

MASSACHUSETTS APPEALS COURT

Commonwealth v. Caraballo-Nieves

No. 24-P-1225 (Mass. App. Ct. Feb. 13, 2026) · No. No. 24-P-1225 · Decided February 13, 2026

SUMMARY

The Massachusetts Appeals Court vacated a Boston Municipal Court judgment dismissing criminal charges for lack of prosecution. The court held that the trial judge abused his discretion by requiring the Commonwealth to present physical drug evidence at a suppression hearing and by denying a brief continuance to permit compliance with courthouse fentanyl-safety procedures. The case was remanded for further proceedings.

CASE DETAILS

COURT	Massachusetts Appeals Court
WRITING FOR THE COURT	Brennan, J.; Henry, J.; Hand, J.
JURISDICTION	Massachusetts Appeals Court
DECIDED	February 13, 2026
DOCKET	No. 24-P-1225
DISPOSITION	vacated
PROCEDURAL POSTURE	The Commonwealth appealed from a Boston Municipal Court judgment dismissing a criminal complaint for lack of prosecution after the trial judge required the Commonwealth to bring seized drugs, including fentanyl, to a suppression hearing and denied a brief continuance.
STANDARD OF REVIEW	A dismissal for failure to prosecute ordinarily is reviewed for abuse of discretion. An abuse of discretion occurs when the judge makes a clear error of judgment in weighing relevant factors and the decision falls outside the range of reasonable alternatives. The denial of a continuance is also reviewed for abuse of discretion, subject to consideration of the movant's need for additional time, inconvenience, increased costs, prejudice, and due diligence.
PRECEDENTIAL VALUE	Published Massachusetts Appeals Court opinion
PARTIES	Commonwealth v. Jesus R. Caraballo-Nieves

TOPICS

criminal procedure

suppression of evidence

appellate procedure

standard of review

evidence

PRACTICE AREAS

criminal procedure

evidence

appellate procedure

QUESTIONS PRESENTED

1. Whether the trial judge abused his discretion by refusing to conduct the suppression hearing without the physical drugs seized from the defendant.
2. Whether the trial judge abused his discretion by denying the Commonwealth's request for a brief continuance to bring the fentanyl into court in compliance with the Trial Court's safety policy.
3. Whether dismissal for lack of prosecution was proper when the Commonwealth was ready to proceed with the suppression hearing using evidence other than the physical drugs.

HOLDINGS

1. The law does not require the physical items a defendant seeks to suppress to be present at a suppression hearing. The Commonwealth may meet its burden with admissible evidence, including circumstantial evidence, and the judge may not require a particular form of evidence based solely on personal practice or preference.
2. The trial judge abused his discretion by dismissing the complaint for lack of prosecution based on the Commonwealth's decision to proceed without bringing the fentanyl into court.
3. The trial judge abused his discretion by denying the Commonwealth's request for a brief continuance to arrange compliant handling and presentation of the fentanyl.

KEY QUOTATIONS

“Put simply, although the law sets out the requisite quantum of proof, it does not mandate the type of evidence the Commonwealth must produce to meet its burden in a motion to suppress.” (at 9)

“Nor was it within the judge's discretion to impose his own practice, procedure, or personal preference on the type of evidence presented by the Commonwealth.” (at 10)

“A party's failure to present evidence that a judge deems relevant or significant certainly may have an impact on a judge's decision; however, partiality for a particular type of evidence does not entitle a judge to refuse to hear a motion or to predetermine its outcome if the evidence is not presented in the "preferred" form.” (at 10)

“We conclude that this denial of the prosecutor's motion to continue fell outside the reasonable range of alternatives and thus was an abuse of the judge's discretion.” (at 13)

FACTUAL BACKGROUND

The defendant was charged with possession of heroin with intent to distribute and possession of omeprazole after police allegedly observed a hand-to-hand drug transaction and seized drugs from his person and bag. At a suppression hearing, the trial judge sua sponte required the Commonwealth to bring the drugs into court,

including fentanyl, even though the prosecutor had no advance notice and could not immediately satisfy the Trial Court's fentanyl-handling policy. The Commonwealth was otherwise ready to proceed, had witnesses present, and requested either permission to use photographs or a brief continuance to arrange compliant handling of the fentanyl. The judge rejected those alternatives and dismissed the complaint for lack of prosecution.

PROCEDURAL HISTORY

A criminal complaint was sworn in the Central Division of the Boston Municipal Court Department on November 3, 2022. The defendant moved to suppress evidence. At the scheduled hearing, the judge required the Commonwealth to bring the physical drugs into court despite a Trial Court policy governing the handling of fentanyl, rejected the Commonwealth's offer to proceed without the drugs, denied requests for photographs or a short continuance, and dismissed the complaint for want of prosecution. The Appeals Court vacated the dismissal and remanded for further proceedings.

DISPOSITION

vacated

REMAND INSTRUCTIONS

The case is remanded to the Boston Municipal Court for further proceedings consistent with the opinion.

CASES CITED

- Commonwealth v. Rosa, 491 Mass. 369, 373 (2023)
- Commonwealth v. Graham, 480 Mass. 516, 536-539 (2018)
- Commonwealth v. Connelly, 418 Mass. 37, 38 (1994)
- Commonwealth v. Meneus, 476 Mass. 231, 234 (2017)
- Commonwealth v. MacDonald, 459 Mass. 148, 153 (2011)
- Commonwealth v. Hallinan, 491 Mass. 730, 749 (2023)
- Vazquez Diaz v. Commonwealth, 487 Mass. 336, 340-341 (2021)
- Commonwealth v. Neary-French, 475 Mass. 167, 170 (2016)
- Commonwealth v. Tremblay, 480 Mass. 645, 658 (2018)
- Commonwealth v. Gordon, 410 Mass. 498, 501 (1991), S.C., 422 Mass. 816 (1996)
- Commonwealth v. Kardas, 93 Mass. App. Ct. 620, 624-625 (2018)
- Commonwealth v. Super, 431 Mass. 492, 496-497 (2000)
- Commonwealth v. Painten, 429 Mass. 536, 543 (1999)
- Commonwealth v. Clegg, 61 Mass. App. Ct. 197, 200 (2004)
- Commonwealth v. Gilchrest, 364 Mass. 272, 276 (1973)
- Commonwealth v. Clark, 454 Mass. 1001, 1002 (2009)
- Commonwealth v. Burston, 77 Mass. App. Ct. 411, 417 (2010)
- Commonwealth v. Pimentel, 99 Mass. App. Ct. 597, 599-601 (2021)

- Commonwealth v. J.F., 491 Mass. 824, 844 (2023)

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