

MASSACHUSETTS SUPREME JUDICIAL COURT

Commonwealth v. Alfonso

449 Mass. 738 (2007) · Decided August 17, 2007

SUMMARY

The Massachusetts Supreme Judicial Court held that the Superior Court Appellate Division had jurisdiction to review the defendant's concurrent three-to-five-year felony sentences, despite the defendant being committed to MCI Framingham. The court concluded that the sentence was a state-prison sentence under G. L. c. 278, § 28A, and that interpreting the statute to restrict women's appellate rights would be inconsistent with sentencing reforms and equal-protection principles. The court affirmed denial of the defendant's Mass. R. Crim. P. 30(a) motion.

CASE DETAILS

COURT	Massachusetts Supreme Judicial Court
WRITING FOR THE COURT	Marshall, C.J.
JURISDICTION	Massachusetts
DECIDED	August 17, 2007
DISPOSITION	affirmed
PROCEDURAL POSTURE	The defendant appealed from the denial of her motion under Mass. R. Crim. P. 30(a) challenging the jurisdiction of the Appellate Division of the Superior Court to review and revise her felony sentences. The Supreme Judicial Court transferred the case to itself on its own motion.
STANDARD OF REVIEW	The Supreme Judicial Court reviewed the legal question of the Appellate Division's statutory jurisdiction and the legality of the sentence de novo.
PRECEDENTIAL VALUE	Published Massachusetts Supreme Judicial Court opinion; precedential.
PARTIES	Kerrin Alfonso v. Commonwealth

TOPICS

- appellate jurisdiction
- sentencing
- statutory interpretation
- appellate procedure
- equal protection

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether the Supreme Judicial Court could review Alfonso's challenge to the subject-matter jurisdiction of the Appellate Division under its general superintendence power pursuant to G. L. c. 211, § 3.
2. Whether a sentence to MCI Cedar Junction to serve at MCI Framingham constituted a sentence to the state prison reviewable by the Appellate Division under G. L. c. 278, § 28A.
3. Whether G. L. c. 278, § 28A, could be interpreted to restrict women to appellate review only of state-prison sentences exceeding five years after the 1994 sentencing reforms eliminated gender-based sentencing distinctions.

HOLDINGS

1. Because G. L. c. 278, § 28A, provides no mechanism for appellate review of an Appellate Division decision, the Supreme Judicial Court may resolve a challenge to the Appellate Division's jurisdiction under its general superintendence authority pursuant to G. L. c. 211, § 3.
2. A sentence of three to five years to MCI Cedar Junction to serve at MCI Framingham is a sentence to the state prison and was within the statutory jurisdiction of the Appellate Division.
3. After the 1994 sentencing reforms, G. L. c. 278, § 28A, cannot be interpreted to deny women appellate review of state-prison sentences of five years or less when similarly situated men may appeal; the woman's sentence is appealable when the conviction facts or sentence length establish that it is a state-prison sentence.

KEY QUOTATIONS

“The defendant’s sentence is a State prison sentence, and the review of her sentence was, therefore, plainly within the statutory jurisdiction of the Appellate Division.” (743)

“we cannot admit an interpretation of G. L. c. 278, § 28A, that, as the defendant would have it, authorizes men to appeal from a State prison sentence of any length, including one of less than five years, but denies the same right to women.” (745)

FACTUAL BACKGROUND

Alfonso pleaded guilty to ten counts of forgery, three counts of larceny over \$250, and three counts of identity fraud. The Superior Court sentenced her on the larceny convictions to concurrent terms of three to five years to MCI Cedar Junction to serve at MCI Framingham, with concurrent sentences on the other convictions and probation. The Appellate Division amended the sentences by imposing concurrent three-to-five-year terms on the second and third larceny convictions to be served after the sentence on the first larceny conviction, increasing her overall punishment.

PROCEDURAL HISTORY

After pleading guilty in the Superior Court to forgery, larceny over \$250, and identity fraud, Alfonso received concurrent sentences of three to five years to MCI Cedar Junction to serve at MCI Framingham. The Appellate Division reviewed the sentences under G. L. c. 278, § 28A, and increased the overall sentence by making the sentences on two larceny convictions consecutive to the sentence on the first larceny conviction. The Superior Court denied Alfonso's subsequent Rule 30(a) motion and motion for reconsideration, and she appealed to the Supreme Judicial Court.

DISPOSITION

affirmed

CASES CITED

- Gavin v. Commonwealth, 367 Mass. 331, 333-334 (1975)
- Cobb v. Cobb, 406 Mass. 21, 24 n.2 (1989)
- Wellesley College v. Attorney Gen., 313 Mass. 722, 731 (1943)
- Commonwealth v. DeJesus, 440 Mass. 147, 151 (2003)
- Commonwealth v. D'Amour, 428 Mass. 725, 746 (1999)
- Harker v. Holyoke, 390 Mass. 555, 558-559 (1983)
- Moulton v. Commonwealth, 215 Mass. 525, 527 (1913)
- Andrews v. Civil Serv. Comm'n, 446 Mass. 611, 618 (2006)
- Board of Educ. v. Assessor of Worcester, 368 Mass. 511, 513-514 (1975)
- Commonwealth v. Smith, 431 Mass. 417, 424 (2000)
- Commonwealth v. Corey, 351 Mass. 331, 334 (1966)
- Demetropoulos v. Commonwealth, 342 Mass. 658, 660 (1961)
- Commonwealth v. King, 374 Mass. 5, 20-22 (1977)
- Attorney Gen. v. School Comm. of Essex, 387 Mass. 326, 336 (1982)
- Platt v. Commonwealth, 256 Mass. 539, 541 (1926)