

S.J.C. No. DAR-____
App. Ct. No. 25-P-399

Commonwealth of Massachusetts

Supreme Judicial Court

COMMONWEALTH,

Appellee,

vs.

JOCELYN VASQUEZ,

Defendant-Appellant.

ON APPEAL FROM A JUDGMENT OF THE
SUFFOLK COUNTY SUPERIOR COURT

APPLICATION FOR DIRECT APPELLATE REVIEW

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REQUEST FOR DIRECT APPELLATE REVIEW

Jocelyn Vasquez has been convicted of second-degree murder in connection with the shooting of Garfield Thomas. The case against Ms. Vasquez didn't entirely add up; as the prosecutor admitted, the Commonwealth could provide no explanation of why she would have shot Thomas. But as detailed below, their investigation did produce circumstantial evidence that, while hardly overwhelming, was legally sufficient to permit the jury to find that she had done so.

Against that circumstantial case, Ms. Vasquez attempted to assert a straightforward defense: that although, as the Commonwealth admitted, *she* had no apparent reason to want to hurt Thomas, *other* people did. Multiple defense witnesses testified that Thomas was a counterfeiter who regularly passed fake money to people in the community, including in exchange for drugs. This testimony was corroborated by police's recovery of counterfeit currency and counterfeiting paraphernalia from Thomas's apartment after he was killed.

But the jury heard only part of Ms. Vasquez's defense—and not the most important part. The judge permitted her to introduce generalized evidence about Thomas's counterfeiting activity. But he excluded specific evidence about Thomas's confrontations with people in the community over that activity—including percipient testimony that Thomas had actually been *shot at* three times during the months leading up to his death. In ruling that evidence inadmissible, the judge relied on a recent line of this Court's murder cases affirming the exclusion of "rank speculation" that someone else might have committed the crime. *See, e.g., Commonwealth v. Bookman*, 492 Mass. 396, 399 (2023), *citing Commonwealth v. Acevedo*, 492 Mass. 381, 391 (2023).

Pursuant to Mass. R.A.P. II, Ms. Vasquez now requests that this Court allow direct appellate review of this consolidated appeal from her conviction and the denial of her new trial motion, and make plain that the judge overread these cases. Where a defendant offers otherwise admissible evidence that someone else may have committed the crime with which she is charged, the Constitution requires it to be admitted so long as it is relevant. Evidence that someone else has repeatedly attempted to commit the very shooting for which the defendant is on trial easily clears that bar, even if the person who witnessed the attempted shootings cannot positively identify their perpetrator.

PRIOR PROCEEDINGS

Ms. Vasquez was indicted on January 25, 2019, on charges of first-degree murder and unlawful firearm possession.

The case was tried to a jury in the Suffolk County Superior Court (O'Shea, J., presiding), beginning on May 15, 2023. On June 6, the jury found Ms. Vasquez guilty on the firearm possession charge. On the murder indictment, the jury returned a verdict of guilty of the lesser-included offense of murder in the second degree. On June 22, 2023, Judge O'Shea imposed the mandatory sentence of life in prison with the possibility of parole after fifteen years.

Ms. Vasquez timely noticed her appeal on June 22, 2023, and the case was entered in the Appeals Court on April 8, 2024. The direct appeal was stayed pending litigation of a motion for new trial, which was filed on June 26, 2024, and denied on March 5, 2025. A second notice of appeal was docketed on March 12, 2025, and the appeals were consolidated on April 15, 2025.

STATEMENT OF FACTS

The indictment in this case charged Jocelyn Vasquez with the murder of her close friend Garfield Thomas, who was shot on the morning of May 15, 2018, at the Mattapan triple-decker where he lived. The Commonwealth admitted at trial that it could provide no explanation of why Ms. Vasquez would have shot Thomas. But surveillance footage showed her leaving his building shortly after the shooting, and a gun was later found in his apartment that bore her fingerprint.

This was hardly an open-and-shut case. The surveillance footage showed only the building's front door, through which Ms. Vasquez had left. But immediately after the shooting, Thomas had stumbled into his landlord's first-floor apartment from the building's rear stairwell, which was accessible by a back door not shown in the footage. Significantly, no blood was found anywhere in Thomas's third-floor apartment or on the stairs leading up to it. As for the fingerprint on a gun found under Thomas's mattress, Ms. Vasquez explained at trial that Thomas often left his guns lying around the apartment, and that she sometimes had to move them herself. Moreover, while the Commonwealth contended at trial that the gun found in Thomas's apartment was the murder weapon, police negligently lost the bullet that killed him before any ballistics analysis could be performed to confirm or refute that claim. Nevertheless, in the absence of any compelling alternative explanation, the jury found Ms. Vasquez guilty.

The pretrial defense investigation did disclose a possible alternative explanation: Thomas was a counterfeiter who had made a habit of paying people in the community with fake money. Police found counterfeit currency and counterfeiting paraphernalia in his apart-

ment after he died. Ms. Vasquez's brother Victor—who had recently pleaded guilty to a federal charge of aiding and abetting counterfeiting—admitted to the jury that he had learned how to make counterfeit money from Thomas; had assisted Thomas with his counterfeiting operation before he died; and had continued (and expanded upon) that operation after his death. Victor also testified that during the year before Thomas died, he had regularly seen Thomas mix counterfeit money together with real money and use it to buy things, including drugs. This was corroborated by another witness, who testified that Thomas had given him fake money for some sneakers.

Thomas's habit of paying people—including drug dealers—with fake money provided an obvious potential motive for someone else to have killed him. Moreover, as detailed below, Ms. Vasquez's own explanation of what happened on the morning of the shooting provided specific reason to think Thomas's murder was connected to his counterfeiting activity, and that an associate of Thomas's named "T" might have been involved. Ms. Vasquez's trial attorney therefore investigated and formulated a defense that would put these facts before the jury and bolster Ms. Vasquez's version of events. However, as discussed *infra*, central components of that defense were excluded at trial.

According to Ms. Vasquez, on the morning of his death Thomas told her that a woman named "T" had found someone who was willing to pay him \$30,000 in genuine currency in exchange for \$100,000 of counterfeit currency. He was getting ready to go meet "T" and make the sale right then. Ms. Vasquez thought this sounded dangerous and was concerned for her own safety. Because Thomas was on his way out the apartment's back door to make his sale, she decided to leave

through the front entrance. Before she left, she saw Thomas exit the apartment through the back door. He was carrying a pouch with him, and did not have his shoes on; Ms. Vasquez took this to mean that he was either intending to complete the transaction in the house's back stairwell, or that he was only going down to open the door for someone and intended to bring them right back upstairs. She therefore immediately left the apartment through the front door. She sat on the stairs in the building's front stairwell for a few minutes calling people to find a ride, and shortly thereafter she left the house. She only learned Thomas had been shot when a detective called her that night.

The defense investigation uncovered several facts (in addition to the information about Thomas's counterfeiting) that lent credibility to Ms. Vasquez's account. Victor testified at trial that Thomas owned at least two guns, one of which was a revolver, and that he carried a gun "most of the time." He also told defense counsel that Thomas sometimes sold counterfeit currency in exchange for a lesser amount of genuine cash—typically something in the range of thirty or forty fake \$100 bills for a thousand dollars (consistent, in terms of pricing, with the sale Thomas told Ms. Vasquez he was preparing to make on the morning of his death).

In addition, Victor provided defense counsel with information specifically suggesting that Thomas had made enemies through his fraudulent activities. Victor had personally witnessed numerous encounters where people confronted Thomas about debts he owed them or his having paid them with fake money. These confrontations were often heated and sometimes involved threats against Thomas. Victor mentioned one individual in particular with whom Thomas

had clashed repeatedly—a tall, dark-skinned, heavy-set man with a Caribbean accent. Victor saw this man confront Thomas about money he claimed to be owed several times during the months leading up to Thomas’s death. One of these encounters, at Thomas’s apartment, nearly escalated into a physical fight, but ended when Thomas pulled a gun from his waistband. The man put up his hands and left, but said he would be back to discuss the money he was owed.

Most significantly, defense counsel learned of evidence that Thomas had actually been *shot at* several times during the months leading up to his death. Victor testified at trial that he often drove Thomas to his counterfeiting transactions. Twice between February and April of 2018, the two men had to flee those transactions because someone was shooting at Thomas. Victor and Thomas were also targeted in a drive-by shooting near Thomas’s apartment during the weeks leading up to his death. No one was struck during any of these shootings, and Victor did not see the shooters.

Finally, defense counsel developed some information about “T”. Multiple witnesses testified at trial that “T” hung out with Thomas “all the time”; she was with him when he bought the sneakers with fake money. Counsel were able to identify “T” as a woman named Tashahnaya Dance. They learned that Dance had been shot and killed on the street in Dorchester in January 2021. They also located a witness, Roshelle Chisholm, who had previously sold marijuana to Thomas and Dance. Chisholm had stopped dealing with them after Thomas paid her for marijuana using counterfeit money. That transaction, at which Dance was also present, took place in early 2018. During this encounter, Chisholm saw Dance holding a large handgun.

At trial, Victor was allowed to testify (over the Commonwealth's objections) regarding his involvement with Thomas's counterfeiting and his personal observations of Thomas carrying guns. But the judge sustained the Commonwealth's objections to Victor's testimony about Thomas's confrontations with the Caribbean man and the prior attempts on Thomas's life.¹ In light of the judge's unequivocal ruling excluding Victor's testimony, defense counsel concluded that Chisholm's testimony would likewise be excluded and moved directly to Ms. Vasquez. When Ms. Vasquez began to describe her conversation with Thomas about the transaction that "T" had arranged, the Commonwealth raised a hearsay objection, which the judge sustained. As a result, the jury heard only that Ms. Vasquez had "a conversation" with Thomas "that caused [her] some concern for [her] safety," and she decided to leave through the front door as a result.

Thus, while the jury heard some evidence regarding Thomas's counterfeiting activity, they never heard: (1) that in the months leading up to his death, Thomas had repeatedly clashed with (and been threatened by) multiple people as a result of that activity, (2) including a particular individual with whom one such confrontation had escalated to the point where Thomas brandished a gun; (3) that on multiple occasions during that same period, someone had attempted to

¹ This ruling was based in part on the judge's belief that defense counsel had violated their reciprocal discovery obligations. However, the judge's order on Ms. Vasquez's motion for new trial made clear that it was also based on a legal conclusion that the testimony was inadmissible as a matter of law. *Post*, at 57. Ms. Vasquez's appeal also addresses the discovery issues and the reasonableness of her trial attorneys' litigation decisions, but details related to those issues are not pertinent to the legal question discussed herein.

shoot Thomas, including twice during prearranged counterfeit currency transactions; (4) that immediately before his death, Thomas told Ms. Vasquez that he was on his way to meet a woman named “T” for a large-scale counterfeit currency transaction she had arranged; or (5) that “T” had previously participated with Thomas in defrauding drug dealers, had carried a gun to at least one such transaction, and was herself shot to death a few years later.

Following her conviction, Ms. Vasquez filed a motion for new trial arguing that her attorneys’ litigation decisions and the judge’s ensuing evidentiary rulings deprived her of a fair trial by preventing the jury from hearing an essential aspect of her defense.

The judge denied the motion based on a ruling that the excluded evidence was all inadmissible as a matter of law. *Post*, at 56-61. Specifically, the judge ruled that to be admissible, third-party culprit evidence must identify a “specific individual” as the “alternate perpetrator,” *post*, at 57, and must demonstrate that individual’s “motive, intent, and opportunity” to commit the crime, *post*, at 56. He thus concluded that Victor’s testimony about having witnessed multiple attempts on Thomas’s life was inadmissible as a matter of law because Victor could not positively identify the person who had been shooting at Thomas. *Post*, at 57-58. And he separately concluded that evidence about “T” and the Caribbean man was inadmissible because, while it identified particular individuals, it failed to show that either of them had all three of the features the judge believed were required (“motive, intent, and opportunity”). *Post*, at 58-60.

ISSUE PRESENTED

The primary question presented in this appeal is whether the judge distilled too high a standard from this Court's cases when he ruled that third-party culprit evidence cannot be admitted unless it is particularized to a single identifiable individual, and demonstrates that person's motive, intent, *and* opportunity to commit the offense. Ms. Vasquez contends that he did. Where proffered defense testimony is not otherwise inadmissible under the rules of evidence, the jury should be permitted to hear it so long as it is relevant to the case.

Ms. Vasquez also contends that her trial attorneys adequately preserved this issue for her direct appeal. But even if they did not, the question is still squarely presented by her appeal from the denial of her motion for new trial; the judge's order on that motion was premised almost entirely on his resolution of this question of law. Because the admissibility of third-party culprit evidence is of constitutional dimension, this Court will review the question independently, without deference to the judge's legal ruling. *See Commonwealth v. Silva-Santiago*, 453 Mass. 782, 804 n.26 (2009).

ARGUMENT

The judge erroneously read this Court's recent caselaw to require Ms. Vasquez to identify a particular individual with the motive, intent, and opportunity to commit the murder before she could offer third-party culprit evidence.

Ms. Vasquez's motion for new trial should have been allowed. The excluded evidence was not only admissible but critical to her defense. She was deprived of a fair trial by her inability to inform the jury that someone else had repeatedly attempted to commit the murder she was charged with.

A. *Third-party culprit evidence that is not otherwise inadmissible hearsay should be admitted so long as it is relevant.*

The constitutional right to present a defense requires judges to give “wide latitude to the admission of relevant evidence that a person other than the defendant may have committed the crime charged.” *Silva-Santiago*, 453 Mass. at 800-801. In deference to this fundamental right, even testimony that is plainly inadmissible under the rules of evidence must be received if it provides “substantial connecting links” between a third party and the crime. *Id.* at 801. As for evidence that is *not* otherwise inadmissible, “normal relevancy considerations apply in determining [its] admissibility.” *Commonwealth v. Ruell*, 459 Mass. 126, 132 (2011).

All the evidence here at issue was “otherwise admissible.” *Id.* Victor and Chisholm would have testified as percipient witnesses to events they personally had experienced. And Thomas’s statement of his intention to meet “T” and a third person for a counterfeit currency transaction was admissible under Mass. G. Evid. §803(3)(B)(ii), as a statement of present intention. Because it was otherwise admissible, the evidence could properly be excluded only if it was irrelevant.

Evidence is relevant if it has any “rational tendency to prove an issue in the case.” *Commonwealth v. Wall*, 469 Mass. 652, 660 (2014). Under this “liberal definition,” *id.*, it is hard to understand how evidence that someone else repeatedly attempted to shoot Thomas in the months leading up to his death could be *irrelevant* to whether Ms. Vasquez was the person who shot him—particularly where the Commonwealth admittedly could offer no explanation why she might have done so.

And indeed, the judge’s reasoning does not resemble a relevancy analysis. Rather, it appears that he erroneously imposed an artificially heightened admissibility standard akin to the “substantial connecting links” standard that applies to *otherwise inadmissible* third-party culprit evidence. On the judge’s view, Ms. Vasquez could not offer evidence tending to suggest that someone else killed Thomas unless she could identify a “specific individual” who had the “motive, intent *and* opportunity” to do so. *Post*, at 56-57. Essentially, the judge required Ms. Vasquez to solve the murder herself before she could present evidence that someone else might have committed it. This is not the law.

B. *Ms. Vasquez was not required to identify the actual murderer in order to offer evidence that someone else may have committed the crime.*

First, there is no requirement that third-party culprit evidence be particularized to a single identifiable person. See *Commonwealth v. Sullivan*, 436 Mass. 799, 807 (2002) (recording of unidentified person confessing to crime “admissible regardless of whose voice it was”). See also, e.g., *Commonwealth v. Phinney*, 446 Mass. 155, 157 (2006) (defendant permitted to introduce evidence about various unidentified possible suspects); *Commonwealth v. Murphy*, 282 Mass. 593, 596-598 (1933) (reversible error to exclude evidence of similar crimes committed by unknown person who “looked somewhat like” defendant). Accord *People v. Bueno*, 626 P.2d 1167, 1170 (Colo. App. 1981) (reversing robbery conviction based on exclusion of evidence of another similar robbery, rejecting argument that admissibility required “positive identification of the perpetrator of the second robbery”), cited with approval in *Commonwealth v. Jewett*, 392 Mass. 558, 562 (1984) (reversing rape conviction

due to exclusion of evidence that defendant was misidentified as perpetrator of another sexual assault committed by unidentified person).

Ms. Vasquez drew the judge's attention to these cases. But the judge ignored them, relying instead on murder cases where there was *no* evidence that *anyone* other than the defendant had ever posed a threat to the victim. *Post*, at 57-58. In *Commonwealth v. Don*, 483 Mass. 697, 711-712 (2019), for example, the defendant offered to show merely that the victim was a drug dealer with a "reputation" for "short-changing his suppliers" (of whom the defendant himself was one) and "being a suspected informant." But no witness would have testified that anyone else had ever threatened the victim, let alone actually tried to kill him. Similarly, in *Commonwealth v. Acevedo*, 492 Mass. 381, 389-391 (2023), the defendant offered "nothing more than rank speculation" that the victim might have been shot because he was a drug dealer who led "a lifestyle that is not conducive to health."

These cases stand for the unremarkable proposition that third-party culprit evidence—like any other evidence—is not admissible if the jury would have to engage in "rank speculation" to connect it to the crime on trial. But no speculation is required to infer that someone who repeatedly attempts to commit a murder over a period of several months may keep trying until they succeed. Indeed, evidence of prior assaults on murder victims is routinely deemed relevant when offered *against* a defendant. See, e.g., *Commonwealth v. Fernandes*, 492 Mass. 469, 485-486 (2023), *and cases cited*. This notwithstanding that the bar for admissibility of such evidence is *higher* in that posture due to the risk of unfair prejudice arising from evidence of uncharged crimes. See *Jewett*, 392 Mass. at 563 (defendant offering evidence of

similar crimes by third party “need not demonstrate the same degree of similarity between incidents which the Commonwealth must demonstrate when seeking to introduce such evidence to establish the defendant’s guilt”). When the evidence is offered by the defense, “prejudice ceases to be a factor, and relevance should function as the admissibility standard.” *Id.*

The judge’s order reveals his failure to abide by this rule. Tellingly, in the one case it cites that *did* involve a prior assault on a murder victim, the only evidence of that prior assault was otherwise inadmissible hearsay. See *Commonwealth v. DePina*, 476 Mass. 614, 629 (2017). Thus, to be admitted, it needed to satisfy the demanding “substantial connecting links” standard. *Id.* at 630, citing *Silva-Santiago*, 453 Mass. at 801. Uncorroborated hearsay regarding an assault by an unknown perpetrator may not suffice to provide “substantial connecting links” between a third party and the crime, such that it can overcome the ordinary rules of evidence. But that provides no support for the judge’s exclusion of testimony from a percipient witness—not excludable based on any “positive rule of law,” *Jewett*, 392 Mass. at 562—that someone else had repeatedly tried to kill the victim.

The judge nevertheless concluded that the shootings Victor witnessed were inadmissible because they “point to no one with the particularity required to allow the jury to identify an alternate perpetrator beyond speculation.” *Post*, at 57. This neatly demonstrates his fundamental error. To acquit Ms. Vasquez, the jury didn’t need to “identify an alternate perpetrator.” They just needed a reasonable doubt whether, as the Commonwealth contended, she had shot a close friend for no apparent reason. Evidence that someone else had

repeatedly *tried* to shoot Thomas in the months leading up to his death, if credited, certainly could give rise to such a doubt. Such evidence “was admissible regardless of who[the shooter] was simply because it suggests that someone—anyone—other than [Ms. Vasquez committed] the killing, and provides a motive unrelated to [her].” *Sullivan*, 436 Mass. at 807.

C. *The judge’s ruling erroneously required Ms. Vasquez’s evidence to be sufficient to permit the jury to conclude that some particular third party had committed the murder, rather than merely relevant to whether she had done so.*

The judge’s belief that third-party culprit evidence is inadmissible unless it establishes *all three* of the third party’s “motive, intent and opportunity” to commit the offense, *post*, at 56, is similarly erroneous.

It is true that “[e]vidence merely raising the speculative possibility that some third person or persons had a motive to kill the victim” is not admissible by itself. *Commonwealth v. Bright*, 463 Mass. 421, 440 (2012). But this Court, while occasionally phrasing “motive, intent, and opportunity” in the conjunctive in its shorthand explanation of the nature of third-party culprit evidence, *e.g.*, *Silva-Santiago*, 453 Mass. at 800, has never held that a defendant must proffer evidence of all three before her testimony may be received. And indeed, more recently the Court has referred to “motive, intent, or opportunity” in the disjunctive. *E.g.*, *Commonwealth v. MacCormack*, 491 Mass. 848, 861 (2023).

This makes sense: relevance is not sufficiency. See *Poirier v. Plymouth*, 374 Mass. 206, 210 (1978). To be relevant, evidence “need not establish directly the proposition sought; it must only provide a link in the chain of proof.” *Commonwealth v. Yesilciman*, 406 Mass. 736, 744 (1990). “Motive, opportunity and design, taken together, may make

guilt more probable than not, but singly each falls far short.” 1 McCormick on Evidence §185.2 n.27 (9th ed. 2025). That doesn’t mean evidence of intent to kill is *irrelevant* without evidence of opportunity; it just may not be *sufficient* to merit a finding of guilt. But Ms. Vasquez was not required to prove that any particular person killed Thomas. Her inability to do so cannot properly serve as a basis to prevent her from exercising her constitutional right to attempt—through otherwise admissible evidence—to instill a reasonable doubt that *she* did.

More generally, the judge’s myopic focus on each item of evidence in isolation precluded a fair evaluation of the probative value of the third-party culprit evidence as a whole. *See, e.g., Yesilciman*, 406 Mass. at 744-745 (evaluating relevance of challenged evidence in light of other evidence that gave it context). Evidence about the Caribbean man may not have been admissible if offered on its own. But once the jury heard evidence that someone *in fact* had been trying to kill Thomas in connection with his counterfeiting activities (a motive never imputed to Ms. Vasquez), the possibility that a particular individual possessing that motive might have been involved would have become a matter of inference rather than speculation.

As for “T”, the judge said there was “no evidence that [she] came to the apartment on May 15.” *Post*, at 59. But Ms. Vasquez’s proffered testimony *was* evidence that she’d come, or at least that Thomas thought she was coming. As noted, Thomas’s statement that he was about to meet “T” for a transaction she had arranged was substantively admissible as a statement of present intention. Mass. G. Evid. §803(3)(B)(ii). And Thomas’s exit through the apartment’s back door

without putting his shoes on suggested that the intended meeting was taking place at the house.

In sum, rather than correctly evaluating the *relevance* of Ms. Vasquez’s proffered evidence, the judge erroneously evaluated its *weight* and found it inadmissible because it was insufficient to merit a conclusion by the jury that any particular third party had committed the crime. *Contra Poirier*, 374 Mass. at 210 (“the probative value to be attached to the testimony was a matter for the jury”). This approach is inconsistent with both the constitutional right to present a defense and the cardinal principle that a criminal defendant need not prove *anything*, because the Commonwealth bears the burden of proof.

The Commonwealth sought to carry its burden by asking the jury to infer from circumstantial evidence that Ms. Vasquez was the person who shot Thomas. The excluded evidence renders this inference “less probable than it would be without [it].” Mass. G. Evid. §401(a). It was therefore relevant and admissible—a conclusion “unaffected by the fact that [it] is capable of an interpretation consistent with the defendant’s guilt.” *Commonwealth v. Keizer*, 377 Mass. 264, 268 n.3 (1979). “The point is that [she] was entitled to have the jury make the decision as to the significance of this evidence in the context of the other evidence in the case.” *Id.* The judge erred in ruling otherwise.

REASONS FOR DIRECT APPELLATE REVIEW

In a series of recent cases decided under G.L. c.278, §33E, this Court has affirmed the exclusion of proffered third-party culprit evidence as unduly speculative. *See, e.g., Commonwealth v. Robinson*, 493 Mass. 303, 316 (2024); *Bookman*, 492 Mass. at 399; *Acevedo*, 492 Mass. at 391; *Commonwealth v. Andrade*, 488 Mass. 522, 533 (2021); *Don*, 483 Mass.

at 712. The recent proliferation of these cases appears to have led the trial judge astray; their focus on the speculative nature of particular defense proffers led him to erroneously evaluate the weight of Ms. Vasquez's evidence rather than its relevance. Evidently, he found it unpersuasive. But that is a quintessential jury question. The jury should have been permitted to evaluate both sides of the case and decide for themselves whether the defense case was credible and weighty enough to raise a reasonable doubt.

The judge's arrogation of that decision to himself deserves this Court's attention. It surely is true that testimony can properly be kept from the jury if they would have to resort to speculation in order to connect it to the case on trial. But it is not in any way speculative to reason that a person who has defrauded numerous members of his community; has been repeatedly confronted and sometimes threatened by those people as a result; and has been shot at multiple times while engaged in that very fraudulent activity, might well have been shot by one of those people rather than by a close friend with no apparent reason to bear him any ill will. Indeed, a member of Ms. Vasquez's jury would likely feel troubled, or perhaps even betrayed, to learn that this information was kept from them as they conscientiously wrestled with the case over four days of deliberations.

This Court's intervention is required both to prevent an injustice in this case and to provide guidance to trial judges in other cases. It is vital to make clear that Massachusetts law does not pose a heightened admissibility standard on third-party culprit evidence like the one the judge applied in this case. Requiring a defendant to identify a particular person with the motive, intent, and opportunity to commit the

offense before she may defend herself is flatly inconsistent with the constitutionally required burden of proof and the right to present a defense. Indeed, the judge's ruling in some respects requires more of a defendant seeking to instill a reasonable doubt than is required of the Commonwealth to prove its case. *See Commonwealth v. Brea*, 488 Mass. 150, 165-166 (2021) (evidence of motive, while relevant, is not required to sustain a murder conviction). Justice requires a final determination by this Court as to the constitutional questions presented by Ms. Vasquez's motion for new trial. *See* Mass. R.A.P. 11(a).

CONCLUSION

For the reasons explained above, this Court should allow direct appellate review and reverse Ms. Vasquez's convictions.

Respectfully submitted,

JOCELYN VASQUEZ

By her attorney,

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1984CR00041 Commonwealth vs. Vasquez, Jocelyn

- Case Type:
- Indictment
- Case Status:
- Open
- File Date
- 01/25/2019
- DCM Track:
- C - Most Complex
- Initiating Action:
- MURDER c265 §1
- Status Date:
- 02/06/2019
- Case Judge:
- O'Shea, Hon. Daniel J.
- Next Event:
-

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

Docket Information

Docket Date	Docket Text	File Ref Nbr.	Image Avail.
01/25/2019	Indictment(s) returned	1	
01/25/2019	Commonwealth Amy Martin Zacharias, Esq.'s Motion for an arrest warrant	2	
01/25/2019	Endorsement on Motion for an arrest warrant , (#2.0): ALLOWED Judge: Tochka, Hon. Robert N		 
01/25/2019	Attorney appearance On this date 01/25/2019 Zacharias, Esq., Amy Martin added for Suffolk County District Attorney		
01/25/2019	Issued: Straight Warrant issued on 01/25/2019 for Vasquez, Jocelyn		
01/25/2019	The following notice was generated: Notice to AG/CJ of Murder Indictment Sent On: 01/25/2019 15:36:03		
01/25/2019	Order of notice of finding of murder indictment faxed to Suffolk County Sheriff's Department on 01/25/2019. Return of Service received on 01/28/2019 from the Suffolk Sheriff's Department via Fax.		
02/04/2019	Defendant not in Court Arraignment, Not held Order of Notice with return of service, endorsed thereon, read and received from the sheriff Case continued to 2/6/19 RE: Arraignment (Clerk Magistrate Session, CTRM 705) Habe to South Bay A. Martin, ADA A. jershin, Atty FTR		
02/04/2019	Habeas Corpus for defendant issued to Suffolk House of Correction (South Bay) returnable for 02/06/2019 09:00 AM Arraignment.	3	
02/06/2019	The defendant\petitioner is committed without bail for the following reason: Is charged with 1st degree murder. Set without Prejudice	4	
02/06/2019	Recalled: Straight Warrant cancelled on 02/06/2019 for Vasquez, Jocelyn		
02/06/2019	Defendant arraigned before Court.		
02/06/2019	Defendant waives reading of indictment #002		
02/06/2019	Plea of not guilty entered on all charges.		

Docket Date	Docket Text	File Ref Nbr.	Image Avail.
02/06/2019	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).		
02/06/2019	Court finds abuse is alleged in connection with the charged offense. G.L. c. 276, § 56A.		
02/06/2019	1st Degree Murder indictment read in open court.		
02/06/2019	Finding by Court: Written findings of abuse filed under seal	4.1	
02/06/2019	Commonwealth Amy Martin Zacharias, Esq.'s Notice of Appearance (Filed)	5	
02/06/2019	Defendant brought into court. Case continued to 3/19/19, Ctrm 906, By Agreement, Sixth Criminal Session, re: PTC @2:00PM JAIL LIST Case continued to 9/17/19, Ctrm 906, By Agreement, Sixth Criminal Session, re: PTH @2:00PM Case continued to 1/9/20, Ctrm 906, By Agreement, Sixth Criminal Session, re: FPTH @2:00PM Case continued to 2/4/20, Ctrm 906, By Agreement, Sixth Criminal Session, re: PTD @ 9:00AM L. Medeiros, MAG A. Martin, ADA A. Jershuim, Attorney FTR		Image
02/07/2019	Commonwealth 's Statement of the Case (Filed)	6	
02/07/2019	Commonwealth 's Notice of Discovery First (Filed)	7	Image
02/07/2019	Defendant 's Motion for Preservation, Review and Production of Notes (filed)	8	Image
02/07/2019	Defendant 's Motion for Discovery (Latent Print Evidence)	9	Image
02/07/2019	Defendant 's EX PARTE Motion for funds for Latent print Expert (Filed)	10	Image
02/07/2019	Defendant 's Motion for Criminal Offender Record Information (CORI) (filed)	11	Image
02/07/2019	Endorsement on Motion for Criminal Offender Record Information, (#11.0): ALLOWED		Image
02/07/2019	Case assigned to: DCM Track C - Most Complex was added on 02/07/2019		
02/08/2019	Habeas Corpus for defendant issued to Suffolk House of Correction (South Bay) returnable for 03/19/2019 02:00 PM Pre-Trial Conference.	12	
02/12/2019	Attorney appearance On this date Vivianne Elise Jeruchim, Esq. added as Appointed - Indigent Defendant for Defendant Jocelyn Vasquez Appointment made for the purpose of Case in Chief by Judge Lisa B Medeiros.		
03/19/2019	Commonwealth 's Notice of Discovery Second (Filed)	13	
03/19/2019	Defendant brought into Court Pre-Trial Conference, held Case continued by Agreement to 4/23/19 at 2pm for Status RE: Discovery (CTRM 906) Habe to South Bay Roach, J A. Martin, ADA V. Jeruchim, Atty FTR 3:08 pm		Image
03/19/2019	Habeas Corpus for defendant issued to Suffolk House of Correction (South Bay) returnable for 04/23/2019 02:00 PM Conference to Review Status.	14	
04/23/2019	Event Result:: Conference to Review Status scheduled on: 04/23/2019 02:00 PM Has been: Rescheduled For the following reason: Joint request of parties Michelle Fentress, Presiding Staff: Michelle Fentress, Assistant Clerk Magistrate		Image
05/03/2019	Habeas Corpus for defendant issued to Suffolk House of Correction (South Bay) returnable for 05/07/2019 02:00 PM Conference to Review Status.	15	
05/07/2019	Bail set at \$750,000.00 Surety, \$75,000.00 Cash. GPS Prior to release - Stay from victim's family and witnesses and grand jury witnesses - Curfew 7pm-7am - Surrender passport		Image

Docket Date	Docket Text	File Ref Nbr.	Image Avail.
05/07/2019	Bail warnings read Judge: Sanders, Hon. Janet L		
05/07/2019	Issued on this date: Mittimus in Lieu of Bail Sent On: 05/07/2019 15:34:17	16	 Image
05/07/2019	Defendant brought to court. Status re: discovery and bail hearing held as scheduled. Parties file joint pretrial conference report. Defendant's oral motion to reduce bail is ALLOWED. Bail set at \$75,000.00 cash/\$750,000.00 with surety with conditions of GPS prior to release, 7pm to 7am curfew, stay away from victim's family and grand jury witnesses, and surrender passport. Case continued by agreement to 7/23/19 at 2:00pm in CTRM 906 for Conference re: status. Sanders, J. A. Martin, ADA A. Jeruchim, Atty. J. Araujo, ACM FTR 2:35 and 3:25pm		
05/07/2019	Commonwealth, Defendant 's Joint Submission of Pretrial conference Report	17	 Image
06/11/2019	Habeas Corpus for defendant issued to Suffolk House of Correction (South Bay) returnable for 06/12/2019 09:30 AM Conference to Review Status. RE: Posting Bail with GPS prior to release	18	 Image
06/12/2019	Event Result:: Bail Hearing scheduled on: 06/12/2019 09:00 AM Has been: Held as Scheduled Defendant not in Court, Presence excused. Hearing re: Modification of the Surrender Passport condition of Release held before Sanders J. Case has a next scheduled date of 7/23/19 at 2PM re: Status conference (Ctrm 906) - Sanders J. - A.Martin, ADA - FTR 8:54AM - A.Jeruchim, Atty - D.Sheehan ACM		
06/12/2019	ORDER: Upon representation to the Court by ADA A.Martin that the Defendant's passport is not in the Custody of BPD and the Defendant through Attorney Aviva Jeruchim indicates that the passport is currently lost, The Court, Sanders J. Orders that the condition of Bail regarding the surrendering of the Defendant's Passport be modified and not be a condition of release. If the Defendant's passport is found, the Court Orders it be surrendered forthwith to the Suffolk Superior Criminal Clerks Office. NOTE: This modification of Bail condition is by agreement of ADA A.Martin and Atty A.Jeruchim		
07/23/2019	Commonwealth 's Notice Third Notice of Discovery	19	 Image
07/23/2019	Event Result:: Conference to Review Status scheduled on: 07/23/2019 02:00 PM Has been: Held as Scheduled Christine M Roach, Presiding Defendant comes into Court. Status Conference held. After hearing, continued by agreement to: 9/17/19 at 2:00 p.m., Room 906 for Pre-Trial Hearing and potential hearing on Motion to Dismiss (not filed at this time). Roach, RAJ, - A.Martin, ADA, - A.Jeruchim, Atty, - FTR: 2:38 p.m.		
08/21/2019	Commonwealth 's Notice Fourth Notice of Discovery	20	 Image
09/17/2019	Event Result:: Pre-Trial Hearing scheduled on: 09/17/2019 02:00 PM Has been: Rescheduled For the following reason: Request of Defendant Christine M Roach, Presiding Staff: Michelle Fentress, Assistant Clerk Magistrate		
10/01/2019	Event Result:: Pre-Trial Hearing scheduled on: 10/01/2019 02:00 PM Has been: Not Held For the following reason: Request of Commonwealth Comments: Discovery is incomplete. Christine M Roach, Presiding Defendant comes into Court. Pre-Trial Hearing not held at the Commonwealth's request; ballistics evidence still incomplete. Defendant's oral Motion to modify conditions of release heard; no action taken. Said Motion shall be filed in writing by counsel. The Commonwealth agrees to file its Certificate of Compliance out of court no later than 10/2/19.		

Docket Date	Docket Text	File Ref Nbr.	Image Avail.
	Continued by agreement to 11/14/19 at 2:00 p.m. Room 906 for Motion Hearing Re: Motion to Dismiss (non-custody). Further orders of the Court: 1. The Defendant's Motion to Suppress shall be filed out of court no later than 10/18/19; 2. The Defendant's Motion to Dismiss shall be filed out of court no later than 10/31/19. Roach, RAJ, - A.Martin, ADA, - A.Jeruchim, Atty, - FTR: 3:10 p.m. Staff: Michelle Fentress, Assistant Clerk Magistrate		
10/02/2019	Suffolk County District Attorney files certificate of compliance.	21	
10/02/2019	Commonwealth 's Notice Fifth Notice of Discovery	22	
10/22/2019	Defendant 's Motion to Amend Conditions of Pretrial Release	23	
10/22/2019	Endorsement on Defendant 's Motion to Amend Conditions of Pretrial Release, (#23.0): ALLOWED Following review, and based on representation of assent by the Commonwealth, motion to vacate curfew provisions of bail is ALLOWED to allow the defendant to pursue this particular employment. Defendant to provide weekly work schedule to probation. In the event this particular employment and its sporadic schedule ends, the case shall be brought forward for further consideration of bail conditions.		  
10/22/2019	Event Result:: Motion Hearing scheduled on: 10/22/2019 03:00 PM Has been: Held as Scheduled Christine M Roach, Presiding Matter brought forward at the request of the Defendant. Defendant files and argues Motion to Amend Conditions of Pretrial Release. Motion taken under advisement. Roach, RAJ, - X, ADA, - A.Jeruchim, Atty, - FTR: 3:05 p.m. Staff: Michelle Fentress, Assistant Clerk Magistrate		
10/23/2019	The following form was generated: A Clerk's Notice was generated regarding endorsement on P#23 and sent to: Attorney: Vivianne Elise Jeruchim, Esq.; Attorney: Amy Martin Zacharias, Esq.; and Chief of Probation, Michael Forbes via e-mail.		
11/05/2019	Defendant 's Motion to Suppress (Warrantless Search) with Affidavit in support thereof	24	
11/05/2019	Defendant 's Motion to Dismiss Due to Lost or Destroyed Evidence	25	
11/05/2019	Defendant 's Memorandum of Law in Support of Motion to Dismiss Due to Lost or Destroyed Evidence	26	
11/14/2019	Opposition to paper #25.0 Defendant 's Motion to Dismiss Due to Lost or Destroyed Evidence filed by Suffolk County District Attorney	27	
11/14/2019	Event Result:: Final Pre-Trial Conference scheduled on: 01/09/2020 02:00 PM Has been: Rescheduled For the following reason: Joint request of parties Christine M Roach, Presiding		
11/14/2019	Event Result:: Jury Trial scheduled on: 02/04/2020 09:00 AM Has been: Rescheduled For the following reason: Joint request of parties Christine M Roach, Presiding		
11/14/2019	Matter taken under advisement: Motion Hearing scheduled on: 11/14/2019 02:00 PM Has been: Held - Under advisement Christine M Roach, Presiding Defendant comes into Court. Motion Hearing held. After hearing, matter continued by agreement to: 1/6/20 at 9:00 a.m., Room 713 for Evidentiary Hearing on Motion to Suppress; 1/21/20 at 2:00 p.m., Room 906 for Status;		

Docket Date	Docket Text	File Ref Nbr.	Image Avail.
	5/28/20 at 2:00 p.m., Room 906 for Final PreTrial Conference; and 6/8/20 at 9:00 a.m., Room 906 for Jury Trial R.36 waived 2/4/20-6/8/20 Staff: Michelle Fentress, Assistant Clerk Magistrate		
11/14/2019	Rule 36 waived re: 2/4/20-6/8/20. Judge: Roach, Christine M Applies To: Jeruchim, Esq., Vivianne Elise (Attorney) on behalf of Vasquez, Jocelyn (Defendant); Zacharias, Esq., Amy Martin (Attorney) on behalf of Suffolk County District Attorney (Prosecutor)		
11/14/2019	Commonwealth 's Notice : Sixth Notice of Discovery	28	
11/18/2019	Endorsement on Defendant's Motion to Dismiss Due to Lost or Destroyed Evidence, (#25.0): DENIED Following hearing, Motion to Dismiss DENIED. Motion to exclude evidence at trial DENIED WITHOUT PREJUDICE. Please see typed ruling of this date.		 
11/19/2019	The following form was generated: A Clerk's Notice was generated regarding endorsement on P#25 and sent to: Attorney: Vivianne Elise Jeruchim, Esq.; and Attorney: Amy Martin Zacharias, Esq. via e-mail.		
11/19/2019	MEMORANDUM & ORDER: on Defendant's Motion to Dismiss Due to Lost or Destroyed Evidence (Paper 25): DENIED Judge: Roach, Christine M	29	 
01/02/2020	Event Result:: Evidentiary Hearing on Suppression scheduled on: 01/06/2020 09:00 AM Has been: Rescheduled For the following reason: Court Order Comments: The session will be empaneling the grand jury. Christine M Roach, Presiding Staff: Michelle Fentress, Assistant Clerk Magistrate		
01/03/2020	Event Result:: Conference to Review Status scheduled on: 01/21/2020 02:00 PM Has been: Canceled For the following reason: Joint request of parties Comments: Status date unnecessary as Motion to Suppress Hearing scheduled for 1/6/20 had to be rescheduled per order of the court. Michelle Fentress, Presiding Staff: Michelle Fentress, Assistant Clerk Magistrate		
01/23/2020	Opposition to paper #24.0 Commonwealth's Opposition to Defendant's Motion to Suppress filed by Suffolk County District Attorney	30	 
01/29/2020	Event Result:: Evidentiary Hearing on Suppression scheduled on: 01/29/2020 09:30 AM Has been: Not Held For the following reason: Transferred to another session Christine M Roach, Presiding Staff: Michelle Fentress, Assistant Clerk Magistrate		
01/29/2020	Matter taken under advisement: Evidentiary Hearing on Suppression scheduled on: 01/29/2020 09:30 AM Has been: Held - Under advisement Hon. Jackie Cowin, Presiding Staff: Rourke Donnelly, Assistant Clerk Magistrate Defendant comes into Courtl; motion to suppress held & taken under advisement. Matter continued to 4/9/20 for Status. Cowin,J. -A.Martin, ADA - A.Jeruchim, Attny - FTR @ 9:53AM		
02/03/2020	MEMORANDUM & ORDER: ON DEFENDANT'S MOTION TO SUPPRESS DENIED Judge: Cowin, Hon. Jackie	31	 
02/04/2020	The following form was generated: A Clerk's Notice was generated and sent to:		

Docket Date	Docket Text	File Ref Nbr.	Image Avail.
	Attorney: Vivianne Elise Jeruchim, Esq. Attorney: Amy Martin Zacharias, Esq.		
02/05/2020	Defendant 's Memorandum in Support of Her Motion to Suppress (Warrantless Search) (Supplemental), filed	32	 Image
03/05/2020	Defendant comes into court. Hearing Re: Bail held. - After hearing, condition of bail MODIFIED: 1. To provide work schedule bi-weekly to Probation Department, otherwise, curfew from 7:00 PM - 7:00 AM > Case has next date of 03/26/20 for Hearing Re: Conference Status (Criminal 9, CTRM 906) R. Tochka, J - J. Pardi, ACM - A. Martin, ADA - A. Jeruchim, Atty - FTR/Court Monitor: C. O'Neill (3:40 PM)		
04/02/2020	Event Result:: Conference to Review Status scheduled on: 04/09/2020 02:00 PM Has been: Canceled For the following reason: By Court due to Covid-19 Staff: Michelle Fentress, Assistant Clerk Magistrate		
04/30/2020	Event Result:: Jury Trial scheduled on: 06/08/2020 09:00 AM Has been: Canceled For the following reason: By Court due to Covid-19 Michelle Fentress, Presiding Staff: Michelle Fentress, Assistant Clerk Magistrate		
06/01/2020	Event Result:: Trial Assignment Conference scheduled on: 06/08/2020 02:00 PM Has been: Rescheduled For the following reason: By Court prior to date Hon. Jeffrey A Locke, Presiding Staff: Michelle Fentress, Assistant Clerk Magistrate		
06/08/2020	Event Result:: Trial Assignment Conference scheduled on: 06/08/2020 09:30 AM Has been: Held as Scheduled Hon. Jeffrey A Locke, Presiding Staff: Michelle Fentress, Assistant Clerk Magistrate Defendant not present. Event held via Zoom. After hearing, matter continued by agreement to 8/20/2020 at 10:30 a.m. for Trial Assignment Conference (Attorney Jeruchim to appear remotely even if regular operations have resumed). Locke, J., - A.Martin, ADA, - A.Jeruchim, Atty, - FTR: 9:35 a.m.		
06/08/2020	ORDER: Scheduling	33	 Image
08/18/2020	Event Result:: Trial Assignment Conference scheduled on: 08/20/2020 10:30 AM Has been: Canceled For the following reason: By Court prior to date Staff: Michelle Fentress, Assistant Clerk Magistrate This matter is Trial-Ready.		
08/26/2020	Defendant comes into court (walk in warrant) Case brought forward due to GPS violation Conference to Review Status Held as Scheduled After hearing, no further action taken by Commonwealth Hon. Michael D Ricciuti, Presiding J. Pardi, ACM M. Haywood, ADA for A. Martin, ADA A. Jeruchim, Atty FTR 3:08 PM		
12/28/2020	Defendant on video via Zoom. (Non custody) Case brought forward at the request of Probation due to dead battery. Hearing Re: Conference Status via Zoom held. - After hearing, Court orders matter to be off the list. Defendant is now being monitored.		

Docket Date	Docket Text	File Ref Nbr.	Image Avail.
	Hon. J. Locke - S. Pichardo, ACM - K. Dixon, PO - P. Nagavelli, ADA (via Zoom) - FTR/Court Monitor: J. Russo (2:28 PM)		
01/25/2021	Defendant on video via Zoom. Hearing Re: Conference Status via Zoom held. Case continued to 01/26/21 by order of the court for Hearing Re: Conference Statusn GPS violation at 11:00 AM (Criminal 1, CTRM 704) Hon. J. Sanders - J. Pardi, ACM - A. Martin, ADA (via Zoom) - K. Christianson, APO - FTR/Court Monitor: N. McCann (3:35 PM)		
01/26/2021	Defendant NOT in court or on video via Zoom. Hearing Re: Conference Status via Zoom held. Case continued to 01/27/21 by order of the court for Hearing Re: Conference Status at 11:00 AM (Criminal 1, CTRM 704) Hon. J. Sanders - J. Pardi, ACM - A. Martin, ADA (via Zoom) - C. Roberts, APO - FTR/Court Monitor: C. O'Neill (3:32 PM)		
01/27/2021	Event Result:: Conference to Review Status scheduled on: 01/27/2021 11:00 AM Has been: Not Held For the following reason: Court Order Hon. Janet L Sanders, Presiding		
03/08/2021	Event Result:: Conference to Review Status scheduled on: 03/09/2021 02:00 PM Has been: Rescheduled For the following reason: Other event activity needed Comments: Time changed to 2:15 (from 2:00PM) Hon. Robert L Ullmann, Presiding Staff: Stacey Pichardo, Assistant Clerk Magistrate		
03/09/2021	Non-custody Defendant present via Zoom. Conference to review Status held via Zoom. By agreement, this matter is continued to 4/5/2021 at 9:15AM in Courtroom 906 via Zoom for Motion Hearing on Defendant's Motion to Modify Conditions of Release. Ullmann, RAJ - S. Pichardo, ACM - A. Martin, ADA (via Zoom) - A. Jeruchim, Atty (via Zoom) - FTR 2:15PM		
04/05/2021	Non-custody Defendant present via Zoom. Motion Hearing not held at the request of the Defendant. This matter is identified as a trial ready matter that will be scheduled for trial in June. The exact trial date will be designated in the next day or two administratively by email with the parties. Ullmann, RAJ - S. Pichardo, ACM - A. Martin, ADA (via Zoom) - A. Jeruchim, Atty (via Zoom) - FTR 2:15PM		
04/06/2021	Scheduled: Judge: Ullmann, Hon. Robert L Event: Jury Trial Date: 06/01/2021 Time: 09:00 AM Result: Rescheduled		
04/20/2021	Defendant 's Motion to Continue with Memorandum of Law in Support of Motion to Continue Trial	34	
04/20/2021	Endorsement on , (#34.0): DENIED "Denied, after hearing." Ullmann, RAJ Judge: Ullmann, Hon. Robert L		 
04/20/2021	Non-custody Defendant present via Zoom. Hearing on Defendant's Motion to Continue held via Zoom. After hearing, Court DENIES the Defendant's Motion to Continue the Trial Date. This matter remains scheduled for Jury Trial on June 1, 2021. Ullmann, RAJ - S. Pichardo, ACM - A. Martin, ADA (via Zoom) - A. Jeruchim, Atty (via Zoom) - FTR 2:50PM		
04/22/2021	Non-custody Defendant present via Zoom. Hearing on Defendant's Motion to Continue held via Zoom. After hearing, Court ALLOWS the Defendant's Motion to Continue the Trial Date. By agreement, this matter is continued as follows: 09/09/2021 at 2:00PM for Status in Courtroom 906 12/21/2021 at 2:00PM for Final Pre-Trial Conference in Courtroom 906 01/10/2011 at 9:00AM for Jury Trial in Courtroom 906		

Docket Date	Docket Text	File Ref Nbr.	Image Avail.
	Further Orders of the Court: 1. For Rule 36/Speedy Trial purposes, the time between today 4/22 and 1/10/22 is excluded in the interest of justice. Ullmann, RAJ - S. Pichardo, ACM - A. Martin, ADA (via Zoom) - A. Jeruchim, Atty (via Zoom) - FTR 11:00AM		
04/22/2021	Endorsement on , (#34.0): ALLOWED "Allowed after further hearing. Trial continued to 1/10/22." Ullmann, RAJ		 Image
04/23/2021	Event Result:: Final Pre-Trial Conference scheduled on: 05/18/2021 02:00 PM Has been: Rescheduled For the following reason: Request of Defendant Hon. Robert L Ullmann, Presiding Staff: Stacey Pichardo, Assistant Clerk Magistrate		
04/23/2021	Event Result:: Jury Trial scheduled on: 06/01/2021 09:00 AM Has been: Rescheduled For the following reason: Request of Defendant Hon. Robert L Ullmann, Presiding Staff: Stacey Pichardo, Assistant Clerk Magistrate		
04/23/2021	Scheduled: Event: Jury Trial Date: 01/10/2022 Time: 09:00 AM Result: Rescheduled		
04/30/2021	Defendant not in court. Case brought forward. Conference to Review Status RE: GPS held. After hearing, no further action taken. Defendant in compliance with terms of release. Defendant to be restrapped with GPS today. Case has next date of 9/9/2021 RE: Conference to review status at 2:00 PM in Criminal 6 (CtRM 906) Curley, MAG - D. Sheehan, ACM - L. Mirando, PO - J. Russo, CR - 12:11 PM FTR		
05/12/2021	Defendant not present, Non-Custody. Probation advanced case Re: GPS violation, defendant is now being monitored. Commonwealth not seeking any action at this time. Event Result:: Conference to Review Status scheduled on: 05/12/2021 10:40 AM Has been: Held as Scheduled Hon. Michael Doolin, Presiding Staff: Tiffany Castillo, Assistant Clerk Magistrate James Pardi, Assistant Clerk Magistrate L. Miranda, PO C. Bartoloni for A. Martin, ADA C. O'Neil, CR FTR 10:45am and 11:09am		
06/07/2021	Notice of Violation of Pre-Trial Release	35	 Image
06/07/2021	Defendant comes into court. Case brought forward. Conference to Review Status RE: GPS Violation held. After hearing, no further action taken. Doolin, J. - J. Pardi, ACM - C. Bartoloni for A. Martin, ADA (Via Zoom) - J. Russo, CR - 12:05 PM FTR		
07/08/2021	Commonwealth 's Notice of Appearance of ADA Mark Zanini filed.	36	 Image
07/08/2021	Attorney appearance On this date Amy Martin Zacharias, Esq. dismissed/withdrawn for Prosecutor Suffolk County District Attorney		
07/08/2021	Attorney appearance On this date Mark D Zanini, Esq. added as Attorney for the Commonwealth for Prosecutor Suffolk County District Attorney		
09/08/2021	Defendant comes into court (non-custody)		

Docket Date	Docket Text	File Ref Nbr.	Image Avail.
	Conference to Review Status Case advanced re: GPS Violation After hearing, no further action taken Event Result:: Conference to Review Status scheduled on: 09/08/2021 02:00 PM Has been: Held as Scheduled Hon Diane Freniere, Presiding Staff: Tiffany Castillo, Assistant Clerk Magistrate David Sheehan, Assistant Clerk Magistrate V. Jeruchim, Atty N. Peterson, PO M. Zanini, ADA FTR 2:52PM		
09/08/2021	Event Result:: Conference to Review Status scheduled on: 09/09/2021 02:15 PM Has been: Rescheduled For the following reason: Request of Defendant Comments: with the Commonwealth's assent Hon. Robert L Ullmann, Presiding Staff: Joanne Araujo, Assistant Clerk Magistrate Stacey Pichardo, Assistant Clerk Magistrate		
10/07/2021	Non custody defendant comes to court on video via Zoom. Status conference is held as scheduled via Zoom. Case is continued by agreement to 11/23/21 at 2:00 pm in CTRM 906 for Hearing re: Discovery Motions Ullmann, J. (RAJ) - J. Araujo, ACM - M. Zanini, ADA - A. Jeruchim, Atty. - FTR 2:29 pm		
11/23/2021	Non custody defendant comes to court on video via Zoom. Status conference is held in lieu of motions re: discovery. Previously scheduled 12/21/21 Final Pre-Trial Hearing date is converted into a Trial Assignment Conference at 2:00pm in CTRM 906. Ullmann, J. (RAJ) - J. Araujo, ACM - M. Zanini, ADA - A. Jeruchim, Atty. - FTR 2:24pm		
12/21/2021	Non custody defendant comes to court on video via Zoom. Trial assignment conference is held as scheduled. 1/10/22 Jury trial date is canceled at the Commonwealth's request over the Defendant's objection. Court continues the trial, in the interest of justice, and excludes time between 1/10/22 and 7/25/22 from Rule 36 calculations. (FTR 2:43pm) Case is continued as follows: 03/15/22 at 2:00 pm in CTRM 906 for Status Conference 07/19/22 at 2:00 pm in CTRM 906 for Final Pre-Trial Hearing 07/25/22 at 9:00 am in CTRM 906 for Jury Trial Ullmann, J. (RAJ) - J. Araujo, ACM - M. Zanini, ADA - A. Jeruchim, Atty. - FTR 2:38 pm		
12/21/2021	Event Result:: Jury Trial scheduled on: 01/10/2022 09:00 AM Has been: Rescheduled For the following reason: Request of Commonwealth Hon. Robert L Ullmann, Presiding Staff: Joanne Araujo, Assistant Clerk Magistrate		
12/21/2021	Scheduled: Event: Jury Trial Date: 07/25/2022 Time: 09:00 AM Result: Canceled		
02/18/2022	Defendant comes into Court. Case brought forward by Probation. Conference to Review Status RE: Elmo Warrant. All prior conditions of release remain. Added conditions: 1. Defendant placed back on open schedule of GPS. 2. Defendant to submit paystubs as she receives them from the factory job and a weekly letter from the babysitting job. Both being submitted to Probation. Case previously scheduled for 3/15/22 at 2pm in Rm 906 for CRS. Event Result:: Conference to Review Status scheduled on:		

Docket Date	Docket Text	File Ref Nbr.	Image Avail.
	02/18/2022 03:08 PM Has been: Held as Scheduled Edward J Curley, Presiding Staff: James Oliver, Sessions Clerk M. Zannini, ADA- Live A. Spencer-Pereira- Live V. Jeruchim, Atty -Zoom FTR 10:45am, 3:08pm		
03/01/2022	Defendant comes into court. Re: ELMO Warrant After hearing ADA M. Zanini is requesting no action be taken with respect to bail. Note: last prior order of bail with the conditions remain in effect. Case has a next scheduled date of 3/15/22 at 2pm in Rm 906 for a CRS.(Non-Custody) Event Result:: Conference to Review Status scheduled on: 03/01/2022 11:16 AM Has been: Held as Scheduled Stacey Pichardo, Presiding Staff: David Sheehan, Assistant Clerk Magistrate A. Spencer Perriersa, APO M. Zanini, ADA -Zoom A. Jeruchim, Atty-Zoom FTR 10:23am , 11:16am		
03/15/2022	Non custody defendant is present on video via Zoom. Status conference is held as scheduled via Zoom videoconferencing. Case remains held as previously scheduled: 07/19/22 at 2:00 pm in CTRM 906 for Final Pre-Trial Hearing 07/25/22 at 9:00 am in CTRM 906 Jury Trial Ullmann, J. (RAJ) - J. Araujo, ACM - M. Zanini, ADA - A. Jeruchim, Atty. - FTR 2:50 pm		
06/13/2022	Commonwealth 's Motion to continue trial	37	
06/13/2022	Non-custody defendant not present, presence waived by counsel for this date. After hearing on the Commonwealth's motion to continue, matter taken under advisement. (Campo, J.) Assistant Clerk Magistrate Danielle Bisson Assistant District Attorney Mark Zanini in court Attorney Aviva Jeruchim by Zoom FTR - Zoom- Held in CTRM 907 at 3:30PM		Image
06/14/2022	Endorsement on Motion to continue, (#37.0): After hearing, this case is reassigned to Room 906 for a new trial date to be assigned. (Campo, J.) Entered and copies sent electronically on this date.		 Image
06/29/2022	Event Result:: Jury Trial scheduled on: 07/25/2022 09:00 AM Has been: Canceled For the following reason: Request of Commonwealth Hon. Robert L Ullmann, Presiding Staff: Joanne Araujo, Assistant Clerk Magistrate		
07/19/2022	Event Result:: Trial Assignment Conference scheduled on: 07/19/2022 02:00 PM Has been: Held as Scheduled Hon. Robert L Ullmann, Presiding Staff: Joanne Araujo, Assistant Clerk Magistrate		
07/19/2022	Scheduled: Event: Jury Trial Date: 02/06/2023 Time: 09:00 AM Result: Canceled		
08/30/2022	Defendant 's Motion for Funds for Ballistics Expert	38	
08/31/2022	Endorsement on Motion for Funds for Ballistics Expert, (#38.0): ALLOWED **Counsel for the defendant notified via electronic mail**		 Image

Docket Date	Docket Text	File Ref Nbr.	Image Avail.
11/10/2022	Non custody defendant did not appear. Counsel neglected to mark this date on her calendar. Defense counsel's request to waive the defendant's appearance for today's date is ALLOWED. Case is continued to 12/1/22 at 2:00 pm in. Defendant to appear in person (Counsel may appear by Zoom). Ullmann, J. - J. Araujo, ACM - M. Zanini, Atty. - A. Jeruchim, Atty. - FTR		
11/14/2022	Defendant comes into court. Status held. Case advanced at the request of Probation RE: ELMO Warrant. The Commonwealth is not requesting any action at this time. The Court is taking no action at this time. Event Result:: Conference to Review Status scheduled on: 11/14/2022 02:33 PM Has been: Held as Scheduled Stacey Pichardo, Presiding Staff: Michelle Pierce, Assistant Clerk W. Kettlewell, ADA L. Miranda, PO (Live) XXX, Atty FTR: 2:33pm		
12/01/2022	Event Result:: Conference to Review Status scheduled on: 12/01/2022 02:00 PM Has been: Held as Scheduled Hon. Robert L Ullmann, Presiding Non-Custody Defendant comes live into Court, Status conference held before Ullmann RAJ The Defendant's oral motion for modification of Terms of Release made and Denied without Prejudice. Defense Counsel notified by the Court that a written motion with notice to the Commonwealth is required in order for this to be heard. Case has a next scheduled date of 1/12/23 at 2PM for the Final Pre-Trial Conference (ctrm 906, Non-Custody) Ullmann J. W.Kettlewell, ADA (live) A.Jeruchim, Atty (Zoom) FTR ctm 906 2:28PM D.Sheehan, ACM		
12/01/2022	Attorney appearance On this date William Andrew Kettlewell, Esq. added for Prosecutor Suffolk County District Attorney		
12/01/2022	Attorney appearance On this date Mark D Zanini, Esq. dismissed/withdrawn as Attorney for the Commonwealth for Prosecutor Suffolk County District Attorney		
01/12/2023	Non custody defendant comes to court on video via Zoom. Final Pre-Trial Hearing is not held as scheduled by agreement. Case is continued by agreement to 1/19/23 at 2:00 pm in CTRM 906 for Status re: Trial scheduled for 2/6/23 Ames, J. - J. Araujo, ACM - E. Zabin and B. Hartley, ADAs - A. Jeruchim, Atty. - FTR 3:19 pm		
01/12/2023	Attorney appearance On this date William Andrew Kettlewell, Esq. dismissed/withdrawn for Prosecutor Suffolk County District Attorney		
01/12/2023	Attorney appearance On this date Edmond J Zabin, Esq. added as Attorney for the Commonwealth for Prosecutor Suffolk County District Attorney		
01/18/2023	Attorney appearance On this date Brooke Hartley, Esq. added as Attorney for the Commonwealth for Prosecutor Suffolk County District Attorney	39	
01/19/2023	Non custody defendant comes to court. Status conference is held as scheduled. 2/6/23 Jury Trial date is cancel per Court Order over the defendant's objection. Case is continued per Court Order in the interest of justice (Rule 36 findings made on the record at 3:38 pm) as follows:		

Docket Date	Docket Text	File Ref Nbr.	Image Avail.
	3/28/23 at 2:00 pm in CTRM 906 for Status Conference 5/9/23 at 2:00 pm in CTRM 906 for Final Pre-Trial Hearing 5/15/23 at 9:00 am in CTRM 906 for Jury Trial Ames, J. - J. Araujo, ACM - E. Zabin and B. Hartley, ADAs - A. Jeruchim, Atty. - FTR 3:30 pm		
01/20/2023	Scheduled: Event: Jury Trial Date: 05/15/2023 Time: 09:00 AM Result: Rescheduled		
01/20/2023	Event Result:: Jury Trial scheduled on: 02/06/2023 09:00 AM Has been: Canceled For the following reason: By Court prior to date Hon. Mary K Ames, Presiding Staff: Joanne Araujo, Assistant Clerk Magistrate		
02/02/2023	Commonwealth 's Notice of Discovery, Eleventh	40	
03/28/2023	Non custody defendant comes to court. Status conference is held as scheduled Case remains ready for trial. Motions in Limine are due no later than 5/3/23 Ames, J. - J. Araujo, ACM - E. Zabin, ADA - A. Jeruchim, Atty. - FTR 2:17 pm		Image
03/28/2023	Commonwealth 's Notice of Discovery of Notice, Twelfth	41	
04/18/2023	Non custody defendant comes to court. Case advanced at the request of Probation due to an Elmo warrant (dead battery). After a hearing, no action requested by the Commonwealth and none taken by the Court. Court warns defendant as to her duty to maintain the GPS. Case has next dates. Ullmann, J. (RAJ) - J. Araujo, ACM - E. Zabin, ADA - A. Jeruchim, Atty. - FTR		Image
04/25/2023	Defendant 's Motion for funds to hire an investigator with affidavit, filed and allowed "Allowed, subject to CPCS rates and protocols"	42	
04/25/2023	Defendant 's Motion for funds for transcription service with affidavit, filed	43	
04/25/2023	Defendant 's Notice of expert disclosure with supporting document, filed	44	
04/25/2023	Defendant 's Motion for supplemental discovery, filed	45	
04/26/2023	Scheduled: Judge: O'Shea, Hon. Daniel J. Event: Jury Trial Date: 05/15/2023 Time: 09:00 AM Result: Held as Scheduled		Image
04/26/2023	Event Result:: Final Pre-Trial Conference scheduled on: 05/09/2023 02:00 PM Has been: Rescheduled For the following reason: Transferred to another session Hon. Robert L Ullmann, Presiding Staff: Joanne Araujo, Assistant Clerk Magistrate		
04/26/2023	Event Result:: Jury Trial scheduled on: 05/15/2023 09:00 AM Has been: Rescheduled For the following reason: Transferred to another session Hon. Robert L Ullmann, Presiding Staff: Joanne Araujo, Assistant Clerk Magistrate		
04/27/2023	Endorsement on Motion for Funds for Transcription Services, (#43.0): ALLOWED 4/27/23 ALLOWED, subject to CPCS rates and protocols. Ullmann, J.		
04/27/2023	Commonwealth 's Notice of Discovery, Thirteenth - Filed	46	
04/28/2023	Commonwealth 's Notice of Discovery, Fourteenth- Filed	47	
05/03/2023	Commonwealth 's Motion for View - Filed	48	
			Image

Docket Date	Docket Text	File Ref Nbr.	Image Avail.
05/03/2023	Commonwealth 's Motion in Limine to Allow a Photograph of the Victim - Filed	49	
05/03/2023	Commonwealth 's Motion for Judicial Inquiry into Criminal History Records of Potential Trial Jurors or, in the alternative, Notice of Intent to Independently Seek Such Information for Limited Purposes of Jury Empanelment - Filed	50	 
05/03/2023	Commonwealth 's Motion in Limine to Admit Autopsy Photographs - Filed	51	
05/03/2023	Commonwealth 's Motion in Limine to Admit CSLI Evidence - Filed	52	
05/03/2023	Commonwealth 's Motion in Limine to Admit Expert Testimony Regarding Photo of Missing Bullet - Filed	53	
05/03/2023	Commonwealth 's Motion in Limine to Admit Prior Bad Acts of the Defendant - Filed	54	
05/03/2023	Commonwealth 's Motion for Attorney-Conducted Voir Dire of Prospective Jurors - Filed	55	
05/03/2023	Commonwealth 's Proposed Statement of the Case to be Read to the Jury During Empanelment and Potential Witness List/Names That May Arise During Trial - Filed	56	
05/03/2023	Commonwealth 's Motion in Limine to Admit Statements of the Defendant as Dying Declarations or Excited Utterances - Filed	57	
05/03/2023	Commonwealth 's Motion in Limine to Admit Identification Testimony Regarding the Defendant - Filed	58	
05/03/2023	Attorney appearance On this date Amy Belger, Esq. added as Appointed - Indigent Defendant for Defendant Jocelyn Vasquez Appointment made for the purpose of Case in Chief by Judge Hon. Daniel J. O'Shea.		
05/03/2023	Legal Counsel Fee Waived. Judge: O'Shea, Hon. Daniel J.		
05/03/2023	Amy Belger, Esq.'s Notice of Appearance - Filed	59	
05/03/2023	Defendant 's Motion for a View - Filed	60	
05/03/2023	Defendant 's Motion for Examination of Jurors - Filed	61	
05/03/2023	Defendant 's Motion for Sequestration of Witnesses - Filed	62	
05/03/2023	Defendant 's Motion in Limine to Exclude Autopsy Photographs - Filed	63	
05/03/2023	Defendant 's Motion in Limine to Exclude Evidence of Prior Bad Acts and Convictions and in Opposition to the Commonwealth's Motion to Introduce Evidence of Defendant's Prior Bad Acts - Filed	64	
05/03/2023	Defendant 's Confidential Juror Questionnaire General Instructions for Completing Questionnaire - Filed	65	
05/03/2023	Defendant 's Motion for Criminal Offender Record Information (CORI) - Filed	66	
05/03/2023	Defendant 's Submission - Notice of Defendant's Witness List - Filed	67	
05/04/2023	Non-Custody Defendant is present in court. Final Pre-Trial Conference held before O'Shea, J. Continued by agreement to May 11, 2023 at 2:00 PM for Further Final Pre-Trial Conference in Courtroom 808. Hon. Daniel J. O'Shea, Presiding Appeared: E. Zabin, ADA - B. Hartley, ADA - A. Jeruchim, Atty. - FTR (2:47 PM) Staff: Rebeca Figueroa, Assistant Clerk Magistrate		
05/04/2023	Commonwealth 's Fifteenth Notice of Discovery - Filed	67.1	
05/04/2023	Commonwealth 's Motion for Reciprocal Discovery - Filed	67.2	
05/04/2023	Endorsement on Commonwealth's Motion for View, (#48.0): ALLOWED		
05/04/2023	Endorsement on Commonwealth's Motion in Limine to Allow a Photograph of the Victim, (#49.0): ALLOWED Judge: O'Shea, Hon. Daniel J.		
05/04/2023	Endorsement on Commonwealth 's Motion for Judicial Inquiry into Criminal History Records of Potential Trial Jurors or, in the alternative, Notice of Intent to Independently Seek Such Information for Limited Purposes of Jury Empanelment, (#50.0): ALLOWED Judge: O'Shea, Hon. Daniel J.		

Docket Date	Docket Text	File Ref Nbr.	Image Avail.
05/04/2023	Endorsement on Commonwealth's Motion in Limine to Admit Autopsy Photographs, (#51.0): ALLOWED Allowed, provided appropriate photos are identified ahead of time and defense counsel's opportunity to object is reserved. O'Shea, J. 5/4/23 Judge: O'Shea, Hon. Daniel J.		
05/04/2023	Endorsement on Commonwealth's Motion in Limine to Admit CSLI Evidence, (#52.0): ALLOWED Judge: O'Shea, Hon. Daniel J.		
05/04/2023	Endorsement on Commonwealth's Motion in Limine to Admit Expert Testimony Regarding Photo of Missing Bullet, (#53.0): Other action taken RESERVED for defense expert's opinion on this matter. O'Shea, J. 5/4/23 Judge: O'Shea, Hon. Daniel J.		
05/04/2023	Endorsement on Commonwealth's Motion in Limine to Admit Prior Bad Acts of the Defendant, (#54.0): Other action taken After a hearing, the Court ALLOWS the Commonwealth to seek to admit evidence of prior bad acts which goes towards the nature of the hostile relationship between victim and defendant. However, the "gun" incident is propensity evidence which is not admissible as its prejudicial effect outweighs the probative value of such evidence. O'Shea, J. 5/4/23 Judge: O'Shea, Hon. Daniel J.		
05/04/2023	Endorsement on Commonwealth's Motion in Limine to Admit Statements of the Defendant as Dying Declarations or Excited Utterances, (#57.0): ALLOWED Judge: O'Shea, Hon. Daniel J.		
05/04/2023	Endorsement on Commonwealth's Motion in Limine to Admit Identification Testimony Regarding the Defendant, (#58.0): Other action taken RESERVED at Defense Counsel's request. O'Shea, J. 5/4/23 Judge: O'Shea, Hon. Daniel J.		
05/04/2023	Endorsement on Motion in Limine to Exclude Autopsy Photographs, (#63.0): DENIED DENIED. Rights reserved to contest certain photos as being unfairly prejudicial. O'Shea, J. 5/4/23 Judge: O'Shea, Hon. Daniel J.		
05/04/2023	Endorsement on Defendant's Motion in Limine to Exclude Evidence of Prior Bad Acts and Convictions and In Opposition to the Commonwealth's Motion to Introduce Evidence of Defendant's Prior Bad Acts, (#64.0): Other action taken See docket entry #54. O'Shea, J. 5/4/23 Judge: O'Shea, Hon. Daniel J.		
05/04/2023	Endorsement on Motion for Criminal Offender Record Information (CORI), (#66.0): ALLOWED Judge: O'Shea, Hon. Daniel J.		
05/04/2023	Endorsement on Motion for a View, (#60.0): ALLOWED Judge: O'Shea, Hon. Daniel J.		
05/08/2023	Defendant 's Notice of Amended Witness List - Filed	68	
05/08/2023	Defendant 's Opposition to Commonwealth's Motion to Admit Expert Testimony Regarding Photograph of Bullet with Exhibits A and B - Filed	69	
05/10/2023	Defendant 's Jocelyn Vazquez's Response to the Commonwealth's Motion for Reciprocal Discovery - Filed	70	
05/10/2023	Commonwealth 's Motion to Admit 911 Call - Filed	71	
05/10/2023	Commonwealth 's Opposition to the Defendant's Request to Accompany the Jury on the View - Filed	72	
05/10/2023	Defendant 's Withdrawal of Motion to Have Defendant Attend the View - Filed	73	
05/11/2023	's Defendant Jocelyn Vasquez's Supplemental Response to the Commonwealth's Motion for Reciprocal Discovery - Filed	74	
05/11/2023	Commonwealth 's Sixteenth Notice of Discovery - Filed	75	
05/11/2023	Non-Custody Defendant is present in court. Final Pre-Trial Conference held before O'Shea, J.		

Docket Date	Docket Text	File Ref Nbr.	Image Avail.
	Continued to previously scheduled date of May 15, 2023, at 9:00 AM for Jury Trial in Courtroom 808. Hon. Daniel J. O'Shea, Presiding Appeared: E. Zabin, ADA - B. Hartley, ADA - V. Jeruchim, Atty. - A. Belger, Atty. - FTR (2:09 PM) Staff: Rebeca Figueroa, Assistant Clerk Magistrate		
05/11/2023	Endorsement on Commonwealth's Motion to Admit 911 Call, (#71.0): ALLOWED Motion allowed. Audio may be played for the jury, but the transcript may not in the absence of any agreement of the parties. O'Shea, J. 5/11/23 Judge: O'Shea, Hon. Daniel J.		
05/12/2023	MEMORANDUM & ORDER: MEMORANDUM OF ORDER AND DECISION ON COMMONWEALTH'S MOTION FOR RECIPROCAL DISCOVERY (Paper No. 67.2) Judge: O'Shea, Hon. Daniel J.	76	 Image
05/12/2023	Defendant 's Certificate of Compliance - Filed	77	 Image
05/15/2023	Non-Custody Defendant is present in court. Hearing Re: Jury Voir Dire held before O'Shea, J. Commonwealth moves for trial. The Defendant answers ready for trial. The Court, O'Shea, J., orders sixteen (16) jurors empaneled. The Defendant is set at the bar. The venire is sworn. Jury empanelment begins. Jury empanelment ends for the day at 4:05 PM. Thirteen (13) unsworn jurors are allowed to depart with instructions from the Court to return on May 17, 2023, at 9:00 AM for Jury Trial. Hearing Re: Motions in Limine held before O'Shea, J. Continued to May 16, 2023 at 9:00 AM for Continuation of Jury Empanelment in Courtroom 808. Hon. Daniel J. O'Shea, Presiding Appeared: E. Zabin, ADA - B. Hartley, ADA - A. Jerushim, Atty. - A. Belger, Atty. - N. King, C/R Staff: Rebeca Figueroa, Assistant Clerk Magistrate		
05/15/2023	Notice of docket entry received from Supreme Judicial Court JUDGMENT: "This matter came before the Court, Wendlandt, J., on an emergency petition brought pursuant to G. L. c. 211, § 3, filed by the defendant. The petitioner seeks relief from an order of the Suffolk Superior Court, dated May 12, 2023, allowing the Commonwealth's motion for reciprocal discovery. Upon consideration thereof, it is hereby ORDERED that the petition be, and the same hereby is, DENIED without hearing." (Wendlandt, J.)	78	 Image
05/16/2023	Non-Custody Defendant is present in court. Commonwealth moves for trial. The Defendant answers ready for trial. Jury empanelment resumes before O'Shea, J. Defendant is set at the bar. The venire is sworn. Unsworn Juror #122 selected on May 15, 2023 and assigned to Seat #8 is excused by agreement of the parties after she contacted the court to advise of an ongoing child care issue. She is excused due to hardship. Venire is exhausted at 3:00 PM. Two (2) additional unsworn jurors are allowed to depart with instructions from the Court to return on May 17, 2023, at 9:00 AM for Jury Trial. Continued for Further Jury Empanelment to May 17, 2023, at 9:00 AM in Courtroom 808. Hon. Daniel J. O'Shea, Presiding Appeared: E. Zabin, ADA - B. Hartley, ADA - A. Jerushim, Atty. - A. Belger, Atty. - N. King, C/R Staff: Rebeca Figueroa, Assistant Clerk Magistrate		
05/17/2023	Non-Custody Defendant is present in court. Commonwealth moves for trial. The Defendant answers ready for trial. Jury empanelment resumes before O'Shea, J. Defendant is set at the bar.		

Docket Date	Docket Text	File Ref Nbr.	Image Avail.
	The venire is sworn. Jury empanelment complete at 11:30 AM with an additional two (2) jurors selected. Sixteen (16) selected jurors are sworn. Indictments are formally read. Pre-Charge given. Opening Statements made by ADA Zabin and Attorney Jeruchim. Jury Trial suspends for the day at 1:00 PM. Sworn jurors are allowed to separate with instructions from the court and will reconvene on May 18, 2023, at 9:00 AM for Jury Trial in Courtroom 808. Hon. Daniel J. O'Shea, Presiding Appeared: E. Zabin, ADA - B. Hartley, ADA - A. Jerushim, Atty. - A. Belger, Atty. - N. King, C/R Staff: Rebeca Figueroa, Assistant Clerk Magistrate		
05/17/2023	Commonwealth 's Seventeenth Notice of Discovery - Filed	79	
05/17/2023	Defendant 's Motion for Funds for Ballistics Expert (Second) with Affidavit of Counsel in Support - Filed	80	
05/18/2023	Non-Custody Defendant is present in court. Jury Trial resumes before O'Shea, J. with a panel of sixteen (16) jurors present. Evidence begins. Court Officers are sworn. View is taken. Trial suspends for the day at 4:00 PM. Sworn jurors are allowed to separate with instructions by the Court, and shall reconvene on May 19, 2023, at 9:00 AM for Continuation of Jury Trial in Courtroom 808. Hon. Daniel J. O'Shea, Presiding Appeared: E. Zabin, ADA - B. Hartley, ADA - A. Jerushim, Atty. - A. Belger, Atty. - N. King, C/R Staff: Rebeca Figueroa, Assistant Clerk Magistrate		
05/19/2023	Non-Custody Defendant is present in court. Voir Dire of Witnesses Sgt. Nina Jefferson and Gregory Danas held before O'Shea, J. outside of the presence of the jury. Jury Trial resumes with a panel of sixteen (16) jurors present. Trial suspends for the day at 4:00 PM. Sworn jurors are allowed to separate with instructions by the Court, and shall reconvene on May 22, 2023, at 9:00 AM for Continuation of Jury Trial in Courtroom 808. Jury Charge Conference held with counsel. Hon. Daniel J. O'Shea, Presiding Appeared: E. Zabin, ADA - B. Hartley, ADA - A. Jerushim, Atty. - A. Belger, Atty. - N. King, C/R Staff: Rebeca Figueroa, Assistant Clerk Magistrate		
05/19/2023	Endorsement on Motion for Funds for Ballistics Expert (Second), (#80.0): ALLOWED		
05/22/2023	Non-Custody Defendant is present in court. Jury Trial resumes with a panel of sixteen (16) jurors present before O'Shea, J. Trial suspends for the day at 4:00 PM. Sworn jurors are allowed to separate with instructions by the Court, and shall reconvene on May 23, 2023, at 9:00 AM for Continuation of Jury Trial in Courtroom 808. Hon. Daniel J. O'Shea, Presiding Appeared: E. Zabin, ADA - B. Hartley, ADA - A. Jerushim, Atty. - A. Belger, Atty. - N. King, C/R Staff: Rebeca Figueroa, Assistant Clerk Magistrate		
05/23/2023	Defendant 's Motion for Funds for Expedited Transcription Services with Affidavit of Counsel in Support - Filed	81	
05/23/2023	Non-Custody Defendant is present in court. Jury Trial resumes with a panel of sixteen (16) jurors present before O'Shea, J. Trial suspends for the day at 3:45 PM. Sworn jurors are allowed to separate with instructions by the Court, and shall reconvene on May 24, 2023, at 9:00 AM for Continuation of Jury Trial in Courtroom 808.		

Docket Date	Docket Text	File Ref Nbr.	Image Avail.
	Court conducts a voir dire of Juror #147 in Seat #12 with Counsel at sidebar. The juror indicates that he his child is ill and that he may not have childcare tomorrow. By agreement of the parties, the Court ask the juror to contact the court officers should he be unavailable to come to court tomorrow. Hon. Daniel J. O'Shea, Presiding Appeared: E. Zabin, ADA - B. Hartley, ADA - A. Jerushim, Atty. - A. Belger, Atty. - N. King, C/R Staff: Rebeca Figueroa, Assistant Clerk Magistrate		
05/23/2023	Endorsement on Motion for Funds for Expedited Transcription Services, (#81.0): ALLOWED		
05/24/2023	Defendant 's Motion for Funds for Expedited Transcription Services with Affidavit of Counsel in Support - Filed	82	
05/24/2023	Non-Custody Defendant is present in court.		
	Jury Trial resumes with a panel of sixteen (16) jurors present before O'Shea, J. Trial suspends for the day at 1:00 PM. Sworn jurors are allowed to separate with instructions by the Court, and shall reconvene on May 25, 2023, at 9:00 AM for Continuation of Jury Trial in Courtroom 808. Hon. Daniel J. O'Shea, Presiding Appeared: E. Zabin, ADA - B. Hartley, ADA - A. Jerushim, Atty. - A. Belger, Atty. - N. King, C/R Staff: Rebeca Figueroa, Assistant Clerk Magistrate		
05/25/2023	Commonwealth 's Proposed Jury Instructions - Filed	83	
05/25/2023	Non-Custody Defendant is present in court.		
	Jury Trial resumes with a panel of sixteen (16) jurors present before O'Shea, J. Trial suspends for the day at 4:30 PM. Sworn jurors are allowed to separate with instructions by the Court, and shall reconvene on May 26, 2023, at 9:00 AM for Continuation of Jury Trial in Courtroom 808. Court conducts a voir dire with J# 133 in Seat #10 with counsel present at sidebar. Juror indicates a potential scheduling conflict on Tuesday, May 31, 2023. Juror is instructed to provide further information to the court tomorrow. Court conducts a voir dire with J# 31 in Seat #8 with counsel present at sidebar. Juror informs the Court that he has to travel for work next week. Juror is instructed to contact his employer and to report back to court tomorrow with further information. Hon. Daniel J. O'Shea, Presiding Appeared: E. Zabin, ADA - B. Hartley, ADA - A. Jerushim, Atty. - A. Belger, Atty. - N. King, C/R Staff: Rebeca Figueroa, Assistant Clerk Magistrate		
05/26/2023	Defendant 's Request for Jury Instruction - Lost or Destroyed Evidence - Filed	84	
05/26/2023	Defendant 's Motion for Required Finding of Not Guilty at the Close of the Commonwealth's Case Pursuant to Mass. R. Crim. Pro. 25 (a) with Memorandum in Support - Filed	85	
05/26/2023	Non-Custody Defendant is present in court.		
	Court conducts a voir dire with J# 31 in Seat #8 with counsel present at sidebar. Juror provides the Court with documentation from his employer verifying out of state travel on Tuesday, May 30, 2023. Juror #31 is excused from the jury due to a substantial hardship with no objection by the parties. Jury Trial resumes with a panel of fifteen (15) jurors present before O'Shea, J. The Commonwealth rests at 9:52 AM. Hearing Re: Defendant 's Motion for Required Finding of Not Guilty at the Close of the Commonwealth's Case Pursuant to Mass. R. Crim. Pro. 25(a) (P #85) held outside of the presence of the jury. After hearing, the Defendant's motion is DENIED. Findings and rulings made on the record. Defense begins its case in chief at 10:15 AM. Trial suspends for the day at 3:00 PM. Sworn jurors are allowed to separate with instructions by the Court, and shall reconvene on May 30, 2023, at 9:00 AM for		

Docket Date	Docket Text	File Ref Nbr.	Image Avail.
	Continuation of Jury Trial in Courtroom 808. Court conducts a voir dire with J# 31 in Seat #16 with counsel present at sidebar. Jurors reports the death of a close family friend and that he would like to attend funeral services on Tuesday, May 30, 2023 in Los Angeles, CA. Juror #31 in Seat #16 is excused from the jury due to a substantial hardship with no objection by the parties. Jury Charge Conference held with counsel and the defendant. Hon. Daniel J. O'Shea, Presiding Appeared: E. Zabin, ADA - B. Hartley, ADA - A. Jerushim, Atty. - A. Belger, Atty. - N. King, C/R Staff: Rebeca Figueroa, Assistant Clerk Magistrate		
05/30/2023	Commonwealth 's Motion to Preclude the Defendant's Expert Witness From Testifying Regarding the Absence of a Smoke Halo on a Firearm and for Offer of Proof for Each Remaining Defense Witness, filed Attorney: Zabin, Esq., Edmond J Applies To: Suffolk County District Attorney (Prosecutor); Zabin, Esq., Edmond J (Attorney) on behalf of Suffolk County District Attorney (Prosecutor); Case Judge: O'Shea, Hon. Daniel J.	86	 Image
05/30/2023	Defendant 's Motion for Impartial Selection of Jury Foreperson Following Selection of Alternate Jurors, filed Attorney: Belger, Esq., Amy Judge: O'Shea, Hon. Daniel J. Applies To: Vasquez, Jocelyn (Defendant); Belger, Esq., Amy (Attorney) on behalf of Vasquez, Jocelyn (Defendant); Case Judge: O'Shea, Hon. Daniel J.	87	 Image
05/30/2023	Scheduled: Judge: O'Shea, Hon. Daniel J. Event: Jury Trial Date: 06/01/2023 Time: 09:00 AM Result: Held as Scheduled		
05/30/2023	Event Result:: Jury Trial scheduled on: 05/30/2023 09:00 AM Has been: Held as Scheduled 9:29AM Deft comes into Court Hearing re: Paper #86 held after hearing, Findings made on the record 9:45AM Hearing re: Paper # 87 held , after hearing findings on the record 9:53AM , Motion Denied recess 10:08AM 14 Jurors present , all parties present Trial resumes with testimony 11:32AM Recess for Jurors 11:24AM recess 11:52AM hr: re: witness testimony Jurors not present Findings made on the record 12:01PM 12:18 PM 14 Jurors present testimony resumes 11:22PM Jurors Lunch recess Recess 1:43PM hr re; witness testimony /Proffer 1:45PM 14 Jurors present - testimony resumes Jurors Dismissed for the day at 3:11 PM. Sworn jurors are allowed to separate with instructions by the Court, and shall reconvene on May 31, 2023, at 9:00 AM for Continuation of Jury Trial in Courtroom 808. 3:13PM Hearing re: Cross examination of Defendant/ Prior bad acts 3:35 Court makes findings on the record Trial suspends for this day Trial to resume at 9AM on May 31, 2023 Hon. Daniel J. O'Shea, Presiding Appeared: E. Zabin, ADA - B. Hartley, ADA - A. Jerushim, Atty. - A. Belger, Atty. N. King, C/R M. Regan/ACM FTR: 9:29AM		
05/30/2023	Endorsement on Motion , (#86.0): Withdrawn Motion is Moot. Defendant has withdrawn question regarding "Halo" effect. Attorney: Jeruchim, Esq., Vivianne Elise Judge: O'Shea, Hon. Daniel J.		 Image

Docket Date	Docket Text	File Ref Nbr.	Image Avail.
	Applies To: Vasquez, Jocelyn (Defendant); Jeruchim, Esq., Vivianne Elise (Attorney) on behalf of Vasquez, Jocelyn (Defendant); Case Judge: O'Shea, Hon. Daniel J.		
05/30/2023	Endorsement on Motion , (#87.0): DENIED after hearing Attorney: Belger, Esq., Amy Applies To: Vasquez, Jocelyn (Defendant); Belger, Esq., Amy (Attorney) on behalf of Vasquez, Jocelyn (Defendant); Case Judge: O'Shea, Hon. Daniel J.		 Image
05/31/2023	Defendant 's Motion for funds for Ballistics Expert (Third), filed with Affidavit in Support Attorney: Belger, Esq., Amy Applies To: Vasquez, Jocelyn (Defendant); Belger, Esq., Amy (Attorney) on behalf of Vasquez, Jocelyn (Defendant); Case Judge: O'Shea, Hon. Daniel J.	88	 Image
05/31/2023	Defendant 's Motion in limine for funds For Defense witness Travel, filed with Affidavit in Support Attorney: Belger, Esq., Amy Applies To: Vasquez, Jocelyn (Defendant); Belger, Esq., Amy (Attorney) on behalf of Vasquez, Jocelyn (Defendant); Case Judge: O'Shea, Hon. Daniel J.	89	 Image
05/31/2023	Scheduled: Judge: O'Shea, Hon. Daniel J. Event: Jury Trial Date: 06/02/2023 Time: 09:00 AM ACM/ M Regan Result: Held as Scheduled		
05/31/2023	Defendant 's Motion for requiring finding of not guilty AT THE CLOSE OF THE EVIDENCE PURSUANT TO MASS. R CRIM. PRO. 25(B) filed with Memorandum of Law and after hearing Denied Attorney: Belger, Esq., Amy Applies To: Vasquez, Jocelyn (Defendant); Case Judge: O'Shea, Hon. Daniel J.	90	 Image
05/31/2023	Event Result:: Jury Trial scheduled on: 05/31/2023 09:00 AM Has been: Held as Scheduled Deft comes into Court 9:34am Motion hearing held 9:39am 14 Jurors present trial resumes with testimony Cross examination of Defendant held 11AM Jurors Recessed Deft's Motion for required finding a the close of evidence made and after hearing Denied 11:08am recess 11:34AM 14 Jurors present - trial resumes with Pre Charge Defense closing 12:33pm Commonwealth closing 1:16pm Jurors recessed for this day and asked to return on June 1, 2023 at 9:00AM Hon. Daniel J. O'Shea, Presiding Appeared: E. Zabin, ADA - B. Hartley, ADA - A. Jeruchim, Atty. - A. Belger, Atty. N. King, C/R M. Regan/ACM FTR: 9:27AM Applies To: Vasquez, Jocelyn (Defendant); Case Judge: O'Shea, Hon. Daniel J. Applies To: Vasquez, Jocelyn (Defendant); Jeruchim, Esq., Vivianne Elise (Attorney) on behalf of Vasquez, Jocelyn (Defendant); Zanini, Esq., Mark D (Attorney) on behalf of Suffolk County District Attorney (Prosecutor); Case Judge: O'Shea, Hon. Daniel J.		
05/31/2023	Endorsement on Motion for funds , (#88.0): ALLOWED Attorney: Belger, Esq., Amy Judge: O'Shea, Hon. Daniel J. Applies To: Vasquez, Jocelyn (Defendant); Belger, Esq., Amy (Attorney) on behalf of Vasquez, Jocelyn (Defendant); Case Judge: O'Shea, Hon. Daniel J.		 Image

Docket Date	Docket Text	File Ref Nbr.	Image Avail.
05/31/2023	Endorsement on Motion for requiring finding of not guilty at the close of Evidence Pursuant to Mass. R. Crim. Pro. 25(B), (#90.0): DENIED Attorney: Jeruchim, Esq., Vivianne Elise Applies To: Vasquez, Jocelyn (Defendant); Jeruchim, Esq., Vivianne Elise (Attorney) on behalf of Vasquez, Jocelyn (Defendant); Case Judge: O'Shea, Hon. Daniel J.		 Image
05/31/2023	Witness list filed Judge: O'Shea, Hon. Daniel J. Applies To: Suffolk County District Attorney (Prosecutor); Vasquez, Jocelyn (Defendant); Jeruchim, Esq., Vivianne Elise (Attorney) on behalf of Vasquez, Jocelyn (Defendant); Zabin, Esq., Edmond J (Attorney) on behalf of Suffolk County District Attorney (Prosecutor); Case Judge: O'Shea, Hon. Daniel J.	91	
05/31/2023	List of exhibits Judge: O'Shea, Hon. Daniel J. Applies To: Suffolk County District Attorney (Prosecutor); Vasquez, Jocelyn (Defendant); Jeruchim, Esq., Vivianne Elise (Attorney) on behalf of Vasquez, Jocelyn (Defendant); Zabin, Esq., Edmond J (Attorney) on behalf of Suffolk County District Attorney (Prosecutor); Case Judge: O'Shea, Hon. Daniel J.	92	 Image
06/01/2023	Event Result:: Jury Trial scheduled on: 06/01/2023 09:00 AM Has been: Held as Scheduled Deft comes into Court 14 Jurors Present Instructions given 10:58AM Jurors reduced to 12 Members Juror #91 in Seat # 1 is designated as Foreperson Juror #115 seat #6 is designated as alternate Juror #44 seat # 14 is designated as alternate Court Officers sworn Deliberations begin 11:07Am Parties answer content with the Verdict Slips and Exhibits Jury Instructions Marked ID -O recess 12:01PM Jury Question #1 marked ID P Parties present - Jury not in Court 12:05PM Recess 4:10 PM All parties Present 12 Jurors and 2 alternate Jurors present Jurors dismissed for this day and asked to return on 6/2/23 at 9am to continue deliberations. Hon. Daniel J. O'Shea, Presiding Appeared: E. Zabin, ADA - B. Hartley, ADA - A. Jeruchim, Atty. - A. Belger, Atty. N. King, C/R M. Regan/ACM FTR: 10:31AM		
06/02/2023	Scheduled: Judge: O'Shea, Hon. Daniel J. Event: Jury Trial Date: 06/05/2023 Time: 09:00 AM Result: Held as Scheduled		
06/02/2023	Event Result:: Jury Trial scheduled on: 06/02/2023 09:00 AM Has been: Held as Scheduled Deft comes into Court 9:27AM 12 Jurors and 2 alternate Jurors present 9:28AM Deliberations resume recess 10:32AM Jury Question #2 marked ID -Q Parties present - Jury not present Recess 1:56PM 12 Jurors and 2 Alternate Jurors present Jurors Dismissed for this day and asked to return on Monday 6/5/23 at 9AM Alternate Juror # 44 appears sidebar with all parties. Re: Schedule after hearing Juror #44 remains as alternate		

Docket Date	Docket Text	File Ref Nbr.	Image Avail.
	2:00pm Trial Recessed Hon. Daniel J. O'Shea, Presiding Appeared: E. Zabin, ADA - B. Hartley, ADA - A. Jeruchim, Atty. - A. Belger, Atty. N. King, C/R M. Regan/ACM FTR: 9:22 AM Applies To: Vasquez, Jocelyn (Defendant); Belger, Esq., Amy (Attorney) on behalf of Vasquez, Jocelyn (Defendant); Jeruchim, Esq., Vivianne Elise (Attorney) on behalf of Vasquez, Jocelyn (Defendant); Zabin, Esq., Edmond J (Attorney) on behalf of Suffolk County District Attorney (Prosecutor); Hartley, Esq., Brooke (Attorney) on behalf of Suffolk County District Attorney (Prosecutor); Case Judge: O'Shea, Hon. Daniel J.		
06/05/2023	Scheduled: Judge: O'Shea, Hon. Daniel J. Event: Jury Trial Date: 06/06/2023 Time: 09:00 AM Result: Held as Scheduled		
06/05/2023	Event Result:: Jury Trial scheduled on: 06/05/2023 09:00 AM Has been: Held as Scheduled Deft comes into Court 12 Jurors and 2 Alternate Jurors Present 9:22AM Deliberations resume 4pm all parties present 12 Jurors and 2 Alternate Jurors present Jurors report they have a question but prefer to wait until the morning to address the Court. All Jurors are dismissed for this day and asked to return at 9AM on 6/6/23 to continue deliberations. Trial suspends for this day. Hon. Daniel J. O'Shea, Presiding Appeared: E. Zabin, ADA - B. Hartley, ADA - A. Jeruchim, Atty. - A. Belger, Atty. N. King, C/R M. Regan/ACM FTR: 9:20 AM Applies To: Vasquez, Jocelyn (Defendant); Belger, Esq., Amy (Attorney) on behalf of Vasquez, Jocelyn (Defendant); Jeruchim, Esq., Vivianne Elise (Attorney) on behalf of Vasquez, Jocelyn (Defendant); Zabin, Esq., Edmond J (Attorney) on behalf of Suffolk County District Attorney (Prosecutor); Hartley, Esq., Brooke (Attorney) on behalf of Suffolk County District Attorney (Prosecutor); Case Judge: O'Shea, Hon. Daniel J.		
06/06/2023	Non-Custody Defendant is present in court. Jury Trial continues with a panel of twelve (12) deliberating jurors and two (2) alternate jurors present before O'Shea, J. Jury deliberations resume at 9:30 AM. Juror # 44 (Alternate Juror #1) indicates that she has a medical appointment and needs to leave at noon today. By agreement of the parties, the non-deliberating juror is allowed to leave to her medical appointment at noon, and she is asked to remain in touch with the court officers during the course of the day. Verdicts returned at 11:17 AM. As to Offense #001 - Guilty of Murder in the Second Degree As to Offense #002 - Guilty of the Offense as Charged All prior order of bail are revoked. The Defendant is held on a mittimus without bail. Continued by agreement to June 22, 2023 at 9:00 AM for Hearing Re: Sentence Imposition in Courtroom 808. Hon. Daniel J. O'Shea, Presiding Appeared: E. Zabin, ADA - B. Hartley, ADA - A. Jerushim, Atty. - A. Belger, Atty. - FTR (9:30 AM) Staff: Rebeca Figueroa, Assistant Clerk Magistrate		
06/06/2023	Offense Disposition:: Charge #1 MURDER c265 §1 - SECOND DEGREE On: 06/06/2023 Judge: Hon. Daniel J. O'Shea By: Jury Trial Guilty Verdict - Lesser Included Charge #2 FIREARM WITHOUT FID CARD, POSSESS c269 s.10(h) On: 06/06/2023 Judge: Hon. Daniel J. O'Shea By: Jury Trial Guilty Verdict		

Docket Date	Docket Text	File Ref Nbr.	Image Avail.
06/06/2023	The defendant\petitioner is committed without bail for the following reason: Per Order of the Court.	93	
06/06/2023	Habeas Corpus for defendant issued to Suffolk House of Correction (South Bay) returnable for 06/22/2023 09:00 AM Hearing for Sentence Imposition. ***LIVE***	94	
06/06/2023	Verdict affirmed, verdict slip filed	95	
	As to Offense #001 - Guilty of Murder in the Second Degree		
06/06/2023	Verdict affirmed, verdict slip filed	96	
	As to Offense #002 - Guilty of the Offense as Charged		
06/06/2023	Exhibits Returned Firearm and Ballistic Exhibits Returned to Boston Police Detective Kevin Plunkett (Exhibits 56, 87-89) - Receipt on File	97	
06/06/2023	List of exhibits	98	
	- Marked for Identification		
06/06/2023	List of jurors filed.	99	
	Pursuant to Commonwealth v. Fujita. IMPOUNDED for ninety (90) days Per Order of O'Shea, J.		
	Judge: O'Shea, Hon. Daniel J.		
06/22/2023	Issued on this date:	100	
	Mittimus for Sentence (All Charges) Sent On: 06/22/2023 10:01:56		
06/22/2023	Defendant 's Motion to Withdraw and Appointment of Appellate Counsel with Affidavit of Counsel in Support - Filed	101	
06/22/2023	Endorsement on Motion to Withdraw and Appointment of Appellate Counsel, (#101.0): ALLOWED		
06/22/2023	Notice of appeal filed.	102	
	Applies To: Vasquez, Jocelyn (Defendant)		
06/22/2023	Findings and Order of Statutory Fees	103	
	All fees waived and/or remitted per order of O'Shea, J.		
	Judge: O'Shea, Hon. Daniel J.		
	Applies To: Vasquez, Jocelyn (Defendant)		
06/22/2023	Legal Counsel Fee Waived.		
	Judge: O'Shea, Hon. Daniel J.		
06/22/2023	DNA fee WAIVED		
	Judge: O'Shea, Hon. Daniel J.		
06/22/2023	After finding of severe financial hardship, victim/witness fee waived.		
	Judge: O'Shea, Hon. Daniel J.		
06/22/2023	Defendant notified of right of appeal to the Appellate Division of the Superior Court within ten (10) days.		
	Judge: O'Shea, Hon. Daniel J.		
06/22/2023	Defendant notified of right of appeal to the Appeals Court within thirty (30) days.		
	Judge: O'Shea, Hon. Daniel J.		
06/22/2023	Defendant sentenced:: Sentence Date: 06/22/2023 Judge: Hon. Daniel J. O'Shea		
	Charge #: 1 MURDER c265 §1 Life with Parole Not Less Than: 15 Years, 0 Months, 0 Days		
	Charge #: 2 FIREARM WITHOUT FID CARD, POSSESS c269 s.10(h) Committed to HOC Term: 2 Years, 0 Months, 0 Days To Serve: 2 Years, 0 Months, 0 Days Served Concurrently Charge # 1 Case 1984CR00041		
	Committed to MCI - Framingham Credits 225 Days		
06/22/2023	Defendant is brought into court from the Suffolk County House of Correction.		
	Hearing Re: Sentence Imposition held before O'Shea, J.		
	The Commonwealth moves for Sentencing.		

Docket Date	Docket Text	File Ref Nbr.	Image Avail.
	As to Offense #001 - MCI Framingham Life with the Possibility of Parole After 15 Years As to Offense #002 - Suffolk County House of Correction Two (2) Years Concurrent with Sentence Imposed on Offense #001. By Order of the Court and By Agreement, the Defendant receives 225 days credit awaiting disposition. Hon. Daniel J. O'Shea, Presiding Appeared: E. Zabin, ADA - B. Hartley, ADA - A. Jeruchim, Atty. - A. Belger, Atty. - FTR (9:10 AM) Staff: Rebeca Figueroa, Assistant Clerk Magistrate		
07/05/2023	Posted bail returned rab scanned	104	
10/11/2023	Patrick Levin, Esq.'s Notice of Appearance of Appellate Counsel, Filed	105	
10/11/2023	Attorney appearance On this date Patrick Levin, Esq. added as Appointed - Appellate Action for Defendant Jocelyn Vasquez		Image
12/04/2023	CD of Transcript of 05/04/2023 02:00 PM Final Pre-Trial Conference, 05/11/2023 02:00 PM Final Pre-Trial Conference, 06/06/2023 09:00 AM Jury Trial, 05/19/2023 09:00 AM Jury Trial received from Chris O'Neill.		
01/22/2024	CD of Transcript of 05/18/2023 09:00 AM Jury Trial, 05/24/2023 09:00 AM Jury Trial, 05/25/2023 09:00 AM Jury Trial, 05/22/2023 09:00 AM Jury Trial, 05/23/2023 09:00 AM Jury Trial, 05/16/2023 09:00 AM Jury Trial, 05/17/2023 09:00 AM Jury Trial, 05/15/2023 09:00 AM Jury Trial received from Paula Mills.		
02/07/2024	CD of Transcript of 06/05/2023 09:00 AM Jury Trial, 06/02/2023 09:00 AM Jury Trial, 06/01/2023 09:00 AM Jury Trial, 05/31/2023 09:00 AM Jury Trial, 05/30/2023 09:00 AM Jury Trial, 05/26/2023 09:00 AM Jury Trial received from Paula Mills.		
03/11/2024	CD of Transcript of 06/22/2023 09:00 AM Hearing for Sentence Imposition received from Christina O'Neill.		
03/13/2024	Patrick Levin, Esq.'s Verified Request for Juror Information Filed (Information requested sent to Attorney Levin this day via certified mail)	106	
04/04/2024	CD of Transcript of 01/29/2020 09:30 AM Evidentiary Hearing on Suppression, 11/14/2019 02:00 PM Motion Hearing received from DMC trascripts.		Image
04/05/2024	Appeal: Statement of the Case on Appeal (Cover Sheet).	107	
04/05/2024	Attorney appearance On this date David D McGowan, Esq. added as Attorney for the Commonwealth for Prosecutor Suffolk County District Attorney		Image
04/05/2024	Notice to Clerk of the Appeals Court of Assembly of Record		
04/05/2024	Notice of assembly of record sent to Counsel		
04/09/2024	Appeal entered in Appeals Court on 04/08/2024 docket number 2024-P-0395	108	
05/20/2024	Notice of docket entry received from Appeals Court RE#4: Allowed. The defendant is granted leave to file, and the trial court leave to consider, a motion for new trial. Appellate proceedings STAYED to 07/19/2024. Status report due then regarding the drafting and filing of the new trial motion.	109	
06/26/2024	Defendant 's Motion For New Trial With Attachments, filed Notice, Copy and Docket Sheets Sent To RAJ Wall	110	
06/26/2024	Defendant 's Motion For Stay Of Execution Of Sentence With Attachments, filed Notice, Copy and Docket Sheets Sent To RAJ Wall	111	
06/28/2024	Notice of docket entry received from Appeals Court RE#5: Appellate proceedings STAYED to 07/29/2024. Status report due then regarding the disposition of the defendant's motion for new trial and motion to stay execution of his sentence.	112	
07/19/2024	Endorsement on Defendant 's Motion For New Trial With Attachments, (#110.0): 7/18/24- Judge Daniel O'Shea presided at Trial and the Case Remains assigned to Judge O'Shea. Wall, J. (Copy of Endorsement, and Clerk's Notice Sent To ADA B. Hartley, and ATTY P. Levin)		
07/19/2024	Endorsement on Defendant 's Motion For Stay Of Execution Of Sentence With Attachments, (#111.0): 7/19/24- Case Remains Assigned to Judge Daniel O'Shea. Wall, J. (Copy of Endorsement, and Clerk's Notice Sent To ADA B. Hartley, and ATTY P. Levin)		

Docket Date	Docket Text	File Ref Nbr.	Image Avail.
	(Copy of Endorsement sent to Judge Daniel O'Shea)		
07/19/2024	ORDER: Defendant's Motions for New Trial (Paper 110) and Stay of sentence (Paper 111) With Judge O'Shea Presiding, a Jury Convicted Defendant of Second- Degree Murder in 2023. She is Serving a Life Sentence With Parole Eligibility at 15 Years. Defendant is Litigating the Motion for New Trial Before Pursuing Direct Appeal. In Response to this Motion for New Trial, Commonwealth shall File by August 30, 2024 a Brief Pleading which (a) States whether the Commonwealth Opposes the Motion, (b) Identifies the Assigned ADA, and (c) Requests a Date for filing a Substantive Memorandum. (Copy of Order, Clerk's Notice, and Docket Sheets Sent to O'Shea, J.)	113	 Image
08/30/2024	Commonwealth 's Response to the Court's July 18, 2024 Order (Paper 113), with Affidavit, filed (Copy, Notice and Docket sent to O'Shea, J.)	114	 Image
09/09/2024	Endorsement on Response to the Court's July 18, 2024 Order (Paper 113)., (#114.0): Other action taken Commonwealth to file opposition on or before November 30, 2024. (copy of endorsement and Clerks Notice sent to ADA B. Hartley and Attorney P. Levin)		 Image
12/02/2024	Commonwealth 's motion to enlarge the time to file a response, filed Copy of motion, clerks notice and docket sheets sent to Judge O'Shea	115	 Image
12/04/2024	Endorsement on Motion to Enlarge The Time to File a Response, (#115.0): Other action taken 12/4/24-"Upon Review, the Commonwealth is granted leave to file a response until December 16, 2024."- O'Shea, J (Notice sent B.Hartley ADA by Email)		 Image
12/16/2024	Opposition to paper #110.0 Defendant's motion for new trial filed by Suffolk County District Attorney Copy of motion, docket sheets and clerks notice sent to Judge O'Shea	116	 Image
12/16/2024	Opposition to paper #111.0 Defendant's motion for stay of execution of sentence, filed filed by Suffolk County District Attorney Copy of motion, clerks notice and docket sheets sent to Judge O'Shea	117	 Image
01/16/2025	Habeas Corpus for defendant issued to MCI - Framingham returnable for 02/12/2025 02:00 PM Motion Hearing. CASE TO BE HEARD IN PLYMOUTH SUPERIOR COURT (BROCKTON, MA) Matter to be heard before Judge O'Shea in the 1st Criminal Session LIVE TRANSPORT	118	 Image
01/17/2025	Docket Note: Motion hearing scheduled on 2-12-25 is to be held live in Plymouth Superior Court - Brockton, MA 1st Criminal Session per order from Judge O'Shea Confirmation from MCI Framingham that the Habeas was received this day and that the defendant will be transported live to Plymouth Superior Court - Brockton, Ma on 2-12-25. date.		
02/12/2025	Defendant Not in Court. Case Heard in Plymouth County before O'Shea, J. Event Result:: Motion Hearing scheduled on: 02/12/2025 02:00 PM Has been: Held as Scheduled Hon. Daniel J. O'Shea, Presiding Staff: Michelle Pierce, Assistant Clerk Magistrate James Pardi, Assistant Clerk Magistrate No FTR		
03/05/2025	ORDER: Memorandum of Decision and Order on Defendant's Motion for New Trial and Motion for Stay of Execution of Sentence. It is further Ordered that Defendant's Motion for Stay of Execution of Sentence Be DENIED.	119	 Image
03/05/2025	Endorsement on Motion for New Trial, (#110.0): DENIED		
03/05/2025	Endorsement on Motion for Stay of Execution of Sentence, (#111.0): DENIED Judge: Ellis, Hon. Sarah Weyland		 Image
03/12/2025	Notice of appeal filed by defendant regarding this Court's March 5, 2025, order denying motion for new trial.	120	 Image
03/31/2025	CD of Transcript of 02/12/2025 02:00 PM Motion Hearing received from Christina O'Neill.		
04/01/2025	Appeal: Statement of the Case on Appeal (Cover Sheet).	121	 Image

Docket Date	Docket Text	File Ref Nbr.	Image Avail.
04/01/2025	Notice to Clerk of the Appeals Court of Assembly of Record		
04/01/2025	Notice of assembly of record sent to Counsel		
04/02/2025	Appeal entered in Appeals Court on 04/02/2025 docket number 2025-P-0399	122	
04/15/2025	Notice of docket entry received from Appeals Court No. 2024-P-0395 ORDER: The appeals 2024-P-0395 and 2025-P-0399 are consolidated for briefing and decision. 2024-P-0395 is closed. The assembly of the record package (paper #1), docketing statement(s), briefs, appendices, and transcripts, if any, shall be transferred to 2025-P-0399." All future filings shall refer only to 2025-P-0399. Appellant's brief and appendix in the consolidated appeal is due on or before 05/12/2025.	123	 Image
04/15/2025	Notice of docket entry received from Appeals Court No. 2025-P-0399 ORDER: The appeals 2024-P-0395 and 2025-P-0399 are consolidated for briefing and decision. 2024-P-0395 is closed. The assembly of the record package (paper #1), docketing statement(s), briefs, appendices, and transcripts, if any, shall be transferred to 2025-P-0399." All future filings shall refer only to 2025-P-0399. Appellant's brief and appendix in the consolidated appeal is due on or before 05/12/2025.	124	 Image
05/01/2025	Notice of docket entry received from Appeals Court RE#8: Allowed to 7/28/25. Notice sent.	125	 Image
06/05/2025	Commonwealth, Defendant 's Stipulation to Correct The Record, Filed (Copy of Stipulation, Docket Sheets and Clerk's Notice Sent To O'Shea, J.)	126	 Image

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COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, ss.

SUPERIOR COURT
1984CR00041

COMMONWEALTH

vs.

JOCELYN VASQUEZ

MEMORANDUM OF DECISION AND ORDER ON
DEFENDANT'S MOTION FOR NEW TRIAL AND
MOTION FOR STAY OF EXECUTION OF SENTENCE

On June 6, 2023, Jocelyn Vasquez ("Vasquez" or "the defendant") was found guilty of second- degree murder and unlawful possession of a firearm. The defendant now moves for a new trial on the ground of ineffective assistance of counsel and judicial error.

Having reviewed the defendant's written motion and the Commonwealth's opposition thereto, the court held a non-evidentiary hearing on February 12, 2025 to address the procedural and substantive issues raised. As presented, the defendant's written motion urged the court to schedule an evidentiary hearing, although there was very little reasoning offered in support of that request at the February hearing. In accordance with Mass. R. Crim. P. 30(c)(3), a judge hearing a motion for a new trial must first decide whether the defendant's motion and affidavits present a "substantial issue" warranting an evidentiary hearing. *Commonwealth v. Lys*, 481 Mass. 1, 5-6 (2018). See also *Commonwealth v. Buckman*, 461 Mass. 24, 43 (2011) (affirming denial of evidentiary hearing on motion for new trial). The court has reviewed the record and the written arguments in this case, and thus exercises its discretion to decide the defendant's motion without conducting an evidentiary hearing. As reasons therefore, the court concludes that the motion raises no substantial issue that requires further fact finding, and there is no showing that an

3/5/25
SHE

evidentiary hearing would add anything to the information that has been presented in the motion and affidavits. *Commonwealth v. Goodreau*, 442 Mass. 341, 348 (2004), *Commonwealth v. Marrero*, 459 Mass. 235, 240 (2011) (judge may rule on motion for new trial “without an evidentiary hearing, ‘if no substantial issue is raised by the motion or affidavits’”), quoting Mass. R. Crim. P. 30(c)(3), as appearing in 435 Mass. 1501 (2001).

Upon review of the oral and written arguments, and for the reasons discussed below, the defendant’s Motion For New Trial is **DENIED** and her Motion For Stay of Execution of Sentence is **DENIED**.

BACKGROUND

On January 25, 2019, the Suffolk County Grand Jury charged Vasquez with first-degree murder and unlawful possession of a firearm in connection with the shooting death of Garfield Thomas (“Thomas”). Vasquez was represented at trial by Attorney Aviva Jeruchim and Attorney Amy Belger. On May 4, 2023, the Commonwealth filed a motion for reciprocal discovery of, among other things, written, recorded or oral statements reduced to writing of potential witnesses that the defense intended to use at trial either in its case in chief or as impeachment, as well as written notice of the defendant’s intent to offer prior bad acts of any witness or Thomas.¹ As the judge presiding over the trial, I allowed that motion on May 12, 2023.² Vasquez did not provide any reciprocal discovery. At various points in the trial, Vasquez attempted to introduce evidence of Thomas’s violent confrontations with unknown individuals and his relationship with a woman called “T.” As noted, *infra*, the court excluded such evidence as a discovery sanction and because it was not admissible as *Bowden* or third-party culprit evidence.

¹ See Paper No. 67.2

² See Paper No. 76.

The trial began on May 15, 2023. The jury heard the following evidence. Thomas lived in the third-floor apartment of a three-family building owned by Bernadette Campbell (“Campbell”) at 50 Evelyn Street in Mattapan. Campbell lived on the first floor with her son, and the second-floor apartment was vacant. On the morning of May 15, 2018, Campbell was in the bathroom when she heard a “bang.” She ran to the back door by the kitchen and when she opened the interior door, Thomas, who was shirtless and holding a white tank top shirt against his torso, stumbled from the interior staircase, into her kitchen and then collapsed. Campbell testified that Thomas stated, “she shot me, call 911, I don’t want to die.” However, in her initial police interview, Campbell was unsure whether Thomas said, “he shot me” or “she shot me.” Campbell testified that on past occasions she had seen Vasquez coming and going from Thomas’s apartment and assumed that she was his girlfriend.

An EMT testified that in the ambulance on the way to Boston Medical Center, Thomas said something to him to the effect of, “Why would she do this to me?” Thomas died at the hospital from a single gunshot to the torso.

Police searched all three apartments at 50 Evelyn Street. In Thomas’s third-floor apartment, police found several counterfeit \$50 and \$100 bills and a vat in the kitchen containing \$1 bills soaking in a solution. Police also found a clothes iron and a paper shredder, which can be used as tools to counterfeit money. Hidden under the mattress in the only bed in the bedroom was a revolver loaded with four rounds of live ammunition and a spent shell casing. A fingerprint on the revolver was matched to Vasquez’s left index finger. Police found property belonging to Vasquez in the apartment, including clothing, a purse, and an expired birth control prescription. Police found Thomas’s cellphone but did not apply for a warrant to search it.

Police found no blood anywhere on the third floor or on the interior stairs leading to the third floor apartment.

The medical examiner extracted the spent bullet from Thomas's body during an autopsy. Although the bullet was photographed, Detective Garrett Mitchell ("Mitchell") subsequently lost it before any ballistics analysis could be performed. Mitchell testified that the bullets in the revolver found in the apartment were .38 Special hollow point rounds with a copper jacketed twist, and the bullet recovered during the autopsy was a copper-jacketed hollow point bullet. Based on the photograph, ballisticsian Nina Jefferson described the item as a jacketed hollow-point bullet and testified that it "appeared to be" the same caliber and general description as those found in the revolver. However, she could not opine whether the bullet was fired from that revolver. Defense expert Gregory Danas testified, based on photographs of the bullets removed from the .38 Special revolver, that they appeared to be hollow-point brass or metal jacketed bullets.

Police obtained surveillance footage from a house across the street that showed Vasquez arriving at 50 Evelyn Street the night before the shooting and exiting the front door of the building the next morning, at approximately the same time that the first responding police cruisers arrived pursuant to Campbell's 911 call. The video footage showed Vasquez walking quickly down the steps, and then turning on Evelyn Street toward Norfolk Street at a fast pace. When the first police car drove down Evelyn Street, Vasquez looked over her shoulder at the cruiser and began walking away from the police at a much slower pace. The surveillance footage showed no one else entering or exiting the front door of the building during the relevant time. However, there was no surveillance footage of the building's back door, which can be used to access all three apartments.

Thomas's stepbrother, Kevin Rougier ("Rougier"), lives in New York. He testified that Vasquez had a "tumultuous" romantic relationship with Thomas. On two occasions, Rougier observed Vasquez being hostile and aggressive toward Thomas. One time, Vasquez threatened to kill Thomas if he ever cheated on her or tried to leave her. Another time, Thomas left the apartment to go to the store and when he returned, Vasquez asked if he left to go talk to a girl, then "got in his face." When the Commonwealth rested its case, the court denied Vasquez's motion for a required finding of not guilty.

Vasquez then proceeded to call witnesses. Vasquez's brother, Victor Cardona ("Cardona"), testified that he met Thomas in 2013 when he was a photographer at a club where Thomas worked as a disc jockey. They became good friends and Thomas got to know Cardona's entire family, including Vasquez. Thomas's apartment became a hangout for Cardona, Vasquez, and Vasquez's boyfriend, Aljaamar Williams ("Williams"). Vasquez often babysat for Thomas's children, which required her to stay at his apartment late at night while he worked at the club. Cardona testified that Vasquez and Thomas were not romantically involved. Vasquez's sister similarly testified that Vasquez and Thomas were not in a romantic relationship.

Cardona further testified that he recently pleaded guilty to a Federal charge of aiding and abetting counterfeiting. He learned how to make counterfeit money from watching Thomas, helped Thomas with his counterfeiting operation, and continued that operation after Thomas's death. In the year before Thomas's death, Cardona saw Thomas use counterfeit money to buy things, including drugs. According to Cardona, Thomas had two guns, one of which was a revolver, and he carried a gun most of the time.

Williams testified that he is Vasquez's long-time boyfriend. He met Thomas through Vasquez's family and considered him a friend. In 2018, Thomas bought sneakers from Williams

using fake \$100 bills, which Williams discovered when he tried to spend those bills at a gas station and was arrested. The charges were eventually dropped but Williams stopped speaking to Thomas because of this incident.

Vasquez testified that in early 2018, her landlord told her that she had to move out of her apartment because the building was being sold. Vasquez moved to her sister's house in Stoughton but stored a few bins of her belongings at Thomas's apartment. She worked in Jamaica Plain as a case manager at a residential facility for mentally disabled people. If she had a late or overnight shift, she would spend time afterward in Boston at her mother's place, Williams's place, or Thomas's place.

According to Vasquez, she learned about Thomas's counterfeiting activity in April of 2017 when Thomas asked her to help him get some money by using a fake ID to obtain a cash advance on a credit card. She agreed to do it because Thomas was being threatened by people to whom he owed money. She abandoned the scheme, but she and Thomas were arrested while shopping together. Thomas told police that he was paying for goods with fake money, but Vasquez had nothing to do with it.

Vasquez testified that the day before Thomas's death, she worked the evening shift in Jamaica Plain. She was pregnant and became so nauseous that she had to leave work. She decided to go to Thomas's apartment to pick up some of her belongings before going home to Stoughton. When she arrived at 50 Evelyn Street, she was car sick, so she sat outside on the back steps for a few minutes. The back door was locked, and Thomas was not home, so she went through the unlocked front door up to Thomas's apartment. Vasquez testified that she went in the bathroom to vomit and saw Thomas's gun on the toilet seat. He often left the gun lying

around the apartment. She explained to the jury that she moved the gun out of the way to vomit, and then fell asleep on the living room couch.

Vasquez testified that when she woke up the next morning, Thomas was in the kitchen ironing money. She had a conversation with Thomas that caused her to fear for her safety, so she decided to leave. She left the apartment through the front door, sat on the interior stairwell for a few minutes to arrange a ride, then left the house shortly thereafter. Vasquez testified that she saw police cars as she was walking down the street but did not think much of it because that was an everyday occurrence in Mattapan. She stated that she learned of Thomas's death when a detective left her a voicemail later that night.

On June 6, 2023, the jury returned verdicts of guilty of second-degree murder and unlawful possession of a firearm. Vasquez filed a timely appeal, and the Appeals Court stayed her appeal pending resolution of this new trial motion.

In support of her new trial motion, Vasquez filed an affidavit stating that in May of 2018, she was aware that a woman called "T" sometimes accompanied Thomas to transactions where he passed counterfeit money to people in exchange for drugs or other goods. Vasquez avers that when she woke up on the morning of May 15, 2018, she saw Thomas ironing currency in the kitchen. Thomas told her that "T" found someone to pay him \$30,000 for \$100,000 of counterfeit money and he was getting ready to meet T for the exchange. Vasquez thought this sounded dangerous, so she decided to leave. She saw Thomas leave through the back door, carrying a pouch but not wearing any shoes. She believed he was going to conduct the transaction in the back stairwell or open the front door for someone and bring them up to the apartment, so she left the apartment through the front door and sat on the stairs to arrange a ride before leaving the house a few minutes later.

Vasquez also proffers an affidavit by Cardona to support her new trial motion. Cardona avers that he frequently saw Thomas use counterfeit money to purchase goods, including drugs. Thomas sometimes sold counterfeit money to people in exchange for a smaller amount of genuine currency, typically thirty or forty \$100 bills for a thousand dollars. Cardona witnessed several encounters in which people confronted Thomas about debts he owed or his having paid debts with fake money. Those encounters involved heated arguments and sometimes, threats against Thomas. Thomas almost always carried a firearm on him when he was outside his apartment.

Cardona avers that on three occasions between the winter and spring of 2017-2018, Thomas argued with a tall, dark-skinned, heavy-set man with a shaved head, beard, and Caribbean accent. Cardona saw that man at Thomas's apartment a few weeks before Thomas's death, at which time the man and Thomas had a loud argument about drugs and fake money. The man stated that Thomas owed him a lot of money. When the argument began to get physical, Thomas pulled a revolver from his waistband and the man put up his hands and left, stating that he would be back to discuss the money he was owed.

In February of 2018, Cardona gave Thomas a ride to a location near Ashmont so Thomas could sell something. Thomas walked away from the car. A few minutes later, Cardona heard several loud bangs that sounded like gunshots. Thomas ran back to the car and stated: "They're after me." Cardona drove away. Sometime between February and April of 2018, Cardona drove Thomas to a location in Dorchester to meet someone. He parked and Thomas got out. After a few minutes, Thomas came running back to the car and instructed Cardona to go, stating: "they're shooting at me." As Cardona drove away, he heard a sound like gunshots. On a third occasion shortly before Thomas's death, Cardona and Thomas were parked in a car outside 50

Evelyn Street. As they got out of the car, someone shot at them from a car driving by. They both ran and neither was hit. Cardona avers that he informed Vasquez's attorneys about these three incidents and would have testified to them at trial if asked to do so.

Vasquez further proffers the affidavit of Rochelle Chisholm ("Chisholm"), who avers that she is on probation for possession of marijuana with intent to distribute, following her guilty plea on January 24, 2024. She sold Thomas marijuana from time to time, and he often was accompanied by Tashjahnaya Dance, known as "T." Chisholm avers that the last time she sold Thomas marijuana was in the winter of 2018 and T was holding a large handgun during the transaction. Chisholm later learned that T was shot and killed in Dorchester in January of 2021. Chisholm avers that she gave Vasquez's attorneys this information prior to trial and was present during the trial and willing to testify. However, she was not called as a witness.

Finally, Vasquez proffers the joint affidavit of Attorneys Jeruchim and Belger. They aver that their trial strategy focused largely on a *Bowden* defense that police failed to adequately investigate Thomas's counterfeiting activity, which could have led to the discovery of other people with a motive to kill him. Attorneys Jeruchim and Belger concluded that the information in Cardona and Chisholm's affidavits would not support a third-party culprit defense because they did not know the identity of the people who shot at Thomas.

Prior to trial, the Commonwealth requested reciprocal discovery, including statements of witnesses Vasquez intended to call at trial. Attorneys Jeruchim and Belger informed the Commonwealth that they had no such statements because they did not record interviews with potential witnesses but rather, took notes memorializing their general impression of the witnesses. The Commonwealth filed a motion for reciprocal discovery of any written or recorded statements and any oral statements subsequently reduced to writing. The court heard

argument on May 11, 2023, and allowed the Commonwealth's motion the next day. Attorneys Jeruchim and Belger filed an emergency petition in the Supreme Judicial Court challenging that ruling, but a single justice denied the petition on May 12, 2023, the first day of trial.³ After empanelment, the parties again discussed discovery issues. The court stated: "For right now, I would not say the defendant has to disclose anything." However, the court noted that a party runs the risk that evidence that should have been divulged ahead of time may not be admissible if the party tries to offer it without the necessary pretrial disclosure. During the defense case, Attorneys Jeruchim and Belger attempted to elicit Cardona's testimony about the prior shootings at Thomas, to support Vasquez's *Bowden* defense. The court ruled that such evidence should have been disclosed pretrial and excluded it. After this ruling, Attorneys Jeruchim and Belger did not call Chisholm as a witness because they determined that the court likely would rule her testimony to be inadmissible.

DISCUSSION

Pursuant to Mass. R. Crim. P. 30(b), the court may grant a new trial if it appears that justice may not have been done. *Commonwealth v. Eagles*, 491 Mass. 210, 215 (2023). The decision to allow a new trial lies within the sound discretion of the motion judge. *Id.*; *Commonwealth v. Jacobs*, 488 Mass. 597, 600 (2021). Vasquez moves for a new trial based on ineffective assistance of counsel and judicial error.

Ineffective Assistance of Counsel

Vasquez first contends that counsel was ineffective. Under art. 12 of the Massachusetts Declaration of Rights, the defendant must show incompetency, inefficiency or inattention on the

³ See Paper No. 78.

part of trial counsel, conduct falling measurably below that expected from an ordinary fallible lawyer, and that such dereliction likely deprived her of an otherwise available and substantial ground of defense. *Commonwealth v. Tavares*, 491 Mass. 362, 365 (2023); *Commonwealth v. Ng*, 489 Mass. 242, 250 (2022). Where the defendant seeks a new trial based on ineffective assistance of counsel, she bears the burden of proving a level of ineffectiveness that undermines confidence in the outcome of the trial. *Ng*, 489 Mass. at 249; *Commonwealth v. Kolenovic*, 471 Mass. 664, 673 (2015). The defendant must show that better work by counsel would have accomplished something material for the defense. *Ng*, 489 Mass. at 250. Where a claim of ineffective assistance is based on a strategic decision, the test is whether counsel's decision was manifestly unreasonable when made. *Id.*

Failure to pursue the only realistic defense a defendant has, if the facts known to or available to counsel support that defense, falls below the level of competency expected from trial counsel. *Commonwealth v. Alcide*, 472 Mass. 150, 168 (2015). This may occur where counsel neglects evidence that another person committed the crime where such evidence, if developed, might have raised a reasonable doubt about whether the defendant or someone else killed the victim. *Id.* at 158. Vasquez contends that counsel was ineffective in seeking to have Cardoso and Chisholm's testimony admitted to support a *Bowden* defense rather than seeking to admit it to support a third-party culprit defense.

The right to present a third-party culprit defense is of constitutional dimension. *Commonwealth v. Fernandes*, 492 Mass. 469, 494 (2023); *Commonwealth v. Acevedo*, 492 Mass. 381, 389 (2023). Evidence that a third-party committed the crime is admissible if the judge determines that it has a rational tendency to prove that another person had the motive, intent and opportunity to do so, is not too remote or speculative, and, if the evidence is hearsay,

the judge determines that it will not tend to prejudice or confuse the jury and there are other substantial connecting links to the crime. *Commonwealth v. Robinson*, 493 Mass. 303, 316 (2024); *Acevedo*, 492 Mass. at 390. Vasquez argues that she was deprived of the effective assistance of counsel because the evidence set forth in the affidavits of Cardona and Chisholm was not admitted to support a third-party culprit defense.⁴

The three incidents between February and April of 2018 when Cardona and Thomas were allegedly shot at by unknown individuals were not admissible as third-party culprit evidence because Vasquez cannot identify any specific individual with more than a generalized motive to harm Thomas. See *Commonwealth v. Don*, 483 Mass. 697, 712 (2019). At most, the evidence suggests that Thomas made violent enemies from passing counterfeit money to drug dealers and others. The three incidents when Cardona and Thomas were shot at point to no one with the particularity required to allow the jury to identify an alternate perpetrator beyond speculation. Such evidence therefore would not have been admissible at trial.⁵ See *Acevedo*, 492 Mass. at 390-391 (judge properly excluded evidence that victim and his associates were drug dealers because third-party culprit theory that he was shot by unnamed rival drug dealer was nothing more than rank speculation); *Commonwealth v. DePina*, 476 Mass. 614, 629 (2017) (judge

⁴“A jury may find a reasonable doubt if they conclude that the investigation was careless, incomplete, or so focused on the defendant that it ignored leads that may have suggested other culprits.” *Commonwealth v. Silva-Santiago*, 453 Mass. 782, 801 (2009). In connection with a *Bowden* defense, a defendant may seek to demonstrate to the jury that police learned of potential third-party culprits during their investigation but failed to act reasonably on that information. *Commonwealth v. Holbrook*, 482 Mass. 596, 609 (2019); *Silva-Santiago*, 453 Mass. at 803. Before admitting such evidence, the court should conduct a voir dire hearing to determine whether the third-party culprit information had been furnished to police and whether its probative value is substantially outweighed by the danger of unfair prejudice. *Acevedo*, 492 Mass. at 391. Vasquez has not proffered any evidence that Cardona told the police about the Caribbean man or any of the prior shooting incidents, or that police received that information from other sources. Accordingly, that evidence was not admissible to support a *Bowden* defense.

⁵The trial transcript reveals that the Commonwealth objected to this evidence as speculative and the court agreed.

properly excluded evidence that, shortly before victim was murdered, unknown assailant assaulted victim with brick where such evidence was not relevant in the absence of connecting links to homicide); *Commonwealth v. Bright*, 463 Mass. 421, 441 (2012) (judge properly excluded evidence that unidentified gang members might have wanted to harm victim, because evidence did not point to any particular third party who might have committed the crime and presented only speculative motive).⁶

The evidence that on three occasions, Cardona observed Thomas arguing about drugs and fake money with a tall, dark-skinned, heavy-set man with a shaved head, beard, and Caribbean accent sufficiently identifies a specific individual with a motive to harm Thomas. Nonetheless, this evidence would not have been admissible because there is no showing that the Caribbean man had the intent or opportunity to commit the May 15, 2018 shooting. See Mass. G. Evid. § 1105 (2023); *Don*, 483 Mass. at 712. Nothing in Cardona's affidavit suggests that the Caribbean man had the opportunity to commit the shooting in this apartment, nor are there any circumstantial similarities between his prior arguments with Thomas and Thomas's murder. Although one argument allegedly occurred at Thomas's apartment three weeks before his murder, it was Thomas who showed a weapon, and the Caribbean man made no threats to harm Thomas, but stated only that he would be back to further discuss the debt. In addition, Vasquez has proffered no evidence that the Caribbean man was in the vicinity of Thomas's apartment around the time of the shooting. Accordingly, Cardona's affidavit does not provide evidence of a third-party culprit which casts doubt upon the identification of Vasquez as the person who committed the May 15, 2018 shooting. See *Commonwealth v. Andrade*, 488 Mass. 522, 533

⁶Cardosa and Vasquez did testify about Thomas's counterfeiting operation and defense counsel argued in closing that nobody likes being scammed, Thomas was moving a lot of money and scamming drug dealers, who are dangerous people, people who scam drug dealers get hurt sometimes, and Thomas carried a gun for protection because he was scamming drug dealers.

(2021) (judge properly excluded evidence that rival gang members lived in general area of shootout, where their involvement was speculative at best, there was no evidence such individuals were near scene of murder, and there was no evidence that anyone other than defendant was seen holding a gun). Cf. *Alcide*, 472 Mass. at 162-63 (new trial was warranted where counsel failed to use 1) witness descriptions of shooter that matched alternate suspect but not defendant and 2) suspect's girlfriend's statement that "my man shot somebody" to support third-party culprit defense); *Commonwealth v. Santos*, 463 Mass. 273, 297 (2012) (evidence that particular individual may have been shooter was not remote and speculative where witnesses saw him at codefendant's house shortly before shooting, he was seen at codefendant's house after shooting with a towel-wrapped gun, he owned automobile similar to one described by witnesses as fleeing scene, some witnesses saw four, not three, men fleeing scene, and third-party invoked right to counsel when questioned by police). Thus, the information about the Caribbean man fails to meet the standard of admissibility for third-party culprit evidence.

Vasquez further contends that counsel should have introduced evidence to argue that "T" killed Thomas. Vasquez would have testified that immediately before his death, Thomas told her he was going to meet "T" for a sale of counterfeit money, and T had accompanied Thomas on prior occasions where he exchanged counterfeit money for drugs. In addition, according to Chisholm, T had a handgun on one occasion when Chisholm sold marijuana to T and Thomas. However, Vasquez proffers no evidence that T came to the apartment on May 15, 2018. The proffered evidence suggests that Thomas and T were working together in the counterfeiting venture and does not suggest any animosity between them. This court excluded the hearsay evidence as speculative because it lacked a rational tendency to prove that T had the motive and intent to harm Thomas. See *Commonwealth v. Scott*, 470 Mass. 320, 328 (2014) (judge properly

excluded evidence that named individuals bore ill will toward victim and had possible motive to kill him, where there was no evidence that they had intent or opportunity to commit the indicted crime).

Because Vasquez has not demonstrated that she had a viable third-party culprit defense, trial counsels' alleged deficiencies did not deprive her of a substantial ground of defense and do not amount to ineffective assistance warranting a new trial.

Judicial Error

Vasquez next contends that she is entitled to a new trial because this court erred in excluding Cardona's testimony about the Caribbean man and prior shootings as a discovery sanction, depriving her of her constitutional right to present a defense. Sanctions for noncompliance with a discovery obligation are within the judge's sound discretion, and the judge may exclude evidence for noncompliance with a discovery order issued pursuant to Mass. R. Crim. P. 14. *Commonwealth v. Edwards*, 491 Mass. 1, 8 (2022) (noting that the rule is intended to prevent trial by ambush). Because sanctions are remedial in nature, they must be tailored to cure any prejudice resulting from a party's noncompliance and to ensure a fair trial. *Id.* at 9. With respect to exclusion as a remedy for undisclosed testimony, the court considers the prevention of surprise, evidence of bad faith, prejudice to the other party, the effectiveness of less severe sanctions, and the materiality of the testimony to the outcome of the case. *Commonwealth v. Hinds*, 494 Mass. 681, 694 (2024); *Commonwealth v. Reynolds*, 429 Mass. 388, 398 (1999). The court must balance enforcement of the discovery rules against the defendant's right to present a defense. *Id.* The sanction of precluding testimony should be reserved for hard core transgressions. *Hinds*, 494 Mass. at 695.

Vasquez argues that she did not violate a discovery order because the court did not order disclosure beyond that required by Rule 14, and Cardona's proposed testimony was not a witness statement but rather, general evidence to support a third-party culprit defense. See *Edwards*, 491 Mass. at 16-17 & n.3 (noting that, with certain exceptions, defendant need not reveal her defense prior to trial). She further argues that even if she violated an order for pretrial disclosure, the sanction of preclusion was improper because it impeded her ability to present an effective defense. The court need not address these arguments because as discussed, *supra*, Cardona's proposed testimony was not admissible to bolster a third-party culprit defense.⁷ Accordingly, even if exclusion as a discovery sanction was error, Vasquez is not entitled to a new trial.

Improper Argument by Prosecutor

Finally, Vasquez contends that she is entitled to a new trial due to improper comments by the prosecutor in the opening and closing statements and counsel's failure to object and request curative instructions. The proper function of an opening statement is to outline the nature of the case which counsel in good faith expects to prove or support by evidence. *Commonwealth v. Kapaia*, 490 Mass. 787, 794 (2022); *Commonwealth v. Croken*, 432 Mass. 266, 268 (2000). Counsel's opening is not an opportunity for argument. *Croken*, 432 Mass. at 268. A claim of improper opening statement by the prosecutor is judged in light of the entire statement, the judge's instructions to the jury, and the evidence actually introduced at trial. *Kapaia*, 490 Mass. at 794; *Commonwealth v. Barbosa*, 477 Mass. 658, 669 (2017). Where defense counsel did not object, the court analyzes whether any error in the opening created a substantial likelihood of a miscarriage of justice. *Kapaia*, 490 Mass. at 794.

⁷Nor need the court address Vasquez's argument that counsel's failure to disclose Cardona's proposed testimony sooner was manifestly unreasonable.

Vasquez contends that the prosecutor improperly sought to play on the jury's sympathy and align the jury with the victim by recounting that Thomas's last words in the ambulance, with "his life slipping away" were: "I don't want to die. Please don't let me die. Why did she do this to me?" and then commenting, "Garfield Thomas would never have an answer to that question. And, frankly, neither will any of you." See *Kapaia*, 490 Mass. at 794 (opening must not slide into emotionally provocative argument). This comment accurately noted the victim's last words and conceded that the Commonwealth did not know the motive for the shooting. In the view of the court, it did not unfairly invite the jury to decide the case based on sympathy for Thomas.

Vasquez also contends that the prosecutor improperly characterized her "as a cold-blooded killer . . . with malice in her heart and a .38 Special in her hand." Describing a killing as cold-blooded in the opening statement is improper. *Commonwealth v. Silva*, 455 Mass. 503, 514 (2009). However, such a reference does not create a substantial likelihood of a miscarriage of justice where it is little more than an expression of the theory that the killing was committed with malice and premeditation. *Id.* Such was the case here. Moreover, the court instructed the jury that opening statements are not evidence. See *Kapaia*, 490 Mass. at 798-799 (instructions can mitigate any harm from appeal to sympathy). The court presumes that the jury follows its instructions, and a general instruction that statements by counsel are not evidence, and that the jury should not be swayed by prejudice and sympathy may be sufficient to diminish the prejudice to the defendant. *Id.*; *Kolenovic*, 478 Mass. at 201. Vasquez has not shown that the opening statement as a whole created a substantial likelihood of a miscarriage of justice, so as to require a new trial.

Vasquez further contends that the closing argument was improper and prejudicial. The prosecutor is entitled to argue forcefully for the defendant's conviction and the use of

enthusiastic rhetoric, strong advocacy, and excusable hyperbole do not require reversal.

Commonwealth v. Witkowski, 487 Mass. 675, 684 (2021). Remarks made during closing arguments are considered in the context of the entire argument and in light of the evidence at trial and the judge's instructions to the jury. *Commonwealth v. Rivera*, 482 Mass. 259, 270 (2019). In determining whether an error during closing argument is prejudicial, the court considers whether the error was limited to collateral issues or went to the heart of the case, what instructions the judge gave the jury that may have mitigated the mistake, and whether under the circumstances, the error made a difference in the jury's conclusions. *Commonwealth v. Rutherford*, 476 Mass. 639, 647 (2017).

Vasquez argues that the prosecutor improperly appealed to sympathy by repeating Thomas's dying question and commenting: "Garfield Thomas would never get an answer to that question and neither would we. We will never know why she did this to him." Prosecutors must not use language calculated to sweep jurors beyond a calm and fair consideration of the evidence and jurors should not be asked to put themselves in the shoes of the victim or to otherwise identify with the victim. *Witkowski*, 487 Mass. at 684. However, the cited comment simply reflects the lack of evidence of a motive for the crime and did not unfairly invite the jury to decide the case based on sympathy for Thomas. Cf. *Rutherford*, 476 Mass. at 646 (it was impermissible to argue that defendant thought victim's life was only worth the \$500 he got from selling victim's television).

Vasquez also argues that the prosecutor improperly appealed to sympathy by accusing the defense of "character assassination" and "trampling on Thomas's memory" to "knock him down a little bit, to dehumanize him just a little bit." The prosecutor further suggested that defense counsel thought Thomas was "just some immigrant hustler out there trying to make a buck. His

life doesn't matter." The prosecutor may comment on and be critical of the tactics used by counsel in defending a case, if the comment is based on evidence heard by the jury.

Commonwealth v. Kozubal, 488 Mass. 575, 590 (2021). However, the prosecutor may not disparage defense counsel personally. *Commonwealth v. Kostka*, 489 Mass. 399, 416 (2022).

The defense closing emphasized Thomas's criminal activity and suggested that he was engaged in the dangerous game of scamming drug dealers. The "character assassination" comment was simply responding to that tactic. However, the prosecutor's suggestion that defense counsel thought Thomas's life did not matter arguably was improper. Nonetheless, the court instructed the jury that closing arguments are not evidence. See *Commonwealth v. Honsch*, 493 Mass. 436, 457 (2024); *Kolenovic*, 478 Mass. at 201 (court presumes that jury follows its instructions and instruction that closing arguments are not evidence may be sufficient to diminish prejudice to defendant). In the context of the entire argument and the case as a whole, Vasquez has not shown that this comment created a substantial likelihood of a miscarriage of justice.

The prosecutor continued by arguing, "Everybody's life matters. Whether you believe he was a counterfeiter or not, that is up to you. But his life matters. And whatever he was doing up there, whatever he was involved in, he didn't deserve this." This comment could be viewed as an appeal to juror sympathy. See *Kolenovic*, 478 Mass. at 200 (question in closing: "what did he do to deserve to be sliced and stabbed to death?" was improper). However, the court presumes that the jury follows its instructions and a general instruction that closing arguments are not evidence and they should not be swayed by prejudice and sympathy may be sufficient to diminish the prejudice to the defendant. *Id.* at 201.

In addition, Vasquez argues that the prosecutor improperly denigrated her right to defend herself by commenting that there was no evidence to support her theory, when it was the

Commonwealth which sought to exclude Cardona's testimony. The prosecutor may not exploit in closing argument the absence of evidence that was excluded at his request and should also refrain from inviting an inference from the jury about the excluded subject. *Commonwealth v. Harris*, 443 Mass. 714, 732 (2003). See, e.g., *Commonwealth v. Scesny*, 472 Mass. 185, 201 (2015) (it was improper in closing argument to repeatedly attack third-party culprit defense by stating that evidence presented was irrelevant and immaterial, was not of quality to be called "evidence" and was intended solely to mislead and confuse jury). Here, there was no objection to this comment, and the jury was instructed that closing arguments are not evidence. Vasquez has not shown a substantial likelihood of a miscarriage of justice.

Finally, Vasquez argues that the prosecutor improperly gave his own subjective assessment of the evidence by arguing that "with evidence like this," he would "gladly shoulder" the heavy burden of proof beyond a reasonable doubt. The prosecutor cannot interject his personal belief in the defendant's guilt into the case in a manner that suggests he possesses evidence not presented at trial. See *Commonwealth v. Daigle*, 379 Mass. 541, 550 (1980) (it was improper to comment: "I think on the evidence it is overwhelming that this man is guilty . . . and I think that's the way you should find"). However, the prosecutor may comment on the strength of the trial evidence. See *Commonwealth v. Santiago*, 425 Mass. 491, 498 (1997) (it was proper for prosecutor to state: "I overwhelmingly proved who fired that fatal shot"). Here, the prosecutor's comment did not suggest his personal opinion and was reasonably understood as an assertion that the Commonwealth had met its burden of proof based on Vasquez's fingerprint on the handgun found in the apartment, together with all other circumstances involving the shooting including the video of her quickly leaving the building and avoiding the responding police officers. Vasquez has not demonstrated that the prosecutor's closing argument created a

substantial likelihood of a miscarriage of justice. Nor has she otherwise shown that justice was not done in this case. Accordingly, she is not entitled to a new trial.

MOTION FOR STAY OF SENTENCE

Vasquez has filed a separate motion requesting that the court stay the execution of her sentence pending the resolution of her appeal. The court considers the defendant's likelihood of success on appeal and security concerns, and the defendant bears the burden to prove both factors by a preponderance of the evidence. *Commonwealth v. Kalila*, 493 Mass. 636, 642 (2024). Whether to grant a stay pending appeal is a decision that lies in the sound discretion of the judge. *Christie v. Commonwealth*, 484 Mass. 397, 400 (2020).

The court first must consider whether the defendant has raised an issue worthy of presentation, one which offers a reasonable possibility of a successful decision. *Kalila*, 493 Mass. at 642; *Commonwealth v. Nash*, 486 Mass. 394, 403 (2020). Success on appeal does not need to be certain or even more likely than not, but there must be at least one appellate issue of sufficient heft to give an appellate court pause. *Kalila*, 493 Mass. at 642; *Nash*, 486 Mass. at 404. The issue must be one where the defendant would receive a favorable outcome if she were successful. *Kalila*, 493 Mass. at 642. As discussed, *supra*, none of Vasquez's claims of error would give an appellate court pause, nor do they portend a favorable outcome for her. Accordingly, a stay of execution of sentence is not appropriate.

Even if this court were to conclude that Vasquez had a likelihood of success on appeal, it would deny a stay based on the security risk. The court analyzes the potential danger to any other person or the community, the likelihood of further criminal acts during the pendency of the new trial motion, and the possibility of flight to avoid punishment. *Kalila*, 493 Mass. at 643;

Nash, 486 Mass. at 405. The court has considerable leeway in applying its sound practical judgment and common sense to this determination. *Id.* The court considers the defendant's family connections and community roots, prior criminal record, the seriousness of the crime of which she was convicted, the strength of the evidence against her, and the severity of the sentence imposed. *Nash*, 486 Mass. at 405.

Vasquez's family connections are evidenced by the letters of support submitted prior to her sentencing. She has only a minor prior criminal record. As Vasquez emphasizes, she was released prior to trial on a GPS bracelet, with a curfew and an order to stay away from the victim's family and grand jury witnesses. Although she had several GPS and curfew violations, she never missed a court date, and the Commonwealth did not seek to revoke her release. Nonetheless, Vasquez now stands convicted of second-degree murder and is serving a life sentence with the possibility of parole after fifteen years. See *Commonwealth v. McDermott*, 488 Mass. 169, 173 (2021) (severity of second-degree murder conviction "goes without saying."). She argues that she had a greater incentive to flee while on pretrial release because she was charged with first-degree murder and faced a life sentence without parole. However, "[o]ne could also view an incentive to flee as lesser pretrial because of the possibility of acquittal and greater after conviction because of the certainty of imprisonment." *Commonwealth v. Pinney*, 2024 WL 89647 at *3 (Mass. App. Ct. Rule 23.0). In light of the severity of the crime committed, the jury's rejection of Vasquez's testimony in her own defense, and the strength of the Commonwealth's case, the court concludes that Vasquez poses a serious flight risk. See *McDermott*, 488 Mass. at 172 (concluding that defendant was security risk even though court reduced his conviction from first to second-degree murder). Accordingly, this court, in its discretion, will deny the motion for a stay.

ORDER

For the foregoing reasons, it is hereby **ORDERED** that Defendant's Motion For New Trial be **DENIED**. It is further **ORDERED** that Defendant's Motion For Stay of Execution of Sentence Be **DENIED**.

/s/ Daniel J. O'Shea
Daniel J. O'Shea
Justice of the Superior Court

DATED: March 5, 2025

Certificate of Compliance

I hereby certify that this application complies with the requirements of Mass. R.A.P. II and 20(a). The document is set in 14-point Athelas font, and the argument section contains 2,000 words, as determined by using the “Word Count” feature in Microsoft Word for Office 365.

/s/ Patrick Levin

Patrick Levin

Certificate of Service

I hereby certify that in the matter of Commonwealth *vs.* Jocelyn Vasquez, No. DAR-____, Appeals Court No. 25-P-399, I have today served the Application for Direct Appellate Review of Defendant Jocelyn Vasquez on the Commonwealth by directing a copy through the electronic filing service provider to:

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July 22, 2025