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SJC-13508

Exh#12

SHARON CAMMILLE RIDICK vs. COMMONWEALTH.

February 23, 2024.

Supreme Judicial Court, Superintendence of inferior courts.

Sharon Camille Riddick appeals from a judgment of the county court denying, without a hearing, her petition for relief under G. L. c. 211, § 3.¹ We affirm the judgment.

Riddick has been charged in the Boston Municipal Court (BMC) with violating a harassment prevention order issued under G. L. c. 258E. Although she previously had appointed counsel, she is currently representing herself. Her motion to dismiss was denied by a judge in the BMC. Riddick filed several other pretrial motions in the BMC, with varying degrees of success. In her G. L. c. 211, § 3, petition, Riddick sought permission to file an interlocutory appeal in her criminal case, apparently intending to challenge one or more pretrial rulings made by a judge of the BMC.² In particular, she claimed that the judge

¹ Riddick also moved for a stay of proceedings in the Boston Municipal Court. The single justice denied that motion. Riddick has not sought a stay from the full court, although she could have done so. See Papp v. Commonwealth, 491 Mass. 1019, 1019 n.1 (2023), citing Neverson v. Commonwealth, 406 Mass. 174, 175 n.2 (1989).

² Before seeking relief under G. L. c. 211, § 3, Riddick filed a petition seeking interlocutory review of the same pretrial rulings in the single justice session of the Appeals Court. That petition was denied on the ground that the Appeals

abused his discretion by ruling against her motion for certain subpoenas and by allowing the Commonwealth to withhold exculpatory information.³ Riddick also requested that her criminal case be dismissed.⁴ A single justice of this court denied relief without a hearing.

Because Riddick is appealing from the denial of relief from a challenged interlocutory ruling of the trial court, she was obligated to file a memorandum and appendix "set[ting] forth the reasons why review of the trial court decision cannot adequately be obtained on appeal from any final adverse judgment in the trial court or by other available means." S.J.C. Rule 2:21 (2), as amended, 434 Mass. 1301 (2001). She did not file the required memorandum but simply filed a brief, in which she scarcely mentioned the existence of an alternative remedy.⁵ Nonetheless, it is clear on the record before us that Riddick cannot make the required showing, as the challenged pretrial rulings can be addressed on appeal from a final judgment if she is convicted. See Afrasiabi v. Commonwealth, 477 Mass. 1001, 1002 (2017). Similarly, as we have said many times, "[t]he denial of a motion to dismiss in a criminal case is not appealable until after trial, and . . . G. L. c. 211, § 3, may not be used to circumvent that rule." Wallace v. Commonwealth, 492 Mass. 1012, 1012 (2023), and cases cited. Because Riddick has an adequate remedy in the ordinary appellate process, the

Court single justice lacks jurisdiction over interlocutory criminal matters.

³ It is unclear from the docket to which motions Riddick is referring. It appears, however, that she is challenging rulings made at a hearing that took place on July 28, 2023, and a further order denying clarification of those rulings. We express no view as to the correctness of any pretrial ruling or whether the Commonwealth was in possession of any exculpatory information sought by Riddick.

⁴ In addition, Riddick made numerous factual allegations concerning certain judges of the BMC, a judge of the Housing Court, and an assistant district attorney, but, as far as we are able to discern, without requesting any particular relief related to those allegations.

⁵ Riddick's failure to comply with S.J.C. Rule 2:21 presents a further reason not to disturb the judgment of the single justice.

Exh#12

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single justice neither erred nor abused his discretion by denying extraordinary relief.

Judgment affirmed.

The case was submitted on the papers filed, accompanied by a memorandum of law.

Sharon Cammille Riddick, pro se.

SUPREME JUDICIAL COURT
for the Commonwealth
Case Docket

SHARON CAMILLE RIDDICK vs. COMMONWEALTH
THIS CASE CONTAINS IMPOUNDED MATERIAL OR PID

SJC-13508

Exhibit 10

CASE HEADER

Case Status	Decided, Rescript issued	Status Date	03/22/2024
Nature	Superintendence, c211, s3	Entry Date	10/19/2023
Appellant	Plaintiff	Case Type	Civil
Brief Status	Awaiting red brief	Brief Due	12/28/2023
Quorum			
Argued Date		Decision Date	02/23/2024
AC/SJ Number	<u>SJ-2023-0391</u>	Citation	493 Mass. 1030
DAR/FAR Number		Lower Ct Number	SJ-2023-0391
Lower Court	SJC for Suffolk County	Lower Ct Judge	Serge Georges, Jr., J.
Route to SJC	Direct Entry: Appeal from Single Justice Order/Judgment		

INVOLVED PARTY

Sharon Camille Riddick
Pro Se Petitioner/Appellant
Blue brief filed

ATTORNEY APPEARANCE

David D. McGowan, A.D.A.
Erin D. Knight, A.D.A.

Commonwealth
Respondent/Appellee
Awaiting red brief
Due 12/28/2023

DOCKET ENTRIES

Entry Date	Paper	Entry Text
10/19/2023	#1	Entered. (This matter is opened conditioned upon receipt of the motion to waive filing fee supported by affidavit of indigency or the entry fee of \$300.00 payable to Commonwealth of Massachusetts within 10 days.)
10/19/2023	#2	MOTION to Waive Filing Fee and Motion for Stay filed by Sharon Camille Riddick. (ALLOWED forthwith. See SJ-2023-0391)
11/28/2023	#3	Appellant brief filed by Sharon Camille Riddick.
11/28/2023	#4	Appendix Part 1 filed by Sharon Camille Riddick.
11/28/2023	#5	Appendix Part 2 filed by Sharon Camille Riddick.
11/28/2023	#6	Appendix Part 3 filed by Sharon Camille Riddick.
11/28/2023	#7	MOTION to file a nonconforming brief and appendix filed by Sharon Camille Riddick. (Referred to the Quorum)
11/28/2023	#8	(COPY) MOTION to file a nonconforming brief and appendix filed by Sharon Camille Riddick.
01/08/2024	#9	LETTER from filed for Commonwealth by Erin Knight, ADA.
02/23/2024	#10	RESCRIPT (Rescript Opinion): Judgment affirmed. (By the Court)
03/22/2024		RESCRIPT ISSUED to trial court.



**SUFFOLK COUNTY DISTRICT ATTORNEY'S OFFICE
DISTRICT ATTORNEY KEVIN R. HAYDEN**

Exh #10

January 8, 2024

Francis V. Kenneally, Esq.
SJC Clerk for the Commonwealth
1 Pemberton Square,
Boston, MA 02108

Re: *SHARON CAMILLE RIDDICK vs. COMMONWEALTH*, No. SJC-13508

Dear Clerk Kenneally:

Having received the defendant's brief in Supreme Judicial Court matter number SJC-13508, it is the Commonwealth's belief that the petitioner's brief is an appeal from the denial of her application to pursue interlocutory review, under M.G.L. c. 211, § 3 (SJ-2023-0391 - filed October 10, 2023). Whereas these matters are filed under SJC Rule 2:21 (appeal from single justice denial of relief on interlocutory ruling), the Commonwealth is not entitled to file a response unless requested to do so by the Court. As such, the Commonwealth respectfully leaves the matter to the judgment of this Court.

Sincerely,

KEVIN HAYDEN
District Attorney

*Exhibit
10*

For The Suffolk District

/s/ Erin D. Knight

Erin D. Knight

Assistant District Attorney

BBO# 696358

One Bulfinch Place

Boston, MA 02114

(617) 619-4000

Exhibit
C1

CERTIFICATE OF SERVICE

I, the undersigned, do hereby certify that I have made service on the pro-se petitioner by first-class mail, postage pre-paid addressed as follows:

Sharon Riddick
P.O. Box 240256
Dorchester, MA 02124

Erin D. Knight
Assistant District Attorney

January 8, 2024

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, ss.

Exh#
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SUPREME JUDICIAL COURT
FOR SUFFOLK COUNTY
No. SJ-2023-0391

Boston Municipal,
Dorchester Div.
No. 2007CR003256

SHARON CAMILLE RIDICK

v.

COMMONWEALTH

JUDGMENT

This matter came before the Court, Georges J., on the defendant Sharon Camille Riddick's petition pursuant to G. L. c. 211, § 3, and emergency motion for stay. Upon consideration thereof, it is ORDERED that the petition and motion be, and the same hereby are, DENIED.

By the Court, (Georges, J.)

Maura S. Doyle

Maura S. Doyle, Clerk

Entered: October 18, 2023

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, ss.

SUPREME JUDICIAL COURT
FOR SUFFOLK COUNTY
No. SJ-2023-0391

Exhibit 2
Boston Municipal,
Dorchester Div.
No. 2007CR003256

SHARON CAMILLE RIDDICK

v.

COMMONWEALTH

JUDGMENT AFTER RESCIPT

This matter came before the Court, and in accordance with the Rescript Opinion that was entered in the Full Court in SJC-13508 on February 23, 2024, it is ORDERED and ADJUDGED that the following entry of Judgment be, and the same hereby is, made:

"Judgment affirmed."

By the Court, (Dewar, J.)

/s/ Maura S. Doyle

Maura S. Doyle, Clerk

ENTERED: March 25, 2024

Rescript Opinions.

Mass. 1301 (2001). Rule 2:21 applies “[w]hen a single justice denies relief from a challenged interlocutory ruling in the trial court.” *Id.* In her memorandum, however, Kim states that she seeks vacatur of the September 20, 2023, order of execution.² Rule 2:21 therefore does not apply, as Kim’s challenge arises not from an interlocutory order but rather from the District Court’s final judgment. See *Costello v. Merrill Lynch Credit Corp.*, 480 Mass. 1027, 1027-1028 (2018); *Bishay v. District Court Dep’t of the Trial Court*, 477 Mass. 1030, 1030 (2017); *Durakowski v. Commonwealth*, 450 Mass. 1005, 1005 (2007). Cf. *Bishay v. Merrill Lynch Credit Corp.*, 480 Mass. 1028, 1028-1029 (2018) (questioning whether rule 2:21 applies to order of execution).

Regardless of whether the rule applies, Kim must establish the absence of adequate alternative relief. Rule 2:21 expressly requires a petitioner to “set forth the reasons why review of the trial court decision cannot adequately be obtained on appeal from any final adverse judgment in the trial court or by other available means.” If, as we hold here, the rule does not apply, then Kim may proceed to appeal from the single justice’s denial of her petition, but in that event, “relief is available only [if she] demonstrates the absence of an adequate and effective alternative remedy.” *Wallace v. PNC Bank, N.A.*, 478 Mass. 1020, 1020 (2018). See *Kim v. Rosenthal*, 473 Mass. 1029, 1030 (2016). Kim cannot meet this standard because adequate and effective relief was available to her in the ordinary appellate process. See *Wallace, supra* at 1021; *Matter of an Appeal Bond (No. 2)*, 428 Mass. 1022, 1022 (1999) (“If the petition is read as one seeking restoration of the petitioner’s occupation and use of the premises, we construe it as a challenge to the judgment of the Housing Court, as subject to the regular appellate process . . .”). Specifically, Kim could have pursued her appeal before the Appellate Division. Further, she could have appealed from the Appellate Division’s order of dismissal to the Appeals Court. See G. L. c. 231, § 109; *Kim, supra*.

We therefore conclude that the single justice neither erred nor abused his discretion in denying relief, and we affirm the judgment.³

Judgment affirmed.

The case was submitted on the papers filed, accompanied by a memorandum of law.

Oak-hee Kim, pro se.

SHARON CAMMILLE RIDICK *vs.* COMMONWEALTH. February 23, 2024. *Supreme Judicial Court*, Superintendence of inferior courts.

Sharon Cammille Riddick appeals from a judgment of the county court deny-

²Kim does not seek a stay of execution but challenges the validity of the order of execution and therefore the final judgment. The occurrence of the eviction consequently did not render this appeal moot. See *Wallace v. PNC Bank, N.A.*, 478 Mass. 1020, 1021 (2018); *Petrillo-Aufiero v. Petrillo*, 436 Mass. 1002, 1002 (2002); *Matter of an Appeal Bond (No. 2)*, 428 Mass. 1022, 1022 (1999).

³Kim has also filed with this court a document entitled “Petition for Accommodations,” requesting that this matter be decided on the papers and that counsel be appointed for her. The first request is moot given our resolution of the appeal absent a hearing. The request for appointment of counsel is denied in light of our conclusion that affirmance is dictated by the availability of alternative avenues for relief.

ing, without a hearing, her petition for relief under G. L. c. 211, § 3.¹ We affirm the judgment.

Riddick has been charged in the Boston Municipal Court (BMC) with violating a harassment prevention order issued under G. L. c. 258E. Although she previously had appointed counsel, she is currently representing herself. Her motion to dismiss was denied by a judge in the BMC. Riddick filed several other pretrial motions in the BMC, with varying degrees of success. In her G. L. c. 211, § 3, petition, Riddick sought permission to file an interlocutory appeal in her criminal case, apparently intending to challenge one or more pretrial rulings made by a judge of the BMC.² In particular, she claimed that the judge abused his discretion by ruling against her motion for certain subpoenas and by allowing the Commonwealth to withhold exculpatory information.³ Riddick also requested that her criminal case be dismissed.⁴ A single justice of this court denied relief without a hearing.

Because Riddick is appealing from the denial of relief from a challenged interlocutory ruling of the trial court, she was obligated to file a memorandum and appendix “set[ting] forth the reasons why review of the trial court decision cannot adequately be obtained on appeal from any final adverse judgment in the trial court or by other available means.” S.J.C. Rule 2:21 (2), as amended, 434 Mass. 1301 (2001). She did not file the required memorandum but simply filed a brief, in which she scarcely mentioned the existence of an alternative remedy.⁵ Nonetheless, it is clear on the record before us that Riddick cannot make the required showing, as the challenged pretrial rulings can be addressed on appeal from a final judgment if she is convicted. See *Afrasiabi v. Commonwealth*, 477 Mass. 1001, 1002 (2017). Similarly, as we have said many times, “[t]he denial of a motion to dismiss in a criminal case is not appealable until after trial, and . . . G. L. c. 211, § 3, may not be used to circumvent that rule.” *Wallace v. Commonwealth*, 492 Mass. 1012, 1012 (2023), and cases cited. Because Riddick has an adequate remedy in the ordinary appellate process, the single justice neither erred nor abused his discretion by denying extraordinary relief.

Judgment affirmed.

¹Riddick also moved for a stay of proceedings in the Boston Municipal Court. The single justice denied that motion. Riddick has not sought a stay from the full court, although she could have done so. See *Papp v. Commonwealth*, 491 Mass. 1019, 1019 n.1 (2023), citing *Neverson v. Commonwealth*, 406 Mass. 174, 175 n.2 (1989).

²Before seeking relief under G. L. c. 211, § 3, Riddick filed a petition seeking interlocutory review of the same pretrial rulings in the single justice session of the Appeals Court. That petition was denied on the ground that the Appeals Court single justice lacks jurisdiction over interlocutory criminal matters.

³It is unclear from the docket to which motions Riddick is referring. It appears, however, that she is challenging rulings made at a hearing that took place on July 28, 2023, and a further order denying clarification of those rulings. We express no view as to the correctness of any pretrial ruling or whether the Commonwealth was in possession of any exculpatory information sought by Riddick.

⁴In addition, Riddick made numerous factual allegations concerning certain judges of the BMC, a judge of the Housing Court, and an assistant district attorney, but, as far as we are able to discern, without requesting any particular relief related to those allegations.

⁵Riddick’s failure to comply with S.J.C. Rule 2:21 presents a further reason not to disturb the judgment of the single justice.

Rescript Opinions.

The case was submitted on the papers filed, accompanied by a memorandum of law.

Sharon Cammille Riddick, pro se.

KATHLEEN TRAHAN vs. STANLEY T. PELCZAR. February 26, 2024. *Supreme Judicial Court*, Superintendence of inferior courts.

The petitioner, Kathleen Trahan, appeals from a judgment of a single justice of this court denying her petition pursuant to G. L. c. 211, § 3. We affirm.

In March 2023, Trahan filed, in the Superior Court, a motion for relief from judgment pursuant to Mass. R. Civ. P. 60 (b) (1) and (6), 365 Mass. 828 (1974), in this long-running breach of contract dispute. A judge denied the motion. Trahan then sought relief from that judgment by filing a G. L. c. 211, § 3, petition in the county court. A single justice denied the petition on the basis that Trahan had an adequate alternative remedy, i.e., in the normal appellate course. Trahan next filed, in the Appeals Court, a petition pursuant to G. L. c. 231, § 118, first par. A single justice in that court dismissed the petition on the basis that Trahan was not seeking review of an interlocutory ruling. Rather, she was seeking relief from the denial of her rule 60 (b) motion, and, therefore, G. L. c. 231, § 118, did not apply.¹ Trahan then returned to the county court, where she filed a “renewed” G. L. c. 211, § 3, petition. A different single justice denied the petition.

In her appeal to this court, Trahan argues that the “normal course appellate proceedings” will not provide relief. She states that the respondent has ignored, and continues to ignore, certain payment obligations to her, and that if she had pursued an appeal from the denial of her rule 60 (b) motion in the Appeals Court — that is, if she had proceeded in the normal appellate course — the respondent would simply have used that time to “further ignore” his payment obligations. That is not a basis for relief pursuant to G. L. c. 211, § 3. Similarly, Trahan’s dissatisfaction with certain lower court rulings and “judicial errors” does not entitle her to relief pursuant G. L. c. 211, § 3. As both single justices of this court and the single justice of the Appeals Court have indicated, Trahan’s remedy was to appeal from the denial of her rule 60 (b) motion.² That she did not do so because she believed that pursuing such an appeal would not lead to the relief she seeks — whether because she thought it would take too long or otherwise — does not render that relief inadequate. See, e.g., *Greco v. Plymouth Sav. Bank*, 423 Mass. 1019, 1019 (1996) (“Relief under G. L. c. 211, § 3, is properly denied where there are adequate and effective routes other than c. 211, § 3, by which the petitioning party may seek relief”).

The single justice did not err or abuse his discretion in denying relief under G. L. c. 211, § 3.

Judgment affirmed.

¹The Appeals Court single justice also noted that the petition filed pursuant to G. L. c. 231, § 118, first par., was untimely.

²Additionally, if the petitioner was dissatisfied with other trial court rulings, prior to the denial of the most recent motion pursuant to Mass. R. Civ. P. 60 (b), 365 Mass. 828 (1974), there appears to be no reason why she could not have sought relief from those rulings in the normal course. Indeed, she did just that as to at least some trial court rulings. See *Trahan v. Pelczar*, 101 Mass. App. Ct. 1116 (2022) (affirming denial of Trahan’s motion to amend her complaint and denial of her motion to reconsider award of attorney’s fees).