

Supreme Judicial Court for the Commonwealth of Massachusetts
John Adams Courthouse
One Pemberton Square, Suite 1400, Boston, Massachusetts 02108-1724
Telephone 617-557-1020, Fax 617-557-1145

Hamid Reza Ardaneh
Bridgewater State Hospital (M125950)
20 Administration Road
Bridgewater, MA 02324

RE: No. SJC-12852

HAMID REZA ARDANEH
vs.
COMMONWEALTH

NOTICE OF DECISION

A decision by the Supreme Judicial Court was issued in the above-captioned case.

Francis V. Kenneally, Clerk

Dated: October 23, 2020

COMMONWEALTH OF MASSACHUSETTS
SUPREME JUDICIAL COURT FOR THE COMMONWEALTH

IN THE CASE NO. SJC-12852

HAMID REZA ARDANEH

vs.

COMMONWEALTH

pending in the Supreme Judicial Court for the County of Suffolk, No. SJ-2019-0490.

ORDERED, that the following entry be made in the docket; viz., --

Judgment affirmed.

John V. Kennedy, CLERK.

October 23, 2020

See opinion on file.

NOTICE: All slip opinions and orders are subject to formal revision and are superseded by the advance sheets and bound volumes of the Official Reports. If you find a typographical error or other formal error, please notify the Reporter of Decisions, Supreme Judicial Court, John Adams Courthouse, 1 Pemberton Square, Suite 2500, Boston, MA, 02108-1750; (617) 557-1030; SJCReporter@sjc.state.ma.us

SJC-12852

HAMID REZA ARDANEH vs. COMMONWEALTH & others.¹

October 23, 2020.

Supreme Judicial Court, Superintendence of inferior courts.

The petitioner, Hamid Reza Ardaneh, appeals from a judgment of a single justice of this court denying his petition pursuant to G. L. c. 211, § 3. We affirm.

In August 2016, Ardaneh was indicted on several counts of rape, in violation of G. L. c. 265, § 22 (b), and one count of strangulation or suffocation, in violation of G. L. c. 265, § 15D (b). In August 2017, while proceedings in the trial court were ongoing, he was committed for observation to Bridgewater State Hospital for a determination whether he is competent to stand trial pursuant to G. L. c. 123, § 15 (a). He was subsequently found incompetent to stand trial and was committed to the hospital pursuant to G. L. c. 123, § 16. He has since been recommitted, and remains there still. In November 2019, he filed his G. L. c. 211, § 3, petition, in which he claimed, very generally and among other things, that his constitutional rights have been violated, including his right to effective assistance of counsel; that he does not suffer from any mental illness and has been "falsely" deemed incompetent to stand trial; that he has exculpatory evidence to prove his innocence; and that the Commonwealth is protecting the "alleged victim and her family"

¹ Certain individuals associated with Bridgewater State Hospital; certain individuals associated with the trial court; and others.

because they are Jewish (and Ardaneh is not).² The single justice denied the petition without a hearing.

In his appeal to the full court, Ardaneh continues to raise a myriad of claims, not all of which are easy to discern. He continues to press his ineffective assistance of counsel claim; he argues his innocence and maintains that he does not suffer from mental illness; and he makes claims about the "Jewish mafia" and disparaging and discriminatory statements about Jews. Although he states that he is seeking injunctive relief, what he ultimately appears to be seeking is a dismissal of the indictments against him and release from confinement.³ He does so, however, without setting forth any sound legal argument.

First, the single justice properly denied relief because Ardaneh had an adequate alternative remedy. Relief under G. L. c. 211, § 3, is properly denied where "there are other routes by which the petitioning party may adequately seek relief." Sabree v. Commonwealth, 432 Mass. 1003, 1003 (2000). To the extent that Ardaneh sought dismissal of the indictments, that was a matter to raise in the trial court in the first instance.⁴ Similarly, a remedy related to his continuing commitment pursuant to G. L. c. 123, § 16, lies, in the first instance, in the trial court. See id.; G. L. c. 123, § 17.

Second, we note that Ardaneh was not seeking relief in the county court from any specific rulings of the trial court, but rather from what he perceived to be general injustices done to or imposed on him. His claims did not present a situation warranting extraordinary superintendence relief directly from this court. The single justice therefore did not err or abuse his discretion in denying relief under G. L. c. 211, § 3.

Judgment affirmed.

² Ardaneh was represented by counsel in the criminal case in the trial court. He filed his petition in the county court pro se.

³ In addition to raising the issue of dismissal of the indictments in his brief, the petitioner has also separately filed, in this court, a motion to dismiss the indictments.

⁴ Indeed, while the petitioner's appeal has been pending in this court, he filed a motion to dismiss in the trial court, which was denied.

The case was submitted on briefs.

Hamid Reza Ardaneh, pro se.

Randall E. Ravitz, Assistant Attorney General, for the
respondents.

Order of Commitment Pursuant to G.L. c. 123, §§ 16(b) or 16(c)		CRIMINAL DOCKET NO. (<i>if any</i>) 1681CR00418 MENTAL HEALTH DOCKET NO. (<i>if any</i>) 1915MH0286 (R)		MASSACHUSETTS TRIAL COURT 	
IN THE MATTER OF Hamid Ardaneh		DOB	GENDER <input checked="" type="checkbox"/> Male <input type="checkbox"/> Female	SSN	COURT DIVISION Brockton District Court
PETITIONER Christopher L. Myers, M.D.		TITLE Medical Director		FACILITY NAME Bridgewater State Hospital	

In accordance with G.L. c. 123, §§ 16(b) or 16(c), with notice provided to the District Attorney, a petition has been filed by the Petitioner for the commitment of the Respondent, who has been previously charged with the following crime(s):

Rape (3cts), Suffocation/Strangulation (2cts) and A&B on Household Member.

The Respondent was found incompetent to stand trial or not guilty by reason of mental illness or defect by Middlesex Superior Court on August 29, 2017

court

date

I find that the Respondent is:

- Mentally ill as defined by 104 C.M.R 27.05 in accordance with G.L. c. 123, § 2, and
- Failure to retain the Respondent in a facility would create a likelihood of serious harm, and
- There is no less restrictive alternative for the Respondent.

I further find that:

- Failure to retain the Respondent in strict security would create a likelihood of serious harm and that the Respondent is not a proper subject for commitment to any facility of the Department of Mental Health.
- It is further ORDERED that the Respondent be restricted in his/her movement to the buildings and grounds of the facility.

Therefore, it is ORDERED that the Respondent be committed to the Bridgewater State Hospital for a period not to exceed 6 months (for § 16(b)) 1 year (for § 16(c)), or until such time as there is no longer a likelihood of serious harm by reason of mental illness, or the Respondent becomes competent to stand trial, whichever period is shorter.

The Court Officer, or other officers duly authorized, are hereby commanded to remove the Respondent to the facility and deliver said person to the Superintendent or Medical Director and to make return of this warrant with their doings thereon to the Clerk-Magistrate of this Court as soon as may be.

TO THE RESPONDENT:

This commitment order prohibits you from being issued a firearm identification card or a license to carry unless a petition for relief is subsequently granted.

This commitment order expires on:

12/10/20

Date	Signature of Judge
<u>12/11/19</u>	

RETURN

I, _____, hereby certify, that on _____, I

delivered the Respondent to the above named facility along with a copy of this order.

Date	Signature	Title

COMMONWEALTH OF MASSACHUSETTS

PLYMOUTH, ss.

DISTRICT COURT OF BROCKTON
No. 1915-MH-0286 (R)

COURT APPROVED MEDICATION TREATMENT PLAN FOR: Hamid Ardaneh

The approved treatment plan with regard to antipsychotic medications for this patient is the following:

Fluphenazine (Prolixin) up to 40 mg/day p.o. or equivalent i.m. dose, including decanoate

Perphenazine (Trilafon) up to 64 mg/day p.o.

Chlorpromazine (Thorazine) up to 1,000 mg/day p.o. or equivalent i.m. dose

Olanzapine (Zyprexa) up to 30 mg/ day p.o. or equivalent i.m. dose

Lurasidone (Latuda) up to 120 mg/day p.o.

Paliperidone palmitate (Invega Sustenna) up to 234 mg monthly plus loading dose

The above listed medications may be given in combination, as clinically appropriate.

The following non-antipsychotic medication(s) are also requested for treatment of this patient's mental illness.

Lithium (various forms) up to therapeutic blood levels

Valproic acid forms (Depakene or Depakote) up to therapeutic blood levels

Lorazepam (Ativan) up to 16 mg/day p.o. or equivalent i.m. dose

Benztropine (Cogentin) up to 8 mg/day p.o. or equivalent i.m. dose

Diphenhydramine (Benadryl) up to 400 mg/day p.o. or equivalent i.m. dose

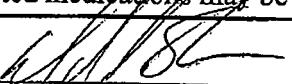
Hydroxyzine (Atarax, Vistaril) up to 400 mg/day p.o.

Antidepressant medications up to therapeutic doses

All necessary laboratory studies for evaluation for, and utilization of, the above medications

The above listed medications may be given in combination, as clinically appropriate.

Judge:


Daniel O'Shea

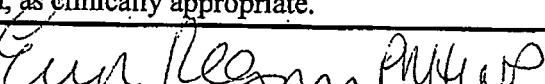
Date Approved:

12/11/19

Date Expires*:

12/10/20

*Authorization ends upon expiration of underlying commitment order unless otherwise indicated.

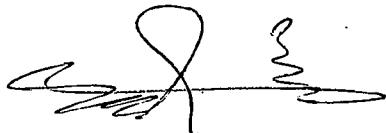

Erin Regan PMHNP
Bridgewater State Hospital
20 Administration Road
Bridgewater, MA 02324
508-279-4543

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, ss.

Exhibit 235 11,26,2019

Hamid Reza Ardaneh



SUPREME JUDICIAL COURT
FOR SUFFOLK COUNTY
No. SJ-2019-490

Middlesex Superior Court
No. 1681CR00418

Brockton District Court
No.1915MH286

HAMID REZA ARDANEH

v.

COMMONWEALTH, MIDDLESEX SUPERIOR COURT, GRAND JURY OF
MIDDLESEX, DISTRICT ATTORNEY CEARA MAHONEY, BROCKTON DISTRICT
COURT, SUPERINTENDENT OF BRIDGEWATER STATE HOSPITAL, DOCTOR
SARA LANIADO, HEATHER STROUD, ERIN REGAN, JAMES DEBLOIS,
SUPERINTENDENT OF JAIL BILLERICA, INTERPRETER ALI TALEBINEJAD,
INTERPRETER JASMIN PAKIZEGI, SANAZ SIYONIT, JACOB BABAI, DAVID
MERFELD, BONNIE FRIEDMA, ABDULLAH ALJOBORI, CAMBRIDGE DISTRICT
COURT, and CAMBRIDGE FAMILY COURT

JUDGMENT

This matter came before the Court, Kafker, J., on a petition pursuant to G.L. c. 211, § 3, asking this court to invoke its extraordinary power to intervene in matters underway in the trial courts. The petitioner seems to be challenging the commitment to Bridgewater State Hospital, as well as proceedings in his criminal matter in Middlesex Superior.

Ordinarily, this Court will not exercise its extraordinary power where an adequate alternative remedy exists. See Votta v. Police Dep't of Billerica, 444 Mass. 1001, 1001 (2005) (exercise of extraordinary superintendence power not "a substitute for the normal appellate process or merely to provide an additional layer of appellate review after the normal process has run its course")

Upon consideration, it is ORDERED that the petition be, and the same hereby is, denied without hearing.

By the Court, (Kafker, J.)



Eric Radtke
Assistant Clerk

SLK

Dated: Nov. 22, 2019