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SJC-13838

IN THE MATTER OF AN IMPOUNDED CASE.

September 9, 2026.

Supreme Judicial Court, Superintendence of inferior courts.
Practice, Criminal, Recording of proceedings.

The petitioner appeals from a judgment of the county court denying, without a hearing, his petition for relief under G. L. c. 211, § 3. We affirm.

In 2010, the petitioner was charged in the Boston Municipal Court (BMC) with assault. He admitted to sufficient facts to support a guilty finding, and the case was continued without a finding for one year, subject to probationary conditions. The petitioner successfully completed the one-year probationary period, and the case was dismissed in 2012. In 2025, the petitioner successfully petitioned the BMC to seal his criminal case. Thereafter, the petitioner filed a motion to correct a clerical error on the electronic docket, and he moved for access to five audio recordings of hearings in his criminal case. The error in the docket was corrected, and after a hearing, a judge in the BMC ordered that the petitioner be granted access to the audio recordings "in as much as such recordings still exist." Three of the five audio recordings were located and provided to the petitioner, after resolving some technical difficulties that were discovered after the petitioner filed a motion to compel compliance with the judge's order. The petitioner thereafter filed a motion for an emergency status conference, seeking a hearing and other relief related to his requests for the remaining two recordings. Shortly after the petitioner filed his G. L. c. 211, § 3, petition, the BMC scheduled a hearing,

which has since been continued several times at the petitioner's request.

The petitioner's G. L. c. 211, § 3, petition likewise sought relief related to his requests for the recordings. The single justice denied relief on the ground that the petitioner did not demonstrate "the type of exceptional matter that requires the court's extraordinary intervention." Commonwealth v. Fontanez, 482 Mass. 22, 25 (2019). The single justice did not address the merits of the petitioner's claims. The petitioner filed a motion for reconsideration, which was also denied, and he now appeals.

"In cases such as this one, where the single justice exercises discretion not to reach the merits of a petition, . . . the full court asks only whether the single justice abused his or her discretion in making that decision." Pike v. Superintendent, N. Cent. Correctional Inst., 496 Mass. 1040, 1041 (2025), quoting Boone v. Commonwealth, 494 Mass. 1011, 1012-1013 (2024). "The single justice is not required to become involved if the petitioner has an adequate alternative remedy or if the single justice determines, in his or her discretion, that the subject of the petition is not sufficiently important and extraordinary as to require general superintendence intervention." Fontanez, 482 Mass. at 24-25. We discern no abuse of discretion here. The petitioner has presented no novel issue of law, nor is there evidence of any broader systemic issue that might compel this court to intervene in the BMC proceedings. The single justice was not obligated to find that the petitioner's difficulties accessing portions of his sealed record warranted extraordinary relief. Moreover, it is plain that the petitioner has an adequate alternative remedy: the BMC has scheduled a hearing where he may present his arguments.¹ If he is dissatisfied with the outcome of that hearing, he can pursue the matter in the ordinary appellate process.

The single justice did not err or abuse his discretion by finding that the circumstances did not warrant extraordinary relief under G. L. c. 211, § 3.

Judgment affirmed.

¹ Indeed, to the extent his petition requested an order directing the BMC to schedule a hearing, that request is moot.

The case was submitted on briefs.

The petitioner, pro se.

Daniel J. Ruben, Assistant Attorney General, for Central
Division of the Boston Municipal Court Department.