements that the Commonwealth had illegally obtained from Mr. Pinney.

evidence had prompted its decision to seek a second sample, contra *Pearson*, 486 Mass. at 815 (requiring court to analyze “totality of the attendant circumstances”), instead focusing exclusively on a July 10, 2020 motion for a second DNA swab from which the Commonwealth had excised some of the information it had gleaned from the illegally obtained DNA and statements. R.61–67, 178-79.<sup>9</sup> And he implicitly acknowledged the lack of evidence on this point by setting the matter down for a hearing, which could be “evidentiary” at the either party’s “option.” R.177. The Commonwealth did not take Judge McDonough up on the invitation to offer evidence to satisfy *Pearson*’s subjective prong, so the only evidence in the record on this point is ADA Green’s November 2018 memorandum and its associated exhibits.

A federal case directly on point is *United States v. Norton*, 720 F. Supp.

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<sup>9</sup> Like the exhibits in support of its November 2018 motion for a second swab, the exhibits in support of the Commonwealth’s July 2020 motion identified Mr. Pinney as the “suspect” the Commonwealth was investigating, and contained all of the same DNA testing results, except that the Commonwealth had used marker to cover the results that had been obtained from the tests of the DNA sample the Commonwealth had illegally obtained from Mr. Pinney, R.75-112, and to partially cover the suppressed statements with marker too. SR.56–59.



3d 1110, 1138 (D.N.M. 2024), *aff'd*, 130 F.4th 824 (10th Cir. 2025). There (as here) while a motion to suppress DNA was pending the prosecution sought a court order compelling the production of a second DNA sample. *Id.* at 1135–1136. And there (as here), “even though not identified as such by the Government, the legal theory it relie[d] on for its argument that the DNA evidence obtained as a result of the second [swab] should not be excluded [] is the independent source doctrine.” *Id.* The only difference is that, whereas the lower court in *Norton* held the government to its burden to prove that its decision to seek the second swab “was not prompted by the initial unlawful” swab, the lower court in this case erroneously excused the Commonwealth from presenting any evidence on that issue, and ignored the evidence linking the illegally obtained DNA to the November 2018 DNA motion.

Thus, on its *de novo* review of the lower court’s decision denying the motion to suppress the second buccal swab, see are not entitled to deference and we may review such evidence *de novo* *Commonwealth v. Tremblay*, 480 Mass. 645, 656 (2018) (“[F]indings drawn from [documentary evidence] are not entitled to deference and [court] may review such evidence *de novo*.”),

this Court should reverse, and should hold that the Commonwealth failed to satisfy the independent source doctrine’s subjective prong.

## **VI. Reasons Why Direct Appellate Review is Appropriate**

Direct appellate review is appropriate because, in at least two respects, this appeal presents two questions that fall into all three categories in Mass. R.A.P. 11(a)(1)–(3).

- a. The Court Should Grant Direct Appellate Review to Prevent *Carvajal* from Creating Confusion in Cases Where Requests for Subsequent Buccal Swabs are Prompted by Illegally Obtained Evidence

Unless this Court takes action, *Carvajal* threatens to detract from the efforts this Court has made to clarify its jurisprudence around the independent-source exception to the exclusionary rule. In 2021, this Court acknowledged that its “articulation of the independent source test in prior cases appears to have led to some confusion.” *Pearson*, 486 Mass. at 813. This confusion had stemmed from the fact that this Court had occasionally “discussed the second [objective] prong of the [independent-source] test without any mention of the first” subjective prong. *Id.* To resolve this confusion, this Court “clarif[ied] that the [independent source] standard

comprises two separate prongs, each of which must be analyzed to determine whether the independent source exception to the exclusionary rule applies.” *Id.* 813–814.<sup>10</sup>

But when this Court was called upon to address the independent-source doctrine in the context of ill-begotten DNA, it reproduced the same conditions for confusion that this Court had recently chided itself over. Just as it had done in *Tyree*, *DeJesus*, and *Estabrook*, when this Court issued its decision in *Carvajal*, it again “discussed the second [objective] prong of the [independent-source] test without any mention of the first” subjective prong. *Pearson*, 486 Mass. at 813.

In addressing the “the independent source exception,” in *Carvajal*, this Court made note of the objective prong, which requires that the subsequent seizure be supported by a “warrant untainted by [the] prior unlawful search.” 496 Mass. at 499. But the *Carvajal* opinion nowhere mentions the required “subjective inquiry” into whether the Commonwealth’s “decision

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<sup>10</sup> Citing *Commonwealth v. Tyree*, 455 Mass. 676, 692 (2010); *Commonwealth v. DeJesus*, 439 Mass. 616, 625 (2003); and *Commonwealth v. Estabrook*, 472 Mass. 852, 866 (2015) as cases discussing only one prong of exception.

to seek the warrant was prompted by what they had seen during the initial [unlawful] entry.” *Pearson*, 486 Mass. at 814. By repeating the omission of the subjective prong, just as did the decisions in *Tyree*, *DeJesus*, and *Estabrook*, the *Carvajal* decision creates a potential for confusion that should be eliminated by granting direct appellate review in this case.

While the application of the independent-source doctrine would not have changed the outcome in *Carvajal*, its application to cases like this one is outcome determinative. Turning to the reasons why the application of the independent-source exception would not have changed the outcome in *Carvajal*, in that case the Commonwealth’s motion and supporting affidavit “expressly stated that the prosecutor did not rely on the previously obtained DNA profile in moving to compel the second sample. Instead, the motion was supported by independent evidence, including a forensic report analyzing the DNA profile generated from sperm recovered from the victim’s bedroom floor that was obtained *before* the defendant was identified, arrested, or subject to the initial unlawful buccal swab.” *Id.* at 497 (emphasis in original). Consequently, this Court held:

Although the initial buccal swab of the defendant was unlawfully gathered, that unlawful search does not require the exclusion of the DNA evidence obtained as a result of a second, different buccal swab gathered through an independent and lawful chain of events. Because the second buccal swab was not obtained through the exploitation of the earlier constitutional violation, the exclusionary rule — and, by extension, its exceptions — are simply inapplicable.

*Id.* at 499 (emphasis added).

Here, in stark contrast to *Carvajal*, the application of the independent-source doctrine makes all the difference. ADA Green’s request for a second buccal swab relied explicitly on the initial unconstitutionally obtained buccal swab and statements. R.61-68, 73-74. Indeed, in its motion to compel a second buccal swab, the Commonwealth stressed that the request was merely “seeking confirmation re-testing[ because] DNA testing in this matter ha[d] already occurred” using samples collected from the scene and Pinney’s first buccal swab, which was obtained through an illegal interrogation. R.63 (emphasis added). The Commonwealth further stated:

Since the DNA testing has already completed in this matter it is a known fact that Twenty-Six (26) DNA questioned profiles have already been identified in this investigation and compared against the known DNA profiles of the defendant, [alleged victim], and [the alleged victim’s boyfriend]. The probative value

of the already analyzed DNA samples is of extreme significance in this matter. R.63.

The Commonwealth then proceeded to list which DNA samples matched Mr. Pinney's DNA profile (as derived from the unconstitutional buccal swab) to support its assertion with "100% certainty . . . that [a second buccal swab sample] will constitute, or lead to the discovery of material evidence relevant to the determination of the defendant's guilt or innocence." R.64. Plus, the Commonwealth incorporated by referenced Mr. Pinney's suppressed statements. R.65. This was not a request based on "an independent and lawful chain of events." *Carvajal*, 496 Mass. at 499.

Yet *Carvajal's* silence as to the independent-source exception's subjective prong could reasonably be read to indicate that ADA Green's reliance on illegally obtained evidence was permissible. This is so because, in *Carvajal*, this Court noted that the Commonwealth had excised any mention of the illegal DNA from its request for the second swab, and ruled that "the exclusionary rule — and, by extension, its exceptions — are simply inapplicable." 496 Mass. at 499. Combined with its silence regarding the independent-source doctrine's subjective prong, the *Carvajal* decision's

characterization of the exclusionary rule and its exceptions as being “simply inapplicable” could well be taken to mean that whenever the Commonwealth can muster the modicum of evidence needed to obtain an order for a second buccal swab without explicitly relying on illegally obtained evidence, then the second swab is admissible even if there is evidence that illegally obtained DNA and statements are what prompted the Commonwealth’s decision to seek the second swab.<sup>11</sup>

The applicability of the independent-source exception in this case is a “novel question[] of law which should be submitted for final determination

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<sup>11</sup> While this Court has since issued one decision noting that the independent-source “analysis requires the court to evaluate the subjective intent of the affiant,” *Almeida*, 496 Mass. at 722, that decision serves to exacerbate rather than resolve *Carvajal*’s potential for confusion. *Almeida* applies the independent-source exception’s subjective prong to physical evidence from a location mentioned during an illegally obtained statement without mentioning or addressing the *Carvajal* decision’s statement that “the exclusionary rule — and, by extension, its exceptions — are simply inapplicable” to the subsequent DNA sample that had been obtained in *Carvajal*. *Id.* at 499. This reinforces the erroneous impression that, while the affiant’s subjective motive is generally relevant to situations involving the independent-source exception, when it comes to DNA it does not matter what prompted the affiant to seek a second swab because the exclusionary rule is “simply inapplicable” so long as the second swab was obtained without explicit reliance on the illegally obtained DNA.

to” this Court, Mass. R.A.P. 11(a)(1), because *Carvajal* contained no evidence that the Commonwealth had been prompted by the first (illegally obtained) swab to seek the second swab. Thus, neither this Court nor the Appeals Court has had an opportunity to evaluate the applicability of the independent-source doctrine in a case with evidence that the decision to seek a second swab was prompted by the first (illegally obtained) swab.

The applicability of the independent-source exception in this case is a “question[] of law concerning the Constitution of the Commonwealth or [] the Constitution of the United States,” Mass. R.A.P. 11(a)(2), because the Fourth Amendment and, art. 12, and art. 14 entitle Mr. Pinney to the suppression of evidence whose collection was prompted by his illegally obtained DNA and statements. *Balicki*, 436 Mass. at 15, citing *Wong Sun*, 371 U.S. at 484. Neither Constitution countenances the Commonwealth cleansing itself of unconstitutional conduct by coloring over illegally obtained DNA results in records it submits to the court to obtain a new DNA sample, while ignoring evidence that the decision to seek a second sample was prompted by the first (illegally obtained sample).



Finally, the applicability of the independent-source exception in this case is a “question[] of such public interest that justice requires a final determination by” this Court, Mass. R.A.P. 11(a)(3), because the misconduct here is part of a troubling pattern that threatens the justice system’s integrity. The Appeals Court has already recognized that the first, illegally-obtained DNA sample was the product of an illegal “protocol” whereby Springfield police obtained statements and evidence from unwarned arrestees without probable cause, and that this “protocol” constitutes a “formal policy [that] clearly constitute[s] flagrant police misconduct.” *Lugo*, 102 Mass. App. Ct. at 180–181, citing *Pinney*, 97 Mass. App. Ct. at 401.

Moreover, ADA Green’s misconduct in this case is not unlike the misconduct justifying his disqualification in *Commonwealth v. Scanlon*, 493 Mass. 1020, 1021 (2024). This Court should act to ensure “‘the integrity of the criminal justice system, the efficient administration of justice in responding to such potentially broad-ranging misconduct, and the myriad public interests at stake.’” *Bridgeman v. Dist. Att’y for Suffolk Dist.*, 471 Mass. 465, 479 (2015), quoting *Commonwealth v. Scott*, 467 Mass. 336, 352 (2014).

b. The Court Should Grant Direct Appellate Review to Adopt a Test for Admissibility that is Sensitive to DNA's Unique Characteristics

The *Carvajal* decision threatens to situate this Court on the wrong side of a developing split regarding the admissibility of DNA samples that are sought after initial DNA samples were illegally obtained. For example, in suppressing a second DNA sample, the *Norton* court relied on DNA being “permanent and immutable,” to support its rejection of the independent-source doctrine. 720 F. Supp. 3d at 1138. But other courts have reasoned that the “fact that DNA evidence is permanent and unchanging is irrelevant,” and have held that the government may use the independent-source doctrine to obtain a new sample of DNA that it had previously obtained illegally, lest the government be “put in a worse position simply because of some earlier police error or misconduct.” *United States v. Watson*, No. 23-CR-109, 2023 WL 6812302, at \*3 (E.D. Wis. Oct. 16, 2023), quoting *Nix v. Williams*, 467 U.S. 431, 442–43 (1984); see also *Commonwealth v. Henderson*, 616 Pa. 277, 289 (2012). This Court should join the side of this developing split that prioritizes civil liberties as against government intrusion.

One court to have thoughtfully engaged in this issue is the Supreme Court of New Jersey in *Camey*. While the *Carvajal* decision mentions *Camey*, it does so only in passing for the proposition that DNA's immutable character does not cause the second DNA sample to "lose its character as a second search and seizure . . . ." *Carvajal*, 496 Mass. at 496, quoting *Camey*, 239 N.J. at 308–310. By dealing so briefly with *Camey*, the *Carvajal* decision missed an opportunity to craft a test that properly balances the civil-liberties implications of DNA's immutable character with the legitimate interest in unduly hamstringing the Commonwealth's investigative authorities.

The key feature from the *Camey* court's test that the *Carvajal* court missed is the relevance of flagrant police misconduct. Under the approach outlined in *Camey*, "to deter wrongdoing by the police," when the Commonwealth seeks a second DNA sample having first obtained a DNA sample illegally, then the Commonwealth would have to prove "by clear and convincing evidence that the initial impermissible search was not the result of flagrant police misconduct." *Camey*, 239 N.J. at 311. This test is "better tailored for the unique nature of DNA evidence and a fair assessment

of whether a second buccal swab sample should be allowed” because it balances law’s reluctance to countenance flagrant violations of constitutional rights protecting from the unreasonable seizure of something so highly personal as one’s DNA, against the law’s reluctance to put relevant evidence of wrongdoing (or innocence) beyond the authorities’ reach. *Id.*

While the New Jersey Supreme Court had to remand the case on the issue of flagrancy, no such remand is needed here. This is because the Appeals Court has already noted that the unlawful arrest that produced the first DNA sample was committed pursuant to a “formal policy [that] clearly constitute[d] flagrant police misconduct.” *Lugo*, 102 Mass. App. Ct. at 180–181, citing *Pinney*, 97 Mass. App. Ct. at 401. Consequently, the flagrancy rendering the second swab inadmissible under the test announced in *Camey* is already established on this record.

The relevance of the flagrant police misconduct in this case to the admissibility of the second buccal swab is a “novel question[] of law which should be submitted for final determination to” this Court, Mass. R.A.P. 11(a)(1), because *Carvajal* did not involve any flagrant police misconduct, so

neither the appeals court nor this Court have had an opportunity to decide whether a second buccal swab may be permissible when the first buccal swab was the product of flagrant police misconduct.

Furthermore, the relevance of the flagrant police misconduct in this case to the admissibility of the second buccal swab is a “question[] of law concerning the Constitution of the Commonwealth or [] the Constitution of the United States,” Mass. R.A.P. 11(a)(2), because a nationwide split is developing on how courts should determine the admissibility of second DNA samples obtained after initial DNA sample were suppressed, and it is this Court’s responsibility to ensure that the law of this Commonwealth comes down on the right side of that split.

Some courts have taken a civil-liberties focused approach, suppressing the subsequent swabs under the independent-source doctrine. See *Norton*, 720 F. Supp. 3d at 1137–1138, aff’d, 130 F.4th 824 (10th Cir. 2025); *United States v. Smith*, 575 F. Supp. 3d 542, 557 (E.D. Pa. 2021). Other courts have taken an approach that unduly jeopardizes civil liberties by refusing to suppress subsequent samples and holding that the exclusionary rule (and the

exceptions thereto) are inapplicable. *State v. Keith*, 2016-Ohio-1263, ¶ 33; *State v. Weathers*, 304 Neb. 402, 426 (2019). Others have gone even further in that direction, applying the inevitable discovery doctrine, *State v. Mitcham*, 258 Ariz. 432 (2024), cert. denied, 145 S. Ct. 1965 (2025), or the attenuation doctrine *People v. Moore*, 61 Misc. 3d 868, 876 (N.Y. Sup. Ct. 2018), which the Appeals Court held was inapplicable under the facts in this case.

This Court should maintain its position at the vanguard of civil-liberties protection, hold that the independent source doctrine must be satisfied for a second DNA sample to be permissible when the first DNA sample was collected illegally, and decide that the independent source doctrine cannot be used to obtain a second DNA sample when the first DNA sample was the product of flagrant police misconduct.

Finally, the relevance of the flagrant police misconduct in this case to the admissibility of the second buccal swab is a “question[] of such public interest that justice requires a final determination by” this Court, Mass. R.A.P. 11(a)(3), because the use of the second swab against Mr. Pinney countenances flagrant police misconduct that is antithetical to the public

interest in the administration of justice. Even if this Court is inclined to err on the side of preserving the authorities' access to evidence at the expense of tolerating the authorities' prior unconstitutional conduct, this Court should situate itself in the middle of the pack, alongside the New Jersey Supreme Court, by holding that when the Commonwealth wants to obtain a second DNA sample, it must prove "by clear and convincing evidence that the initial impermissible search was not the result of flagrant police misconduct." *Camey*, 239 N.J. at 311.

At present, the *Carvajal* decision's description of the exclusionary rule and its exceptions as being "inapplicable" to the second DNA sample appears to situate this Court on the wing of the split that would tolerate the collection of a second swab even if the first swab was obtained through flagrant police misconduct, and irrespective of what motivated the decision to seek the second swab. This Court should not tolerate this appearance, and should grant direct appellate review to correct this appearance.

## VII. Conclusion

For the forgoing reasons, Mr. Pinney respectfully requests that this Court grant this Application for Direct Appellate Review.

Respectfully Submitted,  
Mr. Pinney,  
By his Attorneys,



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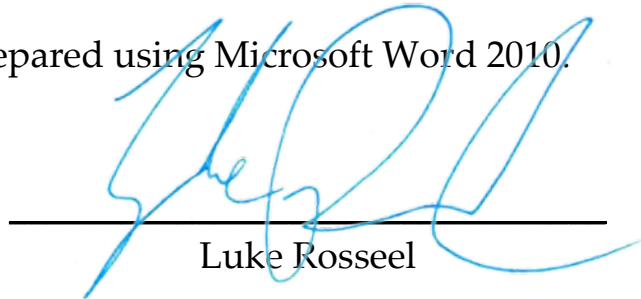
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### **VIII. Certificate of Compliance**

I, Luke Rosseel, counsel for the appellant do hereby certify that this the application complies with the Massachusetts Rules of Appellate Procedure that pertain to applications for direct appellate review, including, but not limited to Rule 11(b) and Rule 20(a). I certify further that compliance with Rule 11(b) and Rule 20(a) was ascertained as follows: The proportionally spaced font of the text in this brief is Palatino Linotype, size fourteen; the Argument section in this application contains 1,865 words; and this application was prepared using Microsoft Word 2010.



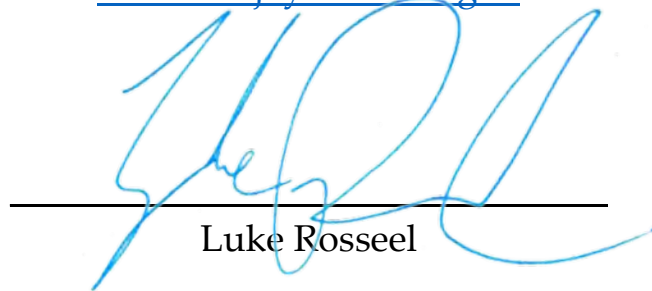
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Luke Rosseel

**IX. Certificate of Service**

I, Luke Rosseel, counsel for the Defendant-Appellant in the above-captioned matter, this Fourth Day of December, 2025, hereby certify, under penalties of perjury, that I served the forgoing Application for Direct Appellate Review in the above-captioned matter on the following counsel of record by selecting the E-File and Serve option from the Supreme Judicial Court's Electronic Filing Web Portal:

William Thomas Joyce (BBO 703542)  
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Luke Rosseel

**X.    Addendum**

Trial Court Docket .....	Add.48
October 31, 2018 Supplemental Findings of Fact, Decision and Order on the Commonwealth's Motion to Reconsider or Clarify .....	Add.100
October 20, 2020 Memo and Order on Motion for Buccal Swab.....	Add.102
November 29, 2022 Order on motion for findings of fact justifying denial of motion to suppress.....	Add.107
December 23, 2022 Decision on Motion to suppress Second Buccal Swab .....	Add.110

## 1479CR00445 Commonwealth vs. Pinney, Frederick

- Case Type:
  - Indictment
- Case Status:
  - Open
- File Date
  - 04/29/2014
- DCM Track:
  - C - Most Complex
- Initiating Action:
  - MANSLAUGHTER c265 §13
- Status Date:
  - 04/29/2014
- Case Judge:
  - Callan, Hon. Michael K
- Next Event:
  -

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

### Party Information

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Alias

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[More Party Information](#)

**BAYSTATE MEDICAL CENTER**  
- Keeper of Record

Alias

#### Party Attorney

[More Party Information](#)

### Party Charge Information

- Pinney, Frederick
  - - Defendant
    - **Charge # 1:**
      - 265/1-0 - Felony MURDER c265 §1
- Original Charge

- 265/1-0 MURDER c265 §1 (Felony)
- Indicted Charge
- Amended Charge
- 

#### Charge Disposition

Disposition Date

Disposition

03/06/2023

Guilty Verdict - Lesser Included

#### Events

<u>Date</u>	<u>Session</u>	<u>Location</u>	<u>Type</u>	<u>Event Judge</u>	<u>Result</u>
05/13/2014 09:01 AM	Criminal 1 - Ct. Rm. 1		Arraignment		Rescheduled
05/14/2014 09:01 AM	Criminal 1 - Ct. Rm. 1		Arraignment		Rescheduled
05/15/2014 09:01 AM	Criminal 1 - Ct. Rm. 1		Arraignment		Held as Scheduled
11/06/2014 09:19 AM	Criminal 1 - Ct. Rm. 1		Pre-Trial Hearing		Rescheduled
11/20/2014 09:19 AM	Criminal 1 - Ct. Rm. 1		Pre-Trial Hearing		Held as Scheduled
05/07/2015 09:37 AM	Criminal 1 - Ct. Rm. 1		Hearing for Funds		Held as Scheduled
05/19/2015 09:37 AM	Criminal 1 - Ct. Rm. 1		Hearing for Funds		Held as Scheduled
05/19/2015 09:39 AM	Criminal 1 - Ct. Rm. 1		Final Pre-Trial Conference		Rescheduled
06/03/2015 09:35 AM	Criminal 1 - Ct. Rm. 1		Status Review		Held as Scheduled
06/16/2015 09:35 AM	Criminal 1 - Ct. Rm. 1		Status Review		Held as Scheduled
07/15/2015 09:35 AM	Criminal 1 - Ct. Rm. 1	SPRF-3rd FL, CR 1 (SC)	Conference to Review Status	Rup, Hon. Mary-Lou	Not Held
07/16/2015 09:35 AM	Criminal 1 - Ct. Rm. 1	SPRF-3rd FL, CR 1 (SC)	Conference to Review Status	Rup, Hon. Mary-Lou	Held as Scheduled
09/14/2015 09:23 AM	Criminal 1 - Ct. Rm. 1	SPRF-3rd FL, CR 1 (SC)	Motion Hearing	Page, Hon. Tina	Held as Scheduled
09/14/2015 09:37 AM	Criminal 1 - Ct. Rm. 1	SPRF-3rd FL, CR 1 (SC)	Hearing for Funds	Page, Hon. Tina	Held as Scheduled
10/07/2015 09:39 AM	Criminal 1 - Ct. Rm. 1	SPRF-3rd FL, CR 1 (SC)	Final Pre-Trial Conference	McDonough, Jr., Hon. Edward J	Rescheduled
10/28/2015 09:00 AM	Criminal 1 - Ct. Rm. 1	SPRF-3rd FL, CR 1 (SC)	Hearing for Funds	McDonough, Jr., Hon. Edward J	Held as Scheduled
10/28/2015 09:17 AM	Criminal 1 - Ct. Rm. 1	SPRF-3rd FL, CR 1 (SC)	Evidentiary Hearing to Dismiss	McDonough, Jr., Hon. Edward J	Not Held
10/28/2015 09:39 AM	Criminal 1 - Ct. Rm. 1	SPRF-3rd FL, CR 1 (SC)	Final Pre-Trial Conference	McDonough, Jr., Hon. Edward J	Not Held
11/04/2015 09:17 AM	Criminal 1 - Ct. Rm. 1	SPRF-3rd FL, CR 1 (SC)	Evidentiary Hearing to Dismiss	McDonough, Jr., Hon. Edward J	Held as Scheduled
11/04/2015 09:39 AM	Criminal 1 - Ct. Rm. 1	SPRF-3rd FL, CR 1 (SC)	Final Pre-Trial Conference	McDonough, Jr., Hon. Edward J	Held as Scheduled
11/05/2015 12:00 PM	Criminal 1 - Ct. Rm. 1	SPRF-3rd FL, CR 1 (SC)	Evidentiary Hearing to Dismiss	McDonough, Jr., Hon. Edward J	Held as Scheduled
11/06/2015 09:07 AM	Criminal 1 - Ct. Rm. 1	SPRF-3rd FL, CR 1 (SC)	Jury Trial	McDonough, Jr., Hon. Edward J	Not Held
11/06/2015 09:17 AM	Criminal 1 - Ct. Rm. 1	SPRF-3rd FL, CR 1 (SC)	Evidentiary Hearing to Dismiss	McDonough, Jr., Hon. Edward J	Held as Scheduled
12/10/2015 09:37 AM	Criminal 1 - Ct. Rm. 1	SPRF-3rd FL, CR 1 (SC)	Hearing for Funds	Mason, Hon. Mark D	Held as Scheduled



<u>Date</u>	<u>Session</u>	<u>Location</u>	<u>Type</u>	<u>Event Judge</u>	<u>Result</u>
12/14/2015 09:39 AM	Criminal 1 - Ct. Rm. 1	SPRF-3rd FL, CR 1 (SC)	Final Pre-Trial Conference	Mason, Hon. Mark D	Not Held
12/17/2015 09:35 AM	Criminal 1 - Ct. Rm. 1	SPRF-3rd FL, CR 1 (SC)	Conference to Review Status	Mason, Hon. Mark D	Held as Scheduled
01/04/2016 09:07 AM	Criminal 1 - Ct. Rm. 1		Jury Trial		Not Held
01/12/2016 09:21 AM	Criminal 1 - Ct. Rm. 1	SPRF-3rd FL, CR 1 (SC)	Hearing RE: Discovery Motion(s)	Sweeney, Hon. Constance M	Held as Scheduled
01/12/2016 09:39 AM	Criminal 1 - Ct. Rm. 1		Final Pre-Trial Conference		Not Held
01/22/2016 10:00 AM	CR Session 4 - Ct. Rm 5	SPRF-3rd FL, CR 6 (SC)	Hearing on Motion(s) in Limine	Page, Hon. Tina	Not Held
01/22/2016 02:00 PM	CR Session 2 - Ct. Rm 3	SPRF-2nd FL, CR 8 (SC)	Conference to Review Status	Carey, Hon. Richard J	Held as Scheduled
01/25/2016 10:00 AM	CR Session 2 - Ct. Rm 3	SPRF-2nd FL, CR 8 (SC)	Conference to Review Status	Carey, Hon. Richard J	Held as Scheduled
01/26/2016 09:00 AM	CR Session 2 - Ct. Rm 3	SPRF-2nd FL, CR 8 (SC)	Jury Trial	Carey, Hon. Richard J	Held as Scheduled
01/26/2016 09:07 AM	Criminal 1 - Ct. Rm. 1		Jury Trial		Not Held
01/27/2016 09:30 AM	CR Session 2 - Ct. Rm 3	SPRF-2nd FL, CR 8 (SC)	Jury Trial	Carey, Hon. Richard J	Held as Scheduled
01/28/2016 09:30 AM	CR Session 2 - Ct. Rm 3	SPRF-2nd FL, CR 8 (SC)	Jury Trial	Carey, Hon. Richard J	Held as Scheduled
01/29/2016 09:30 AM	CR Session 2 - Ct. Rm 3	SPRF-2nd FL, CR 8 (SC)	Jury Trial	Carey, Hon. Richard J	Held as Scheduled
02/01/2016 09:30 AM	CR Session 2 - Ct. Rm 3	SPRF-2nd FL, CR 8 (SC)	Jury Trial	Carey, Hon. Richard J	Held as Scheduled
02/02/2016 09:30 AM	CR Session 2 - Ct. Rm 3	SPRF-2nd FL, CR 8 (SC)	Jury Trial	Carey, Hon. Richard J	Held as Scheduled
02/03/2016 09:30 AM	CR Session 2 - Ct. Rm 3	SPRF-2nd FL, CR 8 (SC)	Jury Trial	Carey, Hon. Richard J	Held as Scheduled
02/04/2016 09:30 AM	CR Session 2 - Ct. Rm 3	SPRF-2nd FL, CR 8 (SC)	Jury Trial	Carey, Hon. Richard J	Held as Scheduled
02/05/2016 09:30 AM	CR Session 2 - Ct. Rm 3	SPRF-2nd FL, CR 8 (SC)	Jury Trial	Carey, Hon. Richard J	Held as Scheduled
02/08/2016 09:30 AM	CR Session 2 - Ct. Rm 3	SPRF-2nd FL, CR 8 (SC)	Jury Trial	Carey, Hon. Richard J	Held as Scheduled
02/09/2016 09:30 AM	CR Session 2 - Ct. Rm 3	SPRF-2nd FL, CR 8 (SC)	Jury Trial	Carey, Hon. Richard J	Held as Scheduled
02/10/2016 09:30 AM	CR Session 2 - Ct. Rm 3	SPRF-2nd FL, CR 8 (SC)	Jury Trial	Carey, Hon. Richard J	Held as Scheduled
02/11/2016 09:30 AM	CR Session 2 - Ct. Rm 3	SPRF-2nd FL, CR 8 (SC)	Jury Trial	Carey, Hon. Richard J	Trial ends in a Mistrial
02/24/2016 09:30 AM	CR Session 2 - Ct. Rm 3	SPRF-2nd FL, CR 8 (SC)	Evidentiary Hearing to Dismiss	Carey, Hon. Richard J	Rescheduled
02/25/2016 02:00 PM	CR Session 2 - Ct. Rm 3	SPRF-2nd FL, CR 8 (SC)	Evidentiary Hearing to Dismiss	Carey, Hon. Richard J	Held - Under advisement
03/16/2016 09:35 AM	Criminal 1 - Ct. Rm. 1		Conference to Review Status	Carey, Hon. Richard J	Held as Scheduled
05/16/2016 09:35 AM	Criminal 1 - Ct. Rm. 1		Conference to Review Status		Held as Scheduled
06/06/2016 02:00 PM	Criminal 1 - Ct. Rm. 1		Motion Hearing		Held as Scheduled
09/29/2016 02:00 PM	Criminal 1 - Ct. Rm. 1	SPRF-3rd FL, CR 1 (SC)	Conference to Review Status	Carey, Hon. Richard J	Not Held
10/19/2016 09:07 AM	Criminal 1 - Ct. Rm. 1		Jury Trial		Canceled

<u>Date</u>	<u>Session</u>	<u>Location</u>	<u>Type</u>	<u>Event Judge</u>	<u>Result</u>
10/19/2016 09:35 AM	Criminal 1 - Ct. Rm. 1		Conference to Review Status		Held as Scheduled
11/29/2016 09:35 AM	Criminal 1 - Ct. Rm. 1		Conference to Review Status		Held as Scheduled
02/07/2017 09:35 AM	Criminal 1 - Ct. Rm. 1		Conference to Review Status		Held as Scheduled
04/27/2017 09:35 AM	Criminal 1 - Ct. Rm. 1		Conference to Review Status		Held as Scheduled
06/29/2017 09:35 AM	Criminal 1 - Ct. Rm. 1		Conference to Review Status		Held as Scheduled
09/27/2017 09:35 AM	Criminal 1 - Ct. Rm. 1		Conference to Review Status		Held as Scheduled
01/10/2018 09:35 AM	Criminal 1 - Ct. Rm. 1		Conference to Review Status		Not Held
02/14/2018 09:29 AM	Criminal 1 - Ct. Rm. 1		Bail Hearing		Held as Scheduled
02/14/2018 09:35 AM	Criminal 1 - Ct. Rm. 1		Conference to Review Status		Held as Scheduled
04/04/2018 09:35 AM	Criminal 1 - Ct. Rm. 1		Conference to Review Status		Not Held
04/18/2018 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
05/15/2018 09:35 AM	Criminal 1 - Ct. Rm. 1		Scheduling Conference		Held as Scheduled
06/26/2018 09:15 AM	Criminal 1 - Ct. Rm. 1		Evidentiary Hearing on Suppression		Not Held
06/26/2018 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
08/07/2018 09:23 AM	Criminal 1 - Ct. Rm. 1	SPRF-3rd FL, CR 1 (SC)	Hearing on Motion to Continue	Callan, Hon. Michael K	Held as Scheduled
08/23/2018 09:15 AM	Criminal 1 - Ct. Rm. 1		Evidentiary Hearing on Suppression		Held as Scheduled
08/28/2018 09:09 AM	Criminal 1 - Ct. Rm. 1		Trial Assignment Conference		Rescheduled
08/28/2018 09:39 AM	Criminal 1 - Ct. Rm. 1		Final Pre-Trial Conference		Rescheduled
08/30/2018 02:45 PM	Criminal 1 - Ct. Rm. 1	SPRF-3rd FL, CR 1 (SC)	Evidentiary Hearing on Suppression	Callan, Hon. Michael K	Not Held
09/05/2018 09:07 AM	Criminal 1 - Ct. Rm. 1		Jury Trial		Rescheduled
09/06/2018 09:15 AM	Criminal 1 - Ct. Rm. 1		Evidentiary Hearing on Suppression		Held as Scheduled
11/01/2018 09:09 AM	Criminal 1 - Ct. Rm. 1		Trial Assignment Conference		Not Held
11/01/2018 09:39 AM	Criminal 1 - Ct. Rm. 1		Final Pre-Trial Conference		Not Held
11/08/2018 09:07 AM	Criminal 1 - Ct. Rm. 1		Jury Trial		Not Held
11/19/2018 09:29 AM	Criminal 1 - Ct. Rm. 1	SPRF-3rd FL, CR 1 (SC)	Bail Hearing	Wrenn, Hon. Daniel M	Rescheduled
11/29/2018 09:23 AM	Criminal 1 - Ct. Rm. 1	SPRF-3rd FL, CR 1 (SC)	Motion Hearing	Wrenn, Hon. Daniel M	Held as Scheduled
11/29/2018 09:29 AM	Criminal 1 - Ct. Rm. 1	SPRF-3rd FL, CR 1 (SC)	Bail Hearing	Wrenn, Hon. Daniel M	Held as Scheduled
12/12/2018 09:35 AM	Criminal 1 - Ct. Rm. 1		Conference to Review Status		Held as Scheduled
01/30/2019 09:35 AM	Criminal 1 - Ct. Rm. 1		Conference to Review Status		Held as Scheduled



<u>Date</u>	<u>Session</u>	<u>Location</u>	<u>Type</u>	<u>Event Judge</u>	<u>Result</u>
04/04/2019 09:35 AM	Criminal 1 - Ct. Rm. 1		Conference to Review Status		Held as Scheduled
06/04/2019 09:35 AM	Criminal 1 - Ct. Rm. 1		Conference to Review Status		Held as Scheduled
09/17/2019 09:35 AM	Criminal 1 - Ct. Rm. 1		Conference to Review Status		Held as Scheduled
12/10/2019 09:35 AM	Criminal 1 - Ct. Rm. 1		Conference to Review Status		Not Held
03/11/2020 09:35 AM	Criminal 1 - Ct. Rm. 1		Conference to Review Status		Held as Scheduled
04/07/2020 10:00 AM	Criminal 1 - Ct. Rm. 1		Bail Hearing		Not Held
04/10/2020 11:30 AM	Criminal 1 - Ct. Rm. 1		Bail Hearing		Canceled
06/02/2020 09:35 AM	Criminal 1 - Ct. Rm. 1		Conference to Review Status		Not Held
06/05/2020 09:29 AM	Criminal 1 - Ct. Rm. 1		Hearing for Review of Other Detainee (COVID19)		Not Held
06/10/2020 11:30 AM	Criminal 1 - Ct. Rm. 1	SPRF-3rd FL, CR 1 (SC)	Bail Review via Video Conference	Carey, Hon. Richard J	Held - Under advisement
07/27/2020 09:35 AM	Criminal 1 - Ct. Rm. 1		Conference to Review Status		Held as Scheduled
07/27/2020 09:35 AM	Criminal 1 - Ct. Rm. 1	SPRF-3rd FL, CR 1 (SC)	Motion Hearing	Flannery, Hon. Francis E	Not Held
08/11/2020 11:00 AM	Criminal 1 - Ct. Rm. 1		Motion Hearing		Not Held
08/12/2020 03:00 PM	Criminal 1 - Ct. Rm. 1	SPRF-3rd FL, CR 1 (SC)	Motion Hearing	Callan, Hon. Michael K	Decision rendered
09/02/2020 09:35 AM	Criminal 1 - Ct. Rm. 1	SPRF-3rd FL, CR 1 (SC)	Conference to Review Status		Rescheduled
09/03/2020 09:00 AM	Criminal 1 - Ct. Rm. 1	SPRF-3rd FL, CR 1 (SC)	Motion Hearing	Flannery, Hon. Francis E	Held as Scheduled
09/23/2020 09:00 AM	Criminal 1 - Ct. Rm. 1	SPRF-3rd FL, CR 1 (SC)	Conference to Review Status	Flannery, Hon. Francis E	Held as Scheduled
10/20/2020 09:01 AM	Criminal 1 - Ct. Rm. 1	SPRF-3rd FL, CR 1 (SC)	Motion Hearing	Mulqueen, Hon. Jane E	Held as Scheduled
10/22/2020 09:00 AM	Criminal 1 - Ct. Rm. 1		Conference to Review Status		Rescheduled
10/29/2020 02:00 PM	CR Session 2 - Ct. Rm 3	SPRF-2nd FL, CR 8 (SC)	Conference to Review Status	McDonough, Jr., Hon. Edward J	Not Held
11/17/2020 09:00 AM	CR Session 2 - Ct. Rm 3		Conference to Review Status		Rescheduled
11/23/2020 02:30 PM	CR Session 2 - Ct. Rm 3	SPRF-2nd FL, CR 8 (SC)	Conference to Review Status	McDonough, Jr., Hon. Edward J	Held as Scheduled
12/17/2020 02:00 PM	CR Session 2 - Ct. Rm 3		Conference to Review Status	McDonough, Jr., Hon. Edward J	Rescheduled
01/07/2021 10:00 AM	Civil A - Ct. Rm. 4		Conference to Review Status		Rescheduled
01/27/2021 11:00 AM	Civil A - Ct. Rm. 4	SPRF-2nd FL, CR 8 (SC)	Motion Hearing	McDonough, Jr., Hon. Edward J	Held as Scheduled
02/10/2021 10:00 AM	Civil A - Ct. Rm. 4		Conference to Review Status		Not Held
02/25/2021 09:00 AM	Criminal 1 - Ct. Rm. 1	SPRF-3rd FL, CR 1 (SC)	Conference to Review Status	Callan, Hon. Michael K	Not Held
02/25/2021 09:30 AM	Civil A - Ct. Rm. 4	SPRF-2nd FL, CR 8 (SC)	Conference to Review Status	McDonough, Jr., Hon. Edward J	Held via Video/Phone
02/25/2021 09:30 AM	Civil A - Ct. Rm. 4	SPRF-2nd FL, CR 8 (SC)	Motion Hearing	McDonough, Jr., Hon. Edward J	Held via Video/Phone



<u>Date</u>	<u>Session</u>	<u>Location</u>	<u>Type</u>	<u>Event Judge</u>	<u>Result</u>
03/31/2021 09:30 AM	Civil A - Ct. Rm. 4	SPRF-2nd FL, CR 8 (SC)	Conference to Review Status	McDonough, Jr., Hon. Edward J	Rescheduled
04/01/2021 09:00 AM	Civil A - Ct. Rm. 4	SPRF-2nd FL, CR 8 (SC)	Motion Hearing	McDonough, Jr., Hon. Edward J	Decision rendered
04/01/2021 09:00 AM	Civil A - Ct. Rm. 4	SPRF-2nd FL, CR 8 (SC)	Conference to Review Status	McDonough, Jr., Hon. Edward J	Held as Scheduled
04/06/2021 09:00 AM	CR Session 6 - Ct. Rm 8		Conference to Review Status	McDonough, Jr., Hon. Edward J	Rescheduled
05/14/2021 09:30 AM	CR Session 3 - Ct. Rm 6	SPRF-3rd FL, CR 2 (SC)	Trial Assignment Conference	Flannery, Hon. Francis E	Held via Video/Phone
06/03/2021 09:00 AM	CR Session 5 - Ct. Rm 2	SPRF-3rd FL, CR 4 (SC)	Trial Assignment Conference	Mulqueen, Hon. Jane E	Rescheduled
07/07/2021 09:35 AM	Criminal 1 - Ct. Rm. 1	SPRF-3rd FL, CR 1 (SC)	Conference to Review Status	Flannery, Hon. Francis E	Held as Scheduled
07/21/2021 09:21 AM	Criminal 1 - Ct. Rm. 1	SPRF-3rd FL, CR 1 (SC)	Hearing RE: Discovery Motion(s)	Flannery, Hon. Francis E	Not Held
08/02/2021 09:21 AM	Criminal 1 - Ct. Rm. 1	SPRF-3rd FL, CR 1 (SC)	Hearing RE: Discovery Motion(s)	Flannery, Hon. Francis E	Held as Scheduled
08/02/2021 09:21 AM	Civil A - Ct. Rm. 4	SPRF-3rd FL, CR 4 (SC)	Hearing RE: Discovery Motion(s)	Mason, Hon. Mark D	Held as Scheduled
09/02/2021 09:35 AM	Criminal 1 - Ct. Rm. 1	SPRF-3rd FL, CR 1 (SC)	Conference to Review Status	Flannery, Hon. Francis E	Held as Scheduled
10/07/2021 09:35 AM	Criminal 1 - Ct. Rm. 1	SPRF-3rd FL, CR 1 (SC)	Conference to Review Status	McDonough, Jr., Hon. Edward J	Held as Scheduled
11/10/2021 09:35 AM	Criminal 1 - Ct. Rm. 1	SPRF-3rd FL, CR 1 (SC)	Conference to Review Status	McDonough, Jr., Hon. Edward J	Held as Scheduled
12/13/2021 09:35 AM	Criminal 1 - Ct. Rm. 1	SPRF-3rd FL, CR 1 (SC)	Conference to Review Status	McDonough, Jr., Hon. Edward J	Held as Scheduled
01/12/2022 09:35 AM	Criminal 1 - Ct. Rm. 1	SPRF-3rd FL, CR 1 (SC)	Conference to Review Status	Mulqueen, Hon. Jane E	Not Held
01/18/2022 09:07 AM	Criminal 1 - Ct. Rm. 1	SPRF-3rd FL, CR 1 (SC)	Jury Trial	Mulqueen, Hon. Jane E	Not Held
02/23/2022 09:29 AM	Criminal 1 - Ct. Rm. 1	SPRF-3rd FL, CR 1 (SC)	Bail Hearing	Mulqueen, Hon. Jane E	Not Held
02/23/2022 09:35 AM	Criminal 1 - Ct. Rm. 1	SPRF-3rd FL, CR 1 (SC)	Conference to Review Status	Mulqueen, Hon. Jane E	Held as Scheduled
03/03/2022 02:00 PM	Criminal 1 - Ct. Rm. 1	SPRF-3rd FL, CR 1 (SC)	Bail Hearing	Mulqueen, Hon. Jane E	Not Held
03/03/2022 02:00 PM	Civil B - Ct. Rm. 7	SPRF-2nd FL, CR 8 (SC)	Bail Hearing	McDonough, Jr., Hon. Edward J	Held as Scheduled
05/03/2022 09:35 AM	Criminal 1 - Ct. Rm. 1	SPRF-3rd FL, CR 1 (SC)	Conference to Review Status	Callan, Hon. Michael K	Held as Scheduled
07/11/2022 09:35 AM	Criminal 1 - Ct. Rm. 1	SPRF-3rd FL, CR 1 (SC)	Conference to Review Status	Hodge, Hon. David	Not Held
07/11/2022 11:00 AM	CR Session 5 - Ct. Rm 2	SPRF-2nd FL, CR 8 (SC)	Conference to Review Status	McDonough, Jr., Hon. Edward J	Held as Scheduled
09/14/2022 02:00 PM	CR Session 5 - Ct. Rm 2	SPRF-2nd FL, CR 8 (SC)	Final Trial Conference	McDonough, Jr., Hon. Edward J	Not Held
09/14/2022 02:00 PM	CR Session 5 - Ct. Rm 2	SPRF-2nd FL, CR 8 (SC)	Non-Evidentiary Hearing on Suppression	McDonough, Jr., Hon. Edward J	Not Held
09/26/2022 09:00 AM	CR Session 5 - Ct. Rm 2	SPRF-2nd FL, CR 8 (SC)	Jury Trial	McDonough, Jr., Hon. Edward J	Rescheduled
12/22/2022 09:15 AM	Criminal 1 - Ct. Rm. 1	SPRF-3rd FL, CR 1 (SC)	Evidentiary Hearing on Suppression	McDonough, Jr., Hon. Edward J	Held as Scheduled
01/04/2023 09:39 AM	Criminal 1 - Ct. Rm. 1	SPRF-3rd FL, CR 1 (SC)	Final Pre-Trial Conference	Mulqueen, Hon. Jane E	Not Held
01/04/2023 02:00 PM	Civil B - Ct. Rm. 7	SPRF-2nd FL, CR 8 (SC)	Final Pre-Trial Conference	McDonough, Jr., Hon. Edward J	Not Held



<u>Date</u>	<u>Session</u>	<u>Location</u>	<u>Type</u>	<u>Event Judge</u>	<u>Result</u>
01/18/2023 09:00 AM	Civil B - Ct. Rm. 7	SPRF-2nd FL, CR 8 (SC)	Jury Trial	McDonough, Jr., Hon. Edward J	Not Held
01/18/2023 09:07 AM	Criminal 1 - Ct. Rm. 1	SPRF-3rd FL, CR 1 (SC)	Jury Trial	Mulqueen, Hon. Jane E	Not Held
01/18/2023 09:30 AM	CR Session 2 - Ct. Rm 3	SPRF-3rd FL, CR 3 (SC)	Conference to Review Status	Callan, Hon. Michael K	Held as Scheduled
02/03/2023 02:00 PM	CR Session 2 - Ct. Rm 3	SPRF-3rd FL, CR 3 (SC)	Motion Hearing	Callan, Hon. Michael K	Held as Scheduled
02/13/2023 02:00 PM	CR Session 2 - Ct. Rm 3	SPRF-3rd FL, CR 3 (SC)	Final Pre-Trial Conference	Callan, Hon. Michael K	Held as Scheduled
02/14/2023 02:00 PM	CR Session 2 - Ct. Rm 3	SPRF-3rd FL, CR 3 (SC)	Final Pre-Trial Conference	Callan, Hon. Michael K	Held as Scheduled
02/16/2023 09:00 AM	CR Session 2 - Ct. Rm 3	SPRF-3rd FL, CR 3 (SC)	Jury Trial	Callan, Hon. Michael K	Held as Scheduled
02/17/2023 09:00 AM	CR Session 2 - Ct. Rm 3	SPRF-3rd FL, CR 3 (SC)	Jury Trial	Callan, Hon. Michael K	Held as Scheduled
02/21/2023 09:00 AM	CR Session 2 - Ct. Rm 3	SPRF-3rd FL, CR 3 (SC)	Jury Trial	Callan, Hon. Michael K	Held as Scheduled
02/22/2023 09:00 AM	CR Session 2 - Ct. Rm 3	SPRF-3rd FL, CR 3 (SC)	Jury Trial	Callan, Hon. Michael K	Held as Scheduled
02/23/2023 09:30 AM	CR Session 2 - Ct. Rm 3	SPRF-3rd FL, CR 3 (SC)	Jury Trial	Callan, Hon. Michael K	Held as Scheduled
02/24/2023 09:00 AM	CR Session 2 - Ct. Rm 3	SPRF-3rd FL, CR 3 (SC)	Jury Trial	Callan, Hon. Michael K	Held as Scheduled
02/27/2023 09:00 AM	CR Session 2 - Ct. Rm 3	SPRF-3rd FL, CR 3 (SC)	Jury Trial	Callan, Hon. Michael K	Held as Scheduled
02/28/2023 11:00 AM	CR Session 2 - Ct. Rm 3	SPRF-3rd FL, CR 3 (SC)	Jury Trial	Callan, Hon. Michael K	Not Held
02/28/2023 02:00 PM	Civil B - Ct. Rm. 7		Conference to Review Status		Rescheduled
03/01/2023 09:00 AM	CR Session 2 - Ct. Rm 3	SPRF-3rd FL, CR 3 (SC)	Jury Trial	Callan, Hon. Michael K	Held as Scheduled
03/02/2023 09:00 AM	CR Session 2 - Ct. Rm 3	SPRF-3rd FL, CR 3 (SC)	Jury Trial	Callan, Hon. Michael K	Held as Scheduled
03/03/2023 09:00 AM	CR Session 2 - Ct. Rm 3	SPRF-3rd FL, CR 3 (SC)	Jury Trial	Callan, Hon. Michael K	Held as Scheduled
03/06/2023 09:00 AM	CR Session 2 - Ct. Rm 3	SPRF-3rd FL, CR 3 (SC)	Jury Trial	Callan, Hon. Michael K	Held as Scheduled
03/10/2023 10:00 AM	CR Session 2 - Ct. Rm 3	SPRF-3rd FL, CR 3 (SC)	Hearing for Sentence Imposition	Callan, Hon. Michael K	Held as Scheduled
06/15/2023 02:00 PM	Criminal 1 - Ct. Rm. 1	SPRF-3rd FL, CR 1 (SC)	Motion Hearing	Callan, Hon. Michael K	Decision rendered

### **Ticklers**

<u>Tickler</u>	<u>Start Date</u>	<u>Due Date</u>	<u>Days Due</u>	<u>Completed Date</u>
Pre-Trial Hearing	05/15/2014	05/15/2014	0	02/13/2023
Final Pre-Trial Conference	05/15/2014	04/26/2015	346	02/13/2023
Case Disposition	05/15/2014	05/10/2015	360	03/10/2023
Under Advisement	06/16/2015	07/16/2015	30	12/15/2015
Under Advisement	11/06/2015	12/06/2015	30	12/15/2015
Under Advisement	02/25/2016	03/26/2016	30	02/26/2016
Under Advisement	04/07/2020	05/07/2020	30	04/08/2020
Under Advisement	06/10/2020	07/10/2020	30	06/19/2020
Under Advisement	08/12/2020	09/11/2020	30	10/20/2020

<u>Tickler</u>	<u>Start Date</u>	<u>Due Date</u>	<u>Days Due</u>	<u>Completed Date</u>
Under Advisement	06/15/2023	07/15/2023	30	06/16/2023
<b>Docket Information</b>				
<u>Docket Date</u>	<u>Docket Text</u>	<u>File Ref Nbr.</u>	<u>Image Avail.</u>	
04/29/2014	Indictment returned	1		
04/30/2014	Order of notice of finding of murder indictment	2		
05/05/2014	Habed for arraignment issued ret May13,2014			
05/15/2014	Deft arraigned before Court			
05/15/2014	Appointment of Counsel Linda J Thompson, pursuant to Rule 53			
05/15/2014	RE Offense 1:Plea of not guilty			
05/15/2014	Defendant is ordered committed without bail per Order of the Court. Defendant held without bail without prejudice  next date 10-7-15			
05/15/2014	Bail warning read			
05/15/2014	Assigned to Track "A", see scheduling order			
05/15/2014	Tracking deadlines Active since return date			
05/15/2014	Assigned to track "C" see scheduling order			
05/15/2014	Bail: mittimus issued	3		
05/15/2014	Appearance entered On this date Linda J Thompson, Esq. added as Appointed - Indigent Defendant for Defendant Frederick Pinney Appointment made for the purpose of Case in Chief by Judge Hon. Edward J McDonough, Jr.,			
11/20/2014	Pre-trial conference report filed	4		
11/20/2014	Event: Pre Trial hearing held ([case;judge])			
02/25/2015	Appearance of Deft's Atty: Matthew W Green	5		
05/06/2015	MOTION by Deft: Exparte Motion for Funds for DNA Analyst and Observer	6		
05/07/2015	MOTION (P#6) allowed (Daniel A. Ford, Justice).			
05/15/2015	MOTION by Deft: Exparte for funds for Expert Toxicologist	7		
05/18/2015	MOTION by Commonwealth: to Continue Trial and for Time to be Excluded from Rule 36	8		
05/18/2015	Affidavit of Counsel	8.1		
05/18/2015	MOTION by Commonwealth: for Notice or Waiver of Defense Expert	9		
05/20/2015	MOTION (P#'s 8 & 9) allowed, see pleading (Daniel A. Ford, Justice).			
06/02/2015	MOTION by Deft: to revoke May 20,2015 order and to restore Trial date	10		
06/03/2015	Hearing on (P#10) held, matter taken under advisement (Tina S. Page, Justice)			
06/10/2015	Endorsement on Motion to revoke May 20, 2015 order and restore trial date, (#10.0): DENIED			
06/15/2015	ORDER: on Commonwealth's Motion for Notice or waiver of Defense Expert	11		
06/16/2015	Matter taken under advisement The following event: Status Review scheduled for 06/16/2015 09:35 AM has been resulted as follows: Result: Held - Under advisement Appeared: Attorney Green, Esq., Matthew Wood Attorney Thompson, Esq., Linda J Defendant Pinney, Frederick			
06/16/2015	Habeas Corpus for defendant issued to Hampshire County House of Correction returnable for 07/15/2015 09:35 AM Conference to Review Status.			
07/15/2015	Event Result: The following event: Conference to Review Status scheduled for 07/15/2015 09:35 AM has been resulted as follows: Result: Not Held			



<u>Docket Date</u>	<u>Docket Text</u>	<u>File Ref Nbr.</u>	<u>Image Avail.</u>
	Reason: Defendant not transported to event Appeared:		
07/15/2015	Habeas Corpus for defendant issued to Hampshire County House of Correction returnable for 07/16/2015 09:35 AM Conference to Review Status.		
07/16/2015	The defendant is committed without bail for the following reason: Per Order of the Court. Deft to be housed in Hampshire County / Next date 2/8/16	12	
07/16/2015	Event Result: The following event: Conference to Review Status scheduled for 07/16/2015 09:35 AM has been resulted as follows: Result: Held as Scheduled Appeared:		
09/10/2015	Defendant 's Motion to Require Recording of Witness Interview	13	
09/10/2015	Defendant 's EX PARTE Motion for expert investigation expenses	14	
09/10/2015	Defendant 's Motion for Bill of Particulars	15	
09/11/2015	Habeas Corpus for defendant issued to Hampshire County House of Correction returnable for 09/14/2015 09:23 AM Motion Hearing. Please Have Deft. Here at 9:00 AM		
09/14/2015	Event Result: The following event: Motion Hearing scheduled for 09/14/2015 09:23 AM has been resulted as follows: Result: Held as Scheduled		
09/14/2015	Event Result: The following event: Hearing for Funds scheduled for 09/14/2015 09:37 AM has been resulted as follows: Result: Held as Scheduled		
09/14/2015	The defendant is committed without bail for the following reason: Defendant is charged with 1st degree murder. Held without the right to bail, w/out prejudice, next date 10/28/15		
09/14/2015	Endorsement on Motion for bill of particulars, (#15.0): ALLOWED without objection		
09/15/2015	Endorsement on Motion regarding require recording of witness interview, (#13.0): DENIED After hearing		
09/17/2015	Endorsement on Motion for expert investigation expenses, (#14.0): ALLOWED (funds not to exceed \$2500.00)		
09/22/2015	Endorsement on Motion for funds for expert toxicologist, (#7.0): ALLOWED not to exceed \$3000.00 N 9-22-15		
10/06/2015	Habeas Corpus for defendant issued to Hampshire County House of Correction returnable for 10/07/2015 09:39 AM Final Pre-Trial Conference. Please Have Deft. here at 9:00 AM		
10/07/2015	Event Result: The following event: Final Pre-Trial Conference scheduled for 10/07/2015 09:39 AM has been resulted as follows: Result: Rescheduled Reason: Request of Commonwealth		
10/07/2015	Bail set at \$0.00 Surety, \$0.00 Cash. Deft. Held without the right to bail, Deft. is charged w/1st degree murder, Per order of the court, Next date 2/5/16		
10/09/2015	Appearance entered On this date Marissa Leigh Elkins, Esq. added as Associate Private Counsel for Defendant Frederick Pinney  2nd seat	16	
10/27/2015	Habeas Corpus for defendant issued to Hampshire County House of Correction returnable for 10/28/2015 09:39 AM Final Pre-Trial Conference. Please have Deft. here @ 9AM		
10/27/2015	Defendant 's Motion to dismiss indictment	17	
10/27/2015	Affidavit of counsel in support of motion to dismiss	17.1	
10/27/2015	Frederick Pinney's Memorandum  in support of motion to dismiss	18	
10/27/2015	Commonwealth 's Response to defendant's request for a bill of particulars	19	
10/28/2015	Event Result: The following event: Evidentiary Hearing to Dismiss scheduled for 10/28/2015 09:17 AM has been		





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	resulted as follows: Result: Not Held Reason: Joint request of parties		
10/28/2015	Event Result: The following event: Final Pre-Trial Conference scheduled for 10/28/2015 09:39 AM has been resulted as follows: Result: Not Held Reason: Joint request of parties		
10/28/2015	Event Result: The following event: Hearing for Funds scheduled for 10/28/2015 09:00 AM has been resulted as follows: Result: Held as Scheduled		
10/28/2015	Defendant 's EX PARTE Motion for funds for expert criminalist	20	
10/28/2015	Endorsement on Motion for funds for expert criminalist, (#20.0): ALLOWED		
10/28/2015	Commonwealth 's Motion for a 1 day protective order	21	
10/28/2015	The defendant is committed without bail for the following reason: Defendant is charged with 1st degree murder. Next date: 2/2/16		
10/28/2015	Endorsement on Motion for a 1 day Protective Order, (#21.0): ALLOWED		
10/30/2015	Commonwealth 's Response to Defendant's Request for a Bill of Particulars (Revised)	22	
11/03/2015	Habeas Corpus for defendant issued to Hampshire County House of Correction returnable for 11/04/2015 09:17 AM Evidentiary Hearing to Dismiss.		
11/03/2015	Commonwealth's Memorandum in opposition to  the defendant's motion to dismiss	23	
11/04/2015	Event Result: The following event: Evidentiary Hearing to Dismiss scheduled for 11/04/2015 09:17 AM has been resulted as follows: Result: Held as Scheduled		
11/04/2015	Event Result: The following event: Final Pre-Trial Conference scheduled for 11/04/2015 09:39 AM has been resulted as follows: Result: Held as Scheduled		
11/04/2015	Habeas Corpus for defendant issued to Hampshire County House of Correction returnable for 11/06/2015 09:07 AM Jury Trial.		
11/04/2015	Witness list  Applies To: Commonwealth (Prosecutor)	24	
11/04/2015	Commonwealth 's Notice of proposed attorney conducted jury questions	25	
11/04/2015	Commonwealth 's Motion to admit photographs of victim	26	
11/04/2015	Commonwealth 's Motion in limine to admit 911 call	27	
11/04/2015	Commonwealth 's Motion to admit in-court identification	28	
11/04/2015	Commonwealth 's Motion in limine to allow admission into evidence of defendant's statements given to police	29	
11/04/2015	Commonwealth 's Motion in limine to admit prior bad acts of defendant	30	
11/04/2015	Commonwealth 's Motion in limine to exclude the prior bad acts of Christopher Podgurski	31	
11/05/2015	Habeas Corpus for defendant issued to Hampshire County House of Correction returnable for 11/06/2015 09:07 AM Jury Trial.		
11/05/2015	Habeas Corpus for defendant issued to Hampshire County House of Correction returnable for 11/05/2015 12:00 PM Evidentiary Hearing to Dismiss. Please bring Deft. here A.S.A.P. today		
11/05/2015	Event Result: The following event: Evidentiary Hearing to Dismiss scheduled for 11/05/2015 12:00 PM has been resulted as follows: Result: Held as Scheduled		
11/05/2015	Defendant 's Notice of amendment to motion to dismiss	32	
11/06/2015	Commonwealth's Memorandum in opposition to to the defendant's motion to dismiss- supplemental	33	
11/06/2015	Event Result: The following event: Jury Trial scheduled for 11/06/2015 09:07 AM has been resulted as follows:		



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	Result: Not Held Reason: Joint request of parties		
11/06/2015	Matter taken under advisement The following event: Evidentiary Hearing to Dismiss scheduled for 11/06/2015 09:17 AM has been resulted as follows: Result: Held - Under advisement		
11/06/2015	Defendant 's EX PARTE Motion for expert investigation expenses	34	
11/06/2015	Endorsement on Motion for expert investigation expenses, (#34.0): ALLOWED		
11/06/2015	Frederick Pinney's Memorandum in support of the defendant's motion to limit cross examination	35	
11/06/2015	Defendant 's Motion to limit cross examination	36	
11/12/2015	Frederick Pinney's Memorandum in support of motion to dismiss (supplemental)	37	
12/08/2015	Defendant 's EX PARTE Motion for funds for drug overdose specialist	38	
12/09/2015	Habeas Corpus for defendant issued to Hampshire County House of Correction returnable for 12/10/2015 09:37 AM Hearing for Funds. Please Have Deft. here at 9:00 AM		
12/10/2015	Event Result: The following event: Hearing for Funds scheduled for 12/10/2015 09:37 AM has been resulted as follows: Result: Held as Scheduled		
12/10/2015	Endorsement on Motion for funds for drug overdose specialist, (#38.0): ALLOWED		
12/11/2015	Habeas Corpus for defendant issued to Hampshire County House of Correction returnable for 12/14/2015 09:39 AM Final Pre-Trial Conference. Please Have Deft. here at 9:00 AM		
12/11/2015	Defendant 's Notice of supplement to defendant's motion to dismiss for violation of speedy trial right prejudice	39	
12/11/2015	Defendant 's Notice of supplement to defendant's motion to dismiss for violation of speedy trial right prejudice	40	
12/11/2015	Defendant 's Notice of supplement to defendant's motion to dismiss for violation of speedy trial right prejudice	41	
12/14/2015	Event Result: The following event: Final Pre-Trial Conference scheduled for 12/14/2015 09:39 AM has been resulted as follows: Result: Not Held Reason: Joint request of parties		
12/15/2015	Endorsement on Motion to Dismiss Indictment, (#17.0): DENIED See 2 separate Memoranda of Decisions and Order.		
12/15/2015	The following form was generated: A Clerk's Notice was generated and sent to: Attorney: Linda J Thompson, Esq. Attorney: Matthew Wood Green, Esq.		
12/15/2015	MEMORANDUM & ORDER:  on Defendant's Motion to Suppress (McCarthy; O'Dell)	42	
12/15/2015	MEMORANDUM & ORDER:  on Defendant's Motion to Dismiss (Denial of Speedy Trial)	43	
12/16/2015	Habeas Corpus for defendant issued to Hampshire County House of Correction returnable for 12/17/2015 09:35 AM Conference to Review Status. Please Have Deft. here at 9:00 AM		
12/17/2015	Event Result: The following event: Conference to Review Status scheduled for 12/17/2015 09:35 AM has been resulted as follows: Result: Held as Scheduled		
12/17/2015	Event Result: The following event: Jury Trial scheduled for 01/04/2016 09:07 AM has been resulted as follows: Result: Not Held Reason: Request of Commonwealth		
12/17/2015	Frederick Pinney's Memorandum final pretrial	44	
12/17/2015	Commonwealth 's Motion to continue	45	

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12/17/2015	Commonwealth files certificate of compliance. on discovery	46	
12/17/2015	Endorsement on Motion to continue, (#45.0): ALLOWED		
01/08/2016	Commonwealth 's Motion to compel automatic reciprocal discovery from defense	47	
01/11/2016	Habeas Corpus for defendant issued to Hampshire County House of Correction returnable for 01/12/2016 09:21 AM Hearing RE: Discovery Motion(s). Please Have Deft. Here at 9:00 AM		
01/12/2016	Endorsement on Motion to Compel Automatic Reciprocal Discovery From Defense, (#47.0): ALLOWED Allowed as to expert reports. The fact that defense experts have not provided written reports to defense counsel does not excuse defense from providing reciprocal discovery on this matter. Counsel must provide a written summary of the basis of each defense expert's opinion as well as the opinion. One of the defense experts has passed away, so of course there is no obligation to provide a summary of what that expert's opinion was. As to statements of lay witnesses, counsel reports she does not possess any such statements and thus, has no reciprocal discovery obligation in regards to those lay witnesses.		
01/12/2016	The following form was generated: A Clerk's Notice was generated and sent to: Attorney: Linda J Thompson, Esq. Attorney: Matthew Wood Green, Esq.		
01/12/2016	Event Result: The following event: Jury Trial scheduled for 01/26/2016 09:07 AM has been resulted as follows: Result: Not Held Reason: Transferred to another session		
01/12/2016	Event Result: The following event: Final Pre-Trial Conference scheduled for 01/12/2016 09:39 AM has been resulted as follows: Result: Not Held Reason: Transferred to another session Case brought forward for session assignment- Sent to Judge Page's session for trial		
01/12/2016	Event Result: The following event: Hearing RE: Discovery Motion(s) scheduled for 01/12/2016 09:21 AM has been resulted as follows: Result: Held as Scheduled		
01/12/2016	Joint Pre-Trial Memorandum filed:	48	
01/15/2016	Defendant 's Motion for protective order	49	
01/19/2016	Event Result: The following event: Jury Trial scheduled for 01/19/2016 09:00 AM has been resulted as follows: Result: Not Held Reason: Transferred to another session		
01/19/2016	Defendant 's EX PARTE Motion for funds for investigator	50	
01/19/2016	Defendant 's EX PARTE Motion for funds for cell phone and tower expert	51	
01/19/2016	Defendant 's EX PARTE Motion for funds for expert forensic pathologist Jonathan Arden, M.D.	52	
01/21/2016	Habeas Corpus for defendant issued to Hampshire County House of Correction returnable for 01/22/2016 10:00 AM Hearing on Motion(s) in Limine. Please Have Deft. here at 9:00 AM		
01/21/2016	Commonwealth 's Motion in limine to admit prior bad acts of defendant through Kala Reid	53	
01/21/2016	Event Result: The following event: Hearing on Motion(s) in Limine scheduled for 01/22/2016 10:00 AM has been resulted as follows: Result: Not Held Reason: Court Order		
01/21/2016	Defendant 's Motion in limine to exclude evidence and argument pertaining to "inconclusive" DNA testing performed by the Commonwealth and incorporated memorandum of law	54	
01/21/2016	Defendant 's Motion to preclude use of the term "homicide" to describe the matter of decendent's death	55	
01/21/2016	Defendant 's Motion to preclude reference to Tayclair Moore as "victim"	56	
01/21/2016	Defendant 's Response to Commonwealth's motions in limine	57	
01/21/2016	Defendant 's Motion in limine to edit or exlude interrogation recording and references thereto	58	
01/22/2016	Defendant 's Motion for sanctions: spoliation of evidence helpful to the defendant	59	
01/22/2016	The defendant is committed without bail for the following reason: Defendant is charged with 1st degree murder. Next date: 1/27/16		





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01/22/2016	Habeas Corpus for defendant issued to Hampshire County House of Correction returnable for 01/25/2016 10:00 AM Conference to Review Status. Please Have Deft. here at 9:00 AM		
01/22/2016	Event Result: The following event: Conference to Review Status scheduled for 01/22/2016 02:00 PM has been resulted as follows: Result: Held as Scheduled		
01/25/2016	Habeas Corpus for defendant issued to Hampshire County House of Correction returnable for 01/26/2016 09:00 AM Jury Trial.		
01/25/2016	Event Result: The following event: Conference to Review Status scheduled for 01/25/2016 10:00 AM has been resulted as follows: Result: Held as Scheduled		
01/25/2016	Defendant 's Motion for Leave to Examine Potential Jurors (St. 2014, c. 254 S2 and Superior Court Standing Order 1-15)	60	
01/25/2016	Defendant 's Request for Judicial Voir Dire (St. 2014, c. 254 s2 and Superior Court Standing Order 1-15)	61	
01/26/2016	Event Result: The following event: Jury Trial scheduled for 01/26/2016 09:00 AM has been resulted as follows: Result: Held as Scheduled		
01/26/2016	Habeas Corpus for defendant issued to Hampshire County House of Correction returnable for 01/27/2016 09:30 AM Jury Trial.		
01/26/2016	Witness list  Mr. Pinney's Final List of Witnesses  Applies To: Pinney, Frederick (Defendant)	62	
01/27/2016	Event Result: The following event: Jury Trial scheduled for 01/27/2016 09:30 AM has been resulted as follows: Result: Held as Scheduled		
01/27/2016	Habeas Corpus for defendant issued to Hampshire County House of Correction returnable for 01/28/2016 09:30 AM Jury Trial.		
01/27/2016	The defendant is committed without bail for the following reason: Defendant is charged with 1st degree murder. Next date: 2/8/16		
01/27/2016	Defendant 's Motion to Exclude Evidence that Commonwealth Witness has been Immunized	63	
01/27/2016	Defendant 's Motion to Dismiss for Speedy Trial Violation (Renewed)	64	
01/27/2016	Defendant 's Motion for funds to Charter Bus for Jury View	65	
01/27/2016	Endorsement on Motion for funds , (#65.0): ALLOWED		
01/27/2016	Commonwealth 's Petition for Grant of Immunity for Christopher Podgurski-DOB 8/30/1978 Under MGL C 273, s 20C -20E	66	
01/27/2016	Commonwealth 's Application for Grant of Immunity to Christopher Podgurski	67	
01/28/2016	Endorsement on Petition for , (#66.0): ALLOWED after hearing		
01/28/2016	Affidavit filed by Plaintiff Commonwealth in support of Proof of service of its Application for Grand of Immunity to Christopher Podgurski	68	
01/28/2016	ORDER: of Notice to Christopher Podgurski	69	 
01/28/2016	Endorsement on Notice of , (#69.0): Other action taken Mr. Podgurski and his Counsel voluntarily before the Court		<a href="#">Image</a>
01/28/2016	ORDER: Christopher Podgurski	70	 
01/28/2016	Defendant 's Motion for Sequestration	71	<a href="#">Image</a>
01/28/2016	Appearance entered On this date Matthew Wood Green, Esq. dismissed/withdrawn as Attorney for the Commonwealth for Prosecutor Commonwealth		
01/28/2016	Appearance entered On this date Bethany C Lynch, Esq. added as Attorney for the Commonwealth for Prosecutor Commonwealth	72	
01/28/2016	Defendant 's Motion for Order for Production of Substance Abuse Treatment Record	73	










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01/28/2016	Habeas Corpus for defendant issued to Hampshire County House of Correction returnable for 01/29/2016 09:30 AM Jury Trial.		
01/28/2016	Event Result: The following event: Jury Trial scheduled for 01/28/2016 09:30 AM has been resulted as follows: Result: Held as Scheduled		
01/29/2016	ORDER: (Carey,Hon. Richard)	74	 
01/29/2016	Habeas Corpus for defendant issued to Hampshire County House of Correction returnable for 02/01/2016 09:30 AM Jury Trial.		<a href="#">Image</a>
01/29/2016	Commonwealth 's Statement of Cooperation of witness Robert Keitt	75	
01/29/2016	Commonwealth 's Notice of Limiting instruction	76	
01/29/2016	Endorsement on Motion for order for production of substance abuse treatment records, (#73.0): ALLOWED		
01/29/2016	Event Result: The following event: Jury Trial scheduled for 01/29/2016 09:30 AM has been resulted as follows: Result: Held as Scheduled		
02/01/2016	Event Result: The following event: Jury Trial scheduled for 02/01/2016 09:30 AM has been resulted as follows: Result: Held as Scheduled		
02/01/2016	Habeas Corpus for defendant issued to Hampshire County House of Correction returnable for 02/02/2016 09:30 AM Jury Trial. Please Have Deft. here at 9:00 AM		
02/01/2016	Other Records received from Clean Slate Addiction Treatment Center		
02/02/2016	Event Result: The following event: Jury Trial scheduled for 02/02/2016 09:30 AM has been resulted as follows: Result: Held as Scheduled		
02/02/2016	Habeas Corpus for defendant issued to Hampshire County House of Correction returnable for 02/04/2016 09:30 AM Jury Trial. Please Have Deft. here at 9:00 AM		
02/03/2016	Habeas Corpus for defendant issued to Hampshire County House of Correction returnable for 02/04/2016 09:30 AM Jury Trial. Please Have Deft. here at 9:00 AM		
02/03/2016	Event Result: The following event: Jury Trial scheduled for 02/03/2016 09:30 AM has been resulted as follows: Result: Held as Scheduled		
02/04/2016	Habeas Corpus for defendant issued to Hampshire County House of Correction returnable for 02/05/2016 09:30 AM Jury Trial. Please have Deft. here at 9:00 AM		
02/04/2016	Event Result: The following event: Jury Trial scheduled for 02/04/2016 09:30 AM has been resulted as follows: Result: Held as Scheduled		
02/04/2016	Appearance entered On this date John M Thompson, Esq. added as Appointed - Indigent Defendant for Defendant Frederick Pinney	77	
02/04/2016	Defendant 's EX PARTE Motion for funds for expert forensic pathologist	78	
02/04/2016	Defendant 's Notice of objection to Commonwealth's proposed consciousness of guilty instruction	79	
02/04/2016	Defendant 's Request for jury instructions, Part 1	80	
02/04/2016	Endorsement on Request for jury instructions, Part 1, (#80.0): ALLOWED, DENIED 1(a)- Allowed in part, 1(b)- Denied, 2(a)- Allowed, 2(b)- Allowed, 3(a)- Denied, 3(b)- Allowed		
02/04/2016	Defendant 's Request for jury instructions, Part II	81	
02/04/2016	Defendant 's Motion for requiring finding of not guilty	82	
02/04/2016	Endorsement on Motion for requiring finding of not guilty , (#82.0): DENIED		
02/05/2016	Habeas Corpus for defendant issued to Hampshire County House of Correction returnable for 02/08/2016 09:30 AM Jury Trial. Please Have Deft. here at 9:00 AM		
02/05/2016	Event Result: The following event: Jury Trial scheduled for 02/05/2016 09:30 AM has been resulted as follows: Result: Held as Scheduled		
02/05/2016	Defendant 's Request for further jury instruction	83	
02/08/2016	Habeas Corpus for defendant issued to Hampshire County House of Correction returnable for 02/09/2016 09:30 AM Jury Trial. Please Have deft. here at 9:00 AM		









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02/08/2016	Event Result: The following event: Jury Trial scheduled for 02/08/2016 09:30 AM has been resulted as follows: Result: Held as Scheduled		
02/08/2016	The defendant is committed without bail for the following reason: Defendant is charged with 1st degree murder. Next date: 2/10/16		
02/08/2016	Endorsement on Motion for funds additional for investigator, (#50.0): ALLOWED		
02/08/2016	Endorsement on Motion for funds additional for expert forensic pathologist Jonathan Arden, MD, (#52.0): No Action Taken		
02/08/2016	Endorsement on Motion for funds for expert forensic pathologist, (#78.0): ALLOWED		
02/08/2016	Defendant 's EX PARTE Motion for funds for expert forensic toxicologist	84	
02/08/2016	Endorsement on Motion for funds for expert forensic toxicologist, (#84.0): ALLOWED		
02/09/2016	Habeas Corpus for defendant issued to Hampshire County House of Correction returnable for 02/10/2016 09:30 AM Jury Trial. Please Have Deft. here at 9:00 AM		
02/09/2016	Event Result: The following event: Jury Trial scheduled for 02/09/2016 09:30 AM has been resulted as follows: Result: Held as Scheduled		
02/10/2016	Event Result: The following event: Jury Trial scheduled for 02/10/2016 09:30 AM has been resulted as follows: Result: Held as Scheduled		
02/10/2016	Habeas Corpus for defendant issued to Hampshire County House of Correction returnable for 02/11/2016 09:30 AM Jury Trial. Please Have Deft. here at 9:00 AM		
02/10/2016	Defendant 's Motion for requiring finding of not guilty (close of all the evidence)	88	
02/10/2016	Defendant 's Notice of requested jury instructions	85	
02/10/2016	Defendant 's Notice of proposed jury instruction	86	
02/10/2016	Defendant 's Notice of objections to standard Tuey-Rodriguez instruction	87	
02/10/2016	Defendant 's Motion for requiring finding of not guilty (close of all evidence)	88	
02/11/2016	Event Result: The following event: Jury Trial scheduled for 02/11/2016 09:30 AM has been resulted as follows: Result: Held as Scheduled		
02/11/2016	The defendant is committed without bail for the following reason: Defendant is charged with 1st degree murder. Next date 2/22/16		
02/11/2016	List of jurors filed.	89	
02/20/2016	List of exhibits  in Counter	90	  Image
02/23/2016	Habeas Corpus for defendant issued to Hampshire County House of Correction returnable for 02/24/2016 09:30 AM Evidentiary Hearing to Dismiss. Please Have Deft. here at 9:00 AM		
02/23/2016	Event Result: The following event: Evidentiary Hearing to Dismiss scheduled for 02/24/2016 09:30 AM has been resulted as follows: Result: Rescheduled Reason: By Court prior to date		
02/24/2016	Habeas Corpus for defendant issued to Hampshire County House of Correction returnable for 02/25/2016 02:00 PM Evidentiary Hearing to Dismiss.		
02/24/2016	Commonwealth 's Motion for leave to summons medical records	91	
02/25/2016	The defendant is committed without bail for the following reason: Defendant is charged with 1st degree murder. Next Date: Unknown		
02/25/2016	Matter taken under advisement The following event: Evidentiary Hearing to Dismiss scheduled for 02/25/2016 02:00 PM has been resulted as follows: Result: Held - Under advisement  Sara Adams - Court Reporter		
02/26/2016	Endorsement on Motion for requiring finding of not guilty (close of all the evidence), (#88.0): DENIED After hearing, and after reconsideration as to (a) whether the Commonwealth's case was sufficient and (b) whether the Commonwealth's position as to proof had deteriorated since it had closed its case, the defendan's motions for relief pursuant to Mass. R. Crim. P. 25(b)(2)		




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02/26/2016	Defendant 's Motion for expedited preparation of transcripts at Commonwealth expense	92	
02/29/2016	Endorsement on Motion for expedited preparation of transcripts at Commonwealth expense, (#92.0): ALLOWED		
03/15/2016	Habeas Corpus for defendant issued to Hampshire County House of Correction returnable for 03/16/2016 09:35 AM Conference to Review Status. Please Have Defendant here at 9:00 AM		
03/16/2016	Protective Order issued for defense counsel access to presumptively privileged records.	93	
03/16/2016	Protective Order issued for prosecuting attorney access to presumptively privileged records.	94	
03/16/2016	Commonwealth oral motion to request to receive transcripts--Allowed (as Deft. is waiting for transcripts. Both counsel will be allowed to see records from Clean Slate upon signing Protective Orders		
03/16/2016	Event Result: The following event: Conference to Review Status scheduled for 03/16/2016 09:35 AM has been resulted as follows: Result: Held as Scheduled		
03/16/2016	The defendant is committed without bail for the following reason: Defendant is charged with 1st degree murder. Next Date: 5/16/16		
03/16/2016	Issued on this date:  Mittimus Without Bail Sent On: 03/16/2016 14:55:11		
04/28/2016	The following form was generated:		
05/13/2016	Habeas Corpus for defendant issued to Hampshire County House of Correction returnable for 05/16/2016 09:35 AM Conference to Review Status. Please Have Defendant here at 9:00 AM		
05/16/2016	Defendant 's Motion to dismiss on Double Jeopardy Grounds	95	
05/16/2016	Frederick Pinney's Memorandum in support of Motion to Dismiss on Double Jeopardy Grounds	96	
05/16/2016	Defendant 's Notice of Trial Transcripts submitted in support of Defenant's Motion to Dismiss on Double Jeopardy Grounds	97	
05/16/2016	Event Result: The following event: Conference to Review Status scheduled for 05/16/2016 09:35 AM has been resulted as follows: Result: Held as Scheduled		
05/16/2016	The defendant is committed without bail for the following reason: Defendant is charged with 1st degree murder. Next Date: 6/2/16		
05/16/2016	Issued on this date:  Mittimus Without Bail Sent On: 05/16/2016 13:16:17		
05/20/2016	Endorsement on Motion for funds for cell phone and cell tower expert, (#51.0): ALLOWED		
06/02/2016	Opposition to 97 filed by Commonwealth to defendant's motion to dismiss on double jeopardy grounds	98	
06/03/2016	Habeas Corpus for defendant issued to Hampshire County House of Correction returnable for 06/06/2016 02:00 PM Motion Hearing. Please Have Deft. here at 9:00 AM		
06/03/2016	Defendant 's Reply to Commonwealth's opposition to motion to dismiss on double jeopardy grounds	99	
06/06/2016	Endorsement on Motion to dismiss on double jeopardy grounds, (#95.0): DENIED After review and consideration of the defendant's memorandum (#96), the Commonwealth's opposition (#98), the defendant's reply memorandum (#99), and the arguments of all counsel, for the reasons outlined in the Commonwealth's opposition (#98), the defendant's motion to dismiss on double jeopardy grounds (#95) is denied.		
06/06/2016	Event Result: The following event: Motion Hearing scheduled for 06/06/2016 02:00 PM has been resulted as follows: Result: Held as Scheduled		
07/19/2016	List of exhibits  Trial & ID	100	  Image
09/28/2016	Habeas Corpus for defendant issued to Hampshire County House of Correction returnable for 09/29/2016 09:35 AM Conference to Review Status. Please have defendant here by 9am		
09/29/2016	Event Result: The following event: Conference to Review Status scheduled for 09/29/2016 02:00 PM has been resulted		

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	as follows: Result: Not Held Reason: Joint request of parties		
09/29/2016	Event Result: The following event: Jury Trial scheduled for 10/19/2016 09:07 AM has been resulted as follows: Result: Canceled Reason: By Court prior to date		
09/29/2016	The defendant is committed without bail for the following reason: Defendant is charged with 1st degree murder. Next date: 10/19/16		
09/29/2016	Issued on this date:  Mittimus Without Bail Sent On: 09/29/2016 14:45:35	101	
10/14/2016	Notice of docket entry received from Supreme Judicial Court JUDGMENT: as on file. (Lenk,J) Upon consideration, it is ORDERED that the petitioner's petition for extraordinary relief pursuant to G. L. c.211, sec. 3, shall be, and hereby is, DENIED.	102	  <a href="#">Image</a>
10/18/2016	Habeas Corpus for defendant issued to Hampshire County House of Correction returnable for 10/19/2016 09:35 AM Conference to Review Status. Please have defendant here by 9:00am		
10/18/2016	Defendant 's Motion to withdraw as counsel for defendant Frederick Pinney	103	
10/19/2016	Attorney appearance On this date Linda J Thompson, Esq. dismissed/withdrawn as Appointed - Indigent Defendant for Defendant Frederick Pinney		
10/19/2016	Attorney appearance On this date David J M Rountree, Esq. added as Private Counsel for Defendant Frederick Pinney	104	
10/19/2016	Event Result: The following event: Conference to Review Status scheduled for 10/19/2016 09:35 AM has been resulted as follows: Result: Held as Scheduled		
10/19/2016	The defendant is committed without bail for the following reason: Defendant is charged with 1st degree murder.		
10/19/2016	Issued on this date:  Mittimus Without Bail Sent On: 10/19/2016 10:27:23		
10/24/2016	Notice of docket entry received from Supreme Judicial Court	105	 
11/01/2016	Appointment made for the purpose of Case in Chief by Judge Hon. Edward J McDonough, Jr.,  Applies To: Rountree, Esq., David J M (Attorney) on behalf of Pinney, Frederick (Defendant)	106	 <a href="#">Image</a>
11/01/2016	Attorney appearance On this date John M Thompson, Esq. dismissed/withdrawn as Appointed - Indigent Defendant for Defendant Frederick Pinney		
11/28/2016	Habeas Corpus for defendant issued to Hampshire County House of Correction returnable for 11/29/2016 09:35 AM Conference to Review Status. Please have defendant here by 9am		
11/29/2016	Event Result: The following event: Conference to Review Status scheduled for 11/29/2016 09:35 AM has been resulted as follows: Result: Held as Scheduled		
02/06/2017	Habeas Corpus for defendant issued to Hampshire County House of Correction returnable for 02/07/2017 09:35 AM Conference to Review Status. Please Have Defendant here at 9:00 AM		
02/07/2017	Event Result: The following event: Conference to Review Status scheduled for 02/07/2017 09:35 AM has been resulted as follows: Result: Held as Scheduled		
02/07/2017	Defendant 's EX PARTE Motion for Funds for Investigator	107	
02/07/2017	Endorsement on Motion for Funds for Investigator, (#107.0): ALLOWED N. 2/7/17 via mail		  <a href="#">Image</a>
04/27/2017	Event Result: The following event: Conference to Review Status scheduled for 04/27/2017 09:35 AM has been resulted		









<u>Docket Date</u>	<u>Docket Text</u>	<u>File Ref Nbr.</u>	<u>Image Avail.</u>
	as follows: Result: Held as Scheduled		
06/29/2017	Event Result: The following event: Conference to Review Status scheduled for 06/29/2017 09:35 AM has been resulted as follows: Result: Held as Scheduled		
09/27/2017	Event Result: The following event: Conference to Review Status scheduled for 09/27/2017 09:35 AM has been resulted as follows: Result: Held as Scheduled		
01/10/2018	Event Result: Judge: Dolaher, Brian The following event: Conference to Review Status scheduled for 01/10/2018 09:35 AM has been resulted as follows: Result: Not Held Reason: Joint request of parties		
02/13/2018	Habeas Corpus for defendant issued to Hampshire County House of Correction returnable for 02/14/2018 09:29 AM Bail Hearing. Please Have Deft. here at 9AM		
02/14/2018	Event Result: Judge: Ricciardone, Hon. David The following event: Bail Hearing scheduled for 02/14/2018 09:29 AM has been resulted as follows: Result: Held as Scheduled		
02/14/2018	Event Result: Judge: Ricciardone, Hon. David The following event: Conference to Review Status scheduled for 02/14/2018 09:35 AM has been resulted as follows: Result: Held as Scheduled		
02/14/2018	Bail set at \$0.00 Surety, \$250,000.00 Cash. with conditions: GPS (Fees waived), Zero Curfew, must reside in Commonwealth, verified to Probation Next Date: unknown  Judge: Ricciardone, Hon. David	108	
02/14/2018	ORDER: Findings and Order Regarding Bail  Judge: Ricciardone, Hon. David	109	  <a href="#">Image</a>
04/04/2018	Event Result: Judge: Dolaher, Brian The following event: Conference to Review Status scheduled for 04/04/2018 09:35 AM has been resulted as follows: Result: Not Held Reason: Joint request of parties		
04/04/2018	Rescript received from Supreme Judicial Court; judgment AFFIRMED JUDGMENT after Rescript from the SJC for the Commonwealth ."Judgment affirmed."	110	  <a href="#">Image</a>
04/04/2018	Attorney appearance On this date Bethany C Lynch, Esq. dismissed/withdrawn as Attorney for the Commonwealth for Prosecutor Commonwealth		
04/18/2018	Event Result: Judge: Dolaher, Brian The following event: Conference to Review Status scheduled for 04/18/2018 09:35 AM has been resulted as follows: Result: Held as Scheduled		
05/15/2018	Event Result: Judge: Carey, Hon. Richard J The following event: Scheduling Conference scheduled for 05/15/2018 09:35 AM has been resulted as follows: Result: Held as Scheduled		
05/15/2018	Defendant 's Motion to suppress statements	111	
05/15/2018	Affidavit of defendant in support of motion to suppress statements	111.1	
05/15/2018	Frederick Pinney's Memorandum in support of motion to suppress statements	112	
05/15/2018	Pre-trial conference report filed	113	
06/19/2018	Commonwealth's Memorandum in opposition to the Defendant's Motion to Suppress Statements	114	  <a href="#">Image</a>




















<u>Docket Date</u>	<u>Docket Text</u>	<u>File Ref Nbr.</u>	<u>Image Avail.</u>
06/26/2018	Defendant 's Motion to continue evidentiary motion hearing	115	 
06/26/2018	Endorsement on Motion to continue evidentiary motion hearing, (#115.0): ALLOWED  Judge: Sirois, Lauramarie		  
06/26/2018	Event Result:: Evidentiary Hearing on Suppression scheduled on: 06/26/2018 09:15 AM Has been: Not Held For the following reason: Joint request of parties Comments: FTR 1 Lauramarie Sirois, Presiding Appeared: Staff: Brian Dolaher, Assistant Clerk Magistrate Amy (DIGITAL RECORDING DEVICE) Foulks, Court Monitor Lauramarie Sirois, Assistant Clerk Magistrate		
06/26/2018	Event Result:: Hearing on Motion to Continue scheduled on: 06/26/2018 09:23 AM Has been: Held as Scheduled Comments: FTR 1 Hon. Richard J Carey, Presiding Appeared: Staff: Brian Dolaher, Assistant Clerk Magistrate Amy (DIGITAL RECORDING DEVICE) Foulks, Court Monitor Lauramarie Sirois, Assistant Clerk Magistrate		
07/24/2018	Defendant 's EX PARTE Motion for funds for expert in forensic knot tying	116	 
07/30/2018	Endorsement on Motion for funds for expert in forensic knot tying (ex-parte), (#116.0): ALLOWED  Judge: Callan, Hon. Michael K		  
08/02/2018	Commonwealth 's Joint Motion to Continue	117	
08/06/2018	Habeas Corpus for defendant issued to Hampshire County House of Correction returnable for 08/07/2018 09:23 AM Hearing on Motion to Continue. Please Have Deft. here at 9AM	118	
08/07/2018	Event Result:: Hearing on Motion to Continue scheduled on: 08/07/2018 09:23 AM Has been: Held as Scheduled Comments: FTR 1 Hon. Michael K Callan, Presiding Appeared: Staff: Alicia Cayode-Kyles, Court Monitor Michael T Sarnacki, Esq., Assistant Clerk Magistrate Lauramarie Sirois, Assistant Clerk Magistrate		
08/07/2018	Endorsement on Commonwealth 's Joint Motion to Continue, (#117.0): ALLOWED  Judge: Callan, Hon. Michael K		  
08/07/2018	Event Result:: Trial Assignment Conference scheduled on: 08/28/2018 09:09 AM Has been: Rescheduled For the following reason: Joint request of parties Hon. Michael K Callan, Presiding Appeared: Staff: Alicia Cayode-Kyles, Court Monitor Michael T Sarnacki, Esq., Assistant Clerk Magistrate Lauramarie Sirois, Assistant Clerk Magistrate		
08/07/2018	Event Result:: Final Pre-Trial Conference scheduled on: 08/28/2018 09:39 AM Has been: Rescheduled For the following reason: Request of Commonwealth Hon. Michael K Callan, Presiding Appeared: Staff: Alicia Cayode-Kyles, Court Monitor Michael T Sarnacki, Esq., Assistant Clerk Magistrate Lauramarie Sirois, Assistant Clerk Magistrate		
08/07/2018	Event Result:: Jury Trial scheduled on: 09/05/2018 09:07 AM Has been: Rescheduled For the following reason: Request of Commonwealth Hon. Michael K Callan, Presiding		



<u>Docket Date</u>	<u>Docket Text</u>	<u>File Ref Nbr.</u>	<u>Image Avail.</u>
	Appeared: Staff:		
08/22/2018	Habeas Corpus for defendant issued to Hampshire County House of Correction returnable for 08/23/2018 09:15 AM Evidentiary Hearing on Suppression.	119	
08/23/2018	Event Result:: Evidentiary Hearing on Suppression scheduled on: 08/23/2018 09:15 AM Has been: Held as Scheduled Comments: FTR 1 Hon. Michael K Callan, Presiding Appeared: Staff: Alicia Cayode-Kyles, Court Monitor Michael T Sarnacki, Esq., Assistant Clerk Magistrate Lauramarie Sirois, Assistant Clerk Magistrate		
08/23/2018	Attorney appearance On this date David J M Rountree, Esq. dismissed/withdrawn as Appointed - Indigent Defendant for Defendant Frederick Pinney		
08/23/2018	Attorney appearance On this date Linda J Thompson, Esq. added for Defendant Frederick Pinney		
08/28/2018	Habeas Corpus for defendant issued to Hampshire County House of Correction returnable for 08/30/2018 02:45 PM Evidentiary Hearing on Suppression. Please Have Deft. here at 9AM		
08/30/2018	Event Result:: Evidentiary Hearing on Suppression scheduled on: 08/30/2018 02:45 PM Has been: Not Held For the following reason: Joint request of parties Comments: ftr 1 Hon. Michael K Callan, Presiding Appeared: Staff: Alicia Cayode-Kyles, Court Monitor Michael T Sarnacki, Esq., Assistant Clerk Magistrate Lauramarie Sirois, Assistant Clerk Magistrate		
09/05/2018	Habeas Corpus for defendant issued to Hampshire County House of Correction returnable for 09/06/2018 09:15 AM Evidentiary Hearing on Suppression. Please Have Deft. here at 9AM		
09/06/2018	Event Result:: Evidentiary Hearing on Suppression scheduled on: 09/06/2018 09:15 AM Has been: Held as Scheduled Witnesses sworn, testimony given. Exhibits entered. (defendant to file memorandum by 9/17/18) Comments: FTR 1 Hon. Michael K Callan, Presiding Appeared: Staff: Christie L Aarons, Court Monitor Brian Dolaher, Assistant Clerk Magistrate Michael T Sarnacki, Esq., Assistant Clerk Magistrate  Judge: Callan, Hon. Michael K		
09/07/2018	List of exhibits  Motion to Suppress -- and ID	127	  <a href="#">Image</a>
09/17/2018	Frederick Pinney's Memorandum in support of motion to suppress statements	120	  <a href="#">Image</a>
10/22/2018	MEMORANDUM & ORDER:  Findings of Fact, Rulings of Law, and Order on Defendant's Motion to Suppress  Judge: Callan, Hon. Michael K  Judge: Callan, Hon. Michael K	121	  <a href="#">Image</a>
10/24/2018	Commonwealth 's Motion to reconsider the defendant's motion to suppress statements (clerk sirois emailed to j. callan)	122	  <a href="#">Image</a>
10/26/2018	Opposition to to Commonwealth's motion to reconsider the defendant's motion to suppress statements filed by Frederick Pinney	123	  <a href="#">Image</a>
10/31/2018	Endorsement on Motion for reconsideration of Defendant's Motion to Suppress Statements, (#122.0): DENIED Motion to Reconsider is Denied. Motion for Clarification is ALLOWED - see Supplemental Findings of Fact, Decision and Order.		  <a href="#">Image</a>

<a href="#">Docket Date</a>	<a href="#">Docket Text</a>	<a href="#">File Ref Nbr.</a>	<a href="#">Image Avail.</a>
	Judge: Callan, Hon. Michael K		
10/31/2018	Findings of Fact and Rulings of Law:  Supplemental Findings of Fact, Decision and Order on the Commonwealth's Motion to Reconsider and Motion to Clarify.  Judge: Callan, Hon. Michael K	124	  <a href="#">Image</a>
11/01/2018	Event Result:: Trial Assignment Conference scheduled on: 11/01/2018 09:09 AM Has been: Not Held For the following reason: Request of Commonwealth Comments: FTR 1 Hon. Daniel M Wrenn, Presiding Appeared: Staff: Brian Dolaher, Assistant Clerk Magistrate Elizabeth Marzano (Santos), Court Monitor Lauramarie Sirois, Assistant Clerk Magistrate		
11/01/2018	Event Result:: Final Pre-Trial Conference scheduled on: 11/01/2018 09:39 AM Has been: Not Held For the following reason: Request of Commonwealth Hon. Daniel M Wrenn, Presiding Appeared: Staff: Brian Dolaher, Assistant Clerk Magistrate Elizabeth Marzano (Santos), Court Monitor Lauramarie Sirois, Assistant Clerk Magistrate		
11/01/2018	Event Result:: Jury Trial scheduled on: 11/08/2018 09:07 AM Has been: Not Held For the following reason: Request of Commonwealth Hon. Daniel M Wrenn, Presiding Appeared: Staff: Amy (DIGITAL RECORDING DEVICE) Foulks, Court Monitor Michael T Samacki, Esq., Assistant Clerk Magistrate Lauramarie Sirois, Assistant Clerk Magistrate		
11/01/2018	Commonwealth 's Motion for Stay of Proceedings	125	  <a href="#">Image</a>
11/01/2018	Endorsement on Motion for stay of proceedings, (#125.0): ALLOWED  Judge: Wrenn, Hon. Daniel M		  <a href="#">Image</a>
11/01/2018	Notice to the Appeals Court of Interlocutory Appeal  Applies To: Commonwealth (Prosecutor)	126	
11/02/2018	General correspondence regarding # 1, 111,111.1, 112, 114, 120-126 made of ADA Shane O'Sullivan		
11/05/2018	Endorsement on Motion for leave to summons medical records, (#91.0): Other action taken to be scheduled for hearing as soon as can be accommodated  Judge: Wrenn, Hon. Daniel M		  <a href="#">Image</a>
11/14/2018	Defendant 's Motion for a bail review hearing	127	  <a href="#">Image</a>
11/14/2018	Defendant 's Supplemental Motion for funds (toxicology expert) (ex parte motion)	128	  <a href="#">Image</a>
11/14/2018	Affidavit of David Rountree in support of defendant's supplemental ex-part motion for funds for toxicology expert	128.1	  <a href="#">Image</a>
11/14/2018	Defendant 's Supplemental Motion for funds (DNA expert) (ex parte motion)	129	  <a href="#">Image</a>
11/14/2018	Affidavit of David Rountree in support of defendant's supplemental ex-parte motion for funds for DNA expert	129.1	  <a href="#">Image</a>
11/14/2018	Defendant 's Supplemental Motion for funds (forensic pathologist) (ex parte motion)	130	  <a href="#">Image</a>
11/14/2018	Affidavit of David Rountree in support of defendant's supplemental ex-parte motion for funds for forensic pathologist	130.1	  <a href="#">Image</a>
11/15/2018	Event Result:: Bail Hearing scheduled on: 11/19/2018 09:29 AM Has been: Rescheduled For the following reason: Interpreter Did Not Show Hon. Daniel M Wrenn, Presiding		



<a href="#">Docket Date</a>	<a href="#">Docket Text</a>	<a href="#">File Ref Nbr.</a>	<a href="#">Image Avail.</a>
	<p>Appeared:</p> <p>Staff:</p> <p>Amy (DIGITAL RECORDING DEVICE) Foulks, Court Monitor Michael T Sarnacki, Esq., Assistant Clerk Magistrate Lauramarie Sirois, Assistant Clerk Magistrate</p>		
11/15/2018	Commonwealth's Motion to compel deoxyribonucleic acid (DNA) sample	131	 
11/15/2018	Commonwealth's Memorandum in support of motion for order to compel taking of a DNA sample of the Defendant	132	 
11/16/2018	Notice to the Supreme Judicial Court of Interlocutory Appeal	133	 
	Applies To: Pinney, Frederick (Defendant)		
11/16/2018	Endorsement on Motion for funds (DNA Expert), (#129.0): ALLOWED N by mail		 
	Judge: Wrenn, Hon. Daniel M		
11/16/2018	Endorsement on Motion for funds (Toxicology Expert), (#128.0): ALLOWED N by mail		 
	Judge: Wrenn, Hon. Daniel M		
11/16/2018	Endorsement on Motion for funds (Forensic Pathologist), (#130.0): ALLOWED N 11/19/18 by mail		 
	Judge: Wrenn, Hon. Daniel M		
11/28/2018	Habeas Corpus for defendant issued to Hampshire County House of Correction returnable for 11/29/2018 09:29 AM Bail Hearing. Please Have Deft. Here at 9AM		
11/28/2018	Opposition to Commonwealth's motion to compel deoxyribonucleic acid (DNA) sample filed by Frederick Pinney	134	 
11/29/2018	Attorney appearance On this date Shane T O'Sullivan, Esq. added as Attorney for the Commonwealth for Prosecutor Commonwealth		
11/29/2018	Event Result:: Motion Hearing scheduled on: 11/29/2018 09:23 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		
11/29/2018	Endorsement on Motion to compel Deoxyribonucleic Acid (DNA) sample, (#131.0): No Action Taken see record		 
	Judge: Wrenn, Hon. Daniel M		
11/29/2018	Event Result:: Bail Hearing scheduled on: 11/29/2018 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		
11/29/2018	Bail set at \$0.00 Surety, \$250,000.00 Cash. with conditions GPS, fees waived Zero curfew must reside in Commonwealth, verified to probation Next date: 12/12/18	135	
	Judge: Wrenn, Hon. Daniel M		
11/29/2018	Attorney appearance On this date Matthew Wood Green, Esq. dismissed/withdrawn as Attorney for the Commonwealth for Prosecutor Commonwealth		
12/12/2018	Event Result:: Conference to Review Status scheduled on: 12/12/2018 09:35 AM Has been: Held as Scheduled Comments: ftr 1 Hon. Daniel M Wrenn, Presiding		

<u>Docket Date</u>	<u>Docket Text</u>	<u>File Ref Nbr.</u>	<u>Image Avail.</u>
	<p>Appeared:</p> <p>Staff:</p> <p>Brian Dolaher, Assistant Clerk Magistrate Amy (DIGITAL RECORDING DEVICE) Foulks, Court Monitor Michael T Sarnacki, Esq., Assistant Clerk Magistrate</p>		
01/08/2019	Notice of docket entry received from Supreme Judicial Court ORDER: Interlocutory appeal allowed to Appeals court. (Lowy ,J.)	136	 
01/08/2019	Notice of docket entry received from Supreme Judicial Court ORDER: interlocutory appeal allowed to appeals court (Lowy, J)	137	  <a href="#">Image</a>
01/08/2019	Court Reporter FTR-1 is hereby notified to prepare one copy of the transcript of the evidence of 08/23/2018 09:15 AM Evidentiary Hearing on Suppression, 09/06/2018 09:15 AM Evidentiary Hearing on Suppression	138	  <a href="#">Image</a>
01/30/2019	<p>Event Result:: Conference to Review Status scheduled on: 01/30/2019 09:35 AM</p> <p>Has been: Held as Scheduled</p> <p>Comments: FTR-1</p> <p>Hon. Michael K Callan, Presiding</p> <p>Appeared:</p> <p>Staff:</p> <p>Alicia Cayode-Kyles, Court Monitor Brian Dolaher, Assistant Clerk Magistrate Lauramarie Sirois, Assistant Clerk Magistrate</p>		
04/04/2019	<p>Event Result:: Conference to Review Status scheduled on: 04/04/2019 09:35 AM</p> <p>Has been: Held as Scheduled</p> <p>Comments: FTR 1</p> <p>Brian Dolaher, Presiding</p> <p>Appeared:</p> <p>Staff:</p> <p>Brian Dolaher, Assistant Clerk Magistrate Michael T Sarnacki, Esq., Assistant Clerk Magistrate</p>		
04/23/2019	Docket Note: Certified Docket sheets made for Atty. John Thompson		
05/01/2019	Defendant 's EX PARTE Motion for funds (expedited transcript)	139	 
05/07/2019	Endorsement on Defendant 's EX PARTE Motion for funds (expedited transcript), (#139.0): ALLOWED n. by email and mail		  <a href="#">Image</a>
06/03/2019	CD of Transcript of 08/23/2018 09:15 AM Evidentiary Hearing on Suppression, 09/06/2018 09:15 AM Evidentiary Hearing on Suppression, 11/29/2018 09:23 AM Motion Hearing received from Pamela Borges DosSantos.		
06/04/2019	<p>Event Result:: Conference to Review Status scheduled on: 06/04/2019 09:35 AM</p> <p>Has been: Held as Scheduled</p> <p>Comments: FTR 1</p> <p>Michael T Sarnacki, Esq., Presiding</p> <p>Staff:</p> <p>Brian Dolaher, Assistant Clerk Magistrate Michael T Sarnacki, Esq., Assistant Clerk Magistrate Lauramarie Sirois, Assistant Clerk Magistrate</p>		
06/07/2019	<p>List of exhibits</p> <p>RE: MTS hearing/ ID Exhibit</p>	140	  <a href="#">Image</a>
06/10/2019	<p>Attorney appearance</p> <p>On this date Shane T O'Sullivan, Esq. dlsmised/withdrawn as Attorney for the Commonwealth for Prosecutor Commonwealth</p>		
06/10/2019	<p>Attorney appearance</p> <p>On this date Matthew Wood Green, Esq. dismissed/withdrawn as Attorney for the Commonwealth for Prosecutor Commonwealth</p>		
06/10/2019	<p>Attorney appearance</p> <p>On this date Katherine E McMahon, Esq. added as Attorney for the Commonwealth for Prosecutor Commonwealth</p>		
06/10/2019	<p>Notice of assembly of record sent to Counsel</p> <p>Applies To: Pinney, Frederick (Defendant); McMahon, Esq., Katherine E (Attorney) on behalf of Commonwealth (Prosecutor); Thompson, Esq., Linda J (Attorney) on behalf of Pinney, Frederick (Defendant)</p>	141	  <a href="#">Image</a>



<u>Docket Date</u>	<u>Docket Text</u>	<u>File Ref Nbr.</u>	<u>Image Avail.</u>
06/10/2019	Appeal: Statement of the Case on Appeal (Cover Sheet).  Applies To: Pinney, Frederick (Defendant); McMahon, Esq., Katherine E (Attorney) on behalf of Commonwealth (Prosecutor); Thompson, Esq., Linda J (Attorney) on behalf of Pinney, Frederick (Defendant)	142	  <a href="#">Image</a>
06/17/2019	Notice of Entry of appeal received from the Appeals Court	143	  <a href="#">Image</a>
07/12/2019	Notice of docket entry received from Supreme Judicial Court JUDGMENT: as on file,	144	  <a href="#">Image</a>
07/22/2019	Notice of docket entry received from Supreme Judicial Court Notice of Assembly of the Record on Appeal or on Reservation and Report to the Full Court	145	  <a href="#">Image</a>
07/23/2019	General correspondence regarding Shane O'Sullivan, ADA RE: Portion of CD dated 8/23/18 on MTS hearing updated	145.1	  <a href="#">Image</a>
07/23/2019	CD of Transcript of 08/23/2018 09:15 AM Evidentiary Hearing on Suppression received from 1-CD dated 8/23/18 to replace the 8/23/18 CD we already rec..		
07/25/2019	General correspondence regarding 1-CD dated 8/23/18 to replace the 8/23/18 CD you previously received from us as the record is already assembled and sent to your court.	146	  <a href="#">Image</a>
09/17/2019	Event Result:: Conference to Review Status scheduled on: 09/17/2019 09:35 AM Has been: Held as Scheduled Comments: FTR 1 Michael T Sarnacki, Esq., Presiding Staff: Brian Dolaher, Assistant Clerk Magistrate Michael T Sarnacki, Esq., Assistant Clerk Magistrate Lauramarie Sirois, Assistant Clerk Magistrate		
12/10/2019	Event Result:: Conference to Review Status scheduled on: 12/10/2019 09:35 AM Has been: Not Held For the following reason: Joint request of parties Comments: FTR-1 Brian Dolaher, Presiding Staff: Brian Dolaher, Assistant Clerk Magistrate Shana Wilson, Assistant Clerk Magistrate		
03/11/2020	Event Result:: Conference to Review Status scheduled on: 03/11/2020 09:35 AM Has been: Held as Scheduled Comments: ftr1 Terrence C Ginley, Presiding Staff: Terrence C Ginley, Assistant Clerk Magistrate Michael T Sarnacki, Esq., Assistant Clerk Magistrate		
04/03/2020	Defendant 's EMERGENCY Motion for A Bail Review Hearing	147	  <a href="#">Image</a>
04/06/2020	Habeas Corpus for defendant issued to Hampshire County House of Correction returnable for 04/10/2020 11:30 AM Bail Hearing. VIA CONFERENCE CALL LINE AT 1130AM. Hampden Superior Court at Springfield Toll-free: 1-877-327-0894 Participant: 7612891#		
04/07/2020	Event Result:: Bail Hearing scheduled on: 04/10/2020 11:30 AM Has been: Canceled For the following reason: By Court prior to date Comments: Per Callan, J: non presumptive case and no right to a hearing, emailed CW to file written opposition for Court to act on the papers. Hon. Michael K Callan, Presiding		
04/07/2020	Defendant 's Notice of Records, as part of Emergency Motion for Bail	148	  <a href="#">Image</a>
04/07/2020	Opposition to to the Defendant's Emergency Motion for Immediate Release from Pretrial Detention filed by Commonwealth. of motion and opposition to J. Callan 4/7/20	149	  <a href="#">Image</a>
04/07/2020	Affidavit of Sheriff Nicholas Cocchi	149.1	  <a href="#">Image</a>
04/07/2020	Matter taken under advisement: Bail Hearing scheduled on: 04/07/2020 10:00 AM Has been: Held - Under advisement Comments: Court takes under advisement, on the papers Hon. Michael K Callan, Presiding		
04/07/2020	Motion for Release without Rebuttable Presumption (COVID19)	147	


<a href="#">Docket Date</a>	<a href="#">Docket Text</a>	<a href="#">File Ref Nbr.</a>	<a href="#">Image Avail.</a>
04/08/2020	General correspondence regarding Defendant's Emergency Motion for Bail: Defense Counsel requests any action on motion be suspended at this time and will remark/file supplemental pleadings with the Court. n. J. Callan 4/8/20		
05/27/2020	Motion for Release without Rebuttable Presumption (COVID19)  Supplemental Emergency Motion for Release Due to the COVID-19 Pandemic; Non-Presumptive Release  N. Judge Callan 5/27/20	150	  <a href="#">Image</a>
05/27/2020	Affidavit of Counsel in Support of Motion for Release	150.1	  <a href="#">Image</a>
05/27/2020	Frederick Pinney's Memorandum in support of Motion for Release	150.2	  <a href="#">Image</a>
05/27/2020	Defendant 's Submission of Exhibits in Support of Motion for Release	150.3	  <a href="#">Image</a>
05/27/2020	Endorsement on Motion for Release without Rebuttable Presumption (COVID19) Supplemental Emergency Motion for Release Due to the COVID-19 Pandemic; Non-Presumptive Release, (#150.0): Other action taken Commonwealth to file its opposition within seven days.  Judge: Callan, Hon. Michael K		
05/28/2020	Defendant 's EX PARTE Motion for funds (Psychologist) N. Judge Carey 5/28/20	151	  <a href="#">Image</a>
05/28/2020	Affidavit of Counsel in Support of Ex-Parte Motion for Funds for Expert Psychologist	151.1	  <a href="#">Image</a>
05/28/2020	Endorsement on Motion for funds (psychologist), (#151.0): ALLOWED N via mail		  <a href="#">Image</a>
05/29/2020	Scheduled: Event: Hearing for Review of Other Detainee (COVID19) Date: 06/05/2020 Time: 09:29 AM Result: Not Held		
06/01/2020	Commonwealth 's Supplemental Opposition to Defendant's Emergency Motion for Release Due to the COVID-19 Pandemic	152	  <a href="#">Image</a>
06/01/2020	Commonwealth 's Submission of Appendix	152.1	  <a href="#">Image</a>
06/02/2020	Event Result:: Conference to Review Status scheduled on: 06/02/2020 09:35 AM Has been: Not Held For the following reason: Joint request of parties Lauramarie Sirois, Presiding		
06/04/2020	Defendant 's Submission Exhibit "E"	153	  <a href="#">Image</a>
06/05/2020	Event Result:: Hearing for Review of Other Detainee (COVID19) scheduled on: 06/05/2020 09:29 AM Has been: Not Held For the following reason: Joint request of parties Comments: ftr 1 Hon. Mark D Mason, Presiding		
06/10/2020	Matter taken under advisement: Bail Review via Video Conference scheduled on: 06/10/2020 11:30 AM Has been: Held - Under advisement Comments: ftr 1 Hon. Karen Goodwin, Presiding		
06/15/2020	Endorsement on Motion for a bail review hearing., (#147.0): DENIED after hearing. (see findings and order).  Judge: Goodwin, Hon. Karen		  <a href="#">Image</a>
06/19/2020	Finding and Order on Bail:  on Request for Release on COVID-19 Grounds  Judge: Goodwin, Hon. Karen	154	  <a href="#">Image</a>
06/19/2020	Finding by Court: and Order on the Defendant's Motion for Release due to COVID-19  Judge: Goodwin, Hon. Karen	155	  <a href="#">Image</a>



<a href="#">Docket Date</a>	<a href="#">Docket Text</a>	<a href="#">File Ref Nbr.</a>	<a href="#">Image Avail.</a>
07/10/2020	Commonwealth 's Motion to compel deoxyribonucleic acid (DNA) sample	156	 
07/10/2020	Commonwealth's Memorandum in support of motion for order to compel taking of a DNA sample of the defendant.	157	 
07/15/2020	Defendant 's Motion to reconsider findings and order on the defendant's motion for release due to COVID-19	158	 
07/27/2020	Event Result:: Conference to Review Status scheduled on: 07/27/2020 09:35 AM Has been: Held as Scheduled Comments: ftr 1 Hon. Francis E Flannery, Presiding		
07/27/2020	Event Result:: Motion Hearing scheduled on: 07/27/2020 09:35 AM Has been: Not Held For the following reason: Joint request of parties Comments: ftr 1 Hon. Francis E Flannery, Presiding		
07/27/2020	Opposition to to Commonwealth's Motion for Order to compel the taking of a DNA sample to the Defendant filed by	159	 
08/05/2020	Notice of docket entry received from Appeals Court Notice of rescript (Emailed Appeals Court on 8/6/2020 b/c no rescript attached.)		 
08/10/2020	Event Result:: Motion Hearing scheduled on: 08/11/2020 11:00 AM Has been: Not Held For the following reason: Request of Commonwealth Hon. Michael K Callan, Presiding Staff: Michael T Sarnacki, Esq., Assistant Clerk Magistrate Lauramarie Sirois, Assistant Clerk Magistrate		
08/10/2020	ORDER of Pre-Trial Conditions of Release  Judge: Goodwin, Hon. Karen	160	 
08/10/2020	Finding and Order on Bail:  Judge: Goodwin, Hon. Karen	161	 
08/10/2020	MEMORANDUM & ORDER:  on the Defendant's Motion for Reconsideration  Judge: Goodwin, Hon. Karen	162	 
08/10/2020	Bail set at \$0.00 Surety, \$100,000.00 Cash. will reside w/niece Heather Rhinesmith /Steven Rhinesmith @ 4 Kenwood Dr. Vernon, Ct., will sign a waiver of rendition, will have a Zero curfew, except for Medical/Court, will undergo mental health/substance abuse assessment, participate in treatment as directed by probation, sign all releases requested by prob/provide verification as directed by prob., will report to prob., 1 week by tele or as directed by prob. will refrain from illegal drugs/recreational marijuana/ See Order from Judge dated	163	
08/12/2020	Habeas Corpus for defendant issued to Hampshire County House of Correction returnable for 08/12/2020 03:00 PM Motion Hearing. Please Have Defendant brought here in person A.S.A.P hearing is scheduled for 3PM		
08/12/2020	Matter taken under advisement: Motion Hearing scheduled on: 08/12/2020 03:00 PM Has been: Held - Under advisement Comments: ftr 1 Hon. Edward J McDonough, Jr., Presiding Staff: Michael T Sarnacki, Esq., Assistant Clerk Magistrate Lauramarie Sirois, Assistant Clerk Magistrate		
09/01/2020	Event Result:: Conference to Review Status scheduled on: 09/02/2020 09:35 AM Has been: Rescheduled For the following reason: By Court prior to date Comments: defense wishes to have in person hearing on status, failed to notify clerk's office before cutoff- and has agreed to move to 9/3/20 for in court event. Lauramarie Sirois, Presiding Staff: Michael T Sarnacki, Esq., Assistant Clerk Magistrate Lauramarie Sirois, Assistant Clerk Magistrate		
09/03/2020	Event Result:: Motion Hearing scheduled on: 09/03/2020 09:00 AM		

<a href="#">Docket Date</a>	<a href="#">Docket Text</a>	<a href="#">File Ref Nbr.</a>	<a href="#">Image Avail.</a>
	Has been: Held as Scheduled Comments: ftr 1 Hon. Francis E Flannery, Presiding Staff: Michael T Sarnacki, Esq., Assistant Clerk Magistrate Lauramarie Sirois, Assistant Clerk Magistrate		
09/23/2020	Event Result:: Conference to Review Status scheduled on: 09/23/2020 09:00 AM Has been: Held as Scheduled Comments: ftr 1/Aarons Hon. Francis E Flannery, Presiding Staff: Brian Dolaher, Assistant Clerk Magistrate Shana Wilson, Assistant Clerk Magistrate		
10/08/2020	Event Result:: Conference to Review Status scheduled on: 10/22/2020 09:00 AM Has been: Rescheduled For the following reason: By Court prior to date Comments: original date is judges' conference Hon. Mark D Mason, Presiding Staff: Michael T Sarnacki, Esq., Assistant Clerk Magistrate Lauramarie Sirois, Assistant Clerk Magistrate		
10/20/2020	Event Result:: Motion Hearing scheduled on: 10/20/2020 09:01 AM Has been: Held as Scheduled Hon. Edward J McDonough, Jr., Presiding Staff: Michael T Sarnacki, Esq., Assistant Clerk Magistrate Lauramarie Sirois, Assistant Clerk Magistrate		
10/20/2020	MEMORANDUM & ORDER:  on the Commonwealth's Motion to Compel the taking of DNA Sample from the Defendant -N Atty's by mail  Judge: McDonough, Jr., Hon. Edward J	164	  <a href="#">Image</a>
10/20/2020	Habeas Corpus for defendant issued to Hampshire County House of Correction returnable for 10/29/2020 02:00 PM Conference to Review Status. To be transported to Hampshire Superior Court for hearing to be held at 2:00 PM before The Hon. Edward J. McDonough.	165	
10/27/2020	Event Result:: Conference to Review Status scheduled on: 10/29/2020 02:00 PM Has been: Not Held For the following reason: Request of Defendant Hon. Edward J McDonough, Jr., Presiding Staff: Brian Dolaher, Assistant Clerk Magistrate William T Walsh, Jr., Assistant Clerk Magistrate		
10/27/2020	Defendant 's Motion to remove case from Hampshire County list and further stay taking of Buccal sample from defendant	166	  <a href="#">Image</a>
10/27/2020	Endorsement on Motion to remove case from Hampshire County list and further stay taking of Buccal sample from defendant, (#166.0): ALLOWED		  <a href="#">Image</a>
11/10/2020	Defendant 's Motion for reconsideration of memorandum and order on the Commonwealth's motion to compel taking of DNA sample from the defendant and request for argument N. Judge McDonough 11/13	167	  <a href="#">Image</a>
11/12/2020	Endorsement on Motion for reconsideration of Order on Commonwealth's motion to compel DNA sample from the Defendant, (#167.0): Other action taken After considering the motion for reconsideration of my October 20, 2020 Order, the motion is denied.  Judge: McDonough, Jr., Hon. Edward J		
11/13/2020	Commonwealth 's Assented to Motion to Continue N. Judge McDonough 11/13	168	  <a href="#">Image</a>
11/13/2020	Event Result:: Conference to Review Status scheduled on: 11/17/2020 09:00 AM Has been: Rescheduled For the following reason: Request of Commonwealth Hon. Edward J McDonough, Jr., Presiding Staff: Lauramarie Sirois, Assistant Clerk Magistrate		
11/13/2020	Endorsement on Motion to Continue, (#168.0): ALLOWED The Motion to reconsider has been denied. Status conference to be held in Hampshire Superior 11/23/20 2:00 p.m.		  <a href="#">Image</a>



<u>Docket Date</u>	<u>Docket Text</u>	<u>File Ref Nbr.</u>	<u>Image Avail.</u>
	n. via email 11/13/20  note- clerk's office confirming with Hampshire Superior and has notified jail to cancel 11/17/20 habe.		
11/16/2020	Habeas Corpus for defendant issued to Hampshire County House of Correction returnable for 11/23/2020 02:30 PM Conference to Review Status. Physical habe to issue- to Hampshire Superior Court		
11/17/2020	Defendant 's Motion for Reconsideration-N Judge McDonough	169	 
11/19/2020	Endorsement on Defendant 's Motion for Reconsideration, (#169.0): Other action taken To be addressed at the status conference on November 23, 2020 at 230 p.m.  n. via email 11/19/20		   
11/20/2020	Attorney appearance On this date Katherine E McMahon, Esq. dismissed/withdrawn as Attorney for the Commonwealth for Prosecutor Commonwealth		
11/20/2020	Attorney appearance On this date Cynthia Cullen Payne, Esq. added as Attorney for the Commonwealth for Prosecutor Commonwealth		
11/23/2020	Habeas Corpus for defendant issued to Hampshire County House of Correction returnable for 11/23/2020 02:30 PM Conference to Review Status. PLEASE CANCEL PHYSICAL HABE AND CONVERT TO A ZOOM HEARING. Join ZoomGov Meeting <a href="https://www.zoomgov.com/j/16111457756?pwd=WjhSU2NrU2FjOXUvcks3M2dwU01QUT09">https://www.zoomgov.com/j/16111457756?pwd=WjhSU2NrU2FjOXUvcks3M2dwU01QUT09</a> Meeting ID: 161 1145 7756 Passcode: 422357		
11/23/2020	Opposition to to Defendant's Motion for Reconsideration/Renewed Reconsideration of Memorandum and Order on the Commonwealth's Motion to Compel the Taking of DNA Sample From the Defendant filed by Commonwealth. N. Judge McDonough 11/23/20	170	  
11/23/2020	Event Result:: Conference to Review Status scheduled on: 11/23/2020 02:30 PM Has been: Held as Scheduled Comments: held via zoom- defense counsel file to supporting memorandum on/by 12/4/20, commonwealth to file response on/by 12/14/20, at which time the matter will be UNDER ADVISEMENT. Hon. Edward J McDonough, Jr., Presiding Staff: Lauramarie Sirois, Assistant Clerk Magistrate		
11/23/2020	Habeas Corpus for defendant issued to Hampshire County House of Correction returnable for 12/17/2020 02:00 PM Conference to Review Status. <a href="https://www.zoomgov.com/j/16111457756?pwd=WjhSU2NrU2FjOXUvcks3M2dwU01QUT09">https://www.zoomgov.com/j/16111457756?pwd=WjhSU2NrU2FjOXUvcks3M2dwU01QUT09</a> Meeting ID: 161 1145 7756 Passcode: 422357		
12/03/2020	Defendant 's Assented to Motion to Enlarge Time for Filing N. Judge McDonough 12/3/20	171	 
12/09/2020	Frederick Pinney's Memorandum (Post-Argument)	172	  
12/14/2020	General correspondence regarding The Commonwealth has reviewed defendant's supplemental pleading and will not be filing an additional response. N. Judge McDonough 12/14/20		
12/16/2020	Event Result:: Conference to Review Status scheduled on: 12/17/2020 02:00 PM Has been: Rescheduled For the following reason: Other event activity needed Hon. Edward J McDonough, Jr., Presiding Staff: Michael T Sarnacki, Esq., Assistant Clerk Magistrate		
01/06/2021	Event Result:: Conference to Review Status scheduled on: 01/07/2021 10:00 AM Has been: Rescheduled For the following reason: Other event activity needed Hon. Edward J McDonough, Jr., Presiding Staff: Michael T Sarnacki, Esq., Assistant Clerk Magistrate		
01/08/2021	Defendant 's Objection to court ordered continuance of status conference and motion for release pending trial n. 1/11/2021 McDonough,J	173	 
01/08/2021	Frederick Pinney's Memorandum in support of motion for release pending trial N. 1/11/2021 McDonough, J	174	  
01/14/2021	Event Result:: Conference to Review Status scheduled on: 02/10/2021 10:00 AM		



<u>Docket Date</u>	<u>Docket Text</u>	<u>File Ref Nbr.</u>	<u>Image Avail.</u>
	Has been: Not Held For the following reason: By Court prior to date Comments: Status will be discussed at 1/27 MH Hon. Edward J McDonough, Jr., Presiding		
01/14/2021	Endorsement on Motion to court ordered continuance of status conference and motion for release pending trial, (#173.0): Other action taken January 27, 2021, 11:00 AM Zoom status conference and hearing on defendant's motion for release. If counsel are then unavailable, they shall confer and jointly propose to clerk alternative dates and times. commonwealth shall submit an opposition to the defendant's motion for release by email the day prior to the hearing. SO ORDERED. N. 1/14/21 Atty: Linda Thompson (Email) & ADA's M. Green & K. McMahon (Emails)		
01/15/2021	Defendant 's Motion to Expedite hearing on Motion for release	175	 
01/19/2021	Endorsement on Motion to expedite hearing on motion for release, (#175.0): DENIED hearing date remains 1/27/21		  <a href="#">Image</a>
01/27/2021	Event Result:: Motion Hearing scheduled on: 01/27/2021 11:00 AM Has been: Held as Scheduled Comments: FTR Foley Hon. Edward J McDonough, Jr., Presiding Staff: Michael T Sarnacki, Esq., Assistant Clerk Magistrate		 <a href="#">Image</a>
01/27/2021	Endorsement on Objection to Court ordered continuance of status conference and motion for release pending trial., (#173.0): ALLOWED after hearing. Defendant is released on numerous conditions supervised by probation department. Conditions and findings dictated on the record. n via fax/tin. Conditions: 1) reside with niece at 4 Kenwood Dr Vernon CT, 2) sign waiver of rendition, 3) 0 curfew without prejudice, may meet with lawyer at lawyer's office, 4) participate in treatment as recommended by probation, 5) report to probation department 1 time per week via facetime/video conference, 6) refrain from illegal drugs, (including marijuana) and alcohol, 7) not to possess any firearms or dangerous weapons, 8) surrender passport if have one. Motion for stay - allowed without prejudice after hearing, see endorsement.		  <a href="#">Image</a>
01/27/2021	Finding and Order on Bail:  Judge: McDonough, Jr., Hon. Edward J	176	  <a href="#">Image</a>
01/27/2021	Defendant 's Motion to reassign motion for release.  Judge: McDonough, Jr., Hon. Edward J	177	  <a href="#">Image</a>
01/27/2021	Endorsement on Motion to reassign motion for release., (#177.0): DENIED Findings are on the record. N via email  Judge: McDonough, Jr., Hon. Edward J		  <a href="#">Image</a>
02/17/2021	Defendant 's Motion to modify conditions of release	178	 
02/18/2021	Endorsement on Motion to modify conditions of release, (#178.0): Other action taken The Commonwealth shall file, by email, any response on or before February 25, 2021.  Judge: McDonough, Jr., Hon. Edward J		  <a href="#">Image</a>
02/23/2021	Opposition to to defendant's motion to modify conditions of release. filed by Commonwealth	179	 
02/24/2021	Event Result:: Conference to Review Status scheduled on: 02/25/2021 09:00 AM Has been: Not Held For the following reason: Transferred to another session Hon. Michael K Callan, Presiding Staff: Susan Joaquin, Assistant Clerk Michael T Sarnacki, Esq., Assistant Clerk Magistrate		 <a href="#">Image</a>
02/25/2021	Event Result:: Motion Hearing scheduled on: 02/25/2021 09:30 AM Has been: Held via Video/Teleconference Hon. Edward J McDonough, Jr., Presiding Staff: Brian Dolaher, Assistant Clerk Magistrate		
02/25/2021	Event Result:: Conference to Review Status scheduled on: 02/25/2021 09:30 AM Has been: Held via Video/Teleconference Hon. Edward J McDonough, Jr., Presiding Staff: Brian Dolaher, Assistant Clerk Magistrate		



<u>Docket Date</u>	<u>Docket Text</u>	<u>File Ref Nbr.</u>	<u>Image Avail.</u>
02/25/2021	Endorsement on Motion to Modify Conditions of Release, (#178.0): ALLOWED after hearing ONLY as to medical appointments but otherwise DENIED WITHOUT PREJUDICE to file a renewed motion after consultation with probation, providing more detail and more structure to the satisfaction of probations ability to provide practical and reasonable supervision as to any proposed modification  Judge: McDonough, Jr., Hon. Edward J		
03/03/2021	Defendant 's Motion for Stay Pursuant to M. r. Crim. P. 15(e)	180	 
03/03/2021	Defendant 's Notice of Interlocutory Appeal	181	 
03/03/2021	Endorsement on Motion for Stay Pursuant to M. R. Crim. P. 15(e), (#180.0): ALLOWED Nunc Pro Tunc to 1/27/21 n Atty. by mail		 
03/03/2021	Endorsement on Notice of Interlocutory Appeal, (#181.0): Other action taken Order for Buccal Swab is stayed pending this Appeal Nunc Pro Tunc to 1/27/21 N. Atty's by mail		 
03/29/2021	Event Result:: Conference to Review Status scheduled on: 03/31/2021 09:30 AM Has been: Rescheduled For the following reason: By Court prior to date Hon. Edward J McDonough, Jr., Presiding Staff: Mary C Cullinan, Assistant Clerk Magistrate		
03/30/2021	Event Result:: Conference to Review Status scheduled on: 04/06/2021 09:00 AM Has been: Rescheduled For the following reason: Request of Defendant Hon. Edward J McDonough, Jr., Presiding		
03/30/2021	Defendant 's Supplemental Motion to Modify Conditions of Release n. to McDonough, J.	182	 
03/30/2021	Notice of appeal filed. RE: SINGLE JUSTICE'S MARCH 29, 2021 MEMORANDUM OF DECISION AND ORDER (PAPER # 6 ) AS DENIES HIM RELIEF UNDER M. G. L. c. 211, sec. 3.  Applies To: Pinney, Frederick (Defendant); Thompson, Esq., John M (Attorney) on behalf of Pinney, Frederick (Defendant); Thompson, Esq., Linda J (Attorney) on behalf of Pinney, Frederick (Defendant)	183	 
04/01/2021	Event Result:: Motion Hearing scheduled on: 04/01/2021 09:00 AM Has been: Held as Scheduled-Taken under advisement Comments: FTR CR #8 - Timothy Foley, monitor Hon. Edward J McDonough, Jr., Presiding Staff: Mary C Cullinan, Assistant Clerk Magistrate		
04/01/2021	Event Result:: Conference to Review Status scheduled on: 04/01/2021 09:00 AM Has been: Held as Scheduled Comments: FTR CR #8 - Timothy Foley, monitor Hon. Edward J McDonough, Jr., Presiding Staff: Mary C Cullinan, Assistant Clerk Magistrate		
04/01/2021	Commonwealth oral motion request stay of order for Buccal Swab pending appeal to be lifted and for Deft. to submit to Buccal swab. Deft. orally objects, deft. seeking further appeal Ch. 211 section. 3. court orders that the stay of taking buccal Swab doesn't interfere with case appearing on call of trial list in April-See Record. Defendant's supplemental motion to modify conds. of release heard.- commonwealth objects after hearing, Court allows paragraph 1 of the motion-defendant may attend Easter church services at the Second Congressional Church of Stafford, 197 West Stafford road, Stafford Springs, CT at 9:30 AM on Sunday , April 4, 2021and to attend family Easter dinner at his brother's house at 43 Orcuttville Rd., Stafford Springs, CT. from the termination of church services until 5 PM. the request's in paragraphs 2 & 3 of Supplemental motion to modify conds. of release -taken under advisement. N. 4/1/21 copy of C. Log given to prob. dept. in there tin.		
04/01/2021	Endorsement on Motion to Modify Conditions of Release, (#182.0): Other action taken Allowed as to paragraph one after hearing. Under Advisement as to paragraphs two and three.  Judge: McDonough, Jr., Hon. Edward J		 
04/06/2021	Endorsement on Motion to Modify Conditions of Release, (#182.0): Other action taken As to paragraph 2 & 3, allowed in part and Denied in part. these events and activities may be permitted case-by-case and event-by-event , in the discretion of the probation officer as are reasonably necessary. presently I see no need for a fixed schedule. N. 4/6/21 Atty: Rountree, Atty; L. Thompson & ADA: Green		 



































<a href="#">Docket Date</a>	<a href="#">Docket Text</a>	<a href="#">File Ref Nbr.</a>	<a href="#">Image Avail.</a>
05/05/2021	Event Result:: Trial Assignment Conference scheduled on: 06/03/2021 09:00 AM Has been: Rescheduled For the following reason: By Court prior to date Hon. Francis E Flannery, Presiding		
05/07/2021	Defendant 's Motion to Modify Conditions of Release (Second Supplemental Motion)	184	
05/12/2021	Endorsement on Motion to modify conditions of release (second supplemental), (#184.0): Other action taken The Commonwealth shall advise whether it has any particular objection to this motion, other than its general objection to the defendant's release on any conditions, which objection is noted.  Judge: McDonough, Jr., Hon. Edward J		  <a href="#">Image</a>
05/14/2021	Event Result:: Trial Assignment Conference scheduled on: 05/14/2021 09:30 AM Has been: Held via Video/Teleconference For the following reason: Other event activity needed Comments: Status held. Matter stayed pending appeal Hon. Francis E Flannery, Presiding Staff: Shana Wilson, Assistant Clerk Magistrate		
07/07/2021	Event Result:: Conference to Review Status scheduled on: 07/07/2021 09:35 AM Has been: Held as Scheduled SJC decision rendered-Stay lifted/terminated Comments: Held in person Hon. David Hodge, Presiding Staff: Lauramarie Sirois, Assistant Clerk Magistrate		
07/08/2021	Endorsement on Supplemental Motion (second) to modify conditions of release, (#184.0): ALLOWED without objection (n. parties)  Judge: Hodge, Hon. David		  <a href="#">Image</a>
07/08/2021	ORDER of Pre-Trial Conditions of Release  Judge: Hodge, Hon. David	185	  <a href="#">Image</a>
07/20/2021	Defendant 's Motion for updated discovery	186	  <a href="#">Image</a>
07/21/2021	Event Result:: Hearing RE: Discovery Motion(s) scheduled on: 07/21/2021 09:21 AM Has been: Not Held For the following reason: Joint request of parties Comments: FTR-1 foley Hon. David Hodge, Presiding Staff: Michael T Sarnacki, Esq., Assistant Clerk Magistrate Lauramarie Sirois, Assistant Clerk Magistrate		<a href="#">Image</a>
07/21/2021	Defendant 's Motion for Protective Order Regarding Commonwealth's Use of Compelled Buccal Swab	187	 
07/21/2021	Endorsement on Motion for Protective Order Regarding Commonwealth's Use of Compelled Buccal Swab, (#187.0): ALLOWED Notified 7/21/21 via email  Applies To: Payne, Esq., Cynthia Cullen (Attorney) on behalf of Commonwealth (Prosecutor); Thompson, Esq., Linda J (Attorney) on behalf of Pinney, Frederick (Defendant); Green, Esq., Matthew Wood (Attorney) on behalf of Commonwealth (Prosecutor); Rountree, Esq., David J M (Attorney) on behalf of Pinney, Frederick (Defendant)		  <a href="#">Image</a>
08/02/2021	Judgment after Rescript received. Affirmed.  Judge: Unassigned	188	  <a href="#">Image</a>
08/02/2021	Event Result:: Hearing RE: Discovery Motion(s) scheduled on: 08/02/2021 09:21 AM Has been: Held as Scheduled For the following reason: Transferred to another session Comments: FTR 1- S. Adams Hon. Jane E Mulqueen, Presiding Staff: Lauramarie Sirois, Assistant Clerk Magistrate Shana Wilson, Assistant Clerk Magistrate Alyson Yorlano, Assistant Clerk Magistrate		
08/02/2021	Event Result:: Hearing RE: Discovery Motion(s) scheduled on: 08/02/2021 09:21 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 4 Hon. Mark D Mason, Presiding Staff: Susan Joaquin, Assistant Clerk		
08/02/2021	Endorsement on Motion for updated discovery, (#186.0): Other action taken Ruling in margin and on the record. Cert of Compliance to be filed and served by September 2, 2021. (n. parties)  Judge: Mason, Hon. Mark D		  <a href="#">Image</a>
08/02/2021	Defendant 's EX PARTE Motion for funds for investigator	189	  <a href="#">Image</a>
08/02/2021	Endorsement on Motion for funds for investigator, (#189.0): ALLOWED (n atty )  Judge: Mason, Hon. Mark D		  <a href="#">Image</a>
09/01/2021	Commonwealth 's Supplemental Certificate of Discovery Compliance Regarding Substitute Medical Examiner	190	  <a href="#">Image</a>
09/02/2021	Event Result:: Conference to Review Status scheduled on: 09/02/2021 09:35 AM Has been: Held as Scheduled Lauramarie Sirois, Presiding Staff: Lauramarie Sirois, Assistant Clerk Magistrate Shana Wilson, Assistant Clerk Magistrate Alyson Yorlano, Assistant Clerk Magistrate		
10/07/2021	Event Result:: Conference to Review Status scheduled on: 10/07/2021 09:35 AM Has been: Held as Scheduled Comments: FTR R Aarons Commonwealth provides updt on Buccal swab status (4-8 wks) Commonwealth req further status date - Allowed over def. objection Hon. Michael K Callan, Presiding Staff: Brian Dolaher, Assistant Clerk Magistrate Alyson Yorlano, Assistant Clerk Magistrate		
11/10/2021	Event Result:: Conference to Review Status scheduled on: 11/10/2021 09:35 AM Has been: Held as Scheduled Comments: FTR-1 Marzano Hon. Michael K Callan, Presiding Staff: Michael T Samacki, Esq., Assistant Clerk Magistrate Alyson Yorlano, Assistant Clerk Magistrate		
12/13/2021	Event Result:: Conference to Review Status scheduled on: 12/13/2021 09:35 AM Has been: Held as Scheduled Comments: FTR 1 Hon. Francis E Flannery, Presiding Staff: Lauramarie Sirois, Assistant Clerk Magistrate Shana Wilson, Assistant Clerk Magistrate Alyson Yorlano, Assistant Clerk Magistrate		
01/12/2022	Event Result:: Conference to Review Status scheduled on: 01/12/2022 09:35 AM Has been: Not Held For the following reason: Request of Defendant Comments: FTR 1-Adams/Sirois Hon. Jane E Mulqueen, Presiding Staff: Michael T Samacki, Esq., Assistant Clerk Magistrate Lauramarie Sirois, Assistant Clerk Magistrate Shana Wilson, Assistant Clerk Magistrate		
01/12/2022	Attorney appearance On this date Cynthia Cullen Payne, Esq. dismissed/withdrawn as Attorney for the Commonwealth for Prosecutor Commonwealth		
01/12/2022	Attorney appearance On this date Kelsey A Baran, Esq. added as Attorney for the Commonwealth for Prosecutor Commonwealth	191	  <a href="#">Image</a>
01/12/2022	Attorney appearance On this date Cynthia Cullen Payne, Esq. dismissed/withdrawn as Attorney for the Commonwealth for		

<a href="#">Docket</a> <a href="#">Date</a>	<a href="#">Docket Text</a>	<a href="#">File</a> <a href="#">Ref</a> <a href="#">Nbr.</a>	<a href="#">Image</a> <a href="#">Avail.</a>
Prosecutor Commonwealth			
01/18/2022	Event Result:: Jury Trial scheduled on: 01/18/2022 09:07 AM Has been: Not Held For the following reason: Other event activity needed Hon. Jane E Mulqueen, Presiding Staff: Michael T Sarnacki, Esq., Assistant Clerk Magistrate Lauramarie Sirois, Assistant Clerk Magistrate Shana Wilson, Assistant Clerk Magistrate		
02/11/2022	Defendant 's Supplemental Motion (third) to modify conditions of release	192	  <a href="#">Image</a>
02/23/2022	Event Result:: Bail Hearing scheduled on: 02/23/2022 09:29 AM Has been: Not Held For the following reason: Joint request of parties Comments: FTR 1/Wilson Hon. Jane E Mulqueen, Presiding Staff: Lauramarie Sirois, Assistant Clerk Magistrate Shana Wilson, Assistant Clerk Magistrate Alyson Yorlano, Assistant Clerk Magistrate		
02/23/2022	Event Result:: Conference to Review Status scheduled on: 02/23/2022 09:35 AM Has been: Held as Scheduled Comments: FTR 1/Wilson Hon. Jane E Mulqueen, Presiding Staff: Lauramarie Sirois, Assistant Clerk Magistrate Shana Wilson, Assistant Clerk Magistrate Alyson Yorlano, Assistant Clerk Magistrate		
03/01/2022	Defendant 's Motion for DNA lab discovery	193	  <a href="#">Image</a>
03/02/2022	Event Result:: Bail Hearing scheduled on: 03/03/2022 02:00 PM Has been: Not Held For the following reason: Transferred to another session Hon. Jane E Mulqueen, Presiding Staff: Lauramarie Sirois, Assistant Clerk Magistrate Shana Wilson, Assistant Clerk Magistrate Alyson Yorlano, Assistant Clerk Magistrate		
03/03/2022	Protective Order issued for defense counsel access to presumptively privileged records.  Judge: McDonough, Jr., Hon. Edward J	194	
03/03/2022	Event Result:: Bail Hearing scheduled on: 03/03/2022 02:00 PM Has been: Held as Scheduled Comments: FTR - Court Room 8 Hon. Edward J McDonough, Jr., Presiding Staff: Lois Cignoli, Assistant Clerk Magistrate		
03/03/2022	Endorsement on Motion for DNA Lab Discovery, (#193.0): ALLOWED no opposition		  <a href="#">Image</a>
03/03/2022	Endorsement on Motion to Modify Conditions of Release (Third Supplemental), (#192.0): Other action taken After hearing, conditions of release remain and were clarified on the record		  <a href="#">Image</a>
05/03/2022	Event Result:: Conference to Review Status scheduled on: 05/03/2022 09:35 AM Has been: Held as Scheduled Comments: FTR 1 marzano Hon. Jane E Mulqueen, Presiding Staff: Brian Dolaher, Assistant Clerk Magistrate Michael T Sarnacki, Esq., Assistant Clerk Magistrate		
Showing 1 to 500 of 832 << < 1 2 > >>			



Tickler	Start Date	Due Date	Days Due	Completed Date
Under Advisement	06/15/2023	07/15/2023	30	06/16/2023
Docket Information				
Docket Date	Docket Text	File Ref Nbr.	Image Avail.	
07/11/2022	Event Result:: Conference to Review Status scheduled on: 07/11/2022 09:35 AM Has been: Not Held For the following reason: Transferred to another session Hon. David Hodge, Presiding Staff: Brian Dolaher, Assistant Clerk Magistrate Edward Partyka, Assistant Clerk Magistrate Alyson Yorlano, Assistant Clerk Magistrate			
07/11/2022	Event Result:: Conference to Review Status scheduled on: 07/11/2022 11:00 AM Has been: Held as Scheduled Comments: FTR - Court Room 8, T. Foley - Monitor Hon. Edward J McDonough, Jr., Presiding Lois Cignoli, Assistant Clerk Magistrate			
07/11/2022	Scheduled: Event: Jury Trial Date: 09/26/2022 Time: 09:00 AM Result: Rescheduled			
08/30/2022	Defendant 's EX PARTE second supplemental motion for funds (DNA expert)	195	 	
08/30/2022	Affidavit of David Rountree in support of defendant's second supplemental exparte motion for funds for DNA expert	195.1	  <a href="#">Image</a>	
08/30/2022	Defendant 's EX PARTE supplemental motion for funds (expert criminalist)	196	  <a href="#">Image</a>	
08/30/2022	Affidavit of David Rountree in support of defendant's supplemental exparte motion for funds for expert criminalist	196.1	  <a href="#">Image</a>	
09/01/2022	Endorsement on Motion for funds (expert criminalist, (#196.0): ALLOWED 9/2/22 N. Atty; Rountree 9/2/22 N. Atty Linda Thompson 9/2/22 N. ADA: Baran		  <a href="#">Image</a>	
09/01/2022	Endorsement on Motion for funds (DNA Expert), (#195.0): ALLOWED		 	
09/06/2022	Defendant 's Motion to suppress Fruits of Unlawful Arrest and Interrogation	197	  <a href="#">Image</a>	
09/06/2022	Defendant 's Notice of Intention to Admit Medical Records Pursuant to M.G.L. CH. 233 §79 (Frederick Pinney)	198	  <a href="#">Image</a>	
09/06/2022	Defendant 's Notice of Intention to Admit Medical Records Pursuant to M.G.L. CH. 233 § 79 (Tayclair Moore)	199	  <a href="#">Image</a>	
09/06/2022	Defendant 's Motion for Order Requiring Commonwealth to File a Notice of Alibi with Respect to Christopher Podgurski	200	  <a href="#">Image</a>	
09/08/2022	Defendant 's Supplemental Discovery Motion-n Judge McDonough	201	  <a href="#">Image</a>	
09/08/2022	Endorsement on Motion to suppress fruits of unlawful arrest and interrogation, (#197.0): Other action taken Non Evid. Hrg to be held at the finat trial conference on 9/14/22 @ 2:00pm		  <a href="#">Image</a>	
09/12/2022	Defendant 's Motion for Discovery Sanctions Pursuant to Rule 14 (c) (2) N Judge McDonough	202	 	
09/12/2022	Defendant 's Motion In Limine Third Party Culpit Evidence N Judge McDonough	203	  <a href="#">Image</a>	
09/13/2022	Commonwealth 's Motion to return exhibits	204	  <a href="#">Image</a>	
09/13/2022	Commonwealth files certificate of compliance. Commonwealth's renewed certificate of discovery compliance	205	  <a href="#">Image</a>	
09/13/2022	Commonwealth 's Motion (renewed motion) to compel automatic reciprocal discovery from defense	206	  <a href="#">Image</a>	
09/14/2022	Event Result:: Final Trial Conference scheduled on: 09/14/2022 02:00 PM Has been: Not Held For the following reason: Joint request of parties		 <a href="#">Image</a>	





























<u>Docket Date</u>	<u>Docket Text</u>	<u>File Ref Nbr.</u>	<u>Image Avail.</u>
	Hon. Edward J McDonough, Jr., Presiding Staff: William T Walsh, Jr., Assistant Clerk Magistrate		
09/14/2022	Opposition to to the Defendant's Motion in Limine to Admit Third party Culprit Evidence filed by CommonwealthAtty Matthew Green	212	  <a href="#">Image</a>
09/14/2022	Event Result:: Non-Evidentiary Hearing on Suppression scheduled on: 09/14/2022 02:00 PM Has been: Not Held For the following reason: Court Order Comments: FTR 8 Adams Hon. Edward J McDonough, Jr., Presiding Staff: William T Walsh, Jr., Assistant Clerk Magistrate		
09/14/2022	Opposition to to the Defendant's Motion to Suppress Evidence filed by Commonwealth	213	  <a href="#">Image</a>
09/14/2022	Endorsement on Motion of Intention to admit Medical Records Pursuant to MGL C. 233, s 79 (Tayclair Moore), (#199.0): ALLOWED Presumptively allowed Except to Petitioner Objection  Judge: McDonough, Jr., Hon. Edward J		  <a href="#">Image</a>
09/14/2022	Defendant 's Motion to Continue Trial Date	214	  <a href="#">Image</a>
09/14/2022	Endorsement on Motion for Order Requiring Commonwealth to file a Notice of Alibi with respect to Christopher Podgurski, (#200.0): ALLOWED		  <a href="#">Image</a>
09/14/2022	Endorsement on Motion to Suppress fruits of unlawful arrest and interrogation, (#197.0): DENIED without prejudice, after non evid. hearing for the reasons stated on the record  Judge: McDonough, Jr., Hon. Edward J		  <a href="#">Image</a>
09/14/2022	Endorsement on Supplemental Motion Discovery, (#201.0): Other action taken Deferred		  <a href="#">Image</a>
09/14/2022	Endorsement on Motion For Discovery Sanctions Pursuant to Rule 14 (c) (2), (#202.0): Other action taken Referred to present parities to conference		  <a href="#">Image</a>
09/14/2022	Endorsement on Motion in limine Third Party Culprit Evidence, (#203.0): ALLOWED Generally allowed subject to particular evidence offered		  <a href="#">Image</a>
09/14/2022	Endorsement on Motion to return Exhibits, (#204.0): ALLOWED by agreement		  <a href="#">Image</a>
09/14/2022	Endorsement on Motion to Continue Trial Date, (#214.0): ALLOWED Trial date January 18, 2023 FPTC 1/4/23		  <a href="#">Image</a>
09/15/2022	Event Result:: Jury Trial scheduled on: 09/26/2022 09:00 AM Has been: Rescheduled For the following reason: Request of Defendant Comments: FTR 8 Adams Hon. Edward J McDonough, Jr., Presiding Staff: William T Walsh, Jr., Assistant Clerk Magistrate		
09/15/2022	Scheduled: Judge: Mulqueen, Hon. Jane E Event: Jury Trial Date: 01/18/2022 Time: 09:07 AM Result: Not Held		
09/15/2022	Scheduled: Event: Jury Trial Date: 01/18/2023 Time: 09:07 AM Result: Not Held		
09/19/2022	Defendant 's Motion to Set Deadlines N Judge McDonough	207	  <a href="#">Image</a>
09/19/2022	Frederick Pinney's Memorandum in support of Motion to Suppress Fruit of the Poisonous Tree N Judge Mcdonough	208	  <a href="#">Image</a>
09/20/2022	Commonwealth 's Response to Defendant's Supplemental Discovery Motion	209	  <a href="#">Image</a>
11/14/2022	Defendant 's Motion for findings of fact and conclusions of law justifying denial of motion to suppress evidence obtained from court-ordered buccal swab	210	  <a href="#">Image</a>



<u>Docket Date</u>	<u>Docket Text</u>	<u>File Ref Nbr.</u>	<u>Image Avail.</u>
11/18/2022	Defendant 's Supplemental Notice to Defendant's Motion for Findings of fact and conclusions of Law Justifying Denial of Motion to Suppress Evidence Obtained from Court Ordered Buccal Swab and Request for a Non-Evidentiary hearing N Judge McDonough	211	  <a href="#">Image</a>
11/29/2022	MEMORANDUM & ORDER:  on Defendant's Motion for Findings of Fact and Conclusions of Law Justifying Denial of Motion to Suppress Evidence Obtained from Court-Ordered Buccal Swab  Judge: McDonough, Jr., Hon. Edward J	215	  <a href="#">Image</a>
12/09/2022	Defendant 's Response to Memorandum and Order allowing optional Evidentiary Hearing N Judge McDonough	216	  <a href="#">Image</a>
12/12/2022	Endorsement on defendant's response to memorandum and order allowing option evidentiary hearing, (#216.0): Other action taken Clerk to schedule further hearing to provide either party opportunity to submit evidence or make argument on the issue of the lawfulness of the second buccal swab at issue.  Judge: McDonough, Jr., Hon. Edward J		  <a href="#">Image</a>
12/14/2022	Commonwealth 's Response to Defendant's Request for Further Hearing on Legality of Court Ordered Buccal Swab	217	  <a href="#">Image</a>
12/21/2022	Defendant 's Motion to disqualify prosecutor	218	  <a href="#">Image</a>
12/21/2022	List of exhibits  in support of motion to disqualify prosecutor and supporting memorandum of law	219	  <a href="#">Image</a>
12/21/2022	Affidavit of counsel in support of motion	220	  <a href="#">Image</a>
12/21/2022	Frederick Pinney's Memorandum in support of defendant's motion to disqualify Assistant District Attorney Green	221	  <a href="#">Image</a>
12/22/2022	Event Result:: Evidentiary Hearing on Suppression scheduled on: 12/22/2022 09:15 AM Has been: Held as Scheduled Comments: FTR 1 Aarons Hon. Edward J McDonough, Jr., Presiding Staff: Nancy Ramos, Assistant Clerk Magistrate Alyson Yorlano, Assistant Clerk Magistrate		
12/22/2022	Defendant 's Motion to modify conditions of release	222	  <a href="#">Image</a>
12/22/2022	Endorsement on Motion to modify conditions of release, (#222.0): ALLOWED w/o opposition  Judge: McDonough, Jr., Hon. Edward J		  <a href="#">Image</a>
12/23/2022	Endorsement on Defendant 's Motion for findings of fact and conclusions of law justifying denial of motion to suppress evidence obtained from court-ordered buccal swab, (#210.0): DENIED After further hearing on 12/22/22, at which neither party presented witnesses, nor offered further evidence, the MOTION TO SUPPRESS IS DENIED. See my Memorandum and Order of 11/29/22. Further, I continue to reject the defendant's position that the second buccal swab I ordered following the Appeals Court's decision in Com. v. Pinney, 92 Mass. App. Ct. 392 (2020) constituted anything more than a "routine discovery ruling." See Pinney, Mem. of Dec. and Order, SJ-2021-0085 (Lowy, J.) 3/29/21. In doing so, I determined only that the Commonwealth was entitled to "obtain a buccal swab by demonstrating at an adversary (but not necessarily evidentiary) hearing, that the buccal swab will probably provide evidence relevant to the question of the defendant's guilt," Commonwealth v. Maxwell, 441 Mass. 773, 774 (2004), and considered nothing else. Thus, the "independent source" doctrine, see Pearson, 486 Mass 809, 814 (2021) and Yusef, 488 Mass. 379, 398 (2022) does not apply to my buccal swab order. McDonough, J., 12/23/22.		  <a href="#">Image</a>
12/23/2022	Endorsement on Defendant 's Motion to suppress Fruits of Unlawful Arrest and Interrogation, (#197.0): DENIED after hearing. See endorsement on #210.		  <a href="#">Image</a>
12/27/2022	Defendant 's EX PARTE Motion for funds (expedited transcript)	223	  <a href="#">Image</a>
12/28/2022	Endorsement on Motion for funds (expedited transcript), (#223.0): ALLOWED  Judge: McDonough, Jr., Hon. Edward J		  <a href="#">Image</a>
01/03/2023	Notice to the Supreme Judicial Court of Interlocutory Appeal  Applies To: Pinney, Frederick (Defendant)	224	  <a href="#">Image</a>








<a href="#">Docket Date</a>	<a href="#">Docket Text</a>	<a href="#">File Ref Nbr.</a>	<a href="#">Image Avail.</a>
01/03/2023	Defendant 's Motion for order staying trial proceedings pending exercise of his interlocutory appellate rights  Applies To: Pinney, Frederick (Defendant)	225	  <a href="#">Image</a>
01/04/2023	Event Result:: Final Pre-Trial Conference scheduled on: 01/04/2023 09:39 AM Has been: Not Held For the following reason: Transferred to another session Hon. Jane E Mulqueen, Presiding Staff: Edward Partyka, Assistant Clerk Magistrate Michael T Sarnacki, Esq., Assistant Clerk Magistrate		
01/04/2023	Defendant 's supplemental ex-parte motion for funds for forensic technology expert	226	  <a href="#">Image</a>
01/04/2023	Event Result:: Final Pre-Trial Conference scheduled on: 01/04/2023 02:00 PM Has been: Not Held For the following reason: Request of Defendant Comments: FTR - Court Room 8; Deft Mtn to Stay Hon. Edward J McDonough, Jr., Presiding Staff: Lois Cignoli, Assistant Clerk Magistrate		
01/04/2023	Event Result:: Jury Trial scheduled on: 01/18/2023 09:07 AM Has been: Not Held For the following reason: Transferred to another session Hon. Jane E Mulqueen, Presiding Staff: Edward Partyka, Assistant Clerk Magistrate Michael T Sarnacki, Esq., Assistant Clerk Magistrate		
01/04/2023	Scheduled: Judge: McDonough, Jr., Hon. Edward J Event: Jury Trial Date: 01/18/2023 Time: 09:00 AM Result: Not Held		
01/04/2023	Event Result:: Jury Trial scheduled on: 01/18/2023 09:00 AM Has been: Not Held For the following reason: Request of Defendant Hon. Edward J McDonough, Jr., Presiding Staff: Lois Cignoli, Assistant Clerk Magistrate		
01/04/2023	Endorsement on Motion for order staying trial proceedings pending exercise of his interlocutory appellate rights, (#225.0): ALLOWED  Judge: McDonough, Jr., Hon. Edward J		  <a href="#">Image</a>
01/04/2023	Endorsement on Supplemental Motion for funds for forensic technology experts, (#226.0): ALLOWED		  <a href="#">Image</a>
01/04/2023	Defendant 's Motion to copy Rule 17 material (Clean Slate)	227	  <a href="#">Image</a>
01/04/2023	Attorney appearance On this date William T Joyce, Esq. added as Attorney for the Commonwealth for Prosecutor Commonwealth	228	  <a href="#">Image</a>
01/04/2023	Endorsement on Motion to copy Rule 17 material (clean Slate), (#227.0): ALLOWED no objection. Commonwealth to receive copies as well.  Judge: McDonough, Jr., Hon. Edward J		  <a href="#">Image</a>
01/17/2023	Defendant 's objection to directive to appear and argue pretrial motions in violation of stay order protecting interlocutory appeal process and request for other appropriate relief (n j Callan)	229	  <a href="#">Image</a>
01/18/2023	Event Result:: Conference to Review Status scheduled on: 01/18/2023 09:30 AM Has been: Held as Scheduled Comments: FTR4 Clerk's desk Hon. Michael K Callan, Presiding Staff: Shana Wilson, Assistant Clerk Magistrate		






<u>Docket Date</u>	<u>Docket Text</u>	<u>File Ref Nbr.</u>	<u>Image Avail.</u>
01/18/2023	Event Result:: Conference to Review Status scheduled on: 02/28/2023 02:00 PM Has been: Rescheduled For the following reason: Court Order Comments: FTR4 Clerk's desk Hon. Michael K Callan, Presiding		
01/18/2023	Scheduled: Event: Jury Trial Date: 02/16/2023 Time: 09:00 AM Result: Held as Scheduled		
01/18/2023	Scheduled: Event: Jury Trial Date: 02/17/2023 Time: 09:00 AM Result: Held as Scheduled		
01/18/2023	Scheduled: Event: Jury Trial Date: 02/21/2023 Time: 09:00 AM Result: Held as Scheduled		
01/19/2023	Endorsement on Notice Defendant's Objection to Directive to Appear and Argue Pretrial motions in Violation of Stay Order Protecting Interlocutory Appeal Process and Request for other Appropriate Relief, (#229.0): Other action taken See Order of same date-N Atty's by mail		  <a href="#">Image</a>
01/19/2023	ORDER: Re; Trial-N Atty's by mail	230	 
01/19/2023	Defendant 's EX PARTE Motion for funds (expedited transcript)	231	  <a href="#">Image</a>
01/19/2023	Endorsement on Motion for funds (expedited transcript), (#231.0): ALLOWED (clerk Wilson email notified)  Judge: Callan, Hon. Michael K		  <a href="#">Image</a>
01/20/2023	Commonwealth's Memorandum of law in opposition to the defendant's motion to disqualify prosecutor	232	  <a href="#">Image</a>
01/27/2023	Endorsement on Motion to disqualify prosecutor, (#218.0): DENIED The unsigned affidavit filed by Defense counsel along with the present Motion and Memorandum fail to raise a meritorious issue, and is an obvious attempt to further delay the Trial. Not only does the pretext for the Motion seek to impose burdens upon the Commonwealth not required by law (i.e. recording interviews) but the issue was effectively ruled upon by this Court (Page, J) over 6 years ago see Docket entry #13. The Defendant's request for an Evidentiary hearing is DENIED.  N. by email		  <a href="#">Image</a>
01/30/2023	Notice of docket entry received from Supreme Judicial Court ORDER: Interlocutory Appeal Denied. (Cypher, J.)	233	  <a href="#">Image</a>
02/01/2023	Defendant 's Motion to continue Trial and Reset Pretrial Schedule (Agreed)	234	  <a href="#">Image</a>
02/03/2023	Event Result:: Motion Hearing scheduled on: 02/03/2023 02:00 PM Has been: Held as Scheduled Comments: FTR3 Adams Hon. Michael K Callan, Presiding Staff: Danielle Cruz, Assistant Clerk Magistrate Shana Wilson, Assistant Clerk Magistrate		
02/06/2023	Endorsement on Motion to continue trial and reset pretrial schedule (agreed), (#234.0): DENIED DENIED after hearing. This date was set on 1/19/23. Empanelment on 2/16/23  N. by email		  <a href="#">Image</a>
02/06/2023	Defendant 's Motion in limine to Preclude Referring to Belt as "Murder Weapon"	235	 
02/06/2023	Defendant 's Motion in limine to Exclude Trigones DNA Evidence	236	  <a href="#">Image</a>
02/06/2023	Defendant 's Motion in limine to Preclude Rigor Mortis Argument Unsupported by Expert Testimony	237	  <a href="#">Image</a>
02/06/2023	Defendant Frederick Pinney's proposed juror Voir Dire questions filed.	238	  <a href="#">Image</a>
02/06/2023	Defendant 's Motion for a View	239	  <a href="#">Image</a>

<u>Docket Date</u>	<u>Docket Text</u>	<u>File Ref Nbr.</u>	<u>Image Avail.</u>
02/06/2023	Defendant 's Motion in limine to Preclude "Stand up" Photos of Mr. Pinnes	240	 
02/06/2023	Defendant 's Motion in limine Not Referring to Deceased as Victim	241	 
02/06/2023	Defendant 's Motion in limine Sequestration	242	 
02/06/2023	Defendant 's Motion in limine Preclusion of Graphic Photographs	243	 
02/06/2023	Defendant 's Motion in limine to Admit Clean Slate Records	244	 
02/06/2023	Defendant 's Motion in limine to Admit 209 A Orders and Affidavits	245	 
02/06/2023	Defendant 's Motion in limine to Introduce Selected Portions of Medical Records of Mr. Pinney	246	 
02/06/2023	Defendant 's Motion for Attorney Conducted Voir Dire of Prospective Jurors	247	 
02/06/2023	Defendant 's Notice of Proposed Jury Instruction on Implicit Bias, Preliminary Charge	248	 
02/06/2023	Defendant 's Notice for Order Compelling Commonwealth to file a Responsive Pleading to Court's September 14, 2022 Alibi Disclosures Order or For Exclusion of Alibi Evidence	249	 
02/06/2023	Opposition to to Commonwealth's Motion In Limine to Admit 911 Call and Motion to Exclude 911 Call filed by	250	 
02/06/2023	Defendant 's Motion for Half Day Trial Schedule	251	 
02/06/2023	Frederick Pinney's Memorandum Mr. Pinney's (Defendant's) Final Pretrial Memorandum	252	 
02/06/2023	Witness list	253	 
	Applies To: Commonwealth (Prosecutor)		
02/06/2023	Commonwealth 's Notice of Proposed Attorney Conducted Jury Questions	254	 
	Applies To: Commonwealth (Prosecutor)		
02/06/2023	Commonwealth 's Motion to Admit In-Court Identification	255	 
	Applies To: Commonwealth (Prosecutor)		
02/06/2023	Commonwealth 's Motion in limine to Exclude the Prior Bad Acts of Christopher Podgurski	256	 
	Applies To: Commonwealth (Prosecutor)		
02/06/2023	Commonwealth 's Motion in limine Seeking to Introduce A Photograph of the Victim Taken Prior to Her Death	257	 
	Applies To: Commonwealth (Prosecutor)		
02/06/2023	Commonwealth 's Motion in limine Seeking to Introduce a Photograph of eh Victim taken Prior to Her Death	258	 
	Applies To: Commonwealth (Prosecutor)		
02/06/2023	Commonwealth 's Motion in limine to Admit 911 Call	259	 
	Applies To: Commonwealth (Prosecutor)		
02/06/2023	Defendant 's Motion in limine to Admit Prior Bad Act Evidence of the Defendant	260	 
	Applies To: Commonwealth (Prosecutor)		
02/06/2023	Defendant 's Motion in limine to Admit Prior Bad Act Evidence of the Defendant	261	 
	Applies To: Commonwealth (Prosecutor)		
02/06/2023	Commonwealth 's Motion in limine to Admit Autopsy and Scene Photographs of Victim	262	 
	Applies To: Commonwealth (Prosecutor)		
02/07/2023	Endorsement on Motion for half day trial schedule, (#251.0): DENIED Given the volume and complexity of the various motions, whatever isn't reached on 2/13/23 will be addressed on 2/14/23 @ 9:00 am N. 2/14/23 parties		 

































<u>Docket Date</u>	<u>Docket Text</u>	<u>File Ref Nbr.</u>	<u>Image Avail.</u>
02/07/2023	Defendant 's Motion amended and substituted motion in limine to exclude trigones DNA evidence	263	 
02/09/2023	Defendant 's Motion in limine (Amended) and Substitute to Exclude Trigones DNA Evidence	264	 
02/09/2023	Opposition to to Commonwealth's Motion In Limine to Admit Evidence of Uncharged Bad Acts filed by	265	 
02/09/2023	Opposition to to Commonwealth's Motion In Limine to Exclude Prior Bad Acts of Christopher Podgurski filed by Defendant	266	 
02/10/2023	Opposition to to the Defendant's Motion in Limine to Admit 209A Orders and Affidavits filed by Commonwealth	267	 
02/10/2023	Opposition to to the Defendant's Motion in Limine to Preclude Referring to a belt and/or a Drawstring Cord as the "Murder Weapon" filed by Commonwealth	268	 
02/10/2023	Opposition to to the Defendant's Motion in Limine to Preclude Rigor Mortis Argument filed by Commonwealth	269	 
02/10/2023	Opposition to to the Defendant's Motion in Limine to Preclude "Stand up" Photographs of the Defendant filed by Commonwealth	270	 
02/10/2023	Opposition to to the Defendant's Motion in Limine for a View filed by Commonwealth	271	 
02/10/2023	Commonwealth 's Request for a Protective Order (REVISED)	272	 
02/10/2023	Endorsement on Proposed Jury Instruction on Implicit Bias, Preliminary Charge, (#248.0): ALLOWED N. 2/14/23 parties  Judge: Callan, Hon. Michael K		  
02/13/2023	Defendant 's Motion to Exclude/Suppress Ligature Opinions	273	 
02/13/2023	Defendant 's Motion in limine to Exclude Evidence and Argument Pertaining to DNA Testing	274	 
02/13/2023	Defendant 's Motion to Recuse Judge	275	 
02/13/2023	Defendant 's Motion to exclude/suppress ligature opinion	276	 
02/13/2023	Defendant 's Motion in limine to exclude evidence and argument pertaining to DNA testing	277	 
02/13/2023	Defendant 's EX PARTE Supplemental Motion for funds for investigator	278	 
02/13/2023	Defendant 's second supplemental ex-parte motion for funds (forensic pathologist)	279	 
02/13/2023	Event Result:: Final Pre-Trial Conference scheduled on: 02/13/2023 02:00 PM Has been: Held as Scheduled Hon. Michael K Callan, Presiding Staff: Danielle Cruz, Assistant Clerk Magistrate Brian Dolaher, Assistant Clerk Magistrate		
02/13/2023	Witness list  Applies To: Commonwealth (Prosecutor)	280	  
02/13/2023	Commonwealth 's Motion in limine TO PERMIT TESTIMONY BY SUBSTITUTE DNA ANALYST	281	 
02/13/2023	Endorsement on Motion in limine to Permit Testimony by Substitute DNA Analyst, (#282.0): Other action taken See pleading 281 N parties		  
02/13/2023	Commonwealth 's Motion in limine TO PERMIT TESTIMONY BY SUBSTITUTE DNA ANALYST	282	 
02/13/2023	Commonwealth 's Motion in limine TO PERMIT TESTIMONY BY SUBSTITUTE DNA ANALYST	283	 
02/13/2023	Endorsement on Motion in limine to Exclude Trigones DNA Evidence, (#236.0): Other action taken SUPERCEDED BY PLEADING #263 n. 2/14/23 PARTIES		  
02/13/2023	Endorsement on Motion for a view, (#239.0): No Action Taken it doesn't seem necessary at his time but to be taken up later if necessary N. 2/14/23 parties		  
02/13/2023	Endorsement on Motion in limine to Preclude "Stand up" Photos of Mr. Pinnes, (#240.0): ALLOWED This ruling does not preclude testimony from witnesses at the scene and prior to Mr. Pinney's unlawful detention. N. 2/14/23 parties		  


















<u>Docket Date</u>	<u>Docket Text</u>	<u>File Ref Nbr.</u>	<u>Image Avail.</u>
	Judge: Callan, Hon. Michael K		
02/13/2023	Endorsement on Motion in limine Not Referring to Deceased as Victim, (#241.0): ALLOWED w/o objection N. 2/14/23 parties	 	<a href="#">Image</a>
02/13/2023	Endorsement on Motion in limine : Sequestration, (#242.0): ALLOWED Victims family members shall attend trial if they choose, of course ADA may meet and discuss testimony of witnesses prior to the time they are on stand. N. 2/14/23 parties	 	<a href="#">Image</a>
	Judge: Callan, Hon. Michael K		
02/13/2023	Endorsement on Motion in limine to Admit Clean Slate Records, (#244.0): ALLOWED Further Order: Dwyer protocol needs to be followed first N 2/15/23	 	<a href="#">Image</a>
02/13/2023	Endorsement on Motion in limine to admit 209A orders and affidavits, (#245.0): Other action taken we will take this up when Podgurski is confronted with it. N. 2/14/23 Parties	 	<a href="#">Image</a>
	Judge: Callan, Hon. Michael K		
02/13/2023	Endorsement on Motion in limine to Introduce Selected Portions of Medical Records of Mr. Pinney, (#246.0): Other action taken My inclination is to allow these records into evidence. Preliminary the defendant has demonstrated relevance to be taken up when offered. N. 2/14/23 parties	 	<a href="#">Image</a>
02/13/2023	Endorsement on Motion to Admit In-Court Identification, (#255.0): ALLOWED w/o prejudice N. 2/14/23 parties	 	<a href="#">Image</a>
	Judge: Callan, Hon. Michael K		
02/13/2023	Endorsement on Motion in limine to Exclude the Prior Bad Acts of Christopher Podgurski, (#256.0): DENIED Mass Guide to Evidence sec. 404 the evidence is highly probative there is a logical relationship between this crime and the alleged prior conduct of Mr. Podgurski. N. 2/14/23 parties	 	<a href="#">Image</a>
	Judge: Callan, Hon. Michael K		
02/13/2023	Endorsement on Motion in limine Seeking to Introduce a Photograph of the Victim taken Prior to Her Death, (#258.0): ALLOWED w/o objection N. 2/14/23 Parties	 	<a href="#">Image</a>
	Judge: Callan, Hon. Michael K		
02/13/2023	Endorsement on Amended and Substituted Motion in Limine to Exclude Trigones DNA Evidence, (#263.0): DENIED the Commonwealth obtained the subject DNA sample after an independent finding by this Court that probable cause existed. i do not view this issue as a "fruit of the poisonous tree" issue nor does it require compliance with the independent sourced doctrine. Pearson III is not applicable. N. 2/14/23 parties	 	<a href="#">Image</a>
	Judge: Callan, Hon. Michael K		
02/13/2023	Endorsement on Motion in limine to Admit 911 Call, (#259.0): Other action taken We will take it up when he testifies N Parties	 	<a href="#">Image</a>
02/13/2023	Endorsement on Motion in limine to Permit Testimony by Substitute DNA Analyst, (#281.0): ALLOWED Produce that the witness was either affiliated with the labs at the time of the testimony or has personnel knowledge of the labs evidence handling protocols so the witness may explore the possibility that the evidence was mishandled, mislabeled or that the data was fabricated or manipulated (Comm.Tassone, 468 Mass. 391, 399 (2014) N parties	 	<a href="#">Image</a>
02/13/2023	Endorsement on Motion in limine to Exclude Evidence and Argument pertaining to DNA testing, (#277.0): Other action taken To be taken up at trial during Evid., , It appears to me that the Commonwealth has upheld with this Courts prior orders on this issue or made the information available, except the validation studies must be turned over immediately. If they are too voluminous a complete explanation is needed N parties	 	<a href="#">Image</a>
	Judge: Callan, Hon. Michael K		
02/13/2023	Endorsement on Motion in limine to admit prior bad act evidence of the Defendant, (#261.0): Other action taken The 3/15/14 incident is excluded. Its probative value is vastly outweighed by the risk of unfair prejudice for the Defendant. The 3/21/14 exchange(s) are admissible.  N. by email	 	<a href="#">Image</a>
02/13/2023	Endorsement on Motion in limine to preclude rigor mortis argument unsupported by expert testimony, (#237.0): Other action taken Held until Trial by agreement. Callan, J.  N. by email	 	<a href="#">Image</a>
























<u>Docket Date</u>	<u>Docket Text</u>	<u>File Ref Nbr.</u>	<u>Image Avail.</u>
02/14/2023	Frederick Pinney's Memorandum Supplemental Memorandum on Application of the Fruit of the Poisonous	284	  <a href="#">Image</a>
02/14/2023	Opposition to (Commonwealth's Supplemental) to the Defendant's Motion In Limine to Preclude "Stand Up" Photographs of the Defendant filed by	285	  <a href="#">Image</a>
02/14/2023	Commonwealth 's Motion in limine to Admit 911 Call	286	  <a href="#">Image</a>
02/14/2023	Endorsement on Motion Second Supplemental ExParte for funds (For Forensic Pathologist), (#279.0): ALLOWED		  <a href="#">Image</a>
02/14/2023	Endorsement on Motion Supplemental Ex-Parte for funds for Investigator, (#278.0): ALLOWED		  <a href="#">Image</a>
02/14/2023	Endorsement on Motion to Recuse Judge, (#275.0): Other action taken After a careful review of the relevant caselaw ; the code of Judicial Ethics; and the facts available to me, the motion to Recuse is Denied		  <a href="#">Image</a>
02/14/2023	Witness list  Addition to Defense Witness list  Applies To: Pinney, Frederick (Defendant)	287	  <a href="#">Image</a>
02/14/2023	Endorsement on Motion in limine to Preclude "Stand Up" Photos of Mr. Pinney, (#240.0): DENIED Motion for reconsideration, the Commonwealth can offer evidence of the injuries Via Witnesses and the hospital records, and the 911 calls N parties		  <a href="#">Image</a>
02/14/2023	Endorsement on Motion in limine to permit Testimony by Substitute DNA Analyst, (#283.0): Other action taken see pleading 281 n 2./15/23		  <a href="#">Image</a>
02/14/2023	Endorsement on Motion in limine to Admit 911 call and motion to exclude 911 call N parties, (#250.0): Other action taken as endorsed on # 259 Will take up when he testifies N parties		  <a href="#">Image</a>
02/14/2023	Endorsement on Motion for Order Compelling Commonwealth to file a Responsive Pleading to Courts September 14, 2022 Alibi Disclosures Order or for Exclusion of Alibi Evidence, (#249.0): Other action taken I am not going to reconsider Judge McDonough's Order the Comm. is to fully comply with Judge McDonough's Order which I construe to require the Comm. to disclose in writing to the defense the time date and place that the Commonwealth's "Alibi" witnesses were physically with Mr. Pudgurski on 3/23/14 and 3/24/14 by 2/14/23 N Parties		  <a href="#">Image</a>
02/14/2023	Endorsement on Motion in limine to preclude referring to Belt as "Murder Weapon" N parties, (#235.0): DENIED after hearing #273		  <a href="#">Image</a>
02/14/2023	Endorsement on Motion to Exclude/Suppress Ligature Opinions, (#273.0): DENIED The Comm. previously provided this opinion to Defense many years ago. There is no unfair surprise on this point of testimony. The Defense can fully cross examine Dr. MacDonald on any alleged discrepancies in her prior testimony and her present opinion. Any alleged deficiency in her opinion goes to the weight, which the jury is entitled to and will consider. N parties		  <a href="#">Image</a>
02/14/2023	Event Result:: Final Pre-Trial Conference scheduled on: 02/14/2023 02:00 PM Has been: Held as Scheduled Hon. Michael K Callan, Presiding Staff: Danielle Cruz, Assistant Clerk Magistrate Brian Dolaher, Assistant Clerk Magistrate		
02/15/2023	Commonwealth 's Response to court ordered "alibi" disclosures of Commonwealth's witness, Christopher Podgurski	288	  <a href="#">Image</a>
02/16/2023	Witness list  List of Potential Witnesses  Applies To: Pinney, Frederick (Defendant)	289	  <a href="#">Image</a>
02/16/2023	's Notice of Proposed Statement of the Case  Applies To: Pinney, Frederick (Defendant)	290	  <a href="#">Image</a>
02/16/2023	Defendant 's Motion to Revisit Admissibility of Clean Slate Records  Applies To: Pinney, Frederick (Defendant)	291	  <a href="#">Image</a>
02/16/2023	Event Result:: Jury Trial scheduled on: 02/16/2023 09:00 AM		



<u>Docket Date</u>	<u>Docket Text</u>	<u>File Ref Nbr.</u>	<u>Image Avail.</u>
	Has been: Held as Scheduled Comments: Empanel - day one Hon. Michael K Callan, Presiding Staff: Danielle Cruz, Assistant Clerk Magistrate Brian Dolaher, Assistant Clerk Magistrate		
02/16/2023	Endorsement on Motion for leave to summons medical records, (#91.0): ALLOWED BY AGREEMENT. SUMMONS TO ISSUE. RECORDS SHALL BE DELIVERED TO THE CLERK'S OFFICE BY 8:45 AM TUESDAY 2/21/23. ALL PARTIES SHALL HAVE ACCESS TO THE RECORDS.		  <a href="#">Image</a>
02/16/2023	Commonwealth 's Notice Statement of Case	291.1	  <a href="#">Image</a>
02/16/2023	Witness list  Applies To: Commonwealth (Prosecutor)	291.2	  <a href="#">Image</a>
02/16/2023	Defendant Frederick Pinney's proposed Juror Voir Dire questions filed. Supplemental Attorney Conducted Voir Dire Questions  Applies To: Commonwealth (Prosecutor)	291.3	  <a href="#">Image</a>
02/17/2023	Notice and Summons (Dwyer) issued to Keeper of Records, BAYSTATE MEDICAL CENTER to produce privileged records by 02/21/2023 to the Clerk of the Superior Court. RECORDS SHALL BE DELIVERED TO THE CLERK'S OFFICE BY 8:45 AM ON TUESDAY, FEBRUARY 21,2023.  Judge: Callan, Hon. Michael K	292	 <a href="#">Image</a>
02/17/2023	Defendant 's Motion to dismiss for Violation of Right to Speedy Trial Rule 36 and Sixth Amendment	292.1	  <a href="#">Image</a>
02/17/2023	Event Result:: Jury Trial scheduled on: 02/17/2023 09:00 AM Has been: Held as Scheduled Comments: Empanel - Jury was not sworn Hon. Michael K Callan, Presiding Staff: Danielle Cruz, Assistant Clerk Magistrate Brian Dolaher, Assistant Clerk Magistrate		<a href="#">Image</a>
02/17/2023	Endorsement on Motion in limine to Admit 911 Call (Supplemental) N parties, (#286.0): Other action taken I don't need a Voir Dire but require an appropriate foundation before ruling on this issue I have listen to the call its face it appears to qualify. N parties		  <a href="#">Image</a>
02/17/2023	Endorsement on Motion in limine to admit prior bad act evidence of the Defendant, (#260.0): Other action taken Allowed conditionally as to any choking incidents; To be taken up again as the evidence is offered. Denied as to general incidents of "abuse" as remote. The mutual prevention orders are excluded. If allowed into evidence, the Court will give a limit of instruction both before and after the testimony. Defendant to provide instruction to Court prior to testimony. Callan, J.  N. by email		  <a href="#">Image</a>
02/20/2023	General correspondence regarding Received Summons/Request for records back from Baystate Medical Center stating that the necessary info wasn't submitted. Information has been produced and re-mailed Summons.	292.2	  <a href="#">Image</a>
02/21/2023	Defendant 's Motion to Impound Jury Voir Dire Materials	293	  <a href="#">Image</a>
02/21/2023	Defendant 's Motion for Reconsideration of Veto of Defendant's Challenges to the seating of Juror # 96	294	  <a href="#">Image</a>
02/21/2023	Endorsement on Motion to Impound Jury Voir Dire Materials, (#293.0): ALLOWED n parties		  <a href="#">Image</a>
02/21/2023	Endorsement on Motion for Reconsideration of Veto of Defendant's Challenges to the Seating of Juror # 96, (#294.0): Other action taken No action, Juror called out sick and is excused N Parties		  <a href="#">Image</a>
02/21/2023	Scheduled: Judge: Callan, Hon. Michael K Event: Jury Trial Date: 02/22/2023 Time: 09:00 AM Result: Held as Scheduled		
02/21/2023	Event Result:: Jury Trial scheduled on: 02/21/2023 09:00 AM Has been: Held as Scheduled Hon. Michael K Callan, Presiding Staff:		

<u>Docket Date</u>	<u>Docket Text</u>	<u>File Ref Nbr.</u>	<u>Image Avail.</u>
	Danielle Cruz, Assistant Clerk Magistrate Brian Dolaher, Assistant Clerk Magistrate		
02/21/2023	Endorsement on Motion to Dismiss for Violation of Right to Speedy Trial Rule 36 and Sixth Amendment, (#292.1): DENIED Written Findings to Follow N parties		  <a href="#">Image</a>
02/21/2023	Opposition to (Commonwealth's) to the Defendant's Motion to Dismiss for Violation of Right to Speedy Trial Rule 36 and Sixth Amendment filed by	295	  <a href="#">Image</a>
02/22/2023	Defendant 's Supplemental Motion to Dismiss for Violation of Right to Speedy Trial Rule 36 and Sixth Amendment and Affidavit of Counsel	296	  <a href="#">Image</a>
02/22/2023	Scheduled: Judge: Callan, Hon. Michael K Event: Jury Trial Date: 02/23/2023 Time: 09:30 AM Result: Held as Scheduled		
02/22/2023	Event Result:: Jury Trial scheduled on: 02/22/2023 09:00 AM Has been: Held as Scheduled Hon. Michael K Callan, Presiding Staff: Danielle Cruz, Assistant Clerk Magistrate Brian Dolaher, Assistant Clerk Magistrate		
02/22/2023	Endorsement on Motion Defendant's Supplement to Motion to Dismiss for Violation of Right to Speedy Trial Rule 36 and Sixth Amendment and Supporting affidavit of Counsel, (#296.0): Other action taken Received. Upon taking over this case, the Court in fact identified the Rule 36 and constitutional issues and over the course of 30 days in fact conducted a thoroughly and exhaustive analysis of the docket, the pleadings, and available transcripts and FTR recordings, and was thoroughly familiar with the lengthy history of this case. Written Findings to follow: since the Court is otherwise engaged in the trial N Parties		  <a href="#">Image</a>
02/22/2023	Endorsement on Supplemental Motion in limine to admit 911 call, (#286.0): ALLOWED ALLOWED after arguments on the record. Callan, J.  N. by email		  <a href="#">Image</a>
02/22/2023	Endorsement on Motion in limine to admit 911 call, (#259.0): ALLOWED Motion allowed after argument on record. Callan, J.  N. by email		  <a href="#">Image</a>
02/22/2023	Endorsement on Defendant's Opposition to Commonwealth's Motion in Limine to admit 911 call and Motion to exclude 911 call, (#250.0): Other action taken All admitted after argument. Callan, J.		  <a href="#">Image</a>
02/22/2023	Endorsement on Motion in limine Preclusion of graphic photographs, (#243.0): Other action taken Motion addressed and decided on the record during trial after arraignment. Callan, J.  N. by email		  <a href="#">Image</a>
02/23/2023	Scheduled: Judge: Callan, Hon. Michael K Event: Jury Trial Date: 02/24/2023 Time: 09:00 AM Result: Held as Scheduled		
02/23/2023	Event Result:: Jury Trial scheduled on: 02/23/2023 09:30 AM Has been: Held as Scheduled Hon. Michael K Callan, Presiding Staff: Danielle Cruz, Assistant Clerk Magistrate Brian Dolaher, Assistant Clerk Magistrate		
02/24/2023	Scheduled: Judge: Callan, Hon. Michael K Event: Jury Trial Date: 02/27/2023 Time: 09:00 AM Result: Held as Scheduled		
02/24/2023	Event Result:: Jury Trial scheduled on: 02/24/2023 09:00 AM Has been: Held as Scheduled Hon. Michael K Callan, Presiding Staff: Danielle Cruz, Assistant Clerk Magistrate Brian Dolaher, Assistant Clerk Magistrate		











<u>Docket Date</u>	<u>Docket Text</u>	<u>File Ref Nbr.</u>	<u>Image Avail.</u>
02/24/2023	Endorsement on Motion for leave to Summons Medical Records, (#91.0): Other action taken Additional endorsement; All Medical and Mental Health records and the Summons shall so reflect. Issue Summons, Immediately		  <a href="#">Image</a>
02/24/2023	Notice and Summons (Dwyer) issued to Keeper of Records, to produce privileged records by 02/27/2023 to the Clerk of the Superior Court. N. 2/24/23 Emailed to : hope.williams@baystatehealth.org and also mailed copy	297	 <a href="#">Image</a>
02/24/2023	Findings of Fact and Rulings of Law:  Rulings of Law and Order on Defendant's Motion to Dismiss on Speedy Trial Grounds -N Parties  Judge: Callan, Hon. Michael K	298	  <a href="#">Image</a>
02/24/2023	Endorsement on Commonwealth's Opposition to the Defendant's Motion in Limine to admit 209A Orders and Affidavits, (#267.0): Other action taken Commonwealth objection waived. Evidence came in without objection on 2/23/23. Callan, J.  N. by email		  <a href="#">Image</a>
02/24/2023	Endorsement on Motion in limine to admit 209A Orders and Affidavits, (#245.0): Other action taken See as endorsed on Pl. No. 267. Callan, J.  N. by email		  <a href="#">Image</a>
02/27/2023	Scheduled: Judge: Callan, Hon. Michael K Event: Jury Trial Date: 02/28/2023 Time: 11:00 AM Result: Not Held		
02/27/2023	Other Records received from (DWYER) Baystate Health H.I.M. department @ Whitney		
02/27/2023	Event Result:: Jury Trial scheduled on: 02/27/2023 09:00 AM Has been: Held as Scheduled Hon. Michael K Callan, Presiding Staff: Danielle Cruz, Assistant Clerk Magistrate Brian Dolaher, Assistant Clerk Magistrate		
02/27/2023	Defendant 's Motion to Exclude DNA Evidence Pursuant to Rule 14 (c0, MR Crim. P.	299	  <a href="#">Image</a>
02/27/2023	Endorsement on Motion to Exclude DNA Evidence Pursuant to Rule 14 (c) MR Crim. P., (#299.0): DENIED I find that the subject information has been available for at least 5 months for review inspection See record FTR 2/27/23 @ 9:05am N Parties V/Mail		  <a href="#">Image</a>
02/27/2023	Endorsement on Commonwealth's Motion to admit autopsy and scene photographs of victim, (#262.0): ALLOWED N. by email		  <a href="#">Image</a>
02/27/2023	Endorsement on Motion in limine to preclude rigor mortis argument unsupported by expert testimony, (#237.0): DENIED N. by email		  <a href="#">Image</a>
02/28/2023	Event Result:: Jury Trial scheduled on: 02/28/2023 11:00 AM Has been: Not Held For the following reason: Court Closure Comments: Court closure due to weather - trial not held. Continued to 3/1/23 Hon. Michael K Callan, Presiding Staff: Danielle Cruz, Assistant Clerk Magistrate Brian Dolaher, Assistant Clerk Magistrate		
03/01/2023	Scheduled: Judge: Callan, Hon. Michael K Event: Jury Trial Date: 03/01/2023 Time: 09:00 AM Result: Held as Scheduled		
03/01/2023	Defendant 's Motion for Required Finding of Not Guilty	300	  <a href="#">Image</a>
03/01/2023	Endorsement on Motion for requiring finding of not guilty , (#300.0): DENIED viewing the Evidence in the light most favorable to the Government; and applying the familiar Latimore standard N parties V/Mail		  <a href="#">Image</a>
03/01/2023	Scheduled: Judge: Callan, Hon. Michael K Event: Jury Trial		

<u>Docket Date</u>	<u>Docket Text</u>	<u>File Ref Nbr.</u>	<u>Image Avail.</u>
	Date: 03/02/2023 Time: 09:00 AM Result: Held as Scheduled		
03/01/2023	Event Result:: Jury Trial scheduled on: 03/01/2023 09:00 AM Has been: Held as Scheduled Hon. Michael K Callan, Presiding Staff: Danielle Cruz, Assistant Clerk Magistrate Brian Dolaher, Assistant Clerk Magistrate		
03/02/2023	Scheduled: Judge: Callan, Hon. Michael K Event: Jury Trial Date: 03/03/2023 Time: 09:00 AM Result: Held as Scheduled		
03/02/2023	Defendant 's Motion to Preclude "He Sanpped" argument as Unsupported by the Evidence	301	 
03/02/2023	Frederick Pinney's Memorandum on the Admissibility of ADA Green's Email Memorandum as a Statement of the Commonwealth	302	 
03/02/2023	Defendant 's Motion to Strike Testimony of Christopher Podgurski	303	 
03/02/2023	Defendant 's Motion for requiring finding of not guilty (Renewed)	304	 
03/02/2023	Defendant 's Request for Jury Instructions	305	 
03/02/2023	Endorsement on Motion to preclude "He Snapped" argument as unsupported by the Evidence, (#1.0): Other action taken The Commonwealth shall fairly comment and argue based on the evidence N parties		 
03/02/2023	Endorsement on Memorandum on the admissibility of ADA Green's Email Memorandum as a Statement of the Commonwealth, (#302.0): DENIED this is filed reconsidering a prior ruling made during the trial N parties		 
03/02/2023	Endorsement on Motion to strike testimony of Christopher Podgurski, (#303.0): DENIED Mr. Podgurski was subjected to a rigorous lengthy cross-exam covering virtually every topic covered by the emails N parties		 
03/02/2023	Event Result:: Jury Trial scheduled on: 03/02/2023 09:00 AM Has been: Held as Scheduled Hon. Michael K Callan, Presiding Staff: Danielle Cruz, Assistant Clerk Magistrate Brian Dolaher, Assistant Clerk Magistrate		
03/03/2023	Defendant 's PROPOSED Jury Instruction Defendant Not Testifying and Consciousness of Guilt	306	 
03/03/2023	Endorsement on Notice Proposed Jury Instruction Defendant not testifying and Consciousness of Guilt, (#306.0): Other action taken The Court will give the accepted immunized witness instruction only N parties		 
03/03/2023	Defendant 's Proposed Jury Instruction	307	 
03/03/2023	Endorsement on Notice Proposed Jury Instruction, (#307.0): Other action taken the charge will be given substantively similar to the requested conviction N parties		 
03/03/2023	Scheduled: Judge: Callan, Hon. Michael K Event: Jury Trial Date: 03/06/2023 Time: 09:00 AM Result: Held as Scheduled		
03/03/2023	Event Result:: Jury Trial scheduled on: 03/03/2023 09:00 AM Has been: Held as Scheduled Comments: FTR-Ctrm3- S Adams Hon. Michael K Callan, Presiding Staff: Danielle Cruz, Assistant Clerk Magistrate Brian Dolaher, Assistant Clerk Magistrate		
03/03/2023	Endorsement on Motion for requiring finding of not guilty (Renewed), (#304.0): DENIED after hearing N Parties		 
03/06/2023	Event Result:: Jury Trial scheduled on: 03/06/2023 09:00 AM		
























<a href="#">Docket Date</a>	<a href="#">Docket Text</a>	<a href="#">File Ref Nbr.</a>	<a href="#">Image Avail.</a>
	Has been: Held as Scheduled Comments: FTR-Ctrm3-S. Adams Hon. Michael K Callan, Presiding Staff: Lauramarie Sirois, Assistant Clerk Magistrate		
03/06/2023	Offense Disposition:: Charge #1 MANSLAUGHTER c265 §13 265/13/A-0 On: 03/06/2023 Judge: Hon. Michael K Callan By: Jury Trial Guilty Verdict - Lesser Included		
03/06/2023	The defendant\petitioner is committed without bail for the following reason: Per Order of the Court. Held Without the Right to Bail, next date 3/10/23 @ 10:00am	308	  <a href="#">Image</a>
03/06/2023	List of jurors filed.	309	 <a href="#">Image</a>
03/06/2023	Verdict affirmed, verdict slip filed  Ct 1-# 3 Involuntary Manslaughter (Guilty)	310	  <a href="#">Image</a>
03/09/2023	Habeas Corpus for defendant issued to Hampshire County House of Correction returnable for 03/10/2023 10:00 AM Hearing for Sentence Imposition. Physical HABE to issue. Please have Defendant here at 9AM.		
03/09/2023	Frederick Pinney's Memorandum Defendant's Sentencing Memorandum	311	  <a href="#">Image</a>
03/10/2023	Defendant 's Motion for Disclosure of District Attorney's Written Crime Impact Statement and Individual Victim Impact Statements	312	  <a href="#">Image</a>
03/10/2023	Defendant 's Motion for requiring finding of not guilty (Renewed) M.R. Crim. P. 25 (b) (2)	313	  <a href="#">Image</a>
03/10/2023	Endorsement on Motion for Required Finding of Not Guilty M.R. Crim. P. 25 (b) (2), (#313.0): DENIED		  <a href="#">Image</a>
03/10/2023	Endorsement on Motion For Disclosure of District Attorney's Written Crime Impact Statement and Individual Victim Impact Statements, (#312.0): Other action taken Moot. Papers submitted prior to disposition N Parties  Judge: Callan, Hon. Michael K		  <a href="#">Image</a>
03/10/2023	Defendant 's Motion to Stay Execution of Sentence Pending Appeal N Judge Callan	314	  <a href="#">Image</a>
03/10/2023	Notice of appeal filed.  Applies To: Pinney, Frederick (Defendant)	315	  <a href="#">Image</a>
03/10/2023	Defendant 's Notice Appeal of Sentence Pursuant to Mass. Gen. Laws Ch. 278, Sec. 28 A-C-N Judge Callan	316	  <a href="#">Image</a>
03/10/2023	List of exhibits	317	  <a href="#">Image</a>
03/10/2023	Event Result:: Hearing for Sentence Imposition scheduled on: 03/10/2023 10:00 AM Has been: Held as Scheduled Comments: ftr 3 Adams Hon. Michael K Callan, Presiding Staff: Danielle Cruz, Assistant Clerk Magistrate		
03/10/2023	Defendant sentenced:: Sentence Date: 03/10/2023 Judge: Hon. Michael K Callan  Charge #: 1 MANSLAUGHTER c265 §13 State Prison Sentence Not Less Than: 9 Years, 0 Months, 0 Days Not More Than: 10 Years, 0 Months, 0 Days  Committed to Souza Baranowski Correctional Center Credits 2503 Days  Further Orders of the Court:  Days, Order of the Court		
03/10/2023	Issued on this date:  Mittimus for Sentence (All Charges) Sent On: 03/10/2023 12:18:13	318	  <a href="#">Image</a>
03/20/2023	Notice of appeal from sentence to Souza Baranowski Correctional Center filed by defendant	319	  <a href="#">Image</a>
























<u>Docket Date</u>	<u>Docket Text</u>	<u>File Ref Nbr.</u>	<u>Image Avail.</u>
03/20/2023	Notification to the Appellate Division sent.		
03/29/2023	Commonwealth 's Motion to enlarge the time in which to file its opposition to the defendant's motion for stay of sentence	320	  <a href="#">Image</a>
04/03/2023	Endorsement on Motion to enlarge the time in which to file its opposition to the defendant's motion for stay of sentence, (#320.0): ALLOWED to 4/10/23 N. 4/3/23 parties by email		  <a href="#">Image</a>
04/07/2023	Defendant 's EX PARTE Motion for funds (DNA Expert)- Third supplemental	321	 
04/10/2023	Endorsement on third supplemental ex-parte motion for funds (DNA expert), (#321.0): ALLOWED Judge: Callan, Hon. Michael K		  <a href="#">Image</a>
04/10/2023	Opposition to to Defendant's Mass. R. Crim. P. 31(A) Motion to stay Execution of Sentence-n Judge Callan filed by	322	  <a href="#">Image</a>
04/12/2023	Defendant 's Reply to Commonwealth's opposition to motion to stay execution of sentence pending appeal	323	  <a href="#">Image</a>
04/19/2023	ORDER: Decision and Order on Defendant's Motion to Stay Execution of Sentence Pending Appeal-N Parties V/E-Mail	324	  <a href="#">Image</a>
04/19/2023	Appeal for review of sentence entered at the Appellate Division: Originating Court: Hampden County Receiving Court: Suffolk County Criminal Case Number: 2384AD080-HD ;		
05/04/2023	Attorney appearance On this date Luke Rosseel, Esq. added as Appointed - Appellate Action for Defendant Frederick Pinney	325	  <a href="#">Image</a>
05/04/2023	Notice of appeal filed. RE: Hon. Michael K. Callan April 18, 2023 Decision and Order denying his motion to stay execution of sentence  Applies To: Pinney, Frederick (Defendant)	326	  <a href="#">Image</a>
05/04/2023	Attorney appearance On this date Katherine E McMahon, Esq. added as Attorney for the Commonwealth for Prosecutor Commonwealth		
05/04/2023	Appeal: Statement of the Case on Appeal (Cover Sheet).  Applies To: Commonwealth (Prosecutor); Pinney, Frederick (Defendant); McMahon, Esq., Katherine E (Attorney) on behalf of Commonwealth (Prosecutor); Rosseel, Esq., Luke (Attorney) on behalf of Pinney, Frederick (Defendant)	327	  <a href="#">Image</a>
05/04/2023	Notice of assembly of record sent to Counsel  Applies To: Commonwealth (Prosecutor); Pinney, Frederick (Defendant); McMahon, Esq., Katherine E (Attorney) on behalf of Commonwealth (Prosecutor); Rosseel, Esq., Luke (Attorney) on behalf of Pinney, Frederick (Defendant)	328	  <a href="#">Image</a>
05/11/2023	Notice of Entry of appeal received from the Appeals Court	329	 
05/31/2023	Notice of docket entry received from Appeals Court Motion for stay under M.R.A.P. 6(b) filed for Frederick Pinney by Attorney Luke Rosseel.	330	  <a href="#">Image</a>
06/01/2023	Court Reporter FTR/OTS is hereby notified to prepare one copy of the transcript of the evidence of 02/24/2023 09:00 AM Jury Trial, 02/03/2023 02:00 PM Motion Hearing, 02/14/2023 02:00 PM Final Pre-Trial Conference, 02/16/2023 09:00 AM Jury Trial, 02/21/2023 09:00 AM Jury Trial, 02/22/2023 09:00 AM Jury Trial, 03/03/2023 09:00 AM Jury Trial, 02/13/2023 02:00 PM Final Pre-Trial Conference, 03/10/2023 10:00 AM Hearing for Sentence Imposition	331	  <a href="#">Image</a>
06/01/2023	Notice of docket entry received from Appeals Court Please take note that on June 1, 2023, the following entry was made on the docket of the above-referenced case:  ORDER (RE#1): The defendant has filed a motion to stay execution of his sentence under Mass. R. App. P. 6(b). His motion for such a stay was denied in the trial court. In assessing the motion, I will, as permitted, "review the matter only to determine if the trial judge made an error of law or abused his or her discretion when denying the defendant's motion." Commonwealth v. Nash, 486 Mass. 394, 410 (2020).  "When considering the merits of a motion to stay the execution of a sentence, a judge should consider two factors. First is whether the appeal presents an issue which is worthy of presentation to an appellate court, one which offers some reasonable possibility of a successful decision in the appeal. Second, the judge should consider the possibility of flight to avoid punishment; potential danger to any other person or to the community; and the likelihood of further criminal acts during the pendency of the appeal." Christie v. Commonwealth, 484 Mass. 397 (2020).	332	  <a href="#">Image</a>




















<a href="#">Docket Date</a>	<a href="#">Docket Text</a>	<a href="#">File Ref Nbr.</a>	<a href="#">Image Avail.</a>
	<p>In the trial court, the motion judge, despite articulating the proper standard at the outset, denied the motion finding with respect to the first factor that defendant's "appellate argument is not likely to succeed," and that it weighed heavily against the stay that the defendant "has not shown that he is likely to succeed in his appeal." In actuality, the question is whether the appeal presents an issue worthy of presentation to an appellate court, a standard that is well-explained in the case law.</p> <p>The order of the trial court denying the application for stay is therefore vacated, and the case remanded for reconsideration applying that proper standard, particularly with reference to the defendant's claim concerning the "first prong" of the test for determining whether the independent source exception to the exclusionary rule applies. See <i>Commonwealth v. Pearson</i>, 486 Mass. 809, 813-14 (2021).</p> <p>I also note that, in reviewing orders on motions for stays of execution of sentence, the single justice is often dependent on the motion judge's assessment of the second factor described above. In the present order, the judge's conclusion with respect to flight risk and danger was quite vague. In case there is an appeal of his order after reconsideration, it would be helpful if more details with respect to this second factor could be included.</p> <p>The vacatur of the order below shall be stayed pending the judge's order on reconsideration. This order is without prejudice to the defendant filing a new motion for relief under Rule 6(b) should the motion for stay be denied on reconsideration. (Rubin, J.) *Notice/Attest/Callan, J.</p>		
06/09/2023	<p>Notice of docket entry received from Appeals Court</p> <p>RE#3&amp;4: Counsel's affidavit indicates that prior to filing a Mass. R. A. P. 6(b) motion on this court's single justice docket, the defendant filed a notice of appeal from the trial court judge's order denying a request for a stay of execution of sentence prompting the Superior Court to prepare and transmit an unnecessary assembly of the record. See <i>Commonwealth v. Allen</i>, 378 Mass. 489, 499 (1979) ("A denial of stay by the trial judge under G. L. c. 279, § 4, is not subject to review, but a new application may be made to a justice of the Appeals Court or of this court"). Before the single justice is the defendant's motion to dismiss or in the alternative to stay appeal. As the notice of appeal was filed in error and to address counsel's concern that the dismissal of this appeal could in some way prejudice the defendant's rights with respect to the forthcoming appeal from the defendant's conviction, it is ordered that the entry of this appeal shall be VACATED without prejudice to the assembly and entry of the defendant's appeal from the conviction once the transcripts are completed. (Brennan, J.) *Notice/Attest.</p>	333	  <a href="#">Image</a>
06/12/2023	Defendant 's Motion to subpoena probation officer	334	  <a href="#">Image</a>
06/12/2023	Affidavit of Luke Rosseel in support of motion to subpoena probation officer	334.1	  <a href="#">Image</a>
06/12/2023	Endorsement on Motion to subpoena probation officer, (#334.0): ALLOWED (n atty via email)		  <a href="#">Image</a>
06/14/2023	Defendant 's Motion to produce probation file	335	  <a href="#">Image</a>
06/14/2023	Affidavit of Luke Rosseel in support of motion to produce probation file	335.1	  <a href="#">Image</a>
06/15/2023	<p>Matter taken under advisement: Motion Hearing scheduled on:</p> <p>06/15/2023 02:00 PM</p> <p>Has been: Held - Under advisement</p> <p>Hon. Michael K Callan, Presiding</p> <p>Staff:</p> <p>Susan Joaquin, Assistant Clerk Magistrate</p> <p>Edward Partyka, Assistant Clerk Magistrate</p> <p>Michael T Sarnacki, Esq., Assistant Clerk Magistrate</p>		 <a href="#">Image</a>
06/16/2023	<p>Endorsement on Motion to Produce Probation File, (#335.0): ALLOWED</p> <p>Despite a court order authorizing a subpoena for Probations entire file, Probation legal apparently decided to turn over a modestly redacted file. As best I can determine, the supervision plans were redacted. Probation shall provide the Court with an unredacted file by 6/20/23 at 2pm.</p>		  <a href="#">Image</a>
06/16/2023	Frederick Pinney's Memorandum supplemental memorandum regarding June 15, 2023 hearing	336	  <a href="#">Image</a>
06/16/2023	Affidavit of Luke Rosseel in support of supplemental memorandum regarding June 15, 2023 hearing	336.1	  <a href="#">Image</a>
06/16/2023	Other Records - unredacted records received from Massachusetts Probation Service FILED UNDER SEAL n. J. Callan 6/16/23		<a href="#">Image</a>
06/20/2023	Endorsement on Motion for Emergency relief from denial of access to Counsel and from denial of adequate medical care, (#337.0): ALLOWED N. by email		  <a href="#">Image</a>
06/20/2023	Defendant 's Motion for Emergency relief from denial of access to Counsel and from denial of adequate medical care	337	  <a href="#">Image</a>





<a href="#">Docket Date</a>	<a href="#">Docket Text</a>	<a href="#">File Ref Nbr.</a>	<a href="#">Image Avail.</a>
06/20/2023	Affidavit of Luke Rossell in support of motion for emergency relief from denial of access to Counsel and from denial of adequate medical care	337.1	 
06/20/2023	ORDER: Court Order for production of medical records	338	 
06/22/2023	Defendant 's Motion for Leave to file Affidavit of Counsel and Medical Record Under Seal	339	
06/22/2023	Defendant 's Motion Renewed for Emergency Relief from Denial of Access to Counsel	340	 
06/22/2023	Affidavit of of Luke Rosseel in support of Renewed Motion for Emergency relief from Denial of Access to Counsel	340.1	 
06/22/2023	Endorsement on Motion for Emergency Relief from Denial of Access to Counsel, (#340.0): Other action taken No Action. This Court does not have jurisdiction over this issue at this time		 
06/23/2023	Notice of docket entry received from Appeals Court Motion for stay under M.R.A.P. 6(b) with attachments, filed by Frederick Pinney.	341	 
06/23/2023	Endorsement on Motion for leave to file affidavit of counsel and medical record under seal, (#339.0): ALLOWED Copy to Commonwealth		 
06/23/2023	Affidavit of Linda J Thompson  Judge: Callan, Hon. Michael K	339.1	
06/23/2023	ORDER: and decision on remand and reconsideration of defendant's motion to stay execution of sentence pending appeal (n parties)	342	 
06/23/2023	Notice of docket entry received from Appeals Court Please take note that on June 23, 2023, the following entry was made on the docket of the above-referenced case:  ORDER (RE#1): Before the single justice is the defendant's "second motion" to stay execution of sentence. After a trial court judge denied the defendant's motion to stay execution of sentence, the defendant filed a renewed motion pursuant to Mass. R. A. P. 6(b) with a different single justice who vacated the trial court judge's order on 06/01/2023 and remanded the case to the Superior Court for reconsideration. The present motion indicates the Superior Court held a hearing on reconsideration on 06/15/2023 and has indicated it will provide expedited reconsideration however no decision has been issued yet. Where the defendant's request for a stay is currently pending with the Superior Court judge, the present request for relief from the single justice is denied as premature. See Mass. R. A. P. 6(b)(1). In the event that the Superior Court judge denies the defendant's request for a stay on reconsideration, any new motion for a stay should be filed as a new single justice case supported by a motion to waive the filing fee and an affidavit of indigency. The filing fee for this motion is waived based on the motion to waive and affidavit of indigency filed in 2023-J-0297. (Brennan, J.) *Notice/Attest/Callan, J.	343	 
06/23/2023	Docket Note: RECEIVED PAPERWORK FROM THE APPEAL ATTORNEY B/C OF APPEAL COURT RULE 6: MOTIONS TO STAY EXECUTION OF A JUDGMENT TO MASS. R. A. P. 6 CONTAINS IMPOUNDED AND SEALED MATERIALS * LOCATED IN CRIMINAL VAULT IN WHITE ENVELOPE*		
06/28/2023	Notice of docket entry received from Appeals Court Motion for stay under M.R.A.P. 6(b) filed for Frederick Pinney by Attorney Luke Rosseel.	344	 
06/29/2023	Notice of docket entry received from Appeals Court ORDER (RE#1): Before me is the defendant's third motion to stay execution of sentence pending appeal pursuant to Mass. R.A.P. 6(b). The Defendant was convicted of the involuntary manslaughter of a victim that was found strangled and unclothed in the defendant's bedroom. The Superior Court judge that presided over the defendant's trial found that the defendant failed to demonstrate that he was not a danger to others in the community. In light of the trial court judge's familiarity with the case and findings, I decline to conduct an independent assessment of the defendant's security and risks and instead review only for error of law or abuse of discretion. See Commonwealth V. Nash, 486 Mass. 394, 410 (2020), citing Commonwealth V. Cohen (No. 2), 456 Mas. 128, 132-133 (2010) ("Of the two considerations relative to stay pending appeal, a single justice will be more likely to decline to exercise his or her own, independent discretion on the issue of security, which involves factual determinations, sound judgement, and common sense"). As I discern no error of law or abuse of discretion in the judge's determination, I conclude the defendant has not established he is entitled to stay. Nash, 486 Mass at 406-407 (2020). See Commonwealth V. Kalita, 102 Mss. App. Ct. 108, 112 (2023). Accordingly, the motion is denied. (Brennan, J.) *Notice/Attest/Callan, J.,	345	 
07/06/2023	Docket Note: RECEIVED PAPERWORK FROM THE APPEAL ATTORNEY B/C OF APPEAL COURT RULE 6: MOTIONS TO STAY EXECUTION OF A JUDGMENT TO MASS. R. A. P. 6 * LOCATED IN CRIMINAL VAULT IN WHITE ENVELOPE*		
07/06/2023	Notice of Entry of appeal received from the Appeals Court	346	 



<u>Docket Date</u>	<u>Docket Text</u>	<u>File Ref Nbr.</u>	<u>Image Avail.</u>
07/13/2023	Notice of docket entry received from Appeals Court Notice of Docket Entry of Appeal, In Accordance with Massachusetts Rule of appellate Procedure 10 (a) (3), please note that the above-reference case was entered in this Court on July 13, 2023.	347	  <a href="#">Image</a>
07/13/2023	Notice of docket entry received from Appeals Court Please take note that on July 13, 2023, the following entry was made on the docket of the above-reference case: ORDER (RE #14): The appeal of the single justice's order denying reconsideration is hereby consolidated with the defendant's appeal of the single justice's order denying a stay of Execution of sentence in 2023-P-0772. *Notice	348	  <a href="#">Image</a>
07/13/2023	Notice of docket entry received from Appeals Court Notice of Assembly of the Record	349	  <a href="#">Image</a>
12/18/2023	Sentence Appeal: Withdrawn by party N. 12/18/23 Probation Dept. & Date Computation Unit  Applies To: Pinney, Frederick (Defendant)	350	  <a href="#">Image</a>
02/02/2024	List of exhibits	351	  <a href="#">Image</a>
02/02/2024	Court Reporter FTR/OTS is hereby notified to prepare one copy of the transcript of the evidence of 02/17/2023 09:00 AM Jury Trial, 02/23/2023 09:30 AM Jury Trial, 02/27/2023 09:00 AM Jury Trial, 03/01/2023 09:00 AM Jury Trial, 03/02/2023 09:00 AM Jury Trial, 03/06/2023 09:00 AM Jury Trial	352	 <a href="#">Image</a>
02/06/2024	Rescript received from Appeals Court; judgment AFFIRMED Orders of the single justice denying motions for a stay and for reconsideration affirmed..	353	  <a href="#">Image</a>
02/07/2024	Defendant 's renewed motion for stay of execution of sentence based on changed circumstances	354	  <a href="#">Image</a>
02/07/2024	Affidavit of Luke Rosseel in support of renewed motion for stay of execution of sentence based on changed circumstances	354.1	  <a href="#">Image</a>
02/14/2024	Endorsement on Defendant 's renewed motion for stay of execution of sentence based on changed circumstances, (#354.0): Other action taken Commonwealth to file its position by 2/23/24. Callan, J.  N. by email		  <a href="#">Image</a>
02/23/2024	Opposition to to defendant's second Mass R Crim P 31(a) motion to stay execution of sentence filed by Commonwealth (n j Callan)	355	  <a href="#">Image</a>
03/01/2024	ORDER: On Mr. Pinney's second motion to stay execution of sentence	356	
03/01/2024	Endorsement on Motion for stay of execution of sentence based on changed circumstances, (#354.0): DENIED  Judge: Callan, Hon. Michael K		  <a href="#">Image</a>
08/14/2024	Defendant 's Motion to Expedite Transcripts	357	  <a href="#">Image</a>
08/14/2024	Endorsement on Motion to Expedite Transcripts, (#357.0): ALLOWED		  <a href="#">Image</a>
08/14/2024	Affidavit of of Luke Rosseel in Support of Motion to Expedite Transcripts	357.1	  <a href="#">Image</a>
12/19/2024	CD of Transcript of 08/23/2018 09:15 AM Evidentiary Hearing on Suppression, 09/06/2018 09:15 AM Evidentiary Hearing on Suppression, 11/29/2018 09:29 AM Bail Hearing, 09/14/2022 02:00 PM Final Trial Conference, 12/22/2022 09:15 AM Evidentiary Hearing on Suppression, 01/18/2023 09:30 AM Conference to Review Status, 02/03/2023 02:00 PM Motion Hearing, 02/13/2023 02:00 PM Final Pre-Trial Conference, 02/14/2023 02:00 PM Final Pre-Trial Conference, 02/16/2023 09:00 AM Jury Trial, 02/17/2023 09:00 AM Jury Trial, 02/21/2023 09:00 AM Jury Trial, 02/22/2023 09:00 AM Jury Trial, 02/23/2023 09:30 AM Jury Trial, 02/24/2023 09:00 AM Jury Trial, 02/27/2023 09:00 AM Jury Trial, 03/01/2023 09:00 AM Jury Trial, 03/02/2023 09:00 AM Jury Trial, 03/03/2023 09:00 AM Jury Trial, 03/06/2023 09:00 AM Jury Trial, 03/10/2023 10:00 AM Hearing for Sentence Imposition received from Pamela Borges DosSantos PBH Paralegal & Transcription Services, Inc. 190 William Street New Bedford, MA 02740 Telephone: (508)996-3898 Facsimile: (508)996-2403 www.PBHParalegal-Transcription.com.		<a href="#">Image</a>
12/30/2024	Attorney appearance On this date David J M Rountree, Esq. dismissed/withdrawn as Appointed - Indigent Defendant for Defendant Frederick Pinney		
12/30/2024	Attorney appearance On this date Linda J Thompson, Esq. dismissed/withdrawn for Defendant Frederick Pinney		



<u>Docket Date</u>	<u>Docket Text</u>	<u>File Ref Nbr.</u>	<u>Image Avail.</u>
12/30/2024	Attorney appearance On this date William T Joyce, Esq. dismissed/withdrawn as Attorney for the Commonwealth for Prosecutor Commonwealth		
12/30/2024	Attorney appearance On this date Kelsey A Baran, Esq. dismissed/withdrawn as Attorney for the Commonwealth for Prosecutor Commonwealth		
12/30/2024	Attorney appearance On this date Matthew Wood Green, Esq. dismissed/withdrawn as Attorney for the Commonwealth for Prosecutor Commonwealth		
12/30/2024	Appeal: Statement of the Case on Appeal (Cover Sheet).  Applies To: Commonwealth (Prosecutor); Pinney, Frederick (Defendant); McMahon, Esq., Katherine E (Attorney) on behalf of Commonwealth (Prosecutor); Rosseel, Esq., Luke (Attorney) on behalf of Pinney, Frederick (Defendant)	358	  <a href="#">Image</a>
12/30/2024	Notice of assembly of record sent to Counsel  Applies To: Pinney, Frederick (Defendant); McMahon, Esq., Katherine E (Attorney) on behalf of Commonwealth (Prosecutor); Rosseel, Esq., Luke (Attorney) on behalf of Pinney, Frederick (Defendant)	359	  <a href="#">Image</a>
12/31/2024	Notice of Entry of appeal received from the Appeals Court	360	  <a href="#">Image</a>
01/13/2025	CD of Transcript of 02/03/2023 02:00 PM Motion Hearing, 06/15/2023 02:00 PM Motion Hearing received from Pamela Borges DosSantos PBH Paralegal & Transcription Services, Inc. 190 William Street New Bedford, MA 02740 Telephone: (508)996-3898 Facsimile: (508)996-2403 www.PBHParalegal-Transcription.com.		
01/13/2025	General correspondence regarding COPY OF LETTER SENT TO THE APPEALS COURT, K. McMAHON, ADA & L. ROSSEEL, ESQUIRE THIS DATE	361	  <a href="#">Image</a>
07/16/2025	Court Reporter FTR/OTS is hereby notified to prepare one copy of the transcript of the evidence of 08/12/2020 03:00 PM Motion Hearing	362	
07/16/2025	CD of Transcript of 08/12/2020 03:00 PM Motion Hearing received from Gerry Shea Approved Court Transcriber Ms. Gerry Shea Office Manager Shea Court Reporting Services 15 Court Square, Suite 920 Boston, MA 02108-2524 Phone: (617) 227-3097 Mobile: (617) 921-6986 Fax: (617) 227-3898 sheacourtreporting@gmail.com.		
07/16/2025	General correspondence regarding COPY OF LETTER SENT TO THE APPEALS COURT, K. McMAHON, ADA & L. ROSSEEL, ESQUIRE THIS DATE	363	  <a href="#">Image</a>
08/11/2025	Defendant 's motion to order payment for production of transcript n. 8/11/25 CTRM#1	364	  <a href="#">Image</a>
08/11/2025	Affidavit filed by Defendant Frederick Pinney in support of motion to order payment for production of transcript n. 8/11/25 CTRM#1	364.1	  <a href="#">Image</a>
08/20/2025	Endorsement on Defendant 's motion to order payment for production of transcript, (#364.0): ALLOWED N. by email		  <a href="#">Image</a>

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### Case Disposition

<u>Disposition</u>	<u>Date</u>	<u>Case Judge</u>
Disposed by Jury Verdict	03/10/2023	Callan, Hon. Michael K

COMMONWEALTH OF MASSACHUSETTS

HAMPDEN, ss.

SUPERIOR COURT  
CRIMINAL ACTION  
No. 14CR445

COMMONWEALTH

vs.

FREDERICK PINNEY

HAMPDEN COUNTY  
SUPERIOR COURT  
FILED

OCT 31 2018

*[Signature]*  
CLERK OF COURTS

**SUPPLEMENTAL FINDINGS OF FACT, DECISION AND ORDER ON THE  
COMMONWEALTH'S MOTION TO RECONSIDER AND MOTION TO CLARIFY**

The Commonwealth's Motion to Reconsider is DENIED

The Commonwealth Motion for Clarification is ALLOWED. The issue of the voluntariness of the DNA buccal swab provided by Mr. Pinney was not meaningfully briefed, or argued, or set forth in the affidavit required under Mass. R. Crim. P. 13.

In any event based upon the evidence, the court finds that the swab was provided by Mr. Pinney voluntarily and with his rational consent. He read aloud and understood that he was giving his consent to the swab. The swab was provided free from coercion. The simple non-confrontational request was made at the conclusion of the interview, at or about the time Mr. Pinney was making arrangements for himself for his medical care.

Mr. Pinney and any reasonable person in that circumstance, knew or reasonable would have known, that he was free to consent or refuse. He was free to leave, and indeed left the station electing a destination (the hospital) of his choosing very shortly thereafter. By the time the buccal swab was requested Mr. Pinney was in command of his destination. The request for a DNA sample is not the equivalent of reinstating an interrogation. *Commonwealth v. Letkowski*, 83 Mass. App. Ct. 847, 853 (2013).

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Moreover, under the Fourth Amendment, the "DNA identification of arrestees is a reasonable search that can be considered part of a routine booking process" and is a "legitimate police booking procedure under the Fourth Amendment." *Maryland v. King*, 133 S. Ct. 1958, 1980 (2013). Mr. Pinney readily consented. No warnings were necessary or required. *Letkowski*, 83 Mass. App. Ct. at 853.

Finally, it is probable that the buccal swab and the results of the swab would have been eventually obtained by the Commonwealth by way of a pretrial buccal swap motion. See, e. g. *Commonwealth vs Maxwell*, 441 Mass. 773, 774 (2004).

Mr. Pinney's privilege against self-incrimination was not implicated. *Commonwealth vs. McGrail*, 419 Mass. 774, 777 (1995).

To the extent Mr. Pinney moved to suppress the evidence derived from the buccal swab, the Motion is DENIED.



MICHAEL K. CALLAN  
Justice of the Superior Court

DATE:

10/31/18

HAMPDEN, ss

COMMONWEALTH OF MASSACHUSETTS

SUPERIOR COURT

CRIMINAL ACTION No: 14-0445

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COMMONWEALTH  
VS.  
FREDERICK PINNEY

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**MEMORANDUM AND ORDER ON THE COMMONWEALTH'S MOTION TO  
COMPEL THE TAKING OF DNA SAMPLE FROM THE DEFENDANT.**

10/20/20  
or 02/20/21

In the instant case, *Commonwealth v. Pinney*, 97 Mass. App. Ct. 392 (2020), the Appeals Court held that a Superior Court judge correctly suppressed statements made to police officers during a custodial police interrogation performed without the defendant having been warned of his Miranda rights. On the defendant's appeal, the court further held that the motion judge also should have suppressed the taking of a buccal swab, to which the defendant had consented during the interrogation, as the "fruit" of his unlawful arrest without probable cause in violation of the Fourth Amendment, which ruling precipitated this renewed motion<sup>1</sup> to compel the taking of a DNA sample from the defendant.

The court held that the defendant's consent to the officer's request for a buccal swab was not sufficiently attenuated from the taint of the defendant's illegal arrest and his unwarned statements, nor was it certain that the buccal swab have been inevitably discovered by legal means. *Id.* at 398-402. On this point, the court further explained —

"Here, the judge did not make a factual finding regarding inevitable discovery, but he observed that 'it is probable that the buccal swab and the results of the swab

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<sup>1</sup> On November 15, 2018, the Commonwealth filed its initial motion to compel a DNA sample. On November 29, 2018, after a hearing, this court (Wrenn, J.) took no action on that motion.

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would have been eventually obtained by the Commonwealth by way of a pretrial swab motion.' While we agree, with the benefit of hindsight, that it was 'probable' that the Commonwealth would have filed a motion for a buccal swab to facilitate DNA testing in this case, the record before the judge at the time did not support a conclusion that discovery of the buccal swab was certain as a practical matter."

*Id.* at 401-402.

The court in *Pinney* "acknowledge[d] that" the showing required to obtain an order for a buccal swab "is a *relatively low bar* and that motions for a buccal swab are *commonplace* in the Superior Court and *frequently* allowed," but recognized "at the time, there was no motion before the judge explaining the relevance of the defendant's buccal swab in this case. And the evidence at the hearing on the motion to suppress, absent the defendant's statements, did not support a conclusion that discovery of the buccal swab was inevitable and certain as a practical matter."

*Id.* at 402 (emphasis added).

### DISCUSSION.

To obtain a postindictment order for a buccal swab in order to secure a sample of a defendant's DNA, the Commonwealth need only show "that 'the defendant's blood will probably produce evidence relevant to the question of the defendant's guilt.'" *Pinney, supra* at 402 citing *Commonwealth v. Maxwell*, 441 Mass. 773, 778 (2004) quoting *Commonwealth v. Trigones*, 397 Mass. 633, 640 (1986). Nothing in the Appeals Court's opinion in *Pinney* remotely suggests that its decision to suppress the results of the consensual buccal swab precludes the allowance of the Commonwealth's motion to obtain a second DNA sample. To the contrary, *Pinney* strongly asserts otherwise. "*Nothing* in our decision should be interpreted as prohibiting the Commonwealth from seeking a court order for the defendant's buccal swab on remand. Such an application, of course, cannot rely on evidence suppressed under our decision." *Pinney, supra* at 402 n.8 (emphasis added).



At the hearing on the Commonwealth's motion, when pressed whether footnote 8 in *Pinney* compels its allowance, defense counsel conceded only that the decision permits the Commonwealth to "seek" the order, but that I am nevertheless compelled to deny that request. While I appreciate ardent advocacy, to borrow a phrase, counsel is "slicing the case too thin." *Bullard v. Blue Hills Bank*, 575 U.S. 496, 135 S. Ct. 1686, 1692 (2015). I cannot easily accept the proposition that the Appeals Court would expressly permit the filing of a motion I am compelled to deny. *Pinney, supra*.

Nevertheless, the defendant submits I must deny the Commonwealth's motion under the "independent source" doctrine rooted in *Silverthorne Lumber Co. v. United States*, 251 U.S. 385, 392 (1920) and applied by the Supreme Judicial Court in *Commonwealth v. Benoit*, 382 Mass. 210, 213-214 (1981):

"The Supreme Court has recognized two exceptions to the fruit of the poisonous tree doctrine. Evidence is not excluded under the doctrine if (1) the government obtained it through an independent source, *Silverthorne Lumber Co. v. United States*, 251 U.S. 385, 392 (1920), or (2) the "connection [between the improper conduct and the derivative evidence has] become so attenuated as to dissipate the taint," *Nardone v. United States*, 308 U.S. 338, 341 (1939). See *Wong Sun v. United States*, 371 U.S. 471, 487 (1963) (expressly recognizing and citing the independent source test of *Silverthorne* and the attenuated basis test of *Nardone*). These exceptions allow removal of the taint if the government can demonstrate that the improper official conduct was not a *sine qua non* or "but for" cause of the discovery of the evidence. See *People v. Fitzpatrick*, 32 N.Y.2d 499, cert. denied, 414 U.S. 1033, 1050 (1973); *Harrison v. United States*, 392 U.S. 219, 225 (1968); Maguire, *How to Unpoison the Fruit -- The Fourth Amendment and the Exclusionary Rule*, 55 J. Crim. L.C. & P.S. 307 (1964); Note, *The Inevitable Discovery Exception to the Constitutional Exclusionary Rules*, 74 Colum. L. Rev. 88, 90 (1974).)

*Id.* at 213-214 (admission of evidence seized in a warrantless search of the defendant's suitcase was reversible error, where the existence of probable cause to support the search depended on statements obtained in violation of the defendant's right to counsel secured by the Sixth Amendment; illegally seized contents not rendered admissible on the basis of inevitable

discovery which did not apply to cure an illegal warrantless search on the basis that it was inevitable that a warrant would be obtained.)

The defendant is, of course, correct that "[t]he exclusionary prohibition extends as well to the indirect as the direct products of such invasions." *Commonwealth v. Balicki*, 436 Mass. 1, 15-16 (2002) quoting *Wong Sun v. United States*, *supra*, and citing *Silverthorne Lumber Co. v. United States*, *supra* at 385. Furthermore, in *Benoit*, the SJC made clear that "under the independent source rule the inquiry is whether the government did in fact acquire certain evidence through an untainted source." *Id.*, 382 Mass. at 217.

The Commonwealth's motions to compel a DNA sample from the defendant relies upon neither the consensual buccal swab nor the defendant's statements—both suppressed under *Finney*. Rather, Commonwealth's initial and renewed motions assert that the sample is necessary to provide comparisons from twenty-six (26) questioned item DNA profiles that have already been generated in this matter along with a sexual assault evidence collection kit. On the record before me, the Commonwealth's evidence is that the investigating officer arrived at 48 Agnes Street in response to a report of a serious assault, and encountered two men. The officer encountered Christopher Podgorski outside the residence, who reported that his girlfriend was inside the house and had been assaulted. Upon entering the residence through an unsecured side door, the officer saw a second male, the distraught defendant, with lacerated arms in the hallway near the kitchen. The officer then observed blood in the same hallway and in the kitchen. The officer then asked the defendant if there was anyone else in the house. The defendant responded—"no one else is in the house."<sup>2</sup> While searching the house for others, the officer

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<sup>2</sup> Although the defendant had not been advised of his Miranda rights prior to answering the officer's question whether there was anyone else in the house, the Appeals Court held that the defendant's

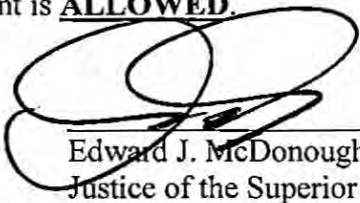
discovered the victim in a bedroom, naked, unresponsive, and with several visible wounds.

*Pinney, supra* at 394. None of these alleged facts depends upon suppressed evidence.

As noted, the Commonwealth's motion asserts the need to compare the defendant's DNA sample to certain biological material retrieved from the victim's body. I conclude that the biological material allegedly retrieved from the victim, as well as the alleged presence of the two men at the crime scene—Podgorski outside the residence, and the defendant inside—where the officer claims he discovered wounds on both the distraught defendant and the victim, and blood in a hallway and the kitchen near where the defendant was seen, establishes the predicate that "the defendant's [saliva] will probably produce evidence relevant to the question of the defendant's guilt." *Pinney, supra* at 402 citing *Commonwealth v. Maxwell*, 441 Mass. at 778. Based on the record before me—excluding the suppressed evidence—it is clear that the buccal swab the Commonwealth now seeks is not the product of either the defendant's unlawful arrest, or the suppressed interrogation and consensual buccal swab, nor will the requested DNA sample yield evidence from a constitutionally tainted source. *Commonwealth v. Benoit, supra*.

### CONCLUSION

For the reasons stated, the Commonwealth's motion to compel the taking of a DNA sample from the defendant is ALLOWED.

  
Edward J. McDonough Jr.  
Justice of the Superior Court

Date:

*10/20/20*

response—"no one is in the house"—should not have been suppressed, because "the need for answers to questions in a situation posing a threat to the public safety outweighs the need for the prophylactic fool protecting the Fifth Amendment privilege against self-incrimination. . . . This exception extends to situations in which the safety of police as well as members of the public is threatened." *Pinney, supra* at 397-398, citing *New York v. Quarles*, 467 U. S. 649, 657 (1984) and *Commonwealth v. Loadholt*, 456 Mass. 411, 416-419 (2010), vacated on other grounds, 462 U.S. 956 (2011).



HAMPDEN, ss

COMMONWEALTH OF MASSACHUSETTS

SUPERIOR COURT

CRIMINAL ACTION No: 14-0445

Filed on 11-29-22

COMMONWEALTH  
VS.  
FREDERICK PINNEY

MEMORANDUM AND ORDER ON DEFENDANT'S MOTION FOR FINDINGS OF  
FACT AND CONCLUSIONS OF LAW JUSTIFYING DENIAL OF MOTION TO  
SUPPRESS EVIDENCE OBTAINED FROM COURT-ORDERED BUCCAL SWAB.

DENIED without prejudice as to requested further findings of fact, and ALLOWED as to the request for a further hearing. Having reviewed the defendant's motion, and *Commonwealth v. Pearson* and *Commonwealth v. Yusef*, I grant a further hearing—evidentiary and non-evidentiary—at either party's option.

"To satisfy the independent source exception, the Commonwealth must establish by a preponderance of the evidence that ... the decision to seek [the second, court ordered buccal swab was] not prompted by what police learned" during the unlawful arrest and questioning of the defendant. *Commonwealth v. Yusuf*, 488 Mass. 379, 398 (2021). This "involves a subjective inquiry." *Commonwealth v. Pearson*, 486 Mass. 809, 814 (2021).

Here, based upon the hearings conducted to date, contrary to defense counsels' assumptions, I do *not* conclude that the Commonwealth's purpose in seeking the second buccal swab was to replicate the results of the Commonwealth forensic testing of the March 23, 2014, buccal swab. My having allowed the Commonwealth's motion for the second buccal swab, there is neither evidence nor circumstance before me warranting a conclusion that in seeking an order for the second buccal swab, the Commonwealth relied on, or was prompted by any evidence or information suppressed under the Appeals Court's decision.

Rather, I conclude that the Commonwealth's request to this Court for the second buccal swab was prompted by the identical circumstances prompting the Commonwealth's first request for a buccal swab, namely, the relevant, extensive blood and other biological evidence (saliva) retrieved at the scene of the murder. That crime scene physical and forensic evidence has not been suppressed. Secondly, I conclude that the Commonwealth was further prompted to pursue the order for the second buccal swab because, implicitly, the Commonwealth was invited to do so by the Appeals Court, see *Commonwealth v. Pinney*, 97 Mass. App. Ct. 392, 402 n.8 (2020) ("Nothing in our decision should be interpreted as prohibiting the Commonwealth from seeking a court order for the defendant's buccal swab on remand. Such an application, of course, cannot rely on evidence suppressed under our decision.") (emphasis added).

As I concluded in my order denying the defendant's motion for reconsideration of my order allowing the Commonwealth's post-appeal motion for a buccal swab—

"The Commonwealth's motions to compel a DNA sample from the defendant relies upon neither the consensual buccal swab nor the defendant's statements—both suppressed under *Finney*. Rather, Commonwealth's initial and renewed motions assert that the sample is necessary to provide comparisons from twenty-six (26) questioned item DNA profiles that have already been generated in this matter along with a sexual assault evidence collection kit. On the record before me, the Commonwealth's evidence is that the investigating officer arrived at 48 Agnes Street in response to a report of a serious assault, and encountered two men. The officer encountered Christopher Podgorski outside the residence, who reported that his girlfriend was inside the house and had been assaulted. Upon entering the residence through an unsecured side door, the officer saw a second male, the distraught defendant, with lacerated arms in the hallway near the kitchen. The officer then observed blood in the same hallway and in the kitchen. The officer then asked the defendant if there was anyone else in the house. The defendant responded—"no one else is in the house." While searching the house for others, the officer discovered the victim in a bedroom, naked, unresponsive, and with several visible wounds. *Pinney, supra* at 394. None of these alleged facts depends upon suppressed evidence.

"As noted, the Commonwealth's motion asserts the need to compare the defendant's DNA sample to certain biological material retrieved from the victim's body. I conclude that the biological material allegedly retrieved from the victim, as well as the alleged presence of the two men at the crime scene—Podgorski outside the residence, and the defendant




inside—where the officer claims he discovered wounds on both the distraught defendant and the victim, and blood in a hallway and the kitchen near where the defendant was seen, establishes the predicate that "the defendant's [saliva] will probably produce evidence relevant to the question of the defendant's guilt." *Pinney, supra* at 402 citing *Commonwealth v. Maxwell*, 441 Mass. at 778. Based on the undisputed record—excluding the suppressed evidence—it is clear that the buccal swab the Commonwealth now seeks is not the product of either the defendant's unlawful arrest, or the suppressed interrogation and consensual buccal swab, nor will the requested DNA sample yield evidence from a constitutionally tainted source. *Commonwealth v. Benoit, supra*."

The settled case law is that when presented with a proper motion, the court may authorize the taking a sample of a defendant's DNA sample if the sample "will probably produce evidence relevant to the question of the defendant's guilt." *Commonwealth v. Pinney*, 97 Mass. App. Ct. 392, 402 (2020), citing *Commonwealth v. Maxwell*, 441 Mass. 773, 778 (2004). The Commonwealth neither sought nor obtained evidence gleaned from the second buccal swab based on any information or evidence (the defendant's unlawful arrest and interrogation) the Appeals Court suppressed. I made that finding of relevance when I allowed the Commonwealth's motion for buccal swab following the defendant's appeal.

### **ORDER**

The defendant's request for further findings of fact is DENIED, without prejudice; the defendant's request for a further evidentiary or non-evidentiary hearing to challenge factual underpinnings of my conclusions set forth herein, is **ALLOWED**. Clerk to schedule after consulting with counsel.

  
\_\_\_\_\_  
Edward J. McDonough Jr.  
Justice of the Superior Court  
Date: 11/29/22



COMMONWEALTH OF MASSACHUSETTS

Hampden, ss.

Superior Court Department  
of the Trial Court

No. 1479 CR 004

HAMPDEN COUNTY  
SUPERIOR COURT  
**FILED**

NOV 14 2022

*Heidi Spence*  
CLERK OF COURTS

COMMONWEALTH OF MASSACHUSETTS

v.

FREDERICK PINNEY,  
Defendant.

DEFENDANT'S MOTION FOR FINDINGS OF FACT  
AND CONCLUSIONS OF LAW JUSTIFYING DENIAL  
OF MOTION TO SUPPRESS EVIDENCE OBTAINED  
FROM COURT-ORDERED BUCCAL SWAB

Pursuant to Rule 15(b) of the Rules of Criminal  
Procedure, Defendant Frederick Pinney moves the Court for a written ruling on his  
Motion To Suppress Fruits Of Unlawful Arrest And Interrogation.

On September 2, 2022, the motion was argued. On September 14, 2022, the motion was  
endorsed by the Court: "Denied, without prejudice after non-evidentiary  
hearing for the reasons stated on the record." Defendant Pinney hereby  
requests that the Court issue a ruling suitable for interlocutory review.

After further hearing on 12/22/22, at which neither party presented witnesses, nor offered further evidence, the  
**MOTION TO SUPPRESS IS DENIED.** See my *Memorandum and Order* of 11/29/22. Further, I continue to  
reject the defendant's position that the second buccal swab I ordered following the Appeals Court's decision in *Com.*  
*v. Pinney*, 92 Mass. App. Ct. 392 (2020) constituted anything more than a "routine discovery ruling." See *Pinney*,  
Mem. of Dec. and Order, SJ-2021-0085 (Lowy, J.) 3/29/21. In doing so, I determined *only* that the Commonwealth  
was entitled to "obtain a buccal swab by demonstrating at an adversary (but not necessarily evidentiary) hearing,  
that the buccal swab will probably provide evidence relevant to the question of the defendant's guilt."  
*Commonwealth v. Maxwell*, 441 Mass. 773, 774 (2004), and considered nothing else. Thus, the "independent  
source" doctrine, see *Pearson*, 486 Mass. 809, 814 (2021) and *Yusef*, 488 Mass. 379, 398 (2022) does not apply to  
my buccal swab order. **McDonough, J., 12/23/22.**