

SUPREME JUDICIAL COURT

JAN 27 2026

MIDDLESEX, SS

TRIAL COURT NO. FOR THE COMMONWEALTH  
2481CV00877  
APPEALS COURT NO:  
2026-P-0019  
SJC NO. NOT YET ASSIGNED

COMMONWEALTH OF MASSACHUSETTS,

v.

WALTER ESTERAS

**APPLICATION FOR DIRECT APPELLATE REVIEW**

INTRODUCTION

Walter Esteras, convicted of sexually offending, was properly put on notice and, after trial before a jury in Middlesex County, (Howe, J., presiding), was found to be a sexually dangerous person and confined to the Massachusetts Treatment Center.

His trial was fundamentally unfair in violation of both state and federal due process because, over objection, the jury was permitted to see him shackled at counsel table throughout jury selection and trial, without any particularized finding of need, because courtroom personnel requested shackling as part of

their standard procedure, and the trial court without further inquiry or finding, deferred to the bailiffs' request.

In a criminal case, the shackling of a prisoner during trial or sentencing without a particularized finding of need violates due process as a matter of clearly established United States Supreme Court law. Deck v. Missouri, 544 U.S. 622 (2005). In accord, Commonwealth v. Rocheleau, 90 Mass. App. Ct 634 (2016): clearly a state can provide no less due process protection than the federal constitution and may require greater. In Rocheleau, the Appeals Court held that, in a criminal case, when a defendant is viewed in shackles, over objection, in violation of due process, the burden shifts to the Commonwealth to prove the error harmless beyond a reasonable doubt.

Sexually dangerous person proceedings, of course, are a civil, not a criminal matter. This Court has yet to clearly declare that the state and federal safeguards protecting a prisoner from the prejudice

which accrues from being presented in shackles applies in sexually dangerous person civil confinement proceedings. This state's highest court should now so hold, lest the constitutional error which occurred here occur again, and for this reason direct appellate review is respectfully requested.

Mr. Esteras additionally requests a ruling from this Court that, in a sexually dangerous person proceeding where a prisoner is, over objection, shackled in the jury's presence in violation of due process, reversal should always be required. When the only issue at trial is "dangerousness," the prejudice created when the jury sees that the trial court has already decided that the defendant is too dangerous to be left unshackled cannot be overcome. This Court, either a matter of state and federal constitutional law, or in exercise of its administrative powers over the inferior courts, should require reversal whenever an SDP defendant is displayed in chains absent in error and over objection.

Request for Direct Review

Mr. Esteras requests direct review from this Court.

Prior Proceedings

On April 3, 2024, an SDP petition pursuant to G.L. ch. 123A §12 was filed against Mr. Esteras in Middlesex County. Probable cause was found to detain him at the Massachusetts Treatment Center on November 11, 2024.

On June 16, 2025, jury trial commenced before Howe, J..

On June 26th, 2025, Mr. Esteras was found to be a sexually dangerous person and committed accordingly. A notice of appeal was timely filed on July 11, 2025.

The matter was entered in the Appeals Court on January 6, 2026.

There are no written rulings from the trial court on the issue presented. There are multiple rulings from the bench at trial, listed by page and volume in this application.

Statement of Relevant Fact

During voir dire, and during trial, Mr. Esteras was confined by foot shackles clearly visible to the venire

as the venire entered the courtroom, and then visible throughout jury selection as each prospective juror took the stand to be examined. Mr. Esteras's shackled feet were also visible to jury members during trial and deliberation each time the jury entered and exited the room.

Mr. Esteras, through counsel, repeatedly protested, citing both state and federal due process, to no avail. The trial court was informed that Mr. Esteras had no history of flight or violence, and the presence of several security officers on the 5th floor courtroom was noted. Nevertheless, the trial judge deferred to the judgment of the court officers that Mr. Esteras should be shackled, as a matter of routine courtroom procedure rather than for any reason particular to Mr. Esteras, specifically saying she would defer the decision to the officers. (Vol. 1, p.6, 7, 13, 14, 15, 16, 17, 19, 20, 39, 41, 67, 87, Vol.2, p4,28,29, seriatim.) Mr. Esteras was visibly foot-shackled from voir dire through verdict. (The trial court originally

contended that the foot shackles were invisible because the front of counsel table was solid. The record was later corrected to show that shackles were visible when the venire entered from the back of the courtroom per uncontroverted proffer of counsel.)

#### Reasons for Direct Review

Massachusetts courts have long held that Chapter 123A civil commitment proceedings require extensive due process protections despite their civil nature. See Commonwealth v. Bruno, 432 Mass. 489 (2000). Some Massachusetts due process protections for sexually dangerous person commitment proceedings exceed those required by federal constitutional law. See In re Dutil, 437 Mass. 9 (2002). However, this Court has not yet specifically addressed the shackling of prisoners using SDP proceedings. This gap in jurisprudence has led to unfortunate result in Mr. Esteras's case which requires speedy remedy, and should not be disposed of by unpublished Appeals Court opinion, lest the

fundamentally unfair error here in determining dangerousness be repeated in other trial courts.

Furthermore, Mr. Esteras, who would himself prevail even if the standard of review were harmless error, additionally asks this Court to expand the standard of review for preserved constitutional shackling error in SDP cases beyond the harmless error standard of criminal cases, because the presumption of dangerousness created by shackling goes directly to the gravamen of a determination of dangerousness under the statute. Such an expansion of existing law can only come from this Court and should come from this Court, because otherwise people will be inaccurately, and unjustly, deemed to be sexually dangerous.

#### Standard of Review and Preservation of Issues

The error in this case is preserved. Mr. Esteras objected to being visibly shackled in the presence of the venire and of the jury. Shackling in violation of due process in a criminal case is generally reviewed under a harmless error standard. (See Commonwealth v.

Rocheleau, supra.) Mr. Esteras argues that shackling in violation of due process and SDP proceedings should be deemed structural error and reversal automatically required. Should the Court decline this invitation, Mr. Esteras should nonetheless prevail here, because the error in this close case cannot be shown to be harmless beyond a reasonable doubt.

#### Argument

Massachusetts courts have long established that Chapter 123A civil commitment proceedings require extensive procedural due process protections despite their civil nature because "the potential deprivation of liberty to those persons subject to these proceedings mandates that due process protections apply." Commonwealth v. Bruno, 432 Mass. 489 (2000).

State and federal courts have long established that the shackling of a prisoner in front of the jury without particularized reason violates state and federal due process, because the jury is illegitimately persuaded by seeing the prisoner in chains that the

prisoner needs to be kept chained. See Deck v. Missouri, 544 U.S. 622 (2005): "Shackling is inherently prejudicial." Deck holds that prejudice "cannot be shown from a trial transcript" and thus, were a court, without adequate justification, to order the defendant to wear shackles that would be seen by the jury, the defendant need not demonstrate actual prejudice to make out a due process violation. Under federal constitutional law, the state must prove that the shackling error complained of "did not contribute" to the verdict obtained (citing Chapman v. California, 386 U.S. 18 (1967), the harmless error standard). This due process protection does not apply only to guilt or innocence but also to sentencing, a penalty phase determination, where, as in SDP proceedings, the jury is certainly aware that the defendant has been convicted. This is because "the appearance of the offender in shackles . . . implies to a jury, as a matter of common sense, that court authorities consider the offender a danger to the community." This is "a

relevant factor in jury decision making even where the state does not specifically argue the point". Mr. Esteras asserts that in SDP proceedings where, as here, the state does specifically argue the point that defendant is dangerous, the jury's capability to weigh the question will always be fatally compromised because they see the court itself has already reached that conclusion.

Massachusetts courts cannot and do not disagree with Deck. See Rocheleau, supra. Massachusetts recognizes, as do the federal courts, that there are special circumstances, such as particular risk of flight or violence or disruption, that may require the shackling of a particular prisoner despite its effect on a jury's fact-finding function. These circumstances are few and far between, and in each case, a trial judge must make particularized findings, unique to the case in the circumstances, on the record.

The law in Massachusetts is perfectly clear that, because of the consequences of visible shackling, that

the decision must be made by the trial judge and not deferred to others, on the record; a judge may "attach significance to the report and recommendation of an official charged with custody of prisoners placed on trial... but he may not pass his responsibility to the trial officer..." Commonwealth v. Brown, 364 Mass. 471 (1973). This is contrary to what the trial judge did here, where she simply and specifically deferred to the bailiffs' information that such shackling was routine policy in every SDP case. But the Appeals Court wrote in Brown, supra, that a prisoner in shackles tends to "create prejudice in the minds of the jury that the defendant is a bad and dangerous person..." See also Holbrook v. Flynn, 475 U.S. 560 (1986). The trial court erred.

Dangerousness, of course, is the primary question a G.L. 123A jury is asked to decide. Trial error in violation of due process which illegitimately bolsters the Government's case on the issue of dangerousness is therefore particularly injurious, and ought be

categorically precluded by a decision of this Court, rather than subject to the harmless error analysis such as occurs in federal proceedings for trial and sentencing, where other issues besides dangerousness are decided. Absent specific findings on the record by a trial court judge that the shackling of a prisoner is required to protect against a particular prisoner's risk of violence, disruption, or escape, no person facing a lifetime of civil commitment should be visibly shackled in front of the finder of fact because of the extreme prejudice created thereby.

The error in Mr. Esteras's trial in any case was not harmless. The testimony of experts as to his future dangerousness was not agreed upon. The offense which caused the Commonwealth to move for commitment was a non-contact offense-dirty picture. The case was a close one at best. The Commonwealth is hard pressed to argue that the shackling of Mr. Esteras "did not contribute to the verdict" beyond a reasonable doubt, so even if the standard of review is Chapman, supra,

Mr. Esteras must still prevail. The Commonwealth on this record cannot prove beyond a reasonable doubt that seeing Mr. Esteras chained did not contribute to the verdict in this case.

He nonetheless takes this opportunity to argue to this Court that both state and federal due process suggest that shackling error, over objection, and SDP proceedings, should join that small class of errors which we call "structural"; meaning that the error requires reversal without a showing of prejudice. The reasons for this are two-fold. First, the prejudice of seeing that court authorities have decided a defendant needs to be chained is judicially recognized. Seeing a prisoner needs to be chained to keep the courtroom safe will almost always influence a jury's fact finding on whether the prisoner needs to be confined to keep society safe; how could it not? Second, prejudice or absence of prejudice on the issue of dangerousness is almost impossible to prove. A voir dire of the jury asking "would you believe the prisoner is dangerous

just because the court thinks so" would only increase the harm created. A limiting instruction would only draw further attention to the fact that the trial court believed the defendant to be dangerous. A post hoc inquiry - "how much did the chaining of the prisoner in the courtroom contribute to your verdict" would prove administratively difficult, and likely so inaccurate as to be futile. A juror consciously biased might be reluctant to admit it. A juror unconsciously biased would not know it. And many jurors, long following the fact, would simply have forgotten. As a matter of general superintendence power over the inferior courts, even if not as a matter of state and federal due process, this Court should therefore hold that whenever shackles are imposed over objection without a justified particularized on-the-record finding of need by a trial court, a new and fairer trial should be granted, given that the consequences of an inaccurate verdict can be a lifetime loss of liberty. It is unlikely such a rule would lead to a landslide of reversals. Once this rule

was clear is made clear, the trial courts would be unlikely in the extreme to err.

Conclusion

For the reasons requested, direct appellate review should be granted.

Respectfully submitted,



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B.B.O.#: 563783  
Ruthgreenberg44@gmail.com

Date: January 19, 2026

Affidavit & Certificate of Service

I, Ruth Greenberg, certify that everything in the foregoing document is true and accurate and that a copy has been sent by first class mail on this day to Hallie Speight, Esq., ADA, Middlesex County District Attorney's Office, 15 Commonwealth Avenue, Woburn, MA 01801.

Date: January 19, 2026



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Ruth Greenberg

CERTIFICATE OF COMPLIANCE

I, Ruth Greenberg, hereby certify pursuant to Mass. R. App. P. 16(k) that this application complies with the Mass. R. App. P. 11(b), which defines the form and content of applications for direct appellate review. Additionally, I certify the following information:

- Font Name and Size: Courier New, 14 point
- Word-Processing Program: Microsoft Word
- Number of Non-Excluded Words: 2371



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Ruth Greenberg

# 2481CV00877 Commonwealth of Massachusetts vs. Esteras, Walter

- Case Type:  
SDP-Determination
- Case Status:  
Open
- File Date  
04/03/2024
- DCM Track:  
X - Accelerated
- Initiating Action:  
G.L. c. 123A, §12 (SDP Commitment)
- Status Date:  
04/03/2024
- Case Judge:
- Next Event:

All Information Party Event Tickler Docket Disposition

## Docket Information

<u>Docket Date</u>	<u>Docket Text</u>	<u>File Ref Nbr.</u>	<u>Image Avail.</u>
04/03/2024	SDP Petition filed, G.L. c.123A, §12	1	
04/03/2024	Attorney appearance On this date Elizabeth F Silverman, Esq. added for Petitioner Commonwealth of Massachusetts		
04/03/2024	Case assigned to: DCM Track X - Accelerated was added on 04/03/2024		
04/03/2024	Civil action cover sheet filed.	2	
04/03/2024	Plaintiff Commonwealth of Massachusetts's Motion for Temporary Commitment Pending Determination of Probable Cause. Dated 4/4/24 After review of the Pleadings submitted and arguments forwarded by the Commonwealth, the Court finds sufficient showing to ALLOW the Motion for Temporary Commitment. Hearing to be scheduled for Friday 4/19/24 at 2pm in Courtroom 720. (Sarrouf,J.) Certified copy given in hand.	3	 
04/10/2024	ORDER: for Temporary Commitment Pending Determination of Probable Cause	4	
04/17/2024	Event Result:: Motion Hearing scheduled on: 04/19/2024 02:00 PM Has been: Rescheduled For the following reason: Request of Defendant Camille Sarrouf, Presiding Staff: Debra J Newman, Assistant Clerk		
04/18/2024	Attorney appearance On this date Rachel Grijalvo, Esq. added as Private Counsel for Respondent Walter Esteras		
04/18/2024	Defendant Walter Esteras's Motion to Advance and Continue	5	
04/18/2024	Affidavit of Rachel Grijalvo in Support of Motion to Advance and Continue	5.1	
04/19/2024	Endorsement on Motion to Advance and Continue (#5.0): ALLOWED 4-18-24  Allowed.		 
05/09/2024	Event Result:: Motion Hearing scheduled on: 05/17/2024 02:00 PM Has been: Rescheduled For the following reason: By Court prior to date Camille Sarrouf, Presiding Staff: Debra J Newman, Assistant Clerk		

<u>Docket Date</u>	<u>Docket Text</u>	<u>File Ref Nbr.</u>	<u>Image Avail.</u>
05/09/2024	Attorney appearance On this date Lee Hettinger, Esq. added for Petitioner Commonwealth of Massachusetts		
06/04/2024	Habeas corpus issued as to Walter Esteras at Massachusetts Treatment Center - Bridgewater for 06/06/2024 02:00 PM Motion Hearing. <a href="https://www.zoomgov.com/j/1605211261?pwd=dXY3Z0J3RGd4V28xaVp2WnhOVFFRUT09">https://www.zoomgov.com/j/1605211261?pwd=dXY3Z0J3RGd4V28xaVp2WnhOVFFRUT09</a>  Meeting ID: 160 521 1261 Passcode: 826678 One tap mobile +16692545252,,1605211261#,,,,*826678# US (San Jose) +16468287666,,1605211261#,,,,*826678# US (New York)		
06/06/2024	Event Result:: Motion Hearing scheduled on: 06/06/2024 02:00 PM Has been: Held as Scheduled Camille Sarrouf, Presiding Staff: Debra J Newman, Assistant Clerk		
06/06/2024	Respondent Walter Esteras's EX PARTE Motion for Funds for a forensic Social Worker	6	
06/06/2024	Endorsement on Motion for funds for a Forensic Social Worker (#6.0): ALLOWED  Judge: Sarrouf, Camille		
07/29/2024	Defendant Walter Esteras's Motion for Unredacted Records	7	
07/29/2024	Affidavit of Attorney Grijalvo in Support of Motion	7.1	
08/07/2024	Endorsement on Motion for Unredacted Records (#7.0): ALLOWED Allowed. See Order.  August 7, 2024		 
08/07/2024	ORDER: REGARDING MOTION FOR UNREDACTED RECORDS 1. The Department of Correction ("DOC") and District Attorney's office is hereby authorized (1) to permit Respondent's attorney: Rachel P. Grijalvo and the staff of the CPCS Alternative Commitment Unit ("ACU"), to view and (2) to provide unredacted copies to Rachel P. Grijalvo, and the ACU, of the following categories of records pertaining to Mr. Walter Esteras maintained by the DOC and Middlesex District Attorney: (1) DOC administrative files (the so-called six-part files); (2) sex offender treatment records maintained by DOC and/or its vendors; (3) medical, dental and mental health treatment records maintained by DOC and/or its vendors; and (4) Department of Mental Health records, maintained at the Massachusetts Treatment Center, related to the Respondent's commitment as a sexually dangerous person. (5) All materials provided to probable cause expert (6) All materials concerning Mr. Esteras in the possession or control of the Middlesex County DA.  2. This order expires upon entry of judgment in this case or until the end of representation, whichever occurs first.  3. The DOC is hereby authorized to produce to Attorney Grijalvo, and/or the staff of the Alternative Commitment Unit, and any experts that Mr. Esteras' counsel retains, copies of the records described above which each has selected or will select to be copied without redaction of information identifying the victims of the Respondent's offenses. Respondent's counsel may share copies of these records with the experts retained with respect to this proceeding, but they shall not disseminate these records or the contents thereof other than in reports prepared for and testimony given in this case without further order of the Court.  4. The Middlesex County DA' 's office is hereby authorized to produce to Attorney Grijalvo, and/or the staff of the Alternative Commitment Unit, and any experts that Mr. Esteras' counsel retains, copies of the records described above which each has selected or will select to be copied without redaction of information identifying the victims of Respondent's offenses. Respondent's counsel may share copies of these records with the experts retained with respect to this proceeding, but they shall not disseminate these records or the contents thereof other than in reports prepared for and testimony given in this case without further order of the Court.  So ordered.  Dated August 7, 2024	8	 
09/20/2024	Respondent Walter Esteras's Motion to Advance and Continue	9	 

<u>Docket Date</u>	<u>Docket Text</u>	<u>File Ref Nbr.</u>	<u>Image Avail.</u>
09/20/2024	Affidavit of Counsel in support of Motion to Advance and Continue	9.1	
09/25/2024	Event Result:: Hearing to Show/Probable Cause scheduled on: 09/26/2024 09:00 AM Has been: Rescheduled For the following reason: Request of Respondent Hon. Paul D Wilson, Presiding Staff: Debra J Newman, Assistant Clerk		
09/25/2024	Endorsement on Motion to ADVANCE & CONTINUE (#9.0): ALLOWED		
11/06/2024	Habeas corpus issued as to Walter Esteras at Souza Baranowski Correctional Center for 11/07/2024 03:00 PM Hearing to Show/Probable Cause. By Zoom  Meeting Id 1605211261 passcode 826678		  
11/07/2024	Matter taken under advisement: Hearing to Show/Probable Cause scheduled on: 11/07/2024 03:00 PM Has been: Held - Under advisement Hon. Salim Tabit, Presiding Staff: Debra J Newman, Assistant Clerk		
11/14/2024	ORDER: Memorandum of Decision and Order as to probable Cause on Petition For Commitment of A Sexually Dangerous Person : The Court Orders that Esteras be committed to the treatment center for a period not exceeding sixty days for the purpose of examination and diagnosis under supervision of two qualified examiners , in accordance with G.L.c.123A s13(a).  So Ordered  see scanned 7 pages Dated 11/14/24 (Tabit,J.) Certified copy mailed. Copy successfully faxed to Mass Treatment Center 11/14/24.	10	 
12/30/2024	Report of Independent Examiner by Dr. Katrina Colistra and Dr. Kaitlin Peretti filed	11	
01/06/2025	Plaintiff Commonwealth of Massachusetts's Petition for Trial under G.L.c.123As14 (a)	12	
01/21/2025	Respondent Walter Esteras's EX PARTE Motion for Funds for Independent Examiner #1	13	
01/21/2025	Respondent Walter Esteras's Submission of Affidavit of Counsel In Support Of Respondent's Ex Parte Motion For Funds For Independent Examiner #1	13.1	 
01/21/2025	Respondent Walter Esteras's Motion for Funds for Independent Examiner #2	14	
01/21/2025	Respondent Walter Esteras's Submission of Affidavit of Counsel In Support Of Respondent's Ex Parte Motion For Funds For Independent Examiner #2	14.1	 
01/27/2025	Endorsement on Motion for funds for Independent examiner ( 13 & 14 ) (#13.0): Other action taken EXPANDED ENDORSEMENT on respondent's ex-parte motion for funds for independent examiner #1 (Paper 13), and respondent's ex-parte motion for funds for independent examiner #2 (Paper 14). Respondent, in both motions, moves pursuant to M. G. L. c. 261 § 27C and M. G. L. c. 123A § 13, seeking funds for a psychologist or psychiatrist in the amount of \$5,500.00 in each motion. After review of the motions, statutory and case law, and understanding the need for said funds Paper 13 is ALLOWED and Paper 14 is DENIED without prejudice for a showing as to why the additional examination is needed and/or required.		  
02/19/2025	Respondent Walter Esteras's EX PARTE Motion to Reconsider Court's Denial of Ex-Parte Motion for Funds for Independent Examiner #2	15	
02/19/2025	Affidavit of Counsel (Rachel N. Grijalvo) in Support of Respondent's Ex-Parte Motion to Reconsider Court's Denial of Motion for Funds for Independent Examiner #2	15.1	 

<u>Docket Date</u>	<u>Docket Text</u>	<u>File Ref Nbr.</u>	<u>Image Avail.</u>
02/19/2025	Event Result:: Status Review scheduled on: 02/19/2025 02:45 PM Has been: Held as Scheduled Camille Sarrouf, Presiding Staff: Debra J Newman, Assistant Clerk		
02/20/2025	Endorsement on Motion to Reconsider Court's Denial of Ex-Parte Motion for Funds for Independent Examiner #2 (#15.0): ALLOWED Not to exceed the amount designated for Expert #1. Dated February 20, 2025 and notices mailed.  Judge: Sarrouf, Camille		 <a href="#">Image</a>
05/16/2025	Respondent Walter Esteras's EX PARTE Motion for Funds for Court Clothes	16	 <a href="#">Image</a>
05/16/2025	Affidavit of Rachel Grijalvo in support of Respondent's Ex-Parte Motion for funds for court clothes	16.1	 <a href="#">Image</a>
05/19/2025	Endorsement on Motion for funds for Court clothes (#16.0): DENIED  Judge: Sarrouf, Camille		 <a href="#">Image</a>
05/19/2025	Attorney appearance On this date Terence P Noonan, Esq. added for Respondent Walter Esteras		 <a href="#">Image</a>
05/19/2025	Defendant Walter Esteras's Notice of Intent To Present Expert Witnesses	17	 <a href="#">Image</a>
06/09/2025	Respondent Walter Esteras's PROPOSED Submission of Voir Dire of Prospective Jurors  06/13/2025 After hearing , the proposed voir dire questions will be allowed, as stated on the record and subject to the courts revisions	18	 <a href="#">Image</a>
06/09/2025	Respondent Walter Esteras's Motion in limine for the Appropriate Number of Peremptory Challenges  06/13/2025 After hearing the parties shall have six preemptory challenges	19	 <a href="#">Image</a>
06/09/2025	Respondent Walter Esteras's Motion to Allow Use of Chalks at Trial  06/13/2025 ALLOWED	20	 <a href="#">Image</a>
06/09/2025	Respondent Walter Esteras's Motion in limine to Exclude Any Reference to Public Safety or Purpose of MGL c. 123A  06/13/2025 Allowed without objection	21	 <a href="#">Image</a>
06/09/2025	Respondent Walter Esteras's Motion in limine to Preclude Evidence Regarding Right to Petition for Release at a Future Date  06/13/2025 After hearing, the motion is ALLOWED with the provision that the respondent shall not argue the consequences of a jury verdict that he is a sexually dangerous person today if the jury finds	22	 <a href="#">Image</a>
06/09/2025	Respondent Walter Esteras's Motion to Exclude Repeated References to the Offenses and Repetition of the Details of Offenses  06/13/2025 Allowed	23	 <a href="#">Image</a>
06/09/2025	Respondent Walter Esteras's Motion in limine to Exclude Reference to Judicial Finding of Probable Cause  06/13/2025 Allowed without objection	24	 <a href="#">Image</a>
06/09/2025	Respondent Walter Esteras's Motion in limine to Exclude Reference to Nominal Risk Labels, Relative Risk Ratios, Percentile Ranks, and Projected 20-Year Recidivism Rate	25	 <a href="#">Image</a>

<u>Docket Date</u>	<u>Docket Text</u>	<u>File Ref Nbr.</u>	<u>Image Avail.</u>
	<p>After hearing DENIED,</p> <p>Upon further consideration, and renew again of commonwealth v George 477 mass 331 (2014) the court vacates its denial of the motion as so far as it seeks to exclude nominal risk label ( para no 1) the motion is ALLOWED</p>		
06/09/2025	Affidavit of Rachel N. Grijalvo in support of Motion in Limine to Exclude Reference to Nominal Risk Labels, Relative Risk Ratios, Percentile Ranks, and Projected 20-Year Recidivism Rate	25.1	 <a href="#">Image</a>
06/09/2025	Walter Esteras's Memorandum in support of Motion to Exclude Reference to Nominal Risk Labels, Relative Risk Ratios, Percentile Ranks, and the 20-Year Projected Risk of Recidivism	25.2	 <a href="#">Image</a>
06/09/2025	Respondent Walter Esteras's Motion in limine to Exclude Unreliable, Totem Pole Hearsay	26	 <a href="#">Image</a>
	After hearing at which the commonwealth agreed to redact Wikipedia descriptions , the motion is ALLOWED		
06/09/2025	Respondent Walter Esteras's Motion in limine for Limiting Instruction Regarding Testimony of Gregg Belle, Ph.D.	27	 <a href="#">Image</a>
	RESERVED FOR TRIAL		
06/09/2025	Respondent Walter Esteras's Motion in limine for Jury Instruction Charge of Presumption of not Sexually Dangerous	28	 <a href="#">Image</a>
	Reserved for trial		
06/10/2025	Habeas corpus issued as to Walter Esteras at Massachusetts Treatment Center - Bridgewater for 06/11/2025 02:00 PM Final Trial Conference.		 <a href="#">Image</a>
06/10/2025	Event Result:: Final Trial Conference scheduled on: 06/11/2025 02:00 PM Has been: Rescheduled For the following reason: Transferred to another session Camille Sarrouf, Presiding Staff: Debra J Newman, Assistant Clerk		
06/11/2025	Attorney appearance On this date Ryan J Rall, Esq. added for Petitioner Commonwealth of Massachusetts		
06/11/2025	Request for jurors  Judge: Howe, Hon. Janice W		
06/11/2025	Habeas corpus issued as to Walter Esteras at Massachusetts Treatment Center - Bridgewater for 06/13/2025 09:00 AM Jury Trial.		 <a href="#">Image</a>
06/11/2025	Event Result:: Final Trial Conference scheduled on: 06/11/2025 02:00 PM Has been: Held as Scheduled Comments: Vanessa Nogueira FTR Monitor Hon. Janice W Howe, Presiding Appeared: Petitioner Lee Hettinger, Esq., Ryan J Rall, Esq., Respondent Rachel Grijalvo, Esq., Private Counsel Terence P Noonan, Esq., Staff: Lucille Pasquale, Assistant Clerk Magistrate		
06/12/2025	Event Result:: Jury Trial scheduled on: 06/16/2025 09:00 AM Has been: Rescheduled For the following reason: Transferred to another session Camille Sarrouf, Presiding Staff: Debra J Newman, Assistant Clerk		
06/13/2025	Habeas corpus issued as to Walter Esteras at Massachusetts Treatment Center - Bridgewater for 06/16/2025 09:00 AM Jury Trial.		 <a href="#">Image</a>

<u>Docket Date</u>	<u>Docket Text</u>	<u>File Ref Nbr.</u>	<u>Image Avail.</u>
06/13/2025	<p>Event Result:: Jury Trial scheduled on: 06/13/2025 09:00 AM</p> <p>Has been: Held as Scheduled</p> <p>Comments: DAY 1 Jury Selection . Vanessa Nogueira FTR Monitor</p> <p>Hon. Janice W Howe, Presiding</p> <p>Appeared:</p> <p>Petitioner Elizabeth F Silverman, Esq., Lee Hettinger, Esq.,</p> <p>Respondent Walter Esteras Rachel Grijalvo, Esq., Private Counsel Terence P Noonan, Esq.,</p> <p>Staff: Lucille Pasquale, Assistant Clerk Magistrate</p>		
06/13/2025	<p>Event Result:: Jury Trial scheduled on: 06/13/2025 09:00 AM</p> <p>Has been: Not Held For the following reason: Transferred to another session</p> <p>Camille Sarrouf, Presiding</p> <p>Staff: Debra J Newman, Assistant Clerk</p>		
06/16/2025	<p>Event Result:: Jury Trial scheduled on: 06/16/2025 09:00 AM</p> <p>Has been: Held as Scheduled - Jury Selection Day 2</p> <p>Comments: Vanessa Nogueira FTR Monitor</p> <p>Hon. Janice W Howe, Presiding</p> <p>Appeared:</p> <p>Petitioner Lee Hettinger, Esq., Ryan J Rall, Esq.,</p> <p>Respondent Walter Esteras Rachel Grijalvo, Esq., Private Counsel Terence P Noonan, Esq.,</p> <p>Staff: Lucille Pasquale, Assistant Clerk Magistrate</p>		
06/17/2025	<p>Event Result:: Jury Trial scheduled on: 06/17/2025 09:00 AM</p> <p>Has been: Held as Scheduled - Jury Selection Day 3, Opening Statements and Evidence</p> <p>Comments: Vanessa Nogueira FTR Monitor</p> <p>Hon. Janice W Howe, Presiding</p> <p>Appeared:</p> <p>Petitioner Elizabeth F Silverman, Esq., Lee Hettinger, Esq.,</p> <p>Respondent Walter Esteras Rachel Grijalvo, Esq., Private Counsel Terence P Noonan, Esq.,</p> <p>Staff: Lucille Pasquale, Assistant Clerk Magistrate</p>		
06/18/2025	<p>Habeas corpus issued as to Walter Esteras at Massachusetts Treatment Center - Bridgewater for 06/20/2025 09:00 AM Jury Trial. Day to day habe until 6/27/25 (Emailed to Mass Treatment Center)</p>		 <a href="#">Image</a>
06/18/2025	<p>Event Result:: Jury Trial scheduled on: 06/18/2025 09:00 AM</p> <p>Has been: Held as Scheduled DAY 4</p> <p>Comments: Vanessa Nogueira FTR Monitor</p> <p>Hon. Janice W Howe, Presiding</p> <p>Appeared:</p> <p>Petitioner Lee Hettinger, Esq., Ryan J Rall, Esq.,</p> <p>Respondent Rachel Grijalvo, Esq., Private Counsel Terence P Noonan, Esq.,</p> <p>Staff: Lucille Pasquale, Assistant Clerk Magistrate</p>		
06/20/2025	<p>Event Result:: Jury Trial scheduled on: 06/20/2025 09:00 AM</p> <p>Has been: Held as Scheduled - Day 5: Commonwealth's case-in-chief; Commonwealth rests; Defendant's case-in-chief</p> <p>Hon. Janice W Howe, Presiding</p> <p>Appeared:</p> <p>Petitioner Commonwealth of Massachusetts Elizabeth F Silverman, Esq.,</p>		

<u>Docket Date</u>	<u>Docket Text</u>	<u>File Ref Nbr.</u>	<u>Image Avail.</u>
	Ryan J Rall, Esq., Respondent Walter Esteras Rachel Grijalvo, Esq., Private Counsel Terence P Noonan, Esq., Staff: Joshua Pakstis, Assistant Clerk Kate O'Kelly, Court Monitor		
06/20/2025	Respondent Walter Esteras's Motion for Required Finding at the Close of Commonwealth's Case	29	
	06/20/2025 After review and hearing, the motion for required finding is DENIED		
06/20/2025	Endorsement on Motion for Required Finding at the Close of Commonwealth's Case (#29.0): DENIED After review and hearing, the motion for required finding is DENIED.  Judge: Howe, Hon. Janice W		
06/23/2025	Event Result:: Jury Trial scheduled on: 06/23/2025 09:00 AM Has been: Held as Scheduled Comments: Vanessa Nogueira FTR Monitor Hon. Janice W Howe, Presiding Appeared: Petitioner Lee Hettinger, Esq., Ryan J Rall, Esq., Respondent Rachel Grijalvo, Esq., Private Counsel Terence P Noonan, Esq., Staff: Lucille Pasquale, Assistant Clerk Magistrate		
06/24/2025	Event Result:: Jury Trial scheduled on: 06/24/2025 09:00 AM Has been: Not Held For the following reason: Joint request of parties Comments: NO RECORD - COURT NOT IN SESSION - JURY EXCUSED FOR THE DAY Hon. Janice W Howe, Presiding Staff: Lucille Pasquale, Assistant Clerk Magistrate		
06/25/2025	Proposed special jury questions  Jury Instructions  Applies To: Commonwealth of Massachusetts (Petitioner)	30	
06/25/2025	Respondent Walter Esteras's Statement of the case	31	
06/25/2025	Petitioner Commonwealth of Massachusetts's Statement of the case	32	
06/25/2025	Event Result:: Jury Trial scheduled on: 06/25/2025 09:00 AM Has been: Held as Scheduled - DAY 6 Comments: Vanessa Nogueira FTR Monitor Hon. Janice W Howe, Presiding Appeared: Petitioner Lee Hettinger, Esq., Ryan J Rall, Esq., Respondent Rachel Grijalvo, Esq., Private Counsel Terence P Noonan, Esq., Staff: Lucille Pasquale, Assistant Clerk Magistrate		
06/25/2025	Respondent Walter Esteras's Motion for Required Finding at the Close of Evidence	32.1	
06/26/2025	Docket Note: Juror # 15 Seat #12 Selected as Juror Foreperson Juror #17 Seat #7 Selected as an alternate juror Vanessa Nogueira FTR Monitor Attest: LP/ACM		
06/26/2025	Event Result:: Jury Trial scheduled on: 06/26/2025 09:00 AM		

<u>Docket Date</u>	<u>Docket Text</u>	<u>File Ref Nbr.</u>	<u>Image Avail.</u>
	<p>Has been: Held as Scheduled TRIAL ENDS - JURORS EXCUSED - DEFENDANT REMANDED MASSACHUSETTS TREATMENT CENTER - AT BRIDGEWATER</p> <p>Comments: Vanessa Nogueira FTR Monitor Hon. Janice W Howe, Presiding</p> <p>Appeared:</p> <p style="padding-left: 20px;">Petitioner Lee Hettinger, Esq., Ryan J Rall, Esq.,</p> <p style="padding-left: 20px;">Respondent Rachel Grijalvo, Esq., Private Counsel Terence P Noonan, Esq.,</p> <p>Staff: Lucille Pasquale, Assistant Clerk Magistrate</p>		
06/26/2025	<p>Docket Note: JURY VERDICT - HAS THE COMMONWEALTH PROVED BEYOND A REASONABLE DOUBT THAT MR. WALTER ESTERAS IS A SEXUALLY DANGEROUS PERSON TODAY? UNANIMOUS JURY VERDICT - YES Vanessa Nogueira FTR Monitor Lucie Pasquale/ACM</p>	32.2	
06/26/2025	<p>Judgment and Order. It is ORDERED and ADJUDGED: That after a jury trial, before the Court, Howe, J, the respondent Walter Esteras, being found a sexually dangerous person, is hereby ordered committed to the Department of Correction's Massachusetts Treatment Center at Bridgewater, Massachusetts for a period of one day to life pursuant to G.L. c.123A Section 14(D).</p> <p>Judge: Howe, Hon. Janice W</p>	33	 <a href="#">Image</a>
06/30/2025	List of exhibits	34	
06/30/2025	<p>Respondent Walter Esteras's EX PARTE Motion for Supplemental funds For Independent Examiner #1</p> <p>Judge: Howe, Hon. Janice W</p>	35	
06/30/2025	<p>Respondent Walter Esteras's EX PARTE Motion for Funds for court clothes ( renewed )</p>	36	
07/01/2025	<p>Endorsement on Motion for supplemental funds for Independent Examiner #1 (#35.0): ALLOWED Respondents ex parte motion for supplemental funds in the amount of \$795.00 is Allowed</p> <p>Judge: Howe, Hon. Janice W</p>		
07/01/2025	<p>Endorsement on Motion for Funds for court clothes (#36.0): DENIED The respondents renewed motion is DENIED</p> <p>Judge: Howe, Hon. Janice W</p>		
07/01/2025	<p>Respondent Walter Esteras's EX PARTE Motion for Supplemental funds For Independent Examiner #2</p>	37	 <a href="#">Image</a>
07/11/2025	<p>Respondent Walter Esteras's Motion to Withdraw and have Appellate Counsel Assigned</p>	38	 <a href="#">Image</a>
07/11/2025	<p>Respondent Walter Esteras's Motion to have Trial Transcripts Prepared</p>	39	 <a href="#">Image</a>
07/11/2025	<p>NOTICE OF APPEAL:</p> <p>The Respondent, Walter Esteras, hereby notifies this Court, pursuant to Mass.R. App.P.3(a), of his intent to appeal from the jury verdict and the judgment of this Court entered on June 26, 2025, that Respondent is a sexually dangerous person.</p> <p>Applies To: Esteras, Walter (Respondent)</p>	40	 <a href="#">Image</a>
07/11/2025	<p>Endorsement on Motion for Supplemental funds For Independent Examiner #2 (Ex-Parte) (#37.0): ALLOWED Dated July 10, 2025, and notices mailed 7/11/25.</p> <p>Judge: Ellis, Hon. Sarah Weyland</p>		 <a href="#">Image</a>
07/21/2025	<p>Endorsement on Motion to Withdraw and have Appellate Counsel Assigned (#38.0): ALLOWED Dated July 17, 2025 and notices mailed 7/21/25.</p> <p>Judge: Ellis, Hon. Sarah Weyland</p>		 <a href="#">Image</a>
07/21/2025	<p>Attorney appearance On this date Terence P Noonan, Esq. dismissed/withdrawn for Respondent Walter Esteras</p>		

<u>Docket Date</u>	<u>Docket Text</u>	<u>File Ref Nbr.</u>	<u>Image Avail.</u>
07/21/2025	Attorney appearance On this date Rachel Grijalvo, Esq. dismissed/withdrawn as Private Counsel for Respondent Walter Esteras		
07/21/2025	Attorney appearance On this date Ruth Greenberg, Esq. added as Private Counsel for Respondent Walter Esteras		 <a href="#">Image</a>
07/21/2025	Endorsement on Motion to Have Trial Transcripts Prepared (#39.0): ALLOWED Dated July 17, 2025 and notices mailed 7/21/25.  Judge: Ellis, Hon. Sarah Weyland		 <a href="#">Image</a>
08/01/2025	Notice of assembly of record sent to Counsel	41	
08/01/2025	Notice to Clerk of the Appeals Court of Assembly of Record	42	 <a href="#">Image</a>
08/01/2025	Appeal: Statement of the Case on Appeal (Cover Sheet).	43	 <a href="#">Image</a>
08/01/2025	Docket Note: The Assembly of the Record of this appeal has been withdrawn. Reason being on 7/21/25 there was a motion allowed to have trial transcripts prepared and have not yet received them. Appeal itself is not withdrawn.		 <a href="#">Image</a>
08/11/2025	Attorney appearance On this date Sophie Rosen, Esq. added for Respondent Walter Esteras		 <a href="#">Image</a>
10/23/2025	Notice of docket entry received from Appeals Court NOTICE OF FAILURE TO ENTER APPEAL TIMELY PURSUANT TO MASS.R.A.P. 10(a)(1)  On August 1, 2025, the Middlesex Superior Court transmitted a notice of assembly to the Appeals Court in the above-referenced case, pursuant to Mass.R.A.P. 9(e). The Appeals Court received the notice on August 1, 2025. Pursuant to Rule 10(a)(1) of the Massachusetts Rules of Appellate Procedure, each appellant has 14 days from receipt of the notice of assembly to docket the appeal in the Appeals Court by paying the required entry fee or moving for waiver of the fee on grounds of indigency. As of today's date, October 21, 2025, no appellant has entered the appeal pursuant to Mass.R.A.P. 10(a)(1). This notice is sent for informational purposes only and does not constitute a dismissal of the appeal. If an appellant or cross-appellant in this matter wishes to pursue the appeal, the party must file a motion to the single justice for leave to docket the appeal late. Otherwise, an appellee may file a motion to dismiss the appeal in the trial court. See Mass.R.A.P. 10(c).  A copy of this notice is sent this date to the active counsel and self-represented parties identified on the above notice of assembly. For information about the filing of a motion to docket the appeal late, see <a href="https://www.mass.gov/service-details/single-justice-practice">https://www.mass.gov/service-details/single-justice-practice</a> .	44	 <a href="#">Image</a>
12/23/2025	Notice of assembly of record sent to Counsel	45	
12/23/2025	Notice to Clerk of the Appeals Court of Assembly of Record	46	 <a href="#">Image</a>
12/23/2025	Appeal: Statement of the Case on Appeal (Cover Sheet).	47	 <a href="#">Image</a>
01/08/2026	Appeal entered in Appeals Court on 01/06/2026 docket number NO:2026-P-0019	48	 <a href="#">Image</a>