

COMMONWEALTH OF MASSACHUSETTS

DAR NO. _____

APPEALS COURT NO. 2025-P-1435

COMMONWEALTH,
Appellee,

v.

JAMHAL TAVON SANDERS LATIMER, also known as
JAMHAL TALIB ABDULLAH BEY,
Appellant.

DEFENDANT'S APPLICATION FOR DIRECT APPELLATE
REVIEW ON APPEAL FROM A JUDGMENT OF THE
MIDDLESEX SUPERIOR COURT

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REQUEST FOR DIRECT APPELLATE REVIEW

Now comes defendant Jamhal Tavon Sanders Latimer, also known as Jamhal Talib Abdullah Bey,¹ who requests this Court review the merits of his appeal. *See* Mass. R. App. P. 11. As grounds therefore, he states that his appeal presents issues of first impression with respect to the Second Amendment, and also would permit this Court to clarify the extent of the abrogation of its decision in *Commonwealth v. Donnell*, 495 Mass. 471 (2025). Specifically, this Court could address the following questions:

(I) Given the reasoning employed in *Donnell* and this Court's precedent regarding severability, did this Court intend in a footnote in *Commonwealth v. Rodriguez*, 496 Mass. 627 (2025), to abrogate *Donnell*'s holding that the former version of General Laws chapter 140, section 131F, is facially invalid?

(II) If *Donnell* is not facially invalid, should large-capacity arms, including firearms, rifles, and magazines, receive the same constitutional protection as other types of arms, and if so,

¹ Both names were included on the indictments. This brief will refer to the defendant as Mr. Abdullah Bey.

does *Donnell* command reversal of the verdicts against Mr. Abdullah Bey?

(III) Even without reaching the constitutional question, did the invalidation of the most significant portion of section 131F mean that there was no way for a Massachusetts official to issue a license to anyone during the operative time period, thereby creating a condition under which the Commonwealth could neither prove nor disprove an essential element of the crime of General Laws chapter 269, section 10(m)?

(IV) Based on the facts of this case, does the verdict for improper storage of a firearm need to be reversed because the Commonwealth did not prove that the arms were outside of the control of lawful users?

(V) Is the statute criminalizing the wearing of body armor in connection with a felony, General Laws chapter 269, section 10D, unconstitutional?

STATEMENT OF PRIOR PROCEEDINGS

On September 2, 2021, Mr Abdullah Bey, was indicted on a variety of charges, including *count 1*: violation of G.L. c. 269, § 10(m), for carrying/possession of a large capacity firearm or

rifle (Palmetto State Armory, DPMS Panther Arms, and/or Ruger arms); *count 2*: violation of G.L. c. 269, § 10(m), for carrying/possession of a large capacity feeding device (twenty curved magazines and a drum magazine found in a van and three curved magazines and a drum magazine found in a pickup truck); *count 6*: violation of G.L. c. 140, § 131L(a) & (c), for improper storage of a rifle or shotgun (*inter alia*, a 12-gauge Mossberg model 930 semi-automatic shotgun) where a person under 18 had access; and *count 7*: violation of G.L. c. 269, § 10D, for use of body armor during a felony. Arraignment occurred on October 6, 2021 on docket 2181CR0361.

Mr. Abdullah Bey, who at times represented himself, filed a motion to dismiss prior to trial. This was denied by the Honorable Patrick Haggan prior to the decision in *New York State Rifle & Pistol Ass’n v. Bruen*, 597 U.S. 1 (2022). Mr. Abdullah Bey filed a motion to reconsider following the *Bruen* decision, which was denied by the Honorable David Deakin. He subsequently filed a motion for de novo review in response to the appeal entered for *Commonwealth v. Donnell* in 2023 (Docket 2023-P-1338), but that motion never was decided.

A jury trial before the Judge Deakin began on May 23, 2024. Mr. Abdullah Bey was tried jointly with a co-defendant referenced herein as “Person A.” The Commonwealth proceeded on the theory of joint venture for each of the carrying counts.

On June 18, 2024, the jury returned guilty verdicts against Mr. Abdullah Bey on the counts listed above.² He received a sentence of three to five years in state prison for counts 1 and 2, to run concurrently; with four years’ probation to follow on counts 6 and 7. Mr. Abdullah Bey filed a timely notice of appeal of the verdicts. The appeal was entered on November 24, 2025 as docket 2025-P-1435. His brief was docketed in the Appeals Court on December 2, 2025.

STATEMENT OF FACTS

On July 3, 2021, Mr. Abdullah Bey traveled on Route 95 in Massachusetts with 10 other people [collectively, the “travelers”] from Mr. Abdullah Bey’s home in Rhode Island en

² Post-trial, the Commonwealth filed a motion for new trial related to additional guilty verdicts following the decision from this Court in *Commonwealth v. Donnell*, 495 Mass. 471 (2025); these were dismissed. The jury found Mr. Abdullah Bey not guilty on several other counts.

route to their destination in Maine to engage in self-styled militia training. Their small caravan consisted of a black transit van and a Honda Ridgeline truck.

Around 1:10 a.m., the two vehicles were stopped near the 57th mile marker near Wakefield to refuel the Honda. Seeing flashing hazard lights in the breakdown lane, Trooper Ryan Casey, who was on patrol, stopped to conduct a well-being check. He immediately saw Mr. Abdullah Bey walking towards him.

Mr. Abdullah Bey wore body armor and carried what the trooper recognized to be a rifle with a loaded, large-capacity feeding device. This arm later was identified as a 5.56 mm caliber Ruger AR-556 semi-automatic rifle.

In the early minutes of the encounter, several other travelers left the vehicles. Two of the men carried arms with large-capacity magazines — a 5.56 mm caliber Palmetto State Armory semi-automatic firearm and a 5.56 mm caliber DPMS Panther Arms semi-automatic rifle.

Trooper Casey learned from Mr. Abdullah Bey, the spokesperson for the group, that no one had a physical driver's

license in his possession. Mr. Abdullah Bey also told the trooper that he did not had a license to carry.

As Trooper Casey investigated the potential motor vehicle infractions, he asked for Mr. Abdullah Bey and the others to put their arms in their vehicles. Mr. Abdullah Bey told him “for our safety we can’t put our guns down.” At least five other requests were refused. Mr. Abdullah Bey emphasized that he wanted a peaceful resolution to the encounter.

At Mr. Abdullah Bey’s request, Trooper Casey had summonsed a supervisor to the scene, and other officers arrived in the interim. Trooper Casey saw that some of the people from the van went over the guardrail to the woods.

When the state police supervisor came on the scene around 2:12 a.m., Mr. Abdullah Bey spoke with him. After that conversation, Mr. Abdullah Bey knew that he would be placed under arrest.

Police then began to “create a distance” of about 50 to 100 yards from the travelers, to “gain some cover.” The travelers communicated to each other that the officers were “loading up” with their “arms out.” By about 2:20 a.m., additional troopers

arrived. The police shut down the highway on the northbound side, and later on the southbound side as well.

What occurred next was a hours-long stand-off involving scores of law enforcement personnel, including the Special Tactics and Operations (STOP) Team. The travelers coordinated their actions to try to retain their arms and to avoid arrest, but they did not raise their weapons at the police.

Around 4:21 a.m., Mr. Abdullah Bey told some of his fellow travelers that he was prepared to surrender if necessary.

Around 6 a.m., two of the men, who had walked away from the scene, were arrested by police on the surface roads in Wakefield. Just after 10 a.m., all of the remaining travelers surrendered. They deposited their weapons in the van prior to their arrest, where officers later recovered firearms, rifles, and large capacity feeding devices. Additionally, the police located a loaded Mossberg semi-automatic shotgun without a trigger lock in the Honda.

As revealed by the evidence presented at trial, the travelers were:

- Mr. Abdullah Bey, a Rhode Island resident, who carried the Ruger rifle with a large-capacity magazine;
- Person A, a New York resident, who was the co-defendant during the trial;
- Person B, a Michigan resident, who carried the DPMS Panther Arms rifle with a drum magazine;
- Person C, a New York resident;
- Person D, a Rhode Island resident, who carried the Palmetto State Armory firearm with a large-capacity magazine;
- Person E, a resident of either Massachusetts or New York;
- Person F, a Florida resident;
- Person G, a Florida resident;
- Person H, a New York resident, who was seventeen years old;
- Person I, a New York resident, who was arrested in Wakefield;
and
- Person J, a New York resident, who also was arrested in Wakefield.

FACTS RELATED TO THE COUNT 6

The Commonwealth offered limited evidence about the movements of the adults, minor, and the shotgun from the time of the initial stop until the arrests.

When Trooper Casey first approached the Honda Ridgeline, an adult driver, Person A,³ sat in the front seat. Person J stood right along side the vehicle.

On a video exhibit depicting events from 1:36 a.m., the minor could be seen in the background, holding a camera. His body armor consisted of a solid, light tan vest. A camera was taken from the minor at arrest.

At about 1:48 a.m., when the travelers' ability to drive away was still an open question, video showed that someone — presumably the truck's driver — unlocked the Honda door's for Mr. Abdullah Bey. Around 2:14 a.m., Mr. Abdullah Bey spoke to at least two people in the Honda, including the driver. The driver asked what he should do, and he was told to stay on the side of the road with an arm.

³ In one of the video exhibits, the driver could be seen with a goatee, boonie hat, and lighter colored vest, consistent with Person A and inconsistent with the other travelers.

Around 2:29 a.m., video showed Mr. Abdullah Bey was talking to Person C, asking him to take his bullets and stay with the Honda. At this point in the encounter, Trooper Casey approximated that he saw “around 10” people outside on the roadway, but he was unsure of the number and he mentioned nothing about their location or armaments. The trooper also did not indicate whether this count included the person with the camera.

No other evidence showed who was at the Honda until around 4:23 a.m. At that point, video evidence showed Mr. Abdullah Bey speaking to an unseen traveler standing outside the passenger side of the Honda.

Around 7:26 a.m., Mr. Abdullah Bey spoke to Person A and Person F at the side of the truck, while Person C was inside with the minor. A few minutes later, Person A stood on the passenger’s side the vehicle with both passenger doors open, while Mr. Abdullah Bey and Person E were at the rear.

Another video entered into evidence showed Person A sitting in the back seat of the Honda with the minor around 8:22 a.m. while talking to Mr. Abdullah Bey. When Person A

got out of the van momentarily to stand at the side of its rear door, Mr. Abdullah Bey immediately went to the passenger side, where the shotgun could be seen in the front passenger seat area for the first time. The next time the video showed the Honda, Person A was back in the vehicle with the door closed.

Troopers from the STOP team did not realize that the minor was part of the group until he emerged from the Honda with an adult.

ISSUES OF LAW RAISED BY THE APPEAL

I. This case concerns the applicability of *Commonwealth v. Donnell*, 495 Mass. 471 (2025), to charges of carrying arms in violation of G.L. c. 269, § 10(m). The 2021 version of the out-of-state licensing statute, G.L. c. 140, § 131F, which is enforced by G.L. c. 269, § 10, has been declared invalid with respect to its “may issue” language. *Donnell* did not specifically address whether its holding applies to arms other than those subject to subset 10(a) of chapter 269.

Recently, this Court in *Commonwealth v. Rodriguez*, 496 Mass. 627 (2025), abrogated some portion of the holding of *Donnell* that ruled that section 131F was facially invalid. That

ruling in the *Rodriguez* footnote, however, failed to take into account the analysis that was actually performed by the *Donnell* decision, and it also failed to address whether the legislature would have included language regarding mandatory denials licensees in the absence of language regarding the authority to issue licenses. The effect of the *Rodriguez* decision on *Donnell* must be clarified.

This issue was not preserved below because it arose after the trial.

II. Assuming that that *Donnell*'s conclusion — that section 131F is facially invalid with respect to any arm protected by the Second Amendment — remains good law, this Court must determine whether the large-capacity rifles, firearm and magazines in this case fall within the ambit of the Second Amendment. The answer to this question is “yes,” because as a category, these arms are offensive or defensive weapons in common use today. As such, the licensing scheme imposed on those arms is unconstitutional for the reasons stated in *Donnell*, and the verdicts on counts 1 and 2 should be reversed.

This issue was preserved through a motion to dismiss and motions to reconsider. Because Mr. Abdullah Bey did not apply for a license, he has standing to raise a facial constitutional challenge, but not an as-applied challenge.

III. This Court should determine as a matter of statutory application, whether its decision in *Donnell* requires reversal of the verdicts. Without question, *Donnell* invalidated the portion of section 131F that utilized “may issue” language. The interpretation from *Donnell* “reflects the court’s view of its meaning since the statute’s enactment,” *Commonwealth v. Ashford*, 486 Mass. 450, 453 (2020).

This Court should recognize that section 131F did not differentiate between arms covered by the Second Amendment and those that fell outside the Amendment’s scope. And, as a consequence of the *Donnell* decision, no Massachusetts official had legal authority to issue a license for any arm. Because no one could obtain a license under the statute, the prosecution could not prove the lack of a “valid license” as required for a guilty verdicts on counts 1 and 2.

This sufficiency issue is not raised below.

IV. This Court should recognize that if the Commonwealth cannot prove that any of the alleged co-venturers, including the minor, lacked a valid license, then the Commonwealth cannot prove that a shotgun was improperly stored near a minor. Factually, the shotgun was near the minor at the same time that some adult had constructive possession of the weapon.

This sufficiency question was not raised below.

V. The final existing indictment concerns body armor. If the other three felonies are vacated, so would the body armor count.

In addition, the statute limiting the possession of body armor is unconstitutional. This Court should recognize that body armor is a defensive arm. However, the regulation imposing criminal penalties on a person wearing body armor for any felony, including non-violent felonies, is not consistent with historical tradition as required by *New York State Rifle & Pistol Ass’n v. Bruen*, 597 U.S. 1 (2022). Because the regulation is unconstitutional, the verdict alleging violation of the statute must be vacated.

Neither the sufficiency nor the constitutional questions were raised below. This Court can review the constitutional question for a substantial risk of a miscarriage of justice, and Mr. Abdullah Bey has standing to challenge the constitutionality of a non-license-based statute that resulted in a criminal conviction.

ARGUMENTS

I. THIS COURT’S DECISION IN *DONNELL* SHOULD CONTROL, NOTWITHSTANDING THE *RODRIGUEZ* FOOTNOTE MODIFYING ITS HOLDING.

This Court in *Commonwealth v. Donnell*, 495 Mass. 471, 483 (2025), invalidated the former iteration of General Laws chapter 140, section 131F on its face. This Court should not abrogate that holding.

Applying the the framework from *New York State Rifle & Pistol Ass’n v. Bruen*, 597 U.S. 1 (2022), the *Donnell* Court determined that section 131F did not pass constitutional muster due to impermissible discretion afforded to licensing officials. *See Donnell*, 495 Mass. at 481. Significantly, the Commonwealth asked the *Donnell* Court to sever the statute. *See id.* The Court declined to do so. *Id.* at 483. It reasoned that

“a person’s right to carry was treated as a privilege capable of being conferred or revoked regardless of whether the applicant fell into one of the ‘prohibited person’ categories.” *Id.*

Recently, however, *Commonwealth v. Rodriguez* revisited its *Donnell* decision in a footnote. *See id.*, 496 Mass. 627, 642 n. 8 (2025). *Rodriguez* stated that “our threshold conclusion that the Commonwealth’s nonresident firearm licensing scheme was facially unconstitutional did not take into account the proviso that ‘no license shall be issued to a person who’ has been convicted of a ‘felony’ or a ‘violent crime.’” *Id.*

That is inaccurate. The *Donnell* Court did consider the impact of the “prohibited person” section of the statute. It recognized that “[w]hen a court is compelled to pass upon the constitutionality of a statute . . . the court, as far as possible, will hold the remainder to be constitutional and valid, if the parts . . . are not so entwined that the Legislature could not have intended that the part otherwise valid should take effect without the invalid part.” *Id.*, 495 Mass. at 481 (citation omitted). The Court also contrasted a New Jersey statute that remained “a

coherent and complete law” after removing impermissible language. *Id.* at 482.

The *Rodriguez* Court deemphasized the significance of the foregoing language. Because the *Rodriguez* decision failed to address these essential issues, this Court’s abrogation of its decision decreeing section 131F to be facially invalid must be revisited. By allowing direct appellate review, Court can determine that the “prohibited persons” language was not a stand-alone consideration imposed by the legislature, but rather bound up in the “may issue” licensing scheme. It should recognize that the *Donnell* decision was correctly decided.

II. BECAUSE CARRYING LARGE-CAPACITY ARMS IS PROTECTED BY THE SECOND AMENDMENT, THE *DONNELL* DECISION WOULD APPLY WITH EQUAL FORCE TO CHARGES ARISING FROM G.L. C. 269, § 10(M).

Upon reaffirming the holding in *Donnell*, this Court should determine that it affects all subsections 10 of chapter 269, including subsection 10(m). That is because carrying large-capacity arms is protected by the Second Amendment.

To make this determination, the Court asks two questions: Is the item being carried a “bearable arm,” *District of Columbia v. Heller*, 554 U.S. 570, 581 (2008), and is it in

“common use” today for a lawful purpose such as self-defense. *See Bruen*, 597 U.S. at 32, 47-48. The Second Amendment applies not only to weapons, but to items essential to their functioning. *See Bruen*, 597 U.S. at 28.

Analogously, the First Circuit considered the constitutionality of G.L. c. 140, § 131M and assumed that assault weapons — which generally have a large capacity, *see* G.L. c. 140, § 121 — and large capacity feeding devices are “arms” for purposes of the Second Amendment. *See Capen v. Campbell*, 134 F. 4th 660, 668 (2025). In *Snope v. Brown*, 145 S. Ct. 1534, 1534 (2025), a decision denying certiorari on a different case, Justice Kavanaugh opined that assault weapons would fall within the Second Amendment’s scope because “it can be analytically difficult to distinguish the AR–15s at issue here from the handguns at issue in *Heller*.”

The D.C. Circuit has provided a fulsome explanation for its determination that large capacity magazines fall within the meaning of “arms” under the Second Amendment. In *Hanson v. District of Columbia*, 120 F.4th 223 (2024), *cert. denied*, 145 S. Ct. 2778 (2025), the court ruled that “a magazine is necessary

to make meaningful an individual’s right to carry a handgun for self-defense. To hold otherwise would allow the government to sidestep the Second Amendment with a regulation prohibiting possession at the component level, such as a firing pin.” *Id.* at 232 (quotation omitted). Additionally, large-capacity magazines are in common use for self-defense. *Id.* at 232-233.

In keeping with these cases, this Court likewise should rule that carrying large-capacity rifles and firearms is conduct that falls within the scope of the Second Amendment. All rifles and firearms fall within the general *category* of arms that are both in common use today for defense as well as at the time of the founding. Notably, the district court decision in *Capen v. Campbell* employed precisely this analysis, and the parties — including the Commonwealth — agreed. *Id.*, 708 F. Supp. 3d 65, 79 (D. Mass. 2023).

The categorical approach makes logical sense. If carrying any type of firearm falls within the ambit of the Second Amendment, *see Heller*, 554 U.S. at 582, the fact that the arm can be fitted with a large-capacity magazine should not divest it of constitutional protection.

Large-capacity feeding devices should also be deemed presumptively constitutional. Magazines are not only common; they are essential components that make many firearms and rifles function. *See Bevis v. City of Naperville*, 85 F.4th 1175, 1209 (7th Cir. 2023), *cert. denied*, 144 S.Ct. 2491 (2024) (Brennan, J., dissenting). Irrespective of size, magazines are categorically entitled to protection under the Second Amendment. *See Capen*, 708 F. Supp. 3d at 79, 81.

If this Court makes this ruling, then it must conclude that the licensing scheme regulating these arms, set forth in the former version of G.L. c. 140, § 131F, is unconstitutional for the reasons stated in *Donnell*. *See id.*, 495 Mass. at 483. As such, carrying of these arms cannot be criminalized by section 131F's enforcement mechanism, G.L. c. 269, § 10(m). Consequently, the verdicts on counts 1 and 2 must be vacated.

III. BECAUSE THE LICENSING SCHEME ENFORCED BY SECTION 10(M) HAS BEEN INVALIDATED, NO PERSON COULD BE FOUND GUILTY FOR VIOLATING THE STATUTE.

In accordance with the statutory language, the jury was instructed that it had to consider whether Mr. Abdullah Bey lacked a valid license as an element of proving guilt for counts 1

and 2. *See* G.L. c. 269, § 10(m) (defendant could be found guilty for failing to “possess a valid license to carry firearms issued under section 131 or 131F of chapter 140”). Section 131F purported to allow an authority to issue licenses to carry a “large capacity firearm and a large capacity feeding device” or to permit possession of a large capacity rifle or shotgun. *Id.*

Notwithstanding any abrogation by the *Rodriguez* decision, however, *Donnell* declared invalid the “may issue” clause from in G.L. c. 140, § 131F. *See id.*, 495 Mass. at 481. In effect, the language was struck from the statute — not just on the date of the *Donnell* decision, but all all points in time “since the statute’s enactment.” *Commonwealth v. Ashford*, 486 Mass. 450, 453 (2020). There was no way for a Massachusetts official to issue a license to anyone for any kind of weapon prior to the 2022 amendment of section 131F. Thus, there was no mechanism for any out-of-state defendant to obtain a license.

It became impossible for the Commonwealth to prove or disprove an element of its case, the lack of issuance of a valid license. This is like trying to divide by zero: The result is undefined. Consequently, the Commonwealth’s proof at trial

could not support the verdicts on counts 1 and 2. *See Commonwealth v. Latimore*, 378 Mass. 671, 677 (1979).

Direct appellate review would make clear that the Court's decision in *Donnell* — irrespective of the portion affected by *Rodriguez* — commands that the verdicts on counts 1 and 2 be vacated.

**IV. THE COMMONWEALTH COULD NOT PROVE THAT NO
LAWFUL USER CONTROLLED A SHOTGUN STORED NEAR A
MINOR.**

In this case, a shotgun was located next to the front passenger seat of a Honda Ridgeline while a minor sat in the back. Video showed adults present at all times near the firearm and in control of it. Based on Arguments I and II, *supra*, the Commonwealth could not prove these adults — nor the minor — were unlawful users as required by the statute. G.L. c. 140, § 131L(a) & (c). Direct appellate review would establish that the Commonwealth failed to prove all the elements of the crime. *See Latimore*, 378 Mass. at 677.

V. THE BODY ARMOR STATUTE IS UNCONSTITUTIONAL.

The final charge faced by Mr. Abdullah Bey is possession of body armor during a felony. If the other counts are reversed, this count should be as well.

In addition, General Laws chapter 269, section 10D is unconstitutional. As the Tenth Circuit has recognized, body armor is worn for defensive purposes: “[W]earing body armor is not an inherently threatening act. Much of the time, wearing body armor is an act of self-defense, which reduces rather than increases crime.” *United States v. Patton*, 451 F.3d 615, 629 (10th Cir. 2006), *cert. denied*, 549 U.S. 1213 (2007). Body armor also has a significant civilian tradition in this country, which included its use in the militia context prior to the enactment of the Second and Fourteenth Amendments. *Heller*, 554 U.S. at 624-625; see Harold Peterson, *Arms and Armor in Colonial America, 1526-1783*, at 138-141 (1956). Today, body armor has seen a resurgence and proliferation throughout the country, with a global market worth over \$3.3 billion. See *Body Armor Market Size, Share and Trends 2024 to 2034*, available at precedence.research.com.

Based on the foregoing, this Court should determine that “the Second Amendment’s plain text covers an individual’s conduct” of wearing body armor. *Bruen*, 597 U.S. at 24. The Commonwealth cannot “justify its regulation” of body armor as set forth in G.L. c. 269, § 10D, however, because the statute is not “consistent with the Nation’s historical tradition of [arms] regulation.” *Id.*

The *Bruen* decision directs this Court determine whether “a challenged regulation addresses a general societal problem that has persisted since the 18th century,” noting that “the lack of distinctly similar historical regulation addressing that problem is relevant evidence that the challenged regulation is inconsistent with the Second Amendment.” *Id.*, 597 U.S. at 26. There appear to be no regulations of body armor from the time before the Fourteenth Amendment was enacted, even though the technology was well-known. The absence of regulations should end the inquiry. *See id.*

Analogous regulations command the same result. *United States v. Rahimi* discussed surety and “going armed” laws that helped prevent the misuse of weapons. *Id.*, 602 U.S. 680,

695-698 (2024); *see also Bruen*, 597 U.S. at 50-57. The historic regulations established that when an individual posed a clear threat of physical violence to another, that individual could be disarmed. *See Rahimi*. 602 U.S. at 698.

The conduct restricted by G.L. c. 269, § 10D, does not similarly limit potential violence or disruption of the public peace. By criminalizing the wearing of body armor during *any* felony, the statute fails to hew to the more limited historical restrictions. For examine, for violators of G.L. c. 140, § 131L, the felon wearing the body armor need not even be in the vicinity of the arm.

Because criminalizing the wearing of body armor in connection with all felonies is inconsistent with historical tradition, G.L. c. 269, § 10D is unconstitutional. By allowing direct appellate review, this Court can make this important constitutional ruling, and reverse verdict in this case.

REASONS WHY DIRECT APPELLATE REVIEW IS APPROPRIATE

Following the Supreme Court's decision in *New York State Rifle & Pistol Ass'n v. Bruen*, 597 U.S. 1 (2022), this Court has been tasked with assessing the constitutionality of many

laws in the Commonwealth. It already assessed G.L. c. 140, § 131F, but then abrogated some portion of the *Commonwealth v. Donnell* ruling without engaging a comprehensive analysis which thoroughly examined the law of severance. This case provides the Court the opportunity to do so, and to reaffirm the holding of *Donnell*.

But this Court can do more: it can extend the holding of *Donnell* to large-capacity rifles, firearms and magazines — items criminalized under G.L. c. 269, § 10(m) — by recognizing that possession and carrying of those arms is presumptively constitutional conduct. Alternatively, this Court can recognize that *Donnell* invalidated the “may issue” portion of G.L. c. 140, § 131F *ab initio*, and thus no person had the ability to obtain a license to carry either a regular-capacity or a large-capacity firearm, rifle, or magazine in the Commonwealth until the legislature amended the statute in the wake of the *Bruen* decision.

The Court can also recognize that the existing version of G.L. c. 269, § 10D, regulating the possession of body armor is

unconstitutional because it fails to conform with historical regulations.

These decision should lead to the reversal of all the verdicts against Mr. Abdullah Bey. He asks this Court to grant direct appellate review to resolve the constitutional and statutory issues that affect both him and many other defendants in the Commonwealth.

Respectfully submitted,

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December 2, 2025

CERTIFICATE OF COMPLIANCE

I hereby certify that to the best of my knowledge, this brief complies with the rules of court that pertain to the filing of briefs, including those rules specified in Mass. R. App. P. 16(a) (13), 16(3), 18, 20, and 21. Page limit compliance was achieved by use of 14-point, proportional Georgia font on the word processor Pages, not exceeding 1,965 words for the Arguments section, with 1 1/2 inch left and right margins, 1 inch top and bottom margins.

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December 2, 2025

CERTIFICATE OF SERVICE

I hereby certify that I today filed the attached brief
through the Electronic Filing Service Provider for electronic
service to the following registered user:

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/s/ Suzanne Renaud
Suzanne Renaud
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Latimer, also known as Jamhal Talib
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December 2, 2025

ADDENDUM

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U.S. Const., amend. II

A well regulated Militia, being necessary to the security of a free State, the right of the people to keep and bear Arms, shall not be infringed.

G.L. c. 140, § 131F (effective 2021)

A temporary license to carry firearms or feeding devices or ammunition therefor, within the commonwealth, may be issued by the colonel of state police, or persons authorized by him, to a nonresident or any person not falling within the jurisdiction of a local licensing authority or to an alien that resides outside the commonwealth for purposes of firearms competition and subject to such terms and conditions as said colonel may deem proper; provided, however, that no license shall be issued to a person who

(i) has, in any state or federal jurisdiction, been convicted or adjudicated a youthful offender or delinquent child for the commission of (A) a felony; (B) a misdemeanor punishable by imprisonment for more than 2 years; (C) a violent crime as defined in section 121; (D) a violation of any law regulating the use, possession, ownership, transfer, purchase, sale, lease, rental, receipt or transportation of weapons or ammunition for which a term of imprisonment may be imposed; (E) a violation of any law regulating the use, possession or sale of a controlled substance as defined in section 1 of chapter 94C; or (F) a misdemeanor crime of domestic violence as defined in 18 U.S.C. 921(a)(33);

(ii) has been confined to any hospital or institution for mental illness, unless the applicant submits with his application an affidavit of a registered physician attesting that such physician is familiar with the applicant's mental illness and that in such physician's opinion the applicant is not disabled by such an illness in a manner that should prevent such applicant from possessing a firearm;

(iii) is or has been under treatment for or confinement for drug addiction or habitual drunkenness, unless such applicant is deemed to be cured of such condition by a licensed physician,

and such applicant may make application for said license after the expiration of five years from the date of such confinement or treatment and upon presentment of an affidavit issued by such physician stating that such physician knows the applicant's history of treatment and that in such physician's opinion the applicant is deemed cured;

(iv) is currently subject to: (A) an order for suspension or surrender issued pursuant to section 3B or 3C of chapter 209A or a similar order issued by another jurisdiction; or (B) a permanent or temporary protection order issued pursuant to chapter 209A or a similar order issued by another jurisdiction;

(v) is currently the subject of an outstanding arrest warrant in any state or federal jurisdiction;

(vi) has been discharged from the armed forces of the United States under dishonorable conditions;

(vii) is a fugitive from justice;

(viii) having been a citizen of the United States, has renounced that citizenship;

(ix) not being a citizen or national of the United States, is illegally or unlawfully in the United States; or

(x) not being a citizen or national of the United States, has been admitted to the United States under a nonimmigrant visa as defined in 8 U.S.C. 1101(a)(26), unless the person has been admitted to the United States for lawful hunting or sporting purposes or is in possession of a hunt

ing license or permit lawfully issued in the United States or another exception set forth in 18 U.S.C. 922(y)(2) applies.

Such license shall be valid for a period of one year but the colonel may renew such license, if in his discretion, such renewal is necessary.

The colonel may also issue such license, subject to such terms and conditions as he deems proper, to any resident of the commonwealth for the purposes of sports competition.

A temporary license issued pursuant to this section shall be clearly marked "Temporary License to Carry Firearms" and

shall not be used to purchase firearms in the commonwealth as provided in section 131E. A large capacity firearm and a large capacity feeding device therefor may be carried if the person has been issued a license. The colonel may permit a licensee to possess a large capacity rifle or shotgun or both; provided, however, that this entitlement shall be clearly indicated on the license. The fee for an application for the license shall be \$100, which shall be payable to the licensing authority and shall not be prorated or refunded in case of revocation or denial. The licensing authority shall retain \$25 of the fee; \$50 of the fee shall be deposited into the general fund of the commonwealth; and \$25 of the fee shall be deposited in the Firearms Fingerprint Identity Verification Trust Fund. A license issued under the provisions of this section to a non-resident who is in the employ of a bank, public utility corporation, or a firm engaged in the business of transferring monies, or business of similar nature, or a firm licensed as a private detective under the provisions of chapter one hundred and forty-seven, and whose application is endorsed by his employer, or who is a member of the armed services and is stationed within the territorial boundaries of the commonwealth and has the written consent of his commanding officer, may be issued for any term not to exceed two years, and said licenses shall expire in accordance with the provisions of section one hundred and thirty-one.

A license, otherwise in accordance with provisions of this section, may be issued to a nonresident employee, whose application is endorsed by his employer, of a federally licensed Massachusetts manufacturer of machine guns to possess within the commonwealth a machine gun for the purpose of transporting or testing relative to the manufacture of machine guns, and the license shall be marked "temporary license to possess a machine gun" and may be issued for any term not to exceed two years and shall expire in accordance with the provisions of section one hundred and thirty-one.

G.L. c. 140, § 131L(a) & (c) (effective 2021)

(a) It shall be unlawful to store or keep any firearm, rifle or shotgun including, but not limited to, large capacity weapons, or machine gun in any place unless such weapon is secured in a locked container or equipped with a tamper-resistant mechanical lock or other safety device, properly engaged so as to render such weapon inoperable by any person other than the owner or other lawfully authorized user. It shall be unlawful to store or keep any stun gun in any place unless such weapon is secured in a locked container accessible only to the owner or other lawfully authorized user. For purposes of this section, such weapon shall not be deemed stored or kept if carried by or under the control of the owner or other lawfully authorized user.

(c) A violation of this section shall be punished, in the case of a rifle or shotgun that is not a large capacity weapon and the weapon was stored or kept in a place where a person younger than 18 years of age who does not possess a valid firearm identification card issued under section 129B may have access without committing an unforeseeable trespass, by a fine of not less than \$2,500 nor more than \$15,000 or by imprisonment for not less than 11/2 years nor more than 12 years or by both such fine and imprisonment.

G.L. c. 140, § 131M (effective 2021)

No person shall sell, offer for sale, transfer or possess an assault weapon or a large capacity feeding device that was not otherwise lawfully possessed on September 13, 1994. Whoever not being licensed under the provisions of section 122 violates the provisions of this section shall be punished, for a first offense, by a fine of not less than \$1,000 nor more than \$10,000 or by imprisonment for not less than one year nor more than ten years, or by both such fine and imprisonment, and for a second offense, by a fine of not less than \$5,000 nor more than \$15,000 or by imprisonment for not less than five

years nor more than 15 years, or by both such fine and imprisonment.

The provisions of this section shall not apply to: (i) the possession by a law enforcement officer; or (ii) the possession by an individual who is retired from service with a law enforcement agency and is not otherwise prohibited from receiving such a weapon or feeding device from such agency upon retirement.

G.L. c. 269, § 10 (effective 2021)

(a) Whoever, except as provided or exempted by statute, knowingly has in his possession; or knowingly has under his control in a vehicle; a firearm, loaded or unloaded, as defined in section one hundred and twenty-one of chapter one hundred and forty without either:

- (1) being present in or on his residence or place of business; or
- (2) having in effect a license to carry firearms issued under section one hundred and thirty-one of chapter one hundred and forty; or
- (3) having in effect a license to carry firearms issued under section one hundred and thirty-one F of chapter one hundred and forty; or
- (4) having complied with the provisions of sections one hundred and twenty-nine C and one hundred and thirty-one G of chapter one hundred and forty; or
- (5) having complied as to possession of an air rifle or BB gun with the requirements imposed by section twelve B; and whoever knowingly has in his possession; or knowingly has under control in a vehicle; a rifle or shotgun, loaded or unloaded, without either:

- (1) being present in or on his residence or place of business; or
- (2) having in effect a license to carry firearms issued under section one hundred and thirty-one of chapter one hundred and forty; or

(3) having in effect a license to carry firearms issued under section one hundred and thirty-one F of chapter one hundred and forty; or (4) having in effect a firearms identification card issued under section one hundred and twenty-nine B of chapter one hundred and forty; or

(5) having complied with the requirements imposed by section one hundred and twenty-nine C of chapter one hundred and forty upon ownership or possession of rifles and shotguns; or

(6) having complied as to possession of an air rifle or BB gun with the requirements imposed by section twelve B; shall be punished by imprisonment in the state prison for not less than two and one-half years nor more than five years, or for not less than 18 months nor more than two and one-half years in a jail or house of correction. The sentence imposed on such person shall not be reduced to less than 18 months, nor suspended, nor shall any person convicted under this subsection be eligible for probation, parole, work release, or furlough or receive any deduction from his sentence for good conduct until he shall have served 18 months of such sentence; provided, however, that the commissioner of correction may on the recommendation of the warden, superintendent, or other person in charge of a correctional institution, grant to an offender committed under this subsection a temporary release in the custody of an officer of such institution for the following purposes only: to attend the funeral of a relative; to visit a critically ill relative; or to obtain emergency medical or psychiatric service unavailable at said institution. Prosecutions commenced under this subsection shall neither be continued without a finding nor placed on file.

No person having in effect a license to carry firearms for any purpose, issued under section one hundred and thirty-one or section one hundred and thirty-one F of chapter one hundred and forty shall be deemed to be in violation of this section. The provisions of section eighty-seven of chapter two hundred and seventy-six shall not apply to any person 18 years of age or older, charged with a violation of this subsection, or to any child between ages fourteen and 18 so charged, if the court is of the opinion that the interests of the public require that he should be

tried as an adult for such offense instead of being dealt with as a child.

The provisions of this subsection shall not affect the licensing requirements of section one hundred and twenty-nine C of chapter one hundred and forty which require every person not otherwise duly licensed or exempted to have been issued a firearms identification card in order to possess a firearm, rifle or shotgun in his residence or place of business.

(b) Whoever, except as provided by law, carries on his person, or carries on his person or under his control in a vehicle, any stiletto, dagger or a device or case which enables a knife with a locking blade to be drawn at a locked position, any ballistic knife, or any knife with a detachable blade capable of being propelled by any mechanism, dirk knife, any knife having a double-edged blade, or a switch knife, or any knife having an automatic spring release device by which the blade is released from the handle, having a blade of over one and one-half inches, or a slung shot, blowgun, blackjack, metallic knuckles or knuckles of any substance which could be put to the same use with the same or similar effect as metallic knuckles, nunchaku, zoobow, also known as klackers or kung fu sticks, or any similar weapon consisting of two sticks of wood, plastic or metal connected at one end by a length of rope, chain, wire or leather, a shuriken or any similar pointed starlike object intended to injure a person when thrown, or any armband, made with leather which has metallic spikes, points or studs or any similar device made from any other substance or a cestus or similar material weighted with metal or other substance and worn on the hand, or a manrikigusari or similar length of chain having weighted ends; or whoever, when arrested upon a warrant for an alleged crime, or when arrested while committing a breach or disturbance of the public peace, is armed with or has on his person, or has on his person or under his control in a vehicle, a billy or other dangerous weapon other than those herein mentioned and those mentioned in paragraph (a), shall be punished by imprisonment for not less than two and one-half years nor more than five years in the state prison, or for not less than six months nor more than two and one-half years in a jail or house of correction, except that, if the court finds that the

defendant has not been previously convicted of a felony, he may be punished by a fine of not more than fifty dollars or by imprisonment for not more than two and one-half years in a jail or house of correction.

(c) Whoever, except as provided by law, possesses a machine gun, as defined in section one hundred and twenty-one of chapter one hundred and forty, without permission under section one hundred and thirty-one of said chapter one hundred and forty; or whoever owns, possesses or carries on his person, or carries on his person or under his control in a vehicle, a sawed-off shotgun, as defined in said section one hundred and twenty-one of said chapter one hundred and forty, shall be punished by imprisonment in the state prison for life, or for any term of years provided that any sentence imposed under the provisions of this paragraph shall be subject to the minimum requirements of paragraph (a).

(d) Whoever, after having been convicted of any of the offenses set forth in paragraph (a), (b) or (c) commits a like offense or any other of the said offenses, shall be punished by imprisonment in the state prison for not less than five years nor more than seven years; for a third such offense, by imprisonment in the state prison for not less than seven years nor more than ten years; and for a fourth such offense, by imprisonment in the state prison for not less than ten years nor more than fifteen years. The sentence imposed upon a person, who after a conviction of an offense under paragraph (a), (b) or (c) commits the same or a like offense, shall not be suspended, nor shall any person so sentenced be eligible for probation or receive any deduction from his sentence for good conduct.

(e) Upon conviction of a violation of this section, the firearm or other article shall, unless otherwise ordered by the court, be confiscated by the commonwealth. The firearm or article so confiscated shall, by the authority of the written order of the court be forwarded by common carrier to the colonel of the state police, who, upon receipt of the same, shall notify said court or justice thereof. Said colonel may sell or destroy the same, except that any firearm which may not be lawfully sold in

the commonwealth shall be destroyed, and in the case of a sale, after paying the cost of forwarding the article, shall pay over the net proceeds to the commonwealth.

(f) The court shall, if the firearm or other article was lost by or stolen from the person lawfully in possession of it, order its return to such person.

(g) Whoever, within this commonwealth, produces for sale, delivers or causes to be delivered, orders for delivery, sells or offers for sale, or fails to keep records regarding, any rifle or shotgun without complying with the requirement of a serial number, as provided in section one hundred and twenty-nine B of chapter one hundred and forty, shall for the first offense be punished by confinement in a jail or house of correction for not more than two and one-half years, or by a fine of not more than five hundred dollars.

(h)(1) Whoever owns, possesses or transfers a firearm, rifle, shotgun or ammunition without complying with the provisions of section 129C of chapter 140 shall be punished by imprisonment in a jail or house of correction for not more than 2 years or by a fine of not more than \$500. Whoever commits a second or subsequent violation of this paragraph shall be punished by imprisonment in a house of correction for not more than 2 years or by a fine of not more than \$1,000, or both. Any officer authorized to make arrests may arrest without a warrant any person whom the officer has probable cause to believe has violated this paragraph.

(2) Any person who leaves a firearm, rifle, shotgun or ammunition unattended with the intent to transfer possession of such firearm, rifle, shotgun or ammunition to any person not licensed under section 129C of chapter 140 or section 131 of chapter 140 for the purpose of committing a crime or concealing a crime shall be punished by imprisonment in a house of correction for not more than 2 1/2 years or in state prison for not more than 5 years.

(i) Whoever knowingly fails to deliver or surrender a revoked or suspended license to carry or possess firearms or machine

guns issued under the provisions of section one hundred and thirty-one or one hundred and thirty-one F of chapter one hundred and forty, or firearm identification card, or receipt for the fee for such card, or a firearm, rifle, shotgun or machine gun, as provided in section one hundred and twenty-nine D of chapter one hundred and forty, unless an appeal is pending, shall be punished by imprisonment in a jail or house of correction for not more than two and one-half years or by a fine of not more than one thousand dollars.

(j) For the purposes of this paragraph, “firearm” shall mean any pistol, revolver, rifle or smoothbore arm from which a shot, bullet or pellet can be discharged.

Whoever, not being a law enforcement officer and notwithstanding any license obtained by the person pursuant to chapter 140, carries on the person a firearm, loaded or unloaded, or other dangerous weapon in any building or on the grounds of any elementary or secondary school, college or university without the written authorization of the board or officer in charge of the elementary or secondary school, college or university shall be punished by a fine of not more than \$1,000 or by imprisonment for not more than 2 years or both. A law enforcement officer may arrest without a warrant and detain a person found carrying a firearm in violation of this paragraph.

Any officer in charge of an elementary or secondary school, college or university or any faculty member or administrative officer of an elementary or secondary school, college or university that fails to report a violation of this paragraph shall be guilty of a misdemeanor and punished by a fine of not more than \$500.

<[There is no paragraph (k).]>

(l) The provisions of this section shall be fully applicable to any person proceeded against under section seventy-five of chapter one hundred and nineteen and convicted under section eighty-three of chapter one hundred and nineteen, provided, however, that nothing contained in this section shall impair, impede, or affect the power granted any court by chapter one hundred and

nineteen to adjudicate a person a delinquent child, including the power so granted under section eighty-three of said chapter one hundred and nineteen.

(m) Notwithstanding the provisions of paragraph (a) or (h), any person not exempted by statute who knowingly has in his possession, or knowingly has under his control in a vehicle, a large capacity weapon or large capacity feeding device therefor who does not possess a valid license to carry firearms issued under section 131 or 131F of chapter 140, except as permitted or otherwise provided under this section or chapter 140, shall be punished by imprisonment in a state prison for not less than two and one-half years nor more than ten years. The possession of a valid firearm identification card issued under section 129B shall not be a defense for a violation of this subsection; provided, however, that any such person charged with violating this paragraph and holding a valid firearm identification card shall not be subject to any mandatory minimum sentence imposed by this paragraph. The sentence imposed upon such person shall not be reduced to less than one year, nor suspended, nor shall any person convicted under this subsection be eligible for probation, parole, furlough, work release or receive any deduction from his sentence for good conduct until he shall have served such minimum term of such sentence; provided, however, that the commissioner of correction may, on the recommendation of the warden, superintendent or other person in charge of a correctional institution or the administrator of a county correctional institution, grant to such offender a temporary release in the custody of an officer of such institution for the following purposes only: (i) to attend the funeral of a spouse or next of kin; (ii) to visit a critically ill close relative or spouse; or (iii) to obtain emergency medical services unavailable at such institution. Prosecutions commenced under this subsection shall neither be continued without a finding nor placed on file. The provisions of section 87 of chapter 276 relative to the power of the court to place certain offenders on probation shall not apply to any person 18 years of age or over charged with a violation of this section.

The provisions of this paragraph shall not apply to the possession of a large capacity weapon or large capacity feeding device by (i) any officer, agent or employee of the commonwealth or any other state or the United States, including any federal, state or local law enforcement personnel; (ii) any member of the military or other service of any state or the United States; (iii) any duly authorized law enforcement officer, agent or employee of any municipality of the commonwealth; (iv) any federal, state or local historical society, museum or institutional collection open to the public; provided, however, that any such person described in clauses (i) to (iii), inclusive, is authorized by a competent authority to acquire, possess or carry a large capacity semiautomatic weapon and is acting within the scope of his duties; or (v) any gunsmith duly licensed under the applicable federal law.

(n) Whoever violates paragraph (a) or paragraph (c), by means of a loaded firearm, loaded sawed off shotgun or loaded machine gun shall be further punished by imprisonment in the house of correction for not more than 2 ½ years, which sentence shall begin from and after the expiration of the sentence for the violation of paragraph (a) or paragraph (c).

(o) For purposes of this section, “loaded” shall mean that ammunition is contained in the weapon or within a feeding device attached thereto.

For purposes of this section, “ammunition” shall mean cartridges or cartridge cases, primers (igniter), bullets or propellant powder designed for use in any firearm, rifle or shotgun.

G.L. c. 269, § 10D

Whoever, while in the commission or attempted commission of a felony, uses or wears any body armor, so-called, or any protective covering for the body or any parts thereof, made of resin-treated glass-fiber cloth, or of any other material or combination of materials, designed to prevent, deflect or deter the penetration thereof by ammunition, knives or other weapons, shall be punished by imprisonment in the state prison for not less than two and one-half years nor more than five years or for not less than one year nor more than two and one-half years in a jail or house of correction.

2181CR00361 Commonwealth vs. Latimer, Jamal Tavon Sanders

Case Type:
Indictment
Case Status:
Open
File Date
09/02/2021
DCM Track:
A - Standard
Initiating Action:
FIREARM, POSSESS LARGE CAPACITY c269 §10(m)
Status Date:
10/06/2021
Case Judge:

Next Event:

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

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- Prosecutor

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Party Charge Information

Latimer, Jamal Tavon Sanders

- Defendant

Charge # 1:

269/10/AA-1 - Felony FIREARM, POSSESS LARGE CAPACITY c269 §10(m)

Original Charge

269/10/AA-1 FIREARM, POSSESS LARGE CAPACITY c269 §10(m) (Felony)

Indicted Charge

Amended Charge

Charge Disposition

Disposition Date

Disposition

06/18/2024

Guilty Verdict

Latimer, Jamal Tavon Sanders

- Defendant

Charge # 2:

269/10/AA-1 - Felony FIREARM, POSSESS LARGE CAPACITY c269 §10(m)

Original Charge

269/10/AA-1 FIREARM, POSSESS LARGE CAPACITY c269 §10(m) (Felony)

Indicted Charge

Amended Charge

Charge Disposition

Disposition Date

Disposition

06/18/2024

Guilty Verdict

Latimer, Jamal Tavon Sanders

Date

Disposition

Latimer, Jamal Tavon Sanders

- Defendant

Indicted Charge

Latimer, Jamal Tavon Sanders

- Defendant

Charge # 6:

140/131L/D-1 - Felony RIFLE/SHOTGUN, STORE IMPROP NEAR MINOR c140 §131L(a)&(c)

Original Charge
 140/131L/D-1 RIFLE/SHOTGUN, STORE IMPROP NEAR MINOR c140
 §131L(a)&(c) (Felony)
 Indicted Charge

Amended Charge

Charge Disposition

Disposition Date
 Disposition
 06/18/2024
 Guilty Verdict

[Load Party Charges 6 through 9](#) [Load All 9 Party Charges](#)

Events

Date	Session	Location	Type	Event Judge	Result
10/06/2021 09:00 AM	Woburn Magistrate Session		Arraignment	Flaherty, Daniel	Held as Scheduled
10/06/2021 12:00 PM	Woburn Magistrate Session		58A Dangerousness Hearing	Flaherty, Daniel	Held - Under advisement
11/03/2021 09:00 AM	Criminal 1 Rm 430	Courtroom 430	Scheduling Conference	Pierce, Hon. Laurence D	Held as Scheduled
12/17/2021 09:00 AM	Criminal 1 Rm 430	Courtroom 430	Filing of Motions	Wall, Hon. Joshua	Held as Scheduled
02/10/2022 09:00 AM	Criminal 1 Rm 430		Final Trial Conference	Pierce, Hon. Laurence D	Not Held
02/22/2022 09:00 AM	Criminal 1 Rm 430		Jury Trial	Pierce, Hon. Laurence D	Canceled
03/02/2022 09:00 AM	Criminal 4 Rm 630		Scheduling Conference	Frison, Hon. Shannon	Held via Video/Phone
04/04/2022 10:00 AM	Criminal 4 Rm 630		Bail Hearing	Budreau, Hon. James	Held as Scheduled
05/10/2022 09:00 AM	Criminal 4 Rm 630		Evidentiary Hearing on Suppression	Budreau, Hon. James	Held - Under advisement
05/10/2022 09:05 AM	Criminal 1 Rm 430		Scheduling Conference	Frison, Hon. Shannon	Held as Scheduled
07/11/2022 10:00 AM	Criminal 1 Rm 430		Final Trial Conference		Held as Scheduled
07/14/2022 09:30 AM	Criminal 1 Rm 430		Bail Hearing	Pierce, Hon. Laurence D	Held via Video/Phone
07/15/2022 09:05 AM	Criminal 1 Rm 430		Motion Hearing	Pierce, Hon. Laurence D	Held via Video/Phone
07/28/2022 11:30 AM	Criminal 1 Rm 430		Final Trial Conference	Pierce, Hon. Laurence D	Rescheduled
08/01/2022 09:00 AM	Criminal 1 Rm 430		Jury Trial	Pierce, Hon. Laurence D	Rescheduled
08/29/2022 02:00 PM	Criminal 1 Rm 430		Filing of Motions	Pierce, Hon. Laurence D	Held as Scheduled
08/29/2022 02:30 PM	Criminal 1 Rm 430		Filing of Motions	Pierce, Hon. Laurence D	Held as Scheduled
10/13/2022 02:00 PM	Criminal 1 Rm 430		Non-Evidentiary Hearing to Dismiss	Haggan, Hon. Patrick	Held - Under advisement
10/28/2022 11:30 AM	Criminal 1 Rm 430		Non-Evidentiary Hearing	Haggan, Hon. Patrick	Held as Scheduled
11/01/2022 09:30 AM	Criminal 1 Rm 430		Final Trial Conference		Rescheduled
11/28/2022 09:00 AM	Criminal 1 Rm 430		Jury Trial	Haggan, Hon. Patrick	Rescheduled
04/24/2023 09:05 AM	Criminal 1 Rm 430		Trial Readiness Conference	Pierce, Hon. Laurence D	Held as Scheduled
05/22/2023 09:00 AM	Criminal 2 Rm 530		Scheduling Conference	Deakin, Hon. David A	Held via Video/Phone






Date	Session	Location	Type	Event Judge	Result
05/22/2023 09:05 AM	Criminal 2 Rm 530		Jury Trial	Deakin, Hon. David A	Rescheduled
06/21/2023 02:00 PM	Criminal 2 Rm 530		Non-Evidentiary Hearing to Dismiss	Deakin, Hon. David A	Held - Under advisement
07/11/2023 02:00 PM	Criminal 2 Rm 530		Trial Readiness Conference	Deakin, Hon. David A	Rescheduled
08/09/2023 09:00 AM	Criminal 2 Rm 530		Jury Trial	Deakin, Hon. David A	Rescheduled
01/17/2024 09:00 AM	Criminal 2 Rm 530	Courtroom 530	Hearing on Motion to Continue	Freniere, Hon Diane	Held via Video/Phone
02/01/2024 02:00 PM	Criminal 2 Rm 530	Courtroom 530	Trial Readiness Conference	Freniere, Hon Diane	Not Held
02/06/2024 02:00 PM	Criminal 2 Rm 530	Courtroom 530	Final Trial Conference	Freniere, Hon Diane	Held via Video/Phone
02/26/2024 09:00 AM	Criminal 2 Rm 530	Courtroom 530	Jury Trial	Freniere, Hon Diane	Rescheduled
02/28/2024 09:00 AM	Criminal 2 Rm 530	Courtroom 530	Jury Trial	Freniere, Hon Diane	Rescheduled
03/08/2024 11:15 AM	Criminal 2 Rm 530	Courtroom 530	Conference to Review Status	Freniere, Hon Diane	Held via Video/Phone
03/11/2024 09:00 AM	Criminal 2 Rm 530	Courtroom 530	Jury Trial	Freniere, Hon Diane	Rescheduled
05/09/2024 03:00 PM	Criminal 3 Rm 540	Courtroom 540	Hearing on Motion(s) in Limine	Deakin, Hon. David A	Canceled
05/13/2024 09:00 AM	Criminal 3 Rm 540	Courtroom 540	Hearing on Motion to Continue	Deakin, Hon. David A	Held via Video/Phone
05/20/2024 09:00 AM	Criminal 3 Rm 540	Courtroom 540	Jury Trial	Deakin, Hon. David A	Rescheduled
05/20/2024 02:00 PM	Criminal 3 Rm 540	Courtroom 540	Hearing on Motion(s) in Limine	Deakin, Hon. David A	Held as Scheduled
05/21/2024 09:00 AM	Criminal 3 Rm 540	Courtroom 540	Jury Trial	Deakin, Hon. David A	Rescheduled
05/22/2024 02:00 PM	Criminal 3 Rm 540	Courtroom 540	Hearing on Motion(s) in Limine	Deakin, Hon. David A	Held as Scheduled
05/23/2024 09:00 AM	Criminal 3 Rm 540	Courtroom 540	Jury Trial	Deakin, Hon. David A	Held as Scheduled
05/28/2024 09:00 AM	Criminal 3 Rm 540	Courtroom 540	Jury Trial	Deakin, Hon. David A	Held as Scheduled
05/29/2024 09:00 AM	Criminal 3 Rm 540	Courtroom 540	Jury Trial	Deakin, Hon. David A	Held as Scheduled
05/30/2024 09:00 AM	Criminal 3 Rm 540	Courtroom 540	Jury Trial	Deakin, Hon. David A	Held as Scheduled
05/31/2024 09:00 AM	Criminal 3 Rm 540	Courtroom 540	Jury Trial	Deakin, Hon. David A	Canceled
06/03/2024 09:00 AM	Criminal 3 Rm 540	Courtroom 540	Jury Trial	Deakin, Hon. David A	Held as Scheduled
06/05/2024 09:00 AM	Criminal 3 Rm 540	Courtroom 540	Jury Trial	Deakin, Hon. David A	Held as Scheduled
06/06/2024 09:00 AM	Criminal 3 Rm 540	Courtroom 540	Jury Trial	Deakin, Hon. David A	Held as Scheduled
06/10/2024 09:00 AM	Criminal 3 Rm 540	Courtroom 540	Jury Trial	Deakin, Hon. David A	Held as Scheduled
06/11/2024 09:00 AM	Criminal 3 Rm 540	Courtroom 540	Jury Trial	Deakin, Hon. David A	Held as Scheduled
06/12/2024 09:00 AM	Criminal 3 Rm 540	Courtroom 540	Jury Trial	Deakin, Hon. David A	Held as Scheduled
06/13/2024 09:00 AM	Criminal 3 Rm 540	Courtroom 540	Jury Trial	Deakin, Hon. David A	Held as Scheduled

Date	Session	Location	Type	Event Judge	Result
06/17/2024 09:00 AM	Criminal 3 Rm 540	Courtroom 540	Jury Trial	Deakin, Hon. David A	Held as Scheduled
06/18/2024 09:00 AM	Criminal 3 Rm 540	Courtroom 540	Jury Trial	Deakin, Hon. David A	Held as Scheduled
07/16/2024 03:00 PM	Criminal 3 Rm 540	Courtroom 540	Hearing for Sentence Imposition	Deakin, Hon. David A	Held as Scheduled
04/16/2025 02:30 PM	Criminal 1 Rm 430	Courtroom 430	Non-Evidentiary Hearing		Held via Video/Phone
05/16/2025 02:00 PM	Criminal 1 Rm 430	Courtroom 430	Hearing for Sentence Imposition	Haggan, Hon. Patrick	Held via Video/Phone

Ticklers

Tickler	Start Date	Due Date	Days Due	Completed Date
Pre-Trial Hearing	10/06/2021	01/04/2022	90	07/16/2024
Final Pre-Trial Conference	10/06/2021	03/21/2022	166	07/16/2024
Case Disposition	10/06/2021	04/04/2022	180	07/16/2024
Under Advisement	10/06/2021	11/05/2021	30	11/03/2021
Under Advisement	05/10/2022	06/09/2022	30	
Under Advisement	10/13/2022	11/12/2022	30	
Under Advisement	06/21/2023	07/21/2023	30	

Docket Information

Docket Date	Docket Text	File Ref Nbr.	Image Avail.
09/02/2021	Indictment(s) returned	1	
09/28/2021	Commonwealth 's Notice of Discovery I	2	
09/29/2021	Habeas Corpus for defendant issued to Middlesex Jail returnable for 10/06/2021 09:00 AM Arraignment. IN PERSON PLEASE TRANSPORT	3	
09/30/2021	Attorney appearance On this date Daniel Peter Thompson, Esq. added as Appointed - Indigent Defendant for Defendant Jamal Tavon Sanders Latimer Appointment made for the purpose of Case in Chief by Judge Hon. Laurence D Pierce. (stand -by counsel only)		
09/30/2021	Commonwealth Daniel Peter Thompson, Esq.'s Notice of Discovery II	4	
10/06/2021	Attorney appearance On this date Graham G Van Epps, Esq. added as Attorney for the Commonwealth for Prosecutor Middlesex District Attorney		
10/06/2021	Event Result:: Arraignment scheduled on: 10/06/2021 09:00 AM Has been: Held as Scheduled Comments: FTR: S. Mattos Hon. Laurence D Pierce, Presiding Appeared: Prosecutor Graham G Van Epps, Esq., Attorney for the Commonwealth Defendant Jamal Tavon Sanders Latimer Daniel Peter Thompson, Esq., Appointed - Indigent Defendant PO Lyons Staff: Christina Lucci, Assistant Clerk		
10/06/2021	Defendant arraigned before Court. Judge: Pierce, Hon. Laurence D		
10/06/2021	Defendant waives reading of indictment Judge: Pierce, Hon. Laurence D		

Docket Date	Docket Text	File Ref Nbr.	Image Avail.
10/06/2021	Plea of not guilty entered on all charges. Judge: Pierce, Hon. Laurence D		
10/06/2021	Court inquires of Commonwealth if abuse, as defined by G.L. c. 209A, § 1, is alleged to have occurred immediately prior to or in connection with the charged offense(s). Judge: Pierce, Hon. Laurence D		
10/06/2021	Court finds NO abuse is alleged in connection with the charged offense. G.L. c. 276, § 56A. Judge: Pierce, Hon. Laurence D		
10/06/2021	Commonwealth 's Motion for a Detention Hearing	5	
10/06/2021	Commonwealth files the statement of the case.	6	
10/06/2021	The defendant\petitioner is committed without bail for the following reason: Per Order of the Court. Judge: Pierce, Hon. Laurence D	7	
10/06/2021	Case assigned to: DCM Track A - Standard was added on 10/06/2021		
10/06/2021	List of exhibits for 58A Dangerousness Hearing	8	
10/06/2021	Matter taken under advisement: 58A Dangerousness Hearing scheduled on: 10/06/2021 12:00 PM Has been: Held - Under advisement Comments: All parties appeared in person Hon. Laurence D Pierce, Presiding Appeared: Prosecutor Graham G Van Epps, Esq., Attorney for the Commonwealth Defendant Jamal Tavon Sanders Latimer Daniel Peter Thompson, Esq., Appointed - Indigent Defendant (stand by) APO Lyons Staff: Christina Lucci, Assistant Clerk Court Reporter FTR Steven Mattos		
10/12/2021	Commonwealth 's Submission of Proposed Findings of Fact and Rulings of Law Following the G.L.c. 276, 58A Detention Hearing	9	
10/13/2021	Commonwealth 's Submission of Proposed Findings of Fact and Rulings of Law Following the G.L.c. 276, 58A Detention Hearing (AMENDED)	10	
10/19/2021	Defendant 's Submission of Proposed Findings of Fact and Rulings of Law Following G.L. 276, 58A Detention Hearing	11	
11/01/2021	Pro Se Defendant 's Submission of Refiling of Arguments to be Entered into the Record	12	
11/02/2021	Event Result:: Scheduling Conference scheduled on: 11/03/2021 09:00 AM Has been: Held as Scheduled Hon. Joshua Wall, Presiding Staff: Michelle Goldman, Assistant Clerk Magistrate Mary Santiago, Assistant Clerk Magistrate		
11/02/2021	Scheduled: Event: Jury Trial Date: 02/22/2022 Time: 09:00 AM Result: Canceled		
11/03/2021	MEMORANDUM & ORDER: on Commonwealth's Motion for Pretrial Detention Pursuant to G.L. c. 276, sec. 58A (emailed to parties) The Commonwealth's request for detention if ALLOWED. Judge: Pierce, Hon. Laurence D	13	
11/03/2021	The defendant\petitioner is committed without bail for the following reason: Held due to dangerousness C.276 § 58A. Judge: Pierce, Hon. Laurence D	14	

Docket Date	Docket Text	File Ref Nbr.	Image Avail.
11/15/2021	Commonwealth 's Notice of Discovery III	15	
11/16/2021	List of exhibits for 58A Dangerous Exhibit (Updated)	16	 
11/22/2021	General correspondence regarding Letter from Def. firing Daniel Thompson for neglect and inadequate assistance	17	
11/22/2021	Pro Se Defendant 's Submission of Writ of dismissal based on due process violations constitutional violation; lack of probable cause; lack of reasonable suspicion; unlawful search and seizure; lack of injured party; lack of a corpus delecti; lack of criminal intent; et alia	18	 
11/22/2021	Pro Se Defendant 's Submission of Appeal for Single Justice Review of Dangerousness	19	
11/24/2021	Pro Se Defendant 's Submission of Supplemental argument for and in addition to the Writ to Dismiss the indictment dated November 7, 2021	20	 
11/24/2021	Pro Se Defendant 's Submission of Judicial Notice of the Treaty from "founders.archive.gov/documents/adams/6-18-02-0196	21	 
11/24/2021	Pro Se Defendant 's Submission of Notice of Discovery Violation	22	 
11/24/2021	Docket Note: Correspondence from Billerica HOC-submitted by the defendant		
12/06/2021	Commonwealth 's Notice of Discovery IV	23	
12/16/2021	Commonwealth 's Notice of discovery V	24	 
12/17/2021	Event Result:: Filing of Motions scheduled on: 12/17/2021 09:00 AM Has been: Held as Scheduled Comments: via email Hon. Joshua Wall, Presiding Staff: Michelle Goldman, Assistant Clerk Magistrate Mary Santiago, Assistant Clerk Magistrate		 
12/17/2021	Defendant 's Motion To Suppress Evidence Obtained From Warrantless Search	25	
12/17/2021	Affidavit of Defendant In Support Of Motion To Suppress	25.1	 
02/08/2022	Commonwealth 's Notice Of Discovery VI	26	 
02/09/2022	Commonwealth 's Notice of Discovery VII	27	 
02/09/2022	Event Result:: Jury Trial scheduled on: 02/22/2022 09:00 AM Has been: Canceled For the following reason: By Court prior to date Comments: See Freniere Order dated 2/9/22 Hon. Laurence D Pierce, Presiding Staff: Michelle Goldman, Assistant Clerk Magistrate Mary Santiago, Assistant Clerk Magistrate		
02/09/2022	ORDER: ORAL ORDER: In light of the fact that motions to suppress have been filed and are currently pending, the final trial conference scheduled for February 10, 2022 and trial date scheduled for February 22, 2022, have been canceled, and will be rescheduled following scheduling on the motions to suppress. Freniere, J. 2/9/22		
02/09/2022	Event Result:: Final Trial Conference scheduled on: 02/10/2022 09:00 AM Has been: Not Held For the following reason: By Court prior to date Comments: See Freniere Order dated 2/9/22 Hon Diane Freniere, Presiding Staff: Michelle Goldman, Assistant Clerk Magistrate Mary Santiago, Assistant Clerk Magistrate		
02/09/2022	Docket Note: Notice of Oral Order dated 2/9/22 (Freniere, J.) -Mailed to defendant @ Billerica HOC		
02/16/2022	Pro Se Defendant 's Submission of Supplemental Arguments	28	 
02/16/2022	Pro Se Defendant 's Submission of Supplemental Argument for and in addition to the Writ to Dismiss the Indictments dated November 7, 2021	28.1	 











Docket Date	Docket Text	File Ref Nbr.	Image Avail.
02/16/2022	Pro Se Defendant 's Notice of Discovery Violation	28.2	
02/16/2022	Pro Se Defendant 's Submission of Judicial Notice of the Treaty from "founders.archive.gov/documents/adams/06-18-02-0196	28.3	
02/16/2022	Pro Se Defendant 's Submission of Letter regarding Atty. Daniel Thompson	28.4	
02/16/2022	Pro Se Defendant 's Submission of Writ of Dismissal based on due process violation; constitutional violation; lack of probable cause; lack of reasonable suspicion; unlawful search and seizur; lack of injured party; lack of a corpus delect; lack of criminal intent; et alia	28.5	
02/16/2022	Pro Se Defendant 's Submission regarding Appeal for Single Justice Review of Dangerousness	28.6	
02/16/2022	Pro Se Defendant 's Submission of Judicial Notice and memorandum of law regarding the unconstitutional 14th Amendment et al	28.7	
02/23/2022	Commonwealth 's Motion to Exclude Time	29	
02/24/2022	Habeas Corpus for defendant issued to Middlesex Jail returnable for 03/02/2022 09:00 AM Scheduling Conference. ZOOM APPEARANCE ZOOM APPEARANCE	30	
03/02/2022	Other Records received from Rhode Island Division of Motor Vehicles		
03/02/2022	Event Result:: Scheduling Conference scheduled on: 03/02/2022 09:00 AM Has been: Held via Video/Teleconference Comments: S. Mattos FTR Monitor Hon. Shannon Frison, Presiding Appeared: Prosecutor Graham G Van Epps, Esq., Attorney for the Commonwealth Defendant Jamal Tavon Sanders Latimer Daniel Peter Thompson, Esq., Appointed - Indigent Defendant Staff: Lucille Pasquale, Assistant Clerk Magistrate		
03/02/2022	Docket Note: After hearing and full colloquy regarding the defendants waiver of counsel and request to proceed pro se, the Court orders that a notation be made onto the docket that all filing dates were selected by the defendant with the assistance of stand by counsel. S. Mattos FTR Monitor Attest: LP/ACM Judge: Frison, Hon. Shannon		
03/04/2022	Docket Note:		
03/18/2022	Pro Se Defendant 's Submission of Notice	31	
03/18/2022	Pro Se Defendant 's Motion for release regarding bail hearing	32	
03/18/2022	Affidavit of Fact and Memorandum of Law regarding my pro se status	33	
03/18/2022	Pro Se Defendant 's Notice Memo/Notice attached to and of "Motion" to Suppress evidence	34	
03/18/2022	Pro Se Defendant 's Motion to suppress	35	
03/18/2022	Pro Se Defendant 's Motion to dismiss In Interest of Justice	36	
03/18/2022	Pro Se Defendant 's Motion for Joinder	37	
03/18/2022	Pro Se Defendant 's Objection to Prosecutors Exclusion of time motion	38	
03/31/2022	Habeas Corpus for defendant issued to Middlesex Jail returnable for 04/04/2022 10:00 AM Bail Hearing. IN PERSON TRANSPORT IN PERSON TRANSPORT	39	
03/31/2022	Commonwealth 's Motion to Extend the Defendant's Pretrial Detention Pending Trial for Good Cause	40	
04/04/2022	Event Result:: Bail Hearing scheduled on: 04/04/2022 10:00 AM Has been: Held as Scheduled Comments: R.. Petrucci FTR monitor Hon. James Budreau, Presiding		







Docket Date	Docket Text	File Ref Nbr.	Image Avail.
	<p>Appeared:</p> <p>Prosecutor Graham G Van Epps, Esq., Attorney for the Commonwealth</p> <p>Defendant Jamal Tavon Sanders Latimer Daniel Peter Thompson, Esq., Appointed - Indigent Defendant</p> <p>Staff: Lucille Pasquale, Assistant Clerk Magistrate</p>		
04/05/2022	Commonwealth 's Motion for The Court To Direct The Defendant To Submit A More Definite Affidavit In Support Of His Motions To Suppress	41	
04/05/2022	Pro Se Defendant 's Submission regarding Cover sheet for Motion to Suppress	42	
04/05/2022	Pro Se Defendant 's Submission of Amendment "2" for "motion" to Suppress. (Additional facts, information and memorandum of law with supporting grounds previous and additional arguments (Attachments attached to motion but, could not be scanned)	43	 Image  Image
04/11/2022	Endorsement on Commonwealth's Motion To Extend The Defendant's Pre Trial Detention Pending Trial For Good Cause, (#40.0): No Action Taken		 Image
	Judge: Budreau , Hon. James		
04/11/2022	Endorsement on Commonwealth's Motion For The Court To Direct The Defendant To Submit A More Definite Affidavit In Support Of His Motions To Suppress,, (#41.0): ALLOWED Commonwealth's Motion is ALLOWED for the reasons stated on pages 5-7 of this motion. Defendant's affidavit must be based upon personal knowledge and signed. This affidavit must be filed on or before April 22, 2022. The affidavit must be specific and compliant with Rules of Criminal Procedure Rule 13 and Superior Court Rule 61.		 Image
04/11/2022	Endorsement on Commonwealth's Motion To Exclude Time, (#29.0): ALLOWED but this courts calculation is different. A total of 146 non excludable time has elapsed to date. See Court's Memorandum of Decision and Order issued this day.		 Image
	Judge: Budreau , Hon. James		
04/11/2022	MEMORANDUM & ORDER: Memorandum Of Decision And Order On Commonwealth's Motion To Exclude Time ORDER The Commonwealth's motion to exclude time is ALLOWED for the reasons set forth above and the nonexcludable time that has elapsed for purposes of G.L. c. 276 s. 58A is 146 days. The speedy trial clock will continue to tick after May 10, 2022 unless there are additional excludable dates that apply after the hearing.	44	 Image
	Judge: Budreau , Hon. James		
04/19/2022	Pro Se Defendant 's Submission of Affidavit of Fact(s) In Support of Motion to Suppress	45	
04/19/2022	Pro Se Defendant 's Motion to have prosecutor removed	46	 Image
04/19/2022	Affidavit of In Support of his motion	46.1	 Image
04/19/2022	Pro Se Defendant 's Submission of Interlocutory Appeal for Single Justice review of Rule 36 & Bail hearing decision	47	 Image
04/29/2022	Commonwealth 's Response ; Commonwealth's Omnibus Response To Defendant's Pre Trial Motions	48	 Image
04/29/2022	Pro Se Defendant 's Memorandum of Law	49	 Image
05/04/2022	Habeas Corpus for defendant issued to Middlesex Jail returnable for 05/10/2022 09:05 AM Scheduling Conference. IN PERSON TRANSPORT	50	 Image
05/10/2022	<p>Event Result:: Scheduling Conference scheduled on: 05/10/2022 09:05 AM Has been: Held as Scheduled Hon. Shannon Frison, Presiding</p> <p>Appeared:</p> <p>Prosecutor Graham G Van Epps, Esq., Attorney for the Commonwealth</p> <p>Defendant Jamal Tavon Sanders Latimer Daniel Peter Thompson, Esq., Appointed - Indigent Defendant</p> <p>Staff: Michelle Goldman, Assistant Clerk Magistrate Mary Santiago, Assistant Clerk Magistrate PO Sara Lyons FTR Steve Mattos</p>		

Docket Date	Docket Text	File Ref Nbr.	Image Avail.
05/10/2022	List of exhibits MOTION TO SUPPRESS	51	 Image
05/10/2022	Scheduled: Event: Jury Trial Date: 08/01/2022 Time: 09:00 AM Result: Rescheduled Result: Rescheduled Result: Rescheduled		
05/10/2022	Matter taken under advisement: Evidentiary Hearing on Suppression scheduled on: 05/10/2022 09:00 AM Has been: Held - Under advisement Comments: Kayleigh Jordan FTR Monitor Hon. James Budreau , Presiding Appeared: Prosecutor Graham G Van Epps, Esq., Attorney for the Commonwealth Defendant Jamal Tavon Sanders Latimer Daniel Peter Thompson, Esq., Appointed - Indigent Defendant Staff: Lucille Pasquale, Assistant Clerk Magistrate		
05/16/2022	Pro Se Defendant 's Motion requesting the court to bar the commonwealth from referring to me as or identifying me as a "Sovereign Citizen"; and Affidavit	52	 Image
05/16/2022	Jamal Tavon Sanders Latimer's Memorandum	52.1	 Image
05/20/2022	Pro Se Defendant 's Motion requesting the court to give full faith and credit to the following: HR 069 (state of Illinois) HR 1203 (State of Georgia) and Tile 29; 106 Delaware Code; and to make a finding	53	 Image
05/20/2022	Jamal Tavon Sanders Latimer's Memorandum and additional argument	53.1	 Image
05/20/2022	Jamal Tavon Sanders Latimer's Memorandum Of Law	53.2	 Image
05/20/2022	Pro Se Defendant 's Supplemental Argument and Memorandum for the "motion" to suppress	54	 Image
05/23/2022	Commonwealth 's EX PARTE Motion for Process to Compel an Out-of-State Witness to Appear, Produce Records. and Testify at a Criminal Trial in Massachusetts	55	
05/23/2022	Endorsement on Motion for Process to Compel an Out-Of-State Witness to Appear, Produce Records, and Testify at a Criminal Trial in Massachusetts, (#55.0): ALLOWED Allowed. (Laurence Pierce, J.) Judge: Pierce, Hon. Laurence D		 Image
05/23/2022	ORDER: Certificate of Judge and Petition for Process for an Out-of-State Witness to Appear, Produce Records, and Testify at Criminal Trial in Massachusetts Judge: Pierce, Hon. Laurence D	56	 Image
06/16/2022	Pro Se Defendant 's Request for Emergency Bail Hearing	57	 Image
06/16/2022	MEMORANDUM & ORDER: Omnibus Memorandum Of Decision And Order On Defendant's Pretrial Motions Judge: Budreau , Hon. James	58	 Image
06/23/2022	Habeas Corpus for defendant issued to Middlesex Jail returnable for 07/11/2022 10:00 AM Final Trial Conference. *** IN PERSON HABE- PLEASE TRANSPORT ***	59	 Image
06/23/2022	Habeas Corpus for defendant issued to Middlesex Jail returnable for 07/14/2022 09:05 AM Bail Hearing. *** ZOOM HABE ***	60	 Image
06/30/2022	Commonwealth 's Notice of Discovery VIII	61	 Image
07/11/2022	Attorney appearance On this date Pro Se added for Defendant Jamal Tavon Sanders Latimer		
07/11/2022	Attorney appearance On this date Ryan J Rall, Esq. added as Attorney for the Commonwealth for Prosecutor Middlesex District Attorney		
07/11/2022	Event Result:: Final Trial Conference scheduled on: 07/11/2022 10:00 AM Has been: Held as Scheduled		

Docket Date	Docket Text	File Ref Nbr.	Image Avail.
	Comments: FTR: S. Mattos Hon. Kristen Buxton, Presiding Appeared: Prosecutor Ryan J Rall, Esq., Attorney for the Commonwealth Defendant Jamal Tavon Sanders Latimer Daniel Peter Thompson, Esq., Appointed - Indigent Defendant Pro Se, Staff: Michelle Goldman, Assistant Clerk Magistrate Mary Santiago, Assistant Clerk Magistrate		
07/14/2022	Habeas Corpus for defendant issued to Middlesex Jail returnable for 07/15/2022 09:05 AM Motion Hearing. VIDEO HABE- ZOOM	62	 Image
07/14/2022	Bail set at \$80,000.00 Surety, \$8,000.00 Cash. Judge: Pierce, Hon. Laurence D		
07/14/2022	Issued on this date: Mittimus in Lieu of Bail Sent On: 07/14/2022 10:45:43	63	 Image
07/14/2022	Bail warnings read Judge: Pierce, Hon. Laurence D		
07/14/2022	Conditions of release on bail: Other Special Condition 1) Must reside at 2) May not possess any weapons, firearms, ntles, guns, or incendiary devices. Defendant acknowledged and agreed to all conditions on the record. Judge: Pierce, Hon. Laurence D		
07/14/2022	Event Result:: Bail Hearing scheduled on: 07/14/2022 09:30 AM Has been: Held via Video/Teleconference Comments: FTR: S. Mattos Hon. Laurence D Pierce, Presiding Appeared: Prosecutor Graham G Van Epps, Esq., Attorney for the Commonwealth Ryan J Rall, Esq., Attorney for the Commonwealth Defendant Jamal Tavon Sanders Latimer Daniel Peter Thompson, Esq., Appointed - Indigent Defendant Staff: Michelle Goldman, Assistant Clerk Magistrate Mary Santiago, Assistant Clerk Magistrate		
07/14/2022	Commonwealth 's Response to omnibus defendant's pretrial motions	64	 Image
07/15/2022	Event Result:: Motion Hearing scheduled on: 07/15/2022 09:05 AM Has been: Held via Video/Teleconference Comments: FTR: S. Mattos Hon. Laurence D Pierce, Presiding Appeared: Prosecutor Graham G Van Epps, Esq., Attorney for the Commonwealth Defendant Jamal Tavon Sanders Latimer Daniel Peter Thompson, Esq., Appointed - Indigent Defendant Staff: Michelle Goldman, Assistant Clerk Magistrate Mary Santiago, Assistant Clerk Magistrate		
07/18/2022	Commonwealth 's Motion for a protective order	65	 Image
07/18/2022	ORDER: protective order	66	 Image
07/18/2022	Pro Se Defendant 's Motion for dismissal of accusatory instrument on the ground of affirmative defense et al. ("the affirmative defense "Motion")	67	 Image
07/18/2022	Defendant 's Motion for release pursuant to G.L.c.276, S58A upon expiration of 180-day order of pre-trial detention	68	 Image
07/18/2022	Defendant 's Motion for enlargement of time for filing interlocutory appeal	69	

Docket Date	Docket Text	File Ref Nbr.	Image Avail.
07/18/2022	Endorsement on Motion for enlargement of time for filing interlocutory appeal, (#69.0): ALLOWED		
07/28/2022	Event Result:: Final Trial Conference scheduled on: 07/28/2022 11:30 AM Has been: Rescheduled For the following reason: Request of Defendant Hon. Laurence D Pierce, Presiding Staff: Michelle Goldman, Assistant Clerk Magistrate Mary Santiago, Assistant Clerk Magistrate		
07/28/2022	Event Result:: Jury Trial scheduled on: 08/01/2022 09:00 AM Has been: Rescheduled For the following reason: Request of Defendant Hon. Laurence D Pierce, Presiding Staff: Michelle Goldman, Assistant Clerk Magistrate Mary Santiago, Assistant Clerk Magistrate		
07/28/2022	Scheduled: Event: Jury Trial Date: 11/28/2022 Time: 09:00 AM Result: Rescheduled		
07/28/2022	Rule 36 waived re: by defendant from 8/1/22 through 11/28/22		
07/28/2022	Other Records received from New York State Department of Motor Vehicles		
08/23/2022	Notice to the Supreme Judicial Court of Interlocutory Appeal (Denial of Motion to Suppress) (Transcript of 5/10/22 attached to notice of appeal-NOT SCANNED) Applies To: Latimer, Jamal Tavon Sanders (Defendant)	71	
08/29/2022	Event Result:: Filing of Motions scheduled on: 08/29/2022 02:00 PM Has been: Held as Scheduled Hon. Kristen Buxton, Presiding Appeared: Prosecutor Graham G Van Epps, Esq., Attorney for the Commonwealth Ryan J Rall, Esq., Attorney for the Commonwealth Defendant Jamal Tavon Sanders Latimer Daniel Peter Thompson, Esq., Appointed - Indigent Defendant Staff: Michelle Goldman, Assistant Clerk Magistrate Mary Santiago, Assistant Clerk Magistrate		
08/29/2022	Event Result:: Filing of Motions scheduled on: 08/29/2022 02:30 PM Has been: Held as Scheduled Hon. Kristen Buxton, Presiding Appeared: Prosecutor Graham G Van Epps, Esq., Attorney for the Commonwealth Ryan J Rall, Esq., Attorney for the Commonwealth Defendant Jamal Tavon Sanders Latimer Daniel Peter Thompson, Esq., Appointed - Indigent Defendant PO Carbonello Staff: Michelle Goldman, Assistant Clerk Magistrate Lia Marino, Assistant Clerk Magistrate Kayleigh Jordan, FTR		
08/31/2022	Commonwealth 's Motion to Join Defendant for Trial	72	
09/19/2022	The following form was generated: Notice to Appear Sent On: 09/19/2022 14:22:31 Applies To: Latimer, Jamal Tavon Sanders (Defendant) (10/28/22 Non-Evidentiary Hearing) Notice mailed to Deft. on 9/19/22		
09/19/2022	Event Result:: Final Trial Conference scheduled on: 11/01/2022 09:30 AM Has been: Rescheduled For the following reason: By Court prior to date Comments: to be handled on 10/28/22 with motion to join Hon. Laurence D Pierce, Presiding		


Docket Date	Docket Text	File Ref Nbr.	Image Avail.
	Staff: Michelle Goldman, Assistant Clerk Magistrate Mary Santiago, Assistant Clerk Magistrate		
09/19/2022	General correspondence regarding Notice to Appear for 10/28/22 Hearing Applies To: Latimer, Jamal Tavon Sanders (Defendant)	73	 Image
10/05/2022	Docket Note: Received Notice that was mailed to Jamal T. Latimer (P#73) returned to Clerk's Office (stating return to sender Attempted not known-unable to forward)		
10/13/2022	Matter taken under advisement: Non-Evidentiary Hearing to Dismiss scheduled on: 10/13/2022 02:00 PM Has been: Held - Under advisement Hon. Patrick Haggan, Presiding Appeared: Prosecutor Graham G Van Epps, Esq., Attorney for the Commonwealth Ryan J Rall, Esq., Attorney for the Commonwealth Defendant Jamal Tavon Sanders Latimer Daniel Peter Thompson, Esq., Appointed - Indigent Defendant Pro Se, Staff: Michelle Goldman, Assistant Clerk Magistrate Mary Santiago, Assistant Clerk Magistrate PO Mark Mattos FTR Steve Matos		
10/21/2022	Notice of docket entry received from Supreme Judicial Court COMMONWEALTH OF MASSACHUSETTS SUPREME JUDICIAL COURT FOR THE COUNTY OF SUFFOLK CLERK'S OFFICE RE: No. SJ-2022-0388 COMMONWEALTH v. JAMHAL TALIB ABDULLAH BEY Lower Court: Middlesex Superior Court Lower Court No: 2181CR00361 NOTICE OF DOCKET ENTRY You are hereby notified that on October 21, 2022, the following was entered on the docket of the above-referenced case: ORDER: Interlocutory appeal denied. (Lowy, J.) Very truly yours, /s/ Maura S. Doyle Maura S. Doyle Clerk Dated: October 21, 2022 To: Thomas D. Ralph, Chief, App. Div. Ryan J. Rall, Esquire Middlesex Superior Court Dept. Daniel Peter Thompson, Esquire	74	 Image
10/21/2022	Commonwealth 's first motion to continue	75	 Image
10/25/2022	Defendant 's motion to permit Pro Se Defendant to appear Via Zoom	76	 Image
10/25/2022	Endorsement on Defendant 's motion to permit Pro Se Defendant to appear Via Zoom, (#76.0): ALLOWED after review Judge: Haggan, Hon. Patrick		 Image  Image
10/26/2022	Commonwealth 's notice of discovery IX	77	 Image
10/26/2022	Commonwealth 's Certificate of discovery compliance (Mass.R.Crim.P.14(a)(3))	78	 Image
10/27/2022	Commonwealth 's motion for reciprocal discovery (Mass. R. Crim.P.14(a)(3))	79	 Image
10/28/2022	Event Result:: Non-Evidentiary Hearing scheduled on: 10/28/2022 11:30 AM Has been: Held as Scheduled Hon. Patrick Haggan, Presiding Appeared: Prosecutor Graham G Van Epps, Esq., Attorney for the Commonwealth Defendant Jamal Tavon Sanders Latimer Daniel Peter Thompson, Esq., Appointed - Indigent Defendant Pro Se,		 Image






Docket Date	Docket Text	File Ref Nbr.	Image Avail.
	Staff: Michelle Goldman, Assistant Clerk Magistrate Stephen Mattos, Assistant Clerk Magistrate		
10/28/2022	Endorsement on Motion to continue, (#75.0): ALLOWED After hearing with argument, the motion is allowed. Rule 36 is tolled from this time based upon my finding the ends of justice served by continuing the trial outweigh the best interests of the public and the defendant in a speedy trial. Judge: Haggan, Hon. Patrick		 Image
10/28/2022	Event Result:: Jury Trial scheduled on: 11/28/2022 09:00 AM Has been: Rescheduled For the following reason: Request of Commonwealth Hon. Patrick Haggan, Presiding Staff: Michelle Goldman, Assistant Clerk Magistrate Mary Santiago, Assistant Clerk Magistrate		
10/28/2022	Scheduled: Event: Jury Trial Date: 05/22/2023 Time: 09:05 AM Result: Rescheduled		
10/28/2022	Scheduled: Event: Trial Readiness Conference Date: 04/24/2023 Time: 09:05 AM Result: Held as Scheduled		
10/28/2022	Commonwealth 's Motion for a Protective Order	80	
10/28/2022	Endorsement on Motion for Protective Order., (#80.0): ALLOWED without prejudice.		
11/09/2022	ORDER: on Defendant's Motion to Dismiss Indictment DENIED.	81	 Image
11/09/2022	Endorsement on Motion to Join Defendant's for Trial., (#72.0): ALLOWED After review, hearing arguments, and in all consideration of the arguments made the motion to join is ALLOWED without prejudice to the defendants filing motions to sever at a later date based upon new Bruton issues or new arguments regarding mutually antagonistic defenses per Moran. Judge: Haggan, Hon. Patrick		 Image
12/29/2022	Docket Note: Docket report emailed to mikhaelomariel@gmail.com per request via telephone on 12/29/22		
03/08/2023	Docket Note: 58A Exhibits in Room 412 1 Envelope-(2181CR361, 2181CR365, and 2181CR367 are in the same envelope)		
03/24/2023	Pro Se Defendant 's "MOTION" to bar the Commonwealth of Massachusetts, the Court, and the Prosecutor, to include any witnesses, police, et alia, from identifying me as a "Sovereign Citizen" as defined by Trooper Ryan Casey on May 10th, 2022. "The Sovereign Citizen Motion"	82	 Image
03/24/2023	Pro Se Defendant 's "Motion" to give full faith, credit and acknowledgement to House Resolution 0689 from the State of Illinois; House Resolution 1203 from the State of Georgia; House Resolution 0930 from the State of Illinois ;Delaware Code title 29s 106;and the proceedings and debates of the 90th congress 1st session volume 113 part 12, June 1967. Page 15641-15646.	83	 Image
04/24/2023	Event Result:: Trial Readiness Conference scheduled on: 04/24/2023 09:05 AM Has been: Held as Scheduled Comments: After hearing, Judge Pierce ordered matter ready and to be sent to a trial session. Hon. Laurence D Pierce, Presiding FTR: A. Bresnahan Appeared: Prosecutor Graham G Van Epps, Esq., Attorney for the Commonwealth Ryan J Rall, Esq., Attorney for the Commonwealth Defendant Jamal Tavon Sanders Latimer Daniel Peter Thompson, Esq., Appointed - Indigent Defendant Staff: Michelle Goldman, Assistant Clerk Magistrate Ariel Jordan, Assistant Clerk Magistrate		
05/05/2023	Other Records received from DCJIS (Records received via email 5/5/23)		
05/10/2023	Defendant 's Pre-Trial Memorandum	84	 Image


Docket Date	Docket Text	File Ref Nbr.	Image Avail.
05/10/2023	Defendant 's Motion To Enlarge Time	85	
05/10/2023	Defendant 's Statement for Jury Empanelment	86	
05/10/2023	Defendant 's Notice Of Discovery	87	
05/12/2023	Event Result:: Jury Trial scheduled on: 05/22/2023 09:05 AM Has been: Rescheduled For the following reason: Request of Defendant Hon. David A Deakin, Presiding Staff: Douglas Nagengast, Assistant Clerk Magistrate		
05/18/2023	Defendant 's Motion To Permit Pro Se Defendant To Appear Via Zoom	88	
05/18/2023	Endorsement on Motion to Permit Pro Se Defendant To Appear Via Zoom, (#88.0): ALLOWED without opposition.		
05/22/2023	Defendant 's Motion For Reconsideration	89	
05/22/2023	Scheduled: Event: Jury Trial Date: 08/09/2023 Time: 09:00 AM Result: Rescheduled		
05/22/2023	Scheduled: Event: Trial Readiness Conference Date: 07/11/2023 Time: 02:00 PM Result: Rescheduled		
05/22/2023	Event Result:: Scheduling Conference scheduled on: 05/22/2023 09:00 AM Has been: Held via Video/Teleconference Comments: FTR recording Hon. David A Deakin, Presiding Appeared: Prosecutor Ryan J Rall, Esq., Attorney for the Commonwealth Defendant Jamal Tavon Sanders Latimer Daniel Peter Thompson, Esq., Appointed - Indigent Defendant Staff: Douglas Nagengast, Assistant Clerk Magistrate		
05/23/2023	ORDER: on Defendant's Motion for Reconsideration of Ruling Denying Motion to Suppress Motion for reconsideration is DENIED. Motion seeking to have this Court recuse itself is also DENIED. Judge: Budreau , Hon. James	90	
05/23/2023	The following form was generated: A Clerk's Notice was generated and sent to: Defendant: Jamal Tavon Sanders Latimer 240 Broadway, Pawtucket, RI 02860		
06/05/2023	Opposition to Defendant's "Motion for Reconsideration " Regarding Motion to Dismiss filed by Middlesex District Attorney	91	
06/21/2023	Matter taken under advisement: Non-Evidentiary Hearing to Dismiss scheduled on: 06/21/2023 02:00 PM Has been: Held - Under advisement Comments: FTR Monitor - Joan MacEachern Hon. David A Deakin, Presiding Appeared: Prosecutor Graham G Van Epps, Esq., Attorney for the Commonwealth Ryan J Rall, Esq., Attorney for the Commonwealth Defendant Jamal Tavon Sanders Latimer Daniel Peter Thompson, Esq., Appointed - Indigent Defendant Staff: Douglas Nagengast, Assistant Clerk Magistrate		
06/23/2023	Event Result:: Trial Readiness Conference scheduled on: 07/11/2023 02:00 PM Has been: Rescheduled For the following reason: By Court prior to date Hon. David A Deakin, Presiding Staff: Douglas Nagengast, Assistant Clerk Magistrate		

Docket Date	Docket Text	File Ref Nbr.	Image Avail.
06/23/2023	Event Result:: Jury Trial scheduled on: 08/09/2023 09:00 AM Has been: Rescheduled For the following reason: By Court prior to date Hon. David A Deakin, Presiding Staff: Douglas Nagengast, Assistant Clerk Magistrate		
06/26/2023	Scheduled: Event: Jury Trial Date: 02/26/2024 Time: 09:00 AM Result: Rescheduled		
06/26/2023	Scheduled: Event: Trial Readiness Conference Date: 02/01/2024 Time: 02:00 PM Result: Not Held		
06/26/2023	ORDER: Scheduling (SEE SCANNED IMAGE)	92	
08/02/2023	Commonwealth 's notice of Discovery X	93	
10/06/2023	Commonwealth 's Notice Regarding a Potential Commonwealth Witness	94	
10/18/2023	MEMORANDUM & ORDER: On Defendants' Motions For Reconsideration ORDER / For the reasons set out above, the motions to reconsider are DENIED. Judge: Deakin, Hon. David A Copy emailed to attorneys on 10/18/23.	95	
10/19/2023	Docket Note: Copy of Memo of Decision and Order (P#95)- Mailed to Deft. on 10/19/23 Applies To: Latimer, Jamal Tavon Sanders (Defendant)		
01/05/2024	Defendant 's Ex Parte Motion For Funds For Transcriber	96	
01/05/2024	Affidavit of Daniel P. Thompson, Esq./Affidavit Of Indigency In Support Of Ex Parte Motion For Funds	96.1	
01/08/2024	Commonwealth 's Motion To Continue	97	
01/09/2024	Endorsement on Ex Parte Motion For Funds For Transcriber, (#96.0): ALLOWED		
01/17/2024	Scheduled: Judge: Freniere, Hon Diane Event: Jury Trial Date: 02/28/2024 Time: 09:00 AM Result: Rescheduled		
01/17/2024	Event Result:: Trial Readiness Conference scheduled on: 02/01/2024 02:00 PM Has been: Not Held For the following reason: By Court prior to date Hon Diane Freniere, Presiding Staff: Douglas Nagengast, Assistant Clerk Magistrate		
01/17/2024	Event Result:: Jury Trial scheduled on: 02/26/2024 09:00 AM Has been: Rescheduled For the following reason: Request of Commonwealth Hon Diane Freniere, Presiding Staff: Douglas Nagengast, Assistant Clerk Magistrate		
01/17/2024	Event Result:: Hearing on Motion to Continue scheduled on: 01/17/2024 09:00 AM Has been: Held via Video/Phone Hon Diane Freniere, Presiding Appeared: Prosecutor Graham G Van Epps, Esq., Attorney for the Commonwealth Defendant Jamal Tavon Sanders Latimer Daniel Peter Thompson, Esq., Appointed - Indigent Defendant Staff: Douglas Nagengast, Assistant Clerk Magistrate & FTR Monitor		
01/17/2024	Defendant 's Motion For De Novo Review (IMPOUNDED)	98	

Docket Date	Docket Text	File Ref Nbr.	Image Avail.
01/17/2024	Endorsement on Commonwealth's Motion To Continue Trial, (#97.0): ALLOWED for the reasons stated on the record.		
01/26/2024	Commonwealth 's Final Pre-trial Memorandum	99	
01/26/2024	Commonwealth 's Requested Jury Voir Dire	100	
01/26/2024	Commonwealth 's Submission Addressing Trial Tactics Of Pro Se Litigants Pursuant To Commonwealth V. Haltiwanger	101	
01/26/2024	Commonwealth 's Motion In Limine To Admit In-Court Identifications Of The Defendants Based On The Witness's Interactions With The Defendants And From Video	102	
01/26/2024	Commonwealth 's Motion In Limine To Impeach Testimony By With Evidence Of His Recent Felony Conviction	103	
02/02/2024	Defendant 's Joint Final Pre-trial Memorandum	104	
02/06/2024	Defendant 's Motions In Limine	105	
02/06/2024	Defendant 's Jury Voir Dire	106	
02/06/2024	Event Result:: Final Trial Conference scheduled on: 02/06/2024 02:00 PM Has been: Held via Video/Phone Hon Diane Freniere, Presiding Appeared: Prosecutor Graham G Van Epps, Esq., Attorney for the Commonwealth Ryan J Rall, Esq., Attorney for the Commonwealth Defendant Jamal Tavon Sanders Latimer Daniel Peter Thompson, Esq., Appointed - Indigent Defendant Staff: Douglas Nagengast, Assistant Clerk Magistrate & FTR Monitor		
02/22/2024	ORDER: In anticipation of individual voir dire of the prospective jurors, the parties are ordered to provide any and all questions they be permitted to ask, they are requesting to ask, to the court by 3/1/24 Pro Se defendants are to confer with stand-by counsel prior to submitting the same by 3/1/24. Judge: Freniere, Hon Diane	107	
02/28/2024	Event Result:: Jury Trial scheduled on: 02/28/2024 09:00 AM Has been: Rescheduled For the following reason: By Court prior to date Comments: All sessions and ADA on trial. Hon Diane Freniere, Presiding Staff: Douglas Nagengast, Assistant Clerk Magistrate		
03/01/2024	Defendant 's Joint Final Pre-trial Memorandum	108	
03/01/2024	Defendant 's Motion For Examination Of Jurors	109	
03/01/2024	Defendant 's Notice Of Affirmative Defense	110	
03/01/2024	Defendant 's Notice Regarding Pro Se Status And Defense Counsel	111	
03/04/2024	Scheduled: Judge: Freniere, Hon Diane Event: Jury Trial Date: 03/11/2024 Time: 09:00 AM Result: Rescheduled		
03/08/2024	Scheduled: Event: Jury Trial Date: 05/20/2024 Time: 09:00 AM Result: Rescheduled		
03/08/2024	Event Result:: Conference to Review Status scheduled on: 03/08/2024 11:15 AM Has been: Held via Video/Phone Hon Diane Freniere, Presiding Appeared: Defendant Daniel Peter Thompson, Esq., Appointed - Indigent Defendant		


Docket Date	Docket Text	File Ref Nbr.	Image Avail.
	Staff: Douglas Nagengast, Assistant Clerk Magistrate		
03/08/2024	Event Result:: Jury Trial scheduled on: 03/11/2024 09:00 AM Has been: Rescheduled For the following reason: By Court prior to date Hon Diane Freniere, Presiding Staff: Douglas Nagengast, Assistant Clerk Magistrate		
03/08/2024	Finding by Court: After hearing, the Court has granted a continuance of this matter for trial over the defendant's objection. The court finds that the ends of justice served by taking such action outweigh the best interests of the public and the defendant in a speedy trial, for the reasons set forth below: court priorities re: competing double homicide where defendant is incarcerated & case is older. Rule 36(b)(2)(F)	112	 Image
05/08/2024	Event Result:: Hearing on Motion(s) in Limine scheduled on: 05/09/2024 03:00 PM Has been: Canceled For the following reason: Not reached by Court Comments: Session is on trial. Hon. David A Deakin, Presiding Staff: Jessica Noble, Assistant Clerk		
05/13/2024	Event Result:: Hearing on Motion to Continue scheduled on: 05/13/2024 09:00 AM Has been: Held via Video/Phone Comments: No action taken until 5/17. Hon. David A Deakin, Presiding Appeared: Prosecutor Graham G Van Epps, Esq., Attorney for the Commonwealth Ryan J Rall, Esq., Attorney for the Commonwealth Defendant Jamal Tavon Sanders Latimer Daniel Peter Thompson, Esq., Appointed - Indigent Defendant Staff: Jessica Noble, Assistant Clerk Kathleen O'Kelly, FTR		
	Motion filed by h		
05/14/2024	Commonwealth 's Motion in Limine to Admit a Telegram Chat Concerning the "Moors Militia Committee" Plans for "Operation Fountainhead"	113	
05/17/2024	Event Result:: Jury Trial scheduled on: 05/20/2024 09:00 AM Has been: Rescheduled For the following reason: Not reached by Court Comments: Session on trial Hon. David A Deakin, Presiding Staff: Jessica Noble, Assistant Clerk		
05/17/2024	Scheduled: Judge: Deakin, Hon. David A Event: Jury Trial Date: 05/21/2024 Time: 09:00 AM Result: Rescheduled		
05/20/2024	Event Result:: Hearing on Motion(s) in Limine scheduled on: 05/20/2024 02:00 PM Has been: Held as Scheduled Hon. David A Deakin, Presiding Appeared: Prosecutor Graham G Van Epps, Esq., Attorney for the Commonwealth Ryan J Rall, Esq., Attorney for the Commonwealth Defendant Jamal Tavon Sanders Latimer Daniel Peter Thompson, Esq., Appointed - Indigent Defendant Staff: Jessica Noble, Assistant Clerk Lydia Fortune, FTR		
05/20/2024	School Records received from Bronx High School for Writing and Communication Arts (Records received via email)		
05/21/2024	Event Result:: Jury Trial scheduled on: 05/21/2024 09:00 AM Has been: Rescheduled For the following reason: Not reached by Court Comments: Session on trial Hon. David A Deakin, Presiding		







Docket Date	Docket Text	File Ref Nbr.	Image Avail.
	Staff: Jessica Noble, Assistant Clerk		
05/21/2024	Scheduled: Judge: Deakin, Hon. David A Event: Jury Trial Date: 05/23/2024 Time: 09:00 AM Result: Held as Scheduled		
05/21/2024	Other Records received from PenPak		
05/22/2024	Event Result:: Hearing on Motion(s) in Limine scheduled on: 05/22/2024 02:00 PM Has been: Held as Scheduled Hon. David A Deakin, Presiding Appeared: Prosecutor Graham G Van Epps, Esq., Attorney for the Commonwealth Ryan J Rall, Esq., Attorney for the Commonwealth Defendant Jamal Tavon Sanders Latimer Daniel Peter Thompson, Esq., Appointed - Indigent Defendant Staff: Jessica Noble, Assistant Clerk Lydia Fortune, FTR		
05/22/2024	Commonwealth 's Notice of Discovery XI	114	
05/23/2024	Event Result:: Jury Trial scheduled on: 05/23/2024 09:00 AM Has been: Held as Scheduled Comments: Day 1 - jury selection (6 jurors seated) Hon. David A Deakin, Presiding Appeared: Prosecutor Graham G Van Epps, Esq., Attorney for the Commonwealth Ryan J Rall, Esq., Attorney for the Commonwealth Defendant Jamal Tavon Sanders Latimer Daniel Peter Thompson, Esq., Appointed - Indigent Defendant Staff: Jessica Noble, Assistant Clerk Lydia Fortune, FTR		
05/28/2024	Scheduled: Judge: Deakin, Hon. David A Event: Jury Trial Date: 05/28/2024 Time: 09:00 AM Result: Held as Scheduled		
05/28/2024	Scheduled: Judge: Deakin, Hon. David A Event: Jury Trial Date: 05/29/2024 Time: 09:00 AM Result: Held as Scheduled		
05/28/2024	Scheduled: Judge: Deakin, Hon. David A Event: Jury Trial Date: 05/30/2024 Time: 09:00 AM Result: Held as Scheduled		
05/28/2024	Scheduled: Judge: Deakin, Hon. David A Event: Jury Trial Date: 05/31/2024 Time: 09:00 AM Result: Canceled		
05/28/2024	Defendant 's Motion Requesting Certain Court Recess Times During the Month of May	115	
05/28/2024	Endorsement on Defendant's Motion Requesting Certain Court Recess Times During the Month of May, (#115.0): After hearing, the motion is Allowed without objection Judge: Deakin, Hon. David A		 
05/28/2024	Event Result:: Jury Trial scheduled on: 05/28/2024 09:00 AM Has been: Held as Scheduled Comments: Day 2 - jury selection Hon. David A Deakin, Presiding		

Docket Date	Docket Text	File Ref Nbr.	Image Avail.
	<p>Appeared:</p> <p>Prosecutor Graham G Van Epps, Esq., Attorney for the Commonwealth Ryan J Rall, Esq., Attorney for the Commonwealth</p> <p>Defendant Jamal Tavon Sanders Latimer Daniel Peter Thompson, Esq., Appointed - Indigent Defendant</p> <p>Staff: Jessica Noble, Assistant Clerk Lydia Fortune, FTR</p>		
05/29/2024	Other Records received from PenPak (Middlesex Sheriff's Office) (Received via email)		
05/29/2024	<p>Event Result:: Jury Trial scheduled on: 05/29/2024 09:00 AM</p> <p>Has been: Held as Scheduled</p> <p>Comments: Day 3 - jury selection</p> <p>Hon. David A Deakin, Presiding</p> <p>Appeared:</p> <p>Prosecutor Graham G Van Epps, Esq., Attorney for the Commonwealth Ryan J Rall, Esq., Attorney for the Commonwealth</p> <p>Defendant Jamal Tavon Sanders Latimer Daniel Peter Thompson, Esq., Appointed - Indigent Defendant</p> <p>Staff: Steve Mattos, Assistant Clerk Lydia Fortune, FTR</p> <p>Applies To: Middlesex District Attorney (Prosecutor); Latimer, Jamal Tavon Sanders (Defendant); Pro Se (Attorney) on behalf of Latimer, Jamal Tavon Sanders (Defendant); Van Epps, Esq., Graham G (Attorney) on behalf of Middlesex District Attorney (Prosecutor); Thompson, Esq., Daniel Peter (Attorney) on behalf of Latimer, Jamal Tavon Sanders (Defendant); Rall, Esq., Ryan J (Attorney) on behalf of Middlesex District Attorney (Prosecutor)</p>		
05/30/2024	Defendant 's Motion in Limine to Limit Defense Impeachment of Police Witnesses with Prior Incidents of Misconduct	116	
05/30/2024	<p>Event Result:: Jury Trial scheduled on: 05/31/2024 09:00 AM</p> <p>Has been: Canceled For the following reason: By Court prior to date</p> <p>Comments: Court not in session with trial.</p> <p>Hon. David A Deakin, Presiding</p> <p>Staff: Jessica Noble, Assistant Clerk</p>		
05/30/2024	<p>Scheduled:</p> <p>Judge: Deakin, Hon. David A</p> <p>Event: Jury Trial</p> <p>Date: 06/03/2024 Time: 09:00 AM</p> <p>Result: Held as Scheduled</p>		
05/30/2024	<p>Scheduled:</p> <p>Judge: Deakin, Hon. David A</p> <p>Event: Jury Trial</p> <p>Date: 06/04/2024 Time: 09:00 AM</p>		
05/30/2024	<p>Scheduled:</p> <p>Judge: Deakin, Hon. David A</p> <p>Event: Jury Trial</p> <p>Date: 06/05/2024 Time: 09:00 AM</p> <p>Result: Held as Scheduled</p>		
05/30/2024	<p>Scheduled:</p> <p>Judge: Deakin, Hon. David A</p> <p>Event: Jury Trial</p> <p>Date: 06/06/2024 Time: 09:00 AM</p> <p>Result: Held as Scheduled</p>		
05/30/2024	<p>Event Result:: Jury Trial scheduled on: 05/30/2024 09:00 AM</p> <p>Has been: Held as Scheduled</p> <p>Comments: Day 4 - jurors sworn, precharge, openings</p> <p>Hon. David A Deakin, Presiding</p> <p>Appeared:</p> <p>Prosecutor Graham G Van Epps, Esq., Attorney for the Commonwealth Ryan J Rall, Esq., Attorney for the Commonwealth</p> <p>Defendant Jamal Tavon Sanders Latimer Daniel Peter Thompson, Esq., Appointed - Indigent Defendant</p> <p>Staff:</p>		

Docket Date	Docket Text	File Ref Nbr.	Image Avail.
	Jessica Noble, Assistant Clerk Lydia Fortune, FTR		
06/03/2024	Event Result:: Jury Trial scheduled on: 06/03/2024 09:00 AM Has been: Held as Scheduled Comments: Day 5 - evidence Hon. David A Deakin, Presiding Appeared: Prosecutor Graham G Van Epps, Esq., Attorney for the Commonwealth Ryan J Rall, Esq., Attorney for the Commonwealth Defendant Jamal Tavon Sanders Latimer Daniel Peter Thompson, Esq., Appointed - Indigent Defendant Staff: Jessica Noble, Assistant Clerk Lydia Fortune, FTR		
06/05/2024	Event Result:: Jury Trial scheduled on: 06/05/2024 09:00 AM Has been: Held as Scheduled Comments: Day 6 - evidence Hon. David A Deakin, Presiding Appeared: Prosecutor Graham G Van Epps, Esq., Attorney for the Commonwealth Ryan J Rall, Esq., Attorney for the Commonwealth Defendant Jamal Tavon Sanders Latimer Daniel Peter Thompson, Esq., Appointed - Indigent Defendant Staff: Jessica Noble, Assistant Clerk Lydia Fortune, FTR		
06/06/2024	Event Result:: Jury Trial scheduled on: 06/06/2024 09:00 AM Has been: Held as Scheduled Comments: Day 7 - evidence Hon. David A Deakin, Presiding Appeared: Prosecutor Graham G Van Epps, Esq., Attorney for the Commonwealth Ryan J Rall, Esq., Attorney for the Commonwealth Defendant Jamal Tavon Sanders Latimer Daniel Peter Thompson, Esq., Appointed - Indigent Defendant Staff: Jessica Noble, Assistant Clerk Lydia Fortune, FTR		
06/10/2024	Scheduled: Judge: Deakin, Hon. David A Event: Jury Trial Date: 06/10/2024 Time: 09:00 AM Result: Held as Scheduled		
06/10/2024	Scheduled: Judge: Deakin, Hon. David A Event: Jury Trial Date: 06/11/2024 Time: 09:00 AM Result: Held as Scheduled		
06/10/2024	Scheduled: Judge: Deakin, Hon. David A Event: Jury Trial Date: 06/12/2024 Time: 09:00 AM Result: Held as Scheduled		
06/10/2024	Event Result:: Jury Trial scheduled on: 06/10/2024 09:00 AM Has been: Held as Scheduled Comments: Day 8 - evidence Hon. David A Deakin, Presiding Appeared: Prosecutor Graham G Van Epps, Esq., Attorney for the Commonwealth Ryan J Rall, Esq., Attorney for the Commonwealth Defendant Jamal Tavon Sanders Latimer Daniel Peter Thompson, Esq., Appointed - Indigent Defendant Staff:		

Docket Date	Docket Text	File Ref Nbr.	Image Avail.
	Jessica Noble, Assistant Clerk Joan MacEachern, FTR		
06/11/2024	Event Result:: Jury Trial scheduled on: 06/11/2024 09:00 AM Has been: Held as Scheduled Comments: Day 9 - evidence Hon. David A Deakin, Presiding Appeared: Prosecutor Graham G Van Epps, Esq., Attorney for the Commonwealth Ryan J Rall, Esq., Attorney for the Commonwealth Defendant Jamal Tavon Sanders Latimer Daniel Peter Thompson, Esq., Appointed - Indigent Defendant Staff: Jessica Noble, Assistant Clerk Joan MacEachern, FTR		
06/12/2024	Event Result:: Jury Trial scheduled on: 06/12/2024 09:00 AM Has been: Held as Scheduled Comments: Day 10 - evidence (CW rests) Hon. David A Deakin, Presiding Appeared: Prosecutor Graham G Van Epps, Esq., Attorney for the Commonwealth Ryan J Rall, Esq., Attorney for the Commonwealth Defendant Jamal Tavon Sanders Latimer Daniel Peter Thompson, Esq., Appointed - Indigent Defendant Staff: Jessica Noble, Assistant Clerk		
06/12/2024	Defendant 's Renewed Motion for Required Finding of Not Guilty	118	 Image
06/12/2024	Scheduled: Judge: Deakin, Hon. David A Event: Jury Trial Date: 06/13/2024 Time: 09:00 AM Result: Held as Scheduled		
06/12/2024	Defendant 's Motion for a Required Finding of Not Guilty	117	 Image
06/12/2024	Endorsement on Defendant's Motion for a Required Finding of Not Guilty, (#117.0): DENIED After hearing, and viewing the evidence in the light most favorable to the Commonwealth, Commonwealth v. Latimore, 378 Mass. 671, 676-678 (1979), the motion is Denied. Judge: Deakin, Hon. David A		 Image
06/12/2024	Endorsement on Defendant's Renewed Motion for Required Finding of Not Guilty, (#118.0): DENIED After hearing, without further argument, the motion is Denied. As the co-defendants presented no evidence, the Commonwealth's case has not degraded since it rested. Judge: Deakin, Hon. David A		 Image
06/13/2024	Scheduled: Judge: Deakin, Hon. David A Event: Jury Trial Date: 06/17/2024 Time: 09:00 AM Result: Held as Scheduled		
06/13/2024	Event Result:: Jury Trial scheduled on: 06/13/2024 09:00 AM Has been: Held as Scheduled Comments: Day 11 - closings and charge Hon. David A Deakin, Presiding Appeared: Prosecutor Graham G Van Epps, Esq., Attorney for the Commonwealth Ryan J Rall, Esq., Attorney for the Commonwealth Defendant Jamal Tavon Sanders Latimer Daniel Peter Thompson, Esq., Appointed - Indigent Defendant Staff: Jessica Noble, Assistant Clerk Joan MacEachern, FTR		
06/13/2024	Jury panel changed as follows: Juror #4 in seat 3 was randomly selected as an alternate Juror #2 in seat 7 was randomly selected as an alternate		

Docket Date	Docket Text	File Ref Nbr.	Image Avail.
	Juror #13 in seat 14 was selected by jurors as the foreperson		
	Judge: Deakin, Hon. David A		
06/17/2024	<p>Event Result:: Jury Trial scheduled on: 06/17/2024 09:00 AM</p> <p>Has been: Held as Scheduled</p> <p>Comments: Day 12 - deliberations</p> <p>Hon. David A Deakin, Presiding</p> <p>Appeared:</p> <p>Prosecutor</p> <p>Graham G Van Epps, Esq., Attorney for the Commonwealth</p> <p>Ryan J Rall, Esq., Attorney for the Commonwealth</p> <p>Defendant Jamal Tavon Sanders Latimer</p> <p>Daniel Peter Thompson, Esq., Appointed - Indigent Defendant</p> <p>Staff:</p> <p>Jessica Noble, Assistant Clerk</p> <p>Ashlee Bresnahan, FTR</p>		
06/18/2024	<p>The defendant\petitioner is committed without bail for the following reason: Per Order of the Court. Defendant found guilty of numerous charges. Held without pending sentencing hearing.</p> <p>Judge: Deakin, Hon. David A</p>	119	 Image
06/18/2024	<p>Scheduled:</p> <p>Judge: Deakin, Hon. David A</p> <p>Event: Jury Trial</p> <p>Date: 06/18/2024 Time: 09:00 AM</p> <p>Result: Held as Scheduled</p>		
06/18/2024	<p>Event Result:: Jury Trial scheduled on: 06/18/2024 09:00 AM</p> <p>Has been: Held as Scheduled</p> <p>Comments: Day 13 - deliberations & verdict</p> <p>Hon. David A Deakin, Presiding</p> <p>Appeared:</p> <p>Prosecutor</p> <p>Graham G Van Epps, Esq., Attorney for the Commonwealth</p> <p>Ryan J Rall, Esq., Attorney for the Commonwealth</p> <p>Defendant Jamal Tavon Sanders Latimer</p> <p>Daniel Peter Thompson, Esq., Appointed - Indigent Defendant</p> <p>Staff:</p> <p>Jessica Noble, Assistant Clerk</p>		
06/18/2024	<p>Offense Disposition::</p> <p>Charge #1 FIREARM, POSSESS LARGE CAPACITY c269 §10(m)</p> <p>On: 06/18/2024 Judge: Hon. David A Deakin</p> <p>By: Jury Trial Guilty Verdict</p> <p>Charge #2 FIREARM, POSSESS LARGE CAPACITY c269 §10(m)</p> <p>On: 06/18/2024 Judge: Hon. David A Deakin</p> <p>By: Jury Trial Guilty Verdict</p> <p>Charge #6 RIFLE/SHOTGUN, STORE IMPROP NEAR MINOR c140 §131L(a)&(c)</p> <p>On: 06/18/2024 Judge: Hon. David A Deakin</p> <p>By: Jury Trial Guilty Verdict</p> <p>Charge #7 BODY ARMOR, USE IN FELONY c269 §10D</p> <p>On: 06/18/2024 Judge: Hon. David A Deakin</p> <p>By: Jury Trial Guilty Verdict</p>		

Docket Date	Docket Text	File Ref Nbr.	Image Avail.
06/18/2024	Verdict affirmed, verdict slip filed Count 001 - Guilty as charged for all weapons named in indictment Count 002 - Guilty on all ammunition named in indictment Count 006 - Guilty of Improper Storage of 12-gauge Mossberg model 930 semi-automatic shotgun, serial number AF229534 Count 007 - Guilty of Use of Body Armor During a Felony	120	 Image
06/18/2024	List of jurors filed.	123	 Image
06/18/2024	List of exhibits	125	 Image
06/20/2024	As required by statute, the Court orders transfer or forfeiture of the following exhibit(s) 72, 72A, 73, 73A, 75, 75A, 75B, 75C, 78, 78B, 79, 79A, 79B, 79C, 79D, 82, 82A, 83, 83A, 83B, 83C, 83D, 83E, 84, 85, 85A, 85B, 85C, 86, 87A, 87B, 87C, 94, 95, 97, 98, 99, 99A, 99B, 99C, 99D.	122	
06/20/2024	Habeas Corpus for defendant issued to Middlesex Jail returnable for 07/16/2024 02:00 PM Hearing for Sentence Imposition. PLEASE TRANSPORT FOR SENTENCING	124	 Image
07/09/2024	Middlesex District Attorney's Memorandum Sentencing	133	
07/15/2024	Defendant 's Memorandum in Aid of Sentencing	126	 Image
07/15/2024	Other Records received from Bristol County Sheriff's Office		
07/15/2024	Defendant 's Primary Caregiver Motion	132	 Image
07/16/2024	Correction Date: 07/16/2024 Judge: Hon. David A Deakin		

Committed to Souza Baranowski Correctional Center Credits 417 Days

Further Orders of the Court:

Counts 1 & 2 are without a license

07/16/2024 Event Result:: Hearing for Sentence Imposition scheduled on:
07/16/2024 03:00 PM
Has been: Held as Scheduled
Hon. David A Deakin, Presiding
Appeared:
Prosecutor
Graham G Van Epps, Esq., Attorney for the Commonwealth
Ryan J Rall, Esq., Attorney for the Commonwealth
Defendant Jamal Tavon Sanders Latimer
Daniel Peter Thompson, Esq., Appointed - Indigent Defendant

Staff: Jessica Noble, Assistant Clerk

Joan MacEachern, FTR
Sylvia Gomes, Probation

07/16/2024 Defendant sentenced:: Sentence Date: 07/16/2024 Judge: Hon. David A Deakin

Charge #: 6 RIFLE/SHOTGUN, STORE IMPROP NEAR MINOR c140 §131L(a)&(c)

Charge #: 7 BODY ARMOR, USE IN FELONY c269 §10D

Probation:

Risk / Need Supervision Duration: 4 Years, 0 Months, 0 Days

Conditions:

1. You shall obey all local, state, and federal laws and all court orders.
2. You shall report to your assigned probation officer at such time and place as directed.
3. You shall notify the probation officer immediately of a change of residence or employment.

Probation Supervision Fee

You shall pay the probation supervision fee, if required by law, unless waived by court order, or perform community service, if ordered by the court.

DNA sample

You shall submit a DNA sample in accordance with G.L. c. 22E, Sec. 3 and pay the required fee unless waived by the court.

Sign releases

You shall sign all releases for supervision and verification of compliance with these conditions of probation.

Home, school & work visits

You shall allow the probation officer to visit you at home, school or place of employment at any time with or without notice.

Reporting after incarceration

If you are incarcerated, you shall report to the Probation Service within 48 hours after you are released from incarceration or the next business day following a weekend or court holiday. If you are subject to GPS monitoring as a condition of probation, you shall report to the Probation Service immediately upon your release from incarceration.

Not to leave Massachusetts

You shall not leave Massachusetts without the express permission of the Probation Service, and if permission is granted, you shall sign a waiver of extradition and rendition before traveling.

Poss of weapons,drugs,explosives,firearms or AMMO

You shall not unlawfully receive, possess, control or transport any drugs, weapons explosives, firearms or ammunition.

New criminal charges

You shall immediately inform the Probation Service of any new criminal charge(s).

Court Ordered Fees

You shall pay all other court-ordered assessments and fees. Failure to pay court ordered assessments and fees are a violation of your conditions of probation and may result in the issuance of a violation notice and violation hearing. If you are found to be in violation of the terms and conditions of probation you may be subject to incarceration. If a change in circumstances renders you unable to pay, you have the "right to address the court" to show that payment "would cause a substantial financial hardship to you, your family or dependents."

07/16/2024 Probations files

134



Image

DNA Fee \$110 WAIVED

Judge: Deakin, Hon. David A

07/17/2024 Issued on this date:

127



Image

Mittimus for Sentence (All Charges)
Sent On: 07/17/2024 12:23:10

07/17/2024 Commonwealth files Nolle Prosequi as to count(s): 8 CONSPIRACY c274 §7

131



Image

08/05/2024 Notice of appeal filed.

128



Image

Applies To: Latimer, Jamal Tavon Sanders (Defendant); Thompson, Esq., Daniel Peter (Attorney) on behalf of Latimer, Jamal Tavon Sanders (Defendant)

09/03/2024 Defendant 's Motion to Unseal Court Recordings for Appeal Transcript

129




Image

09/03/2024 Endorsement on Motion to Unseal Court Recordings for Appeal Transcript, (#129.0): ALLOWED Allowed. (Ham, J)



Image














Docket Date	Docket Text	File Ref Nbr.	Image Avail.
09/03/2024	Defendant 's Motion to Revoke and Revise	130	
04/02/2025	Defendant 's Motion for Stay of Sentence Pending Appeal	135	
04/07/2025	Habeas Corpus for defendant issued to MCI - Shirley returnable for 04/16/2025 02:30 PM Non-Evidentiary Hearing. ** ZOOM/ VIDEO** Meeting ID: 161 081 5426 Passcode: 12345	136	
04/09/2025	Commonwealth 's Motion for New Trial and Dismissal of Counts 3, 4, 10, and 11	137	
04/10/2025	Commonwealth 's Opposition to Defendant's Motion for Stay of Sentence Pending Appeal	138	
04/16/2025	Attorney appearance On this date Pro Se dismissed/withdrawn for Defendant Jamal Tavon Sanders Latimer		
04/16/2025	Attorney appearance On this date Daniel Peter Thompson, Esq. dismissed/withdrawn as Appointed - Indigent Defendant for Defendant Jamal Tavon Sanders Latimer		
04/16/2025	Attorney appearance On this date Daniel Peter Thompson, Esq. added as Appointed - Indigent Defendant for Defendant Jamal Tavon Sanders Latimer		
04/16/2025	Offense Disposition:: Charge #1 FIREARM, POSSESS LARGE CAPACITY c269 §10(m) On: 06/18/2024 Judge: Hon. David A Deakin By: Jury Trial Guilty Verdict Charge #2 FIREARM, POSSESS LARGE CAPACITY c269 §10(m) On: 06/18/2024 By: Jury Trial Guilty Verdict		

d

Charge #6 RIFLE/SHOTGUN, STORE IMPROP NEAR MINOR c140 §131L(a)&(c)
On: 06/18/2024
By: Jury Trial Guilty Verdict

Charge #7 BODY ARMOR, USE IN FELONY c269 §10D
On: 06/18/2024
By: Jury Trial Guilty Verdict

04/16/2025 Event Result:: Non-Evidentiary Hearing scheduled on:
04/16/2025 02:30 PM
Has been: Held via Video/Phone
Comments: FTR: K. O'Kelly
Hon. David A Deakin, Presiding
Appeared:
Prosecutor

Docket Date	Docket Text	File Ref Nbr.	Image Avail.
	<p>Graham G Van Epps, Esq., Attorney for the Commonwealth Ryan J Rall, Esq., Attorney for the Commonwealth Defendant Jamal Tavon Sanders Latimer Daniel Peter Thompson, Esq., Appointed - Indigent Defendant</p> <p>Staff: Michelle Goldman, Assistant Clerk Magistrate Ariel Jordan, Assistant Clerk Magistrate</p>		
04/16/2025	Habeas Corpus for defendant issued to MCI - Shirley returnable for 05/16/2025 02:00 PM Hearing for Sentence Imposition. ** ZOOM/VIDEO **	139	
04/16/2025	<p>ORDER: OMNIBUS ORDER ON DEFENDANT'S MOTION FOR STAY OF SENTENCE PENDING APPEAL AND COMMONWEALTH'S MOTION FOR NEW TRIAL AND DISMISSAL OF COUNTS 3, 4, 10, AND 11</p> <p>To facilitate the hearing, I enter the following SCHEDULING ORDER:</p> <p>1. The parties shall submit memoranda on resentencing by no later than May 7, 2025.</p> <p>2. Should either party wish to submit a reply memorandum, that party shall do so by no later than May 14, 2025.</p> <p>3. The hearing will be held at 2:00 p.m. on Friday, May 16, 2025, via Zoom teleconference.</p> <p>So ORDERED this sixteenth day of April 2025.</p> <p style="text-align: right;">/s/ David A. Deakin David A. Deakin Associate Justice</p> <p>(Emailed to all parties on 4/17/25)</p>	140	
05/07/2025	Defendant 's Memorandum in Aid of Resentencing after Motion for New Trial was Allowed	141	
05/07/2025	Defendant 's Notice of Filing of Impounded Information: Department of Corrections Personalized Plan and Inmate Sentence Listing (5 pages)	141.1	
05/08/2025	Commonwealth 's RE-Sentencing Memorandum	142	
05/14/2025	<p>Attorney appearance</p> <p>On this date Suzanne Lynn Renaud, Esq. added as Appointed - Appellate Action for Defendant Jamal Tavon Sanders Latimer</p>		
05/16/2025	<p>Event Result:: Hearing for Sentence Imposition scheduled on:</p> <p>05/16/2025 02:00 PM</p> <p>Has been: Held via Video/Phone</p> <p>Comments: FTR: J. MacEachern</p> <p>Hon. David A Deakin, Presiding</p> <p>Appeared:</p> <p>Prosecutor</p> <p>Graham G Van Epps, Esq., Attorney for the Commonwealth Ryan J Rall, Esq., Attorney for the Commonwealth Defendant Jamal Tavon Sanders Latimer Daniel Peter Thompson, Esq., Appointed - Indigent Defendant Suzanne Lynn Renaud, Esq., Appointed - Appellate Action</p> <p>Staff: Michelle Goldman, Assistant Clerk Magistrate Ariel Jordan, Assistant Clerk Magistrate</p> <p>After hearing, no change to sentence at this time.</p>		
07/02/2025	Docket Note: Exhibits in Room 207A 2 boxes (2181CR361 & 2181CR366 are in the same boxes)		
07/24/2025	Defendant 's Motion to Unseal Records	143	
07/24/2025	Affidavit of Suzanne Renaud, Esq. In Support of Defendant's Motion to Unseal Records	143.1	
07/24/2025	Defendant 's Motion to Reseal Records	144	
07/24/2025	Affidavit of Suzanne Renaud, Esq. In Support of Defendant's Motion to Reseal Records	144.1	
07/25/2025	<p>Endorsement on Motion to Unseal Records, (#143.0): ALLOWED</p> <p>Allowed. (Haggan, J.) Attest: M. Chiappini, Deputy Asst. Clerk</p> <p>Judge: Haggan, Hon. Patrick</p>		
07/25/2025	<p>Endorsement on Motion to Reseal Records, (#144.0): ALLOWED</p> <p>Allowed. (Haggan, J.) Attest: M. Chiappini, Deputy Asst. Clerk</p> <p>Judge: Haggan, Hon. Patrick</p>		

Case Disposition

Disposition

Disposed by Jury Verdict

Date

07/16/2024

Case Judge

COMMONWEALTH OF MASSACHUSETTS

MIDDLESEX, ss.

**SUPERIOR COURT
CIVIL ACTION
No. 2181CV00361**

COMMONWEALTH

vs.

JAMHAL TAVON SANDERS LATIMER¹

ORDER ON DEFENDANT'S MOTION TO DISMISS INDICTMENT²

The defendant again moves, unsuccessfully, to dismiss the firearms charges against him, this time arguing primarily that: 1) the prosecutor failed to instruct the grand jury regarding the legal significance of his membership in a militia, which constitutes an affirmative defense to the charges; and 2) under recent United States Supreme Court precedent, the firearm licensing scheme in Massachusetts is unconstitutional.

On the first argument, the court already has determined that the Commonwealth presented sufficient evidence to the grand jury to satisfy all elements of each indictment. See Omnibus Memorandum of Decision, Docket No. 58. Indeed, the defendant concededly had no firearms license at the time of the incident. In making its presentation, Commonwealth had no obligation to present defenses or mitigating facts to the grand jury about the legal significance of the defendant's purported status as a militia member. *Commonwealth v. Silva*, 455 Mass. 503, 511 (2009). Regardless, upon review of the statute the defendant cites, in conjunction with the facts presented, even had the jury been informed of it, it likely would not have affected the grand

¹ a/k/a Jamhal Talib Abdullah Bey.

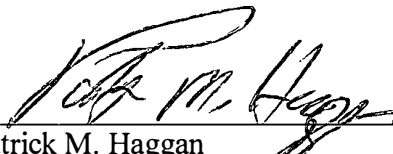
² The defendant styles his motion as: 'Motion' for Dismissal of Accusatory instrument on the ground of Affirmative defense et al. (The Affirmative defense 'Motion').

jury's decision to indict.³ See *Commonwealth v. Fernandes*, 483 Mass. 1, 8 (2019) (discussing standard and heavy burden defendant bears to establish impairment of grand jury process).

The defendant is nevertheless correct that he may present affirmative defenses to the firearms charges against him. However, such defenses are properly presented at trial, assuming the defendant meets his burden of production. *Commonwealth v. Gouse*, 461 Mass. 787, 802-804 (2012).

As for the constitutionality of Massachusetts's licensing scheme, the recent case of *New York State Rifle & Pistol Assn, Inc. v. Bruen*, 142 S. Ct. 2111 (2022), did not invalidate its requirement for licensure to possess or carry a firearm; it only struck down the discretionary "may issue" portion of the carry law. See *id.* at 2161 ("the Court's decision does not prohibit States from imposing licensing requirements for carrying a handgun for self-defense") (Kavanaugh, J., concurring). Under the decision, Massachusetts may "continue to require licenses for carrying handguns for self-defense so long [it] employ[s] objective licensing requirements like those used by the 43 shall-issue States." *Id.* at 2162. Thus, *Bruen* is irrelevant to the indictments here where the defendant had no license, nor had ever applied for one in Massachusetts.⁴

For these reasons, the defendant's motion is **DENIED**.


Patrick M. Haggan
Justice of the Superior Court

Dated: November 9, 2022

³ The defendant cites multiple exemptions under G. L. c. 140, § 129C.

⁴ In its Omnibus Memorandum of Decision, the court already addressed and rejected the defendant's other Second Amendment arguments. See Docket No. 58.

COMMONWEALTH OF MASSACHUSETTS

MIDDLESEX, ss.

**SUPERIOR COURT
CRIMINAL ACTION**

COMMONWEALTH

vs.

**JAMHAL TAVON SANDERS LATIMER,
A/K/A JAMHAL TALIB ABDULLAH BEY,**

**MEMORANDUM AND ORDER
ON DEFENDANTS' MOTIONS FOR RECONSIDERATION**

The defendants are members of a self-styled militia who were arrested on firearms and other weapons charges as they travelled on Route 128 on their way from Rhode Island to Maine. When police stopped them, the members of the group – apparently led by Jamhal Tavon Sanders Latimer, who goes by the name Jamhal Talib Abdullah Bey – explained that they were headed to Maine for “militia training.” They were arrested because several of them were openly carrying firearms, including assault-style rifles and handguns for which they had no licenses. Facing an indictment alleging ten weapons offenses and one weapons-related conspiracy charge, Latimer/Bey filed several motions to dismiss. The most recent one –

– is titled a

“Motion for Reconsideration” (“motion,” Paper No. 89).¹ It essentially restates Latimer/Bey’s prior constitutional challenges to the Massachusetts firearm licensing statutes based on the United States Supreme Court’s decision last year in *New York State Rifle & Pistol Ass’n, Inc. v. Bruen*, 142 S. Ct. 2111 (2022). Because Latimer/Bey’s argument is based on the false premise that *Bruen* invalidates the Commonwealth’s firearm licensing statutes, the motion for reconsideration is **DENIED**.

FACTS²

At approximately 1:10 a.m. on July 3, 2021, a Massachusetts State Police trooper, Ryan Casey, pulled over on Route 95 in Wakefield to investigate the activity of eleven men. The men were riding in a cargo van and a truck, and both vehicles were pulled over in the breakdown lane of the northbound side of the highway. Trooper Casey first saw the van in the breakdown lane and stopped to assess the situation. As he approached the group, Casey was met by Latimer/Bey. He was wearing military-style camouflage fatigues and body armor, and he was carrying a loaded, military-style rifle. Latimer/Bey explained that he and the other ten men were part of a “militia” and that they were on their way from Rhode Island to Maine for “training” when they stopped by the side of Route 95 in Wakefield to refuel their vehicles. Latimer/Bey told Casey that no one in the group had a license to operate a motor vehicle or a license to possess or carry firearms.³ When Casey asked Latimer/Bey for his name, Latimer/Bey wrote down, “Jamhal Talib Abdullah Bey.”

¹ Unless otherwise indicated, references to the docket are to the docket in *Commonwealth v. Jamhal Tavon Sanders Latimer, a/k/a Jamhal Talib Abdullah Bey*, 2181CR00361.

² The facts set out in this section are taken from the Commonwealth’s Statement of the Case (Paper No. 3). Although these facts are, at this point, merely allegations, Latimer/Bey has not disputed them in connection with his constitutional challenge. I, therefore, take them as true for purposes of deciding the motion.

³ Latimer/Bey later clarified that two of the men in the group were licensed drivers in Rhode Island but that neither of them had their licenses with them. Latimer/Bey told Casey that the reason that neither man had his Rhode Island driver’s license in his

Casey was joined before long by a Massachusetts State Police sergeant and, shortly thereafter, by more law enforcement officers. As Casey and the sergeant spoke with Latimer/Bey, two members of the group – similarly attired and at least one carrying a large-capacity rifle – approached Casey and the sergeant. A discussion ensued, during which Latimer/Bey made clear that he believed that he and his group were exempt from firearms laws because they were a “militia.”

One or more of the troopers instructed Latimer/Bey and his companions to stow their weapons in the vehicles. Latimer/Bey refused, stating, “we can’t do that.” Invoking the Second Amendment to the United States Constitution, Latimer/Bey said to Casey, “I’m going to stay armed for my safety just like you are going to stay armed for yours.” Meanwhile, law enforcement officers saw that several of the armed men were moving toward the line of woods by the side of the highway. Troopers decided to fall back and establish a perimeter. As law enforcement officers spoke with Latimer/Bey, a sergeant heard from the tree line the sound of a rifle chambering a round.

When Latimer/Bey asked at this point whether he was free to go, the sergeant said, “no.” In response to another question from Latimer/Bey, the sergeant explained that he was being detained. The sergeant told Latimer/Bey that he was under arrest for unlawfully carrying a firearm and instructed him to lay down his rifle and surrender. Latimer/Bey refused.

At this point, the Massachusetts State Police shut down traffic on Route 95, an interstate highway. A standoff ensued in which law enforcement officers sought to negotiate the men’s surrender, and the detainees continued to insist on their purported right to remain armed and to go on their way to Maine. After several hours, the defendants were persuaded to lay down their weapons and surrender to police. The eleven men were arrested. During the arrests, police recovered from the men ten sets of

possession was because of Latimer/Bey’s earlier instruction to his “men” that they not carry identification because of “the nature of what [they were] . . . trying to do.”

body armor, camouflage clothing, military-style ballistic helmets, and a pair of night vision goggles. Police also recovered several large-capacity rifles and handguns and a significant quantity of ammunition from the group's two vehicles.

PROCEDURAL HISTORY

The procedural history of each of the eleven cases is replete with an unusually large number of pleadings. Many of the pleadings assert several defenses, some predicated on rights purportedly based on historical interactions between the Emperor of Morocco and the then newly formed United States of America in the eighteenth century. See, e.g., Judicial Notice of the [T]reaty from "Founders.Archive.gov/documents/Adams/06-18-02-0196." (Paper No. 21 in 2181CR0361). More recently, however, Latimer/Bey has focused his arguments less on the historical interaction between the two countries and more on his rights under the Second Amendment to the United States Constitution. Thus, his more recent pleadings are anchored in decisions of the United States Supreme Court and the Supreme Judicial Court of Massachusetts interpreting the United States Constitution.

For the sake of both brevity and clarity, I recite only the procedural history relevant to the Motion for Reconsideration before me. Latimer/Bey's Motion for Reconsideration, dated May 17, 2023, was docketed on May 22, 2023. The Motion sought reconsideration of the denials of Latimer/Bey's several motions to suppress, see Omnibus Memorandum of Decision and Order on Defendant's Pretrial Motions (Paper No. 58, Budreau, J.), as well as the denial of his motion to dismiss, see Order on Defendant's Motion to Dismiss Indictment (Paper No. 81, Haggan, J.). At a trial scheduling conference on May 22, 2023, Latimer/Bey requested a hearing on the Motion for Reconsideration. Because the Motion alleged no change in circumstances with respect to the denials of Latimer/Bey's several motions to suppress but, as the motion to dismiss, was based, at least nominally, on a change in the applicable case law – the Supreme Judicial Court's decision in *Commonwealth v. Guardado*, 491 Mass. 666 (2023) – I bifurcated the Motion. I referred the portion of the Motion that sought reconsideration of the denial of the motions to suppress to the judge (Budreau, J.) who decided them.

Judge Budreau denied the Motion insofar as it sought reconsideration of his denial of the several motions to suppress. See Order on Defendant's Motion for Reconsideration of Ruling Denying Motion to Suppress (Paper No. 90).

On June 21, 2023, I conducted a hearing on the portion of the Motion that sought reconsideration of the denial of the motion to dismiss. I took this step, rather than referring the Motion to the judge (Haggan, J.) who decided the initial motion to dismiss – see Mass. Sup. Ct. R. 9D (motions for reconsideration to be decided by the judge who originally decided them) – because the Motion sought dismissal based, in part, on a case, *Guardado*, that had not been decided when the motion to dismiss originally was denied. I thus treated the Motion for Reconsideration as a new motion to dismiss, based on grounds that could not have been asserted when the initial motion was filed. I took under advisement the portion of the Motion that sought dismissal of the indictment on Second Amendment grounds.

DISCUSSION

I. Threshold Issues

The precise nature and contours of the defendants' motions to dismiss are not entirely clear. It appears that they challenge G. L. c. 140, § 131(d) (2021 ed.) – the Commonwealth's statute requiring a license to carry a firearm – as well as the criminal statutes under which the defendants are charged with unlawful – that is, unlicensed – carrying of firearms, G. L. c. 269, §§ 10A(a),(h)(1),(m),(n), and 10D (2021 ed.). Further, it is not entirely clear whether the defendants' challenge to the criminal statutes under which they are charged is a facial challenge or, instead, whether they challenge the statute only as applied to them.

A. The Nature of the Defendants' Challenge: Facial or As-Applied

“The distinction between as-applied and facial challenges is sometimes hazy,” *United States v. Perez*, 43 F.4th (437, 443 (5th Cir. 2022) (citation omitted), but “[a]s-applied challenges are the basic building blocks of constitutional adjudication,” Richard H. Fallon, Jr., *As-Applied and Facial Challenges and Third-Party Standing*, 113 Harv. L. Rev. 1321, 1328 (2000).” *United States v. Bullock*, No. 3:18-CR-165-CWR-FKB, 2023 WL 4232309

at *5 (S.D. Miss. June 28, 2023) (Reeves, J.). Because Latimer/Bey's arguments repeatedly return to the specific nature of his group's activities and their collective identification as a militia, I conclude that his is an as-applied challenge.

An as-applied challenge requires the court to determine whether a law that can be applied constitutionally in some situations "is nonetheless unconstitutional as applied to [the defendant's] . . . activity." *Spence v. Washington*, 418 U.S. 405, 414 (1974). As the defendants' challenge fails, it is ultimately insignificant whether I treat it as an as-applied or, instead, facial challenge. That is because, if a statute is constitutional as applied to one or more defendants, then it will perforce survive a facial challenge. See *Bucklew v. Precythe*, 139 S. Ct. 1112, 1127 (2019) ("A facial challenge is really just a claim that the law or policy at issue is unconstitutional in all its applications."). Cf. *Blixt v. Blixt*, 437 Mass. 649, 652 (2002) ("A facial challenge to the constitutional validity of a statute is the weakest form of challenge, and the one that is least likely to succeed."), citing *United States v. Salerno*, 481 U.S. 739, 745 (1987). The defendants have not demonstrated that, as applied to them, the statutes under which they are charged are unconstitutional.

B. Standing

To the extent that they rely on *Bruen* for the proposition that the Massachusetts firearms licensing statute, G. L. c. 140, § 131(d) (2021 ed.), is unconstitutional,⁴ the defendants lack standing to do so. In *Bruen*, the United States Supreme Court held that the denial of applications to carry handguns submitted by two persons violated the Second Amendment because they were based on the individuals' failure to establish "proper cause," to issue the license. 142 S. Ct. at 2156. The defendants, however, do not assert that they have ever applied for, or been denied, a license to carry a firearm in

⁴ Apparently in response to the United States Supreme Court's holding in *Bruen*, the Commonwealth's firearm licensing statute was amended on August 10, 2022, by St. 2022, c. 175, § 4, an emergency act. The amendment eliminated the "good reason" requirement in the existing version of G. L. c. 140, § 131. I understand the defendants to be challenging the version of the licensing statute in effect at the time of their arrest.

Massachusetts – or anywhere else for that matter. They, therefore, lack standing to challenge the Commonwealth’s firearm licensing statutes. See *Commonwealth v. Cassidy*, 479 Mass. 527, 539 n.10. (2018) (defendant lacked standing to challenge constitutionality of G. L. c. 269, § 10(m), as applied to him “[b]ecause he did not apply for a license to carry or an FID card . . .”). See also *United States v. Decastro*, 682 F.3d 160, 164 (2nd Cir. 2012) (“[B]ecause . . . [defendant] failed to apply for a gun license in New York, he lacks standing to challenge the licensing laws of the state.”), citing *Jackson-Bey v. Hanslmaier*, 115 F.3d 1091, 1096 (2nd Cir. 1997) (“As a general matter, to establish standing to challenge an allegedly unconstitutional policy, a plaintiff must submit to the challenged policy.”).⁵

II. The Defendants’ Argument for Dismissal Based on *Bruen*

The defendants’ primary argument in the Motion for Reconsideration – considered and rejected by Judge Haggan in his Order on Defendant’s Motion to Dismiss Indictment (Paper No. 81) – is that the United States Supreme Court’s decision in *Bruen* invalidated the Commonwealth’s firearm licensing law and thus rendered their prosecution for non-compliance with that law unconstitutional. For the reasons stated by Judge Haggan, this argument fails.

As Judge Haggan noted in his original decision, the holding in *Bruen* invalidated the provision of New York’s gun licensing law that required an applicant for a license to carry a gun in public to show a particularized need to do so, referred to as a “proper-cause requirement.” *Bruen*, 142 S.Ct. 2156. The *Bruen* Court held that the Second Amendment guarantees “an individual’s right to carry a *handgun* for self-defense outside the home.” *Id.* at 2122 (emphasis supplied). Thus, a licensing statute that is not “based on objective criteria” but, instead, requires a citizen to “demonstrate a special

⁵ The same standing analysis disposes of the defendants’ claim that the Commonwealth’s firearm licensing scheme is an unconstitutional tax of constitutionally protected activity. To the extent that the defendants had standing to raise this argument, I would reject it for essentially the reasons set out in the Commonwealth’s Opposition to Defendants’ “Motion for Reconsideration” Regarding Motion to Dismiss (Paper No. 67) at pp. 4-6.

need [to carry a handgun] for self-defense” violates the Second Amendment. *Id.* Although the defendants raise this issue only obliquely, *Bruen’s* holding invalidated the Commonwealth’s licensing statute, G. L. c. 140, § 131(d), because, at the time of the arrests in this case, the statute required an applicant for a license to carry firearms to establish a “good reason to fear injury to the applicant or the applicant’s property or for any other reason” G. L. c. 140, § 131(d) (2021 ed.).

The Supreme Court in *Bruen* did not, as the defendants’ argument implies, invalidate licensing statutes across the board. Indeed, the *Bruen* Court noted approvingly, at the outset of its decision that, “[i]n 43 States, the government issues licenses to carry based on objective criteria.” *Bruen*, 142 S.Ct. at 2122. For this reason, Justice Kavanaugh noted, in his concurrence, that

The Court’s decision does not prohibit States from imposing licensing requirements for carrying a *handgun* for self-defense. In particular, the Court’s decision does not affect the existing licensing regimes – known as “shall-issue” regimes – that are employed in 43 States.

Id. at 2161 (Kavanaugh, J., concurring) (emphasis supplied). The holding in *Bruen* did not address the validity of statutes criminalizing the carrying of firearms without a license; nor did it address its applicability to firearms other than handguns.

In effect, the defendants ask me to apply *Bruen’s* rationale to the criminal statutes under which they were charged for carrying firearms without a license and, in so doing, conclude that they violate the Second Amendment. There is, however, no basis in either the law or common sense to do so. The Supreme Court’s holding in *Bruen* is:

that a State may not enforce a law, like New York’s . . . , that effectively prevents its law abiding residents from carry a gun for . . . [self-defense]. [The Court’s] . . . holding decides nothing about who may lawfully possess a firearm or the requirements that must be met to buy a gun. Nor does it decide anything about the kinds of weapons that people may possess. Nor . . . [did the Court] disturb[] anything that . . . [it] said in [*District of Columbia v.*] *Heller*[], 554 U.S. 570 (2008)] or *McDonald v. Chicago*, 561 U.S. 742 , 130 S.Ct. 3020, 177 L.Ed. 2d 894 (2010) about restrictions that may be imposed on the possession or carrying of guns.

Bruen, 142 S.Ct. 2111, 2157 (2022) (Alito, J., concurring). Thus, at least in the view of Justice Alito, who joined the majority in *Bruen*, there is no legal basis to conclude that statutes, like the Commonwealth's, that forbid persons from carrying firearms without a license to do so would run afoul of the rule in *Bruen*.

Under *Bruen*, a court confronted with a challenge to a restriction on gun possession – as I am in this case – must conduct a two-step analysis. The first step is to determine whether “the Second Amendment’s plain text covers an individual’s conduct.” *Bruen*, 142 S.Ct. at 2129-2130. The second is to ask whether the prosecution can “justify its regulation by demonstrating that it is consistent with the Nation’s historical tradition of firearm regulation.” *Id.* at 2130.

A. Applicability of the Second Amendment to the Activity Charged in This Case

Several courts that have analyzed the issue have held that regulating gun possession by persons previously convicted of felonies does not implicate the Second Amendment. The rationale of such decisions is that the Second Amendment protects only “‘law abiding,’ responsible citizens.” *United States v. Belin*, No. 21-CR-10040-RWZ, 2023 WL 2354900 at *2 (D. Mass. Mar. 2, 2023) (Federal felon-in-possession statute, 18 U.S.C. §922(g)(1), not unconstitutional “because it does not impact ‘law abiding,’ responsible citizens”), quoting *Bruen*, 142 S. Ct. at 2122. See also *Edenfield v. State*, No. 1D22-290, 2023 WL 4924150 at *2 (Dist. Ct. App. FL, 1st Dist. Aug. 2, 2023) (State felon-in-possession statute, Fla. Stat. § 790.23(1)(a), survived facial unconstitutionality challenge post-*Bruen*).

Such an argument is plausible in the case of statutes prohibiting convicted felons from possessing firearms. The argument cannot carry the day here, however, as there is no allegation that any of the three defendants before the court have, in fact, been convicted of a felony. Applied to these defendants, therefore, concluding that they are not law-abiding citizens because they carried guns in violation of the Massachusetts registration statute merely circles one back to the question whether the statute itself is constitutional. Thus, I accept – at least for the purposes of argument – that the plain

language of the Second Amendment covers the defendants' alleged conduct in this case. The defendants are, after all, accused of unlawfully "keep[ing] and bear[ing] arms." Second Amendment to the United States Constitution.

B. The *Bruen* Historical Analogy Analysis

Assuming, for the sake of argument, that this case falls within the Second Amendment's scope, the holding in *Bruen* requires that I determine whether the Commonwealth's criminal prohibition on carrying a firearm without a license "is consistent with the Nation's historical tradition of firearm regulation." *Bruen*, 142 S. Ct. at 2130. I conclude that it is.

In determining whether a current regulation is permissible under the Second Amendment, a court must determine whether it "impose[s] a comparable burden on the right of armed self-defense" to that imposed by regulations in place at the time of our nation's founding or, at the latest, at the time of the ratification of the Fourteenth Amendment to the United States Constitution.⁶ *Bruen*, 142 S.Ct. at 2133. The *Bruen* Court acknowledged that "[t]he regulatory challenges posed by firearms today are not always the same as those that preoccupied the Founders in 1791 or the Reconstruction generation in 1868." *Id.* at 2132. "[C]ases implicating unprecedented social concerns or dramatic technological changes may[, therefore,] require a more nuanced approach." *Id.*

⁶ The *Bruen* decision does not appear to establish with certainty whether, for a modern regulation to be valid, it must be analogous to a regulation known to our nation's founders or, instead, whether a modern regulation can be valid if it is analogous to a restriction in place as of 1868, the year of the passage of the Fourteenth Amendment to the United States Constitution, which applied the Federal Bill of Rights – including the Second Amendment – to the states. See *Bruen*, 142 S. Ct. at 2138 ("We need not address this issue today because . . . the public understanding of the right to keep and bear arms in both 1791 and 1868 was, for all relevant purposes, the same with respect to public carry.") For analogous reasons – because I conclude that authority to license gun ownership, and to punish unlicensed possession, was essentially the same in 1791 and 1868 – I need not address any distinction in the state of firearm licensing laws in the post-revolutionary and post-civil war United States.

In a decision earlier this year analyzing the constitutionality of the Federal felon-in-possession statute, 18 U.S.C. §922(g)(1), the United States Court of Appeals for the Eighth Circuit observed that, since at least colonial times,

. . . legislatures traditionally employed status-based restrictions to disqualify categories of persons from possessing firearms. Whether those actions are best characterized as restrictions on persons who deviated from legal norms or persons who presented an unacceptable risk of dangerousness, Congress acted within the historical tradition when it enacted [18 U.S.C.] §922(g)(1) and the prohibition on possession of firearms by felons.

United States v. Jackson, 69 F.4th 495, 505 (8th Cir. 2023). Indeed “the vast majority of cases” in which courts have addressed whether “statutes prohibiting [non-violent] felons from possessing weapons are constitutional under *Bruen*” have upheld them. *People v. Brooks*, 2023 IL App. (1st) 200435, 2023 WL 6206104 at *13 (Sep. 25, 2023), citing, inter alia, *Jackson*, 69 F. 4th 495. See also *Vincent v. Garland*, 80 F.4th 1197, 1202 (10th Cir. 2023) (18 U.S.C. § 922(g)(1) constitutional regardless of nature of underlying felony); *United States v. Sternquist*, No. 22-CR-473(DLI), 2023 WL 6066076 at *6 (E.D.N.Y. Sept. 12, 2023) (approximately 140 Federal district courts that have considered issue have upheld Federal felon-in-possession statute against *Bruen* challenge). Cf. *United States v. Smith*, 2023 WL 5814936 at *3 (5th Cir. Sept. 8, 2023) (defendant unable to show error, under *Bruen*, in judge’s acceptance of his plea under 18 U.S.C. §922(g)(1)). But see *Range v. Attorney Gen’l*, 53 F.4th, 262, 276 (3rd Cir. 2022), rev’d by *Range*, 69 F.4th 10 (3rd Cir. 2023) (en banc) (Federal felon-in-possession statute unconstitutional under *Bruen*); *Bullock*, 2023 WL 4232309 at *2 (same).

Perhaps anticipating this conclusion, the defendants argue that this historical analysis is based solely on colonial-era and post-Revolutionary-War-era statutes that prohibited slaves from possessing firearms. This argument is incorrect. It is true that “[t]he earliest firearm legislation in colonial America prohibited Native Americans, Black people, and indentured servants from owning firearms.” *Range*, 53 F.4th at 276,

rev'd by *Range*, 69 F.4th at 10.⁷ The history of the colonial and post-Revolutionary period, however, provides "numerous examples in which full-fledged members of the political community as it then existed – *i.e.* free, Christian, white men – were disarmed due to conduct evincing inadequate faithfulness to the sovereign and its laws." *Id.* So, for example, "Catholics in the American Colonies (as in Britain) were subject to disarmament without demonstrating a proclivity for violence." *Id.* More directly relevant to the issues in this case, after the Revolutionary War, "many of the newly independent states enact[ed] statutes that required individuals, as a condition of keeping their arms, to commit to the incipient social compact by swearing fidelity to the revolutionary regime." *Id.* at 278.

The colony that would shortly become the Commonwealth of Massachusetts was one of the governments that adopted a loyalty oath as a condition of keeping firearms. Chapter 21 of the Province Laws of 1775-1776 (4th Session) provided for the "disarm[ing]" of "every male person above sixteen years of age . . . who shall neglect or refuse to subscribe a printed or written declaration" of support for the war carried on by "the United American Colonies" against "Great Britain." Province Laws of 1775-1776 (4th Session) at c. 21, § 1. There can, thus, be no dispute that like the governments of the other pre-independence colonies and newly formed states, the colonial government of Massachusetts understood that it had the authority to regulate who could, and could not, possess firearms.

The several similar statutes in the American colonies and newly formed United States persuade me that the Commonwealth's statutes criminalizing unlicensed

⁷ As the Third Circuit noted in the first *Range* decision, "[t]he status-based regulations of this [colonial] period are repugnant (not to mention unconstitutional), and we categorically reject the notion that distinctions based on race, class, and religion correlate with disrespect for the law or dangerousness." 53 F.4th at 276 n.18, rev'd by *Range*, 69 F.4th 96. As the Third Circuit did in the first *Range* decision, I note such cases "only to demonstrate legislatures had the power and discretion [in colonial and post-Revolutionary America] to use status as a basis for disarmament" *Id.*

carrying of firearms had close historical analogues in the American colonies and the early United States.⁸ Those analogues, in turn, justify the Commonwealth's present-day statutes punishing unlicensed firearm possession "by demonstrating that [they are] . . . consistent with the Nation's historical tradition of firearm regulation." *Bruen*, 142 S.Ct. at 2130.

C. The Scope of *Bruen* – Weapons in Common Use for Self-Defense

Even if the Commonwealth's statutes requiring licenses to carry firearms and ammunition conflicted with the Second Amendment as interpreted in *Bruen* – which I find they do not – this would not require dismissal of the charges against the defendants for possessing and carrying military-style assault rifles without a license to do so. In summarizing its rationale, the *Bruen* Court explained that "[t]he Second Amendment guaranteed to 'all Americans' the right to bear *commonly used arms* in public subject to certain reasonable, well-defined restrictions." *Bruen*, 142 S.Ct. at 2156, quoting *Heller*, 554 U.S. at 581. It is significant, in this context, that, throughout its opinion, the *Bruen* Court discussed the right of Americans to carry *handguns* in public. The holding in *Bruen* – announced at the beginning of the decision – is that "the Second and Fourteenth Amendments protect an individual's right to carry *handgun* for self-

⁸ The Third Circuit in the first *Range* decision summarized the analogy:

In sum, the "how and why," *Bruen*, 142 S.Ct. at 2133, of these oath statutes' burden on the right to bear arms teaches us two things about the historical understanding of status-based prohibitions [on gun possession]. First, . . . these laws "defined membership of the body politic" by disarming individuals whose refusal to take these oaths evinced not necessarily a propensity for violence, but rather a disrespect for the rule of law and the norms of the civic community. . . . Second, legislatures were understood to have the authority and broad discretion to decide when disobedience with the law was sufficiently grave to exclude even a non-violent offender from the people entitled to keep and bear arms.

53 F.4th at 279, quoting Robert H. Churchill, *Gun Regulation, the Police Power, and the Right to Keep Arms in Early America: The Legal Context of the Second Amendment*, 25 Law & Hist. Rev. 139, 158 (2007), rev'd., *Range*, 69 F.4th 96.

defense outside the home.” 142 S.Ct. at 2122 (emphasis supplied). The *Bruen* decision addresses only handguns. It is possible, of course, that this is because that was the extent of the issue presented to the Court. This would not, however, explain why, at the end of its decision, the *Bruen* Court limited its holding to firearms “commonly used in public.” *Id.* at 2156. Read in the context of the entire decision, this can be understood as referring only to firearms “commonly used” in self-defense.

The Supreme Judicial Court in *Guardado* confronted this question and concluded that “there is no constitutional right to possess a large-capacity magazine” *Guardado*, 491 Mass. at 668, citing *Commonwealth v. Cassidy*, 479 Mass. 527, 540, cert. denied, 139 S.Ct. 276 (2018) (“right to bear arms ‘does not protect those weapons not typically possessed by law-abiding citizens for lawful purposes’”), quoting *Heller*, 554 U.S. at 625. See *Hanson v. District of Columbia*, Civil Action No. 22-2256(RC), 2023WL3019777 at *12 (D. D.C. April 20, 2023) (upholding District of Columbia’s ban on large capacity magazines “because they are not typically possessed for self-defense”). That the Supreme Judicial Court has held that large-capacity magazines are not “typically possessed by law-abiding citizens for lawful purposes,” *id.*, indicates that they would reach the same conclusion as to the large-capacity weapons into which those magazines are inserted.

Assault rifles, such as those carried by Latimer/Bey and his co-defendants, are weapons of war.⁹ See *Staples v. United States*, 511 U.S. 600, 603 (1994) (“The AR-15 is the civilian version of the military’s M-16 rifle, and is, unless modified, a semi-automatic weapon.”); *People v. James*, 94 Cal.Rptr.3d 576, 586 (CA Ct. App., Third Dist. 2009), cert. denied sub nom., *James v. California*, 559 U.S. 946 (2010) (M-16 rifles “are not the types of weapons that are typically possessed by law-abiding citizens for lawful purposes such as sport hunting or self-defense; rather, these are weapons of war.”); *Kolbe v. O’Malley*, 42 F.Supp.3d 768, 794 (D. Md. 2014) (“Having the features of military weapons, assault

⁹ The Commonwealth alleges – and the defendants do not dispute – that the rifles that they possessed when arrested were “[a]ssault weapon[s],” as defined in G. L. c. 140, § 121.

weapons are designed to cause extensive damage and can fire many rounds in quick succession, from a greater distance and with greater accuracy than many other types of guns – including, in some respects, their automatic counterparts.”); *Nat’l Assoc. for Gun Rights v. Lamont*, No. 3:22-1118 (JBA), 2023 WL 4975979 at *24-25 (D. Conn. Aug. 3, 2023) (surveying history of AR-15’s origin as a military weapon); *Shew v. Malloy*, 994 F. Supp. 2d 234, 249 n. 49 (2014) (victims of mass-shooting at Sandy Hook Elementary School in Connecticut “killed with a weapon of war, a semi-automatic assault rifle, the platform of which – was originally designed for the battlefield and mass killings”). A reading of *Bruen* as holding that states lack the authority to regulate weapons of war because they could, theoretically, be used in self-defense both ignores the language of *Bruen* itself and defies common sense. Such a holding effectively would consign ordinary law-abiding citizens to living their entire lives in a war zone – a society in which ordinary citizens both outgun law enforcement officers (as in this case) and are constitutionally empowered to carry weapons of war on generally peaceful city streets.

This simply cannot have been the vision of the founders of this nation. Nothing in the record – or in any authority drawn to my attention or that I have found – even hints at – much less compels – such a conclusion. Thus, at least as to the defendants’ charges of carrying assault weapons without a license, there can be no basis for dismissal under the Second Amendment.

III. The Defendants’ Argument That Their Activities in This Case Were as Part of a Militia and, Therefore, Entitled to Second-Amendment Protection

The defendants also rely on the express language of the Second Amendment to argue that they cannot be prosecuted for the activities charged as criminal conduct in this case. The Second Amendment provides: “A well-regulated Militia being necessary to the security of a free State, the right of the people to keep and bear arms shall not be infringed.” Second Amendment to the United States Constitution. The defendants argue that, as part of an organization that they viewed as a militia, they have an absolute right to carry firearms.

This argument fails on two grounds. First, there is nothing in the record suggesting that the defendants' self-styled militia was regulated at all, much less the "well regulated [m]ilitia" contemplated by the Second Amendment. See *United States v. Hale*, 978 F.2d 1016, 1020 (8th Cir. 1992) (neither defendant's "technical" membership in "the Kansas militia," defined by Kansas Constitution as "all 'able-bodied male citizens between the ages of twenty-one and forty-five years'" nor his "membership in 'Posse Comitatus,' an apparently nongovernmental organization" warrant Second Amendment protection for otherwise unlawful firearm possession), overruled on other grounds by *Heller*, 554 U.S. 570 (Second Amendment not limited to state's rights to maintain a militia but also protects individual's right to bear arms). See also *United States v. Fincher*, 538 F.3d 868, 872 (8th Cir. 2008) (same), overruled on other grounds by *Heller*, 554 U.S. 570; *United States v. Haney*, 264 F.3d 1161, 1165-1166 (same), overruled on other grounds by *Heller*, 554 U.S. 570; *United States v. Wright*, 117 F.3d 1265, 1273 (11th Cir. 1997) (rejecting "claim . . . that membership in a state's unorganized militia is sufficient to bring [otherwise unlawful] gun possession within the protection of the Second Amendment"); *United States v. Bournes*, 105 F.Supp.2d 736, 744 (E.D. Mich. 2000) ("courts have uniformly held that Second Amendment protection does not extend to . . . private or 'unorganized' militias").

Second, the defendants have not directed my attention to any case in which a court has held that membership in a private militia of the type posited in this case entitles an individual to Second Amendment protection separate and apart from its more general protection. In light of the cases cited in the preceding paragraph, I am not surprised that the defendants have not found a case to support their position on this issue.

IV. Application of the Holding in *Commonwealth v. Guardado*, 491 Mass. 666 (2023)

Although Latimer/Bey initially invoked *Guardado* in asking this court to reconsider its initial denial of his motion to dismiss (issued by Haggan, J.), neither Latimer/Bey nor the defendants who joined his motion have advanced any significant argument based on that case. In *Guardado*, the Supreme Judicial Court held that, in light

of the United States Supreme Court's holding in *Bruen*, the Commonwealth could no longer require defendants to come forward with evidence of a license to carry firearms before the Commonwealth would have to prove the absence of such a license. *Guardado*, 491 Mass. at 668. The Supreme Judicial Court reasoned that, as carrying a handgun in self-defense was determined in *Bruen* to be a right guaranteed under the Second Amendment, it would violate that right to impose on defendants charged with unlawful possession of a handgun the obligation to prove that they were licensed to do so. *Id.* Instead, to prosecute a defendant for unlicensed carrying of a handgun, the Commonwealth would have to prove, as part of its case-in-chief, that the defendant was unlicensed. *Id.*

The holding in *Guardado*, however, does not support the defendants' arguments for dismissal. First, to the extent that it is a rule that applies at trial, these cases have not reached that stage. Second, to the extent that the holding in *Guardado* dictates that the Commonwealth must present evidence to the grand jury that the accused did not have a license to carry a firearm, the Commonwealth did so in this case. Testifying before the grand jury on August 31, 2021, Massachusetts State Trooper Michael Sullivan was asked, "[d]id Mr. Latimer confirm that nobody present had an FID card or a license to carry those firearms?" Tr. 8/31/21: 14, ll. 9-10. Trooper Sullivan answered, "correct." *Id.* at l. 11. Trooper Sullivan further recounted that none of the eleven defendants produced a license to carry firearms, *Id.* at p. 17, l. 22 – p. 18, l. 1, and that Latimer/Bey had explained that, in Rhode Island, no license was required to carry a rifle like the one he carried.¹⁰ *Id.* at 18, ll. 2-6. Testifying the following day, Trooper Sullivan recounted that, despite efforts, he had not been able to identify any of the defendants who had a license to carry firearms. Tr. 9/1/21: 40, ll. 9-13. Thus, even assuming that *Guardado* requires the prosecution to introduce evidence before the grand jury that the defendant was not licensed to carry a firearm, the evidence presented in this case established probable

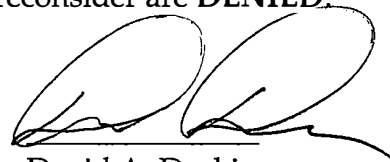
¹⁰ It appears that Latimer/Bey's representation was incorrect. See R.I. Gen. Laws 1956, §11-47-51 (prohibiting "possession [of] a loaded rifle . . . while upon or along any public highway . . . [or] road.").

cause to arrest the defendants for unlawful carrying of firearms. See *Commonwealth v. McCarthy*, 385 Mass. 160, 163 (1982) (court’s review of grand jury evidence limited to whether grand jury received evidence sufficient to establish “probable cause to arrest”).

Finally, for the reasons discussed in Sections I and II, above, even if *Guardado* dictated dismissal in this case (and it does not), it would do so only as to handguns. The holding in *Bruen* concerned only handguns. See Section I, *supra*. Interpreting *Bruen*, the Supreme Judicial Court in *Guardado* held that the defendant’s conviction for possession of a large capacity magazine could stand “[b]ecause there is no constitutional right to possess a large[-] capacity magazine” *Guardado*, 491 Mass. at 668, citing *Cassidy*, 479 Mass. at 540, cert. denied, 139 S.Ct. 276 (2018) (“right to bear arms ‘does not protect those weapons not typically possessed by law-abiding citizens for lawful purposes’”), quoting *Heller*, 554 U.S. at 625. See Section II, *supra*. See also *Commonwealth v. Wittey*, 492 Mass. 161, 187 (2023) (in striking down convictions for unlawful possession of firearm and ammunition on *Guardado* grounds, SJC declined to vacate conviction for possession of large-capacity firearm as *Guardado* does not “extend . . . to the crime of unlawful possession of a large[-]capacity feeding device”). Thus, *Guardado* makes clear that there is no basis for the dismissal of the charges in this case pertaining to large-capacity firearms and/or magazines.

CONCLUSION & ORDER

For the reasons set out above, the motions to reconsider are **DENIED**.

A handwritten signature in black ink, appearing to read 'David A. Deakin', written over a horizontal line.

David A. Deakin
Associate Justice

Dated: October 18, 2023