

SUPREME JUDICIAL COURT OF MASSACHUSETTS

Donta L. Lewis v. Commonwealth

Lewis · No. SJC-13677 · Decided January 20, 2026

SUMMARY

The Massachusetts Supreme Judicial Court held that a defendant is not “on release” for purposes of G. L. c. 276, § 58, seventh paragraph, while remaining in custody after bail has been set but before bail is posted. Accordingly, the court concluded that the defendant’s bail could not be revoked under that provision based on an offense allegedly committed during that custodial period. The court reversed the county court judgment and ordered the bail-revocation order vacated, while addressing the otherwise moot issue because it was capable of repetition yet evading review.

CASE DETAILS

COURT	Supreme Judicial Court of Massachusetts
WRITING FOR THE COURT	Wolohojian, J.; Budd, C.J.; Gaziano, J.; Kafker, J.; Wendlandt, J.; Georges, J.
JURISDICTION	Supreme Judicial Court of Massachusetts
DECIDED	January 20, 2026
DOCKET	SJC-13677
DISPOSITION	reversed
PROCEDURAL POSTURE	Lewis petitioned the county court under G. L. c. 211, § 3, challenging revocation of his bail under G. L. c. 276, § 58, seventh paragraph. A single justice denied relief, and Lewis appealed to the full Supreme Judicial Court. Although the sixty-day bail-revocation order had expired, the court exercised its discretion to decide the moot statutory-interpretation issue.
STANDARD OF REVIEW	A denial of a petition under G. L. c. 211, § 3, is reviewed for clear error of law or abuse of discretion; legal issues are reviewed de novo.
PRECEDENTIAL VALUE	Published opinion; precedential
PARTIES	Donta L. Lewis v. Commonwealth

TOPICS

- bail
- statutory interpretation
- ejusdem generis
- mootness
- appellate procedure

PRACTICE AREAS

criminal procedure

bail

statutory interpretation

appellate procedure

QUESTIONS PRESENTED

1. Whether a defendant who remains in physical custody after bail has been set, but before bail has been posted, is 'on release' or has been 'admitted to bail' within the meaning of G. L. c. 276, § 58, seventh paragraph.
2. Whether G. L. c. 276, § 58, seventh paragraph, authorizes revocation of a defendant's bail based on a crime allegedly committed while the defendant remained detained before posting bail.
3. Whether the Supreme Judicial Court should decide the otherwise moot issue under the capable-of-repetition-yet-evading-review exception.

HOLDINGS

1. A defendant who remains in physical custody after bail has been set but before bail has been posted is not 'on release' within the meaning of G. L. c. 276, § 58, seventh paragraph.
2. A person is 'admitted to bail' only when released from custody after paying the bail amount or providing any required surety; setting bail alone does not constitute admission to bail.
3. The trial court could not rely on G. L. c. 276, § 58, seventh paragraph, to revoke Lewis's bail because the alleged offense was committed before he had been admitted to bail and while he remained detained.
4. The court exercised its discretion to decide the moot appeal because the issue was capable of repetition yet evading review, involved a novel and publicly important statutory question, and had been fully briefed and argued.

KEY QUOTATIONS

"We conclude that the answer to this question is "no."" (at 2)

"The customary meaning of the term is thus incompatible with the idea of being held in the physical custody of the State." (at 8)

"Thus, a person is "admitted to bail" when he or she is released from custody as a result of paying the bail amount set by a judge or receipt of any required surety — not at the moment when bail or surety is ordered." (at 10)

"But here the judge could not rely on the seventh paragraph of § 58 to revoke the defendant's bail on the ground that he had committed an offense after he had been "admitted to bail" and was "on release."" (at 11)

FACTUAL BACKGROUND

Lewis was charged with multiple firearms offenses and initially held without bail after a dangerousness finding. In January 2024, bail was set at \$7,500, and later reduced to \$5,000, but Lewis remained in custody because he had not posted bail. While detained, he allegedly committed assault and battery by means of a dangerous

weapon; after he later posted bail and was released, the Commonwealth obtained a sixty-day revocation of his bail under G. L. c. 276, § 58, seventh paragraph.

PROCEDURAL HISTORY

Lewis was initially held without bail after dangerousness findings in connection with firearms charges. After bail was later set, he remained detained because he did not post the required amount; during that detention, he allegedly committed a new offense. After he posted bail and was released, the Commonwealth sought revocation under G. L. c. 276, § 58, seventh paragraph, and the Boston Municipal Court granted the motion. The county court single justice denied Lewis's G. L. c. 211, § 3, petition, leading to this appeal.

DISPOSITION

reversed

REMAND INSTRUCTIONS

The county court must enter judgment vacating the order revoking Lewis's bail.

CASES CITED

- Campbell v. Commonwealth, 494 Mass. 750, 752 (2024)
- Garcia v. Commonwealth, 487 Mass. 97, 101 (2021)
- Commonwealth v. McCulloch, 450 Mass. 483, 486 (2008)
- Commonwealth v. Humberto H., 466 Mass. 562, 574 (2013)
- Lockhart v. Attorney Gen., 390 Mass. 780, 782-783 (1984)
- Commonwealth v. Morasse, 446 Mass. 113, 116 (2006)
- Commonwealth v. Bell, 442 Mass. 118, 124 (2004)
- Commonwealth v. Madden, 458 Mass. 607, 611-612 (2010)
- Commonwealth v. Perez Narvaez, 490 Mass. 807, 814 (2022)
- Banushi v. Dorfman, 438 Mass. 242, 244 (2002)
- Commonwealth v. Pagan, 445 Mass. 315, 321-322 (2005)
- Commonwealth v. Lewis, 497 Mass. (2026)