

COMMONWEALTH OF MASSACHUSETTS
SUPREME JUDICIAL COURT

Suffolk, ss.

No. SJ-2021-0129

CHRIS GRAHAM, JORGE LOPEZ, MEREDITH RYAN, KELLY AUER,
COMMITTEE FOR PUBLIC COUNSEL SERVICES, and HAMPDEN COUNTY
LAWYERS FOR JUSTICE,
Petitioners,

v.

DISTRICT ATTORNEY FOR HAMPDEN COUNTY,
Respondent.

**PETITIONERS' MOTION TO EXPAND THE RECORD
TO INCLUDE CLARIFYING INFORMATION**

In its opposition brief (Opp.), the District Attorney for Hampden County raises several objections to the Petition's characterization of Mr. Graham's case, including the content of a recorded 911 call withheld from the defense and the legal basis of the decision vacating his conviction. *See* Opp. at 40 & n.37, 51. The HCDAO also points out, correctly, a typographical error in the affidavit of petitioner Kelly Auer, which inadvertently listed the year of an arrest involving Officer Bigda as 2016 instead of 2015. *Id.* at 42. Petitioners regret any confusion caused by their pleading, and respectfully request permission to file the enclosed supplemental documentation to clarify the record.

Specifically, Petitioners respectfully ask to submit:

1. A Supplemental Affidavit of Chris Graham attaching a transcript of the 911 call; and
2. A Supplemental Affidavit of Kelly Auer attaching the docket sheet in *Commonwealth v. Livernois*.

Properly clarified, the record does not alter or mitigate the fundamental defects in the HCDAO’s prosecution of these cases, and the reasons supplied for exercising this Court’s superintendence power to ensure that misconduct by the Springfield Police Department is thoroughly investigated and disclosed. In Mr. Graham’s prosecution for possessing a firearm, it is beyond dispute that the prosecution team possessed, but withheld, an audio recording of a 911 call of a witness who specifically identified the gunman as not the “black” driver (*i.e.*, Mr. Graham, who was driving the vehicle at the scene and is Black), but rather the companion of the injured person (*i.e.*, off-duty Springfield police officer Remington McNabb, who is white and was walking with the injured off-duty corrections officer).¹ *See* Suppl. Graham Aff. Ex. A (911 call transcript) at 2:9-12, 3:17-4:4; *see also* HDAO R.A.013-021 (new trial decision describing allegations and testimony). That 911 call was highly exculpatory and not subject to any procedures that might apply to the disclosure of exculpatory material generated solely due to an investigation by the SPD’s Internal Investigation Unit. Yet the HCDAO did not disclose the recording of the 911 before Graham was convicted; Graham’s post-conviction counsel learned of the call through a public records request and then secured the recording from the HCDAO. C.R.A. 35-36.

Although the trial court vacated Mr. Graham’s conviction based on ineffective assistance of his counsel, that ineffective assistance included a failure to independently uncover evidence concerning the highly exculpatory 911 call that the prosecution team had improperly withheld. *See Commonwealth v. Martin*, 427 Mass. 816, 823 (1998) (“Defense counsel’s omissions, in any event, do not relieve the Commonwealth of the consequences of its failure to disclose”); HDAO R.A.021

¹ On page seven of the corrected petition, Petitioners state, “In the 911 call, this witness said that the person with the gun was ‘white.’” As described above and as shown in the attached transcript, the witness identified the sole gunman as a person (McNabb) who everybody agrees is white and distinguished him from the “Black” driver. The witness evidently used the actual word “white” to identify the gunman in a later statement to the SPD internal investigation unit. Petitioners’ counsel regret any confusion caused by the inadvertent error in the Petition.

(holding undisclosed witness recording and subsequent statement to SPD internal investigations unit constituted an “available and substantial ground of defense” for purposes of ineffective assistance analysis, but not addressing *Brady* implications). Had the prosecution team fulfilled its obligations to Mr. Graham, his counsel would have received the exculpatory recording in time to use it and without having to ask. Instead, Mr. Graham was convicted of a crime he did not commit, possibly based on evidence fabricated to justify Officer McNabb’s decision, after drinking, to respond to an attack on his companion by “pull[ing] a gun on a bunch of people.” *See* Suppl. Graham Aff. Ex. A (911 call transcript) at 2:9-12, 3:17-4:4 (911 caller describing actions of the companion of the injured person); HDAO R.A. 013-17 (new trial decision explaining that Officer McNabb had consumed alcohol that evening, that the SPD officers did not wear gloves when handling the firearm attributed to Mr. Graham, and that “police investigators neglected to interview any of the many witnesses at the scene other than McNabb”).

Similarly, in the Auer declaration, Petitioners regret the typographical errors, but they are immaterial. Whether the arrest involving Officer Bigda occurred in 2015 or 2016, the resulting prosecution remained open *until 2019*, long after the HCDAO was aware of, and should have disclosed, evidence of Officer Bigda’s history of misconduct. *See* Suppl. Auer Affidavit Ex. A (docket sheet).

In summary, Petitioners regret any aspects of the Petition and accompanying submissions that may have been inadvertently confusing or inaccurate, and respectfully request to submit the enclosed materials to clarify the record.

Dated: July 13, 2021

Respectfully submitted,

/s/ Rebecca Jacobstein

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COMMONWEALTH OF MASSACHUSETTS
SUPREME JUDICIAL COURT

Suffolk, ss.

No. SJ-2021-0129

CHRIS GRAHAM, JORGE LOPEZ, MEREDITH RYAN, KELLY AUER,
COMMITTEE FOR PUBLIC COUNSEL SERVICES, and HAMPDEN COUNTY
LAWYERS FOR JUSTICE,
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v.

DISTRICT ATTORNEY FOR HAMPDEN COUNTY,
Respondent.

CERTIFICATE OF SERVICE

I certify that on July 13, 2021, I served the attached Motion to Expand the Record to
Provide Clarifying Information via email to:

Thomas Hoopes
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/s/ Jessica J. Lewis
Jessica J. Lewis

**COMMONWEALTH OF MASSACHUSETTS
SUPREME JUDICIAL COURT**

Suffolk, ss.

No. SJ-2021-0129

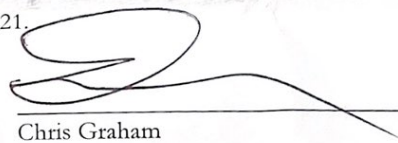
SUPPLEMENTAL AFFIDAVIT OF CHRIS GRAHAM

I, Chris Graham, state as follows:

1. I submitted an affidavit in this matter filed on April 6, 2021. In light of certain assertions by the Hampden County District Attorney's Office, I now submit this supplemental affidavit to clarify my statements regarding the statements of the 911 caller, C.R.A. 33, ¶ 16, and the grounds for the court granting the new trial motion, *id.* at ¶ 17.
2. Specifically, a witness gave statements as part of the investigation into the September 2017 complaint that I made with the SPD internal affairs department. That witness had also called 911 when the fight outside the bar started. During both the 911 call and the internal affairs investigation, the witness identified the person holding the gun as someone other than me. During the 911 call, the witness said the person with the gun was not the Black male. I am a Black male. During the internal affairs investigation, the witness said the person with the gun was a white person. I am Black.
3. I have listened to the audio of the 911 call. A true and accurate transcript of an excerpt of the relevant 911 call, as prepared by the O'Brien & Levine transcription service based on the audio recording provided to the service by my counsel, is attached hereto as Exhibit A.
4. A Motion for a New Trial was filed on my behalf, arguing in part that the Commonwealth failed to produce this witness's obviously exculpatory statements. The Motion was granted. The court found that the unproduced 911 call and related information constituted "an available and substantial ground of defense." HDA R.A. 20-21. The court ruled that it was unreasonable for

my trial counsel to have waited for the prosecution to turn over this evidence rather than actively follow-up on the harassment complaint that I filed with the SPD, which would have also revealed the 911 caller's statements. *See id.* The court also found that I was prejudiced by the lack of access to this information, and granted relief on the grounds of ineffective assistance of counsel. *See id.* at 21. My appeal was stayed in light of the court allowing the Motion, and the firearm convictions were vacated. On or about March 25, 2021, the Commonwealth filed a *nolle prosequi* in my case, but my case was not dismissed with prejudice.

Signed under the pains and penalties of perjury on July ¹²~~9~~, 2021.



Chris Graham

Exhibit A

COMMONWEALTH OF MASSACHUSETTS

Hampden, ss.

Hampden County Superior
Department
Of the Trial Court
Civil Action No. 1779CR00403

COMMONWEALTH OF MASSACHUSETTS, *

Plaintiff *

V. *

CHRIS GRAHAM, *

Defendant *

SPRINGFIELD POLICE DEPARTMENT
RECORDED 911 PHONE CALL ON JULY 2, 2017

Transcription Service: Mary Indomenico, ACT, CET
Perfect In Print
212 Vineland Avenue
East Longmeadow, MA 01028
(413) 746-1778

Proceedings recorded by electronic sound recording;
transcript produced by transcription service.

1 RECORDING: July 2, 2017, 2:09:58.

2 CALLER: (Indiscernible) has the white shirt.

3 DISPATCH: 911; this line's recorded.

4 CALLER: Yep.

5 DISPATCH: What's your emergency?

6 CALLER: You know Hilton Garden Inn, the plaza
7 where this is Samuel's Club?

8 DISPATCH: Okay. Hilton Garden Inn?

9 CALLER: Some -- yeah, yeah, yeah. Some guy's
10 knocked the fuck out on the floor, and then his buddy
11 pulled a gun on a bunch of people, and he still has the
12 gun right now.

13 DISPATCH: Okay.

14 CALLER: Yep. A guy -- they have -- what kind of
15 car? They have a Coupe Chrysler -- yeah, a Coupe
16 Chrysler?

17 DISPATCH: A Coupe Chrysler?

18 CALLER: Yeah, yeah, yeah. They're still here.
19 If you guys can come, they have the gun --

20 DISPATCH: Do you have --

21 CALLER: -- everyone is watching.

22 DISPATCH: -- a description of that vehicle?

23 CALLER: Let's go -- let's go -- let's give him a
24 plate number. Oh shit. I can't -- I'm not trying to get

1 close, so I'm --

2 DISPATCH: Yeah, yeah, stay the safe distance
3 away. All right? What's the plate number for that?

4 CALLER: I can't see; it's dark.

5 DISPATCH: You can't? Okay, do you --

6 CALLER: No.

7 DISPATCH: -- have a color of the vehicle?

8 CALLER: It's black, yeah.

9 DISPATCH: Okay. Black --

10 CALLER: Yo, go closer. Let's get the plate
11 number.

12 DISPATCH: Sir, stay the safe distance away.
13 What's the description of the assailants there, the
14 subjects?

15 CALLER: It's just like I think --

16 DISPATCH: Black, white, Hispanic?

17 CALLER: I think a black dude got knocked down on
18 the floor. Someone on the floor. I don't know who.

19 DISPATCH: Okay. Black male is knocked out on the
20 floor?

21 CALLER: Oh, it's not -- it's not the black, no it
22 is not. The driver is the black male.

23 DISPATCH: Okay.

24 CALLER: He's not the one. But someone was on the

1 floor, and then his --

2 DISPATCH: Okay.

3 CALLER: -- friend just pulled a gun and started
4 pointing people. You know?

5 DISPATCH: Okay.

6 CALLER: I was just a witness, you know?

7 DISPATCH: Okay. Are they are all still there?

8 CALLER: Yep, yep.

9 DISPATCH: Okay.

10 CALLER: (Indiscernible).

11 DISPATCH: Stay a safe distance away. All right?

12 Is the -- is the attacker in the parking lot?

13 whereabouts is he in the parking lot?

14 CALLER: It's -- it's right across from the
15 (indiscernible) or Subway, Basketball Hall of Fame --

16 DISPATCH: Okay.

17 CALLER: It's in the park -- yeah, it's in that
18 parking lot.

19 DISPATCH: Right across from the Subway at the
20 Hall of Fame?

21 CALLER: Yes, sir.

22 DISPATCH: Okay. All right. Is the person --

23 CALLER: All right?

24 DISPATCH: -- that's on the floor, are they -- are

1 they breathing or are they --

2 CALLER: I'm leaving right now. That's -- I don't
3 know -- I don't know. I can't -- I couldn't get closer.

4 DISPATCH: Okay.

5 CALLER: They all left. So --

6 DISPATCH: Okay. Is there any bleeding there?

7 CALLER: I just want to let you guys know.

8 DISPATCH: Okay. Is the person bleeding there?

9 Can you give me any description that would help us out?

10 CALLER: The person is bleeding you said?

11 DISPATCH: Yeah. No, is the person bleeding? I'm
12 asking you.

13 CALLER: I don't know. I don't know. I'm not
14 close to this.

15 DISPATCH: What type of gun did you see there?

16 CALLER: I don't know. I don't know guns, you
17 know?

18 DISPATCH: Is it just a handgun, small gun?

19 CALLER: Everyone saw the guy pull the gun, and
20 everyone ran away. You know?

21 DISPATCH: Okay.

22 CALLER: Yep, we just left the club and we saw
23 people screaming running away. I don't know if someone
24 called you guys?

1 DISPATCH: Okay. Were you at Samuel's sports
2 Bar? Is that what happened?

3 CALLER: Yes, sir.

4 DISPATCH: You were at Samuel's?

5 CALLER: We were, yep.

6 DISPATCH: Okay.

7 CALLER: We're leaving right now.

8 DISPATCH: Do you have a plate number for me or
9 anything?

10 CALLER: No. You already asked me this question.
11 All right?

12 DISPATCH: One moment, sir.

13 CALLER: All right. Am I okay?

14 DISPATCH: One second, sir. Could I just get a
15 call back number in case anything changes with this?

16 CALLER: Yeah, sure.

17 DISPATCH: Okay.

18 CALLER: All right.

19 DISPATCH: And your phone number, please?

20 CALLER: No, yeah, I'm just a witness. I don't --
21 I don't want to get involved.

22 DISPATCH: Okay.

23 CALLER: Yep.

24 DISPATCH: All right.

1 CALLER: I did something good though. I'm not
2 trying to you know --

3 DISPATCH: Oh no, thank you for calling us.

4 CALLER: Yeah, no problem.

5 DISPATCH: If anything changes --

6 CALLER: You guys --

7 DISPATCH: Okay --

8 CALLER: -- have a good night.

9 DISPATCH: -- it was just two men?

10 CALLER: Yeah, there was two men I think, and
11 there was a bunch of people trying to --

12 DISPATCH: Okay.

13 CALLER: -- like punch this guy, that's all.
14 There's a security guy in here.

15 DISPATCH: Okay.

16 CALLER: That's driving around.

17 DISPATCH: All right.

18 CALLER: Yeah, I see the cop. I see the cop.

19 DISPATCH: You got him? All right.

20 CALLER: All right.

21 DISPATCH: Okay. Call us back if anything
22 changes. All right?

23 CALLER: All right.

24 DISPATCH: Bye.

1 CALLER: Bye.

2

3 (End of call.)

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C E R T I F I C A T I O N

I, MARY INDOMENICO, AN APPROVED COURT TRANSCRIBER,
DO HEREBY CERTIFY THAT THE FOREGOING IS A TRUE AND
ACCURATE TRANSCRIPT FROM THE AUDIO RECORDING PROVIDED TO
ME BY THE ACLU FOUNDATION OF MA, IN THE PROCEEDINGS IN
THE ABOVE ENTITLED MATTER.

I, MARY INDOMENICO, FURTHER CERTIFY THAT THE
FOREGOING IS IN COMPLIANCE WITH THE ADMINISTRATIVE OFFICE
OF THE TRIAL COURT DIRECTIVE ON TRANSCRIPT FORMAT.

I, MARY INDOMENICO, FURTHER CERTIFY THAT I NEITHER
AM COUNSEL FOR, RELATED TO, NOR EMPLOYED BY ANY OF THE
PARTIES TO THE ACTION IN WHICH THIS HEARING WAS TAKEN,
AND FURTHER THAT I AM NOT FINANCIALLY NOR OTHERWISE
INTERESTED IN THE OUTCOME OF THE ACTION.

Mary C. Indomenico

July 8, 2021

212 Vineland Avenue, East Longmeadow, MA 01028

413-746-1778

perfectinprint@aol.com

A handwritten signature in dark ink, appearing to read "Mary C. Indomenico", is written over the signature line and extends slightly to the right.

<hr/> 2 <hr/>	21,24 4:3,6,8, 10,14,17,21, 23 5:2,5,7,10, 13,16,19,22 6:3,5,7,10,13, 16,18,20,23 7:1,4,6,8,10, 13,16,18,20, 23 8:1	distance 3:2,12 4:11	<hr/> H <hr/>	lot 4:12,13,18
2 2:1 2017 2:1 2:09:58 2:1	calling 7:3	don't 3:18 5:2,3,13, 16,23 6:20,21	Hall 4:15,20	<hr/> M <hr/>
<hr/> 9 <hr/>	can't 2:24 3:4,5 5:3	driver 3:22	handgun 5:18	male 3:19,22
<hr/> A <hr/>	car 2:15	driving 7:16	happened 6:2	men 7:9,10
assailants 3:13	case 6:15	dude 3:17	He's 3:24	moment 6:12
attacker 4:12	Chrysler 2:15,16,17	<hr/> E <hr/>	Hilton 2:6,8	<hr/> N <hr/>
<hr/> B <hr/>	close 3:1 5:14	emergency 2:5	Hispanic 3:16	night 7:8
back 6:15 7:21	closer 3:10 5:3	end 8:3	<hr/> I <hr/>	number 2:24 3:3,11 6:8,15,19
Bar 6:2	club 2:7 5:22	<hr/> F <hr/>	indiscernible 2:2 4:10,15	<hr/> P <hr/>
Basketball 4:15	color 3:7	Fame 4:15,20	Inn 2:6,8	park 4:17
black 3:8,9,16,17, 19,21,22	cop 7:18	floor 2:10 3:18,20 4:1,24	involved 6:21	parking 4:12,13,18
bleeding 5:6,8,10,11	couldn't 5:3	friend 4:3	it's 3:4,8,15,21 4:14,17	people 2:11 4:4 5:23 7:11
breathing 5:1	Coupe 2:15,17	fuck 2:10	I'm 2:24 3:1 5:2, 11,13 6:20 7:1	person 4:22 5:8,10,11
buddy 2:10	<hr/> D <hr/>	<hr/> G <hr/>	<hr/> J <hr/>	phone 6:19
bunch 2:11 7:11	dark 3:4	Garden 2:6,8	July 2:1	plate 2:24 3:3,10 6:8
Bye 7:24 8:1	description 2:22 3:13 5:9	give 2:23 5:9	<hr/> K <hr/>	plaza 2:6
<hr/> C <hr/>	DISPATCH 2:3,5,8,13,17, 20,22 3:2,5,7, 9,12,16,19,23 4:2,5,7,9,11, 16,19,22,24 5:4,6,8,11,15, 18,21 6:1,4,6, 8,12,14,17,19, 22,24 7:3,5,7, 9,12,15,17,19, 21,24	gun 2:11,12,19 4:3 5:15,18,19	kind 2:14	pointing 4:4
call 6:15 7:21 8:3		guns 5:16	knocked 2:10 3:17,19	problem 7:4
called 5:24		guy 2:14 5:19 7:13,14	<hr/> L <hr/>	pull 5:19
CALLER 2:2,4,6,9,14, 18,21,23 3:4, 6,8,10,15,17,		guys 2:19 5:7,24 7:6	leaving 5:2 6:7	pulled 2:11 4:3
		guy's 2:9	left 5:5,22	punch 7:13
			let's 2:23 3:10	<hr/> Q <hr/>
			line's 2:3	question 6:10

R	V	
ran 5:20	vehicle 2:22 3:7	
recorded 2:3	W	
RECORDING 2:1	watching 2:21	
running 5:23	We're 6:7	
S	What's 2:5 3:3,13	
safe 3:2,12 4:11	Whereabouts 4:13	
Samuel's 2:7 6:1,4	white 2:2 3:16	
screaming 5:23	Y	
security 7:14	Yo 3:10	
shirt 2:2		
shit 2:24		
sir 3:12 4:21 6:3, 12,14		
small 5:18		
Sports 6:1		
started 4:3		
stay 3:2,12 4:11		
subjects 3:14		
Subway 4:15,19		
T		
that's 4:24 5:2 7:13, 16		
There's 7:14		
They're 2:18		
type 5:15		

**COMMONWEALTH OF MASSACHUSETTS
SUPREME JUDICIAL COURT**

Suffolk, ss.

No. SJ-2021-0129

SUPPLEMENTAL AFFIDAVIT OF KELLY L. AUER

I, Kelly L. Auer, hereby swear that the following is true to the best of my knowledge, information, and belief:

1. I submitted an affidavit in this case dated April 2, 2021. I am submitting this supplemental affidavit to correct typographical errors in my original affidavit and to provide certain supplemental information.
2. A true and accurate copy of the docket in *Commonwealth v. Livernois*, in which I represented Mr. Livernois, is attached to this affidavit as Exhibit A.
3. Mr. Livernois was charged with assault and battery of a police officer and resisting arrest. Those charges remained pending until April 2019, at which time the Commonwealth filed a *nolle prosequi* dismissing the charges after a judge suggested the matter be dismissed. *See* C.R.A. 409, ¶ 22.
4. Paragraph 5 of my original affidavit states the date of Mr. Livernois's arrest as November 2016. C.R.A. 406, ¶ 5. The year stated is a typographical error. The arrest, as described in that paragraph, occurred in November 2015.
5. Paragraph 9 of my affidavit states that a video surfaced in 2018 of Officers Robles and Cournoyer tackling a man in a store, a video which contradicted the officers' accounts of the incident. C.R.A. 407, ¶ 9. The year stated is a typographical error. The video surfaced in 2016 due to a store clerk capturing the security footage on his cellphone. It is my understanding that the video was turned over months after the criminal case commenced, and that the Commonwealth had previously claimed that security footage had been destroyed in connection with the defendant's criminal case.
6. Paragraph 11 of my affidavit states that I received on October 31, 2017, the video of Springfield Police Department ("SPD") Officer Gregg Bigda's interrogation of two juveniles at the Palmer Police Department. C.R.A. 407, ¶ 11. The year stated is a typographical error. I received the video on or about October 31, 2016.
7. Seemingly referring to the Bigda interrogation in Palmer, the SPD Community Police Hearing Board (CPHB) records list a "review date" of June 20, 2016, for an investigation of the Palmer interrogation. C.R.A. 121, 127. According to the CPHB record, "A Wilbraham PD officer witnessed a Springfield PD officer kick

a juvenile arrestee after the pursuit of a stolen Springfield PD undercover vehicle into Palmer MA.” *Id.*¹ The HCDAO has never provided me with the Wilbraham officer’s report or the CPHB investigation records, and I have not otherwise acquired them.

8. Paragraph 13 of my affidavit states that I received in June 2019, the federal grand jury transcripts for SPD Officers Jose Robles and Luke Cournoyer. C.R.A. 408, ¶ 13. Having further reviewed my records, I believe that date is a typographical error, and I first received these transcripts on February 7, 2019.

Signed under the pains and penalties of perjury this 12 day of July, 2021.

Kelly Auer

Digitally signed by Kelly
Auer
Date: 2021.07.12
20:48:40 -04'00'

Kelly L. Auer

¹ See also Stephanie Barry, *Springfield narcotics detective suspended for threatening juvenile suspects who stole cop car*, MassLive (Sept. 23, 2016), https://www.masslive.com/news/2016/09/springfield_narcotics_detectiv_18.html

Exhibit A

• Case Type:

Criminal

• Case Status:

Closed

• File Date

11/04/2015

• DCM Track:

• Initiating Action:

A&B ON POLICE OFFICER c265 §13D

• Status Date:

04/03/2019

• Case Judge:

• Next Event:

04/28/2024

All Information	Party	Charge	Event	Docket	Disposition
Party Information					
Livernois - Defendant					
Alias		<div>Party Attorney<ul style="list-style-type: none">AttorneyO'Connor, Esq., Erin MarieBar Code684283AddressHare, Stamm and Harris L.L.C. 1350 Main St 10th Floor Springfield, MA 01103Phone Number(413)731-5800</div>			
More Party Information					
Party Charge Information					
Livernois - Defendant					
Charge # 1: 265/13D/A-0 - Misdemeanor - more than 100 days incarcerationA&B ON POLICE OFFICER c265 §13D					
Original Charge		Charge Disposition			
265/13D/A-0 A&B ON POLICE OFFICER c265 §13D (Misdemeanor - more than 100 days incarceration)		Disposition Date			
Amended Charge		Disposition			
		04/03/2019			
		Nolle Prosequi			
Livernois - Defendant					
Charge # 2: 268/32B-0 - Misdemeanor - more than 100 days incarcerationRESIST ARREST c268 §32B					
Original Charge		Charge Disposition			
268/32B-0 RESIST ARREST c268 §32B (Misdemeanor - more than 100 days incarceration)		Disposition Date			
Amended Charge		Disposition			
		04/03/2019			
		Nolle Prosequi			
Events					
Date	Session	Location	Type	Result	
11/04/2015 09:00 AM	Courtroom 1		Arraignment	Held-Arraignment/58A Danger Request	
12/16/2015 09:00 AM	Courtroom 2		Pretrial Hearing	Event Continued	
02/12/2016 09:00 AM	Courtroom 2		Pretrial Hearing	Event Continued	
02/26/2016 09:00 AM	Courtroom 2		Motion Hearing (CR)	Held	
04/27/2016 09:00 AM	Courtroom 2		Pretrial Hearing	Event Continued	
06/03/2016 09:00 AM	Courtroom 2		Pretrial Hearing	Event Continued	
06/30/2016 09:00 AM	Courtroom 2		Pretrial Hearing	Event Continued	
08/01/2016 09:00 AM	Triage by Clerk/PO		Status Review of Payments	Held	
09/14/2016 09:00 AM	Courtroom 2		Pretrial Hearing	Held - Default Removed	

<u>Date</u>	<u>Session</u>	<u>Location</u>	<u>Type</u>	<u>Result</u>
10/20/2016 09:00 AM	Courtroom 2		Motion Hearing (CR)	Event Continued
12/05/2016 09:00 AM	Courtroom 2		Pretrial Conference (CR)	Event Continued
01/11/2017 09:00 AM	Courtroom 2		Pretrial Hearing	Held
03/23/2017 09:00 AM	Courtroom 3 (Springfield Criminal Jury Session)		Motion Hearing (CR)	Held
05/11/2017 09:00 AM	Courtroom 2		Motion Hearing (CR)	Event Continued
05/25/2017 09:00 AM	Courtroom 2		Trial Readiness Session	Brought Forward
05/25/2017 09:00 AM	Courtroom 2		Motion Hearing (CR)	Held
06/08/2017 09:00 AM	Courtroom 3 (Springfield Criminal Jury Session)		Jury Trial (CR)	Brought Forward
06/26/2017 09:00 AM	Triage by Clerk/PO		Status Review of Payments	Event Continued
06/29/2017 09:00 AM	Triage by Clerk/PO		Hearing to Review Status	
07/27/2017 09:00 AM	Courtroom 2		Trial Readiness Session	
08/10/2017 09:00 AM	Courtroom 3 (Springfield Criminal Jury Session)		Jury Trial (CR)	Brought Forward
08/22/2017 09:00 AM	Triage by Clerk/PO		Hearing to Review Status	Held
09/27/2017 09:00 AM	Triage by Clerk/PO		Hearing to Review Status	Event Continued
10/02/2017 09:00 AM	Triage by Clerk/PO		Hearing to Review Status	Defendant Failed To Appear
11/08/2017 09:00 AM	Courtroom 2		Pretrial Hearing	Held-PT
11/30/2017 09:00 AM	Courtroom 2		Motion Hearing (CR)	Rescheduled
01/30/2018 09:00 AM	Courtroom 2		Pretrial Hearing	Reschedule of Hearing
03/05/2018 09:00 AM	Triage by Clerk/PO		Hearing to Review Status	Review Completed
03/28/2018 09:00 AM	Courtroom 3 (Springfield Criminal Jury Session)		Pretrial Hearing	Reschedule of Hearing
05/31/2018 09:00 AM	Courtroom 2		Pretrial Hearing	Defendant defaulted-FI to Appear
08/06/2018 09:00 AM	Courtroom 1		Default Removal Hearing	Held - Default Removed - CR
09/27/2018 09:00 AM	Courtroom 2		Pretrial Hearing	Defendant defaulted-FI to Appear
10/12/2018 09:00 AM	Courtroom 1		Default Removal Hearing	Held - Default Removed - CR
12/05/2018 09:00 AM	Courtroom 2		Pretrial Hearing	Defendant defaulted-FI to Appear
03/08/2019 09:00 AM	Courtroom 1		Default Removal Hearing	Held - Default Removed - CR
04/03/2019 09:00 AM	Courtroom 2		Pretrial Hearing	Not Held
04/28/2024 09:00 AM	Triage by Clerk/PO		Hearing to Review Status	

Docket Information

<u>Docket Date</u>	<u>Docket Text</u>	<i>Image Avail.</i>
11/04/2015	Event Scheduled Event: Arraignment Date: 11/04/2015 Time: 09:00 AM Result: Held-Arraignment/58A Hearing	
11/04/2015	Event Resulted The following event: Arraignment scheduled for 11/04/2015 09:00 AM has been resulted as follows: Result: Held-Arraignment/58A Hearing	
11/04/2015	Event Scheduled Event: Pretrial Hearing Date: 12/16/2015 Time: 09:00 AM Result: Event Continued	
11/04/2015	Appearance filed On this date Jeremy L. Bramson, Esq. added as Appointed - Able to Contribute for Defendant [REDACTED] Livernois	
12/16/2015	Event Resulted The following event: Pretrial Hearing scheduled for 12/16/2015 09:00 AM has been resulted as follows: Result: Event Continued	
12/16/2015	Event Scheduled Event: Pretrial Hearing Date: 02/12/2016 Time: 09:00 AM Result: Event Continued	
12/16/2015	Appearance filed On this date Jeremy L. Bramson, Esq. dismissed/withdrawn as Appointed - Able to Contribute for Defendant [REDACTED] Livernois	
12/16/2015	Appearance filed On this date Kevin M. Riddell, Esq. added as Appointed - Indigent Defendant for Defendant [REDACTED] Livernois	
02/12/2016	Event Resulted The following event: Pretrial Hearing scheduled for 02/12/2016 09:00 AM has been resulted as follows: Result: Event Continued	

<u>Docket Date</u>	<u>Docket Text</u>	<u>Image Avail.</u>
02/12/2016	Event Scheduled Event: Pretrial Hearing Date: 04/27/2016 Time: 09:00 AM Result: Event Continued	
02/24/2016	Event Scheduled Event: Motion Hearing (CR) Date: 02/26/2016 Time: 09:00 AM Result: Event Continued	
02/26/2016	Event Resulted The following event: Motion Hearing (CR) scheduled for 02/26/2016 09:00 AM has been resulted as follows: Result: Event Continued	
04/27/2016	Event Resulted The following event: Pretrial Hearing scheduled for 04/27/2016 09:00 AM has been resulted as follows: Result: Event Continued	
04/27/2016	Event Scheduled Event: Pretrial Hearing Date: 06/03/2016 Time: 09:00 AM Result: Event Continued	
06/03/2016	Event Resulted The following event: Pretrial Hearing scheduled for 06/03/2016 09:00 AM has been resulted as follows: Result: Event Continued	
06/03/2016	Event Scheduled Event: Pretrial Hearing Date: 06/30/2016 Time: 09:00 AM Result: Event Continued	
06/03/2016	Appearance filed On this date Kevin M. Riddell, Esq. dismissed/withdrawn as Appointed - Indigent Defendant for Defendant [REDACTED] Livornois	
06/03/2016	Appearance filed On this date Kelly L. Auer, Esq. added as Appointed - Able to Contribute for Defendant [REDACTED] Livornois	
06/30/2016	Event Resulted The following event: Pretrial Hearing scheduled for 06/30/2016 09:00 AM has been resulted as follows: Result: Event Continued	
06/30/2016	Event Scheduled Event: Pretrial Hearing Date: 09/14/2016 Time: 09:00 AM Result: Held - Default Removed	
06/30/2016	Event Scheduled Event: Status Review of Payments Date: 08/01/2016 Time: 09:00 AM Result: Held	
08/01/2016	Event Resulted The following event: Status Review of Payments scheduled for 08/01/2016 09:00 AM has been resulted as follows: Result: Held	
08/01/2016	Alert Issued Straight Warrant issued on 08/01/2016 for Livornois [REDACTED]	
09/14/2016	Event Resulted The following event: Pretrial Hearing scheduled for 09/14/2016 09:00 AM has been resulted as follows: Result: Held - Default Removed	
09/14/2016	Event Scheduled Event: Motion Hearing (CR) Date: 10/20/2016 Time: 09:00 AM Result: Event Continued	
10/20/2016	Event Resulted The following event: Motion Hearing (CR) scheduled for 10/20/2016 09:00 AM has been resulted as follows: Result: Event Continued	
10/20/2016	Event Scheduled Event: Pretrial Conference (CR) Date: 12/05/2016 Time: 09:00 AM Result: Event Continued	
12/05/2016	Event Resulted The following event: Pretrial Conference (CR) scheduled for 12/05/2016 09:00 AM has been resulted as follows: Result: Event Continued	
12/05/2016	Event Scheduled Event: Pretrial Hearing Date: 01/11/2017 Time: 09:00 AM Result: Held	
01/11/2017	Event Resulted The following event: Pretrial Hearing scheduled for 01/11/2017 09:00 AM has been resulted as follows: Result: Held	
01/12/2017	Event Scheduled Event: Motion Hearing (CR) Date: 03/23/2017 Time: 09:00 AM Result: Held	
03/23/2017	Event Resulted The following event: Motion Hearing (CR) scheduled for 03/23/2017 09:00 AM has been resulted as follows: Result: Held	

<u>Docket Date</u>	<u>Docket Text</u>	<u>Image Avail.</u>
03/23/2017	Event Scheduled Event: Trial Readiness Session Date: 05/25/2017 Time: 09:00 AM Result: Brought Forward	
03/23/2017	Event Scheduled Event: Jury Trial (CR) Date: 06/08/2017 Time: 09:00 AM Result: Brought Forward	
05/10/2017	Event Scheduled Event: Motion Hearing (CR) Date: 05/11/2017 Time: 09:00 AM Result: Event Continued	
05/11/2017	Event Resulted The following event: Motion Hearing (CR) scheduled for 05/11/2017 09:00 AM has been resulted as follows: Result: Event Continued	
05/11/2017	Event Scheduled Event: Motion Hearing (CR) Date: 05/25/2017 Time: 09:00 AM Result: Held	
05/11/2017	Event Scheduled Event: Trial Readiness Session Date: 07/27/2017 Time: 09:00 AM	
05/11/2017	Event Scheduled Event: Jury Trial (CR) Date: 08/10/2017 Time: 09:00 AM Result: Brought Forward	
05/11/2017	Event Resulted The following event: Jury Trial (CR) scheduled for 06/08/2017 09:00 AM has been resulted as follows: Result: Brought Forward	
05/11/2017	Event Resulted The following event: Trial Readiness Session scheduled for 05/25/2017 09:00 AM has been resulted as follows: Result: Brought Forward	
05/25/2017	Event Resulted The following event: Motion Hearing (CR) scheduled for 05/25/2017 09:00 AM has been resulted as follows: Result: Held	
05/25/2017	Event Scheduled Event: Status Review of Payments Date: 06/26/2017 Time: 09:00 AM Result: Event Continued	
05/25/2017	Event Scheduled Event: Trial Readiness Session Date: 07/27/2017 Time: 09:00 AM	
06/26/2017	Event Resulted The following event: Status Review of Payments scheduled for 06/26/2017 09:00 AM has been resulted as follows: Result: Event Continued	
06/27/2017	Event Scheduled Event: Status Review (CR) Date: 06/29/2017 Time: 09:00 AM	
07/27/2017	Event Resulted The following event: Jury Trial (CR) scheduled for 08/10/2017 09:00 AM has been resulted as follows: Result: Brought Forward	
07/27/2017	Event Scheduled Event: Status Review (CR) Date: 08/22/2017 Time: 09:00 AM Result: Held	
08/22/2017	Event Resulted The following event: Status Review (CR) scheduled for 08/22/2017 09:00 AM has been resulted as follows: Result: Held	
08/22/2017	Event Scheduled Event: Status Review (CR) Date: 09/27/2017 Time: 09:00 AM Result: Event Continued	
08/31/2017	Community Service Performed - 4 hours.	
09/27/2017	Event Resulted The following event: Status Review (CR) scheduled for 09/27/2017 09:00 AM has been resulted as follows: Result: Event Continued	
09/28/2017	Event Scheduled Event: Status Review (CR) Date: 10/02/2017 Time: 09:00 AM Result: Defendant Failed To Appear	
10/02/2017	Event Resulted The following event: Status Review (CR) scheduled for 10/02/2017 09:00 AM has been resulted as follows: Result: Defendant Failed To Appear	
10/03/2017	Alert Issued Straight Warrant issued on 10/03/2017 for Livernois [REDACTED]	

Docket Date	Docket Text	Image Avail.
10/23/2017	Event Scheduled Event: Pretrial Hearing Date: 11/08/2017 Time: 09:00 AM Result: Held-PT	
11/08/2017	Event Resulted Judge: Murphy, Jr., Hon. Robert S. The following event: Pretrial Hearing scheduled for 11/08/2017 09:00 AM has been resulted as follows: Result: Held-PT	
11/09/2017	Pretrial conference report filed. Judge: Murphy, Jr., Hon. Robert S. Judge: Murphy, Jr., Hon. Robert S.	Image
11/30/2017	Event update: Judge: Pasquariello, Hon. Mark J The following event: Motion Hearing (CR) scheduled for 11/30/2017 09:00 AM has been resulted as follows: Result: Rescheduled Reason: Brought forward	
11/30/2017	Pretrial conference report filed. Judge: Pasquariello, Hon. Mark J Judge: Pasquariello, Hon. Mark J	Image
01/30/2018	Event Resulted Judge: Murphy, Jr., Hon. Robert S. The following event: Pretrial Hearing scheduled for 01/30/2018 09:00 AM has been resulted as follows: Result: Reschedule of Hearing Reason: Both Parties Request	
01/30/2018	Pretrial conference report filed. Judge: Murphy, Jr., Hon. Robert S. Judge: Murphy, Jr., Hon. Robert S.	
03/05/2018	Event Resulted Judge: Murphy, Jr., Hon. Robert S. The following event: Hearing to Review Status scheduled for 03/05/2018 09:00 AM has been resulted as follows: Result: Review Completed	
03/28/2018	Event Resulted Judge: Tyne, Hon. Jennifer The following event: Pretrial Hearing scheduled for 03/28/2018 09:00 AM has been resulted as follows: Result: Reschedule of Hearing Reason: Brought forward	
05/31/2018	Event Resulted: Pretrial Hearing scheduled on: 05/31/2018 09:00 AM Has been: Defendant defaulted-FI to Appear Hon. Mark J Pasquariello, Presiding Appeared: Staff:	
06/01/2018	Default Warrant ordered to issue. Judge: Pasquariello, Hon. Mark J	
08/06/2018	Warrant recalled: Straight Warrant cancelled on 08/06/2018 for Livornois [REDACTED]	
08/06/2018	Event Resulted: Default Removal Hearing scheduled on: 08/06/2018 09:00 AM Has been: Held - Default Removed - CR Hon. Michele Ouimet-Rooke, Presiding Appeared: Staff:	
08/06/2018	Warrant recalled: Judge: Ouimet-Rooke, Hon. Michele	
08/06/2018	Appearance filed On this date Kelly L Auer, Esq. dismissed/withdrawn as Appointed - Able to Contribute for Defendant [REDACTED] Livornois	
08/06/2018	Appearance filed On this date Kelly L Auer, Esq. added as Appointed - Indigent Defendant for Defendant [REDACTED] Livornois	
09/27/2018	Event Resulted: Pretrial Hearing scheduled on: 09/27/2018 09:00 AM Has been: Defendant defaulted-FI to Appear Hon. Matthew J. Shea, Presiding Appeared: Staff:	
09/28/2018	Default Warrant ordered to issue. Judge: Shea, Hon. Matthew J.	
10/12/2018	Warrant recalled: Default Warrant cancelled on 10/12/2018 for Livornois [REDACTED]	
10/12/2018	Motion to REMOVE DEFAULT ALLOWED. Judge: Payne, Jr., Hon. John M	Image

Docket Date	Docket Text	Image Avail.
10/12/2018	Event Resulted: Default Removal Hearing scheduled on: 10/12/2018 09:00 AM Has been: Held - Default Removed - CR Hon. John M Payne, Jr., Presiding Appeared: Staff:	
10/12/2018	Warrant recalled: Judge: Payne, Jr., Hon. John M	
12/05/2018	Event Resulted: Pretrial Hearing scheduled on: 12/05/2018 09:00 AM Has been: Defendant defaulted-FI to Appear Hon. Michael E Mulcahy, Presiding Appeared: Staff:	
12/06/2018	Default Warrant ordered to issue. Judge: Mulcahy, Hon. Michael E	
12/06/2018	Appearance filed On this date Kelly L Auer, Esq. dismissed/withdrawn as Appointed - Indigent Defendant for Defendant [REDACTED] Livornois	
03/08/2019	Appearance filed On this date Erin Marie O'Connor, Esq. added as Appointed - Able to Contribute for Defendant [REDACTED] Livornois Appearance filed for the purpose of Case in Chief by Judge Hon. John M Payne, Jr..	Image
03/08/2019	Warrant recalled: Default Warrant cancelled on 03/08/2019 for Livornois [REDACTED]	
03/08/2019	Event Resulted: Default Removal Hearing scheduled on: 03/08/2019 09:00 AM Has been: Held - Default Removed - CR Hon. John M Payne, Jr., Presiding Appeared: Staff:	
03/08/2019	Defendant before court voluntarily after issuance of warrant and warrant cancelled Judge: Payne, Jr., Hon. John M	
03/08/2019	Warrant recalled: Judge: Payne, Jr., Hon. John M	
03/08/2019	Reasons for ordering bail. Judge: Payne, Jr., Hon. John M	Image
03/08/2019	Defendant notified of right to a bail review before the Superior Court (C276 §58). Judge: Payne, Jr., Hon. John M	
03/08/2019	Defendant is ordered committed to Hampden County House of Correction in lieu of having posted bail in the amount ordered: (\$0.00 Bond; \$200.00 Cash), returnable for 04/03/2019 09:00 AM Pretrial Hearing; mittimus issued. Court location of next event (if not your court): Further Orders: Judge: Payne, Jr., Hon. John M	
04/03/2019	Event Resulted: Pretrial Hearing scheduled on: 04/03/2019 09:00 AM Has been: Not Held Hon. Bruce S Melikian, Presiding Appeared: Staff:	
04/03/2019	Charges Disposed:: Charge #1 A&B ON POLICE OFFICER c265 §13D On: 04/03/2019 Judge: Hon. Bruce S Melikian By: Nolle Prosequi Nolle Prosequi Charge #2 RESIST ARREST c268 §32B On: 04/03/2019 Judge: Hon. Bruce S Melikian By: Nolle Prosequi Nolle Prosequi	
04/03/2019	Docket report of court proceedings to date Judge: Melikian, Hon. Bruce S	Image
04/03/2019	Judicial finding regarding assessment or waiver of monies in criminal case filed. Judge: Melikian, Hon. Bruce S	Image
04/05/2019	The following notice: Return or Assignment of Bail Sent On: 04/05/2019 12:55:25	
06/27/2019	RECORDS DESTROYED RP Judge: Payne, Jr., Hon. John M	
10/07/2019	records destroyed Judge: Payne, Jr., Hon. John M	

Case Disposition

[Disposition](#)

[Date](#)

Disposed by Nolle Prosequi

04/03/2019