

MASSACHUSETTS SUPREME JUDICIAL COURT

Commonwealth v. Stevie Jaiman

473 Mass. 1021 (2016) · No. SJC-11888 · Decided February 3, 2016

SUMMARY

The Supreme Judicial Court considers whether a defendant who defaulted by failing to appear remained "on release" for purposes of bail revocation under G. L. c. 276, § 58, when later charged with a new crime. Relying on its contemporaneous decision in Commonwealth v. Morales, the court concludes that the defendant remained on release and that the lower court had authority to revoke bail. The case was remanded for further proceedings consistent with that conclusion.

CASE DETAILS

COURT	Massachusetts Supreme Judicial Court
JURISDICTION	Massachusetts
DECIDED	February 3, 2016
DOCKET	SJC-11888
DISPOSITION	remanded
PROCEDURAL POSTURE	The Commonwealth petitioned the county court under G. L. c. 211, § 3, after a Boston Municipal Court judge denied its motion to revoke the defendant's bail. A single justice reserved and reported the matter to the full Supreme Judicial Court.
PRECEDENTIAL VALUE	Published opinion
PARTIES	Commonwealth v. Stevie Jaiman

TOPICS

- bail
- statutory interpretation
- appellate procedure
- criminal procedure

PRACTICE AREAS

- criminal procedure
- bail
- appellate procedure

QUESTIONS PRESENTED

1. Whether a court may revoke a defendant's bail under G. L. c. 276, § 58, sixth par., when the defendant was released, failed to appear and defaulted, and was later charged with committing a new crime while the default warrant remained outstanding.

HOLDINGS

1. A defendant in these circumstances remains "on release" for purposes of the bail-revocation statute, and a judge has authority to revoke the defendant's bail when the defendant is later charged with committing a new crime during the period of release.

FACTUAL BACKGROUND

Jaiman was arraigned in the Boston Municipal Court on drug and firearm charges, received the statutory bail-revocation warning, and was released on personal recognizance. He failed to appear at a pretrial hearing, was found in default, and became subject to an outstanding default warrant. While the warrant remained outstanding, he was charged with aggravated statutory rape. The court denied bail revocation on the ground that Jaiman was no longer "on release" after defaulting.

PROCEDURAL HISTORY

The Boston Municipal Court released Jaiman on personal recognizance after arraignment and issued a default warrant when he failed to appear at a pretrial hearing. After he was charged with a new offense while the warrant remained outstanding, the court denied the Commonwealth's motion to revoke bail under G. L. c. 276, § 58, sixth par., set bail in the new matter, and imposed release conditions. The Commonwealth sought extraordinary relief in the county court, and the single justice reserved and reported the issue to the full court.

DISPOSITION

remanded

REMAND INSTRUCTIONS

The case was remanded to the county court, where the single justice was directed to enter an order vacating the lower court's ruling and remanding the matter to the lower court for further proceedings consistent with the opinion.

CASES CITED

- Commonwealth v. Morales, 473 Mass. (2016)