

MASSACHUSETTS SUPREME JUDICIAL COURT

Commonwealth v. Miguel Remi Dones

SJC-13271 · No. SJC-13271 · Decided June 23, 2023

SUMMARY

The Massachusetts Supreme Judicial Court held that a Juvenile Court judge may suspend a youthful offender’s commitment to the Department of Youth Services until age twenty-one and impose probationary conditions in lieu of the commitment. The court concluded that the relevant statutes did not prohibit suspension for a youthful offender convicted of unlawful firearm possession, distinguishing the statutory restrictions applicable to delinquent children. The court affirmed the denial of the Commonwealth’s motion to revise the sentence.

CASE DETAILS

COURT	Massachusetts Supreme Judicial Court
WRITING FOR THE COURT	Georges, J.; Budd, C.J.; Gaziano, J.; Lowy, J.; Cypher, J.; Kafker, J.; Wendlandt, J.
JURISDICTION	Massachusetts
DECIDED	June 23, 2023
DOCKET	SJC-13271
DISPOSITION	affirmed
PROCEDURAL POSTURE	The Commonwealth appealed from the denial of its motion to revise a youthful offender's sentence. The Supreme Judicial Court transferred the case from the Appeals Court on its own initiative.
STANDARD OF REVIEW	The statutory interpretation issue was reviewed de novo. The permissibility of the sentence was reviewed for abuse of discretion.
PRECEDENTIAL VALUE	published precedential opinion of the Massachusetts Supreme Judicial Court
PARTIES	Commonwealth v. Miguel Remi Dones

TOPICS

- statutory interpretation
- sentencing
- probation
- criminal procedure
- appellate procedure

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether a Juvenile Court judge may suspend a youthful offender's commitment to the Department of Youth Services until age twenty-one and impose probation in lieu of the commitment.
2. Whether the firearm-sentencing provisions of G. L. c. 269, § 10 (a), prohibit suspension of a youthful offender's DYS commitment.

HOLDINGS

1. A Juvenile Court judge has discretion under G. L. c. 279, § 2, to suspend a youthful offender's commitment to DYS imposed under G. L. c. 119, § 58 (c), and to impose probationary conditions.
2. The prohibition against suspending the sentence imposed on a person convicted under G. L. c. 269, § 10 (a), does not bar suspension of a youthful offender's DYS commitment under § 58 (c).

KEY QUOTATIONS

“Whether these statutes provide a Juvenile Court judge with the discretion to suspend a youthful offender's commitment to DYS, with probation being imposed in lieu of the committed sentence, is a legal issue that we consider de novo.” (6)

“This provision, by its plain terms, authorizes a Juvenile Court judge to suspend an order committing a juvenile to DYS '[i]n all cases.'” (12)

“Here, the judge was not bound by the language in G. L. c. 269, § 10 (a), that prohibited suspended sentences for 'any person convicted under [that] subsection.'” (16)

FACTUAL BACKGROUND

During a motor vehicle stop, a State police trooper observed a firearm in plain view in a vehicle driven by the seventeen-year-old defendant. He was indicted as a youthful offender for carrying a firearm without a license and spent eight months in a Department of Youth Services facility awaiting disposition. The Juvenile Court judge committed him to DYS until age twenty-one, suspended the commitment, and imposed probation with conditions including employment or GED efforts, substance restrictions and screening, and a prohibition on firearms and dangerous weapons.

PROCEDURAL HISTORY

The defendant was indicted in the Superior Court Department as a youthful offender for carrying a firearm without a license. Following transfer to the Hampden County Division of the Juvenile Court Department, he pleaded guilty and was committed to the Department of Youth Services until age twenty-one, with the commitment suspended and probation imposed. The Juvenile Court judge denied the Commonwealth's motion to revise the sentence, and the Commonwealth appealed. The Supreme Judicial Court transferred the case on its own motion and affirmed.

DISPOSITION

affirmed

CASES CITED

- Commonwealth v. Beverly, 485 Mass. 1, 11 (2020)
- Commonwealth v. Rossetti, 489 Mass. 589, 593 (2022)
- Commonwealth v. Newberry, 483 Mass. 186, 192 (2019)
- Commonwealth v. Williamson, 462 Mass. 676, 679 (2012)
- Commonwealth v. Connor C., 432 Mass. 635, 638, 641-642, 645-646 (2000)
- Charles C. v. Commonwealth, 415 Mass. 58, 70 (1993)
- DiMasi v. Secretary of the Commonwealth, 491 Mass. 186, 197 (2023)
- Casseus v. Eastern Bus Co., 478 Mass. 786, 796 (2018)
- Commonwealth v. Lucret, 58 Mass. App. Ct. 624, 629 (2003)
- Commonwealth v. Williams, 481 Mass. 799, 807-808 (2019)
- Commissioner of Correction v. Superior Court Department of the Trial Court for the County of Worcester, 446 Mass. 123, 126 (2006)
- Hovagimian v. Concert Blue Hill, LLC, 488 Mass. 237, 241 (2021)
- Commonwealth v. Samuel S., 476 Mass. 497, 506 (2017)
- Commonwealth v. Hanson H., 464 Mass. 807, 810-814 (2013)
- Commonwealth v. Anderson, 461 Mass. 616, 630 (2012), cert. denied, 568 U.S. 946 (2012)