

MASSACHUSETTS SUPREME JUDICIAL COURT

Jackson v. Commonwealth

437 Mass. 1008 (2002) · Decided June 26, 2002

SUMMARY

The Massachusetts Supreme Judicial Court affirmed the denial of Arthur Jackson’s petition under G. L. c. 211, § 3, seeking interlocutory review of a due process challenge to armed robbery indictments. The court held that Jackson had not shown that an appeal following conviction would be inadequate and declined to extend the extraordinary interlocutory review available for substantial double jeopardy claims to his asserted due process claim.

CASE DETAILS

COURT	Massachusetts Supreme Judicial Court
JURISDICTION	Massachusetts
DECIDED	June 26, 2002
DISPOSITION	affirmed
PROCEDURAL POSTURE	Jackson appealed from a single justice’s denial of his petition under G. L. c. 211, § 3, seeking review of the denial of his motion to dismiss armed robbery indictments on due process grounds.
STANDARD OF REVIEW	Whether extraordinary relief under G. L. c. 211, § 3, was available to obtain interlocutory review of the denial of a criminal defendant’s motion to dismiss.
PRECEDENTIAL VALUE	Published opinion; precedential
PARTIES	Arthur Jackson v. Commonwealth

TOPICS

- interlocutory appeal
- appellate procedure
- due process
- double jeopardy
- criminal procedure

PRACTICE AREAS

- criminal procedure
- appellate procedure
- constitutional law
- post-conviction relief

QUESTIONS PRESENTED

1. Whether a criminal defendant may use G. L. c. 211, § 3, to obtain interlocutory review of the denial of a motion to dismiss based on an alleged due process violation.

2. Whether Jackson's due process claim warranted the extraordinary interlocutory treatment afforded to substantial double jeopardy claims.

HOLDINGS

1. A defendant generally may not obtain review under G. L. c. 211, § 3, of the denial of a criminal motion to dismiss before trial unless the single justice decides the matter on the merits or reserves and reports it to the full court.
2. Jackson failed to demonstrate that his due process claim was of a kind requiring extraordinary interlocutory review or that an appeal following conviction would be inadequate.

KEY QUOTATIONS

“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.” (1009)

“Thus, he has failed to demonstrate that an appeal following conviction on the armed robbery charges would not be adequate, and the order of the single justice therefore is affirmed.” (1009)

FACTUAL BACKGROUND

Jackson was facing armed robbery indictments after previously being convicted of receiving stolen property. He sought dismissal of the armed robbery indictments, asserting that initiating the charges while the receiving-stolen-property conviction remained intact violated due process. The Superior Court denied the motion, and Jackson sought extraordinary interlocutory review.

PROCEDURAL HISTORY

After the Superior Court denied Jackson's motion to dismiss, he filed a G. L. c. 211, § 3, petition in the county court. The single justice denied relief on the ground that Jackson could obtain review after any conviction. The full Supreme Judicial Court affirmed under S.J.C. Rule 2:21.

DISPOSITION

affirmed

CASES CITED

- Jackson v. Commonwealth, 430 Mass. 260 (1999), cert. denied, 528 U.S. 1194 (2000)
- Esteves v. Commonwealth, 434 Mass. 1003 (2001)
- Locks v. Commonwealth, 421 Mass. 1003 (1995)
- Ross v. Commonwealth, 420 Mass. 1001 (1995)
- Epps v. Commonwealth, 419 Mass. 97, 99 (1994)
- Ventresco v. Commonwealth, 409 Mass. 82, 83-84 (1991)
- Neverson v. Commonwealth, 406 Mass. 174, 175-176 (1989)

- Blackledge v. Perry, 417 U.S. 21 (1974)
- Commonwealth v. Johnson, 406 Mass. 533, 536-539 (1990)
- Commonwealth v. McGovern, 397 Mass. 863, 865-867 (1986)

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