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Amicus Announcements from September 2020 to August 2021

From time to time, the Supreme Judicial Court solicits amicus ("friend of the court") briefs or memoranda from parties not directly involved in a case, but that may have an interest or opinion about a case pending before the court.

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File an Amicus Brief

Amicus briefs must comply with the requirements of Rules 17, 19, and 20 of the [Massachusetts Rules of Appellate Procedure](#) (/law-library/massachusetts-rules-of-appellate-procedure). In order to assist the court, amicus briefs should focus on the ramifications of a decision and not solely on the interests of amici.

Interested parties may file their briefs in the Supreme Judicial Court Clerk's Office for the Commonwealth.

August 2021

SJC-13148

Commonwealth vs. Edward B. Fleury

1. Where the defendant was convicted of twelve counts of violating G. L. c. 140, § 131L, by improperly "stor[ing] or keep[ing]" firearms, whether the firearms that were the subject of the convictions were "kept, concealed or used unlawfully or for an unlawful purpose," for purposes of the forfeiture statute, G. L. c. 276, § 3 (b). ()

2. If G. L. c. 276, § 3 (b), is construed to require or permit forfeiture of firearms that have been stored or kept in violation of G. L. c. 140, § 131L, whether the defendant's rights under the Second Amendment to the United States Constitution or art. 17 of the Massachusetts Declaration of Rights, or both, are implicated. ()

SJC-13146

Commonwealth vs. Nicholas Santana

1. Where a defendant has been sentenced to imprisonment in the State prison, and the sentence has been ordered "to take effect forthwith, notwithstanding" a sentence the defendant is serving "in a jail or house of correction," G. L. c. 279, § 27, what effect, if any, does G. L. c. 279, § 27, have on a house of correction sentence that has been suspended or on a probationary term. ()

2. In reprobating a probationer, whether or in what circumstances a judge may impose conditions of probation that lack a specific relationship to the crimes for which the probationer originally was placed on probation but may be related to the probationer's performance while on probation, including conduct that forms the basis of a violation of probation.

SJC-13144

Commonwealth vs. Jerron Perry

Whether evidence obtained pursuant to cell tower dump or geofence warrants must be suppressed where historical telephone cell site location information for every individual at a specific place and time was sought, and the applications supporting the warrant applications did not identify a suspect by name or indicate that a perpetrator or perpetrators of a crime used a cellular phone during the relevant time; whether affidavits from law enforcement officers attesting that most individuals use cellular telephones and keep them turned on, support probable cause to issue the warrants.

SJC-13145

Matter of James Michael Kelly

1. Where bar counsel charges that a respondent attorney improperly has disclosed "confidential information" relating to the representation of a client, see Mass. R. Prof. C. 1.6 and 1.9 (c), whether bar counsel has the burden of proving that the information is not "generally known" and therefore is "confidential," or, instead, whether a claim that the information is "generally known" is an affirmative defense on which the respondent bears the burden of proof; if a respondent does not have the burden of proof, whether he or she has a burden of production.

2. Whether, or in what circumstances, publication of information in a newspaper or on the internet is evidence of "general knowledge" for purposes of evaluating whether information is "confidential" within the meaning of Mass. R. Prof. C. 1.6 and 1.9 (c).

July 2021

SJC-13149

Regan Stempniewicz & another vs. Nikita Stempniewicz & others