

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, ss.

SUPREME JUDICIAL COURT  
FOR SUFFOLK COUNTY  
No. SJ-2026-0034

SUFFOLK SUPERIOR COURT  
No. 1684CR00191

GRANT HEADLEY

v.

COMMONWEALTH OF MASSACHUSETTS.

RESERVATION AND REPORT

This matter came before the court, Gaziano, J., on a petition for relief under G. L. c. 211, § 3. In 2021, the petitioner was convicted of, among other offenses, unlawful possession of a firearm, G. L. c. 269, § 10 (a) (Count 4), and possession of a large capacity firearm, G. L. c. 269, § 10 (m) (Count 6). He was sentenced to concurrent terms in State prison on those convictions. On the petitioner's motion, the trial judge vacated the conviction as to Count 4 pursuant to Commonwealth v. Guardado, 491 Mass. 666, S.C., 493 Mass. 1 (2023), and set it for retrial. The petitioner thereafter moved to dismiss Count 4 on, inter alia, double jeopardy grounds, contending that unlawful possession of a firearm is a lesser included offense of possession of a large capacity firearm, for which he had by that time served his sentence. See Commonwealth v. Rivas, 466 Mass. 184, 188 (2013).

The trial judge denied the motion to dismiss, and the petitioner seeks relief from that ruling.

I find that the issues raised by this petition warrant consideration by the full court. Accordingly, I hereby reserve and report this case, without decision, for determination by the Supreme Judicial Court for the Commonwealth. The parties shall prepare and file in the full court a statement of agreed facts necessary to resolve the issues raised in the petition. The record before the full court shall consist of the following:

- (1) all papers filed in SJ-2026-0034;
- (2) the docket sheet for SJ-2026-0034;
- (3) the parties' statement of agreed facts; and
- (4) this court's reservation and report.

This matter shall proceed in all respects in conformance with the Massachusetts Rules of Appellate Procedure. The petitioner shall be designated the appellant, and the Commonwealth shall be designated the appellee. The petitioner's trial, currently scheduled for April 27, 2026, is hereby STAYED pending further order of the court.

By the Court,

/s/ Frank M. Gaziano  
Associate Justice

Dated: February 25, 2026