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SJC-13834

JOSE POLANCO vs. COMMONWEALTH.

December 10, 2025.

Supreme Judicial Court, Superintendence of inferior courts.

The petitioner, Jose Polanco, 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 2014, the petitioner pleaded guilty to murder in the second degree and other offenses. In 2024, he filed a motion to vacate his pleas, which was denied by a judge in the Superior Court. The petitioner's G. L. c. 211, § 3, petition sought relief from that denial. The single justice denied relief on the ground that adequate alternative remedies existed.

The petitioner has filed a memorandum and appendix pursuant to S.J.C. Rule 2:21 (2), as amended, 434 Mass. 1301 (2001). That rule does not apply here, as the denial of the petitioner's motion was not an interlocutory ruling of the trial court. Nevertheless, it is clear on the record that the petitioner has an adequate remedy available to him, namely, a direct appeal to the Appeals Court.<sup>1</sup> See Garden v. Commonwealth, 484 Mass. 1027, 1027-1028 (2020). Because the petitioner has this remedy in the ordinary appellate process, he is not entitled to extraordinary relief under G. L. c. 211, § 3. Flores v. Commonwealth, 493 Mass. 1040, 1040 (2024) ("It is well established that G. L.

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<sup>1</sup> It appears from court records that Polanco is pursuing that remedy, as he filed a notice of appeal from the order denying his motion.

c. 211, § 3, is not a substitute for the ordinary appellate process").

Judgment affirmed.

The case was submitted on the papers filed, accompanied by a memorandum of law.

Jose Polanco, pro se.