

SUPREME JUDICIAL COURT OF MASSACHUSETTS

Garden v. Commonwealth

460 Mass. 1018 (2011) · Decided November 15, 2011

SUMMARY

The Massachusetts Supreme Judicial Court affirmed the denial of Tyrone Garden’s petition under G. L. c. 211, § 3, challenging the retroactive application of an extended statute of limitations for aggravated rape and related charges. The court held that the statute of limitations defense and the petitioner’s remaining claims could be addressed through ordinary pretrial proceedings, trial, and appeal, so extraordinary relief was unavailable.

CASE DETAILS

COURT	Supreme Judicial Court of Massachusetts
JURISDICTION	Massachusetts
DECIDED	November 15, 2011
DISPOSITION	affirmed
PROCEDURAL POSTURE	The petitioner sought relief under G. L. c. 211, § 3, from interlocutory Superior Court rulings denying his motions to dismiss criminal indictments on statute-of-limitations grounds. A single justice denied the petition without a hearing, and the petitioner appealed to the full Supreme Judicial Court under S.J.C. Rule 2:21.
STANDARD OF REVIEW	Under S.J.C. Rule 2:21, the petitioner had to demonstrate why adequate review could not be obtained through an appeal from a final adverse judgment or other available means.
PRECEDENTIAL VALUE	Published Massachusetts Supreme Judicial Court opinion; precedential
PARTIES	Tyrone Garden v. Commonwealth

TOPICS

- appellate procedure
- appellate jurisdiction
- criminal procedure
- statutory interpretation

PRACTICE AREAS

- criminal procedure
- appellate procedure
- statute of limitations

QUESTIONS PRESENTED

1. Whether extraordinary relief under G. L. c. 211, § 3, was available to review the denial of the petitioner's pretrial statute-of-limitations motions.
2. Whether the petitioner demonstrated under S.J.C. Rule 2:21 that the statute-of-limitations issue could not adequately be reviewed through the ordinary course of trial and appeal.

HOLDINGS

1. A statute-of-limitations defense in a criminal case can be adequately addressed through ordinary pretrial proceedings, trial, and appeal; therefore, G. L. c. 211, § 3, cannot be used to obtain interlocutory review of the denial of such a defense.

KEY QUOTATIONS

“The rule requires the petitioner to demonstrate “why review of the trial court decision cannot adequately be obtained on appeal from any final adverse judgment in the trial court or by other available means.”” (460 Mass. at 1019)

“The denial of a motion to dismiss in a criminal case is not appealable until after trial, and we have indicated many times that G. L. c. 211, § 3, may not be used to circumvent that rule” (460 Mass. at 1019)

FACTUAL BACKGROUND

The alleged offenses occurred on September 18, 1991. A criminal complaint was issued on September 11, 2006, and indictments followed seven months later. The petitioner argued that the indictments were barred by the ten-year limitations period in effect when the offenses allegedly occurred, while the Commonwealth relied on a 1996 amendment extending the period to fifteen years.

PROCEDURAL HISTORY

The Worcester District Court issued a criminal complaint in 2006 charging aggravated rape based on conduct allegedly occurring in 1991. The petitioner was later indicted for aggravated rape and assault with intent to commit rape, and the Superior Court denied his motions to dismiss, concluding under *Commonwealth v. Barger* that the 1996 extension of the limitations period applied retrospectively. After the Superior Court denied reconsideration and declined to report the matter, the petitioner sought extraordinary relief in the county court; the single justice denied the petition, and the Supreme Judicial Court affirmed.

DISPOSITION

affirmed

CASES CITED

- *Commonwealth v. Barger*, 402 Mass. 589 (1988)
- *Sanchez v. Commonwealth*, 450 Mass. 1003 (2007)
- *Ackerman v. Commonwealth*, 445 Mass. 1025, 1025-1026 (2006)
- *Jackson v. Commonwealth*, 437 Mass. 1008, 1009 (2002)

