

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, ss.

SUPREME JUDICIAL COURT
FOR SUFFOLK COUNTY
No. SJ-2026-0427

NEW BEDFORD DISTRICT COURT
No. 2533CR02722

COMMONWEALTH

v.

NICHOLAS BAPTISTE

RESERVATION AND REPORT

This matter came before the court, Wendlandt, J., on Nicholas Baptiste's petition for relief under G. L. c. 211, § 3, from an order of the District Court compelling him to provide the passcode to his cell phone. See Commonwealth v. Jones, 481 Mass. 540 (2019); Commonwealth v. Gelfgatt, 468 Mass. 512 (2014). The defendant¹ contends that the Commonwealth unreasonably delayed in filing its Gelfgatt motion and that the motion was wrongly allowed, where the Commonwealth had not sought a search warrant for the cell phone. Cf. Commonwealth v. Solis, 498 Mass. 131, 138 (2026) (delineating balancing test applicable to "assess whether a delay in seeking a warrant to search a cell phone crossed" the line, becoming "unreasonable as a result of its duration"). He

¹ Although Baptiste is the petitioner here, I refer to him as the defendant for convenience.

also argues that the Commonwealth did not show that it was necessary to compel production of the passcode to obtain the desired evidence.

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-2026-0427;
- (2) the docket sheet for SJ-2026-0427;
- (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 defendant shall be designated the appellant, and the Commonwealth 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 28, 2026