

COMMONWEALTH OF MASSACHUSETTS  
SUPREME JUDICIAL COURT

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DAR NO. \_\_\_\_\_  
APPEALS COURT NO. 2018-P-0445

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COMMONWEALTH

v.

QUINTON WILLIAMS

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DEFENDANT'S APPLICATION FOR DIRECT APPELLATE REVIEW

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MAY 2018

### REQUEST FOR DIRECT APPELLATE REVIEW

The defendant, Quinton Williams, requests that the Supreme Judicial Court (SJC) consider his appeal on direct appellate review. As grounds therefore, the defendant asserts that his appeal raises a critical question about the fitness of a prospective juror who believes that the criminal justice system is unfair towards young black men. The trial judge in the instant case excluded a prospective juror for cause because she expressed this opinion. It is the defendant's position that no prospective juror should be excused for cause simply for having this viewpoint.

### STATEMENT OF PRIOR PROCEEDINGS

The Brockton District Court issued a complaint against the defendant charging him with possession with intent to distribute cocaine.<sup>1</sup> (A. 1). The defendant's jury trial took place over the course of two days. (A. 3). The jury found the defendant guilty of the lesser-included offense of possession of cocaine. (A. 9). The trial judge sentenced the defendant to serve a year in the house of corrections.

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<sup>1</sup> The appendix to this application will be cited by page number as (A. \_)

(A. 7-8). The defendant filed a timely notice of appeal. (A. 10).

#### STATEMENT OF FACTS

The following facts are derived from the trial transcript. The first paragraph focuses on the facts adduced by the evidence at trial. The second and third paragraphs focus on the trial itself.

##### A. Execution of the Search Warrant.

The Brockton police executed a search warrant at a three-story apartment building at 686 North Montello Street on February 29, 2016.<sup>2</sup> (Tr. I/155). The search focused on an apartment on the third floor of the building. (Tr. I/156). Upon entering the apartment, the police encountered a female. (Tr. I/163). She stated that she lived in the apartment with her son and the defendant. (Tr. I/165). She stated that her son lived in one of the bedrooms in the house. (Tr. I/165). She stated that the defendant sometimes spent time in her son's room. (Tr. I/169).

After speaking with the female occupant, the police conducted a search of the residence. (Tr. I/176). The police found a black duffel bag in the

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<sup>2</sup> The trial transcript will be cited by volume and page number as (Tr. \_\_/\_\_).

hallway outside the son's bedroom. (Tr. I/176). The duffel contained a plastic bag with a substance that appeared to be cocaine. (Tr. I/176). Inside the bedroom, the police located a digital scale, a razor, and another bag of suspected cocaine. (Tr. I/186-190). The police also located various items bearing the defendant's name in the bedroom. (Tr. I/194-195; Tr. II/19-20). These items included a Massachusetts Identification Card, a Department of Transitional Assistance Card, an application for a driver's license, and numerous pay stubs. (Tr. I/194-195; Tr. II/19-20). The application for a license listed the defendant's address as 686 North Montello Street. (Tr. II/20).

B. Jury Selection.

The defendant was charged with possession with intent to distribute cocaine based on the cocaine found in the apartment. (A. 1). During the initial questioning of the voir dire, the judge asked the following question:

Now, you've been read a copy of the complaint which charges Mr. Williams, which is just an allegation, that he possessed [a] class B controlled substance, cocaine, with the intent to distribute.

Is there anything about the subject matter or your views about the subject matter that would affect your ability to be fair and impartial in deciding the case?

(Tr. I/85).

A number of prospective jurors raised their hands in response. (Tr. I/85-86). One of the jurors was number 15 in the venire. (Tr. I/85). When Juror Number 15 was later called up to for specific questioning, the judge had the following exchange with her:

JUDGE: You feel like you might have a bias in the case?

JUROR: Yeah. I worked with, like, low-income youth in a school setting. I worked a lot with people who were convicted of - like teenagers who were convicted of drug crimes.

And frankly, I think the system is rigged against young African American males.

I'm happy to serve on the jury trial - on the jury because I think it's important, but...

JUDGE: You think that belief might interfere with your ability to be fair and impartial?

JUROR: I don't think so.

JUDGE: You - you think you can put aside that opinion and bias...

JUROR: I don't think I can put it aside. I think that's...

JUDGE: No?

JUROR: ...the lens that I view the world through, but I think I can be unbiased - I think I can be - I think I can listen to the evidence.

JUDGE: All right. But you're going to be have to be able to put that out of your mind and look at only the evidence.

Do you think you can do that?

JUROR: I think so.

JUDGE: I have to be assured that you can though. You think you - as - as you sit in there, it might - your experiences with - with people in that type of a situation is going to have you look at it differently?

JUROR: Probably.

(Tr. I/109-110).

After this exchange concluded, the prosecutor challenged the juror for cause. (Tr. I/110). Defense counsel objected and argued that the juror should not be dismissed simply because she had more knowledge about racial disparities in the criminal justice system. (Tr. I/110). The judge granted the prosecutor's challenge for cause and excused Juror Number 15. (Tr. I/111).

Jury selection continued without issue after Juror Number 15 was excused. (Tr. I/111-121). The defendant used both of his peremptory challenges and

the prosecutor used one of hers. (Tr. I/115, 119-120). The case proceeded to trial after jury selection was complete. (Tr. I/124).

C. The Verdict.

As noted above, the jury found the defendant guilty of the lesser-included offense of possession of cocaine. (A. 9). The judge sentenced the defendant to a year in the house of correction. (A. 7-8). The defendant filed a timely notice of appeal. (A. 10).

ISSUES OF LAW RAISED BY THE APPEAL

The defendant's appeal asks whether a prospective juror can be excused for cause simply for believing that the criminal justice system is unfair to young black men. The defendant argues that no prospective juror should be excused on this basis alone. The defendant's appeal further asks how prejudice should be analyzed when a trial judge erroneously excuses a prospective juror for cause in a manner that effectively grants the prosecutor an extra peremptory challenge. The defendant argues that this result is akin to the erroneous denial of a defendant's peremptory challenge and that therefore prejudice should be presumed. The defendant timely objected to

the judge's excusal of the prospective juror and therefore this issue is preserved for appeal.

ARGUMENT IN SUPPORT OF THE DEFENDANT'S POSITION

The first question is whether a prospective juror can be excused for cause because she believes that the criminal justice system is unfair to young black men. Assuming that excusal for cause on this basis constitutes error, the second question is how to analyze prejudice in this situation.

A. A Prospective Juror's Belief That The Criminal Justice System Is Unfair To Young Black Men Does Not Justify Excusal For Cause.

No prospective juror should be excused for cause simply for believing that the criminal justice system is unfair to young black men. This belief is far closer to fact than opinion. Countless studies have highlighted the racial disparities that plague the criminal justice system. See Jessica Eaglin & Danyelle Solomon, Brennan Ctr. For Justice, *Reducing Racial and Ethnic Disparities in Jails*, at 12-13 (2015) (finding that black people are jailed at four times the rate of white people); The Sentencing Project, *Fact Sheet: Black Disparities in Youth Incarceration* (Sept. 2017) (noting that black youth are five times as likely to



be committed to juvenile detention compared to white youth according to Department of Justice statistics); Carlos Berdejo, *Criminalizing Race: Racial Disparities in Plea-Bargaining*, 59 B.C.L. Rev. 1187, 1213-1239 (2018) (documenting the existence of racial disparities at the plea-bargaining stage). In fact, the SJC itself has recognized this disparity in the context of police stops. See *Commonwealth v. Warren*, 475 Mass. 530, 540 (2016) (adopting conclusion of report “finding that black males in Boston are disproportionately and repeatedly targeted for [field interrogation and observation] encounters”). Chief Justice Gants has even commissioned a study in conjunction with Harvard Law School to examine why incarceration rates in Massachusetts are eight times higher for blacks than whites. See Michael Jonas, *Gants Launches Study of Racial Disparities in Incarceration*, Commonwealth Magazine (Oct. 20, 2016) (describing speech during which Chief Justice announced study). There can be little doubt that significant racial disparities exist in the criminal justice system. In light of these disparities, no prospective juror should be excused for cause simply

for believing that the system is unfair to young black men.

Excusal for cause on this basis raises serious constitutional concerns. If everyone who believed that the criminal justice system is unfair to black people was somehow unfit to serve on a jury, a majority of black people would be excluded from jury service. See Pew Research Center, *King's Dream Remains An Elusive Goal; Many Americans See Racial Disparities*, at 12-14 (Aug. 22, 2013) (finding that 70 percent of black people believe police treatment of black people is unfair and that 68 percent of black people believe the court system is similarly unfair). Such a result would clearly violate the Sixth Amendment of the Federal Constitution, as "excluding identifiable segments playing major roles in the community cannot be squared with the constitutional concept of jury trial." *Taylor v. Louisiana*, 419 U.S. 522, 530 (1975). It would also violate the SJC's statement that, under Article 12 of the State Constitution, "a fair jury is one that represents a cross section of community concepts." *Commonwealth v. Soares*, 377 Mass. 461, 478 (1979), quoting *Commonwealth v. Ricard*, 355 Mass. 509, 512 (1969). Juror Number 15's race is unclear from the

record in the instant case. Regardless, there is a serious constitutional problem when a juror is excused for cause based on her having a viewpoint that is held by approximately 70 percent of black people in the country.

A prospective juror should be permitted to serve as long as they appear "capable and willing to decide the case solely on the evidence." *Smith v. Phillips*, 455 U.S. 209, 217 (1982). One can believe that the criminal justice system is unfair to young black men and still meet this standard. If holding such a belief were grounds for excusal, a large portion of citizens would be excluded from jury service for having a viewpoint that is widely supported by objective facts. Citizens should not be forced to divorce themselves from reality in order to serve on a jury. A citizen who is aware of the racial disparities in the criminal justice system and believes that these disparities speak to a level of inherent unfairness is perfectly fit to serve on a jury. Excusal for cause on this basis should not be permitted.

B. Excusal Of A Prospective Juror For Cause Prejudices The Defendant Whenever It Has The Effect Of Permitting The Prosecutor An Additional Peremptory Challenge.

The next question is how to analyze prejudice in this particular scenario. This appears to be an issue of first impression in Massachusetts. Cases from other jurisdictions have reasoned that, when a trial judge improperly allows a prosecutor's challenge for cause, the prosecutor is essentially granted an additional peremptory challenge. See *United States v. Salamone*, 800 F.2d 1216, 1229 (3rd Cir. 1986) ("Freed of the burden of substantiating its challenges for cause, the government in the instant appeal was thereby afforded a broader exercise of its peremptory challenges."); *People v. Lefebre*, 5 P.3d 295, 304 (Col. 2000) ("[T]he trial court amplified the power of the prosecution to shape the composition of the jury by effectively giving it an extra peremptory challenge."). The instant case is a perfect example of this logic. The prosecutor did not give any reason as to why she believed Juror Number 15 should be excused. She simply requested that Juror Number 15 "be excused for cause." (Tr. I/110). The prosecutor did not have to justify or even explain her challenge to Juror Number 15. For all

practical purposes, the dismissal of Juror Number 15 for cause functioned as an additional peremptory challenge for the prosecution.

The SJC "adhere[s] to the view that, for purposes of State law, the erroneous denial of a peremptory challenge requires automatic reversal, without a showing of prejudice." *Commonwealth v. Hampton*, 457 Mass. 152, 164 (2010). The erroneous denial of a peremptory strike occurs in two types of scenarios. The straightforward scenario occurs when a judge denies the defendant use of a peremptory strike for some improper reason. See *Commonwealth v. Wood*, 389 Mass. 552, 563-564 (1983) (improper for judge to deny defendant's peremptory strikes based on assumption that defendant was excluding elderly women due to their age). The more unique scenario occurs when a defendant's challenge for cause is improperly denied and he is forced to use a peremptory strike against the biased juror. See *Commonwealth v. Somers*, 44 Mass. App. Ct. 920, 922 (1998) (defendant deprived of peremptory strike when forced to use one of his strikes against juror who should have been excused for cause). As noted above, prejudice is presumed in both scenarios.

If prejudice is presumed when the defendant is erroneously deprived of a peremptory strike, then prejudice should also be presumed when the prosecution is erroneously granted an extra peremptory strike. There is no practical difference between forcing the defendant to waste a peremptory strike on a juror who should have been excused for cause and allowing the prosecution to exercise a challenge for cause as if it were an additional peremptory strike. The prejudice is the same in both instances. The prosecutor's ability to shape the composition of the jury is unfairly elevated above that of the defendant. Peremptory challenges are "a means of eliminating extremes of partiality on both sides, thereby assuring the selection of a qualified and unbiased jury." *Hampton*, 457 Mass. at 164, quoting *Holland v. Illinois*, 493 U.S. 474, 484 (1990). However, when the defendant does not have the same ability to exercise peremptory strikes as the prosecution, the defendant's right to an impartial jury is not advanced. To protect this most important right, the use of peremptory strikes must be equally granted to both the prosecutor and the defendant. Any imbalance in this system in favor of the prosecution infringes on the defendant's right to

an impartial jury and thereby inherently creates prejudice.

WHY DIRECT APPELLATE REVIEW IS APPROPRIATE

The instant case presents issues of first impression and significant public importance. As the public becomes increasingly informed about the existence of racial disparities within the criminal justice system, a greater number of citizens are going to believe that the system is unfair to black people. The question of whether these citizens should be permitted to serve on a jury is absolutely critical.

The prejudice question does not rise to this level of public importance, but it is nonetheless an important question of first impression. The SJC has never considered how to analyze prejudice when the trial judge erroneously excuses a prospective juror for cause. The SJC should resolve this question by recognizing that a defendant is prejudiced whenever a judge grants a challenge for cause in a manner that effectively permits the prosecutor an extra peremptory challenge.

CONCLUSION

For the reasons set forth above, the Court should allow the defendant's application for direct appellate review.

Respectfully Submitted,  
QUINTON WILLIAMS  
By His Attorney,

/s/ Edward Crane /s/  
Edward Crane  
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Dated: 5/7/18



APPENDIX TABLE OF CONTENTS

Criminal Complaint.....	A. 1
Docket Sheets.....	A. 2-8
Verdict Slip.....	A. 9
Notice of Appeal.....	A. 10

<b>CRIMINAL COMPLAINT</b> ORIGINAL		DOCKET NUMBER <b>1615CR001042</b>	NO. OF COUNTS <b>1</b>	<b>Trial Court of Massachusetts District Court Department</b>
DEFENDANT NAME & ADDRESS Quinton K Williams 1201 Main Street 1st Fl Brockton, MA 02301				COURT NAME & ADDRESS Brockton District Court 215 Main Street Brockton, MA 02301 (508)587-8000
DEFENDANT DOB 06/10/1991	COMPLAINT ISSUED 03/01/2016	DATE OF OFFENSE 02/29/2016	ARREST DATE 02/29/2016	
OFFENSE CITY / TOWN Brockton		OFFENSE ADDRESS		NEXT EVENT DATE & TIME 03/01/2016 08:00 AM
POLICE DEPARTMENT BROCKTON PD		POLICE INCIDENT NUMBER 16 740		NEXT SCHEDULED EVENT Arraignment
OBTN TBRO201600740	PCF NUMBER 3088641	DEFENDANT XREF ID 10294796		ROOM / SESSION Arraignment Session
The undersigned complainant, on behalf of the Commonwealth, on oath complains that on the date(s) indicated below the defendant committed the offense(s) listed below and on any attached pages.				

COUNT	CODE	DESCRIPTION
1	94C/32A/G	DRUG, POSSESS TO DISTRIB CLASS B c94C §32A(a)

On 02/29/2016, not being authorized by law, did knowingly or intentionally possess with intent to manufacture, distribute or dispense a controlled substance in Class B of G.L. c.94C, §31, to wit: Cocaine, in violation of G.L. c.94C, §32A(a).

PENALTY: state prison not more than 10 years; or jail or house of correction not more than 2½ years; or not less than \$1000, not more than \$10,000; or both; G.L. c.280, §6B: plus Drug Analysis Fee of not less than \$150, not more than \$500, with maximum fee of \$500 for multiple offenses from single incident. District Court has final jurisdiction under G.L. c.218, §26.

3/30/16 strike subseq.

Benard J.

3/30/16.

SIGNATURE OF COMPLAINANT <i>X Michael Scanlon</i>	SWORN TO BEFORE CLERK/MAGISTRATE/ASST. CLERK/DEP. ASST. CLERK <i>X [Signature]</i>	DATE 3/1/16
NAME OF COMPLAINANT Michael Scanlon	CLERK-MAGISTRATE/ ASST. CLERK <i>X</i>	DATE

**Notice to Defendant:** 42 U.S.C. § 3796gg-4(e) requires this notice: If you are convicted of a misdemeanor crime of domestic violence you may be prohibited permanently from purchasing and/or possessing a firearm and/or ammunition pursuant to 18 U.S.C. § 922 (g) (9) and other applicable related Federal, State, or local laws.



**MASSACHUSETTS  
BROCKTON DISTRICT COURT  
Public Docket Report**

**1615CR001042 Commonwealth vs. Williams, Quinton K**

<b>CASE TYPE:</b>	Criminal	<b>FILE DATE:</b>	03/01/2016
<b>ACTION CODE:</b>	94C/32A/G-1	<b>CASE TRACK:</b>	
<b>DESCRIPTION:</b>	DRUG, POSSESS TO DISTRIB CLASS B c94C §32A(a)		
<b>CASE DISPOSITION DATE</b>	05/09/2017	<b>CASE STATUS:</b>	Closed
<b>CASE DISPOSITION:</b>	Disposed by Jury Verdict	<b>STATUS DATE:</b>	05/09/2017
<b>CASE JUDGE:</b>		<b>CASE SESSION:</b>	

**LINKED CASE**

**PARTIES**

<b>Defendant</b> Williams, Quinton K 1201 Main Street 1st Fl Brockton, MA 02301	<b>Appointed - Indigent Defendant</b> <b>561270</b> Kenneth Marc Diesenhof Law Offices of Kenneth M. Diesenhof, P.C. Law Offices of Kenneth M. Diesenhof, P.C. 142 Main St 407 Brockton, MA 02301 Work Phone (508) 580-6907 Added Date: 03/01/2016
	<b>Appointed - Indigent Defendant</b> <b>561841</b> Gregory G Nazarian Law Office of Gregory Nazarian Law Office of Gregory Nazarian 1063 North Main St Brockton, MA 02301 Work Phone (508) 436-7491 Added Date: 03/01/2016

**PARTY CHARGES**

#	Offense Date/ Charge	Code	Town	Disposition	Disposition Date
1	02/29/2016 DRUG, POSSESS CLASS B c94C §34 Sentence Date: 05/09/2017	94C/34/C-0	Brockton	Committed to HOC  Term: Yrs 1 Mos 0 Days 0 To Serve: Yrs 1 Mos 0 Days 0 Guilty Verdict	05/09/2017



**MASSACHUSETTS  
BROCKTON DISTRICT COURT  
Public Docket Report**

<b>EVENTS</b>				
<b>Date</b>	<b>Session</b>	<b>Event</b>	<b>Result</b>	<b>Resulting Judge</b>
03/01/2016	Arraignment Session -- Room 1	Arraignment	Held - Bail or Conditions of Release ordered	Moynahan
03/30/2016	Criminal Jury Session - Room 9	Probable Cause Hearing	Event Continued	Bernard
04/20/2016	Criminal Jury Session - Room 9	Pretrial Hearing	Event Continued	Moynahan
05/25/2016	Criminal Jury Session - Room 9	Pretrial Hearing	Held	Bernard
07/12/2016	Criminal Jury Session - Room 9	Discovery Compliance & Jury Election	Event Continued	Ostrach
07/27/2016	Pre-Trial Session -- Room 8	Pretrial Hearing	Event Continued	Mandell
09/07/2016	Pre-Trial Session -- Room 8	Motion to Dismiss	Held - Motion denied	Vitali
11/02/2016	Criminal Jury Session - Room 9	Jury Trial (CR)	Event Continued	Amrhein
01/30/2017	Criminal Jury Session - Room 9	Jury Trial (CR)	Event Continued	Clifford
03/27/2017	Criminal Jury Session - Room 9	Jury Trial (CR)	Event Continued	Amrhein
05/08/2017	Criminal Jury Session - Room 9	Jury Trial (CR)	Continued for Jury Trial	Houriham
05/09/2017	Criminal Jury Session - Room 9	Jury Trial in Progress	Held - Jury Verdict	Houriham

<b>FINANCIAL SUMMARY</b>					
	<b>Fees/Fines/Costs</b>	<b>Assessed</b>	<b>Paid</b>	<b>Dismissed</b>	<b>Balance</b>
<b>Total</b>		<b>150.00</b>	<b>0.00</b>	<b>0.00</b>	<b>150.00</b>

  

<b>Deposit Account(s) Summary</b>	<b>Received</b>	<b>Applied</b>	<b>Checks Paid</b>	<b>Balance</b>
<b>Total</b>				



**MASSACHUSETTS  
BROCKTON DISTRICT COURT  
Public Docket Report**

INFORMATIONAL DOCKET ENTRIES			
Date	Ref	Description	Judge
03/01/2016		Event Resulted The following event: Arraignment scheduled for 03/01/2016 08:00 AM has been resulted as follows: Result: Held - Bail or Conditions of Release ordered	Moynahan
03/01/2016	3	Defendant is ordered committed to Plymouth County House of Correction in lieu of having posted bail in the amount ordered: (\$0.00 Bond; \$5,000.00 Cash), returnable for 03/30/2016 09:00 AM Probable Cause Hearing; mittimus issued.  Court location of next event (if not your court): Further Orders:	Moynahan
03/01/2016	2	Appearance filed On this date Gregory G Nazarian, Esq. added as Appointed - Indigent Defendant for Defendant Quinton K Williams Appearance filed for the purpose of Bail Only by Judge Hon. Ronald F Moynahan.	
03/01/2016		Complaint issued upon new arrest.	
03/01/2016		Defendant arraigned before Court and counsel appointed.	Moynahan
03/01/2016	1	Reasons for ordering bail.	Moynahan
03/01/2016		Bail ordered: \$ \$0.00 surety bond or \$ \$5,000.00 cash.	Moynahan
03/01/2016		Defendant notified of right to a bail review before the Superior Court (C276 §58).	Moynahan
03/01/2016		Bail revocation warning (276/58) given to the defendant	Moynahan
03/01/2016	10	Appearance filed On this date Kenneth Marc Diesenhof, Esq. added as Appointed - Indigent Defendant for Defendant Quinton K Williams Appearance filed for the purpose of Case in Chief by Judge Hon. Julie J Bernard.	
03/30/2016		Event Resulted The following event: Probable Cause Hearing scheduled for 03/30/2016 09:00 AM has been resulted as follows: Result: Event Continued	Bernard
03/30/2016	4	Defendant is ordered committed to Plymouth County House of Correction in lieu of having posted bail in the amount ordered: (\$0.00 Bond; \$5,000.00 Cash), returnable for 04/20/2016 09:00 AM Pretrial Hearing; mittimus issued.  Court location of next event (if not your court): Further Orders:	Bernard
04/20/2016		Event Resulted The following event: Pretrial Hearing scheduled for 04/20/2016 09:00 AM has been resulted as follows: Result: Event Continued	Moynahan
04/20/2016		Defendant waives 30 day continuance right under C276 s.35.	Moynahan



**MASSACHUSETTS  
BROCKTON DISTRICT COURT  
Public Docket Report**

04/20/2016	5	Defendant is ordered committed to Plymouth County House of Correction in lieu of having posted bail in the amount ordered: (\$0.00 Bond; \$5,000.00 Cash), returnable for 05/25/2016 09:00 AM Pretrial Hearing; mittimus issued.  Court location of next event (if not your court): Further Orders: 30w	Moynahan
05/25/2016		Event Resulted The following event: Pretrial Hearing scheduled for 05/25/2016 09:00 AM has been resulted as follows: Result: Held-verbal motion to re-address bail heard & denied	Bernard
05/25/2016		Bail revocation warning (276/58) given to the defendant	Bernard
05/25/2016		Defendant notified of right to a bail review before the Superior Court (C276 §58).	Bernard
05/25/2016	6	Defendant's motion for filed with certif. of service on opposing party discovery of drug analysis filed.	Bernard
05/25/2016	7	Defendant is ordered committed to Plymouth County House of Correction in lieu of having posted bail in the amount ordered: (\$0.00 Bond; \$5,000.00 Cash), returnable for 07/12/2016 09:00 AM Discovery Compliance & Jury Election; mittimus issued.  Court location of next event (if not your court): Further Orders:	Bernard
06/02/2016	8	Finding of the Superior Court on Bail Review Petition under G.L. c.276, §58.	
07/12/2016		Event Resulted The following event: Discovery Compliance & Jury Election scheduled for 07/12/2016 09:00 AM has been resulted as follows: Result: Event Continued	Ostrach
07/12/2016	9	Defendant is ordered committed to Plymouth County House of Correction in lieu of having posted bail in the amount ordered: (\$0.00 Bond; \$5,000.00 Cash), returnable for 07/27/2016 09:00 AM Pretrial Hearing; mittimus issued.  Court location of next event (if not your court): Brockton District Court Further Orders:	Ostrach
07/27/2016		Event Resulted The following event: Pretrial Hearing scheduled for 07/27/2016 09:00 AM has been resulted as follows: Result: Event Continued	Mandell
07/27/2016	11	Pretrial conference report filed.	Mandell
07/27/2016		Defendant waives 30 day continuance right under C276 s.35.	Mandell
07/27/2016	12	Defendant is ordered committed to Plymouth County House of Correction in lieu of having posted bail in the amount ordered: (\$0.00 Bond; \$5,000.00 Cash), returnable for 09/07/2016 09:00 AM Motion to Dismiss; mittimus issued.  Court location of next event (if not your court): Further Orders:	Mandell



**MASSACHUSETTS  
BROCKTON DISTRICT COURT  
Public Docket Report**

08/05/2016	13	Defendant's motion for exparte approval of funds filed.	
08/09/2016		Motion allowed. (for funds)	
09/06/2016	14	Defendant's motion to Dismiss for lack of Probable Cause [Rule 3g(2)] filed.	
09/07/2016		Event Resulted The following event: Motion to Dismiss scheduled for 09/07/2016 09:00 AM has been resulted as follows: Result: Held - Motion denied	Vitali
09/07/2016		Motion denied.	Vitali
09/07/2016	15	Defendant is ordered committed to Plymouth County House of Correction in lieu of having posted bail in the amount ordered: (\$0.00 Bond; \$5,000.00 Cash), returnable for 11/02/2016 09:00 AM Jury Trial (CR); mittimus issued.  Court location of next event (if not your court): Further Orders:	Vitali
09/07/2016	16	Pretrial conference report filed.	
10/31/2016	17	Defendant's motion in Limine to prevent Trooper Foley to testify as an expert concerning drug distribution or in the alternative to conduct a full Daubert-Lanigan hearing outside the presence of the jury filed.	
10/31/2016	18	Defendant's motion in Limine to prevent the Commonwealth from introduction certain evidence filed.	
11/02/2016		Event Resulted The following event: Jury Trial (CR) scheduled for 11/02/2016 09:00 AM has been resulted as follows: Result: Event Continued	Amrhein
11/02/2016	19	Defendant is ordered committed to Plymouth County House of Correction in lieu of having posted bail in the amount ordered: (\$0.00 Bond; \$5,000.00 Cash), returnable for 01/30/2017 09:00 AM Jury Trial (CR); mittimus issued.  Court location of next event (if not your court): Further Orders:	Amrhein
11/02/2016		Defendant waives 30 day continuance right under C276 s.35.	Amrhein
01/26/2017	20	Defendant's motion in Limine to prevent the Commonwealth from introducing any items allegedly belong to Quinton K. Williams evidence filed.	
01/26/2017		Defendant 's Criminal motion in Limine orally presented to the court to preclude the Commonwealth from impeaching the deft's credibility with evidence of prior convictions	
01/26/2017	21	Defendant's motion to prevent the Commonwealth from introducing any evidence any prior bad acts filed.	
01/30/2017		Event Resulted The following event: Jury Trial (CR) scheduled for 01/30/2017 09:00 AM has been resulted as follows: Result: Event Continued	Clifford
01/30/2017		Defendant waives 30 day continuance right under C276 s.35.	Clifford



**MASSACHUSETTS  
BROCKTON DISTRICT COURT  
Public Docket Report**

01/30/2017	22	Defendant is ordered committed to Plymouth County House of Correction in lieu of having posted bail in the amount ordered: (\$0.00 Bond; \$5,000.00 Cash), returnable for 03/27/2017 09:00 AM Jury Trial (CR); mittimus issued.  Court location of next event (if not your court): Further Orders: 30w	Clifford
03/27/2017	23	Defendant's motion in Limine to prevent the Commonwealth from introducing any items allegedly belong to Quinton Williams evidence (amended) filed.	
03/27/2017		Event Resulted The following event: Jury Trial (CR) scheduled for 03/27/2017 09:00 AM has been resulted as follows: Result: Event Continued	Amrhein
03/27/2017		Defendant waives 30 day continuance right under C276 s.35.	Amrhein
03/27/2017	24	Defendant is ordered committed to Plymouth County House of Correction in lieu of having posted bail in the amount ordered: (\$0.00 Bond; \$5,000.00 Cash), returnable for 05/08/2017 09:00 AM Jury Trial (CR); mittimus issued.  Court location of next event (if not your court): Further Orders: 30W	Amrhein
03/31/2017	25	Defendant's motion to Dismiss filed with affidavit in support of motion, filed with memorandum of law filed.	
05/03/2017	26	Defendant's motion in Limine to prevent Detective to testify as an expert concerning drug distribution or in the alternative to conduct a full Daubter-Lanigan hearing outside the presence of the jury filed.	
05/08/2017		Event Resulted The following event: Jury Trial (CR) scheduled for 05/08/2017 09:00 AM has been resulted as follows: Result: Continued for Jury Trial	Hourihan
05/08/2017	27	Defendant is ordered committed to Plymouth County House of Correction in lieu of having posted bail in the amount ordered: (\$0.00 Bond; \$5,000.00 Cash), returnable for 05/09/2017 09:00 AM Jury Trial in Progress; mittimus issued.  Court location of next event (if not your court): Further Orders:	Hourihan
05/09/2017		Event Resulted The following event: Jury Trial in Progress scheduled for 05/09/2017 09:00 AM has been resulted as follows: Result: Held - Jury Verdict	Hourihan
05/09/2017		Charges Disposed:: Charge # 1 DRUG, POSSESS TO DISTRIB CLASS B c94C §32A(a) On: 05/09/2017 Judge: Hon. Daniel J Hourihan Guilty Verdict	
05/09/2017		All Charges disposed - Defendant committed on sentence.	Hourihan





**MASSACHUSETTS  
BROCKTON DISTRICT COURT  
Public Docket Report**

05/09/2017		Sentence Imposed:: Sentence Date: 05/09/2017 Judge: Hon. Daniel J Hourihan
		Charge #: 1 DRUG, POSSESS CLASS B c94C §34
		Committed to HOC Term: 1 Years, 0 Months, 0 Days To Serve: 1 Years, 0 Months, 0 Days
		Served Consecutive Case SNS
		Committed to Plymouth County House of Correction Credits 134 Days
05/15/2017	28	Notice of appeal to the Appeals Court filed by the Defendant
05/17/2017	29	Defendant's motion for appointment of appellate counsel filed.
05/17/2017	30	Defendant's motion to revise/revoke sentence (Rule 29) filed.
05/17/2017	31	Defendant's motion to withdraw (Atty Diesenhof) filed.

**COMMONWEALTH OF MASSACHUSETTS  
DISTRICT COURT DEPARTMENT OF THE TRIAL COURT**

Plymouth: SS.

Brockton District Court  
Docket NO. 1615 CR 1042

COMMONWEALTH  
Plaintiff

vs.

JURY VERDICT

**QUINTON K. WILLIAMS**  
Defendant

We, the Jury, unanimously return the following verdict:

**POSSESSION TO DISTRIBUTE CLASS B DRUG (COCAINE)**

  X   Not Guilty

       Guilty

**LESSER INCLUDED CHARGE      POSSESSION CLASS B DRUG (COCAINE)**

       Not Guilty

  X   Guilty

Date 05-09-2017

Alexandra Lopez  
Signature of Foreperson

BROCKTON DISTRICT COURT  
CLERK'S OFFICE  
COMMONWEALTH OF MASSACHUSETTS  
2017 MAY 15 PM 12:31  
PLYMOUTH, ss.

BROCKTON DISTRICT COURT  
DOCKET NO. 1615 CR 1042

COMMONWEALTH

vs.

QUINTON K. WILLIAMS

NOTICE OF APPEAL

The defendant, Quinton K. Williams, through and by his attorney gives notice pursuant to Rule 3 of the Massachusetts Rules of Appellate Procedure, of his intent to appeal certain opinions, rulings, directions and judgments of the Court in the above entitled matter.

Respectfully Submitted  
QUINTON K. WILLIAMS  
By her attorney,



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Kenneth M. Diesenhof (BBO#561270)  
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Date: May 11, 2017

COMMONWEALTH OF MASSACHUSETTS  
SUPREME JUDICIAL COURT

Plymouth, ss.

DAR No. \_\_\_\_\_  
Appeals Court No. 2018-P-0445

\_\_\_\_\_  
COMMONWEALTH

v.

\_\_\_\_\_  
QUINTON WILLIAMS  
\_\_\_\_\_

CERTIFICATE OF SERVICE

I hereby certify, under the pains and penalties of perjury,  
that I have served a copy of the defendant's application for  
direct appellate review to Assistant District Attorney Gail  
McKenna, Plymouth County District Attorney's Office, 116 Main  
Street, Brockton, MA 02301. I have made service via email.

/s/ Edward Crane /s/  
\_\_\_\_\_  
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Edward@craelawoffice.com

Dated: 5/7/18