

**0979CR00904 Commonwealth vs. Wilhite, Charles**

- Case Type:
- Indictment
- Case Status:
- Closed
- File Date
- 10/22/2009
- DCM Track:
- C - Most Complex
- Initiating Action:
- MURDER c265 §1
- Status Date:
- 10/22/2009
- Case Judge:
- 
- Next Event:
- 

[All Information](#) [Party](#) [Charge](#) [Event](#) [Docket](#) [Disposition](#)

**Party Information**

**Commonwealth**  
- Prosecutor

**Alias**

**Party Attorney**

- Attorney
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- Bar Code
- 553427
- Address
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- 50 State Street
- Springfield, MA 01103
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- Attorney
- Lynch, Esq., Bethany C
- Bar Code
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- Northampton, MA 01060
- Phone Number
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- Attorney
- Montori, Esq., Jane Davidson
- Bar Code
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- Address
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- Western Division
- 300 State Street Suite 250
- Springfield, MA 01105
- Phone Number
- (413)785-6818
- Attorney
- Rubin, Esq., Blake J
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- Worcester, MA 01608
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[More Party Information](#)

**Wilhite, Charles**  
- Defendant

## Alias

## Party Attorney

- Attorney
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- Bar Code
- 566089
- Address
- Suffolk County District Attorney's Office
- One Bulfinch Place
- Boston, MA 02114
- Phone Number
- (617)619-4161
- Attorney
- O'Neil, Esq., William J
- Bar Code
- 548445
- Address
- The Law Office Of William J. O'Neil
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- Suite 6
- East Longmeadow, MA 01028
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[More Party Information](#)

## Party Charge Information

- Wilhite, Charles
- - Defendant
- Charge # 1:
- **265/1-0 - Felony** MURDER c265 §1

- Original Charge
- 265/1-0 MURDER c265 §1 (Felony)
- Indicted Charge
- 
- Amended Charge
- 

## Charge Disposition

Disposition Date  
Disposition  
01/17/2013  
Not Guilty Verdict

## Events

<u>Date</u>	<u>Session</u>	<u>Location</u>	<u>Type</u>	<u>Event Judge</u>	<u>Result</u>
11/05/2009 09:01 AM	Criminal 1 - Ct. Rm. 8		Arraignment		Held as Scheduled
11/05/2009 09:23 AM	Criminal 1 - Ct. Rm. 8		Hearing		Held as Scheduled
03/24/2010 09:37 AM	Criminal 1 - Ct. Rm. 8		Hearing for Funds		Held as Scheduled
04/21/2010 09:00 AM	Criminal 1 - Ct. Rm. 8		Status Review		Held as Scheduled
05/05/2010 09:19 AM	Criminal 1 - Ct. Rm. 8		Pre-Trial Hearing		Rescheduled
05/11/2010 09:19 AM	Criminal 1 - Ct. Rm. 8		Pre-Trial Hearing		Rescheduled
05/27/2010 09:00 AM	Criminal 1 - Ct. Rm. 8		Hearing		Held as Scheduled
05/28/2010 09:19 AM	Criminal 1 - Ct. Rm. 8		Pre-Trial Hearing		Rescheduled
06/09/2010 09:19 AM	Criminal 1 - Ct. Rm. 8		Pre-Trial Hearing		Rescheduled
06/15/2010 09:19 AM	Criminal 1 - Ct. Rm. 8		Pre-Trial Hearing		Held as Scheduled
06/24/2010 09:37 AM	Criminal 1 - Ct. Rm. 8		Hearing for Funds		Held as Scheduled
07/15/2010 09:21 AM	Criminal 1 - Ct. Rm. 8		Motion Hearing		Rescheduled
07/22/2010 09:21 AM	Criminal 1 - Ct. Rm. 8		Hearing RE: Discovery Motion(s)		Held as Scheduled
09/29/2010 09:39 AM	Criminal 1 - Ct. Rm. 8		Final Pre-Trial Conference		Not Held
10/14/2010 09:23 AM	Criminal 1 - Ct. Rm. 8		Hearing on Motion to Continue		Held as Scheduled
10/20/2010 09:23 AM	Criminal 1 - Ct. Rm. 8		Hearing		Held as Scheduled
10/26/2010 09:07 AM	Criminal 1 - Ct. Rm. 8		Jury Trial		Rescheduled

<u>Date</u>	<u>Session</u>	<u>Location</u>	<u>Type</u>	<u>Event Judge</u>	<u>Result</u>
11/02/2010 09:07 AM	CR Session 5 - Ct. Rm 3		Jury Trial		
11/02/2010 09:23 AM	Criminal 1 - Ct. Rm. 8		Hearing		Held as Scheduled
11/02/2010 09:39 AM	Criminal 1 - Ct. Rm. 8		Final Pre-Trial Conference		Held as Scheduled
11/15/2010 09:00 AM	Criminal 1 - Ct. Rm. 8		Hearing on Motion to Continue		Not Held
11/15/2010 09:07 AM	Criminal 1 - Ct. Rm. 8		Jury Trial		Not Held
11/15/2010 09:07 AM	CR Session 5 - Ct. Rm 3		Jury Trial		Rescheduled
11/15/2010 10:30 AM	CR Session 5 - Ct. Rm 3		Jury Trial		Not Held
11/16/2010 09:00 AM	CR Session 5 - Ct. Rm 3		Hearing		Held as Scheduled
11/17/2010 09:00 AM	CR Session 2 - Ct. Rm 4		Jury Trial		Held as Scheduled
11/18/2010 09:00 AM	CR Session 2 - Ct. Rm 4		Jury Trial		Held as Scheduled
11/19/2010 09:00 AM	CR Session 2 - Ct. Rm 4		Jury Trial		Held as Scheduled
11/22/2010 09:00 AM	CR Session 2 - Ct. Rm 4		Jury Trial		Held as Scheduled
11/23/2010 09:00 AM	CR Session 2 - Ct. Rm 4		Jury Trial		Held as Scheduled
11/24/2010 09:00 AM	CR Session 2 - Ct. Rm 4		Jury Trial		Held as Scheduled
11/29/2010 09:00 AM	CR Session 2 - Ct. Rm 4		Jury Trial		Held as Scheduled
11/30/2010 09:30 AM	CR Session 5 - Ct. Rm 3		Jury Trial		Held as Scheduled
12/01/2010 09:00 AM	CR Session 2 - Ct. Rm 4		Jury Trial		Held as Scheduled
12/02/2010 09:00 AM	CR Session 2 - Ct. Rm 4		Jury Trial		Held as Scheduled
12/03/2010 09:00 AM	CR Session 2 - Ct. Rm 4		Jury Trial		Held as Scheduled
12/06/2010 09:00 AM	CR Session 5 - Ct. Rm 3		Jury Trial		Held as Scheduled
12/07/2010 09:00 AM	CR Session 5 - Ct. Rm 3		Hearing for Sentence Imposition		Held as Scheduled
04/28/2011 09:23 AM	CR Session 5 - Ct. Rm 3		Hearing		Held as Scheduled
04/28/2011 02:00 PM	CR Session 5 - Ct. Rm 3		Hearing		Held as Scheduled
03/08/2012 02:00 PM	CR Session 5 - Ct. Rm 3		Status Review		Held as Scheduled
04/09/2012 09:00 AM	CR Session 5 - Ct. Rm 3		Hearing		Held as Scheduled
04/10/2012 09:00 AM	CR Session 5 - Ct. Rm 3		Hearing		
04/10/2012 09:00 AM	CR Session 5 - Ct. Rm 3		Hearing		Held as Scheduled
04/23/2012 09:00 AM	CR Session 5 - Ct. Rm 3		Hearing		Held as Scheduled
06/15/2012 09:35 AM	Criminal 1 - Ct. Rm. 8		Status Review		Rescheduled
06/25/2012 09:35 AM	Criminal 1 - Ct. Rm. 8		Status Review		Held as Scheduled
07/02/2012 09:29 AM	CR Session 5 - Ct. Rm 3		Bail Hearing		Held as Scheduled
07/02/2012 09:29 AM	Criminal 1 - Ct. Rm. 8		Bail Hearing		Not Held
07/02/2012 09:37 AM	CR Session 5 - Ct. Rm 3		Hearing for Funds		Held as Scheduled
07/02/2012 09:37 AM	Criminal 1 - Ct. Rm. 8		Hearing for Funds		Not Held
07/25/2012 09:35 AM	Criminal 1 - Ct. Rm. 8		Status Review		Held as Scheduled
07/25/2012 09:37 AM	Criminal 1 - Ct. Rm. 8		Hearing for Funds		Held as Scheduled
08/14/2012 09:37 AM	Criminal 1 - Ct. Rm. 8		Hearing for Funds		Held as Scheduled
09/07/2012 09:37 AM	Criminal 1 - Ct. Rm. 8		Hearing for Funds		Held as Scheduled
09/18/2012 09:23 AM	Criminal 1 - Ct. Rm. 8		Hearing on Motion to Continue		Held as Scheduled
09/19/2012 09:23 AM	Criminal 1 - Ct. Rm. 8		Hearing		Rescheduled
09/27/2012 09:23 AM	Criminal 1 - Ct. Rm. 8		Hearing		Held as Scheduled
10/04/2012 09:23 AM	Criminal 1 - Ct. Rm. 8		Hearing RE: Discovery Motion(s)		Held as Scheduled
11/20/2012 09:37 AM	Criminal 1 - Ct. Rm. 8		Hearing for Funds		Held as Scheduled
12/17/2012 09:09 AM	Criminal 1 - Ct. Rm. 8		Trial Assignment Conference		Held as Scheduled
12/17/2012 09:23 AM	Criminal 1 - Ct. Rm. 8		Hearing		Held as Scheduled

<u>Date</u>	<u>Session</u>	<u>Location</u>	<u>Type</u>	<u>Event Judge</u>	<u>Result</u>
12/17/2012 09:39 AM	Criminal 1 - Ct. Rm. 8		Final Pre-Trial Conference		Held as Scheduled
12/28/2012 09:21 AM	Criminal 1 - Ct. Rm. 8		Hearing RE: Discovery Motion(s)		Held as Scheduled
01/07/2013 09:00 AM	CR Session 2 - Ct. Rm 4		Jury Trial		Held as Scheduled
01/08/2013 09:00 AM	CR Session 2 - Ct. Rm 4		Jury Trial		Held as Scheduled
01/09/2013 09:00 AM	CR Session 2 - Ct. Rm 4		Jury Trial		Held as Scheduled
01/10/2013 09:00 AM	CR Session 2 - Ct. Rm 4		Jury Trial		Held as Scheduled
01/11/2013 09:00 AM	CR Session 2 - Ct. Rm 4		Jury Trial		Held as Scheduled
01/14/2013 09:00 AM	CR Session 2 - Ct. Rm 4		Jury Trial		Held as Scheduled
01/15/2013 09:00 AM	CR Session 2 - Ct. Rm 4		Jury Trial		Held as Scheduled
01/16/2013 09:00 AM	CR Session 2 - Ct. Rm 4		Jury Trial		Held as Scheduled
01/17/2013 09:00 AM	CR Session 2 - Ct. Rm 4		Jury Trial		Held as Scheduled
01/24/2013 09:37 AM	Criminal 1 - Ct. Rm. 8		Hearing for Funds		Held as Scheduled
02/01/2013 09:37 AM	Criminal 1 - Ct. Rm. 8		Hearing for Funds		Held as Scheduled

### Docket Information

<u>Docket Date</u>	<u>Docket Text</u>	<u>File Ref Nbr.</u>	<u>Image Avail.</u>
10/22/2009	Indictment returned	1	
10/22/2009	Order of notice of finding of murder indictment	2	
10/28/2009	Habed for arraignment issued ret 11-5-09		
11/03/2009	Appearance of Deft's Atty: William J O'Neil	3	
11/03/2009	MOTION by Deft: to compel production of unredacted statements of potential witnesses	4	
11/03/2009	MOTION by Deft: to preserve evidence	5	
11/04/2009	Appearance of Commonwealth's Atty: John Compton	6	
11/05/2009	Deft arraigned before Court		
11/05/2009	Appointment of Counsel William J O'Neil, pursuant to Rule 53 (by CPCS Boston)		
11/05/2009	Formal reading of indictment #1		
11/05/2009	RE Offense 1:Plea of not guilty		
11/05/2009	Bail: Defendant held without right to bail without prejudice (C. J. Moriarty II, Justice)		
11/05/2009	MOTION (P#5) Allowed (C.J. Moriarty, Justice)		
11/05/2009	Assigned to track "C" see scheduling order		
11/05/2009	Bail: mittimus issued	7	
01/08/2010	MOTION by Deft: for a list of witnesses the Commonwealth anticipates it may call at trial	8	
01/08/2010	MOTION by Deft: to inspect written statements of Commonwealth witnesses	9	
01/08/2010	MOTION by Deft: for copy of Turret Tape	10	
01/08/2010	MOTION by Deft: to have Commonwealth reveal expert witnesses	11	
01/08/2010	MOTION by Deft: for discovery of defendant's conduct that the government intends to introduce at trial as an implied admission	12	
01/08/2010	MOTION by Deft: for list of all people interviewed by the police regarding this crime	13	
01/08/2010	MOTION by Deft: for discovery of tests employed, test data and test results by the Commonwealth experts	14	
01/08/2010	MOTION by Deft: for notice of promises, rewards and inducements	15	

<u>Docket Date</u>	<u>Docket Text</u>	<u>File Ref Nbr.</u>	<u>Image Avail.</u>
01/08/2010	MOTION by Deft: to be furnished with criminal record	16	
01/08/2010	MOTION by Deft: for notice of prior and subsequent bad acts	17	
01/08/2010	MOTION by Deft: to interview Commonwealth witness	18	
01/27/2010	MOTION by Commonwealth: for reciprocal discovery	19	
03/10/2010	MOTION by Deft: for "The Murder Book" or "File"	20	
03/19/2010	MOTION by Deft: for funds to hire medical expert and to impound affidavit in support thereof	21	
03/19/2010	Affidavit of William J. O'Neil Esquire	21.1	
03/24/2010	MOTION (P#21) allowed (see pleading) (Mary-Lou Rup, Justice)		
03/24/2010	MOTION by Deft: to inspect grand jury exhibits	22	
03/24/2010	MOTION by Deft: to disclose confidential sources	23	
03/24/2010	MOTION by Deft: for production of photographic arrays shown to Commonwealth witness	24	
03/24/2010	MOTION by Deft: for identification procedures and photographs	25	
05/27/2010	Co-defendant's Motion to continue pre-trial hearing - allowed by agreement (Ford, J.)		
06/15/2010	Event: Pre Trial hearing held (C. Jeffrey Kinder, Justice)		
06/15/2010	Pre-trial conference report filed	26	
06/21/2010	MOTION by Deft: for funds to hire private investigator	27	
06/21/2010	Affidavit of counsel	27.1	
06/24/2010	MOTION (P#27) Allowed not to exceed \$2500. (C. Jeffrey Kinder, Justice)		
07/22/2010	Agreement on Discovery motions (2 pages, see original in case #09-903)	28	
07/22/2010	Agreement on Discovery motions [ 2 pages; see original in case #09-903)	28.1	
09/21/2010	MOTION by Deft: to dismiss for failure to provide discovery	29	
09/21/2010	Affidavit	29.1	
09/21/2010	Deft files memorandum in support of motion to dismiss	30	
09/29/2010	MOTION by Commonwealth: to continue	31	
10/12/2010	MOTION by Commonwealth: for Medical records	32	
10/12/2010	Affidavit of Stephen E. Spelman, A.D.A.	32.1	
10/12/2010	MOTION by Commonwealth: for Order permitting the interview of defendant's Medical provider(s)	33	
10/12/2010	Affidavit of Stephen E. Spelman, A.D.A.	33.1	
10/14/2010	MOTION (P#31) allowed (C. Jeffrey Kinder, Justice)		
10/14/2010	MOTION (P#32) allowed (C. Jeffrey Kinder, Justice)		
10/20/2010	Hearing on (P#33) Motion for order to interview held, matter taken under advisement (Kinder, J.)		
10/20/2010	MOTION (P#33) allowed in part. See order of this date. (C. Jeffrey Kinder, Justice) N. 10/20/10		
10/20/2010	ORDER regarding disclosure of treatment information by health care providers (C. Jeffrey Kinder, Justice) N.	34	
10/21/2010	MOTION (P#16) allowed without objection (C. Jeffrey Kinder, Justice)		
10/29/2010	MOTION by Deft: to compel further repsonses to Commonwealth's response to defendant's motion for disclosure of prior and subsequent bad acts	35	
10/29/2010	MOTION by Deft: for photograph from photo array	36	
11/01/2010	MOTION by Deft: for booking photo	39	
11/01/2010	MOTION by Deft: for process to issue and for service of process at the expense of the Commonwealth	40	

<u>Docket Date</u>	<u>Docket Text</u>	<u>File Ref Nbr.</u>	<u>Image Avail.</u>
11/01/2010	Deft files list of witnesses	41	
11/02/2010	Case held in Session- Ready for trial		
11/02/2010	MOTION (P#35) no action (Moriarty, J.)		
11/02/2010	MOTION (P#36) allowed if such photographs exist (Moriarty, J.)		
11/02/2010	MOTION by Deft: for process to issue and for service of process at the expense of the Commonwealth	37	
11/02/2010	MOTION (P#37) allowed (Peter A. Velis, Justice)		
11/02/2010	Filed: Joint Final Pre-Trial Conference Report	38	
11/12/2010	Deft files List of Witnesses ( Copy of original)	42	
11/12/2010	MOTION by Deft: for Individual Voir Dire	43	
11/12/2010	Deft files First Amended List of Witnesses	44	
11/12/2010	MOTION by Deft: for Process to Issue and for service of process at the Expense of the Commonwealth	45	
11/12/2010	MOTION by Deft: for RMV Photographs	46	
11/12/2010	MOTION by Deft: for Surveillance Video	47	
11/12/2010	MOTION by Deft: to Sequester Witnesses	48	
11/12/2010	MOTION by Deft: In Limine to Preclude the Commonwealth from Impeaching the Defendant's Credibility with Evidence of Prior Conviction(s)	49	
11/12/2010	MOTION by Deft: In Limine (Mugshots)	50	
11/12/2010	MOTION by Deft: for a View	51	
11/12/2010	MOTION by Deft: In Limine (Segment of Murder Indictment Not to be Read to Jury)	52	
11/12/2010	MOTION by Deft: In Limine to Prohibit Evidence of Prior Misconduct	53	
11/15/2010	After hearing; No action taken on the defendant's motion to continue trial. Returned to Judge Velis' session for trial (C. J. Moriarty II, Justice)		
11/15/2010	Commonwealth files Amended Anticipated Witness List	54	
11/16/2010	MOTION (P#39) allowed (Peter A. Velis, Justice).		
11/16/2010	MOTION (P#40) Motion is Moot (Peter A. Velis, Justice).		
11/16/2010	MOTION (P#48) allowed (Peter A. Velis, Justice).		
11/16/2010	MOTION (P#50) allowed (Peter A. Velis, Justice).		
11/16/2010	MOTION (P#51) allowed (Peter A. Velis, Justice).		
11/16/2010	MOTION by Deft: In Limine Re: Eyewitness Certainty	55	
11/16/2010	MOTION (P#55) allowed (Peter A. Velis, Justice).		
11/16/2010	MOTION by Deft: In Limine RE:Unnecessarily Suggestive Identification Procedures	56	
11/16/2010	MOTION (P# 56 ) No action at this time see record (Velis, Justice)		
11/16/2010	MOTION by Deft: to Join Motions of Co-Defendant, Angel Hernandez	57	
11/16/2010	MOTION (P#57) allowed (see pleading) (Peter A. Velis, Justice).		
11/17/2010	MOTION by Deft: for funds	58	
11/17/2010	MOTION (P#58) allowed (Peter A. Velis, Justice).		
11/17/2010	MOTION by Deft: for funds	59	
11/17/2010	MOTION (P#59) allowed (Peter A. Velis, Justice).		
11/17/2010	Regarding jury trial: Jury selection begins, Trial begins		
11/18/2010	MOTION by Deft: for funds	60	
11/18/2010	Deft files affidavit	60.1	
11/18/2010	MOTION (P#60) allowed (Peter A. Velis, Justice).		
11/18/2010	MOTION by Deft: In Limine RE: Opinions of Emergency Room Physicians	61	

<u>Docket Date</u>	<u>Docket Text</u>	<u>File Ref Nbr.</u>	<u>Image Avail.</u>
11/19/2010	Regarding jury trial: Trial Resumes; Jury selected and sworn		
11/19/2010	Habeas corpus for Deft at Hampshire House of Correction (Northampton) Anthony Martinez	62	
11/19/2010	Pleading # 62 Allowed (Velis, Justice)		
11/22/2010	MOTION by Deft: In Limine to Redact That Portion of the Plea Agreement Which Sets Forth The Accomplice's Truthfulness	63	
11/22/2010	Habeas corpus for Deft at Hampshire House of Correction (Northampton) Anthony Martinez	64	
11/22/2010	Pleading # 64 Allowed (Velis, Justice)		
11/22/2010	Exhibits offered		
11/23/2010	Habeas corpus for Deft at Hampshire House of Correction (Northampton)	65	
11/23/2010	Pleading #65 Allowed (Velis, Justice)		
11/24/2010	Court conducts hearing on Witness Anthony Martinez, Court finds 5th Amendment privilege; Record Impounded		
11/24/2010	MOTION by Deft: for Process to Issue and for Service of Process at the Expense of the Commonwealth	66	
11/24/2010	MOTION (P#66) allowed (Peter A. Velis, Justice).		
11/24/2010	Habeas corpus for Deft at Hampshire House of Correction (Northampton) Anthony Martinez	67	
11/24/2010	Pleading # 67 Allowed (Velis, Justice)		
11/29/2010	More Exhibits offered		
11/30/2010	More Exhibits offered		
12/01/2010	MOTION by Deft: Ex-Parte Motion for Funds for Transcript	68	
12/01/2010	MOTION (P#68) allowed (Peter A. Velis, Justice).		
12/01/2010	More Exhibits offered		
12/01/2010	Defendant's Oral Motion for Required Finding of Not Guilty -Denied (Velis, Justice)		
12/02/2010	Exhibits filed	69	
12/02/2010	MOTION by Deft: For Required Finding of Not Guilty	70	
12/02/2010	MOTION (P#70) denied (Peter A. Velis, Justice).		
12/06/2010	RE Offense 1:Guilty verdict (Murder in the First Degree, Committed with deliberate premeditation)	72	
12/06/2010	MOTION by Deft: for Funds to Hire Private Investigator	71	
12/06/2010	MOTION (P#71) allowed (Peter A. Velis, Justice).		
12/06/2010	Exhibits filed	73	
12/06/2010	List of jurors filed.	74	
12/07/2010	Defendant sentenced to MCI Cedar Junction, for the term of his Natural Life (Peter A. Velis, Justice)	75	
12/07/2010	Sentence credit given as per 279:33A: to be determined		
12/07/2010	Victim-witness fee assessed: \$90.00 (Peter A. Velis, Justice)		
12/07/2010	Notified of right of appeal under Rule 64		
12/07/2010	Notified of right of appeal under Rule 65		
12/07/2010	Defendant warned per Chapter 22E Sec. 3 of DNA		
12/09/2010	MOTION by Deft: After Discharge of Jury	76	
12/13/2010	Legal counsel fee paid as assessed in the amount of \$150.00	76.1	
12/13/2010	Victim-witness fee paid as assessed \$90.00		
12/13/2010	Notice of appeal from sentence to Cedar Junction MCI (Walpole) filed by Charles Wilhite N. 1/11/11	76.2	
12/15/2010	MOTION by Deft: to Waive Victim Witness Fee N. 1/7/11	76.3	
12/22/2010	NOTICE of APPEAL FILED by Defendant N, 12/23/10	77	



<u>Docket Date</u>	<u>Docket Text</u>	<u>File Ref Nbr.</u>	<u>Image Avail.</u>
12/23/2010	MOTION by Deft: for Appointment of Appellate Counsel N. 12/23/10	78	
12/23/2010	Deft files Notice to Withdraw Appearance of Counsel N. 12/23/10	79	
01/07/2011	Court Reporter Flaherty, Patricia A. is hereby notified to prepare one copy of the transcript of the evidence of 11/16/2010	80	
01/07/2011	Court Reporter Flaherty, Patricia A. is hereby notified to prepare one copy of the transcript of the evidence of 11/17/2010		
01/07/2011	Court Reporter Flaherty, Patricia A. is hereby notified to prepare one copy of the transcript of the evidence of 11/19/2010		
01/07/2011	Court Reporter Marzano (Santos), Elizabeth is hereby notified to prepare one copy of the transcript of the evidence of 11/22/2010	81	
01/07/2011	Court Reporter Marzano (Santos), Elizabeth is hereby notified to prepare one copy of the transcript of the evidence of 11/24/2010		
01/07/2011	Court Reporter Marzano (Santos), Elizabeth is hereby notified to prepare one copy of the transcript of the evidence of 11/29/2010		
01/07/2011	Court Reporter Marzano (Santos), Elizabeth is hereby notified to prepare one copy of the transcript of the evidence of 11/30/2010		
01/07/2011	Court Reporter Marzano (Santos), Elizabeth is hereby notified to prepare one copy of the transcript of the evidence of 12/01/2010 AM then again @ 2:00 PM.		
01/07/2011	Court Reporter Griffin, Christopher is hereby notified to prepare one copy of the transcript of the evidence of 12/01/2010 @ 11:05 AM	82	
01/07/2011	Court Reporter Marzano (Santos), Elizabeth is hereby notified to prepare one copy of the transcript of the evidence of 12/02/2010		
01/07/2011	Court Reporter Marzano (Santos), Elizabeth is hereby notified to prepare one copy of the transcript of the evidence of 12/03/2010		
01/07/2011	Court Reporter Adams, Sara is hereby notified to prepare one copy of the transcript of the evidence of 12/06/2010	83	
01/07/2011	Court Reporter Adams, Sara is hereby notified to prepare one copy of the transcript of the evidence of 12/07/2010		
01/07/2011	Court Reporter Flaherty, Patricia A. is hereby notified to prepare one copy of the transcript of the evidence of 11/18/2010		
01/10/2011	MOTION (P#76.3) denied (Peter A. Velis, Justice).N 1-11-11		
01/11/2011	MOTION (P#78) Allowed . If and when CPCS Boston appoints counsel (Peter A. Velis, Justice)		
01/11/2011	MOTION (P#79) Allowed. When and if CPCS Boston appoints counsel (Peter A. Velis, Justice)		
01/11/2011	Notice of assignment of counsel filed.	84	
02/25/2011	Transcript of testimony received 1-CD dated 12/6/10 from Transcript of proceedings from Court Reporter Adams, Sara		
03/01/2011	Notice of assignment of counsel filed.	85	
03/04/2011	Appearance of Deft's Atty: David A F Lewis	86	
03/08/2011	Transcript of testimony received 1-CD dated 11/22/10 from Transcript of proceedings from Court Reporter Marzano (Santos), Elizabeth		
03/24/2011	Transcript of testimony received 1-CD dated 11/23/11 from Transcript of proceedings from Court Reporter Marzano (Santos), Elizabeth		
03/25/2011	Transcript of testimony received 1-Cd dated 11/24/10 from Transcript of proceedings from Court Reporter Marzano (Santos), Elizabeth		
04/08/2011	Transcript of testimony received 1-CD dated 12/1/10 11:05-1:00 PM Transcript of proceedings from Court Reporter Griffin, Christopher		
04/21/2011	Transcript of testimony received 1-CD dated 11/29/10 from Transcript of proceedings from Court Reporter Marzano (Santos), Elizabeth		
04/22/2011	Commonwealth files: Memorandum in opposition to defendant's motion after discharge of Jury pursuant to Mass. R. Crim. P.25(b)(2)	87	
04/22/2011	Notice sent on 4/22/2011 to The Honorable Peter A. Velis, Justice)		
04/26/2011	MOTION by Deft: for Funds to Transcribe N. 4/26/11	88	



<u>Docket Date</u>	<u>Docket Text</u>	<u>File Ref Nbr.</u>	<u>Image Avail.</u>
04/26/2011	MOTION (P#88) allowed respecting November 23, 2010 only (Peter A. Velis, Justice) N. 4/26/11		
04/28/2011	Hearing on (P#76) held, matter taken under advisement ( Peter A. Velis, Justice)		
04/28/2011	MOTION by Deft: for funds to transcribe	89	
04/28/2011	MOTION (P#89) Allowed (please see pleading) ( Peter A. Velis, Justice)		
04/29/2011	Transcript of testimony received 1-CD dated 11/30/10 from Transcript of proceedings from Court Reporter Marzano (Santos), Elizabeth		
05/02/2011	Transcript of testimony received 1-CD dated 12/1/10 from Transcript of proceedings from Court Reporter Marzano (Santos), Elizabeth		
05/09/2011	Transcript of testimony received 1-CD dated 12/02/10 from Transcript of proceedings from Court Reporter Marzano (Santos), Elizabeth		
05/20/2011	Transcript of testimony received 1-CD dated 12/3/10 from Transcript of proceedings from Court Reporter Marzano (Santos), Elizabeth		
06/14/2011	General correspondence to Richard Parsons in Boston: CD by Patricia Flaherty, Ct. Reporter with the dates of 11/16/10, 11/17/10, 11/18/10 & 11/19/10 sent to his office to have CD's Transcribed.	90	
07/11/2011	Transcript of testimony received 1-CD dated 12/7/10 from Transcript of proceedings from Court Reporter Adams, Sara		
09/07/2011	Transcript of testimony received 1-CD dated 11/16/10 from Transcript of proceedings from Court Reporter Flaherty, Patricia A.		
09/07/2011	Transcript of testimony received on CD -dated 11/17/10 from Transcript of proceedings from Court Reporter Flaherty, Patricia A.		
09/07/2011	Transcript of testimony received on CD -dated 11/18/10 from Transcript of proceedings from Court Reporter Flaherty, Patricia A.		
09/07/2011	Transcript of testimony received on CD dated 11/19/10 from Transcript of proceedings from Court Reporter Flaherty, Patricia A.		
10/06/2011	MOTION by Deft: for funds for an investigator	91	
10/11/2011	Notice sent to Judge Velis re: pleading #91		
10/12/2011	Notice of assembly of record; mailed to Supreme Judicial Court per Rule 9(d)	92	
10/26/2011	Notice of Entry of appeal received from the Supreme Judicial Court (Route to SJC: Direct Entry: Murder 1)	93	
11/07/2011	MOTION (P#91) denied (Peter A. Velis, Justice). Copies mailed 11/8/11		
11/22/2011	Deft files Supplemental Memorandum in Support of Defendant's Motion After Discharge of Jury N. 11/22/11 Velis,J.	94	
11/23/2011	MOTION by Deft: to Reconsider Funds for an Investigator and Request for Hearing N. 11/23/11 Velis,J.	95	
12/16/2011	Commonwealth files Supplemental Memorandum in opposition to defendant's Motion after discharge of jury pursuant to Mass. R. Crim. P. 25(b)(2)	96	
12/16/2011	Notice sent to Judge Velis		
03/19/2012	MOTION by Deft: for funds to transcribe	97	
03/19/2012	Deft files supplement to his motion to reconsider funds for an investigator and request for hearing	98	
03/19/2012	Affidavit of David A.F. Lewis, Esq.	98.1	
03/19/2012	Notice sent to Judge Velis re: pleadings 97 & 98		
03/30/2012	Commonwealth files Second Supplemental Memorandum in opposition to defendant's Motion after discharge of jury pursuant to Mass. R. Crim. P. 25(b)(2)	99	
04/03/2012	MOTION by Deft: for Issuance of Habeas Corpus	100	
04/04/2012	MOTION (P#100) allowed (see pleading) (Peter A. Velis, Justice)		
04/05/2012	Appearance of Deft's Atty: William J O'Neil	101	
04/09/2012	Appointment of Counsel Bernard O'Connor for witness Nathan Perez, pursuant to Rule 53 - 5th amendment rights (Velis, J.)		

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04/09/2012	Notice of assignment of counsel filed. (Peter A. Velis, Justice)	102	
04/09/2012	MOTION by Def: of funds to transcribe	103	
04/09/2012	MOTION (P#103) allowed (Peter A. Velis, Justice) N.		
04/09/2012	MOTION by Def: of funds to transcribe	104	
04/09/2012	MOTION (P#104) allowed (Peter A. Velis, Justice)		
04/09/2012	Def: files Reply Memorandum in support of defendant's Motion after discharge of jury	105	
04/17/2012	Commonwealth files Post-Evidentiary Hearing Memorandum in Opposition to Defendant's Motion after Discharge of Jury Pursuant to Mass.R.Crim. P. 25(b) (2)	106	
04/20/2012	Def: files Post Hearing Memorandum in Support of Defendant's Motion After Discharge of Jury Pursuant to Mass.R.Crim. P. 25(b) (2)	107	
04/23/2012	MOTION by Def: for Funds to Transcribe	108	
04/23/2012	MOTION (P#108) allowed (Peter A. Velis, Justice)		
05/14/2012	MOTION (P#76) allowed in part / denied in part. (See Findings of fact) (Peter A. Velis, Justice) N.		
05/14/2012	FINDINGS of FACT, RULINGS of LAW and Order on defendant's Motion after discharge of jury (Velis, J.) N. (Peter A. Velis, Justice)	109	
06/28/2012	MOTION by Def: for funds to hire private investigation	110	
06/29/2012	MOTION by Def: to Set Bail	111	
06/29/2012	Def: files Memorandum in Support of Motion to Set Bail	112	
07/02/2012	Affidavit	110.1	
07/02/2012	MOTION (P#110) allowed (Peter A. Velis, Justice).		
07/02/2012	Commonwealth files memorandum in opposition to defendant's motion to set bail	113	
07/02/2012	MOTION (P#111) denied after hearing, defendant remains held without the right to bail (Peter A. Velis, Justice).		
07/02/2012	ORDERED remanded to the custody of the Hampden House of Correction (Ludlow) (Velis, J)	115	
07/02/2012	Bail: mittimus issued	114	
07/24/2012	MOTION by Def: for funds to hire multi-media forensic investigator and that the affidavit in support thereof be impounded	116	
07/25/2012	Appearance of Commonwealth's Atty: Blake J Rubin	117	
07/25/2012	Affidavit	116.1	
07/25/2012	MOTION (P#116) allowed (Ferrara, Justice).		
08/14/2012	MOTION by Def. and to impound.	118	
08/14/2012	Affidavit of counsel	118.1	
08/14/2012	MOTION (P#118) allowed (Peter A. Velis, Justice)		
08/17/2012	MOTION by Def: to dismiss indictment	119	
09/06/2012	MOTION by Def: for funds to hire private investigator and to impound affidavit in support thereof	120	
09/06/2012	MOTION by Def: for funds to hire forensic pathologist and to impound affidavit	121	
09/07/2012	Affidavit of counsel	120.1	
09/07/2012	Affidavit of counsel	121.1	
09/07/2012	MOTION (P#120 and 121) allowed (see pleadings) (C. Jeffrey Kinder, Justice)		
09/14/2012	MOTION by Def: to be furnished with criminal record	122	
09/14/2012	MOTION by Def: for Notice of promises, rewards and inducements	123	
09/14/2012	MOTION by Def: to inspect written statements of witnesses and/or police reports or notes of interviews of witnesses	124	

<u>Docket Date</u>	<u>Docket Text</u>	<u>File Ref Nbr.</u>	<u>Image Avail.</u>
09/18/2012	MOTION by Commonwealth: to continue	125	
09/18/2012	MOTION (P#125) allowed (C. Jeffrey Kinder, Justice)		
09/21/2012	Commonwealth files Memorandum in Opposition to Defendant's Motion to Dismiss Indictment N. 9/21/12 Kinder,J.	126	
09/27/2012	Hearing on (P#119) held, matter taken under advisement (C. Jeffrey Kinder, Justice)		
10/02/2012	MOTION (P#119) denied (C. Jeffrey Kinder, Justice)		
10/02/2012	MEMORANDUM of decision on defendant's Motion to dismiss (C. Jeffrey Kinder, Justice) N.	127	
10/04/2012	MOTION (P#124) allowed (see pleading) (C. Jeffrey Kinder, Justice) N. 10/5/12		
10/04/2012	MOTION (P#122) allowed without objection (C. Jeffrey Kinder, Justice) N. 10/5/12		
10/04/2012	MOTION (P#123) allowed (see pleading) (C. Jeffrey Kinder, Justice) N. 10/5/12		
10/10/2012	MOTION (P#11) allowed only insofar as provided for in Rule 14(a)(1)(A)(vi) or otherwise qualifies as impeachment or exculpatory information (C. Jeffrey Kinder, Justice). Copies mailed 10/10/2012		
10/31/2012	Commonwealth files response to defendant's motion for promises, rewards, and inducements	128	
10/31/2012	Commonwealth files notice of experts	129	
11/16/2012	MOTION by Deft: for funds to hire ballistics expert	130	
11/16/2012	Affidavit of counsel	130.1	
11/20/2012	MOTION (P#130) allowed (Kinder, J.)		
12/14/2012	MOTION by Deft: for process to issue and for service of process at the expense of the Commonwealth	131	
12/17/2012	Commonwealth files Notice witnesses and of experts	132	
12/17/2012	MOTION (P#131) allowed (C.J. Moriarty, Justice)		
12/17/2012	Filed: Joint Pre-Trial Memorandum	133	
12/18/2012	MOTION by Deft: to prevent the presentation of opinion testimony regarding the trajectory rods	134	
12/18/2012	MOTION by Deft: in limine to allow evidence of an attack by Angel Hernandez and a light-skinned Hispanic male (and others) on the victim	135	
12/18/2012	MOTION by Deft: in limine to prevent the use of descriptions written on photos during identification process	136	
12/18/2012	MOTION by Deft: in limine to admit testimony regarding the inculpatory statements of a light skinned Hispanic male as a spontaneous utterance	137	
12/18/2012	MOTION by Deft: in limine to prevent the Commonwealth from characterizing Patrice Archie's testimony as identifying the defendant	138	
12/18/2012	MOTION by Deft: in limine to prevent Giselle Albelo's statement to police or her statement to the grand jury from being used as substantive evidence under Commonwealth v. Daye and to limit their use to impeachment	139	
12/26/2012	MOTION by Deft: for funds to hire Private Investigator and to Impound affidavit in support thereof	140	
12/26/2012	Deft files affidavit	140.1	
12/28/2012	MOTION (P#140) allowed (Carey, Justice)		
01/02/2013	Commonwealth files Amended Notice of witnesses and of experts	141	
01/02/2013	Commonwealth files Amended response to defendant's Motion for promises, rewards, and inducements	142	
01/02/2013	MOTION by Deft: in limine to prohibit evidence of prior misconduct	143	
01/02/2013	MOTION by Deft: in limine to redact that portion of the cooperation agreement which sets forth the accomplice's truthfulness	144	
01/02/2013	MOTION by Deft: in limine re: eyewitness certainty	145	

<u>Docket Date</u>	<u>Docket Text</u>	<u>File Ref Nbr.</u>	<u>Image Avail.</u>
01/02/2013	MOTION by Deft: in limine (mugshots)	146	
01/02/2013	MOTION by Deft: in limine to preclude the Commonwealth from impeaching the defendant's credibility with evidence of prior conviction(s)	147	
01/02/2013	MOTION by Deft: to sequester witnesses	148	
01/02/2013	MOTION by Deft: for individual voir dire	149	
01/03/2013	Commonwealth files Second Amended Response for defendant's Motion for promises, regards, and inducements	150	
01/03/2013	MOTION by Commonwealth: to admit the prior inconsistent statements of Nathan Perez at the defendant's first trial	151	
01/04/2013	MOTION by Commonwealth: for permission to use audio and video equipment during the defendant's trial	152	
01/04/2013	MOTION by Commonwealth: for a view	153	
01/04/2013	MOTION by Commonwealth: in limine to admit testimony of a substitute medical examiner	154	
01/04/2013	MOTION by Commonwealth: in limine to admit prior identification evidence of Giselle Albelo and Nathan Perez	155	
01/04/2013	MOTION by Commonwealth: in limine to admit the prior inconsistent statements of Giselle Albelo from her grand jury testimony	156	
01/04/2013	Commonwealth files Request for voir dire	157	
01/04/2013	Commonwealth files Second Amended Notice of witnesses and of experts	158	
01/07/2013	MOTION (P#148) allowed (see pleading) (Sweeney, Justice).		
01/07/2013	MOTION (P#146,147) See Record (Sweeney, Justice)		
01/07/2013	MOTION (P#145) denied (See Record) (C. Jeffrey Kinder, Justice).		
01/07/2013	MOTION (P#144) allowed by agreement (Sweeney, Justice)		
01/07/2013	MOTION (P#143) see pleading (Sweeney, Justice)		
01/07/2013	MOTION (P#138) see Record (Sweeney, Justice)		
01/07/2013	MOTION (P#137, #151, #153) allowed (Sweeney, Justice)		
01/07/2013	MOTION (P#136) See Record (Sweeney, Justice)		
01/07/2013	MOTION (P#135) allowed (Sweeney, Justice)		
01/07/2013	MOTION (P#134) denied (See Record) (Sweeney, Justice)		
01/07/2013	MOTION (P#139) denied (See Record) (Sweeney, Justice)		
01/07/2013	MOTION (P#154) Reserve (Sweeney, Justice)		
01/07/2013	MOTION (P#155) allowed see earlier Rulings (Sweeney, Justice)		
01/07/2013	MOTION (P#156) See pleading (Sweeney, Justice)		
01/07/2013	MOTION by Deft: in Opposition to the Commonwealth's Request to Admit the Prior Inconsistent Statements of Nathan Perez at the Defendant's Trial under Commonwealth V. Days	159	
01/07/2013	MOTION by Deft: in Opposition to the Commonwealth's Request to admit the Prior Identification Evidence of Giselle Albelo and Nathan Perez	160	
01/07/2013	MOTION by Deft: In Limine Re: Videotape of Defendant's Interview	161	
01/07/2013	MOTION by Deft: for Funds	162	
01/07/2013	Deft files Affidavit	162.1	
01/07/2013	Commonwealth files request for Habeas Corpus	163	
01/07/2013	(P#163) allowed (Sweeney, Justice)		
01/07/2013	Commonwealth files Request for Habeas Corpus	164	
01/07/2013	(P#164) allowed (Sweeney, Justice).		
01/07/2013	Commonwealth files Third Amended Response to Defendant's Motion for Promises, Rewards, and Inducements	165	
01/07/2013	Deft files List of Witnesses	166	

<u>Docket Date</u>	<u>Docket Text</u>	<u>File Ref Nbr.</u>	<u>Image Avail.</u>
01/07/2013	Regarding jury trial: Jury selection is completed		
01/08/2013	MOTION (P#163) allowed (Sweeney, Justice).		
01/08/2013	Regarding jury trial: Jury sworn, trial begins		
01/08/2013	Appointment of Attorney Joanuh Goldsmith under Rule 53 for Anthony Martinez a witness		
01/09/2013	Capias issued against Nathan David Perez	167	
01/09/2013	Capias recalled		
01/09/2013	MOTION by Commonwealth: to Admit Relevant Portions of Defendant's Audio/Video Interview	168	
01/11/2013	Commonwealth files Fourth Amended Response to Defendant's Motion for Promises, Rewards, and Inducements	169	
01/14/2013	MOTION by Commonwealth: Amended Motion to Admit Relevant Portions of Defendant's Audio Video Interview 7 Clips total	170	
01/15/2013	MOTION by Deft: Supplemental Motion for Funds	171	
01/15/2013	Deft files Affidavit	171.1	
01/15/2013	MOTION by Deft: for Required Finding of Not Guilty	172	
01/15/2013	MOTION (P#172) denied at the close of the Commonwealth's case (Sweeney, Justice)		
01/15/2013	MOTION (P#171) allowed (Sweeney, Justice)		
01/15/2013	Capias issued against Jessica Gonzalez	173	
01/16/2013	Capias recalled		
01/16/2013	Oral motion for Required Finding of Not Guilty at the close of all the Evidence is Denied (Sweeney, Justice)		
01/16/2013	Oral motion by the Commonwealth to remove Juror in seat #8 from case is denied (Sweeney, Justice)		
01/17/2013	Commonwealth files Motion to Discharge Juror	174	
01/17/2013	MOTION (P#174) denied (Sweeney, Justice)		
01/17/2013	RE Offense 1:Not guilty verdict	175	
01/17/2013	List of jurors filed.	176	
01/17/2013	Exhibits filed	177	
01/17/2013	Exhibits filed	178	
01/17/2013	Exhibits filed	179	
01/24/2013	MOTION by Deft: for funds to hire Private Investigator and to Impound affidavit in support thereof	180	
01/24/2013	Affidavit	180.1	
01/24/2013	MOTION (P#180) allowed (C. Jeffrey Kinder, Justice).		
01/31/2013	MOTION by Deft: for Funds for Services of Deputy Sheriff to serve Capias	181	
01/31/2013	Deft files affidavit	181.1	
02/01/2013	MOTION (P#181) allowed (C. Jeffrey Kinder, Justice)		
07/25/2014	Assented to MOTION by Deft: for copy of the Court's filed in this criminal matter	182	
07/28/2014	MOTION (P#182) allowed (Kinder, Justice). Copies mailed 7/29/2014		

**Case Disposition**

<u>Disposition</u>	<u>Date</u>	<u>Case Judge</u>
Disposed by Jury Verdict	01/17/2013	

