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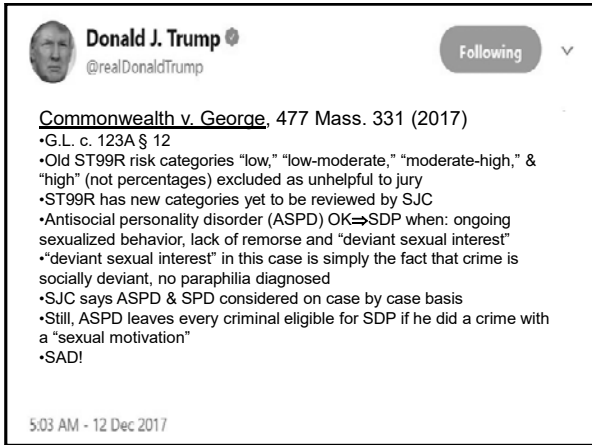
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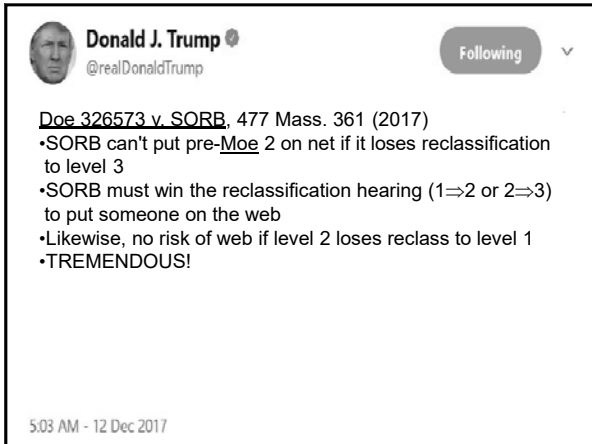
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 **Donald J. Trump**   
@realDonaldTrump Following 

Commonwealth v. Hammond, 477 Mass. 499 (2017)

- LCSW found petitioner not sexually dangerous
- Yet, G. L. c. 6, § 178E (f) prohibits judges from relieving those who committed a sex offense against a child
- SJC says this is necessary to give police accurate information at beginning of SORB process
- Pre-classification registration does not violate due process
- Petitioner can raise due process claim for relief from registration to SORB if made a level 1 or more after hearing
- Bad for Hammond but SJC does acknowledge Superior Court power to relieve one of registration via due process
- SORRY LOSERS!

5:03 AM - 12 Dec 2017

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 **Donald J. Trump**   
@realDonaldTrump Following 

Commonwealth v. Ballard, 92 Mass.App.Ct. 701 (2018)

- Ballard pled guilty in January 2014
- In February 2014 comes a petition under G.L. c. 123A § 12
- In August 2016 Appeals Court vacates 2014 plea
- In September 2016 Ballard moves to dismiss 2014 petition
- Superior Court (Wrenn) dismisses and Commonwealth appeals
- SJC says plea conviction is voidable but not void ab initio (McIntire, 458 Mass. 257) and vacated sentence was still good at the time of the February 2014 petition (FAR still pending)
- A DISGRACE!

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 **Donald J. Trump**   
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Koe v. Commission of Probation, 478 Mass. 12 (2017)

- Koe convicted in 1995 of a "sexually violent offense"
- In 2003 she became a level 2
- In 2015 Superior Court relieved her of registration
- G. L. c. 276, § 100A allows one to seal a criminal record
- § 100A(6): level 2 and level 3 shall not have record sealed
- § 100A(6) effective in 2012 and did not exist in 2003
- Retroactive application of § 100A(6) to Koe is "unreasonable as applied" violating Art. 12 due process
- Pre-2012 level 2 who is later relieved of registration may not be subject to prohibition on sealing under § 100A (6)
- BUT WHAT ABOUT HER EMAILS?

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 **Donald J. Trump**   
@realDonaldTrump Following 

Doe 209081 v. SORB, 478 Mass. 454 (2017)

- SORB regulation says one must "knowingly and voluntarily" waive their statutory right to counsel in SORB case
- SORB affirmed but only because: petitioner waited six years; did not explain delay; did not demonstrate prejudice (what would an attorney have done); and petitioner has right to reclassification
- Now Board conducts colloquy and will continue hearing if petitioner wants counsel
- Due process claim not reached
- NO EXCUSES!

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 **Donald J. Trump**   
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Commonwealth v. Curran, 478 Mass. 630 (2018)

- Incompetent defendants can be civilly committed. G.L. c. 123A, § 15
- No predicate conviction necessary
- Crime must be proved but no criminal conviction
- Crime must be proven BRD
- All normal criminal defenses available
- Curran presented criminal responsibility defense
- Via interlocutory appeal SJC found that is a valid defense given crime requires element of intent
- SJC wants no disparity of results between competent and incompetent in SDP cases
- NO COLLUSION!

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