

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, ss.

SUPREME JUDICIAL COURT
FOR SUFFOLK COUNTY
No. SJ-2026-0403

HAMPDEN SUPERIOR COURT
No. 2579CR00168
No. 2579CR00524

COMMONWEALTH

v.

MONTE HAYNES-CARTHON.

RESERVATION AND REPORT

This matter came before the court, Wendlandt, J., on the Commonwealth's petition for relief under G. L. c. 211, § 3, from an order of the Superior Court admitting the defendant, Monte Haynes-Carthon, to bail. The defendant has been charged in two indictments with aggravated rape and other offenses against two alleged victims. As to each indictment, on the Commonwealth's motion, the defendant was held without bail pursuant to G. L. c. 276, § 58A. After the defendant had been held for some time, he filed a request to be admitted to bail (as to each indictment) on the ground that the 180-day period prescribed by § 58A had expired. The Commonwealth opposed that request and sought an extension of his pretrial detention. After a hearing, a Superior Court judge granted the defendant's request, and the

Commonwealth's petition followed. The defendant has not filed an opposition.

The Commonwealth contends that it has no other remedy, making it appropriate for this court to exercise its superintendent power, and that the judge erred in two respects: first, by ruling that, in computing the time of the defendant's detention, § 58A excludes only the periods of time identified in Mass. R. Crim. P. 36 (b) (2) and does not exclude periods of time that would be excluded under the common law in deciding a motion for a speedy trial; and second, by failing to consider whether there was nonetheless good cause for the defendant's continued detention. See G. L. c. 276, § 58A (3) ("in absence of good cause, the person so held shall not be detained for a period . . . exceeding 180 days by the [S]uperior [C]ourt excluding any period of delay as defined in [Mass. R. Crim. P.] 36 (b) (2)"; emphasis added).

On consideration of the Commonwealth's petition, I agree that the Commonwealth has no other remedy and that review under G. L. c. 211, § 3, is warranted. Moreover, the issues raised in the petition warrant consideration by the full court. Accordingly, I hereby reserve and report this case, without decision, for determination by the Supreme Judicial Court for the Commonwealth. The parties shall prepare and file in the full court a statement of agreed facts necessary to resolve the issues raised in the

petition. The record before the full court shall consist of the following:

- (1) all papers filed in SJ-2026-0403;
- (2) the docket sheet for SJ-2026-0403;
- (3) the parties' statement of agreed facts; and
- (4) this court's reservation and report.

This matter shall proceed in all respects in conformance with the Massachusetts Rules of Appellate Procedure. The Commonwealth shall be designated the appellant, and the defendant shall be designated the appellee. The parties shall confer with the Clerk of the Supreme Judicial Court for the Commonwealth to determine a schedule for the service and filing of briefs and oral argument.

By the court,

/s/ Dalila Arguez Wendlandt
Dalila Arguez Wendlandt
Associate Justice

Dated: September 10, 2026