

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, ss.

SUPREME JUDICIAL COURT  
FOR SUFFOLK COUNTY  
NO. SJ-2019- 0531

SUPERIOR COURT DEPARTMENT  
ESSEX SUPERIOR COURT  
No. 1877CR00540  
1877CR00592  
1877CR00594

COMMONWEALTH

vs.

NELSON MORA & others<sup>1</sup>

ORDER

This matter came before the court, LENK, J., on the defendants' timely application<sup>2</sup> for leave to pursue an interlocutory appeal pursuant to Mass. R. Crim. P. 15(a)(2), of a Superior Court judge's denial of the defendants' motion to suppress data obtained from pole cameras that were placed on telephone and electric poles near the defendants' homes as part of a seven-month investigation of suspected drug trafficking.

Upon consideration, it is ORDERED that the application for leave to pursue an interlocutory appeal shall be, and hereby is, ALLOWED.

It is FURTHER ORDERED that the interlocutory appeal shall

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<sup>1</sup> Randy Suarez and Lymbel Guerrero.

<sup>2</sup> The application is deemed to be timely filed pursuant to Mass. R. Crim. P. 15(a)(2) and Commonwealth v. Jordan, 469 Mass. 134, 142-143 & nn.16,17, 148 (2014).

proceed in the Supreme Judicial Court and that the Criminal Clerk's Office of the ESSEX Superior Court shall assemble the record in docket Nos. 1877CR00540, 1877CR00592, and 1877CR00593 and shall transmit the record to the Clerk's Office of the Supreme Judicial Court, John Adams Courthouse, One Pemberton Square, Suite 1400, Boston, Massachusetts, 02108-1705.

It is FURTHER ORDERED that the matter shall be scheduled for argument in April, 2020. The parties shall consult with the Clerk of the Supreme Judicial Court for the Commonwealth regarding the designation of the parties and the service and filing of briefs; no extensions of time for filing are anticipated. The four other co-defendants whose motions to suppress were denied by the same Superior Court judge's order, two of whom have moved in the Superior Court to join the defendants' motion for leave to pursue an interlocutory appeal, but whose motions have not yet been acted upon in that court, may file motions to intervene in the full court. This matter shall proceed in all respects in conformance with the Massachusetts Rules of Appellate Procedure.

By the Court (Lenk, J.)

  
Assistant Clerk

Entered: January 29, 2020