

COMMONWEALTH OF MASSACHUSETTS
SUPREME JUDICIAL COURT

SJC No. DAR-_____

AC No. 2026-P-1032

COMMONWEALTH OF MASSACHUSETTS,
Appellee,

v.

STEVEN M. FOLEY,
Appellant

On a Reported Question by the
Honorable Daniel Wrenn,
Worcester Superior Court
Nos. 1885CR00097, 1885CR00437

APPLICATION FOR DIRECT APPELLATE REVIEW

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Dated: July 23, 2026

REQUEST FOR DIRECT APPELLATE REVIEW

Pursuant to Rule 11 of the Massachusetts Rules of Appellate Procedure, Applicant Steven M. Foley ("Foley") seeks direct appellate review of a reported question that (1) is of first impression and a novel question of law, (2) concerns a matter of law under the constitutions of the Commonwealth and the United States, and (3) is of public interest.

In this case, based on an informal opinion of staff counsel for the Committee on Judicial Ethics ("CJE"), a justice of the Superior Court has declined to disclose information about her strategic considerations during the time she served as Foley's trial counsel. That information is essential to Foley's ability to prove claims of ineffective assistance of counsel that he has raised in a pending motion for a new trial pursuant to Rule 30 of the Massachusetts Rules of Criminal Procedure. This case presents an opportunity for this Court to clarify that there is no ethical bar to a judge disclosing relevant information about her strategic considerations during her past representation of a former client when that client has raised claims of ineffective assistance of counsel.

STATEMENT OF PRIOR PROCEEDINGS¹

On December 19, 2017, Foley was arrested in connection with an incident that occurred on December 12, 2017, and charged with burning a motor vehicle (G.L. c. 266, § 5) and maliciously damaging a motor vehicle (G.L. c. 266, § 28(a)). On March 23, 2018, a Worcester County grand jury indicted him on a charge of maliciously damaging a motor vehicle, and he was arraigned in Worcester Superior Court on April 18, 2018. On August 30, 2018, he was charged with murder (G.L. c. 265, § 1). On December 10, 2018, a Worcester County grand jury indicted him on a charge of murder, and he was arraigned in Worcester Superior Court on January 3, 2019.

Jury impanelment before Judge Daniel Wrenn began on August 22, 2023. On September 1, 2023, Foley was convicted of murder in the second degree and malicious destruction of a motor vehicle. He was sentenced to state prison for life with the possibility of parole after twenty-five years on the murder charge and to twelve to fifteen years on the malicious destruction charge. He filed a timely notice of appeal.

¹ A copy of the docket in the lower court is appended at Exhibit A.

On August 29, 2025, the Appeals Court stayed Foley's appeal and granted him leave to pursue a new trial motion in Superior Court. On September 19, 2025, Foley filed a motion for a new trial in Superior Court.

On July 15, 2026, the Superior Court granted Foley's motion to report a question to the Appeals Court. (Exhibit B.) This case was entered in the Appeals Court on July 16, 2026.

SHORT STATEMENT OF FACTS RELEVANT TO APPEAL

Foley's pending motion for a new trial raises a number of issues, including claims that trial counsel was ineffective because she failed to (1) adequately challenge the medical examiner's inadmissible and erroneous opinion on the cause of death by moving to strike the opinion on newly-revealed Daubert-Lanigan grounds, moving to remedy the Commonwealth's failure to disclose the basis for the medical examiner's opinion before trial, and presenting an expert pathologist to rebut that opinion; (2) adequately challenge the Commonwealth's presumptive blood testing evidence by cross-examining a police witness on the fact that he used a presumptive test that was not approved by the police department and moving to exclude the presumptive testing results as more prejudicial than probative; and

(3) show an important Commonwealth witness's motive to fabricate by investigating and using evidence of his past favorable treatment by the Commonwealth in the witness's prior criminal cases.

In support of these ineffectiveness claims, Foley submitted the affidavit of trial counsel regarding her representation of him between 2018 and 2024. That affidavit omits any discussion of her strategic considerations in the course of her representation. Trial counsel declined to discuss her strategic considerations in her affidavit because, after she became a justice of the Superior Court in 2024, she received an informal opinion by staff counsel for the CJE not to disclose this specific information.

STATEMENT OF ISSUE OF LAW

This application raises the following question as framed by the trial court:

When a defendant raises a claim of ineffective assistance of trial counsel in a motion for a new trial pursuant to Mass. R. Crim. P. 30 and trial counsel is currently a justice of the Superior Court, whether, notwithstanding any rules of the Code of Judicial Conduct, in an evidentiary hearing on his motion for a new trial, the defendant has a right to examine trial counsel and trial counsel may answer questions on the subject of her strategic considerations, or lack thereof, during her representation of the defendant even though

trial counsel is now a sitting Superior Court judge.

(Exhibit B at 44.)

In other words, this Court has been asked to determine whether there is any ethical bar to a judge disclosing relevant information about her strategic considerations, or lack thereof, during her past representation of a former client when that client has raised claims of ineffective assistance of counsel and seeks to present that information to a court in support of his claims.

ARGUMENT

WHERE A CRIMINAL DEFENDANT RAISES A CLAIM OF INEFFECTIVE ASSISTANCE OF COUNSEL, A JUDGE WHO PREVIOUSLY SERVED AS THAT DEFENDANT'S COUNSEL IS NOT ETHICALLY BARRED FROM DISCLOSING RELEVANT INFORMATION ABOUT HER STRATEGIC CONSIDERATIONS DURING HER REPRESENTATION OF THE DEFENDANT.

Foley has raised claims of trial counsel ineffectiveness in a pending motion for a new trial. He is required to raise these claims in this manner because a motion for a new trial permits an "explanation by trial counsel for his actions." Commonwealth v. Peloquin, 437 Mass. 204, 210 n.5 (2002). "Without the benefit of a hearing on a motion for a new trial, at which the defendant's trial counsel might explain his strategy," a reviewing court is "unable to evaluate the

reasonableness of that strategy.” Commonwealth v. Williams, 450 Mass. 879, 892 (2008) (emphasis added).

However, Foley has been unable to present the trial court with evidence of trial counsel’s strategic considerations in support of his ineffectiveness claims. This is because trial counsel is now a sitting justice of the Superior Court and, although she has provided an affidavit discussing nonstrategic aspects of her past representation, she declined to disclose any relevant information regarding her strategy after receiving an informal opinion from staff counsel for the CJE.²

Contrary to the advice received by trial counsel, there is no bar to a sitting judge providing information about her past representation of a former client, including her strategic considerations, when that information is relevant to the litigation of an ineffectiveness claim. The Code of Judicial Conduct (“Code”) includes two potentially relevant rules. Rule 1.2 provides that “[a] judge shall act at all times in

² Informal opinions are issued pursuant to S.J.C. Rule 3:11(2)(D)(i), by which “[a] judge may request an Informal Opinion by making an oral or written request to the Committee’s staff counsel.” An informal opinion may be issued orally or in writing and “does not carry with it the protection from discipline” of a formal letter opinion issued by the CJE. Id.

a manner that promotes public confidence in the independence, integrity, and impartiality of the judiciary, and shall avoid impropriety and the appearance of impropriety," while Rule 3.10 provides that "[a] judge shall not practice law" with two exceptions not relevant here. S.J.C. Rule 3:09, Canons 1, 3 (2016). Neither of these rules prohibits trial counsel from disclosing information about her past representation of Foley, since providing truthful information in a court proceeding raises no concerns about partiality or impropriety and is not the practice of law.

The CJE has issued two relevant letter opinions regarding a judge's disclosure of information relating to her past representation of a client. In 2001, interpreting a previous version of the Code,³ the CJE opined that the judicial canons generally do not prohibit a judge from

signing or submitting to a tribunal an affidavit containing factual, material information about which a judge has percipient knowledge. Nor, in the Committee's view, does the signing or submission of such an affidavit impermissibly lend the prestige of judicial office to aid the private interests of litigants. Appointment to judicial office

³ The current version of the Code became effective in 2016.

simply does not prevent a judge from giving relevant factual testimony in a judicial proceeding when he or she is competent to do so. That is particularly true when, as is apparently the case here, the judge has particular knowledge of relevant matters that is unavailable from any other source.

CJE Opinion No. 2001-2 (<https://www.mass.gov/opinion/cje-opinion-no-2001-2>) (emphasis added).⁴ The CJE further clarified that “signing a truthful affidavit dealing with matters about which the judge has percipient knowledge is not ‘practicing law’ ..., particularly when the judge signs the affidavit in response to a request from an attorney who now represents the judge’s former client,” and that an affidavit by a judge in support of a former client’s motion for a new trial does not undermine public confidence in the judiciary if it is “true, accurate and complete.” Id.

In 2018, the CJE issued a letter opinion advising a recently-appointed judge on the subject of “discussing strategic decisions with successor counsel” in a murder case that had not yet gone to trial. CJE Opinion No. 2018-02 (<https://www.mass.gov/opinion/cje-opinion-no-2018-02>). Citing with approval CJE Opinion No. 2001-2

⁴ Opinions of the CJE are persuasive authority but are not binding on this Court. See Commonwealth v. Duarte, 477 Mass. 630, 636 (2017).

for the proposition that “the Code does not prohibit a judge’s signing an affidavit in support of a motion for a new trial filed by a former client, so long as the affidavit contains ‘factual, material information about which a judge has percipient knowledge’,” the CJE opined in relevant part as follows:

The Code of Judicial Conduct’s prohibition on the practice of law and requirement that you avoid impropriety and its appearance require you to cease efforts on a former client’s behalf when you assume judicial office. The Code makes an exception, however, for communications limited to factual information. Thus, for example, you may respond to successor counsel’s questions regarding historical facts not readily apparent from the file and similar matters of clarification. You may not, however, answer any questions posed by successor counsel that seek information involving legal advice or litigation strategy.

CJE Opinion No. 2018-02 (emphases added).

Thus, the 2001 and 2018 letter opinions both recognize that a judge may disclose “factual” information about the prior representation of a former client.⁵ The only significant difference is that the 2018

⁵ The 2018 letter opinion also advised the requesting judge to comply with obligations of attorney-client confidentiality with regard to any communications outside of the former client’s legal team. Confidentiality concerns are not present in Foley’s case because he seeks trial counsel’s disclosures about her strategic considerations to support his postconviction claims of ineffective assistance of counsel. By (cont’d)

opinion letter advised the requesting judge against answering questions by successor counsel that "seek information involving legal advice or litigation strategy." The opinion is ambiguous as to what "legal advice" or "litigation strategy" means in this context. Given the facts assumed in the opinion, however, the CJE obviously was concerned about situations in which successor counsel seeks out a judge's forward-looking legal or strategic assistance with the client's case. That is because, when successor counsel asked the judge to speak with him about the case, the client's trial had not yet taken place. Since the client's prosecution was active and ongoing, any private, ex parte conversation between the judge and successor counsel about "legal advice" or "litigation strategy" could not have been for the purpose of developing a postconviction ineffectiveness claim, but instead would have been potentially useful in shaping a defense strategy for the

raising these claims, he has impliedly waived the attorney-client privilege as to their subject matter. See Commonwealth v. Woodberry, 26 Mass. App. Ct. 636, 637-640 (1988). For this reason, trial counsel has raised no objection on the basis of the attorney-client privilege, and in fact has supplied an affidavit that discusses facts that are not strategic in nature.

upcoming trial. This reasonably could have been construed as the practice of law by the judge.

Here, in contrast, the matter in which trial counsel represented Foley -- his prosecution for murder -- was concluded in 2023. Trial counsel has never represented him in the matter currently pending, which is his motion for a new trial. Moreover, Foley is not seeking a private, ex parte conversation with trial counsel about her current strategic advice on how to litigate that motion. He seeks only the public disclosure of relevant information about her strategic considerations during the time she represented him between 2018 and 2024. That information would be presented to the trial court and subject to cross-examination by the Commonwealth if an evidentiary hearing is granted. Because trial counsel's strategic considerations, or lack thereof, existed in the past, they are immutable and fixed for all time. They are as much "historical facts" to which trial counsel has "percipient knowledge" as any of the nonstrategic matters she has already disclosed in her affidavit. Thus, their disclosure in a court proceeding would constitute neither the practice of law nor the appearance of impropriety.

Any interpretation of the Code to the contrary would improperly interfere with Foley's ability to vindicate his constitutional right to effective counsel guaranteed by the Sixth Amendment to the United States Constitution and article 12 of the Massachusetts Declaration of Rights. See Strickland v. Washington, 466 U.S. 668, 690 (1984); Commonwealth v. Saferian, 366 Mass. 89, 96 (1974). A defendant's burden in proving an ineffectiveness claim is to establish that there was no reasonable strategic basis for counsel's action or inaction. See Peloquin, 437 Mass. at 210 n.5 ("[A]n ineffective assistance of counsel challenge made on the trial record alone is the weakest form of such a challenge because it is bereft of any explanation by trial counsel for his actions and suggestive of strategy contrived by a defendant viewing the case with hindsight."). If the Code is interpreted to prohibit trial counsel from testifying in a court proceeding about her strategic considerations during her representation of Foley, he will be unable to meet this burden, since trial counsel is the only available source of this essential information. See Young v. Southgate Development Corp., 379 Mass. 523, 525 (1980) (noting that, although judge should refrain from participating

in matters involving former client, "[a]s a practical matter, in certain instances, successor counsel or the client may need particular information which only the judge may be able to furnish").

REASONS WHY DIRECT APPELLATE REVIEW IS APPROPRIATE

Direct appellate review is appropriate for three reasons. First, the reported question is of first impression and involves a novel question of law. The trial court has acknowledged that the question "is so important as to require the decision of" an appellate court. (Exhibit B at 44.) Given that this question apparently has not been addressed by any appellate court in Massachusetts, and that it involves ethical rules that were promulgated by the Supreme Judicial Court itself, it is appropriate for this Court to finally resolve the issue.

Second, the reported question concerns a matter of law under the constitutions of the Commonwealth and the United States. As discussed above, at stake is Foley's ability to adequately litigate his ineffectiveness claims under the Sixth Amendment to the United States Constitution and article 12 of the Massachusetts Declaration of Rights.

Third, the reported question is of public interest. It is reasonable to assume that Foley is not the only defendant whose former counsel has received, or will receive, an informal opinion from the CJE not to disclose strategic considerations about their past representation after being elevated to the bench. These defendants are, or will be, similarly impeded in their ability to litigate claims of ineffectiveness assistance of counsel. A final determination of this question by this Court will ensure the uniform application of the Code in such cases and prevent other defendants from being disadvantaged in raising ineffectiveness claims.

CONCLUSION

For all of these reasons, Foley requests that this Court grant direct appellate review of the reported question.

Respectfully submitted,
STEVEN M. FOLEY,
By his attorney,



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Dated: July 23, 2026

EXHIBIT A

1885CR00437 Commonwealth vs. Foley, Steven M

- Case Type:
- Indictment
- Case Status:
- Suspended-Covid-19
- File Date
- 12/10/2018
- DCM Track:
- C - Most Complex
- Initiating Action:
- MURDER c265 §1
- Status Date:
- 01/03/2019
- Case Judge:
-
- Next Event:
- 08/10/2026

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

Party Information

Worcester County District Attorney
- Prosecutor

Alias

Party Attorney

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[More Party Information](#)

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[More Party Information](#)**Party Charge Information**• **Foley, Steven M**

• - Defendant

Charge # 1:

265/1-0 - Felony MURDER c265 §1

• Original Charge

○ 265/1-0 MURDER c265 §1 (Felony)

○ Indicted Charge

○

○ Amended Charge

○

Charge Disposition

Disposition Date

Disposition

09/01/2023

Guilty Verdict

Events

<u>Date</u>	<u>Session</u>	<u>Location</u>	<u>Type</u>	<u>Event Judge</u>	<u>Result</u>
01/03/2019 09:00 AM	Criminal 1		Arraignment	Kenton-Walker, Hon. Janet	Held as Scheduled
02/13/2019 09:00 AM	Criminal 1		Pre-Trial Conference	Kenton-Walker, Hon. Janet	Held as Scheduled
03/25/2019 09:00 AM	Criminal 1		Hearing on Compliance	Kenton-Walker, Hon. Janet	Rescheduled
04/17/2019 09:00 AM	Civil A	WOR-4th FL, CR 20 (SC)	Hearing on Compliance	Kenton-Walker, Hon. Janet	Held as Scheduled
05/23/2019 09:00 AM	Civil A		Hearing on Compliance	Kenton-Walker, Hon. Janet	Held as Scheduled
07/10/2019 09:00 AM	Criminal 1		Hearing on Compliance	Kenton-Walker, Hon. Janet	Held as Scheduled
09/11/2019 09:00 AM	Criminal 1		Scheduling Conference		Rescheduled
10/25/2019 09:00 AM	Criminal 1		Scheduling Conference	Kenton-Walker, Hon. Janet	Held as Scheduled
12/19/2019 09:00 AM	Criminal 1		Scheduling Conference	Kenton-Walker, Hon. Janet	Not Held
01/28/2020 09:00 AM	Criminal 1		Scheduling Conference		Held as Scheduled
03/30/2020 09:00 AM	Criminal 1	WOR-3rd FL, CR 18 (SC)	Hearing RE: Discovery Motion(s)		Rescheduled-Covid-19 emergency
05/13/2020 09:00 AM	Criminal 1	WOR-3rd FL, CR 18 (SC)	Hearing RE: Discovery Motion(s)	Wrenn, Hon. Daniel M	Rescheduled-Covid-19 emergency
07/10/2020 09:00 AM	Criminal 1	WOR-3rd FL, CR 18 (SC)	Hearing RE: Discovery Motion(s)	Ritter, Hon. William J	Rescheduled
07/16/2020 09:50 AM	Criminal 1	WOR-3rd FL, CR 18 (SC)	Hearing RE: Discovery Motion(s)	Donatelle, Hon. Sharon	Held as Scheduled
09/30/2020 09:00 AM	Criminal 1	WOR-3rd FL, CR 18 (SC)	Scheduling Conference	Ritter, Hon. William J	Rescheduled
11/02/2020 09:00 AM	Criminal 1	WOR-3rd FL, CR 18 (SC)	Scheduling Conference	Ricciardone, Hon. David	Held as Scheduled

<u>Date</u>	<u>Session</u>	<u>Location</u>	<u>Type</u>	<u>Event Judge</u>	<u>Result</u>
12/16/2020 02:00 PM	Criminal 2	WOR-3rd FL, CR 10 (SC)	Conference to Review Status	Wrenn, Hon. Daniel M	Held as Scheduled
01/21/2021 09:00 AM	Criminal 1		Non-Evidentiary Hearing to Dismiss		Rescheduled
01/21/2021 09:00 AM	Criminal 2		Non-Evidentiary Hearing to Dismiss	Kenton-Walker, Hon. Janet	Held - Under advisement
01/25/2021 09:30 AM	Criminal 2		Conference to Review Status	Kenton-Walker, Hon. Janet	Held as Scheduled
03/23/2021 09:00 AM	Criminal 1		Conference to Review Status		Held via Video/Phone
04/28/2021 09:00 AM	Criminal 1		Scheduling Conference		Rescheduled
05/07/2021 09:00 AM	Criminal 1		Scheduling Conference	Wrenn, Hon. Daniel M	Held as Scheduled
07/14/2021 09:00 AM	Criminal 1		Evidentiary Hearing on Suppression	Kenton-Walker, Hon. Janet	Not Held
07/14/2021 09:00 AM	Criminal 3		Hearing RE: Discovery Motion(s)	Reardon, Jr., Hon. James G	Held as Scheduled
08/18/2021 09:00 AM	Criminal 1		Non-Evidentiary Hearing on Suppression	Kenton-Walker, Hon. Janet	Not Held
08/18/2021 09:00 AM	Criminal 3		Non-Evidentiary Hearing on Suppression	Reardon, Jr., Hon. James G	Held - Under advisement
10/13/2021 09:00 AM	Criminal 1		Conference to Review Status	Ritter, Hon. William J	Held as Scheduled
12/01/2021 09:00 AM	Criminal 1		Non-Evidentiary Hearing on Suppression	Ritter, Hon. William J	Rescheduled
01/19/2022 12:00 PM	Criminal 1	WOR-3rd FL, CR 18 (SC)	Non-Evidentiary Hearing on Suppression	Reardon, Jr., Hon. James G	Not Held
01/19/2022 12:00 PM	Criminal 1	WOR-3rd FL, CR 18 (SC)	Hearing RE: Discovery Motion(s)	Reardon, Jr., Hon. James G	Held - Under advisement
02/02/2022 09:00 AM	Criminal 1	WOR-3rd FL, CR 18 (SC)	Non-Evidentiary Hearing on Suppression	Reardon, Jr., Hon. James G	Held - Under advisement
03/16/2022 09:00 AM	Criminal 1	WOR-3rd FL, CR 18 (SC)	Non-Evidentiary Hearing to Dismiss	Reardon, Jr., Hon. James G	Not Held
04/26/2022 09:00 AM	Criminal 1	WOR-3rd FL, CR 18 (SC)	Non-Evidentiary Hearing to Dismiss	Wrenn, Hon. Daniel M	Not Held
04/26/2022 09:00 AM	Criminal 2	WOR-3rd FL, CR 10 (SC)	Scheduling Conference	Reardon, Jr., Hon. James G	Held as Scheduled
05/26/2022 09:00 AM	Criminal 2	WOR-3rd FL, CR 10 (SC)	Non-Evidentiary Hearing to Dismiss	Reardon, Jr., Hon. James G	Rescheduled
07/14/2022 09:00 AM	Criminal 3	WOR-3rd FL, CR 17 (SC)	Non-Evidentiary Hearing to Dismiss	Reardon, Jr., Hon. James G	Held - Under advisement
08/25/2022 09:00 AM	Criminal 1	WOR-3rd FL, CR 18 (SC)	Conference to Review Status	Yarashus, Hon. Valerie A	Held as Scheduled
11/16/2022 09:00 AM	Criminal 1	WOR-3rd FL, CR 18 (SC)	Conference to Review Status	Kenton-Walker, Hon. Janet	Held as Scheduled
01/18/2023 09:00 AM	Criminal 1		Conference to Review Status		Held as Scheduled
01/18/2023 09:00 AM	Criminal 1		Conference to Review Status	Ritter, Hon. William J	Held as Scheduled
02/24/2023 09:00 AM	Criminal 1	WOR-3rd FL, CR 18 (SC)	Final Trial Conference	Ritter, Hon. William J	Not Held

<u>Date</u>	<u>Session</u>	<u>Location</u>	<u>Type</u>	<u>Event Judge</u>	<u>Result</u>
03/09/2023 09:00 AM	Criminal 1		Jury Trial		Rescheduled
03/13/2023 09:00 AM	Criminal 1		Jury Trial		Rescheduled
03/30/2023 09:00 AM	Criminal 1	WOR-3rd FL, CR 18 (SC)	Jury Trial	Ritter, Hon. William J	Rescheduled
04/03/2023 09:00 AM	Criminal 1	WOR-3rd FL, CR 18 (SC)	Jury Trial	Bell, Hon. Karin	Rescheduled
05/31/2023 09:00 AM	Criminal 1	WOR-3rd FL, CR 18 (SC)	Final Trial Conference		Rescheduled
06/30/2023 09:00 AM	Criminal 1	WOR-3rd FL, CR 18 (SC)	Final Trial Conference	Bell, Hon. Karin	Not Held
06/30/2023 09:00 AM	Criminal 2	WOR-3rd FL, CR 10 (SC)	Final Trial Conference	Kenton-Walker, Hon. Janet	Held as Scheduled
08/09/2023 11:30 AM	Criminal 3	WOR-3rd FL, CR 17 (SC)	Final Trial Conference	Wrenn, Hon. Daniel M	Held as Scheduled
08/17/2023 09:00 AM	Criminal 1	WOR-3rd FL, CR 18 (SC)	Jury Trial	Reardon, Jr., Hon. James G	Canceled
08/17/2023 09:00 AM	Criminal 3	WOR-3rd FL, CR 17 (SC)	Hearing on Motion(s) in Limine	Wrenn, Hon. Daniel M	Held as Scheduled
08/21/2023 09:00 AM	Criminal 1	WOR-3rd FL, CR 18 (SC)	Jury Trial	Reardon, Jr., Hon. James G	Rescheduled
08/22/2023 09:00 AM	Criminal 3	WOR-3rd FL, CR 17 (SC)	Jury Trial	Wrenn, Hon. Daniel M	Held as Scheduled
08/23/2023 09:00 AM	Criminal 3	WOR-3rd FL, CR 17 (SC)	Jury Trial	Wrenn, Hon. Daniel M	Not Held
08/24/2023 09:00 AM	Criminal 3	WOR-3rd FL, CR 17 (SC)	Jury Trial	Wrenn, Hon. Daniel M	Rescheduled
08/28/2023 09:00 AM	Criminal 3	WOR-3rd FL, CR 17 (SC)	Jury Trial	Wrenn, Hon. Daniel M	Held as Scheduled
08/29/2023 09:00 AM	Criminal 3	WOR-3rd FL, CR 17 (SC)	Jury Trial	Wrenn, Hon. Daniel M	Held as Scheduled
08/30/2023 09:00 AM	Criminal 3	WOR-3rd FL, CR 17 (SC)	Jury Trial	Wrenn, Hon. Daniel M	Held as Scheduled
08/31/2023 09:00 AM	Criminal 3	WOR-3rd FL, CR 17 (SC)	Jury Trial	Wrenn, Hon. Daniel M	Held as Scheduled
09/01/2023 09:00 AM	Criminal 3	WOR-3rd FL, CR 17 (SC)	Jury Trial	Wrenn, Hon. Daniel M	Held as Scheduled
09/05/2023 09:00 AM	Criminal 3	WOR-3rd FL, CR 17 (SC)	Hearing for Sentence Imposition	Wrenn, Hon. Daniel M	Held as scheduled
09/09/2024 09:00 AM	Criminal 3	WOR-3rd FL, CR 17 (SC)	Motion Hearing	Wrenn, Hon. Daniel M	Decision rendered
05/29/2026 11:00 AM	Criminal 3		Conference to Review Status	Wrenn, Hon. Daniel M	Held via Video/Phone
07/02/2026 09:00 AM	Criminal 3		Conference to Review Status	Wrenn, Hon. Daniel M	Canceled
07/07/2026 09:00 AM	Civil A	WOR-4th FL, CR 20 (SC)	Conference to Review Status	Wrenn, Hon. Daniel M	Held as Scheduled
07/07/2026 09:00 AM	Criminal 1	WOR-3rd FL, CR 18 (SC)	Conference to Review Status	Wrenn, Hon. Daniel M	Rescheduled
08/10/2026 09:00 AM	Civil A	WOR-4th FL, CR 20 (SC)	Conference to Review Status	Wrenn, Hon. Daniel M	

Ticklers				
Tickler	Start Date	Due Date	Days Due	Completed Date
Pre-Trial Hearing	01/03/2019	07/02/2019	180	09/01/2023
Final Pre-Trial Conference	01/03/2019	12/13/2019	344	09/01/2023
Case Disposition	01/03/2019	12/27/2019	358	09/01/2023
Under Advisement	01/21/2021	02/20/2021	30	03/15/2021
Under Advisement	08/18/2021	09/17/2021	30	09/01/2021
Under Advisement	02/02/2022	03/04/2022	30	03/04/2022
Under Advisement	07/14/2022	08/13/2022	30	08/04/2022
Under Advisement	09/09/2024	10/09/2024	30	09/19/2024
Under Advisement	01/19/2022	02/18/2022	30	01/24/2022

Docket Information				
<u>Docket Date</u>	<u>Docket Text</u>	<u>File Ref Nbr.</u>	<u>Image Avail.</u>	
12/10/2018	Indictment(s) returned	1		Image
12/18/2018	Attorney appearance On this date Brett Dillon, Esq. added as Attorney for the Commonwealth for Prosecutor Worcester County District Attorney			
12/18/2018	Attorney appearance On this date Sarah Hamilton, Esq. added for Defendant Steven M Foley			
01/03/2019	Case assigned to: DCM Track C - Most Complex was added on 01/03/2019			
01/03/2019	Event Result:: Arraignment scheduled on: 01/03/2019 09:00 AM Has been: Held as Scheduled Comments: FTR/ JE Hon. Janet Kenton-Walker, Presiding Appeared: Staff: Matthew S Lefebvre, Assistant Clerk Magistrate			
01/03/2019	Defendant arraigned before Court. Judge: Kenton-Walker, Hon. Janet			
01/03/2019	Colloquy - Defendant advised of right to attorney Judge: Kenton-Walker, Hon. Janet			
01/03/2019	Plea of not guilty entered on all charges. Judge: Kenton-Walker, Hon. Janet			
01/03/2019	The defendant\petitioner is committed without bail for the following reason: Is charged with 1st degree murder.			Image
01/03/2019	1st Degree Murder indictment read in open court. Judge: Kenton-Walker, Hon. Janet			
02/13/2019	Defendant 's Motion for Funds for DNA Expert	2		Image
02/13/2019	Affidavit of Sarah Hamilton in Support of Defendants Motion for Funds for DNA Expert	2.1		Image
02/13/2019	Endorsement on Motion for Funds for DNA Expert, (#2.0): ALLOWED			Image
02/13/2019	Event Result:: Pre-Trial Conference scheduled on: 02/13/2019 09:00 AM Has been: Held as Scheduled Comments: FTR (No Court Monitor Present) Hon. Janet Kenton-Walker, Presiding			Image

Docket Date	Docket Text	File Ref Nbr.	Image Avail.
	Appeared: Staff: Matthew S Lefebvre, Assistant Clerk Magistrate		
02/14/2019	The following form was generated: A Clerk's Notice was generated and sent to: Attorney: Sarah Hamilton, Esq. Attorney: Brett Dillon, Esq.		
03/14/2019	Event Result:: Hearing on Compliance scheduled on: 03/25/2019 09:00 AM Has been: Rescheduled For the following reason: Court Order Hon. Janet Kenton-Walker, Presiding Appeared: Staff: Matthew S Lefebvre, Assistant Clerk Magistrate		
04/10/2019	Defendant 's Motion for Funds for Forensic Pathologist	3	
04/10/2019	Affidavit of Sarah Hamilton in Support of Defendants Motion for Funds for Forensic Pathologist	3.1	
04/10/2019	Endorsement on Motion for Funds for Forensic Pathologist, (#3.0): ALLOWED		
04/10/2019	The following form was generated: A Clerk's Notice was generated and sent to: Attorney: Sarah Hamilton, Esq. Attorney: Brett Dillon, Esq.		
04/17/2019	Event Result:: Hearing on Compliance scheduled on: 04/17/2019 09:00 AM Has been: Held as Scheduled Comments: FTR Hon. Janet Kenton-Walker, Presiding Staff: Cheryl Riddle, Assistant Clerk Magistrate		
05/23/2019	Event Result:: Hearing on Compliance scheduled on: 05/23/2019 09:00 AM Has been: Held as Scheduled Comments: FTR Hon. Janet Kenton-Walker, Presiding Staff: Cheryl Riddle, Assistant Clerk Magistrate		
07/10/2019	Event Result:: Hearing on Compliance scheduled on: 07/10/2019 09:00 AM Has been: Held as Scheduled Comments: FTR (Jane Esposito - Court Monitor) Hon. Janet Kenton-Walker, Presiding Staff: Matthew S Lefebvre, Assistant Clerk Magistrate		
09/05/2019	Event Result:: Scheduling Conference scheduled on: 09/11/2019 09:00 AM Has been: Rescheduled For the following reason: Joint request of parties Hon. Janet Kenton-Walker, Presiding Staff: Matthew S Lefebvre, Assistant Clerk Magistrate		
10/25/2019	Event Result:: Scheduling Conference scheduled on: 10/25/2019 09:00 AM Has been: Held as Scheduled Comments: FTR Room 18 CM J. Witaszek Hon. James G Reardon, Jr., Presiding Staff: Matthew S Lefebvre, Assistant Clerk Magistrate Jennifer M Witaszek, Court Monitor		
10/25/2019	Commonwealth 's Certificate of Compliance (First)	4	

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Docket Date	Docket Text	File Ref Nbr.	Image Avail.
11/26/2019	Defendant 's Motion for Funds for Cell Phone Expert	5	
11/26/2019	Affidavit of Counsel in Support of Motion for Funds for Cell Phone Expert	5.1	
11/26/2019	Endorsement on Motion for Funds for Cell Phone Expert, (#5.0): ALLOWED		
11/27/2019	The following form was generated: A Clerk's Notice was generated and sent to: Attorney: Sarah Hamilton, Esq. Attorney: Brett Dillon, Esq.		
12/18/2019	Event Result:: Scheduling Conference scheduled on: 12/19/2019 09:00 AM Has been: Not Held For the following reason: Joint request of parties Comments: FTR Room 18 CM. J. Witaszek Hon. Janet Kenton-Walker, Presiding Staff: Matthew S Lefebvre, Assistant Clerk Magistrate		
12/18/2019	Defendant 's Motion for Funds for Video Forensics Expert	6	
12/18/2019	Affidavit of Counsel in Support of Motion for Funds for Video Forensics Expert	6.1	
12/18/2019	Endorsement on Motion for Funds for Video Forensics Expert, (#6.0): ALLOWED		
12/19/2019	The following form was generated: A Clerk's Notice was generated and sent to: Attorney: Sarah Hamilton, Esq. Attorney: Brett Dillon, Esq.		
01/28/2020	Event Result:: Scheduling Conference scheduled on: 01/28/2020 09:00 AM Has been: Held as Scheduled Comments: FTR Room 18 CM. J. Witaszek Hon. James G Reardon, Jr., Presiding Staff: Matthew S Lefebvre, Assistant Clerk Magistrate		
01/28/2020	Defendant 's Motion for Funds for Crime Scene Reconstructionist/Investigator	7	
01/28/2020	Affidavit of Counsel in Support of Motion for Funds for Crime Scene Reconstructionist/Investigator	7.1	
01/28/2020	Endorsement on Motion for Funds for Crime Scene Reconstructionist/Investigator, (#7.0): ALLOWED		
01/29/2020	The following form was generated: A Clerk's Notice was generated and sent to: Attorney: Sarah Hamilton, Esq. Attorney: Brett Dillon, Esq.		
03/17/2020	Court orders rescheduling due to State of Emergency surrounding the Covid-19 virus.: Hearing RE: Discovery Motion(s) scheduled on: 03/30/2020 09:00 AM Has been: Rescheduled-Covid-19 emergency Hon. James G Reardon, Jr., Presiding Staff: Gregory Benoit, Assistant Clerk Magistrate Matthew S Lefebvre, Assistant Clerk Magistrate		
04/28/2020	Court orders rescheduling due to State of Emergency surrounding the Covid-19 virus.: Hearing RE: Discovery Motion(s) scheduled on: 05/13/2020 09:00 AM Has been: Rescheduled-Covid-19 emergency Hon. Daniel M Wrenn, Presiding Staff: Matthew S Lefebvre, Assistant Clerk Magistrate		

Docket Date	Docket Text	File Ref Nbr.	Image Avail.
05/28/2020	Event Result:: Hearing RE: Discovery Motion(s) scheduled on: 07/10/2020 09:00 AM Has been: Rescheduled For the following reason: Request of Defendant Hon. William J Ritter, Presiding Staff: Matthew S Lefebvre, Assistant Clerk Magistrate		
07/16/2020	Event Result:: Hearing RE: Discovery Motion(s) scheduled on: 07/16/2020 09:50 AM Has been: Held as Scheduled Comments: FTR-held via teleconference (witaszek) Hon. Sharon Donatelle, Presiding		
09/25/2020	General correspondence regarding Defendant requested copy of docket. Sent by PM.	8	 Image
09/29/2020	Event Result:: Scheduling Conference scheduled on: 09/30/2020 09:00 AM Has been: Rescheduled For the following reason: Court Closure Hon. William J Ritter, Presiding		
09/29/2020	Defendant 's Motion to Dismiss	9	 Image
09/29/2020	Steven M Foley's Memorandum in support of Motion to Dismiss	9.1	 Image
09/29/2020	Defendant 's Motion for Discovery of "Bad Acts" Evidence	10	 Image
09/29/2020	Defendant 's Supplemental Motion for Funds for Cell Phone Expert	11	 Image
09/29/2020	Affidavit of of Sarah Hamilton in Support of Motion for Funds for Cellphone Expert	11.1	 Image
09/29/2020	Commonwealth 's Certificate of Compliance (Second)	12	 Image
10/06/2020	Defendant 's Supplemental, Motion for funds for cell phone expert	13	 Image
10/06/2020	Endorsement on , (#13.0): ALLOWED Defendant 's Supplemental, Motion for funds for cell phone expert		 Image
10/07/2020	The following form was generated: A Clerk's Notice was generated and sent to: Defendant, Attorney: Sarah Hamilton, Esq. Committee for Public Counsel Services 340 Main St Suite 7000, Worcester, MA 01608 Prosecutor, Attorney: Brett Dillon, Esq. Worcester County District Attorney's Office 225 Main St Rm G301, Worcester, MA 01608		
11/02/2020	Event Result:: Scheduling Conference scheduled on: 11/02/2020 09:00 AM Has been: Held as Scheduled Hon. David Ricciardone, Presiding		
11/02/2020	Habeas Corpus for defendant issued to Essex County House of Correction returnable for 01/21/2021 09:00 AM Non-Evidentiary Hearing to Dismiss. by zoom / polycom (PLEASE CALL COURT TO CONFIRM) CATHY BRENNAN ASST CLERK 508 831 2356	14	 Image
12/01/2020	The following form was generated: Notice to Appear Sent On: 12/01/2020 15:22:03 Notice Sent To: Sarah Hamilton, Esq. Committee for Public Counsel Services 340 Main St Suite 7000, Worcester, MA 01608 Notice Sent To: Brett Dillon, Esq. Worcester County District Attorney's Office 225 Main St Rm G301, Worcester, MA 01608 Notice Sent To: Essex County House of Correction 20 Manning Road PO Box 807, Middleton, MA 01949		
12/16/2020	Event Result:: Conference to Review Status scheduled on: 12/16/2020 02:00 PM Has been: Held as Scheduled Comments: FTR (No Court Monitor Present)		

Docket Date	Docket Text	File Ref Nbr.	Image Avail.
	Hon. James G Reardon, Jr., Presiding		
01/19/2021	Event Result:: Non-Evidentiary Hearing to Dismiss scheduled on: 01/21/2021 09:00 AM Has been: Rescheduled For the following reason: Transferred to another session Hon. James G Reardon, Jr., Presiding		
01/21/2021	Matter taken under advisement: Non-Evidentiary Hearing to Dismiss scheduled on: 01/21/2021 09:00 AM Has been: Held - Under advisement Comments: FTR (No Court Monitor Present) Hon. Janet Kenton-Walker, Presiding		
01/21/2021	Worcester County District Attorney's Memorandum in opposition to To Defendant's Motion to Dismiss	14.5	 Image
01/21/2021	Commonwealth 's Certificate of Compliance (Third)	14.6	 Image
01/21/2021	Endorsement on Motion for Discovery of "Bad Acts" Evidence, (#10.0): ALLOWED without objection		 Image
01/25/2021	Event Result:: Conference to Review Status scheduled on: 01/25/2021 09:30 AM Has been: Held as Scheduled Comments: FTR Room 10 Via Zoom Hon. Janet Kenton-Walker, Presiding		
01/25/2021	Affidavit of Sex Offender Registry Board's keeper of records document and attached exhibits impounded, filed in impound drawer	15	
03/12/2021	Defendant 's Motion for funds for bloodstain pattern analysis expert	16	 Image
03/12/2021	Affidavit filed by Defendant Steven M Foley in support of Defendant 's Motion for funds for bloodstain pattern analysis expert	16.1	 Image
03/12/2021	Endorsement on , (#16.0): ALLOWED Defendant 's Motion for funds for bloodstain pattern analysis expert		 Image
03/12/2021	The following form was generated: A Clerk's Notice was generated and sent to: Defendant, Attorney: Sarah Hamilton, Esq. Committee for Public Counsel Services 340 Main St Suite 7000, Worcester, MA 01608 Prosecutor, Attorney: Brett Dillon, Esq. Worcester County District Attorney's Office 225 Main St Rm G301, Worcester, MA 01608		
03/15/2021	Defendant 's Motion to Seal Grand Jury Transcripts and Exhibits Memorandum Citing it	17	 Image
03/15/2021	Endorsement on Motion to Seal Grand Jury Transcripts and Exhibits and Defendant's Memorandum Citing it, (#17.0): ALLOWED		 Image
03/15/2021	Endorsement on Motion to Dismiss, (#9.0): DENIED After hearing & upon a thorough review of the grand jury minutes & exhibits & defendant's motion is DENIED. The evidence was more than a sufficient to establish probable cause of the crime of murder in the first or second degree & that there was probable cause that one committed the crime to support probable cause to arrest, the applicable standard at this stage of the proceedings. *Including probable cause on all three theories based on evidence & inferences to be drawn therefrom.		 Image
03/16/2021	The following form was generated: A Clerk's Notice was generated and sent to: Defendant, Attorney: Sarah Hamilton, Esq. Committee for Public Counsel Services 340 Main St Suite 7000, Worcester, MA 01608 Prosecutor, Attorney: Brett Dillon, Esq. Worcester County District Attorney's Office 225 Main St Rm G301, Worcester, MA 01608 Holding Institution: Essex County House of Correction 20 Manning Road PO Box 807, Middleton, MA 01949		
03/16/2021	The following form was generated: A Clerk's Notice was generated and sent to: Defendant, Attorney: Sarah Hamilton, Esq. Committee for Public Counsel Services 340 Main St Suite 7000, Worcester, MA 01608		

Docket Date	Docket Text	File Ref Nbr.	Image Avail.
	Prosecutor, Attorney: Brett Dillon, Esq. Worcester County District Attorney's Office 225 Main St Rm G301, Worcester, MA 01608		
03/16/2021	Docket Note: Pleading #9 & #9.1 with appended exhibits and transcripts IMPOUNDED by Judge Kenton-Walker		
03/23/2021	Event Result:: Conference to Review Status scheduled on: 03/23/2021 09:00 AM Has been: Held via Video/Teleconference Hon. James G Reardon, Jr., Presiding		
04/23/2021	Event Result:: Scheduling Conference scheduled on: 04/28/2021 09:00 AM Has been: Rescheduled For the following reason: Request of Defendant Hon. Daniel M Wrenn, Presiding		
05/07/2021	Event Result:: Scheduling Conference scheduled on: 05/07/2021 09:00 AM Has been: Held as Scheduled Comments: FTR Room 18 Via Zoom CM J. Witaszek Hon. Daniel M Wrenn, Presiding		
05/07/2021	Defendant 's Motion for discovery of police notes and/or reports regarding neighborhood canvass	18	
05/07/2021	Defendant 's Motion for discovery of promises, rewards, inducements made to witnesses	19	
05/07/2021	Defendant 's Motion to suppress items seized pursuant to search warrants for Ford F-150 (1762SW0430), Honda CRV (1762SW0431), and 76 Shadylane Avenue (1762SW0432)	20	
05/07/2021	Affidavit filed by Defendant Steven M Foley in support of Defendant 's Motion to suppress items seized pursuant to search warrants for Ford F-150 (1762SW0430), Honda CRV (1762SW0431), and 76 Shadylane Avenue (1762SW0432)	20.1	
05/07/2021	Steven M Foley's Memorandum in support of Defendant 's Motion to suppress items seized pursuant to search warrants for Ford F-150 (1762SW0430), Honda CRV (1762SW0431), and 76 Shadylane Avenue (1762SW0432)	20.2	
06/08/2021	Defendant 's Motion to Seal Affidavit and Memorandum of Law in Support of Motion for Franks Hearing and Exhibits Attached Thereto	21	
06/08/2021	Defendant 's Motion for Franks Hearing	22	
06/08/2021	Affidavit of Counsel in Support of Motion for Franks Hearing *Filed Under Seal	22.1	
06/08/2021	Steven M Foley's Memorandum in support of Motion for Franks Hearing *Filed Under Seal	22.2	
07/12/2021	Defendant 's Motion for Discovery	23	
07/12/2021	Defendant 's Motion to Amend Defendants "Motion to Suppress Items Seized Pursuant to Search Warrants for Ford F-150 (1762SW0430), Honda CRV (1762SW0431), and 76 Shadylane Avenue (1762SW0432)	24	
07/12/2021	Event Result:: Evidentiary Hearing on Suppression scheduled on: 07/14/2021 09:00 AM Has been: Not Held For the following reason: Transferred to another session Hon. Janet Kenton-Walker, Presiding		
07/12/2021	Defendant 's Request for Defendant to Appear Via Videoconference	26	
07/12/2021	Endorsement on Request for Defendant to Appear Via Videoconference, (#26.0): ALLOWED		
07/14/2021	Event Result:: Hearing RE: Discovery Motion(s) scheduled on: 07/14/2021 09:00 AM Has been: Held as Scheduled Comments: FTR 17 Hon. James G Reardon, Jr., Presiding		

Docket Date	Docket Text	File Ref Nbr.	Image Avail.
07/14/2021	Habeas Corpus for defendant issued to Essex County House of Correction returnable for 08/18/2021 09:00 AM Non-Evidentiary Hearing on Suppression. HABA IN PERSON	25	 Image
07/14/2021	Endorsement on Motion for Discovery of Police Notes and/or Reports Regarding Neighborhood Canvass, (#18.0): ALLOWED ALLOWED by agreement to the extent they exist.		 Image
07/14/2021	The following form was generated: A Clerk's Notice was generated and sent to: Defendant, Attorney: Sarah Hamilton, Esq. Committee for Public Counsel Services 340 Main St Suite 7000, Worcester, MA 01608 Prosecutor, Attorney: Brett Dillon, Esq. Worcester County District Attorney's Office 225 Main St Rm G301, Worcester, MA 01608		
07/14/2021	Endorsement on Motion for Discovery of Promises, Rewards, Inducements Made to Witnesses, (#19.0): ALLOWED ALLOWED by agreement to the extent they exist.		 Image
07/14/2021	The following form was generated: A Clerk's Notice was generated and sent to: Defendant, Attorney: Sarah Hamilton, Esq. Committee for Public Counsel Services 340 Main St Suite 7000, Worcester, MA 01608 Prosecutor, Attorney: Brett Dillon, Esq. Worcester County District Attorney's Office 225 Main St Rm G301, Worcester, MA 01608		
07/15/2021	The following form was generated: A Clerk's Notice was generated and sent to: Defendant, Attorney: Sarah Hamilton, Esq. Committee for Public Counsel Services 340 Main St Suite 7000, Worcester, MA 01608 Prosecutor, Attorney: Brett Dillon, Esq. Worcester County District Attorney's Office 225 Main St Rm G301, Worcester, MA 01608 Holding Institution: Essex County House of Correction 20 Manning Road PO Box 807, Middleton, MA 01949		
08/16/2021	Opposition to Defendant's Motion for "FRANKS Hearing" filed by Commonwealth	27	 Image
08/17/2021	Event Result:: Non-Evidentiary Hearing on Suppression scheduled on: 08/18/2021 09:00 AM Has been: Not Held For the following reason: Transferred to another session Hon. Janet Kenton-Walker, Presiding Staff: Gregory Benoit, Assistant Clerk Magistrate Matthew S Lefebvre, Assistant Clerk Magistrate		
08/18/2021	Matter taken under advisement: Non-Evidentiary Hearing on Suppression scheduled on: 08/18/2021 09:00 AM Has been: Held - Under advisement Comments: FTR 17 Hon. James G Reardon, Jr., Presiding Staff: Joseph Spillane, Assistant Clerk Magistrate		
09/01/2021	Endorsement on Motion to Seal Affidavit and Memorandum of Law in Support of Motion for Franks Hearing and Exhibits Attached Thereto, (#21.0): ALLOWED		 Image
09/01/2021	MEMORANDUM & ORDER: DECISION AND ORDER ON DEFENDANT'S MOTION FOR A FRANKS HEARING For the reasons stated, the defendant's Motion for a Franks Hearing is DENIED. Judge: Reardon, Jr., Hon. James G -Emailed copy to Attorney Dillon, Esq., Brett; Attorney Hamilton, Esq., Sarah	28	 Image
09/02/2021	The following form was generated: A Clerk's Notice was generated and sent to: Defendant, Attorney: Sarah Hamilton, Esq. Committee for Public Counsel Services 120 Front St Suite 300, Worcester, MA 01608 Prosecutor, Attorney: Brett Dillon, Esq. Worcester County District Attorney's Office 225 Main St Rm G301, Worcester, MA 01608		

Docket Date	Docket Text	File Ref Nbr.	Image Avail.
10/13/2021	Event Result:: Conference to Review Status scheduled on: 10/13/2021 09:00 AM Has been: Held as Scheduled Comments: FTR Room 18 CM J. Esposito Hon. William J Ritter, Presiding Staff: Gregory Benoit, Assistant Clerk Magistrate Matthew S Lefebvre, Assistant Clerk Magistrate		
11/24/2021	Event Result:: Non-Evidentiary Hearing on Suppression scheduled on: 12/01/2021 09:00 AM Has been: Rescheduled For the following reason: Joint request of parties Hon. William J Ritter, Presiding Staff: Gregory Benoit, Assistant Clerk Magistrate Matthew S Lefebvre, Assistant Clerk Magistrate		
12/22/2021	Defendant 's Motion to Seal	29	
12/22/2021	Defendant 's Motion to Dismiss Due to Impairment of Grand Jury Proceedings *Redacted **Original filed in IMPOUND with exhibits	30	 Image
12/22/2021	Affidavit of Counsel in Support of Motion to Dismiss Due to Impairment of Grand Jury Proceedings *Redacted **Original filed in IMPOUND with exhibits	30.1	 Image
12/22/2021	Steven M Foley's Memorandum in support of Motion to Dismiss Due to Impairment of Grand Jury Proceedings *Redacted **Original filed in IMPOUND with exhibits	30.2	 Image
01/19/2022	Event Result:: Non-Evidentiary Hearing on Suppression scheduled on: 01/19/2022 12:00 PM Has been: Not Held For the following reason: Request of Defendant Comments: FTR (No Court Monitor Present) Hon. James G Reardon, Jr., Presiding Staff: Gregory Benoit, Assistant Clerk Magistrate Matthew S Lefebvre, Assistant Clerk Magistrate		
01/19/2022	Matter taken under advisement: Hearing RE: Discovery Motion(s) scheduled on: 01/19/2022 12:00 PM Has been: Held - Under advisement Comments: FTR (No Court Monitor Present) Hon. James G Reardon, Jr., Presiding Staff: Gregory Benoit, Assistant Clerk Magistrate Matthew S Lefebvre, Assistant Clerk Magistrate		
01/19/2022	Defendant 's Motion for Discovery	30.5	
01/24/2022	ORDER: Ruling on Defendants Motion for Discovery *Copies mailed to ADA Dillon and ATTY Hamilton	31	 Image
02/02/2022	Matter taken under advisement: Non-Evidentiary Hearing on Suppression scheduled on: 02/02/2022 09:00 AM Has been: Held - Under advisement Comments: FTR 18 Hon. James G Reardon, Jr., Presiding Staff: Matthew S Lefebvre, Assistant Clerk Magistrate		
02/02/2022	Habeas Corpus for defendant issued to Essex County House of Correction returnable for 03/16/2022 09:00 AM Non-Evidentiary Hearing to Dismiss. HABE IN PERSON	32	 Image
02/02/2022	Opposition to Defendants Motion to Suppress filed by Worcester County District Attorney	33	 Image

Docket Date	Docket Text	File Ref Nbr.	Image Avail.
02/18/2022	Endorsement on Motion to Amend Defendants "Motion to Suppress Items Seized Pursuant to Search Warrants for Ford F-150 (1762SW0430), Honda CRV (1762SW0431), and 76 Shadylane Avenue (1762SW0432), (#24.0): ALLOWED		 Image
03/04/2022	MEMORANDUM & ORDER: on Defendants Motion to Suppress For the reasons stated, Foleys Motion to Suppress is DENIED. Judge: Reardon, Jr., Hon. James G	34	 Image
03/04/2022	The following form was generated: A Clerk's Notice was generated and sent to: Defendant, Attorney: Sarah Hamilton, Esq. Committee for Public Counsel Services 120 Front St Suite 300, Worcester, MA 01608 Prosecutor, Attorney: Brett Dillon, Esq. Worcester County District Attorney's Office 225 Main St Rm G301, Worcester, MA 01608		
03/16/2022	Event Result:: Non-Evidentiary Hearing to Dismiss scheduled on: 03/16/2022 09:00 AM Has been: Not Held For the following reason: Request of Commonwealth Comments: FTR 18 Hon. James G Reardon, Jr., Presiding Staff: Matthew S Lefebvre, Assistant Clerk Magistrate Joseph Spillane, Assistant Clerk Magistrate		
03/16/2022	Habeas Corpus for defendant issued to Essex County House of Correction returnable for 04/26/2022 09:00 AM Non-Evidentiary Hearing to Dismiss. IN PERSON HABE	35	 Image
04/25/2022	Worcester County District Attorney's Memorandum in opposition to the Defendants Motion to Dismiss	35.5	 Image
04/26/2022	Habeas Corpus for defendant issued to Essex County House of Correction returnable for 05/19/2022 09:00 AM Non-Evidentiary Hearing to Dismiss. in person	36	
04/26/2022	Event Result:: Non-Evidentiary Hearing to Dismiss scheduled on: 04/26/2022 09:00 AM Has been: Not Held For the following reason: Event Changed Hon. Daniel M Wrenn, Presiding Staff: Matthew S Lefebvre, Assistant Clerk Magistrate		
04/26/2022	Event Result:: Scheduling Conference scheduled on: 04/26/2022 09:00 AM Has been: Held as Scheduled Hon. James G Reardon, Jr., Presiding Staff: Catherine M Brennan, Assistant Clerk Magistrate		
04/26/2022	Habeas Corpus for defendant issued to Essex County House of Correction returnable for 05/26/2022 09:00 AM Non-Evidentiary Hearing to Dismiss. in Person	37	 Image
05/24/2022	Event Result:: Non-Evidentiary Hearing to Dismiss scheduled on: 05/26/2022 09:00 AM Has been: Rescheduled For the following reason: Request of Defendant Hon. James G Reardon, Jr., Presiding Staff: Catherine M Brennan, Assistant Clerk Magistrate		
05/24/2022	Habeas Corpus for defendant issued to Essex County House of Correction returnable for 07/14/2022 09:00 AM Non-Evidentiary Hearing to Dismiss. in person	38	 Image
07/14/2022	Scheduled: Event: Jury Trial Date: 03/09/2023 Time: 09:00 AM Result: Rescheduled		

Docket Date	Docket Text	File Ref Nbr.	Image Avail.
07/14/2022	Scheduled: Event: Jury Trial Date: 03/13/2023 Time: 09:00 AM Result: Rescheduled		
07/14/2022	Habeas Corpus for defendant issued to Essex County House of Correction returnable for 03/09/2023 09:00 AM Jury Trial. 8:30 Sharp for trial	39	 Image
07/14/2022	Habeas Corpus for defendant issued to Essex County House of Correction returnable for 03/13/2023 09:00 AM Jury Trial. 8:30 Sharp for trial	40	 Image
07/14/2022	Matter taken under advisement: Non-Evidentiary Hearing to Dismiss scheduled on: 07/14/2022 09:00 AM Has been: Held - Under advisement Comments: FTR Room 17 Hon. James G Reardon, Jr., Presiding Staff: Gregory Benoit, Assistant Clerk Magistrate		
08/04/2022	MEMORANDUM & ORDER: on Defendants Motion to Dismiss Pursuant to Commonwealth v. O'Dell, 392 Mass. 445 (1984) For the reasons stated, the defendants Motion to Dismiss is DENIED. Judge: Reardon, Jr., Hon. James G	41	 Image
08/25/2022	Event Result:: Jury Trial scheduled on: 03/09/2023 09:00 AM Has been: Rescheduled For the following reason: Joint request of parties Comments: FTR Room 18 CM J. Esposito Hon. Valerie A Yarashus, Presiding		
08/25/2022	Event Result:: Conference to Review Status scheduled on: 08/25/2022 09:00 AM Has been: Held as Scheduled Comments: FTR Room 18 CM J. Esposito Hon. Valerie A Yarashus, Presiding Staff: Matthew S Lefebvre, Assistant Clerk Magistrate Joseph Spillane, Assistant Clerk Magistrate		
08/25/2022	Scheduled: Event: Jury Trial Date: 03/30/2023 Time: 09:00 AM Result: Rescheduled		
08/25/2022	Scheduled: Event: Jury Trial Date: 04/03/2023 Time: 09:00 AM Result: Rescheduled		
08/25/2022	Event Result:: Jury Trial scheduled on: 03/13/2023 09:00 AM Has been: Rescheduled For the following reason: Joint request of parties Comments: FTR Room 18 CM J. Esposito Hon. Valerie A Yarashus, Presiding		
08/25/2022	Habeas Corpus for defendant issued to Essex County House of Correction returnable for 03/30/2023 09:00 AM Jury Trial. Please arrive by 8:30AM Sharp for trial	42	 Image
08/25/2022	Habeas Corpus for defendant issued to Essex County House of Correction returnable for 04/03/2023 09:00 AM Jury Trial. Please arrive by 8:30AM Sharp for trial	43	 Image

Docket Date	Docket Text	File Ref Nbr.	Image Avail.
08/25/2022	Commonwealth 's Request for Continuance ALLOWED Judge Yarashus	44	 Image
11/16/2022	Event Result:: Conference to Review Status scheduled on: 01/18/2023 09:00 AM Has been: Held as Scheduled Comments: ftr 18 Hon. Valerie A Yarashus, Presiding		
11/16/2022	Event Result:: Conference to Review Status scheduled on: 11/16/2022 09:00 AM Has been: Held as Scheduled Comments: ftr 18 Hon. Valerie A Yarashus, Presiding Staff: Matthew S Lefebvre, Assistant Clerk Magistrate		
12/27/2022	Attorney appearance On this date Tiffany Alanna Scanlon, Esq. added as Attorney for the Commonwealth for Prosecutor Worcester County District Attorney		
01/05/2023	Commonwealth 's Motion for Reciprocal Discovery	45	 Image
01/18/2023	Event Result:: Conference to Review Status scheduled on: 01/18/2023 09:00 AM Has been: Held as Scheduled Comments: FTR / JW (court monitor) Hon. William J Ritter, Presiding		
01/18/2023	Endorsement on Motion for Reciprocal Discovery, (#45.0): ALLOWED No objection, ALLOWED as to both cases.		 Image
01/18/2023	The following form was generated: A Clerk's Notice was generated and sent to: Defendant, Attorney: Sarah Hamilton, Esq. Committee for Public Counsel Services 120 Front St Suite 300, Worcester, MA 01608 Prosecutor, Attorney: Brett Dillon, Esq. Worcester County District Attorney's Office 225 Main St Rm G301, Worcester, MA 01608 Prosecutor, Attorney: Tiffany Alanna Scanlon, Esq. Worcester County District Attorney's Office 225 Main St Rm G301, Worcester, MA 01608		
02/01/2023	Defendant 's Motion for Funds for Forensic Pathologist - #2	46	 Image
02/01/2023	Affidavit of Counsel in Support of Defendants Motion for Funds for Forensic Pathologist - #2	46.1	 Image
02/01/2023	Endorsement on Motion for Funds for Forensic Pathologist - #2, (#46.0): ALLOWED		 Image
02/01/2023	Defendant 's Supplemental Motion for Funds for Crime Scene Reconstructionist/Investigator	47	 Image
02/01/2023	Affidavit of Counsel in Support of Supplemental Motion for Funds for Crime Scene Reconstructionist/ Investigator	47.1	 Image
02/01/2023	Endorsement on Supplemental Motion for Funds for Crime Scene Reconstructionist/Investigator, (#47.0): ALLOWED		 Image
02/02/2023	The following form was generated: A Clerk's Notice was generated and sent to: Defendant, Attorney: Sarah Hamilton, Esq. Committee for Public Counsel Services 120 Front St Suite 300, Worcester, MA 01608 Prosecutor, Attorney: Brett Dillon, Esq. Worcester County District Attorney's Office 225 Main St Rm G301, Worcester, MA 01608 Prosecutor, Attorney: Tiffany Alanna Scanlon, Esq. Worcester County District Attorney's Office 225 Main St Rm G301, Worcester, MA 01608		
02/02/2023	The following form was generated: A Clerk's Notice was generated and sent to: Defendant, Attorney: Sarah Hamilton, Esq. Committee for Public Counsel Services 120 Front St Suite 300, Worcester, MA 01608 Prosecutor, Attorney: Brett Dillon, Esq. Worcester County District Attorney's Office 225 Main St Rm G301, Worcester, MA 01608		

Docket Date	Docket Text	File Ref Nbr.	Image Avail.
	Prosecutor, Attorney: Tiffany Alanna Scanlon, Esq. Worcester County District Attorney's Office 225 Main St Rm G301, Worcester, MA 01608		
02/24/2023	Event Result:: Final Trial Conference scheduled on: 02/24/2023 09:00 AM Has been: Not Held For the following reason: Request of Defendant Comments: FTR (J. Esposito - Court Monitor) Hon. William J Ritter, Presiding Staff: Matthew S Lefebvre, Assistant Clerk Magistrate		
02/24/2023	Event Result:: Jury Trial scheduled on: 03/30/2023 09:00 AM Has been: Rescheduled For the following reason: Request of Defendant Comments: FTR (J. Esposito - Court Monitor) Hon. William J Ritter, Presiding Staff: Matthew S Lefebvre, Assistant Clerk Magistrate		
02/24/2023	Event Result:: Jury Trial scheduled on: 04/03/2023 09:00 AM Has been: Rescheduled For the following reason: Request of Defendant Comments: FTR (J. Esposito - Court Monitor) Hon. William J Ritter, Presiding Staff: Matthew S Lefebvre, Assistant Clerk Magistrate		
02/24/2023	Scheduled: Judge: Manitsas, Hon. James M Event: Jury Trial Date: 08/17/2023 Time: 09:00 AM Result: Canceled		
02/24/2023	Scheduled: Judge: Manitsas, Hon. James M Event: Jury Trial Date: 08/21/2023 Time: 09:00 AM Result: Rescheduled		
02/24/2023	Defendant 's Motion to Continue Trial Date	48	
02/24/2023	Affidavit of Counsel in Support of Defendants Motion to Continue Trial Date	48.1	
02/24/2023	Endorsement on Motion to Continue Trial Date, (#48.0): ALLOWED		
02/24/2023	Defendant 's Notice of Expert Witness - Forensic Pathology	49	
02/24/2023	Defendant 's Notice of Expert Witness - DNA	50	
02/24/2023	Defendant 's Notice of Expert Witness - Crime Scene Reconstruction	51	
02/24/2023	Defendant 's Notice of Expert Witness - Computer/Cell Phone Forensics	52	
02/24/2023	Defendant 's Notice of Expert Witness - Blood Stain Pattern Analyst	53	
02/27/2023	The following form was generated: A Clerk's Notice was generated and sent to: Defendant, Attorney: Sarah Hamilton, Esq. Committee for Public Counsel Services 120 Front St Suite 300, Worcester, MA 01608 Prosecutor, Attorney: Brett Dillon, Esq. Worcester County District Attorney's Office 225 Main St Rm G301, Worcester, MA 01608 Prosecutor, Attorney: Tiffany Alanna Scanlon, Esq. Worcester County District Attorney's Office 225 Main St Rm G301, Worcester, MA 01608		

Docket Date	Docket Text	File Ref Nbr.	Image Avail.
05/30/2023	Event Result:: Final Trial Conference scheduled on: 05/31/2023 09:00 AM Has been: Rescheduled For the following reason: Joint request of parties Hon. Karin Bell, Presiding Staff: Matthew S Lefebvre, Assistant Clerk Magistrate		
06/29/2023	Event Result:: Final Trial Conference scheduled on: 06/30/2023 09:00 AM Has been: Not Held For the following reason: Transferred to another session Hon. Karin Bell, Presiding Staff: Matthew S Lefebvre, Assistant Clerk Magistrate		
06/30/2023	Event Result:: Final Trial Conference scheduled on: 06/30/2023 09:00 AM Has been: Held as Scheduled Comments: ftr Hon. Daniel M Wrenn, Presiding Staff: Catherine M Brennan, Assistant Clerk Magistrate		
06/30/2023	Event Result:: Jury Trial scheduled on: 08/17/2023 09:00 AM Has been: Canceled For the following reason: Event Changed Hon. Daniel M Wrenn, Presiding Staff: Matthew S Lefebvre, Assistant Clerk Magistrate		
06/30/2023	Event Result:: Jury Trial scheduled on: 08/21/2023 09:00 AM Has been: Rescheduled For the following reason: Request of Commonwealth Hon. Daniel M Wrenn, Presiding Staff: Matthew S Lefebvre, Assistant Clerk Magistrate		
06/30/2023	Scheduled: Judge: Wrenn, Hon. Daniel M Event: Jury Trial Date: 08/24/2023 Time: 09:00 AM Result: Rescheduled		
06/30/2023	Scheduled: Judge: Wrenn, Hon. Daniel M Event: Jury Trial Date: 08/28/2023 Time: 09:00 AM Result: Held as Scheduled		
06/30/2023	Defendant 's Supplemental Motion for Funds for DNA Expert	54	
06/30/2023	Affidavit filed by Defendant Steven M Foley in support of Defendants Supplemental Motion for Funds for DNA Expert	54.1	 
06/30/2023	Endorsement on Motion for Funds for DNA Expert, (#54.0): ALLOWED		
06/30/2023	Defendant 's Motion for Funds for Toxicologist	55	
06/30/2023	Affidavit of Counsel in Support of Defendants Motion for Funds for Toxicologist	55.1	 
06/30/2023	Endorsement on Motion for Funds for Toxicologist, (#55.0): ALLOWED		
07/31/2023	Scheduled: Judge: Wrenn, Hon. Daniel M Event: Jury Trial Date: 08/22/2023 Time: 09:00 AM Result: Held as Scheduled		
07/31/2023	Scheduled: Judge: Wrenn, Hon. Daniel M Event: Jury Trial		

Docket Date	Docket Text	File Ref Nbr.	Image Avail.
	Date: 08/23/2023 Time: 09:00 AM Result: Not Held		
07/31/2023	Event Result:: Jury Trial scheduled on: 08/24/2023 09:00 AM Has been: Rescheduled For the following reason: Lack of Jurors Hon. Daniel M Wrenn, Presiding		
07/31/2023	Request for jurors 85	56	 Image
07/31/2023	Commonwealth 's Motion for Joinder Pursuant to Massachusetts Rule of Criminal Procedure 9(a)(3)	57	 Image
07/31/2023	Commonwealth 's Motion in Limine to Admit Prior Convictions of the Defendant	58	 Image
07/31/2023	Commonwealth 's Motion in Limine for Admission of In-Court Identification	59	 Image
07/31/2023	Commonwealth 's Motion for a View	60	 Image
07/31/2023	Commonwealth 's Motion to Exempt Family Member of Victim From General Order of Sequestration	61	 Image
07/31/2023	Commonwealth 's Motion in Limine to Introduce Photograph of the Victim When She Was Alive	62	 Image
07/31/2023	Commonwealth 's Motion in Limine to Admit Autopsy Photographs of Victim	63	 Image
07/31/2023	Defendant 's Motion in Limine to Sequester Witnesses	64	 Image
07/31/2023	Defendant 's Motion in Limine to Preclude Use of the Term "Victim"	65	 Image
07/31/2023	Defendant 's Motion to Propound Questions to the Jury	66	 Image
07/31/2023	Defendant 's Motion in Limine to Exclude or Limit the Introduction of Inflammatory Gruesome Photographs	67	 Image
07/31/2023	Defendant 's Motion in Limine Regarding Death Certificate and Use of the Term "Homicide" by Medical Examiner	68	 Image
07/31/2023	Defendant 's Motion in Limine to Prohibit Admission of Expert Testimony of Medical Examiner and Request for Hearing	69	 Image
07/31/2023	Affidavit of Counsel in Support of Defendants Motion in Limine to Prohibit Admission of Expert Testimony of Medical Examiner and Request for Hearing	69.1	 Image
07/31/2023	Defendant 's Motion in Limine to Exclude Impeachment Evidence of Defendants Convictions	70	 Image
07/31/2023	Defendant 's Motion in Limine for Exculpatory Evidence Including Change in Witness Testimony	71	 Image
08/09/2023	Event Result:: Final Trial Conference scheduled on: 08/09/2023 11:30 AM Has been: Held as Scheduled Comments: FTR Room 17 CM J. Witaszek Hon. Daniel M Wrenn, Presiding		 Image
08/09/2023	Endorsement on Motion for Joinder Pursuant to Massachusetts Rule of Criminal Procedure 9(a)(3), (#57.0): ALLOWED		 Image
08/09/2023	Endorsement on Motion in Limine for Admission of In-Court Identification, (#59.0): ALLOWED		 Image
08/09/2023	Endorsement on Motion for a View, (#60.0): ALLOWED		 Image
08/09/2023	Endorsement on Motion in Limine to Sequester Witnesses, (#64.0): ALLOWED		 Image
08/16/2023	Commonwealth 's Motion to Introduce Evidence of Defendant's Prior Conduct for the Purpose of Demonstrating Motive and Intent	72	 Image
08/17/2023	Event Result:: Hearing on Motion(s) in Limine scheduled on: 08/17/2023 09:00 AM Has been: Held as Scheduled		

Docket Date	Docket Text	File Ref Nbr.	Image Avail.
	Comments: FTR Room 17 CM J. Witaszek Hon. Daniel M Wrenn, Presiding		
08/17/2023	Endorsement on Motion to Exempt Family Member of Victim From General Order of Sequestration, (#61.0): ALLOWED		 Image
08/17/2023	Defendant 's Notice of Expert Witness - Toxicologist	73	 Image
08/17/2023	Witness list Applies To: Worcester County District Attorney (Prosecutor)	74	 Image
08/17/2023	Endorsement on Motion in limine to Introduce Photograph of the Victim When She Was Alive, (#62.0): ALLOWED		 Image
08/17/2023	Endorsement on Motion in limine to Exclude or Limit the Introduction of Inflammatory Gruesome Photographs, (#67.0): Other action taken ALLOWED in part for the reasons as stated in court.		 Image
08/17/2023	Endorsement on Motion in limine Regarding Death Certificate and Use of the Term "Homicide" by Medical Examiner, (#68.0): Other action taken ALLOWED as to death certificate.		 Image
08/17/2023	Endorsement on Motion in limine for Exculpatory Evidence Including Change in Witness Testimony, (#71.0): ALLOWED		 Image
08/17/2023	Endorsement on Motion to Introduce Evidence of Defendant's Prior Conduct for the Purpose of Demonstrating Motive and Intent, (#72.0): DENIED DENIED as stated in court.		 Image
08/17/2023	Defendant 's Supplemental, Motion for Funds for Toxicologist	75	 Image
08/17/2023	Affidavit of Attorney Hamilton, Esq., Sarah Affidavit of Counsel in support of Motion for Funds for Toxicologist	75.1	 Image
08/17/2023	Endorsement on Supplemental, Motion for Funds for Toxicologist, (#75.0): ALLOWED		 Image
08/17/2023	Commonwealth, Defendant 's Stipulation of the Parties	76	 Image
08/17/2023	Endorsement on Motion in limine to Prohibit Admission of Expert Testimony of Medical Examiner and Request for Hearing, (#69.0): DENIED DENIED. Word homicide is excluded. Judge: Wrenn, Hon. Daniel M		Image
08/17/2023	Docket Note: Items marked for ID from Jury trial filed- CR Clerk		
08/22/2023	Event Result:: Jury Trial scheduled on: 08/22/2023 09:00 AM Has been: Held as Scheduled Comments: FTR Room 17 CM J. Witaszek Hon. Daniel M Wrenn, Presiding		
08/22/2023	Habeas Corpus for defendant issued to Worcester County House of Correction returnable for 08/28/2023 09:00 AM Jury Trial. 8:30 AM Sharp and everyday thereafter until verdict	77	
08/22/2023	Event Result:: Jury Trial scheduled on: 08/23/2023 09:00 AM Has been: Not Held For the following reason: Event Changed Hon. Daniel M Wrenn, Presiding		
08/28/2023	Scheduled: Judge: Wrenn, Hon. Daniel M Event: Jury Trial Date: 08/29/2023 Time: 09:00 AM Result: Held as Scheduled		
08/28/2023	Scheduled: Judge: Wrenn, Hon. Daniel M Event: Jury Trial Date: 08/30/2023 Time: 09:00 AM		

Docket Date	Docket Text	File Ref Nbr.	Image Avail.
	Result: Held as Scheduled		
08/28/2023	Event Result:: Jury Trial scheduled on: 08/28/2023 09:00 AM Has been: Held as Scheduled Comments: FTR Room 17 CM J. Esposito Hon. Daniel M Wrenn, Presiding		
08/29/2023	Scheduled: Judge: Wrenn, Hon. Daniel M Event: Jury Trial Date: 08/31/2023 Time: 09:00 AM Result: Held as Scheduled		
08/29/2023	Event Result:: Jury Trial scheduled on: 08/29/2023 09:00 AM Has been: Held as Scheduled Comments: FTR Room 17 CM J. Esposito Hon. Daniel M Wrenn, Presiding		
08/30/2023	Scheduled: Judge: Wrenn, Hon. Daniel M Event: Jury Trial Date: 09/01/2023 Time: 09:00 AM Result: Held as Scheduled		
08/30/2023	Event Result:: Jury Trial scheduled on: 08/30/2023 09:00 AM Has been: Held as Scheduled Comments: FTR Room 17 CM J. Esposito Hon. Daniel M Wrenn, Presiding		
08/30/2023	Request for Jury instructions filed by Defendant Steven M Foley	78	
08/30/2023	Defendant 's Motion for Required Finding of Not Guilty at the Close of the Commonwealth's Case	79	
08/30/2023	Defendant 's Memorandum in support for Required Finding of Not Guilty at the Close of the Commonwealth's Case	80	
08/30/2023	Endorsement on Motion for Required Finding of Not Guilty at the Close of the Commonwealth's Case, (#79.0): DENIED DENIED at the close of the evidence.		
08/31/2023	Event Result:: Jury Trial scheduled on: 08/31/2023 09:00 AM Has been: Held as Scheduled Comments: FTR Room 17 CM J. Esposito Hon. Daniel M Wrenn, Presiding		
08/31/2023	Defendant 's Motion for Required Finding of Not Guilty at the Close of All Evidence	81	
08/31/2023	Endorsement on Motion for Required Finding of Not Guilty at the Close of All Evidence, (#81.0): DENIED DENIED at the close of all the evidence.		
09/01/2023	Offense Disposition:: Charge #1 MURDER c265 §1 On: 09/01/2023 Judge: Hon. Daniel M Wrenn By: Jury Trial Guilty Verdict - 2nd Degree		
09/01/2023	Event Result:: Jury Trial scheduled on: 09/01/2023 09:00 AM Has been: Held as Scheduled Comments: FTR Room 17 CM J. Esposito Hon. Daniel M Wrenn, Presiding		

Docket Date	Docket Text	File Ref Nbr.	Image Avail.
09/01/2023	List of exhibits Exhibit and Witness List: 08/17/2023 - 09/01/2023 located in locked room c-1	82	 Image
09/01/2023	Verdict affirmed, verdict slip filed Murder - MGL c.265 § 1 (X) Guilty of the Lesser Included - 2nd Degree Murder	83	 Image
09/01/2023	The defendant\petitioner is committed without bail for the following reason: Per Order of the Court. Defendant having been found Guilty of Second Degree Murder	84	 Image
09/05/2023	Defendant sentenced:: Sentence Date: 09/05/2023 Judge: Hon. Daniel M Wrenn Charge #: 1 MURDER c265 §1 - 2nd Degree Murder Life with Parole Not Less Than: 25 Years, 0 Months, 0 Days Committed to Souza Baranowski Correctional Center Credits 2085 Days Further Orders of the Court: All Fees Waived		
09/05/2023	Event Result:: Hearing for Sentence Imposition scheduled on: 09/05/2023 09:00 AM Has been: Held as scheduled Comments: FTR Room 17 Hon. Daniel M Wrenn, Presiding		
09/05/2023	Defendant notified of right of appeal to the Appellate Division of the Superior Court within ten (10) days. Defendant notified of right of appeal to the Appeals Court within thirty (30) days. Judge: Wrenn, Hon. Daniel M	85	
09/05/2023	Issued on this date: Mittimus for Sentence (All Charges) Sent On: 09/05/2023 09:48:44	86	 Image
09/05/2023	Notice of appeal filed. Applies To: Foley, Steven M (Defendant)	87	 Image
09/05/2023	Findings and Order of Statutory Fees Victim Witness Fee - WAIVED DNA Fee - WAIVED Judge: Wrenn, Hon. Daniel M	88	 Image
09/05/2023	After finding of severe financial hardship, victim/witness fee waived. Judge: Wrenn, Hon. Daniel M		
09/05/2023	DNA fee of \$110 to be paid by defendant. Judge: Wrenn, Hon. Daniel M		
09/05/2023	DNA fee WAIVED Judge: Wrenn, Hon. Daniel M		
09/11/2023	Notice of appeal from sentence to Souza Baranowski Correctional Center filed by defendant	89	 Image
09/11/2023	Notification to the Appellate Division sent.		Image

Docket Date	Docket Text	File Ref Nbr.	Image Avail.
09/15/2023	Document: Letter to the Appellate Division Sent On: 09/15/2023 14:15:10		
11/17/2023	Appeal for review of sentence entered at the Appellate Division: Originating Court: Worcester County Receiving Court: Suffolk County Criminal Case Number: 2384AD215-WO ;		
01/08/2024	Attorney appearance On this date David M Osborne, Esq. added as Appointed - Appellate Action for Defendant Steven M Foley		
01/08/2024	David M Osborne, Esq.'s Notice of Appearance	90	 Image
01/08/2024	David M Osborne, Esq.'s Certificate of Service	90.1	 Image
01/08/2024	Attorney appearance On this date Sarah Hamilton, Esq. dismissed/withdrawn for Defendant Steven M Foley		 Image
01/08/2024	Attorney appearance On this date David M Osborne, Esq. added as Appointed - Appellate Action for Defendant Steven M Foley		
05/22/2024	Defendant 's Motion for Expert Funds Pursuant to Mass.R.CR.P.30(c)(5) Exhibits Appended to P# 91 in sealed Envelope Attorney: Osborne, Esq., David M	91	 Image
05/23/2024	Endorsement on Motion for Expert Funds Pursuant to Mass. R. CR. P. 30(c)(5), (#91.0): The Commonwealth has 30 days to file a responsive pleading		 Image
06/12/2024	's Opposition to Defendant's Motion for Funds Exhibits placed in envelope Given to ACM Matt Lefebvre	92	 Image
06/13/2024	General correspondence regarding Transcript burned to CD and placed in case file	93	
06/17/2024	Defendant 's Motion for Leave to File Memorandum of Law and Supplemental Affidavit Under Seal for This Court's in Camera Review in Further Support of Motion for Expert Funds Pursuant to Mass. R. CR. P. 30(c)(5) Given to ACM ML 6/17/24	94	 Image
06/17/2024	David M Osborne, Esq.'s Certificate of Service In RE:P#94	94.1	 Image
07/09/2024	Endorsement on Motion Motion for Leave to File Memorandum of Law and Supplemental Affidavit Under Seal for This Court's in Camera Review in Further Support of Motion for Expert Funds Pursuant to Mass. R. CR. P. 30(c)(5), (#94.0): ALLOWED Attest Matthew Lefebvre Asst. Clerk Judge: Wrenn, Hon. Daniel M		 Image
07/15/2024	Steven M Foley's Memorandum in support of Motion for Expert Funds Pursuant to Mass. R. CR. P. 30(c)(5) Filed Under Seal - Located in Sealed Envelope	95	
07/15/2024	Affidavit of David M. Osborne Filed Under Seal - Located in Sealed Envelope w/ Memorandum in Support of Motion for Expert Funds Pursuant to Mass. R. CR. P. 30(c)(5)	95.1	
09/09/2024	Attorney appearance On this date Elyn H Lazar, Esq. added for Prosecutor Worcester County District Attorney		
09/09/2024	Matter taken under advisement: Motion Hearing scheduled on: 09/09/2024 09:00 AM Has been: Held - Under advisement Hon. Daniel M Wrenn, Presiding Staff: Catherine M Brennan, Assistant Clerk Magistrate		

Docket Date	Docket Text	File Ref Nbr.	Image Avail.
09/19/2024	Endorsement on Motion for funds Pursuant to Mass. R. CR. P. 30(c)(5), (#91.0): ALLOWED See P#53 in leading case 1885CR97 (Wrenn, J.) Attest: Catherine Brennan ACM		 Image
11/08/2024	General correspondence regarding Appeal - Continued to 2025 Applies To: Foley, Steven M (Defendant)	96	 Image
02/18/2025	Docket Note: Appeal assemble. See lead case 1885CR00097.		
02/20/2025	Appeal entered in Appeals Court on 02/20/2025 docket number No.2025-P-192	97	
02/26/2025	Appeal entered in Appeals Court on 02/20/2025 docket number No. 2025-P-0192	98	 Image
08/29/2025	Notice of docket entry received from Appeals Court Please take note that, with respect to the Status Report filed for Steven M. Foley by Attorney David Osborne. (Paper #6), on August 29, 2025, the following entry was made on the docket (2025-P-0192): RE#6: The defendant is given leave to file and the trial court is given leave to consider a motion for new trial. Appellate proceedings are stayed to 10/6/25. Status report due then confirming the filing of the motion for new trial. *Notice/Attest/Wrenn, J.	99	 Image
09/19/2025	Defendant 's Motion for new trial and request for discovery and an evidentiary hearing	100	 Image
09/19/2025	David M Osborne, Esq.'s Certificate of Service	100.1	 Image
09/19/2025	Steven M Foley's Memorandum in support of Defendant's Motion for new trial and request for discovery and an evidentiary hearing Exhibits appended filed under lead case 1885CR97	100.2	 Image
10/27/2025	Endorsement on Motion for New Trial and Request for Discovery and an Evidentiary Hearing, (#100.0): Commonwealth shall have 90 days to respond Judge: Wrenn, Hon. Daniel M		 Image
10/31/2025	Attorney appearance On this date Rose-Ellen El Khoury, Esq. added as Attorney for the Commonwealth for Prosecutor Worcester County District Attorney	100.5	 Image
10/31/2025	Rose-Ellen El Khoury, Esq.'s Certificate of Service	100.6	 Image
11/20/2025	Appeal for review of sentence withdrawn by defendant Applies To: Foley, Steven M (Defendant)	101	 Image
01/21/2026	Commonwealth 's Motion to Enlarge Time to File	102	 Image
01/21/2026	Rose-Ellen El Khoury, Esq.'s Certificate of Service	102.1	 Image
02/05/2026	Endorsement on Motion to enlarge time to file, (#102.0): ALLOWED Judge: Wrenn, Hon. Daniel M		 Image
03/13/2026	Commonwealth 's Motion to Enlarge time to file Left w. ACM J. Villali Attorney: El Khoury, Esq., Rose-Ellen	103	 Image
03/13/2026	Rose-Ellen El Khoury, Esq.'s Certificate of Service	103.1	 Image
03/16/2026	Endorsement on Motion to enlarge time to file, (#103.0): ALLOWED Attest: Jorge Villali, ACM Judge: Wrenn, Hon. Daniel M		 Image
03/20/2026	Opposition to the Defendant's Motion for a New Trial and Request for Discovery and an Evidentiary Hearing filed by Worcester County District Attorney Exhibits Appended filed under leading case 1885CR97	104	 Image

Docket Date	Docket Text	File Ref Nbr.	Image Avail.
	Given to ACM JV for J. Wrenn		
03/20/2026	Rose-Ellen El Khoury, Esq.'s Certificate of Service	104.1	
03/20/2026	List of exhibits Commonwealth's List of Exhibits RE: P#104	105	 Image
03/20/2026	Attorney appearance On this date Tiffany Alanna Scanlon, Esq. dismissed/withdrawn as Attorney for the Commonwealth for Prosecutor Worcester County District Attorney		
03/20/2026	Attorney appearance On this date Brett Dillon, Esq. dismissed/withdrawn as Attorney for the Commonwealth for Prosecutor Worcester County District Attorney		
04/27/2026	Habeas Corpus for defendant issued to North Central Correctional Center returnable for 05/29/2026 11:00 AM Conference to Review Status. In Person	106	
05/26/2026	Defendant 's Motion for Discovery in Support of his Motion for a New Trial Attorney: Osborne, Esq., David M	107	 Image
05/26/2026	Defendant 's Reply to Commonwealth's Opposition to Defendant's Motion for a New Trial and Request for Discovery and an Evidentiary Hearing Attorney: Osborne, Esq., David M	108	 Image
05/29/2026	Event Result:: Conference to Review Status scheduled on: 05/29/2026 11:00 AM Has been: Held via Video/Phone Hon. Daniel M Wrenn, Presiding		
06/11/2026	Habeas Corpus for defendant issued to MCI - Gardner returnable for 07/02/2026 09:00 AM Conference to Review Status. cancelled per court	109	 Image
06/22/2026	Defendant 's Motion for this Court to Report an Important Question of Law to the Appeals Court Pursuant to Mass. R. Crim. P. 34	110	 Image
06/22/2026	David M Osborne, Esq.'s Certificate of service (re: #110)	110.1	 Image
07/01/2026	Event Result:: Conference to Review Status scheduled on: 07/02/2026 09:00 AM Has been: Canceled For the following reason: By Court prior to date Hon. Daniel M Wrenn, Presiding		
07/02/2026	Commonwealth 's Response to the Defendant's Motion for Production of Post-Conviction Discovery Under Mass. R. Crim. P. 30(c)(4) Certificate of Service attached Attorney: El Khoury, Esq., Rose-Ellen	111	 Image
07/06/2026	Habeas Corpus for defendant issued to MCI - Gardner returnable for 07/07/2026 09:00 AM Conference to Review Status.	112	 Image
07/06/2026	Event Result:: Conference to Review Status scheduled on: 07/07/2026 09:00 AM Has been: Rescheduled For the following reason: Transferred to another session Hon. Daniel M Wrenn, Presiding		
07/07/2026	Event Result:: Conference to Review Status scheduled on: 07/07/2026 09:00 AM Has been: Held as Scheduled Comments: FTR Hon. Daniel M Wrenn, Presiding		
07/15/2026	Endorsement on Motion for this Court to Report an Important Question of Law to the Appeals Court Pursuant to Mass. R. Crim. P. 34, (#110.0): ALLOWED See memorandum of decision. Attest: Matthew S. Lefebvre, ACM Judge: Wrenn, Hon. Daniel M		 Image

<u>Docket Date</u>	<u>Docket Text</u>	<u>File Ref Nbr.</u>	<u>Image Avail.</u>
07/15/2026	MEMORANDUM & ORDER: on Defendant's Motion for this Court to Report an Important Question of Law to the Appeals Court Pursuant to Mass. R. Crim. P. 34 The court ALLOWS the defendant's motion and reports the question set forth above to the Appeals Court for resolution pursuant to Mass. R. Crim. P. 34. Judge: Wrenn, Hon. Daniel M	113	 Image
07/16/2026	Notice of assembly of record sent to Counsel	114	 Image
07/16/2026	Appeal: Statement of the Case on Appeal (Cover Sheet).	115	 Image
07/16/2026	Docket Note: Report of a Case for Determination emailed to Appeals Court		Image
07/17/2026	Appeal entered in Appeals Court on 07/16/2026 docket number 2026-P-1032	116	 Image

Case Disposition

<u>Disposition</u>	<u>Date</u>	<u>Case Judge</u>
Disposed by Jury Verdict	09/01/2023	

EXHIBIT B

COMMONWEALTH OF MASSACHUSETTS

WORCESTER, ss.

SUPERIOR COURT
CRIMINAL ACTION
No. 1885CR00097

COMMONWEALTH

v.

STEVEN FOLEY

**MEMORANDUM OF DECISION AND ORDER ON DEFENDANT'S MOTION
FOR THIS COURT TO REPORT AN IMPORTANT QUESTION OF LAW TO THE
APPEALS COURT PURSUANT TO MASS. R. CRIM. P. 34**

The defendant following a multi-day jury trial was convicted of second-degree murder.¹ The defendant has filed a motion for a new trial raising, among other issues, ineffective assistance of counsel.

Trial counsel was Superior Court Justice Sarah Hamilton, who at the time was representing the defendant through the Committee for Public Counsel. As part of the submission for new trial, appellate defense counsel has submitted a limited affidavit from Judge Hamilton. Judge Hamilton, relying on an opinion from the Committee on Judicial Ethics, has provided the affidavit that contains factual information but has declined to provide information regarding strategic decisions in the handling of the case.

This court has had several preliminary hearings to review the issue with counsel and appellate counsel has requested an evidentiary hearing. The court has declined the evidentiary hearing at this point, given that, considering Judge Hamilton's affidavit, any questions put to her that raised strategic issues she would decline to answer.

¹ In a separate indictment but related matter, the defendant was convicted of malicious destruction of a motor vehicle, No. 1885CR00097. That related indictment was tried together with the murder charge. The defendant subsequent to conviction was sentenced to 25 years to life on second-degree murder with a concurrent 12-15-year sentence on the malicious destruction of a motor vehicle.

Accordingly, appellate counsel has brought the present motion asking the trial court to report the issue to the Appeals Court pursuant to Rule 34.

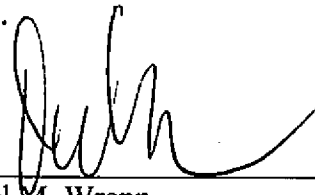
Based on the written submissions and oral presentations provided by the parties, the defendant's motion pursuant to Mass. R. Crim. P. 34 is **ALLOWED**. The court finds that after conviction and with consent of the defendant, a question of law has arisen which this court determines is so important as to require the decision of the Appeals Court and pursuant to that finding, the court reports the question as follows:

When a defendant raises a claim of ineffective assistance of trial counsel in a motion for a new trial pursuant to Mass. R. Crim. P. 30 and trial counsel is currently a justice of the Superior Court, whether, notwithstanding any rules of the Code of Judicial Conduct, in an evidentiary hearing on this motion for a new trial, the defendant has a right to examine trial counsel and trial counsel may answer questions on the subject of her strategic considerations, or lack thereof, during her representation of the defendant even though trial counsel is now a sitting superior court judge..

The affidavit of Justice Hamilton is fourteen paragraphs; however, appellate counsel has additional questions for Justice Hamilton, which she has declined to answer based on the above-referenced judicial ethics opinion. The court has declined an evidentiary hearing at this point. If Justice Hamilton were to respond to the additional questions, there is a potential that an evidentiary hearing would not be necessary, as many of the motions for a new trial of this type go forward without evidentiary hearings and are decided on the affidavits.

ORDER

This court **ALLOWS** the defendant's motion and reports the question set forth above to the Appeals Court for resolution pursuant to Mass. R. Crim. P. 34.

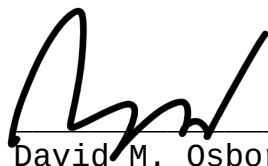


Daniel M. Wrenn
Justice of the Superior Court

Dated: July 15, 2026

CERTIFICATE OF COMPLIANCE WITH RULE 16(k)

Pursuant to Rule 16(k) of the Massachusetts Rules of Appellate Procedure, I hereby certify that this brief complies with all applicable rules of court that pertain to the filing of applications for direct appellate review, including but not limited to Mass. R. A. P. 11 (applications for direct appellate review) and Mass. R. A. P. 20 (form of briefs, appendices, and other papers). This brief consists of nine non-excluded pages in twelve-point Courier New font (ten characters per inch).

A handwritten signature in black ink, appearing to read 'David M. Osborne', is written over a horizontal line.

David M. Osborne

COMMONWEALTH OF MASSACHUSETTS
SUPREME JUDICIAL COURT

_____	)	
COMMONWEALTH OF MASSACHUSETTS	)	
	)	SJC No. DAR-_____
v.	)	AC No. 2026-P-1032
	)	
STEVEN M. FOLEY	)	
_____	)	

CERTIFICATE OF SERVICE

Pursuant to Rule 13(d) of the Massachusetts Rules of Appellate Procedure, I hereby certify under the penalties of perjury that on July 23, 2026, I caused the foregoing document to be served through the Massachusetts Court System's Odyssey File and Serve Site on the following persons:

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