

# SUPREME JUDICIAL COURT OF MASSACHUSETTS

## Sandman v. Commonwealth

482 Mass. 1018 (2019) · Decided May 17, 2019

### SUMMARY

The Massachusetts Supreme Judicial Court affirmed the denial of Jordan P. Sandman's petition under G. L. c. 211, § 3. The court held that extraordinary relief was unavailable because Sandman could raise his challenges to the probation revocation and new criminal charges through direct appeals or appropriate trial-court motions.

### CASE DETAILS

|                    |                                                                                                                                       |
|--------------------|---------------------------------------------------------------------------------------------------------------------------------------|
| COURT              | Supreme Judicial Court of Massachusetts                                                                                               |
| JURISDICTION       | Massachusetts                                                                                                                         |
| DECIDED            | May 17, 2019                                                                                                                          |
| DISPOSITION        | affirmed                                                                                                                              |
| PROCEDURAL POSTURE | Sandman appealed from a single justice's judgment denying his petition for extraordinary relief under G. L. c. 211, § 3.              |
| STANDARD OF REVIEW | The court reviewed whether the single justice erred or abused his discretion in denying extraordinary relief under G. L. c. 211, § 3. |
| PRECEDENTIAL VALUE | Published Massachusetts Supreme Judicial Court per curiam opinion                                                                     |
| PARTIES            | Jordan P. Sandman v. Commonwealth                                                                                                     |

### TOPICS

post-conviction relief appellate procedure criminal procedure right to counsel due process

### PRACTICE AREAS

criminal procedure appellate procedure post-conviction relief

### QUESTIONS PRESENTED

- Whether extraordinary relief under G. L. c. 211, § 3, was available when Sandman could raise his challenges through a direct appeal from the probation revocation order.
- Whether Sandman could use a G. L. c. 211, § 3, petition to challenge issues arising from the new 2018 criminal charges when direct appeal or appropriate trial-court motions remained available.

## HOLDINGS

1. Relief under G. L. c. 211, § 3, is properly denied when the petitioner has other adequate avenues for relief, and the petitioner bears the burden of demonstrating the absence or inadequacy of those remedies.
2. A direct appeal is an appropriate method for seeking review of a probation revocation order; therefore, a G. L. c. 211, § 3, petition is not appropriate where that direct appellate remedy is available.
3. Issues relating to new criminal charges may be raised in a direct appeal from any adverse judgment or, as appropriate, through motions in the trial court rather than through extraordinary relief under G. L. c. 211, § 3.

## KEY QUOTATIONS

*"Relief under G. L. c. 211, § 3, is properly denied where, as here, "there are other routes by which the petitioning party may adequately seek relief.""* (121 N.E.3d at 1289)

*"As the petitioner, it was Sandman's burden, pursuant to G. L. c. 211, § 3, "to demonstrate the absence or inadequacy of other remedies.""* (121 N.E.3d at 1289)

## FACTUAL BACKGROUND

In September and October 2016, Sandman pleaded guilty to several offenses and received sentences that included concurrent probationary terms. While serving probation, he was charged with new crimes in June 2018 and stipulated to both a probation violation and dangerousness at a July 11, 2018, hearing. He then sought relief under G. L. c. 211, § 3, asserting constitutional violations involving due process and the right to counsel.

## PROCEDURAL HISTORY

Sandman pleaded guilty in 2016 to multiple offenses and received sentences including probation. After he was charged with new crimes in June 2018, he stipulated to a probation violation and dangerousness at a probation revocation and dangerousness hearing. He filed a G. L. c. 211, § 3, petition challenging the resulting sentence and the new charges; the single justice denied the petition without a hearing. The Supreme Judicial Court affirmed, noting that he had filed a motion for reconsideration in the District Court and a notice of appeal from the probation revocation proceedings.

## DISPOSITION

affirmed

## CASES CITED

- Sabree v. Commonwealth, 432 Mass. 1003, 1003, 732 N.E.2d 275 (2000)
- Russell v. Nichols, 434 Mass. 1015, 1016, 750 N.E.2d 1008 (2001)
- Commonwealth v. Christian, 429 Mass. 1022, 1022-1023, 712 N.E.2d 573 (1999)