

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, ss.

SUPREME JUDICIAL COURT
FOR SUFFOLK COUNTY
No. SJ-2025-0128

Suffolk Superior Court
No. 9384CR11574

COMMONWEALTH

v.

STEPHEN PINA

ORDER ALLOWING COMMONWEALTH'S
APPLICATION FOR LEAVE TO APPEAL

This matter came before the court, Gaziano, J., on the Commonwealth's timely application pursuant to G. L. c. 278, § 33E, for leave to appeal from the Suffolk Superior Court's allowance of the defendant's third post-conviction motion for new trial, dated February 3, 2025. The defendant was convicted of murder in the first degree and a related firearm charge on January 30, 1996. His convictions were affirmed by the Supreme Judicial Court after plenary review. Commonwealth v. Pina, 430 Mass. 266 (1999).

Upon consideration, I am of the view that the appeal warrants review by the full court. Accordingly, it is **ORDERED** that the Commonwealth's application be, and the same hereby, is

ALLOWED and shall proceed in the Supreme Judicial Court. See Commonwealth v. Smith, 491 Mass. 377, 384 (2023), citing Commonwealth v. Watkins (No. 1), 486 Mass. 801, 803 n.6 (2021).

It is **FURTHER ORDERED** that the Suffolk Superior Court Clerk's Office shall assemble the record in No. 9384CR11574 and transmit it to the Supreme Judicial Court, Clerk's Office for the Commonwealth, John Adams Courthouse, One Pemberton Square, Room 1-400, Boston, Massachusetts, 02108, for determination of the motion for new trial.

By the Court, (Gaziano, J.)


Allison S. Cartwright, Clerk

Dated: June 16, 2025