

S.J.C. No. DAR-____
App. Ct. No. 2025-P-687

**Commonwealth of Massachusetts
Supreme Judicial Court**

COMMONWEALTH

v.

GIOVANNI BURGOS

ON THE DEFENDANT'S APPEAL
FROM A JUDGMENT OF THE CHICOPEE DISTRICT COURT

DEFENDANT'S APPLICATION FOR DIRECT APPELLATE REVIEW

HAYLIE JACOBSON
BBO #712183

ATTORNEY FOR GIOVANNI BURGOS

COMMITTEE FOR PUBLIC COUNSEL SERVICES
Public Defender Division
75 Federal Street, Sixth Floor
Boston, Massachusetts 02110
(617) 482-6212
hjacobson@publiccounsel.net

June 12, 2025

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REQUEST FOR DIRECT APPELLATE REVIEW

Pursuant to Mass. R.A.P. II, Giovanni Burgos respectfully requests that this Court allow direct appellate review of his convictions in the Chicopee District Court on charges of possessing a firearm and ammunition without an FID card, G.L. c. 269, §10(h)(1); and possessing class A and class B substances, G.L. c. 94C, §34.

This appeal presents two novel questions about the inventory search exception to the warrant requirement under article 14 of the Massachusetts Declaration of Rights and the Fourth Amendment to the United States Constitution.

First, Mr. Burgos contends that, in light of *Commonwealth v. Oliveira*, 474 Mass. 10, 15 (2016), which held that police must honor a requested alternative to impoundment if it is lawful and practical, it is unreasonable for police to tow a car without providing the driver a meaningful opportunity to offer such an alternative. Second, Mr. Burgos contends that the inventory search exception cannot justify the car search here because there was no evidence that the troopers actually conducted an inventory of the car.

Mr. Burgos therefore requests that this Court now grant review and reverse the denial of his motion to suppress.

PRIOR PROCEEDINGS

Mr. Burgos was charged by complaint in Chicopee District Court on July 27, 2020. The complaint contained nine counts, including three firearm and four controlled substance charges, as well as a charge of failure to identify, G.L. c. 90, §25, and a civil motor

vehicle infraction for speeding.

A motion to suppress was filed on January 19, 2023, and heard on February 1 and March 7, 2023. On September 5, 2023, Judge Bethzaida Sanabria-Vega denied the motion via a handwritten endorsement: “The Court credits the officers [sic] testimony, defendant’s motion is denied.”

Mr. Burgos filed an application for leave to appeal the denial of the motion to suppress, pursuant to Mass. R. Crim. P. 15, on October 10, 2023, which was denied by a single justice of this Court (Georges, J.) on October 20, 2023.

On February 21, 2024, the Commonwealth amended one of the firearms charges and two of the controlled substance charges, and Mr. Burgos pled guilty to: possession of a firearm without an FID card, G.L. c. 269, §10(h)(1); possession of ammunition without an FID card, G.L. c. 269, §10(h)(1); possession of a class B substance, G.L. c. 94C, §34; and possession of a class A substance, G.L. c. 94C, §34. As part of his plea agreement, Mr. Burgos preserved his right to appeal the denial of the motion to suppress pursuant to Mass. R. Crim. P. 12(b)(6).

The Commonwealth entered a nolle prosequi on the other criminal charges, and Judge Sanabria-Vega found Mr. Burgos not responsible for the civil motor vehicle infraction. Mr. Burgos was sentenced to 18 months in the house of correction, suspended for one year. On February 21, 2025, his probation was terminated without any violations.

Mr. Burgos filed a timely notice of appeal on March 4, 2024. The

case was entered in the Appeals Court on June 6, 2025, as 2025-P-687. No briefs have yet been filed in the Appeals Court.

STATEMENT OF THE FACTS

This case arose out of a warrantless search by the Massachusetts State Police of a bag on the front passenger seat of the car Mr. Burgos was driving on July 24, 2020.

That evening, Trooper Scott Davis stopped Mr. Burgos for speeding near Exit 4 on Interstate 39I Northbound. Mr. Burgos immediately pulled over into the “breakdown lane” so that the car was not blocking traffic or sticking out into the road. Mr. Burgos was polite, provided the car’s registration, and answered Trooper Davis’s questions. Trooper Davis ran the registration and determined that it was valid and registered to someone other than Mr. Burgos. The vehicle was not stolen and Trooper Davis was not concerned by the fact that Mr. Burgos was driving it.

Trooper Davis testified that Mr. Burgos said he did not have any identification on him but gave his name as George Cologne and provided an address and birthdate. When Trooper Davis searched that information on his computer, he thought the picture from the RMV looked different than the driver in front of him, so he asked for another trooper to come “just for another set of eyes.”

In the meantime, Trooper Davis asked Mr. Burgos some questions about George Cologne’s criminal history, but Mr. Burgos was unable to answer them. Once Trooper Daniel Dziminski and Trooper Van Gerbin arrived, they asked Mr. Burgos similar questions.

Trooper Dziminski noted that Mr. Burgos's "level of nervousness definitely increased when [the trooper] was kind of probing." After taking a picture of Mr. Burgos and comparing it side-by-side with the picture on the computer, the troopers concluded that Mr. Burgos had not given his real name.

At that point, the troopers did not arrest Mr. Burgos. Instead, Trooper Dziminski began to investigate *why* Mr. Burgos had not given his real name. He didn't know whether Mr. Burgos was "giving [him] a false ID for warrants related to himself, if he's committed a crime." He didn't know "the purpose of this individual lying ... about who he is." So Trooper Dziminski asked "what [he] usually ask[s]"—questions about firearms and drugs. This involved "giv[ing] kind of a list of the narcotics, various ones, to see how each response differentiates from the other ones." Those questions included, "Sir, is there any marijuana in the vehicle? Is there any cocaine? Is there any crack cocaine? Is there any methamphetamine? Or any firearms? Are there any knives?" Trooper Dziminski did not provide *Miranda* warnings before asking these questions because "it was still a motor vehicle stop" and Mr. Burgos "wasn't taken out of the vehicle."

Though Mr. Burgos denied that there were any drugs or weapons in the car, Trooper Dziminski thought Mr. Burgos was "deceptive" because he "look[ed] down" when he was asked the questions about cocaine and heroin. Based on Mr. Burgos's answers to the questions, "his nervousness," which "far exceeded what it was at the beginning," and "the fact that he was lying about his identity as

a whole,” Trooper Dziminski believed that there were drugs in the car. At that point, Trooper Dziminski “just wanted to know if there was anything in the vehicle that [he] should be concerned about.”

The troopers then arrested Mr. Burgos for failure to identify, G.L. c. 90, §25, handcuffing him and putting him in the back of the police vehicle. There was no evidence that they told him his car was going to be towed, they did not ask him if someone could come pick up the car, and they did not ask if he had a preference as to a particular towing company, as the State Police policy required.

The troopers then testified about their search of the car. Trooper Dziminski was on the driver’s side and Trooper Davis on the passenger’s. The “first thing [Trooper Davis] saw or handled was a little bag, nylon bag on the front passenger seat.” Inside the bag were “various narcotics” and a gun.

Neither trooper testified that they searched anywhere else in the car or found any other items in the car. Trooper Dziminski also confirmed that none of the troopers filled out the required inventory form or documented any inventory taken. Tr.I/44. Nor did they document any damage to the vehicle.

Before bringing Mr. Burgos to the barracks, the troopers figured out his real name. They learned that Mr. Burgos had four default warrants, though there was no evidence at the hearing about the nature of those default warrants, and that he did not have a Massachusetts driver’s license but had “an ID status in Connecticut.” Troopers Dziminski and VanGerbin then took Mr. Burgos to the

barracks while Trooper Davis waited for the tow truck to arrive.

Angel Rodriguez, an investigator for the Committee for Public Counsel Services, also testified at the suppression hearing. He confirmed that the car Mr. Burgos was driving was registered to Cassandra Montano. At the time of the stop, Ms. Montano was at her home, 2.9 miles away. She and Mr. Burgos “were supposed to go out on a date” that night and “he had left to go get ready.” If Ms. Montano had been contacted on the night of the stop, she would have come to pick up her car.

ISSUES PRESENTED

To justify a warrantless, suspicionless search of an impounded vehicle as a permissible inventory search, the Commonwealth must prove (1) that the “police reasonably could have concluded they had no lawful, practical alternative” to impoundment, *Commonwealth v. Goncalves-Mendez*, 484 Mass. 80, 83 (2020), and (2) that the search was done “for a noninvestigatory purpose,” *Commonwealth v. Davis*, 481 Mass. 210, 219 (2019).

Mr. Burgos’s motion to suppress presents novel questions under art. 14 and the Fourth Amendment related to both the propriety of the impoundment and the search:

1. This Court has held that impoundment of a car is unreasonable under art. 14 and the Fourth Amendment if the driver requests a lawful, practical alternative. Was the impoundment here unreasonable where there was no evidence the police told Mr. Burgos the car would be towed or gave him an opportunity to offer an alternative?
2. Did the Commonwealth meet its burden to prove that this search

was an inventory search, and not investigatory, where there was no evidence that the police searched anywhere in the car besides a bag on the front seat, found any other items in the car, made a list of any items found in the car, or inspected the car for any damage?

Mr. Burgos's motion to suppress challenged the warrantless seizure and search of the car he was driving on July 24, 2020. After the suppression hearing, Mr. Burgos filed a memorandum of law first arguing that the decision to tow the car was unreasonable because "he was never informed that the vehicle would be towed or that he could have a say in how the vehicle would be disposed," and second arguing that the Commonwealth failed to prove the search was not investigatory given the evidence that the "search ended once the bag—and only the bag—had been searched" and that there were "no efforts to inventory any other items in the vehicle." These arguments sufficed to preserve Mr. Burgos's claims for this Court's review.

ARGUMENT

I. Impoundment of the car was unreasonable where there was no evidence the police told Mr. Burgos the car would be towed or asked him about any alternatives to impoundment.

"A lawful inventory search is contingent on the propriety of the impoundment of the car." *Commonwealth v. Brinson*, 440 Mass. 609, 612 (2003). Impoundment of a car violates the Fourth Amendment and art. 14 unless it was "reasonably necessary based on the totality of the evidence." *Commonwealth v. Oliveira*, 474 Mass. 10, 13-14 (2016). In turn, an impoundment is "reasonably necessary" only if the "police reasonably could have concluded they had no lawful, practical

alternative.” *Commonwealth v. Goncalves-Mendez*, 484 Mass. 80, 83 (2020). “[T]he Commonwealth bears the burden of establishing ... that the impoundment was reasonable under the circumstances.” *Commonwealth v. Davis*, 481 Mass. 210, 218 (2019).

This Court should now make clear that in order to reasonably conclude that “they had no lawful, practical alternative” to impoundment, *Goncalves-Mendez*, 484 Mass. at 83, police officers must give drivers a meaningful opportunity to offer an alternative. Here, there was no evidence the troopers asked Mr. Burgos about alternatives to impoundment or even told him the car would be towed. The troopers did not ask if there was anyone else who could pick up the car. Nor did they ask if Mr. Burgos preferred a particular towing company, as State Police policy required. Because the troopers failed to give Mr. Burgos a meaningful opportunity to offer an alternative to impoundment, he could not ask to contact his girlfriend, who owned the car he was driving, was less than 3 miles away, and would have been willing to come pick up the car. Without consulting Mr. Burgos about alternatives, the decision to impound the car here was unreasonable.

Nearly ten years ago, this Court held that police officers must honor a driver’s request for an alternative to impoundment if it is “lawful and practical.” *Oliveira*, 474 Mass. at 15. But that requirement would be rendered meaningless if police could impound a car without asking the driver about alternatives or even informing them that the car is going to be towed. See *Commonwealth v. Lek*, 99 Mass.

App. Ct. 199, 205 (2021) (“Logically, in order to make meaningful the right to make and have honored such a request, an arrestee must be informed that ... his vehicle will be impounded.”). After all, a driver who does not know their car will be towed has no opportunity to make such a request.

Further, since *Oliveira*, cases from this Court and the Appeals Court have made clear that art. 14 requires police to consider and utilize readily available alternatives to impoundment even if the driver does not request them. See *Commonwealth v. Abdallah*, 475 Mass. 47, 52-53 (2016) (police could not seize arrestee’s backpack where they knew third party was present and willing to take possession of it, even absent request by arrestee); *Commonwealth v. Nicoleau*, 90 Mass. App. Ct. 518, 523 (2016) (same). In *Goncalves-Mendez*, this Court concluded that “where officers are aware that a passenger lawfully could assume custody of a vehicle,” they must affirmatively offer drivers that option. 484 Mass. at 85. Given these existing obligations, police should not be permitted to simply assume that there is “no lawful, practical alternative,” *Goncalves-Mendez*, 484 Mass. at 83, without consulting an obvious source of alternatives—the driver.

Permitting police to impound a car without giving the driver a meaningful opportunity to offer an alternative would also make it easier for them to use impoundment, and an attendant inventory search, “as an end run around usual warrant requirements.” *State v. Ingram*, 914 N.W.2d 794, 814 n.3 (Iowa 2018). The inventory search exception permits warrantless, suspicionless searches of impounded

vehicles, which would otherwise be unconstitutional, only because they are conducted not for investigative purposes but to protect “the vehicle and its contents from ... theft or vandalism; ... the police and the tow company from false claims; and ... the public from dangerous items that might have been left” inside. *Davis*, 481 Mass. at 218. This exception, however sensible it may be, incentivizes police to impound a vehicle just so they can search it. See *Ingram*, 914 N.W.2d at 814. An officer intent on searching might deliberately avoid asking the driver about alternatives to impoundment so that other arrangements are not made. Requiring police to give drivers a meaningful opportunity to request an alternative to impoundment would put a check on this potential abuse of the inventory search exception.

It would also further the legitimate aims of the inventory search exception by protecting the car and its contents and “minimizing the inconvenience and risks to law enforcement officers that are associated with impoundment.” *Goncalves-Mendez*, 484 Mass. at 85 n.8. “If the police goal is truly not investigative but to protect property and avoid false claims, the owner or driver of the vehicle should have the ability to opt for alternatives that do not interfere with public safety other than police impoundment.” *Ingram*, 914 N.W.2d at 820.

Requiring police to give drivers a meaningful opportunity to offer an alternative to impoundment is not burdensome. This Court has already required police to ask about a specific alternative to impoundment where there is a licensed passenger present. See *Goncalves-Mendez*, 484 Mass. at 85 & n.8 (“We discern no burden

merely in asking the question”). And any time an authorized driver is arrested, the “better practice” is to “inform the driver that the vehicle will be taken to a police facility or private storage facility for safekeeping unless the driver directs the officer to dispose of it in some lawful manner.” *Id.* at 85 n.8, quoting *Commonwealth v. Eddington*, 459 Mass. 102, 112 (Gants, J., concurring). This Court should hold that doing so is not just the better practice but a requirement under art. 14.¹

II. The inventory search exception to the warrant requirement does not apply here because the police did not actually do an inventory.

“A warrantless search is ‘per se’ unreasonable under the Fourth Amendment” and art. 14. See *Davis*, 481 Mass. at 217; *Oliveira*, 474 Mass. at 13. Warrantless, suspicionless searches of impounded vehicles are permitted under the inventory search exception to the warrant requirement only because they are conducted for “purely noninvestigatory reasons.” *Commonwealth v. Buckley*, 478 Mass. 861, 871-872 (2018). The only legitimate aims of an inventory search are “the protection of the vehicle and its contents; the protection of the police and the tow company from false charges; and the protection of the public from the dangerous items which might be in the vehicle.”

¹ Accord, e.g., *Ingram*, 914 N.W.2d at 820; *State v. Fortune*, 236 Kan. 248, 257 (1984); *State v. Perry*, 174 W. Va. 212, 217 (1984); *State v. Slockbower*, 79 N.J. 1, 9 (1979); *Drinkard v. State*, 584 S.W.2d 650, 653 (Tenn. 1979); 3 LAFAVE, SEARCH AND SEIZURE § 7.3(c), at 847 (6th ed. 2020).

Commonwealth v. Ehiabhi, 478 Mass. 154, 165 (2017), quoting *Eddington*, 459 Mass. at 108-109.

An inventory search “is strictly limited to the purposes underlying that exception.” *Commonwealth v. Murphy*, 63 Mass. App. Ct. 11, 17 (2005). It “must not be a ruse for a general rummaging in order to discover incriminating evidence.” *Florida v. Wells*, 495 U.S. 1, 4 (1990). Thus, for an inventory search “to be permissible ... there must be ‘no suggestion that the procedure was a pretext concealing an investigatory police motive.’” *Davis*, 481 Mass. at 219, quoting *Commonwealth v. Matchett*, 386 Mass. 492, 509-510 (1982).² Unlike other areas of search and seizure law, in the context of a purported inventory search, “consideration of an officer’s ‘purpose’ for conducting the search is relevant to an assessment of the lawfulness of the search itself.” *Buckley*, 478 Mass. at 872.

Here, the inventory search exception cannot justify the warrantless search because there was no evidence the troopers, in fact, did an inventory. The first and only thing the troopers testified that they searched was the bag on the front passenger seat, which contained the drugs and firearm. Tr.I/16,34. There was no evidence that they searched anywhere else in the car or found any other items inside. Though the troopers made conclusory assertions that they “conducted a motor vehicle inventory,” Tr.I/12,34,44, Trooper

² The Commonwealth bears the burden of proving that the search was conducted for a legitimate, noninvestigatory purpose. See *Commonwealth v. Benoit*, 382 Mass. 210, 219 (1981).

Dziminski admitted that they did not fill out the required inventory form or document the “inventory” in any way, Tr.I/44. Further, there was no evidence that the troopers inspected the car or noted its condition, and Trooper Dziminski acknowledged that they did not document any damage to the car, all of which were required under the State Police policy.

As a matter of logic, if there is no inventory, there can be no inventory search. See *State v. Greenwald*, 109 Nev. 808, 811 (1993) (“Without an inventory, we can have no inventory search.”); *State v. Hygh*, 711 P.2d 264, 270 (Utah 1985) (officer “did not completely search the vehicle and did not make any kind of a list of the items in the automobile, much less use a standard inventory form. Without this, the search cannot be fairly characterized as an inventory search.”); *Commonwealth v. Rosario-Santiago*, 96 Mass. App. Ct. 166, 192 (2019) (Milkey, J., dissenting) (concluding that search was investigatory where “other than his agreeing with the prosecutor’s prompting that he had conducted an ‘inventory’ search, Reynolds himself made no mention whatsoever of his cataloguing the car’s contents”).

Moreover, without searching the whole car, cataloguing the items inside, and noting the car’s condition, the police could not have possibly fulfilled the only legitimate aims of an inventory search—protecting the vehicle and its contents, the police from false claims, and the public and police from potentially dangerous items. See *Ehiabhi*, 478 Mass. at 165. See also *United States v. Rowland*, 341 F.3d 774, 781 (8th Cir. 2003) (“By choosing not to record Rowland’s lawful

property, law enforcement failed to take any steps to ensure the safe return of that property. Failing to take such steps makes us doubt the police were really acting to ensure the safe return of the property.”); *State v. McDougal*, 68 Wis. 2d 399, 414, (1975) (“Nor are we convinced that the police were benevolently trying to protect the contents of the car for the benefit of the owner. All of the items in the car except those that might be evidence of the possession of marijuana were not seized or otherwise protected.”).

“When viewed objectively, the search here was an investigative search and not an inventory search.” *Commonwealth v. Ortiz*, 88 Mass. App. Ct. 573, 577 (2015). The troopers developed a hunch that there were drugs in the car, arrested Mr. Burgos for a minor motor vehicle offense, and then proceeded to search only a bag on the front passenger seat. There was no evidence that the troopers actually conducted an inventory—that they searched the rest of the car, made a list of items inside, or took note of the car’s condition. The troopers’ failure not simply to follow State Police policy but to do anything resembling an inventory makes clear that this was not an inventory search.

REASONS FOR DIRECT APPELLATE REVIEW

Both of the issues Mr. Burgos raises on appeal involve novel questions of constitutional law that are “of such public interest that justice requires a final determination by [this] Court.” Mass. R.A.P. II(a).

i. Impoundment. Direct appellate review is necessary to resolve whether police officers have an obligation to provide drivers with a meaningful opportunity to request alternatives to impoundment.

Over thirty years ago, this Court noted that some State courts require police to “respond to a reasonable request for an alternative disposition of the vehicle,” while others “placed the burden on the police to initiate consideration of obvious reasonable alternatives.” *Commonwealth v. Caceres*, 413 Mass. 749, 751 n.1 (1992). Since then, this Court has seemingly embraced both propositions. It is now clear that a police officer must honor a driver’s requested alternative to impoundment if it is lawful and practical, see *Oliveira*, 474 Mass. at 15, and if police are, in fact, aware of lawful, practical alternatives, they must utilize them, *Abdallah*, 475 Mass. at 51-52; *Goncalves-Mendez*, 484 Mass. at 85. However, it remains unsettled whether police are obligated to seek out alternatives to impoundment by asking the driver. See *Lek*, 99 Mass. App. Ct. at 204 (“Our courts, though, have not said that officers *must* ask a driver who is being arrested whether he would like to direct the officer to dispose of the vehicle in some lawful manner other than impoundment.”).

As argued above, if police are not required to provide a meaningful opportunity to offer alternatives to impoundment, the requirement that they honor such requests is hollow. This Court should grant review and make clear that informing drivers that the car will be towed “unless the driver directs the officer to dispose of it in some lawful manner” is not merely the “better practice,”

Goncalves-Mendez, 484 Mass. at 85 n.8, but a requirement under our state Constitution.

2. Inventory Search. This Court should also grant direct appellate review to make clear that to justify a search as an inventory search, the Commonwealth must present evidence that the police actually conducted an inventory.

Without strict policing of its boundaries, the inventory search exception—which allows warrantless searches without probable cause or even reasonable suspicion—can easily become “a general warrant regime that is anathema to search and seizure law.” *Ingram* 914 N.W.2d at 815. After all, “law enforcement has virtually unlimited discretion to stop arbitrarily whomever they choose, arrest the driver for a minor offense that might not even be subject to jail penalties, and then obtain a broad inventory search of the vehicle—all without a warrant.” *Id.* at 814.

If the inventory search exception is to have any limits at all, it must at least require proof that the police, in fact, conducted an inventory. Yet the Appeals Court has upheld a car search as a lawful inventory search in a case where, at the suppression hearing, the police officer “made no mention whatsoever of his cataloguing the car’s contents.” *Rosario-Santiago*, 96 Mass. App. Ct. at 192 (Milkey, J., dissenting). Further, there do not appear to be any recent Appeals Court cases holding that a purported inventory search was actually investigatory in the absence of an admission from the officers that either the stop or search was pretextual. See *Lek*, 99 Mass. App. Ct. at

200, 205; *Ortiz*, 88 Mass. App. Ct. at 576-577. Together, these cases come close to relieving the Commonwealth of its burden altogether.

This Court should grant review and hold that to reap the benefits of the inventory search exception, the Commonwealth must present evidence that the police actually conducted an inventory.

Respectfully submitted,

GIOVANNI BURGOS

By his attorney,

/s/ Haylie Jacobson

HAYLIE JACOBSON, BBO #712183

COMMITTEE FOR PUBLIC COUNSEL SERVICES

Public Defender Division

75 Federal Street, Sixth Floor

Boston, MA 02110

(617) 482-6212

hjacobson@publiccounsel.net

June 12, 2025

CERTIFICATE OF COMPLIANCE

I hereby certify that this application for direct appellate review complies with Mass. R.A.P. 11 and 20(a). The application is set in 14-point Athelas font and its argument section contains 1,876 words, as determined by the “Word Count” feature in Microsoft Word

/s/ Haylie Jacobson
HAYLIE JACOBSON, BBO #712183

CERTIFICATE OF SERVICE

I hereby certify that in the matter of *Commonwealth v. Giovanni Burgos*, S.J.C. No. DAR-____, Appeals Court No. 25-P-687, I have today served the Defendant’s Application for Direct Appellate Review on the Commonwealth by directing a copy through the electronic filing system to ADA Kate McMahon of the Hampden County District Attorney’s Office.

/s/ Haylie Jacobson
HAYLIE JACOBSON, BBO #712183

COMMITTEE FOR PUBLIC COUNSEL SERVICES
Public Defender Division
75 Federal Street, Sixth Floor
Boston, MA 02110
(617) 482-6212
hjacobson@publiccounsel.net

June 12, 2025

2020CR001013 Commonwealth vs. Burgos, Giovanni J

- Case Type:
- Criminal
- Case Status:
- Closed
- File Date
- 07/27/2020
- DCM Track:
-
- Initiating Action:
- FIREARM IN FELONY, POSSESS c265 §18B
- Status Date:
- 09/29/2022
- Case Judge:
-
- Next Event:
-

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

Party Information

Burgos, Giovanni J
- Defendant

Alias

Party Attorney

- Attorney
- CPCS Holyoke Office, .
- Bar Code
- CPCSHOL
- Address
- 100 Front Street
- Holyoke, MA 01040
- Phone Number
-

[More Party Information](#)

Party Charge Information

- **Burgos, Giovanni J**
- - Defendant
- **Charge # 1:**
265/18B/A-3 - Felony FIREARM IN FELONY, POSSESS c265 §18B

- Original Charge
- 265/18B/A-3 FIREARM IN FELONY, POSSESS c265 §18B (Felony)
- Amended Charge
-

Charge Disposition

Disposition Date
Disposition
07/27/2020
Nolle Prosequi

- **Burgos, Giovanni J**

- - Defendant

Charge # 2:

269/10/G-2 - Misdemeanor - more than 100 days incarceration FIREARM WITHOUT FID CARD, POSSESS c269 s.10(h)

- Original Charge
- 269/10/J-1 FIREARM, CARRY WITHOUT LICENSE c269 §10(a) (Felony)
- Amended Charge
- 269/10/G-2 FIREARM WITHOUT FID CARD, POSSESS c269 s.10(h) (Misdemeanor - more than 100 days incarceration)

Charge Disposition

Disposition Date
Disposition
02/21/2024
Guilty - Plea

- **Burgos, Giovanni J**

- - Defendant

Charge # 3:

269/10/TT - Misdemeanor - more than 100 days incarceration AMMUNITION WITHOUT FID CARD, POSSESS c269 §10(h)(1)

- Original Charge
- 269/10/TT AMMUNITION WITHOUT FID CARD, POSSESS c269 §10(h)(1) (Misdemeanor - more than 100 days incarceration)
- Amended Charge
-

Charge Disposition

Disposition Date
Disposition
02/21/2024
Guilty - Plea

- **Burgos, Giovanni J**

- - Defendant

Charge # 4:

94C/34/C-0 - Misdemeanor - more than 100 days incarceration DRUG, POSSESS CLASS B c94C §34

- Original Charge
- 94C/32A/G-1 DRUG, POSSESS TO DISTRIB CLASS B c94C §32A(a) (Felony)
- Amended Charge
- 94C/34/C-0 DRUG, POSSESS CLASS B c94C §34 (Misdemeanor - more than 100 days incarceration)

Charge Disposition

Disposition Date
Disposition
02/21/2024
Guilty - Plea

- **Burgos, Giovanni J**

- - Defendant

Charge # 5:

94C/32A/G-1 - Felony DRUG, POSSESS TO DISTRIB CLASS B c94C §32A(a)

- Original Charge
- 94C/32A/G-1 DRUG, POSSESS TO DISTRIB CLASS B c94C §32A(a) (Felony)
- Amended Charge
-

Charge Disposition

Disposition Date
Disposition
02/21/2024
Nolle Prosequi

- **Burgos, Giovanni J**
- - Defendant
- **Charge # 6:**
94C/34/A-0 - Misdemeanor - more than 100 days incarceration DRUG, POSSESS CLASS A c94C §34
- Original Charge
- 94C/32/C-1 DRUG, POSSESS TO DISTRIB CLASS A c94C §32(a) (Felony)
- Amended Charge
- 94C/34/A-0 DRUG, POSSESS CLASS A c94C §34 (Misdemeanor - more than 100 days incarceration)
- **Charge Disposition**
Disposition Date
Disposition
02/21/2024
Guilty - Plea
- **Burgos, Giovanni J**
- - Defendant
- **Charge # 7:**
94C/34/I-0 - Misdemeanor - 100 days or less incarceration DRUG, POSSESS CLASS E c94C §34
- Original Charge
- 94C/34/I-0 DRUG, POSSESS CLASS E c94C §34 (Misdemeanor - 100 days or less incarceration)
- Amended Charge
- **Charge Disposition**
Disposition Date
Disposition
02/21/2024
Nolle Prosequi
- **Burgos, Giovanni J**
- - Defendant
- **Charge # 8:**
90/25/A-0 - Misdemeanor - 100 days or less incarceration IDENTIFY SELF, MV OPERATOR REFUSE c90 §25
- Original Charge
- 90/25/A-0 IDENTIFY SELF, MV OPERATOR REFUSE c90 §25 (Misdemeanor - 100 days or less incarceration)
- Amended Charge
- **Charge Disposition**
Disposition Date
Disposition
02/21/2024
Nolle Prosequi
- **Burgos, Giovanni J**
- - Defendant
- **Charge # 9:**
90/17/A-4 - Civil Motor Vehicle Infraction SPEEDING RATE OF SPEED EXCEEDING POSTED LIMIT c90 §17
- Original Charge
- 90/17/A-4 SPEEDING RATE OF SPEED EXCEEDING POSTED LIMIT c90 §17 (Civil Motor Vehicle Infraction)
- Amended Charge
- **Charge Disposition**
Disposition Date
Disposition
02/21/2024
Not Responsible

Events			
Date	Session	Location	Type
07/27/2020	Administrative Session	Arraignment	Held - Bail or Conditions of Release ordered
08/12/2020	Administrative Session	Pretrial Hearing	Rescheduled of Hearing
09/14/2020	Administrative Session	Pretrial Hearing	Rescheduled-Covid-19 emergency
12/15/2020	Administrative Session	Pretrial Hearing	Rescheduled of Hearing
03/31/2021	Administrative Session	Pretrial Hearing	Held-PT
07/29/2021	Administrative Session	Trial Readiness Conference	Rescheduled of Hearing
08/05/2021	Administrative Session	Trial Readiness Conference	Not Held
12/08/2021	Administrative Session	Pretrial Hearing	Held
02/14/2022	Administrative Session	Trial Readiness Conference	Not Held
02/28/2022	Trial Session	Jury Trial (CR)	Event Cancelled
03/02/2022	Administrative Session	Pretrial Hearing	Rescheduled of Hearing
05/03/2022	Administrative Session	Pretrial Hearing	Defendant defaulted-FI to Appear
09/29/2022	Administrative Session	Default Removal Hearing	Held - Default Removed - CR
10/25/2022	Administrative Session	Pretrial Hearing	Rescheduled of Hearing
11/28/2022	Administrative Session	Pretrial Hearing	Rescheduled of Hearing
11/29/2022	Administrative Session	Pretrial Hearing	Not Held
12/28/2022	Administrative Session	Motion Hearing (CR)	Held - Motion allowed
02/01/2023	Administrative Session	Motion to suppress	Rescheduled of Hearing
02/02/2023	Administrative Session	Motion to suppress	Rescheduled of Hearing
03/07/2023	Administrative Session	Motion to suppress	Held - under advisement
05/31/2023	Administrative Session	Pretrial Hearing	Rescheduled of Hearing
08/23/2023	Administrative Session	Pretrial Hearing	Rescheduled of Hearing
09/19/2023	Administrative Session	Pretrial Hearing	Rescheduled of Hearing

<u>Date</u>	<u>Session</u>	<u>Location</u>	<u>Type</u>	<u>Result</u>
09/28/2023 08:30 AM	Administrative Session		Pretrial Hearing	Reschedule of Hearing
10/24/2023 08:30 AM	Administrative Session		Pretrial Hearing	Held-PT
12/14/2023 08:30 AM	Administrative Session		Trial Readiness Conference	Reschedule of Hearing
01/22/2024 08:30 AM	Administrative Session		Trial Readiness Conference	Not Held
02/08/2024 08:30 AM	Administrative Session		Trial Readiness Conference	Reschedule of Hearing
02/21/2024 08:30 AM	Administrative Session		Trial Readiness Conference	Not Held - Disposed by plea
02/27/2024 08:30 AM	Trial Session		Jury Trial (CR)	Event Cancelled
03/21/2024 08:30 AM	Administrative Session		Cont For Pmt/Completion of Community Service Until	Reschedule of Hearing
04/04/2024 08:30 AM	Administrative Session		Cont For Pmt/Completion of Community Service Until	Not Held
02/21/2025 08:30 AM	Administrative Session		Probation Until	Held - Probation Terminated

Docket Information

<u>Docket Date</u>	<u>Docket Text</u>	<u>Image Avail.</u>
07/27/2020	Complaint issued upon new arrest.	
07/27/2020	Event Resulted: Arraignment scheduled on: 07/27/2020 08:30 AM Has been: Held - Bail or Conditions of Release ordered Bethzaida Sanabria-Vega, Presiding	
07/27/2020	Defendant arraigned before Court, advised of right to counsel. Judge: Sanabria-Vega, Bethzaida	
07/27/2020	Committee for Public Counsel Services appointed. Judge: Sanabria-Vega, Bethzaida	
07/27/2020	Reasons for ordering bail. Judge: Sanabria-Vega, Bethzaida	
07/27/2020	Bail revocation warning (276/58) given to the defendant Judge: Sanabria-Vega, Bethzaida	Image
07/27/2020	Defendant is ordered committed to Hampden County House of Correction in lieu of having posted bail in the amount ordered: (\$50,000.00 Bond; \$5,000.00 Cash), returnable for 08/12/2020 08:30 AM Pretrial Hearing; mittimus issued. Court location of next event (if not your court): Further Orders:	
07/27/2020	Appearance filed On this date Michael L Foy, Esq. added as Appointed - Indigent Defendant for Defendant Giovanni Burgos Appearance filed for the purpose of Case in Chief by Judge Bethzaida Sanabria-Vega.	
07/27/2020	Judicial finding regarding assessment or waiver of monies in criminal case filed. Judge: Sanabria-Vega, Bethzaida	

<u>Docket Date</u>	<u>Docket Text</u>	<u>Image Avail.</u>
07/27/2020	Charges Disposed:: Charge # 1 FIREARM IN FELONY, POSSESS c265 §18B On: 07/27/2020 Judge: Bethzaida Sanabria-Vega Nolle Prosequi	
07/27/2020	Order revoking Pre-trial release based upon new offense:20Cr 001013	
07/27/2020	Commonwealth's motion to revise/revoke bail or conditions of release filed and ALLOWED.	
08/10/2020	Appearance filed On this date Daniel R Bergin, Esq. added as Private Counsel for Defendant Giovanni Burgos	
08/10/2020	Appearance filed On this date Michael L Foy, Esq. dismissed/withdrawn as Appointed - Indigent Defendant for Defendant Giovanni Burgos	
08/12/2020	Event Resulted: Pretrial Hearing scheduled on: 08/12/2020 08:30 AM Has been: Reschedule of Hearing For the following reason: Both Parties Request Hon. Robert S. Murphy, Jr., Presiding	
08/12/2020	Defendant is ordered committed to Hampden County House of Correction in lieu of having posted bail in the amount ordered: (\$50,000.00 Bond; \$5,000.00 Cash), returnable for 09/14/2020 08:30 AM Pretrial Hearing; mittimus issued. Court location of next event (if not your court): Further Orders: Judge: Murphy, Jr., Hon. Robert S.	
09/14/2020	Court orders rescheduling due to State of Emergency surrounding the Covid-19 virus.: Pretrial Hearing scheduled on: 09/14/2020 08:30 AM Has been: Rescheduled-Covid-19 emergency Bethzaida Sanabria-Vega, Presiding	
12/15/2020	Event Resulted: Pretrial Hearing scheduled on: 12/15/2020 08:30 AM Has been: Reschedule of Hearing For the following reason: On Order of the Court Bethzaida Sanabria-Vega, Presiding	
06/15/2021	Commonwealth's list of witnesses filed	
06/17/2021	Commonwealth's motion in Limine to Allow In Court ID filed with the following, if any, supporting documents:	
06/17/2021	Commonwealth's motion for voir dire Questions too be Asked by the Commonwealth filed with the following, if any, supporting documents:	
07/14/2021	Event Resulted: Trial Readiness Conference scheduled on: 07/29/2021 08:30 AM Has been: Reschedule of Hearing For the following reason: Commonwealth's request - no objection Bethzaida Sanabria-Vega, Presiding	
07/14/2021	Commonwealth's motion to reschedule or continue scheduled court hearing filed and ALLOWED.	
08/05/2021	Event Resulted: Trial Readiness Conference scheduled on: 08/05/2021 08:30 AM Has been: Not Held Bethzaida Sanabria-Vega, Presiding Appeared:	

<u>Docket Date</u>	<u>Docket Text</u>	<u>Image Avail.</u>
	Defendant Daniel R Bergin, Esq., Private Counsel	
12/08/2021	Event Resulted: Pretrial Hearing scheduled on: 12/08/2021 08:30 AM Has been: Held Bethzaida Sanabria-Vega, Presiding Appeared: Defendant Daniel R Bergin, Esq., Private Counsel	
12/08/2021	Event Scheduled Event: Jury Trial (CR) Date: 02/28/2022 Time: 08:30 AM Result: Event Cancelled	
02/14/2022	Event Resulted: Trial Readiness Conference scheduled on: 02/14/2022 08:30 AM Has been: Not Held Hon. Robert T Santaniello, Presiding	
02/14/2022	Defendant's motion to reschedule or continue scheduled court hearing filed and ALLOWED.	 Image
02/14/2022	Event Resulted: Jury Trial (CR) scheduled on: 02/28/2022 08:30 AM Has been: Event Cancelled For the following reason: Defendant's request without objection Hon. Robert T Santaniello, Presiding	
03/02/2022	Event Resulted: Pretrial Hearing scheduled on: 03/02/2022 08:30 AM Has been: Reschedule of Hearing For the following reason: Defendant Not Present Bethzaida Sanabria-Vega, Presiding Appeared: Defendant Daniel R Bergin, Esq., Private Counsel	
03/02/2022	Defendant's motion to Summons in Deft filed and ALLOWED.	 Image
05/03/2022	Event Resulted: Pretrial Hearing scheduled on: 05/03/2022 08:30 AM Has been: Defendant defaulted-FI to Appear Bethzaida Sanabria-Vega, Presiding	 Image
05/03/2022	Default Warrant ordered to issue. Judge: Sanabria-Vega, Bethzaida	
08/31/2022	Commonwealth's motion to revise/revoke bail or conditions of release Hearing was Held at Spfld. D. C. filed and ALLOWED.	 Image
08/31/2022	Order revoking Pre-trial release based upon new offense:2223CR4412 Hearing was Held at Spfld. D.C.	 Image
09/02/2022	Defendant is ordered committed without bail because DEFENDANT'S BAIL HAS BEEN REVOKED (276 s. 58) to Hampden County House of Correction returnable for 11/28/2022 08:30 AM Hearing to Review Status; mittimus issued. Court location of next event (if not this court): Further Orders: *****TRANSPORT TO COURTHOUSE***** Judge: Sanabria-Vega, Bethzaida	
09/19/2022	Habeas Corpus for prosecution issued to Stonybrook Stabilization and Treatment Centers returnable for 09/29/2022 10:30 AM Default Removal Hearing:	

<u>Docket Date</u>	<u>Docket Text</u>	<u>Image Avail.</u>
	Further Orders: **DEFT TO BE TRANSPORTED TO COURT HOUSE**	
09/29/2022	Warrant recalled: Default Warrant cancelled on 09/29/2022 for Burgos, Giovanni	
09/29/2022	Event Resulted: Default Removal Hearing scheduled on: 09/29/2022 10:30 AM Has been: Held - Default Removed - CR Hon. John McKenna, Presiding Appeared: Defendant Giovanni Burgos	
09/29/2022	Defendant before Court on Warrant, Warrant recalled as served. Judge: McKenna, Hon. John	
09/29/2022	Warrant recalled: Judge: McKenna, Hon. John	
09/29/2022	Appearance filed On this date Daniel R Bergin, Esq. dismissed/withdrawn as Private Counsel for Defendant Giovanni Burgos	
09/29/2022	Appearance filed On this date . CPCS Holyoke Office added as Appointed - Indigent Defendant for Defendant Giovanni Burgos Appearance filed for the purpose of Case in Chief by Judge Hon. John McKenna.	
09/29/2022	Legal Counsel Fee Waived. Judge: McKenna, Hon. John	
09/29/2022	Habeas Corpus for prosecution issued to Hampden County House of Correction returnable for 10/25/2022 08:30 AM Pretrial Hearing: Further Orders: Judge: McKenna, Hon. John	
10/25/2022	Event Resulted: Pretrial Hearing scheduled on: 10/25/2022 08:30 AM Has been: Reschedule of Hearing For the following reason: On Order of the Court Hon. Brandon D Freeman, Presiding	
11/28/2022	Event Resulted: Pretrial Hearing scheduled on: 11/28/2022 08:30 AM Has been: Reschedule of Hearing For the following reason: Both Parties Request Hon. William E Rooney, Presiding	
11/28/2022	Defendant is ordered committed without bail because OTHER REASON: to Hampden County House of Correction returnable for 11/29/2022 08:30 AM Pretrial Hearing; mittimus issued. Court location of next event (if not this court): Further Orders: **DEFT TO BE TRANSPORTED TO COURT HOUSE TO BE FITTED W/ GPS** Judge: Rooney, Hon. William E	
11/28/2022	Release on personal recognizance with pre-trial conditions, to wit: Compliance with Curfew, Electronic monitoring - GPS, Other condition(s): Reside w/ Mother at 49 Hillmont St Spfld, MA participate in BRIDGE Prg. Drug free/Random screens Judge: Rooney, Hon. William E	

<u>Docket Date</u>	<u>Docket Text</u>	<u>Image Avail.</u>
11/28/2022	Order of pretrial conditions of release under G.L. c.276 § 87 filed.	
11/29/2022	Event Resulted: Pretrial Hearing scheduled on: 11/29/2022 08:30 AM Has been: Not Held Bethzaida Sanabria-Vega, Presiding	Image
12/28/2022	Event Resulted: Motion Hearing (CR) scheduled on: 12/28/2022 08:30 AM Has been: Held - Motion allowed Hon. Brandon D Freeman, Presiding	
12/28/2022	Order of pretrial conditions of release under G.L. c.276 § 87 filed. Judge: Freeman, Hon. Brandon D	 Image
01/19/2023	Defendant's motion to Suppress filed with the following, if any, supporting documents: affidavit in support of motion	 Image
02/01/2023	Event Resulted: Motion to suppress scheduled on: 02/01/2023 08:30 AM Has been: Reschedule of Hearing For the following reason: Scheduled Hearing held in part. Bethzaida Sanabria-Vega, Presiding Appeared: Defendant Giovanni Burgos . CPCS Holyoke Office, Appointed - Indigent Defendant	
02/02/2023	Event Resulted: Motion to suppress scheduled on: 02/02/2023 02:00 PM Has been: Reschedule of Hearing For the following reason: Defendant's witness not present Bethzaida Sanabria-Vega, Presiding Appeared: Defendant . CPCS Holyoke Office, Appointed - Indigent Defendant	
03/07/2023	Event Resulted: Motion to suppress scheduled on: 03/07/2023 11:00 AM Has been: Held - under advisement Bethzaida Sanabria-Vega, Presiding Appeared: Defendant Giovanni J Burgos . CPCS Holyoke Office, Appointed - Indigent Defendant	
03/31/2023	Defendant's motion for exparte approval of funds for Expedited Transcription filed and DENIED. Judge: Sanabria-Vega, Bethzaida	 Image
04/25/2023	Defendant's motion for exparte approval of funds for Expedited Transcription, not to exceed \$250.00 filed and ALLOWED. Judge: Sanabria-Vega, Bethzaida	 Image
05/31/2023	Event Resulted: Pretrial Hearing scheduled on: 05/31/2023 08:30 AM Has been: Reschedule of Hearing For the following reason: Both Parties Request Bethzaida Sanabria-Vega, Presiding Appeared: Defendant . CPCS Holyoke Office, Appointed - Indigent Defendant	
05/31/2023	Pretrial conference report filed. Judge: Sanabria-Vega, Bethzaida	 Image

<u>Docket Date</u>	<u>Docket Text</u>	<u>Image Avail.</u>
07/20/2023	Defendant's motion to Suppress filed with the following, if any, supporting documents: memorandum of law	 Image
08/18/2023	Event Resulted: Pretrial Hearing scheduled on: 08/23/2023 08:30 AM Has been: Reschedule of Hearing For the following reason: On Order of the Court Bethzaida Sanabria-Vega, Presiding	
09/05/2023	Defendant's motion to Suppress filed and DENIED. Judge: Sanabria-Vega, Bethzaida	 Image
09/11/2023	Interlocutory appeal to an Appellate Division single justice filed (G.L. c.231 §118A).	 Image
09/12/2023	Event Resulted: Pretrial Hearing scheduled on: 09/28/2023 08:30 AM Has been: Reschedule of Hearing For the following reason: On Order of the Court Hon. Jacklyn M Connly, Presiding	 Image
09/19/2023	Event Resulted: Pretrial Hearing scheduled on: 09/19/2023 08:30 AM Has been: Reschedule of Hearing For the following reason: On Order of the Court Hon. Jacklyn M Connly, Presiding	
10/24/2023	Event Resulted: Pretrial Hearing scheduled on: 10/24/2023 08:30 AM Has been: Held-PT Hon. Jacklyn M Connly, Presiding	
10/24/2023	Pretrial conference report filed. Judge: Connly, Hon. Jacklyn M	 Image
10/24/2023	Pretrial conference report filed. Judge: Connly, Hon. Jacklyn M	
12/14/2023	Event Resulted: Trial Readiness Conference scheduled on: 12/14/2023 08:30 AM Has been: Reschedule of Hearing For the following reason: Both Parties Request Hon. Jacklyn M Connly, Presiding	
12/14/2023	Event Scheduled Event: Jury Trial (CR) Date: 02/27/2024 Time: 08:30 AM Result: Event Cancelled	
01/10/2024	Event Resulted: Trial Readiness Conference scheduled on: 01/22/2024 08:30 AM Has been: Not Held For the following reason: Brought forward Hon. Jacklyn M Connly, Presiding	
02/08/2024	Event Resulted: Trial Readiness Conference scheduled on: 02/08/2024 08:30 AM Has been: Reschedule of Hearing For the following reason: Defendant's counsel ill Hon. Jacklyn M Connly, Presiding	
02/21/2024	Event Resulted: Jury Trial (CR) scheduled on: 02/27/2024 08:30 AM Has been: Event Cancelled For the following reason: Brought forward Bethzaida Sanabria-Vega, Presiding	
02/21/2024	Event Resulted: Trial Readiness Conference scheduled on: 02/21/2024 08:30 AM	

<u>Docket Date</u>	<u>Docket Text</u>	<u>Image Avail.</u>
	Has been: Not Held - Disposed by plea Bethzaida Sanabria-Vega, Presiding	
02/21/2024	Charges Disposed:: Charge # 3 AMMUNITION WITHOUT FID CARD, POSSESS c269 §10(h)(1) On: 02/21/2024 Judge: Bethzaida Sanabria-Vega Guilty - Plea Charge # 5 DRUG, POSSESS TO DISTRIB CLASS B c94C §32A(a) On: 02/21/2024 Judge: Bethzaida Sanabria-Vega Nolle Prosequi Charge # 7 DRUG, POSSESS CLASS E c94C §34 On: 02/21/2024 Judge: Bethzaida Sanabria-Vega Nolle Prosequi Charge # 8 IDENTIFY SELF, MV OPERATOR REFUSE c90 §25 On: 02/21/2024 Judge: Bethzaida Sanabria-Vega Nolle Prosequi Charge # 9 SPEEDING RATE OF SPEED EXCEEDING POSTED LIMIT c90 §17 On: 02/21/2024 Judge: Bethzaida Sanabria-Vega Not Responsible	
02/21/2024	Defendant warned pursuant to alien status, G.L. c. 278, § 29D. Judge: Sanabria-Vega, Bethzaida	
02/21/2024	Change of plea to Guilty entered. Judge: Sanabria-Vega, Bethzaida	
02/21/2024	One or more charges disposed by tender of plea. Judge: Sanabria-Vega, Bethzaida	
02/21/2024	Plea colloquy given. Judge: Sanabria-Vega, Bethzaida	
02/21/2024	Tender of plea amended and accepted by the defendant. Judge: Sanabria-Vega, Bethzaida	 Image
02/21/2024	Charges Disposed:: Charge # 2 FIREARM WITHOUT FID CARD, POSSESS c269 s.10(h) On: 02/21/2024 Judge: Bethzaida Sanabria-Vega Guilty - Plea Charge # 4 DRUG, POSSESS CLASS B c94C §34 On: 02/21/2024 Judge: Bethzaida Sanabria-Vega Guilty - Plea Charge # 6 DRUG, POSSESS CLASS A c94C §34 On: 02/21/2024 Judge: Bethzaida Sanabria-Vega Guilty - Plea	
02/21/2024	Sentence Imposed:: Sentence Date: 02/21/2024 Judge: Bethzaida Sanabria-Vega Charge #: 2 FIREARM WITHOUT FID CARD, POSSESS c269 s.10(h) Suspended Sentence to HOC Term: 0 Years, 18 Months, 0 Days Charge #: 3 AMMUNITION WITHOUT FID CARD, POSSESS c269 §10(h)(1) Charge #: 4 DRUG, POSSESS CLASS B c94C §34 Charge #: 6 DRUG, POSSESS CLASS A c94C §34	

<u>Docket Date</u>	<u>Docket Text</u>	<u>Image Avail.</u>
	Financials: Victim/Witness Assessment on G.L c.258B §8 Amount \$.00	
02/21/2024	Commonwealth's motion to amend counts #2,4, and 6 filed and ALLOWED. Judge: Sanabria-Vega, Bethzaida	 Image
02/21/2024	Probation order of conditions imposed or revised Judge: Sanabria-Vega, Bethzaida	 Image
03/04/2024	Notice of appeal to the Appeals Court filed by the Defendant Attorney: Lee, Esq., Melissa S	 Image
03/21/2024	Event Resulted: Cont For Pmt/Completion of Community Service Until scheduled on: 03/21/2024 08:30 AM Has been: Reschedule of Hearing For the following reason: On Order of the Court Bethzaida Sanabria-Vega, Presiding	
04/04/2024	Event Resulted: Cont For Pmt/Completion of Community Service Until scheduled on: 04/04/2024 08:30 AM Has been: Not Held Bethzaida Sanabria-Vega, Presiding	
02/21/2025	Event Resulted: Probation Until scheduled on: 02/21/2025 08:30 AM Has been: Held - Probation Terminated Hon. Nicola E Gioscia, Presiding	
02/21/2025	Docket report of court proceedings to date	 Image

Case Disposition

<u>Disposition</u>	<u>Date</u>
Disposed by Plea	02/21/2024

9/5/23

The Court credits the officers
testimony, defendant's motion
is denied. Vega, J.

COMMONWEALTH OF MASSACHUSETTS

HAMPDEN, ss.

CHICOPEE DISTRICT COURT
DOCKET NO. 2020CR001013

COMMONWEALTH

V.

GIOVANNI BURGOS

MOTION TO SUPPRESS EVIDENCE AND STATEMENTS

Now comes the defendant in the above-entitled matter and says that on or about July 24, 2020, he was the victim of an unlawful search and seizure in violation of his rights under Articles 12 and 14 of the Declaration of Rights of the Constitution of the Commonwealth of Massachusetts and the Fourth, Fifth, Sixth, and Fourteenth Amendments to the United States Constitution, and M.G.L. ch. 276, sec. 1-3A. The defendant therefore moves this Honorable Court to suppress from evidence all items seized from the vehicle he was driving on July 24, 2020, including but not limited to: (1) "approximately 270 individually folded wax bags containing . . . heroin," (2) "36 plastic sandwich bags . . . containing . . . crack-cocaine," (3) a "pill bottle . . . contain[ing] . . . Oxycodone," and (4) a loaded firearm. The defendant further moves to suppress any statements attributed to him following his unlawful seizure as the "fruit of the poisonous tree." *See, e.g., Wong Sun v. U.S.*, 371 U.S. 471 (1963).

Support for this motion is found in the attached Affidavit in accordance with Mass. R. Crim. P. 13(a)(2) and counsel's Memorandum of Law. The defendant hereby requests and evidentiary hearing on this motion.

RESPECTFULLY SUBMITTED,

GIOVANNI BURGOS
BY HIS ATTORNEY
/s/ Melissa Lee

MELISSA LEE, ESQ.
BBO #710037
Committee for Public Counsel Services
100 Front Street, 4th Floor
Holyoke, MA 01040
(413) 471-3305

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2023 JAN 19 A 1:56 PM