

No. \_\_\_\_\_

IN THE  
SUPREME COURT OF THE UNITED STATES  
OCTOBER TERM 2024

LANCE HULLUM - PETITIONER

VS.

MASSACHUSETTS - RESPONDENT(S)

RECORD APPENDIX IN SUPPORT  
OF PETITION FOR A WRIT OF CERTIORARI  
TO MASSACHUSETTS SUPREME JUDICIAL COURT

Respectfully  
Submitted

MR. Lance Hullum  
26 Long pond Rd.  
plymouth mass.  
02360

DATE: 10/30/2024

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# Appendix "A"

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SJC-13453

LANCE HULLUM vs. COMMONWEALTH.

October 2, 2024.

Supreme Judicial Court, Superintendence of inferior courts.  
Practice, Criminal, Double jeopardy, Verdict, Lesser included offense, Duplicative convictions. Assault and Battery.

The petitioner, Lance Hullum, appeals from a judgment of the county court denying his petition for extraordinary relief pursuant to G. L. c. 211, § 3. We affirm.

Background. In 2014, Hullum was indicted on various aggravated assault charges stemming from an incident in which he allegedly attacked multiple individuals, including Raymond Girard and Richard Saunders. With respect to the attack on Girard, Hullum was charged with armed assault with intent to murder a victim sixty years or older, in violation of G. L. c. 265, § 18 (a) (indictment three); assault and battery by means of a dangerous weapon on a victim sixty years or older, in violation of G. L. c. 265, § 15A (a) (indictment five); and assault with intent to maim, in violation of G. L. c. 265, § 15 (indictment seven).<sup>1</sup> Hullum faced similar charges with respect to the attack on Saunders.<sup>2</sup>

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<sup>1</sup> Indictment seven charged Hullum with assault with intent to murder or maim, but the Commonwealth clarified at trial that it was proceeding solely under a theory of assault with intent to maim.

<sup>2</sup> Specifically, Hullum was charged with armed assault with

Hullum was tried, pro se, before a jury in the Superior Court in Plymouth County. At the conclusion of trial, with respect to the charges of armed assault with intent to murder (indictments three and nine), the jury found Hullum guilty of the lesser included offense of assault. The jury returned guilty verdicts on the remaining indictments.

On direct appeal, the Appeals Court concluded that Hullum did not validly waive his right to counsel. As a result, on all but one of the charges,<sup>3</sup> the verdicts were set aside and the matter was remanded for a new trial. See Commonwealth v. Hullum, 100 Mass. App. Ct. 1121 (2022). On remand, Hullum moved to dismiss the surviving indictments on the grounds of double jeopardy and collateral estoppel. With respect to indictments three and nine, for which Hullum had been convicted of the lesser included offenses of assault, the motion judge concluded that Hullum could not be retried on the underlying, greater offense, but denied his motions to dismiss.

Hullum then filed the instant petition in the county court, seeking relief from the denial of the motions to dismiss. The single justice determined that review of the merits was appropriate, see Hartfield v. Commonwealth, 443 Mass. 1022, 1022 n.1 (2005), but concluded that the motions to dismiss had been properly denied. This appeal followed.

Discussion. As a general matter, "[d]ecisions of a single justice will not be disturbed on appeal absent clear error of law or abuse of discretion." Adjarkey v. Central Div. of the Hous. Court Dep't, 481 Mass. 830, 833 (2019), quoting Fogarty v. Commonwealth, 405 Mass. 103, 106 (1989). On appeal, "[w]e review determinations regarding double jeopardy de novo." Commonwealth v. Taylor, 486 Mass. 469, 477 (2020).

Under principles of double jeopardy, the Commonwealth is intent to murder Saunders, in violation of G. L. c. 265, § 18 (b) (indictment nine); assault and battery by means of a dangerous weapon in violation of G. L. c. 265, § 15A (b) (indictment eleven); and assault with intent to maim, in violation of G. L. c. 265, § 15 (indictment thirteen).

<sup>3</sup> The Appeals Court reversed the judgment of conviction for assault with intent to maim Saunders and dismissed the underlying indictment (indictment thirteen) because the Commonwealth conceded that it had been granted leave to make an impermissible, substantive amendment to the indictment on the first day of trial.



precluded from relitigating any issue that was necessarily decided by a jury's acquittal in a prior trial. See Commonwealth v. Adams, 485 Mass. 663, 670 (2020). Here, the verdicts on indictments three and nine, in which the jury found Hullum guilty of the lesser included offenses of assault, necessarily implied that the jury acquitted Hullum of the greater offenses of armed assault with intent to murder a victim sixty years or older (as to Girard) and armed assault with intent to murder (as to Saunders). See Commonwealth v. Figueroa, 468 Mass. 204, 228 (2014). Accordingly, the motion judge correctly ruled, and the single justice correctly recognized, that the Commonwealth may only retry Hullum on the lesser included offense of simple assault on indictments three and nine. Hullum nonetheless argues that the lesser assault charges, as well as the charges for assault and battery by means of a dangerous weapon, must be dismissed because they are lesser included offenses of armed assault with intent to maim, and stem from the same course of conduct.

As a general matter, absent legislative authorization, a defendant may not be convicted of both a greater and lesser included offense in a single criminal proceeding unless "each conviction is premised on a distinct criminal act." Commonwealth v. Vick, 454 Mass. 418, 435 & n.16 (2009) ("Whether a defendant's actions constitute separate and distinct acts . . . is a question of fact for the jury to resolve"). If a jury does return verdicts that are duplicative, vacatur of one of the convictions is appropriate, and "the determination as to which conviction to vacate lies with the sentencing judge." Commonwealth v. Rivas, 466 Mass. 184, 190-191 (2013). Here, however, Hullum has yet to be retried, let alone convicted, on the pending indictments. Thus, even assuming, arguendo, that any of the indictments are duplicative, his request for relief is premature. See id. at 190 (courts need only assess issue of vacating duplicative convictions "where the Commonwealth has not, prior to sentencing, made the decision to enter a nolle prosequi on one of the two duplicative convictions"). Accordingly, the single justice did not commit an error of law

or otherwise abuse her discretion in denying relief.<sup>4,5</sup>

Judgment affirmed.

Rachel T. Rose for the petitioner.

Elizabeth A. Mello Marvel, Assistant District Attorney, for the Commonwealth.

<sup>4</sup> We have also considered the arguments raised in the defendant's brief filed pursuant to Commonwealth v. Moffett, 383 Mass. 201, 208 (1981), and similarly conclude that they do not ~~preclude relief. The guilty verdicts on the lesser included~~ offenses of assault did not indicate that the jury "necessarily decided" that Hullum was not armed with a dangerous weapon, so as to preclude his retrial on the remaining indictments. Commonwealth v. Adams, 485 Mass. 663, 670 (2020), quoting Yeager v. United States, 557 U.S. 110, 119 (2009). Indeed, the jury were instructed that a verdict of guilty on the lesser offense of assault would be appropriate if the jury found that Hullum was, in fact, armed with a dangerous weapon but did not harbor a specific intent to kill. Accordingly, the single justice correctly concluded that the defendant had failed to demonstrate that an issue "whose relitigation he seeks to foreclose was actually decided by the first jury's verdict" (quotation and alteration omitted). Adams, supra at 672, quoting Bravo-Fernandez v. United States, 580 U.S. 5, 12 (2016). For the same reason, the guilty verdict on the lesser offense of assault for indictment three did not indicate that the jury necessarily found that Girard was not over the age of sixty.

<sup>5</sup> Hullum's motion to withdraw his pro se filings from June 10, 2024, is allowed. No action is necessary on his motion to proceed on the record below. See Mass. R. A. P. 8 (a), as appearing in 481 Mass. 1611 (2019).

# Appendix B

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## COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, ss

SUPREME JUDICIAL COURT  
FOR SUFFOLK COUNTY  
SJ-2023-0082

Plymouth Superior Court  
No. 1483CR00387

COMMONWEALTH

vs.

LANCE HULLUM

### MEMORANDUM OF DECISION AND JUDGMENT

After a jury trial at which he proceeded pro se, Lance Hullum (defendant) was convicted in 2019 of several offenses. His convictions were reversed by the Appeals Court on the ground that his waiver of the right to counsel was ineffective. Commonwealth v. Hullum, 100 Mass. App. Ct. 1121 (2022). In addition, the Appeals Court ordered the dismissal of one indictment on the ground that the victim's name thereon was improperly changed. Id., slip op. at 2 n.1. The defendant thereafter moved in the Superior Court for the dismissal of all the indictments on grounds of double jeopardy and collateral estoppel. A judge in the Superior Court (motion judge) denied the motion. The defendant filed a petition for relief under G. L. c. 211, § 3, from that denial. The defendant's request for review is allowed; concluding that the defendant has not

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**ADDENDUM**

Memorandum of Decision And Judgment.....Add. 1

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established that the motion judge abused his discretion in denying the defendant's motion to bar retrial and to dismiss the indictments, the petition is denied.

I. Background. In 2014, the defendant was charged in fourteen indictments with multiple offenses arising out of his alleged attack of three fellow inmates -- Raymond Dean, Raymond Girard, and Richard Saunders -- at the Massachusetts Treatment Center. As to Dean, the defendant was charged with assault and battery on an elderly person. As to Girard, the defendant was charged with armed assault with intent to murder a victim sixty years of age or older, assault and battery by means of a dangerous weapon on a person sixty years of age or older, and assault with intent to murder or maim. As to Saunders, the defendant was charged with armed assault with intent to murder, assault and battery by means of a dangerous weapon, and assault with intent to murder or maim. These charges were paired with habitual offender indictments, which have since been dismissed by the Commonwealth and are not at issue here.

At trial, the trial judge allowed the defendant's motion for a required finding of not guilty as to any serious bodily injuries inflicted on Dean, to the extent that indictment made such an allegation. [Def.'s Exh. G at 112-113]. In addition, regarding the indictments for assault with intent to murder or maim Girard and Saunders, the Commonwealth proceeded only as to

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 assault with intent to maim. [D. Exh. G. at 121-123]. The defendant was convicted as charged on all the indictments, except that on the indictments charging armed assault with intent to murder a victim sixty years of age or older (as to Girard) and armed assault with intent to murder (as to Saunders), the defendant was convicted of the lesser included offense of simple assault.<sup>1</sup> On appeal, the Appeals Court vacated the convictions, dismissed one of the indictments,<sup>2</sup> and remanded the matter to the trial court. Commonwealth v. Hulum, supra. The defendant filed a motion to dismiss, arguing that retrial is barred under collateral estoppel<sup>3</sup> and double jeopardy principles. With an exception not relevant here, see note 1, supra, the motion judge disagreed and denied the motion.

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<sup>1</sup> The motion judge correctly determined, and the Commonwealth agrees, that the defendant cannot be retried on the greater charges as to these two indictments but can only be retried for simple assault. See, e.g., Commonwealth v. Sanchez, 485 Mass. 491, 507 n.9 (2020) ("where conviction of a lesser included offense implies an acquittal of the greater offense, the defendant may not be retried on the greater charge").

<sup>2</sup> I.e., the assault with intent to murder or maim charge as to Saunders, owing to an improper substantive amendment by the Commonwealth.

<sup>3</sup> "Our jurisprudence equates the terms 'collateral estoppel' and 'issue preclusion.'" Commonwealth v. Adams, 485 Mass. 664, 671 n.13 (2020), quoting Commonwealth v. Martinez, 480 Mass. 777, 788 (2018), and Commonwealth v. Rodriguez, 476 Mass. 367, 375 (2017).

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II. Relief under G. L. c. 211, § 3. A party seeking review under G. L. c. 211, § 3, must "demonstrate both a substantial claim of violation of [his or her] substantive rights and error that cannot be remedied under the ordinary review process" (quotations and citation omitted). Planned Parenthood League of Mass., Inc. v. Operation Rescue, 406 Mass. 701, 706 (1990). Typically, relief pursuant to G. L. c. 211, § 3, is not available from the denial of a motion to dismiss. See Wassilie v. Commonwealth, 477 Mass. 1033, 1034 (2017), and cases cited ("denial of a motion to dismiss is not appealable until after trial, and . . . G. L. c. 211, § 3, may not be used to circumvent that rule"). The court has, however, "'recognized a narrow exception,'" and permitted G. L. c. 211, § 3, review "'in cases where the motion to dismiss raises a double jeopardy claim of substantial merit.'" Id. at 1034, quoting Watkins v. Commonwealth, 469 Mass. 1006, 1006 (2014). See Costarelli v. Commonwealth, 374 Mass. 677, 680 (1978) ("The guaranty against twice being exposed to the risk of conviction, regardless of whether the conviction actually results, would be seriously weakened if appellate review of a claim of double jeopardy were delayed until after a second trial").

Here, the defendant contends, and the Commonwealth does not dispute, that his petition falls within the narrow exception.

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As the motion judge noted, the two acquittals did not rest necessarily on findings that the defendant did not use a dangerous weapon or that Girard was not sixty or older. [Def.'s Ex. A at \*4-5]. Indeed, the convictions of assault and battery by means of a dangerous weapon (as to Saunders), and of assault and battery by means of a dangerous weapon on a victim sixty or older (as to Girard), demonstrate that the jury found beyond a reasonable doubt that the defendant used a dangerous weapon and that Girard was at least sixty years old. Similarly, there is no indication that the acquittals were based on an absence of serious bodily injury to Girard or Saunders, and indeed the defendant was convicted of armed assault with intent to maim both of them, with the jury permitted to consider the victims' injuries. The Commonwealth is not foreclosed from proving any of these facts at retrial.<sup>4</sup> See, e.g., Salemme v. Commonwealth, 370 Mass. 421, 424 (1976) (armed assault with intent to murder and assault and battery with dangerous weapon, though both based on single act, each require proof of fact not essential to proof of other offense and consecutive punishments can properly be imposed for two indictments); Commonwealth v. Diaz, 53 Mass.

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<sup>4</sup> As to the specific intent to murder, the Commonwealth maintains that this will not be an issue at retrial. All that remains of each indictment for armed assault with intent to murder is the lesser included offense of simple assault. As to the indictments for assault with intent to murder or maim, the Commonwealth is proceeding only as to the intent to maim.



8 13  
App. Ct. 209, 212 (2001) (conviction for assault and battery by means of a dangerous weapon not a lesser included offense of conviction for armed assault with intent to murder).

Finally, the defendant argues that the conviction of the lesser included offense on two of the indictments operate as implied acquittals on other indictments because assault is a lesser included offense of those indictments as well. The motion judge properly rejected this argument. "Convictions of greater and lesser included offenses are allowed when they 'rest on separate and distinct acts.'" Commonwealth v. Kelly, 470 Mass. 682, 699 (2015), quoting Commonwealth v. King, 445 Mass. 217, 225 (2005). "Whether a defendant's actions constitute separate and distinct acts or must be considered a single crime is a question of fact for the jury to resolve." Commonwealth v. Vick, 454 Mass. 418, 435 n.16 (2009). The defendant has failed to demonstrate that the jury could not have found separate and distinct acts underlying the convictions on the various indictments.

IV. Conclusion. Upon consideration, the defendant's request for review is allowed. For the reasons stated, this court concludes that the motion judge properly denied the defendant's motion to dismiss the indictments and that the relief requested is not warranted in the circumstances of this

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case. It is thus ORDERED that the defendant's petition under  
G. L. c. 211, § 3 shall be, and the same hereby is, DENIED.

By the court,

/s/ Dalila Argaez Wendlandt  
Dalila Argaez Wendlandt  
Associate Justice

Entered: June 8, 2023

Appendix C

2-2-2023

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COMMONWEALTH OF MASSACHUSETTS

PLYMOUTH, ss.

SUPERIOR COURT  
1483CR00387

COMMONWEALTH

vs.

LANCE HULLUM

**MEMORANDUM OF DECISION AND ORDER ON DEFENDANT'S  
MOTION TO VACATE AND DISMISS INDICTMENTS GROUNDED ON  
COMMON LAW DOUBLE JEOPARDY WHERE INDICTMENTS WERE  
WORDED IDENTICALLY TO THOSE WHICH FORMED THE BASIS OF  
ACQUITTALS IN FIRST TRIAL (Paper # 274) AND MOTION TO DISMISS  
ASSAULT CHARGES DUE TO FACT DEFENDANT NEVER INDICTED ON  
ASSAULT BY GRAND JURY (Paper # 355)**

Defendant Lance Hullum seeks to dismiss several pending indictments on double jeopardy grounds. For the reasons discussed below, Hullum's motions to dismiss are **DENIED**.

**BACKGROUND**

On June 9, 2014, the Plymouth County Grand Jury returned fourteen indictments against Hullum arising out of his attack of three fellow inmates at the Massachusetts Treatment Center. Hullum was charged with assault and battery on an elderly person in violation of G.L. c. 265, § 13K(a½), on Raymond Dean (Indictment 1). In addition, Hullum was charged with the following crimes against Raymond Girard: armed assault with intent to murder a victim 60 years or older in violation of G.L. c. 265, § 18(a) (Indictment 3); assault and battery by means of a dangerous weapon on a victim 60 years or older in violation of G.L. c. 265, § 15A(a) (Indictment 5); and assault with intent to murder or maim in violation of G.L. c. 265, § 15 (Indictment 7). Finally, Hullum was charged with the following crimes against Richard Saunders: armed assault with intent to murder in violation of G.L. c. 265, § 18(b) (Indictment 9); assault and battery by

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means of a dangerous weapon in violation of G.L. c. 265, § 15A(b) (Indictment 11); and assault with intent to murder or maim in violation of G.L. c. 265, § 15 (Indictment 13). Each of these seven indictments was accompanied by a habitual offender indictment (Indictments 2, 4, 6, 8, 10, 12 and 14).

On July 19, 2019, a jury convicted Hullum of the charges set forth in Indictments 1, 5, 7, 11, and 13. On Indictments 3 and 9, the jury convicted Hullum of the lesser included offense of assault. Thereafter, the Commonwealth dismissed all the habitual offender indictments.

On January 24, 2022, the Appeals Court vacated the verdicts on Indictments 1, 3, 5, 7, 9, and 11 on the ground that Hullum did not effectively waive his right to counsel and was forced to proceed to trial pro se. Commonwealth v. Hullum, 2022 WL 200050 at \*2 (Mass. App. Ct. Rule 23.0). The Appeals Court vacated the verdict in Indictment 13 and dismissed that indictment based on an improper substantive amendment. Id. at \*2 n.2.

### **DISCUSSION**

Hullum moves to dismiss several indictments on principles of double jeopardy and under General Laws Chapter 263, section 7, which states: "A person shall not be held to answer on a second indictment or complaint for a crime of which he has been acquitted upon the facts and merits; but he may plead such acquittal in bar of any subsequent prosecution for the same crime, notwithstanding any defect in the form or substance of the indictment or complaint on which he was acquitted."

With respect to Raymond Girard, Hullum was charged with: armed assault with intent to murder a victim 60 years or older in violation of G.L. c. 265, § 18(a) (Indictment 3); assault and battery by means of a dangerous weapon on a victim 60 years or older in violation of G.L. c.

265, § 15A(a) (Indictment 5); and assault with intent to murder or maim in violation of G.L. c. 265, § 15 (Indictment 7). In its September 8, 2021, Revised Brief to the Appeals Court, the Commonwealth conceded that the three charges involving Girard all stem from the same act. Revised Brief at p. 33. The Commonwealth further conceded that “[s]tripped of an intent to murder, assault is a lesser included offense of both assault with intent to maim and assault and battery on a person 60 years of age or older by means of a dangerous weapon.” Revised Brief at p. 33. See Commonwealth v. Martin, 425 Mass. 718, 722 (1997).

Principles of due process and double jeopardy prohibit the Commonwealth from convicting and punishing a defendant for both a greater and a lesser included offense premised on the same act. Commonwealth v. Kelly, 470 Mass. 682, 700 (2015); Commonwealth v. Crocker, 384 Mass. 353, 357 (1981). Here, on Indictment 3, the jury convicted Hullum of only the lesser included offense of assault. A conviction of a lesser included offense is an implied acquittal of the greater charged offense. Commonwealth v. Porro, 458 Mass. 526, 528 (2010); Commonwealth v. Burke, 342 Mass. 144, 146 (1961). Thus, Hullum can only be retried for assault on Indictment 3.

Hullum argues that because there was only a single act against Girard, his conviction of assault on Indictment 3 also acts as an implied acquittal on Indictment 5 (assault and battery by means of a dangerous weapon on a victim 60 years or older) and Indictment 7 (assault with intent to murder or maim), because assault is a lesser included offense of both those charges. He cites numerous cases for the principle that: “[w]here a jury convicts a defendant on a lesser included offense based on one act, it acts as an implied acquittal of all other offenses for which it is a lesser included offense out of that same act.” However, those cases involve a jury’s consideration of lesser and greater offenses on a single indictment, not multiple indictments for

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related but distinct offenses, as is the case here. See, e.g., Commonwealth v. Beal, 474 Mass. 341, 347 (2016) (defendant could not be convicted of both lesser-included offense of assault by means of dangerous weapon and assault and battery by means of dangerous weapon causing serious injury on single victim where jury was not properly instructed that each must be based on separate act); Commonwealth v. Ortiz, 47 Mass. App. Ct. 777, 779, rev. den., 722 N.E.2d 977 (1999) (conviction of indecent assault and battery was implied acquittal of anal rape charge). Cf. Commonwealth v. Traylor, 472 Mass. 260, 277 (2015) (where defendant was charged with and convicted on multiple counts of violating same statute but jury was not properly instructed that each conviction must rest on separate act, all but one of convictions must be vacated); Commonwealth v. Hrycenko, 417 Mass. 309, 317 (1994) (where defendant was tried on identically-worded indictments for multiple counts of same offense and it could not be determined on which jury convicted and on which they acquitted, he could not be retried). Moreover, it is illogical to assume an implied acquittal of assault and battery by means of a dangerous weapon on a victim 60 years or older and assault with intent to maim where the jury actually convicted Hulum of those offenses in separate indictments. Accordingly, the Commonwealth may retry Hulum on the greater charges set forth in Indictments 5 and 7 despite his conviction of simple assault on Indictment 3.

Hulum further contends that because he was acquitted of armed assault with intent to murder a victim 60 years or older on Indictment 3, principles of collateral estoppel bar the Commonwealth from retrying him on Indictments 5 and 7. A defendant "cannot be tried by the same sovereign for an offense the conviction of which would require the readjudication of a factual issue which previously has been determined in his or her favor." Conkey v. Commonwealth, 452 Mass. 1022, 1023 (2008). The doctrine of collateral estoppel bars a

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subsequent prosecution if one of the issues necessarily decided at the first trial is an essential element of the alleged crime in the second trial. Commonwealth v. Dorazio, 472 Mass. 535, 544 (2015). The defendant must show that a common factual issue was determined in the prior litigation in his favor. Commonwealth v. Rodriguez, 476 Mass. 367, 375 (2017). See also Kimbroughtillery v. Commonwealth, 471 Mass. 507, 511 (2015) (burden of establishing application of collateral estoppel rests on defendant). Collateral estoppel applies “only if the jury could not have based their verdict rationally on an issue other than the one the defendant seeks to foreclose.” Dorazio, 472 Mass. at 544.

Hullum argues that in finding him guilty of only assault on Indictment 3, the jury found that he did not have a dangerous weapon, that Girard was not 60 years of age or older, and that he did not have the specific intent to murder or maim. A finding of not guilty in a criminal trial can result from a number of factors having nothing to do with the defendant’s guilt and it may not be possible to determine with certainty what the jury in the earlier trial decided with respect to particular findings of fact. Dorazio, 472 Mass. at 545. Here, the jury’s acquittal on Indictment 3 did not necessarily rest on a finding that Hullum did not have a dangerous weapon or that Girard was not sixty or older; indeed, the jury found those facts beyond a reasonable doubt when convicting Hullum on Indictment 5 charging assault and battery by means of a dangerous weapon on a victim 60 years or older. The most likely explanation for the verdict on Indictment 3 is that the jury found that Hullum did not intend to murder Girard. Thus, Hullum has not met his burden to demonstrate that principles of collateral estoppel bar a retrial on Indictments 5 and 7.<sup>1</sup>

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<sup>1</sup>For the same reasons, Hullum’s conviction of only simple assault on Richard Saunders on Indictment 9 for armed assault with intent to murder is not an implied acquittal of assault and battery by means of a dangerous weapon and collateral estoppel does not bar retrial on Indictment 11.

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Finally, Hullum contends that he cannot be retried for simple assault on Indictment 3 because he was never indicted for that crime. Article 12 requires that no one may be convicted of a crime punishable by a term in State prison without first being indicted for that crime by the grand jury. Commonwealth v. Barbosa, 421 Mass. 547, 549-551 (1995) (where grand jury heard evidence of two separate drug transactions on same date but issued only one indictment for distribution, defendant's conviction must be vacated based on possibility that he was convicted of crime for which he was not indicted). See also Commonwealth v. Mayotte, 475 Mass. 254, 264-265 (2016) (where grand jury charged defendant with reckless endangerment based on serious bodily injury but Commonwealth presented evidence of sexual abuse but not serious bodily injury at trial, conviction must be vacated).

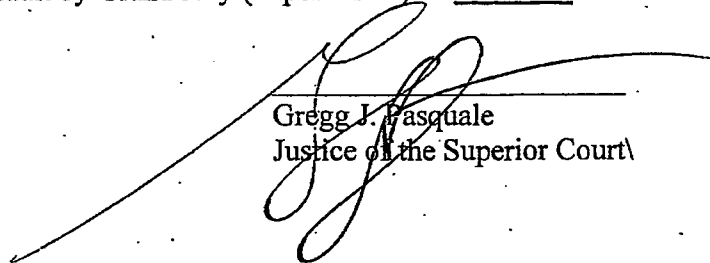
Simple assault is a lesser-included offense of armed assault with intent to murder a victim 60 years or older, for which Hullum was indicted by the Grand Jury. In finding probable cause to believe that Hullum committed an armed assault with intent to murder Girard, the Grand Jury necessarily heard probable cause to believe he committed a simple assault against Girard. See Porro, 458 Mass. at 532 ("a single indictment for the greater offense allows a jury to be instructed on and to consider any lesser included offenses for which the evidence may support a conviction."); Commonwealth v. Walker, 426 Mass. 301, 303 (1997) (defendant properly may be convicted of one crime though not expressly charged with that precise crime, if it is lesser included offense of crime charged). Hullum cites no case for the proposition that following the reversal of his conviction on appeal, the Commonwealth is required to go back and indict him for simple assault before a retrial. There is no risk that Hullum will be convicted of conduct with which he was not charged by a grand jury.



# (21)

**ORDER**

For the foregoing reasons, it is hereby **ORDERED** that Defendant's Motion to Vacate and Dismiss Indictments Grounded on Common Law Double Jeopardy Where Indictments Were Worded Identically to Those Which Formed the Basis of Acquittals in First Trial (Paper # 274) be **DENIED**. It is further **ORDERED** that Defendant's Motion to Dismiss Assault Charges Due to Fact Defendant Never Indicted on Assault by Grand Jury (Paper # 355) be **DENIED**.

  
Gregg J. Pasquale  
Justice of the Superior Court

DATED: ~~January~~ <sup>February</sup> 2, 2023

"Appendix D"  
COMMONWEALTH OF MASSACHUSETTS

SUFFOLK COUNTY,

# (22)

SUPREME JUDICIAL COURT

S.J.C. No. 13483

Lance Hullum  
vs petitioner

Commonwealth  
petitioner

"SUPPLEMENTAL"

PETITION FOR REHEARING:

Now comes the petitioner in the above captioned case respectfully moves this Honorable court pursuant to mass. App. R. P. # 27(A) see Commonwealth vs. Rambert, 98 Mass. App. c. f. 105 (2021) (holding: vacating multiple life sentences on rehearing under mass. App. R. P. # 27(B) due to cases alike must be decided alike)

STATEMENT OF RELEVANT FACTS:

ON OCTOBER 2, 2024, this court issued a decision but mistated material controlling facts

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#1  
petitioner's First unlawful trial, double jeopardy attached when the first empanelled juror was sworn in see Commonwealth Vs. Super, #431 mass. #492 (2000) (Double Jeopardy issue not premature, defendant was placed in jeopardy at first trial once jury was sworn in and empaneled).

#2  
petitioner continued in Jeopardy throughout the appellate process up until retrial see Commonwealth Vs. Sanchez, #485 mass. #491 (2020) (holding: Double Jeopardy continued throughout the appellate process up until retrial).

#3  
McElrath Vs. Geogaria, #144 s.c.t. #651 (2024), governing retrials and inconsistent verdicts is stare decisis authority of cases as precedents and must be applied to future similar cases like petitioner case. see Commonwealth Vs. Forte, #423 mass. #672 (1996) (stare decisis usurpy decision controlled the outcome of the appeal).

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#4. petitioner did demonstrate that an issue, the (unseen weapon) was litigated by the court instructing the Jury, the presumption that the Jury didn't follow said instructions is not removed by the court, the single Justice, Superior courts speculation and guess work, second-guessing the reason for the jury's acquittal is prohibited see McElrath Vs Georgia, #601 U.S. #87(2024).

The court should vacate the lower court denial of petitioner's motion to dismiss in light of recent opinion in McElrath Supra. see Commonwealth Vs. Forte, #423 Mass. #672 (1996), and in light of the courts pending decision on 211 section 3 in the Karen Reed case set to be argued in November on a question of lack of proper Jury instructions  
#3-OF-#6

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lesser-included offenses See Commonwealth v. Kelly, <sup>#</sup>470 mass. <sup>#</sup>682 - <sup>#</sup>700 - <sup>#</sup>701 (2015), in Kelly supra, lack of proper jury instructions on multiple victims triggered double Jeopardy sub silently overruling Commonwealth v. Vick, <sup>#</sup>454 mass. <sup>#</sup>418 (2009), and Commonwealth v. Rivas, <sup>#</sup>466 mass. <sup>#</sup>184 (2013); Commonwealth v. Figueroa, <sup>#</sup>468 mass. <sup>#</sup>204 (2014) didn't deal with acquittals barring retrials. Commonwealth v. Adams, <sup>#</sup>485 mass. <sup>#</sup>663 (2020) dealt with new DNA test circumvented double Jeopardy issue.

In the case at bar, the prosecution's theory that petitioner used a weapon is foreclosed, see Commonwealth v. Fickett, <sup>#</sup>403 mass. <sup>#</sup>194 (1988), below in the superior court and before the single Justice relies on the dictum in Ashe v. Swenson, <sup>#</sup>397 U.S. <sup>#</sup>436 (1970).

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the guess work dictum of Ashe was removed in McElrath Vs. Georgia, <sup>#</sup>601 U.S. <sup>#</sup>87 (2024) (stating: we simply cannot know why the jury in McElrath's case acted as it did and the double jeopardy clause forbids us to guess).

petitioner states the issues the commonwealth raised on appeal was not raised below which is another material controlling fact that entitled petitioner to relief see Mass. A.R. <sup>#</sup>27(a) see Commonwealth Vs. Rambert 98 Mass. App. Ct. <sup>#</sup>105 (2020), FAR. denied <sup>#</sup>486 Mass. <sup>#</sup>1103 (2020). moreover, defendant never filed a motion to withdraw his pro se filing, appellate counsel did in the case at bar.

### CONCLUSION:

The court should reverse its decision in light of all the above stated reasons petitioner is being unfairly treated placed out side the Law.  
Respectfully submitted  
<sup>#</sup>5-0F-6 MR. Lance Hullman

Certificate of Service:

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I Lance Hulum, do hereby certify I have served the A.D.A. office at #166 main street Brockton mass. 02301, the same petitioner for rehearing under mass. A.R. #27(a) by pre-paid mail.

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6-OF-6

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Appendix E

100 Mass.App.Ct. 1121

Unpublished Disposition

NOTICE: THIS IS AN UNPUBLISHED OPINION.

NOTICE: Summary decisions issued by the Appeals Court pursuant to M.A.C. Rule 23.0, as appearing in 97 Mass.

App. Ct. 1017 (2020) (formerly known as rule 1:28, as amended by 73 Mass. App. Ct. 1001 [2009]), are primarily directed to the parties and, therefore, may not fully address the facts of the case or the panel's decisional rationale.

Moreover, such decisions are not circulated to the entire court and, therefore, represent only the views of the panel that decided the case. A summary decision pursuant to rule 23.0 or rule 1:28 issued after February 25, 2008, may be cited for its persuasive value but, because of the limitations noted above, not as binding precedent. See Chace v. Curran, 71 Mass. App. Ct. 258, 260 n.4 (2008).

Appeals Court of Massachusetts.

COMMONWEALTH

v.

Lance HULLUM.

20-P-1181

I

Entered: January 24, 2022.

By the Court (Green, C.J., Wolohojian & Hershfang, JJ.<sup>1</sup>)MEMORANDUM AND ORDER  
PURSUANT TO RULE 23.0

\*1 When the fourth attorney appointed to represent the defendant (fourth counsel) moved to withdraw as counsel, citing an irreconcilable breakdown in the attorney-client relationship, a judge of the Superior Court (first judge) allowed the motion to withdraw, but warned the defendant that the next attorney appointed as his counsel would be his last -- and that if he was unable to get along with that attorney, he would be required to represent himself at trial. Thereafter, shortly before the scheduled trial date, the fifth attorney appointed as counsel to the defendant (fifth counsel) moved to withdraw, again citing an irreconcilable breakdown in the relationship. A different judge of the Superior Court (second judge) allowed the motion to withdraw, and required the defendant to proceed to trial pro se, with the assistance of standby counsel. We conclude that the defendant did not

effectively waive his right to counsel, and therefore vacate the judgments on that basis.<sup>2</sup>

Discussion. At a hearing held on June 13, 2019, on the motion of fourth counsel to withdraw, the first judge administered the following warning to the defendant:

"I am giving you warning, sir, right now, and you should take -- you may want to take a look. You have access to Court -- to the Court cases. I know you do -- in prison. Commonwealth v. Pena, P-E-N-A. It appears at 462 Mass. 183. It's a 2012 case.

I'm warning you, right now, sir, on the record, this will be your last attorney. If you can't get along with this attorney, if you think that this attorney isn't representing your interest, your alternative will be you'll represent yourself at trial.

You understand that, Mr. Hullum?"

The defendant initially responded, "Yes," but then asked for clarification: "I just don't understand what you're saying." The following exchange then occurred:

"THE COURT: What I'm telling you is I'm going to give you one more attorney. If you're not happy with that attorney, if you, for some reason, at a later point in time, you have a breakdown in relations with that attorney, and you want the Court to discharge that attorney, your choice will be represent yourself. [sic]

You understand that?

MR. HULLUM: No, I heard what you -- I don't agree with -- I'm going to represent myself, like voluntarily?

....

I heard that, but I'm not waiving my right to counsel. That's all .... I'm saying, Your Honor.

THE COURT: If -- what I'm saying, sir, is I'm holding that you are going to waive your right to counsel, if you can't get along with the next Court appointed attorney. That's what Pena provides. And that's what I'm going to hold."

Following appointment of fifth counsel, the defendant appeared before the second judge twelve days later, on June 25, 2019. On that occasion, fifth counsel requested leave to withdraw as the defendant's counsel. At the conclusion of the hearing, the second judge took the matter under advisement and continued the case to July 8, 2019. When the matter



continued on July 8, the second judge allowed fifth counsel's motion to withdraw, and directed the defendant to proceed pro se at trial.<sup>3</sup>

\*2 "It is well established that an indigent defendant who refuses, without good cause, to proceed with appointed counsel may be deemed, by his conduct, to have waived his right to an attorney." Commonwealth v. Pena, 462 Mass. 183, 192 (2012). " 'Waiver by conduct' may occur where a defendant fails to engage counsel within a reasonable time after the defendant has been given an express warning about the implications and consequences of proceeding without counsel." Id. "The key to waiver by conduct is misconduct occurring after an express warning has been given to the defendant about the defendant's behavior and the consequences of proceeding without counsel. See United States v. Goldberg, [67 F.3d 1092, 100-1102 (3d Cir. 1995)] (waiver by conduct 'requires that a defendant be warned about the consequences of his conduct, including the risks of proceeding pro se,' together with finding that defendant has engaged in misconduct[ ])." Commonwealth v. Means, 454 Mass. 81, 91-92 (2009).

In the present case, the first judge expressly warned the defendant that his inability to establish an effective working

relationship with the next attorney appointed to represent him would result in the loss of his right to the assistance of counsel. However, the defendant received no colloquy or other explanation describing the implications or risks of proceeding without counsel at trial. Nor did either the first or second judge enter a finding concerning the defendant's misconduct. The established prerequisites for waiver of counsel by conduct, as set out in the above-quoted language from Means and Pena, were not satisfied. The defendant's deemed waiver of his right to counsel was therefore ineffective.

Conclusion. On indictments one, three, five, seven, nine, and eleven, the judgments are vacated and the verdicts are set aside. As to indictment thirteen, charging assault with intent to murder or maim, the judgment is reversed, the verdict is set aside, and the indictment is to be dismissed.

So ordered.

Reversed

#### All Citations

100 Mass.App.Ct. 1121, 180 N.E.3d 1036 (Table), 2022 WL 200050

#### Footnotes

<sup>1</sup> The panelists are listed in order of seniority.

<sup>2</sup> However, indictment thirteen, charging assault with intent to murder or maim, shall be dismissed; as the Commonwealth concedes, substantive amendments (including, as relevant here, a change to the name of the victim identified in the indictment) are impermissible. Accordingly, any subsequent trial shall not include trial on that indictment.

<sup>3</sup> The second judge appointed an attorney to serve as standby counsel for the defendant at trial.

Appendix F

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SUFFOLK, ss

COMMONWEALTH OF MASSACHUSETTS

SUPREME JUDICIAL COURT

SINGLE JUSTICE SESSION

DOCKET NO. PL CR. S. J. C. NO.

#13483

LANCE HULLUM

V.

SUPERIOR COURT OF PLYMOUTH COUNTY

**EMERGENCY PETITION TO THE SINGLE JUSTICE OF THE SUPREME JUDICIAL COURT, PURSUANT TO G.L. C. 211, § 3, FOR REVIEW OF DOUBLE JEOPARDY ORDERS BY THE LOWER COURT JUDGE**

Now comes Lance Hullum, the accused in Plymouth County Superior Court Case No. 1483CR00387, hereby moves, pursuant to Chapter 211, § 3 of the Massachusetts General Laws, for a review by a single justice of the Supreme Judicial Court of the order of the Judge of the Superior Court, Plymouth County, of February 2, 2023, denying Defendants' Motions to Dismiss based on Double Jeopardy principles of Res Judicata and Collateral Estoppel.

**PROCEDURAL HISTORY**

On June 6, 2014, a Plymouth County Grand Jury returned seven indictments charging Mr. Hullum various law violations and seven indictments charging Mr. Hullum as a habitual offender pursuant to M.G.L.c. 279 § 25, all arising out an alleged attack of three inmates at the Massachusetts Treatment Center. See Ex. B. Mr. Hullum was charged with the assault and battery on an elderly person in violation of G.L. c. 265 § 13K(a1/2) on Raymond Dean (Indictment 1); armed assault with intent to murder a victim 60 years or older in violation of G.L. c. 265 § 18(a) on Raymond Girard (Indictment 3); assault and battery by means of a dangerous weapon in violation of G.L. c. 265, § 15A(a) on Raymond Girard (Indictment 5); assault with intent to murder or

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maim in violation of G.L. c. 265, § 15 on Raymond Girard (Indictment 7); armed assault with intent to murder in violation of G.L. c. 265, § 18(b) on Richard Saunders (Indictment 9); assault and battery by means of a dangerous weapon in violation of G.L. c. 265, § 15A(b) (Indictment 11) on Richard Saunders; and assault with intent to murder or maim in violation of G.L. c. 265, § 15 (Indictment 13) on Richard Saunders. Each of these seven indictments was accompanied by a habitual offender indictment (Indictments 2, 4, 6, 8, 10, 12 and 14). Id.

On July 15, 2019, Mr. Hullum was forced to trial without counsel. On July 18, 2019, Mr. Hullum filed a motion for a required finding of not guilty, which was allowed as to causing serious bodily injuries regarding Raymond Dean, and during which the Commonwealth and the Court agreed that the Commonwealth had stipulated that Counts 7 and 11, against Messrs. Girard and Saunders respectively, did not charge an assault with an intent to murder, but an intent to maim or disfigure as a lesser included offense of mayhem, as the indictment did not charge that the assault was done with a dangerous weapon. See Ex. G at 108-109, 112, 122. On July 19, 2019, a jury convicted Mr. Hullum of the charges alleged in Indictments 1, 5, 7, 11 and 13, and found Mr. Hullum guilty of the lesser included offense of assault for indictments 3 and 9. See Ex. I.

On August 14, & 15, 2019 and On September 23, 2019 petitioner filed multiple motion(s) to dismiss habitual criminal charges. On October 15, 2019, the court told the Commonwealth they could not go forward due to said motion(s) and the Commonwealth dismissed the habitual offender charges. See Ex. F.

On October 17, 2019, Mr. Hullum appealed his convictions. On February 22, 2022, the Appeals Court vacated the verdicts on Indictments 1, 3, 5, 7, 9, and 11 on the

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ground that Hullum did not effectively waive his right to counsel and was forced to proceed to trial pro se. See Commonwealth v. Hullum, 2022 WL 200050 at \*2 (Mass. App. Ct. Rule .I 23.0). The Appeals Court vacated the verdict on indictment 13 and dismissed that indictment based on an improper substantive amendment. Id. at \*2 n.2.

Mr. Hullum filed a Motion to Dismiss based on Double Jeopardy and a Motion to Dismiss based on Double Jeopardy and Collateral Estoppel Grounds on March 16, 2022. See Exs. C and D. Counsel for Mr. Hullum filed a supplement to Mr. Hullum's motions to dismiss based on Collateral Estoppel and Double Jeopardy on December 2, 2022. See Ex. E. The lower court denied the motions on February 2, 2023. See Ex. A.

#### **STANDARD OF REVIEW**

Review in this Court is proper under the court's general superintendence power because "[t]he guaranty against twice being exposed to the risk of conviction, regardless of whether the conviction actually results, would be seriously weakened if appellate review of a claim of double jeopardy were delayed until after a second trial." Costarelli v. Com., 374 Mass. 677, 680 (1978). See also Hanlon v. Com., 419 Mass. 1005, 1006 (1995) (request for review is made in the lower court and, if unsuccessful, by means of a petition under G. L. c. 211, §3).

The Court reviews the judge's decisions on the defendant's postconviction motions for an abuse of discretion. See Com. v. Grassie, 476 Mass. 202, 214-215 (2017), S.C., 482 Mass. 1017 (2019). The Court reviews any question of statutory interpretation de novo. Com. v. Wade, 475 Mass. 54, 60 (2016).

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## ARGUMENT

The charges against Mr. Hullum should be dismissed on Double Jeopardy and Collateral Estoppel grounds of the fifth amendment to the US Constitution, Article 12 of the Massachusetts Declaration of Rights, and M.G.L. c. 263, § 7. United States v. Fernandez, 722 F.3d 1, 33–34 (1st Cir. 2013); Com. v. Johnson, 461 Mass. 44, 52, 958 N.E.2d 25, 32 (2011).

### A. Double Jeopardy Bars Retrial of Assault with Intent to Murder Charges

The Fifth Amendment Double Jeopardy Clause, Article 12 of the Massachusetts Declaration of Rights, and M.G.L. c. 263, § 7 bar retrial of a charge if the court finds the evidence insufficient for a guilty verdict. Burks v. United States, 437 U.S. 1 (1978). Article 12 of the Massachusetts Declaration of Rights and M.G.L. c. 263, § 7 state that a person shall not be held to answer in a second trial for a charge for which he has been acquitted in his first trial. Article 12 of the Massachusetts Declaration of Rights and M.G.L. c. 263, § 7. Where a jury convicts a defendant on a lesser included offense based on one act, it acts as an implied acquittal of all other offenses for which it is a lesser included offense out of that same act. See Com. v. Porro, 74 Mass.App.Ct. 676 (2009); Com. v. Ortiz, 47 Mass.App.Ct. 777, 779–780 (1999); Com. v. Beal, 474 Mass. 341 (2016).

Here, Mr. Hullum was found guilty of the lesser included offense of assault on Counts 3 and 9, where he had been charged with assault with intent to murder. See Ex. B. The conviction for assault acts as an implied acquittal of assault with intent to murder. See Porro, 74 Mass. App. Ct. at 682; Ortiz, 47 Mass.App.Ct. at 779-780; Beal, 474 Mass. at 346-348. As such, the Commonwealth cannot retry Mr. Hullum on an Assault with

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Intent to Murder theory for indictments 7 and 9 where Mr. Hullum is charged with Assault with Intent to Murder or Maim. Id.

Thus, the Commonwealth is precluded from charging Mr. Hullum with assault with intent to murder pursuant to both G.L. c. 265 § 18(a) and G.L. c. 265, § 15 for both Raymond Girard and Richard Saunders.

**B. Collateral Estoppel Bars Retrial of the Issues of "Specific Intent to Murder," "Dangerous Weapon," "Bodily Injury," and "a person 60+ years or Older."**

The principle of collateral estoppel bars the relitigation of an issue of ultimate fact when that issue has already been determined by a valid and final judgment. See Ashe v. Swenson, 397 U. S. 436 (1970); Smith v. Massachusetts, 125 S. Ct. 1129 (2005); Rossetti v. Curran 891 F.Supp. 36 (D. Mass. (1995); United States v. Fernandez, 722 F.3d 1 (1st Cir. 2013); Com. v. Dorazio, 472 Mass. 535 (2015). For collateral estoppel to apply, the defendant must show that "there is (1) a common factual issue; (2) a prior determination of that issue in litigation between the same parties; and (3) a showing that the determination was in favor of the party seeking to raise the estoppel bar". See Com. v. Rodriguez, 476 Mass. 367, 375 (2017) citing Krochta v. Com., 429 Mass. 711, 715-716 (1999). "Even where the offenses charged in successive prosecutions do not rise to the level of double jeopardy, relitigation of issues that are common to both cases may harm the defendant." See Brown v. Ohio, 432 U.S. 161, 166 n.6 (1977); Com. v. Scala, 380 Mass. 500, 505 (1980).

Here, the parties are the same, the factual issues involved in the prosecution of Mr. Hullum are the same (in that prosecution is charging Mr. Hullum with the same indictments as were issued against him in the first prosecution, less indictment 13, and

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substituting one charge of simple assault each for indictments 3 and 9), and the Court and the jury determined the issues in favor of Mr. Hullum. Mr. Hullum was charged with the assault and battery on an elderly person in violation of G.L. c. 265 § 13K(a1/2) on Raymond Dean, where the indictment also stated that there was bodily injury (Indictment 1); armed assault with intent to murder a victim 60 years or older in violation of G.L. c. 265 § 18(a) on Raymond Girard (Indictment 3); and armed assault with intent to murder in violation of G.L. c. 265, § 18(b) on Richard Saunders (Indictment 9). The Court found during argument on Mr. Hullum's Motion for a Directed Verdict that bodily injury was not an element of G.L. c. 265 § 13K(a1/2) and dismissed that part of the charge. See Ex. G at 111-112.

Mr. Hullum was convicted of assault as a lesser included offense of armed assault with intent to murder Raymond Girard and Richard Saunders under indictments 3 and 9 respectively. The conviction of the lesser included offense served as an acquittal of the armed assault with intent to murder a person 60+. See Com. v. Porro, 74 Mass.App.Ct. 676 (2009); Com. v. Ortiz, 47 Mass.App.Ct. 777, 779-780 (1999); Com. v. Beal, 474 Mass. 341 (2016). The elements of Armed Assault with Intent to Murder a Person 60+ are 1) 'that the defendant committed an assault, [2)] that he was armed with a dangerous weapon, and [3] that he had the specific intent of murdering the victim in assaulting him.' Com. v. Buttimer, 482 Mass. 754, 771 (2019). Here, the Commonwealth had the additional burden of proving that Mr. Girard was a person over 60+. See Ex. H. The Court charged the jury that "if after considering all the evidence you find that the Commonwealth has proven beyond a reasonable doubt that Mr. Hullum assaulted Mr. Girard with a dangerous weapon but has failed to prove beyond a reasonable doubt he

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had the specific intent to kill, you shall find him guilty of the lesser included offense of assault.”<sup>1</sup> Ex. H at 99 at ¶¶ 11- 18. Here, because the jury convicted Mr. Hullum of assault, the jury found that Mr. Hullum did not have a “specific intent to kill” Mr. Saunders or Mr. Girard; that Mr. Hullum was not armed with a dangerous weapon when he assaulted Mr. Saunders or Mr. Girard and that Mr. Girard was not a persons 60+. See Exs. H at 98-99, 109-110; I at 132-133.

The lower court states that the most likely reason that the jury did not convict Mr. Hullum of assault with intent to murder a person 60+ was that they found that Mr. Hullum did not have an intent to murder either Mr. Girard or Mr. Saunders. See Ex. A at 5-6. However, the lower court also gave the instruction that if the jury found that there was not proof beyond a reasonable doubt that Mr. Hullum was armed with a dangerous weapon when he allegedly assaulted Mr. Girard and Mr. Saunders, that Mr. Girard was not 60+, or that Mr. Hullum did not have the intent to kill or murder Mr. Girard or Mr. Saunders, that the jury must find Mr. Hullum guilty of assault only, as it did here. See Ex. H at 97-101, 108-110. Further, there is a risk that the jury could have been confused as to whether all charges against Mr. Hullum were from the alleged assaults as a whole against each victim, or if each charge was from a separate and distinct act- such as a punch to the face was considered one charge, and a cut to the neck was considered another charge- as there were allegedly multiple injuries caused by multiple blows to the alleged victims. See Ex. K. Thus, there is a risk that Mr. Hullum will be twice put in jeopardy for the same crime as they have already been litigated and determined with finality.

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<sup>1</sup> The Court gave the same instructions for Mr. Saunders for indictment 9.



As such, the Commonwealth is precluded from litigating those issues again as they are at issue in the current indictments in a subsequent trial.

**C. Double Jeopardy Bars Retrial of Assault and Battery with a Dangerous Weapon and Assault with Intent to Murder or Maim**

Where a jury convicts a defendant on a lesser included offense based on one act, it acts as an implied acquittal of all other offenses for which it is a lesser included offense out of that same act. See Com. v. Porro, 74 Mass.App.Ct. 676 (2009); Com. v. Ortiz, 47 Mass.App.Ct. 777, 779–780 (1999); Com. v. Beal, 474 Mass. 341 (2016).

Here, the Commonwealth conceded in its Revised Brief before the Court of Appeals that Defendant's conviction for Assault is a lesser included offense of all three charges against Raymond Girard and for both charges against Richard Saunders. See Ex. J at 32, 33. The Commonwealth also concedes that the charges all stem from one act against each witness, respectively. Id. at 33. Thus, indictments 5, 7, and 11 are barred based on double jeopardy principles.

Further, Assault is also a lesser included offense of Assault with a Deadly Weapon, which is also a lesser included offense of Assault and Battery with a Deadly Weapon, especially here, were the lower Court tells the jury to determine whether Mr. Hullum "assaulted Mr. Girard with a dangerous weapon." See Ex. H at 99; see also Commonwealth v. Parenti, 14 Mass. App. Ct. 696 (1982). Thus, the conviction for assault is an implied acquittal of assault with a deadly weapon, and therefore, an implied acquittal of assault and battery with a deadly weapon. As such, the charge of Assault and Battery with a deadly weapon should be dismissed.

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Further, Assault and Battery with a Deadly Weapon is a lesser included offense of Assault with intent to Maim, where, as here, the jury is given the instruction for mayhem (second theory). The Commonwealth concedes in their appellate brief that “The lower court’s instruction on mayhem, rather than assault with intent to maim as charged in indictment 7, does not require a new trial...” Ex. J at 32 n. 10. Com. v. Martin, 425 Mass. 718, 719, 683 N.E.2d 280, 281 (1997). Here, the jury was given the instruction for mayhem for indictments 7 and 11, Assault with intent to Maim. See Ex. J at 32 n. 10.4 Thus, Mr. Hullum cannot be put on trial for two offenses where one offense is the lesser included offense of the other. Id. Where the Defendant was acquitted of Assault with a deadly weapon through his conviction of Assault, that acquittal bars retrial on those offenses for which it is a lesser included offense, in this case indictments 5, 7 and 11. Id.; see Commonwealth v. Parenti, 14 Mass. App. Ct. 696 (1982).

Here, the lower court erred where it found that the indictments 5, 7 and 11 could not be dismissed simply because they were not from the same indictment as the implied acquittals from indictments 3 and 9. See Ex. A. Double jeopardy bars retrial if a person was acquitted of a charge based on a same act if the acquittal was for a lesser included offense of the greater crime. See Parenti, 14 Mass App. Ct. at 696. Double jeopardy also bars retrial on duplicative charges. See Com. v. Hrycenko, 417 Mass. 309, 316–17 (1994). As the Court stated in Hrycenko, the Double Jeopardy clause of the Fifth Amendment and the Massachusetts laws that provide greater protection, protect against “risk that an accused will be convicted for the same offense on which he has already been tried” no matter how that offense is worded or in how many indictments. Id. The test is

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whether the alleged crimes are so closely related in fact as to constitute in substance a single crime. See Com. v. Sanchez, 405 Mass. 369, 381 (1989).

Thus, indictments 5, 7 and 11 must be dismissed based on double jeopardy principles based on the conviction of Assault out of the same acts for which Mr. Hullum was convicted. Further, if the Court does not dismiss all the indictments, the Court should dismiss those indictments that are duplicative, for it was an abuse of discretion of the Court not to dismiss those charges.

Mr. Hullum further states that the Superior court's order denying his motion to dismiss or bar retrial should be reversed because Article 12 of the Massachusetts Declarations of Rights provides greater protection in which petitioner relies on. see Commonwealth v. Dorazio, 472 Mass. 535 (2015)(Barring retrial on acquittal evidence), and for this specific reason the Superior Court Judge did abuse his discretion denying petitioners motion to bar retrial. See Com. v. Cardenuto, 406 Mass. 450 (1990) (Double Jeopardy barred retrial on insufficient evidence).

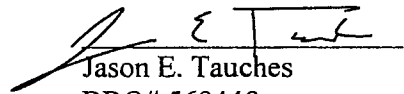
Mr. Hullum further states that he was placed outside equal protection of the existing laws by the Superior Courts Judges ruling denying his motion, as equal protection of the law is equal application of the laws something more than an abstract right, but a command which the state must respect, the benefit which every person may demand, see Rideau v. Whitney, 237 F.3d 472-486 (2000), not the least merit of our constitutional system, is that its safeguards extends to all the least deserving as well as the most virtuous see Hill v. Texas, 62 S.Ct. 1159 (1942).

#### CONCLUSION:

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For all the above said reasons Mr. Hullum respectfully moves that this Honorable court that the Superior court order denying his motion to bar retrial and to dismiss based on Collateral Estoppel and Double Jeopardy grounds should be reversed.

Respectfully Submitted  
LANCE HULLUM  
by his attorney,



Jason E. Tauches  
BBO# 569448  
The Law Office of Jason  
Tauches  
45 Prospect St.  
Cambridge, MA 02139  
(617) 230-4992  
jtauches@taucheslaw.com

Dated: February 23, 2023

# (41)

SUFFOLK, ss                      COMMONWEALTH OF MASSACHUSETTS  
   SUPREME JUDICIAL COURT  
   SINGLE JUSTICE SESSION  
   DOCKET NO.

LANCE HULLUM

V.

SUPERIOR COURT OF PLYMOUTH COUNTY

**[PROPOSED] ORDER OF THE COURT ON DOUBLE JEOPARDY PETITION**

This matter having come before the Court upon the application of Defendant through his counsel, for the review of the lower court's decision on Double Jeopardy, in the Plymouth Superior Court Case Commonwealth v. Lance Hullum, Docket Number 1483CR00387 with supporting documentation; and the Court having considered the parties' submissions as well as the arguments of counsel, if any; and good cause having been shown:

It is HEREBY ORDERED that:

The decision of the lower court is vacated, and the charges against Mr. Hullum are dismissed.

**BY THE COURT:**

\_\_\_\_\_  
\_\_\_\_\_  
J.

Entered: \_\_\_\_\_, 2023

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SUFFOLK, ss

COMMONWEALTH OF MASSACHUSETTS

SUPREME JUDICIAL COURT  
SINGLE JUSTICE SESSION  
DOCKET NO.

LANCE HULLUM

V.

SUPERIOR COURT OF PLYMOUTH COUNTY

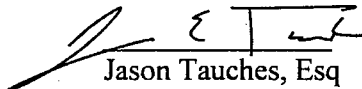
**CERTIFICATE OF SERVICE**

I, Jason Tauches, do hereby certify that I served this 27th day of February 2023 a copy of the above Petition via U.S. Mail first class postage prepaid to the parties listed below:

Plymouth Superior Court, Brockton Division  
72 Belmont St  
Brockton, MA 02301

Plymouth County District Attorney  
166 Main Street  
Brockton, MA 02301

215 Main Street  
Brockton, MA 02301

  
Jason Tauches, Esq

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SUFFOLK, ss

COMMONWEALTH OF MASSACHUSETTS

SUPREME JUDICIAL COURT  
SINGLE JUSTICE SESSION  
DOCKET NO.

LANCE HULLUM

V.

SUPERIOR COURT OF PLYMOUTH COUNTY

**AFFIDAVIT OF JASON TAUCHES IN SUPPORT OF DEFENDANT'S  
PETITION**

I, Jason Tauches, do depose and state the following:

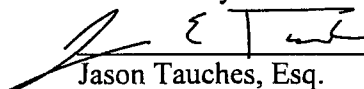
1. I make this Affidavit on personal knowledge, except statements identified as being made on upon information and belief.
2. I am the lead counsel for Defendant Lance Hullum in the above-captioned matter. I am an attorney in good standing with the Bar of the Commonwealth of Massachusetts (BBO# 569448).
3. I have personally examined the court filings and discovery in this case.
4. Lance Hullum was indicted on June 9, 2014 for various assault related offenses against three co-inmates at Bridgewater State Hospital. A true and accurate copy of the indictments in this case are attached hereto as Exhibit B. A true and accurate copy of the Docket for Plymouth County Superior Court Case No. 1483CR00387 is attached hereto as Exhibit F.
5. February 2, 2023, the lower court denied Mr. Hullum's motions based on double jeopardy and collateral estoppel grounds. A true and accurate copy of the lower court's memorandum and order is attached hereto as Exhibit A.
6. On July 18, 2019, Mr. Hullum filed a motion for a required finding of not guilty, which was allowed as to causing serious bodily injuries regarding Raymond Dean, and during which the Commonwealth and the Court agreed that the Commonwealth had stipulated that Counts 7 and 11, against Mssrs. Girard and Saunders respectively, did not charge an assault with an intent to murder, but an intent to maim or disfigure as a lesser included offense of mayhem, as the indictment did not charge charge that the assault was done with a dangerous weapon. A true and accurate copy of the transcript of the motion for a directed

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verdict on July 18, 2019 is attached hereto as Exhibit G. See Ex. G at 108-109, 112, 122.

7. On July 19, 2019, a jury convicted Mr. Hullum of the charges alleged in Indictments 1, 5, 7, 11 and 13, and found Mr. Hullum guilty of the lesser included offense of assault for indictments 3 and 9. A true and accurate copy of the transcript of the verdicts of July 19, 2019 is attached hereto as Exhibit I.
8. He was then sentenced on October 15, 2019. See Ex. F. He was resentenced on January 10, 2020. Id.
9. His appeal was granted on February 22, 2022, and the sentences and convictions were vacated because he was denied counsel during his trial. See Ex. F. Commonwealth v. Hullum, 2022 WL 200050 at \*2.
10. The Appeals Court dismissed Count 13 of the indictment. Id.
11. Mr. Hullum filed a Motion to Dismiss based on Double Jeopardy on March 16, 2022. A true and accurate copy of the Motion is attached hereto as Exhibit C.
12. Mr. Hullum filed a Motion to Dismiss based on Double Jeopardy and Collateral Estoppel on March 16, 2022. A true and accurate copy of the Motion is attached hereto as Exhibit D.
13. Counsel for Mr. Hullum filed a supplement to Mr. Hullum's motions to dismiss based on Collateral Estoppel and Double Jeopardy on December 2, 2022. A True and Accurate Copy of the supplemental motion is attached hereto as Exhibit E.
14. Evidence at the was admitted that showed that the victims allegedly sustained multiple injuries from multiple blows. A true and accurate copy of the relevant parts of the trial transcript is attached hereto as Exhibit K.
15. Mr. Hullum is indigent, and his mother is indigent.
16. Prior to present counsel, Bar Advocates and the Committee for Public Counsel Services represented Mr. Hullum.
17. I am representing Mr. Hullum pro-bono but will be paid up to \$5,000 if Mr. Hullum's mother receives any money from a disability arbitration case.

I make these statements under the pains and penalties of perjury, this 23<sup>rd</sup> day of February 2023.

  
\_\_\_\_\_  
Jason Tauches, Esq.



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criminal law [is] that ambiguities and doubts are to be resolved in favor of the accused." Id.  
citing Commonwealth v. Wilson, 381 Mass. 90, 125, 407 N.E.2d 1229 (1980).

Here, the Defendants' indictments are all similarly worded and charge the Defendant for an alleged assault on Mr. Girard and Mr. Saunders. See Ex. A-B, Dkt. No. 306.2. Because Mr. Hullum was acquitted of having a dangerous weapon, that Mr. Girard was 60+, and the specific intent to murder, to try Mr. Hullum again under indictments 5, 7, and 11 would put Mr. Hullum at risk of being convicted of the same offenses for which he has already been tried. Thus, indictments 5, 7 and 11 must be dismissed.

#### IV. DOUBLE JEOPARDY PRINCIPLES BAR RETRIAL WHERE THE DEFENDANT HAS ALREADY BEEN PUNISHED FOR THE SAME ACTS.

Double Jeopardy principles bar the punishment of a person if they have already been punished for the same act. Com. v. Forte, 423 Mass. 672 (1996). [A] civil penalty might be shown to be so extreme in purpose or effect as to be equivalent to a criminal proceeding and the penalty, therefore, subject to the double jeopardy clause. Id. at 677. The eighth amendment to the Constitution prohibits the infliction of "cruel and unusual" punishments upon citizens. Whitley v. Albers, 475 U.S. 312, 318-19, 106 S.Ct. 1078, 1083-84, 89 L.Ed.2d 251 (1986). This prohibition applies not only to the federal government but also to the states in their operation of state penitentiaries.. Id. Thus, sentenced inmates may be required to live under punitive conditions so long as those conditions are not cruel and unusual. Bell v. Wolfish, 441 U.S. 520, 535 n. 16, 99 S.Ct. 1861, 1872 n. 16, 60 L.Ed.2d 447 (1979).

[T]he eighth amendment prohibits punishments which, although not physically barbarous, involve the unnecessary and wanton infliction of pain, are grossly disproportionate to the severity of the crime, or are "totally without penological justification." Id. Clearly, punishment which involves the "unnecessary and wanton infliction of pain, is grossly disproportionate to the

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severity of the crime, or is 'totally without penological justification,' and, therefore considered cruel and unusual, would also be considered "so extreme in purpose or effect to be equivalent to a criminal proceeding and penalty." See Bell, 441 U.S. 520, 535 n. 16 (1979); Forte, 423 Mass. at 677 (1996). [W]hether prison conditions are sufficiently harmful to establish an Eighth Amendment violation, is a purely legal determination for the court to make. Torres v. Comm'r of Correction, 427 Mass. 611, 614 (1998).

Courts have found cruel and unusual punishment in violation of the Eighth Amendment for "denying treatment for Hepatitis C to inmates who did not participate in prison substance abuse program," Domenech v. Goord, 196 Misc. 2d 522, 766 N.Y.S.2d 287 (Sup 2003). Courts have also found cruel and unusual punishment for the failure to provide access to specialized care required by a prisoner's medical condition. Howell v. Evans, 922 F.2d 712, 723 (11th Cir.1991) (failure to provide access to a respiratory therapist could constitute deliberate indifference), vacated as settled, 931 F.2d 711 (11th Cir.1991); Waldrop v. Evans, 871 F.2d 1030, 1036 (11th Cir.) (non-psychiatrist was not competent to evaluate significance of a prisoner's suicidal gesture); Tillery v. Owens, 719 F.Supp. 1256, 1307 (W.D.Pa.1989) (services of cardiologist and dermatologist should be provided).

The failure timely to provide necessary medical care outside the prison when it is not available within the prison has also been deemed cruel and unusual punishment. Kaminsky v. Rosenblum, 929 F.2d 922, 927 (2d Cir.1991) (failure to act on recommendation of immediate hospitalization); Miltier v. Beorn, 896 F.2d 848, 853 (4th Cir.1990); Washington v. Dugger, 860 F.2d 1018, 1021 (11th Cir.1988); Inmates of Occoquan v. Barry, 717 F.Supp. 854, 867 (D.D.C.1989); United States v. State of Michigan, 680 F.Supp. 928, 1002 (W.D.Mich.1987).

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Lastly, failure to provide adequate beds or other sleeping facilities, failure to provide adequate clothing, and failure to provide facilities and equipment for personal hygiene constitutes cruel and unusual punishment for convicted inmates. Owens-El v Robinson, 442 F Supp 1368 (1978, DC Pa).

Here, Mr. Hullum's sentence to the DDU would have penological purpose if he were perhaps only segregated from the general prison population and given less freedom than the rest of the population. However, as is shown in his affidavit, during his time in the DDU he was subjected to conditions that were disproportionate to the crime, served no penological purpose, and that caused unnecessary pain. See Affidavit of Lance Hullum, attached hereto as Exhibit C. In any prison, an inmate can expect to be put in solitary confinement. However, an inmate does not expect to suffer his teeth falling out due to lack of toothpaste and dental care; an inmate does not expect his hair to fall out, for lesions to form on his head and a mass to form around his heart due to untreated lupus; an inmate does not expect to be denied medical care (such as denial of access to specialists and denial of necessary oxygen treatment) for a serious disease such as lupus. See Ex. C. Mr. Hullum suffered these and other horrors while he was in DDU, not for a few months, but for 53 months. Id.

As such, Mr. Hullum was subjected to conditions that have been found to be cruel and unusual punishment in violation of the Eighth Amendment, a penalty "so extreme in ...effect to be" beyond, not merely "equivalent to a criminal proceeding and penalty." Thus, his time in the DDU should be considered a bar to further incarceration based on double jeopardy.

#### CONCLUSION

The indictments against Mr. Hullum should be dismissed based on Double Jeopardy.

Mr. Hullum requests and evidentiary hearing on section IV of this supplement. Further, Mr. Hullum requests that Docket Numbers 285, 306.1 and 331.

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Respectfully Submitted  
LANCE HULLUM  
by his attorney,

/s/ Jason Tauches  
Jason E. Tauches  
BBO# 569448  
The Law Office of Jason Tauches  
45 Prospect St.  
Cambridge, MA 02139  
(617) 230-4992  
jtauches@taucheslaw.com

Dated: December 2, 2022

CERTIFICATE OF SERVICE

I hereby certify that on December 5, 2022 I caused a copy of the above document to be served on the parties and/or counsel of record as follows:

Samantha Mullin, Esquire  
Plymouth County District Attorney  
166 Main Street  
Brockton, MA 021301

/s/ Jason Tauches  
Jason E. Tauches

#(49)  
COMMONWEALTH OF MASSACHUSETTS

PLYMOUTH COUNTY

Appeals Court  
No. 2020-P-1181

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COMMONWEALTH,  
Appellee

VS.

LANCE O. HULLUM,  
Appellant

---

ON APPEAL FROM JUDGMENTS OF  
THE PLYMOUTH COUNTY SUPERIOR COURT

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REVISED BRIEF FOR THE COMMONWEALTH

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TIMOTHY J. CRUZ  
District Attorney  
Plymouth District  
JOHANNA BLACK  
Assistant District Attorney  
BBO # 682073  
166 Main Street  
Brockton, MA 02301  
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johanna.black@state.ma.us

September 9, 2021

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from prosecution and punishment for the crimes of armed assault with intent to murder charged by indictments 3 and 9. See Kuklis, 361 Mass. at 306.

III. WHERE ASSAULT IS A LESSER INCLUDED OFFENSE OF ASSAULT AND BATTERY BY MEANS OF A DANGEROUS WEAPON AND OF ASSAULT WITH INTENT TO MAIM, AND IT CANNOT BE SAID THAT THERE IS NO SIGNIFICANT POSSIBILITY THAT THE DEFENDANT'S CONVICTIONS FOR ASSAULT OF RAYMOND GIRARD AND RICHARD SAUNDERS RESTED ON THE SAME ASSAULTS AS THOSE SUPPORTING THE DEFENDANT'S CONVICTIONS FOR ASSAULT AND BATTERIES BY MEANS OF A DANGEROUS WEAPON AND ASSAULTS WITH INTENT TO MAIM THOSE SAME VICTIMS, THE CONVICTIONS ON INDICTMENTS 3 AND 9 SHOULD BE VACATED AND INDICTMENTS 3 AND 9 SHOULD BE DISMISSED.

With respect to the victim Raymond Girard, the jury convicted the defendant of assault and battery on a person 60 years of age or older by means of a dangerous weapon on indictment 5, armed assault with intent to maim on indictment 7<sup>10</sup> and of the lesser included offense of assault on indictment 3. (V,132-133; R:9,11,13). Stripped of an intent to murder,

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<sup>10</sup> The lower court's instruction on mayhem, rather than assault with intent to maim as charged in indictment 7, does not require a new trial because it contained all of the elements required for a conviction under G.L. c. 265, § 15. See Commonwealth v. Robinson, 26 Mass. App. Ct. 441, 442-446 (1988). Likewise, the jury verdict of guilty as to armed assault with intent to maim on indictment 7 does not require a new trial. See id. As stated earlier, the defendant's sentence on indictment 7 did not exceed that permitted under G.L. c. 265, § 15. (R:44). See id. at 443-445.

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assault is a lesser included offense of both assault with intent to maim and assault and battery on a person 60 years of age or older by means of a dangerous weapon. Because it cannot be said that there is no significant possibility that the defendant's convictions on indictments 3, 5 and 7 rested on one assault, this Court should vacate the conviction of assault and dismiss indictment 3. (III, 25-35, 49-68, 144-154; V, 63-77, 89-90, 93-112, 117-121, 132-137). See Commonwealth v. Traylor, 472 Mass. 260, 267-268, 274-276 (2015). See also Commonwealth v. Mello, 420 Mass. 375, 398 (1995).

With respect to the victim Richard Saunders, the jury convicted the defendant of assault and battery by means of a dangerous weapon on indictment 11, assault with intent to maim on indictment 13 and of the lesser included offense of assault on indictment 9. (V, 133-134; R:15,17,19). As stated above, assault is a lesser included offense of both assault with intent to maim and assault and battery by means of a dangerous weapon. Because it cannot be said that there is no significant possibility that the defendant's convictions on indictments 9, 11 and 13 rested on one assault, this Court should vacate the conviction of

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assault and dismiss indictment 9. (III, 25-35, 49-68, 144-154; V, 63-77, 89-90, 93-112, 117-121, 132-137).

See Traylor, 472 Mass. at 267-268, 274-276. See also Mello, 420 Mass. at 398.

IV. THE DEFENDANT EFFECTIVELY WAIVED HIS RIGHT TO COUNSEL BY HIS OWN CONDUCT.

Judge Moriarty properly concluded on July 8, 2019 that the defendant's refusal on June 25, 2019 to proceed with his fifth court-appointed attorney, after having been warned by Judge Davis on June 13, 2018 that the consequence of not getting along with that attorney would be to represent himself, constituted a waiver of the defendant's right to counsel. (RC1:1, 6-7; R3:28-30, 32-35). See Commonwealth v. Pena, 462 Mass. 183, 195-196 (2012); Commonwealth v. Babb, 416 Mass. 732, 732-735 (1994); Commonwealth v. Moran, 17 Mass. App. Ct. 200, 201-210 (1983). See also Maynard v. Meachum, 545 F.2d 273, 275-279 (1st Cir. 1976).

This Court grants substantial deference to Judge Davis' and Judge Moriarty's findings of fact and independently determines the correctness of their applications of constitutional principles to their



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COMMONWEALTH OF MASSACHUSETTS

PLYMOUTH, SS.

SUPERIOR COURT DEPARTMENT  
OF THE TRIAL COURT

\*\*\*\*\*  
COMMONWEALTH OF MASSACHUSETTS      DOCKET #1483CR00387

v.

LANCE HULLUM

\*\*\*\*\*

Trial before

THE HONORABLE C.J. MORIARTY

APPEARANCES:

For the Commonwealth:  
Plymouth County District Attorney's Office  
166 Main St.  
Brockton, MA 02301  
By: Brian Fahy

For the Defense:  
Lance Hullum, pro se

Stand-by Counsel:  
Ryan Matthews  
One Park Place  
Plymouth, MA 02360

Plymouth, Massachusetts  
July 19, 2019

Christie L. Aarons  
Approved Court Transcriber

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I N D E X

Witness:	Direct	Cross	Redirect	Recross
Austin Ryan	13	23	34	
Closing argument:	Page:			
Mr. Hulum	59			
Mr. Fahy	63			
Jury Charge	71			
Verdict	131			

# (SS)

1 guilty.

2 Now, count three charges Mr. Hullum with  
3 armed assault with intent to murder a person 60  
4 years of age or older, and this count refers to  
5 Mr. Girard.

6 In order to prove armed assault with  
7 intent to murder the Commonwealth must prove  
8 four elements beyond a reasonable doubt.  
9 First, that Mr. Hullum assaulted Mr. Girard.  
10 Second, that Mr. Hullum possessed a specific or  
11 actual intent to cause the death of Mr. Girard.  
12 Third, that Mr. Hullum was armed with a  
13 dangerous weapon, here alleged to be a sharp  
14 object. And fourth, that Mr. Girard was 60  
15 years of age or older at the time of the  
16 alleged assault.

17 Now, the first element that the  
18 Commonwealth must prove beyond a reasonable  
19 doubt is that Mr. Hullum assaulted Mr. Girard.  
20 An assault may be committed in one of two ways.  
21 First, an assault is committed by an attempt by  
22 one person to do bodily injury to another by  
23 force and violence. Secondly, an assault may  
24 be committed by putting a person in fear of  
25 immediate bodily injury.

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1 armed assault with intent to murder a person 60  
2 years of age or older.

3 Now, if after considering all the evidence  
4 you find that the Commonwealth has proven  
5 beyond a reasonable doubt that Mr. Hullum  
6 assaulted Mr. Girard, but has failed to prove  
7 beyond a reasonable doubt that he was armed  
8 with a dangerous weapon, you shall find him  
9 guilty of the lesser included offense of  
10 assault.

11 Also, if after considering all the  
12 evidence you find that the Commonwealth has  
13 proven beyond a reasonable doubt that  
14 Mr. Hullum assaulted Mr. Girard with a  
15 dangerous weapon but has failed to prove beyond  
16 a reasonable doubt he had the specific intent  
17 to kill, you shall find him guilty of the  
18 lesser included offense of assault.

19 If, however, the Commonwealth has failed  
20 to prove beyond a reasonable doubt that  
21 Mr. Hullum assaulted Mr. Girard, then you must  
22 find Mr. Hullum not guilty.

23 Now, count five, Mr. Hullum is charged  
24 with having committed an intentional assault  
25 and battery by means of a dangerous weapon,

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1 Mr. Hullum acted with the specific intent to  
2 maim or disfigure Mr. Girard, then you should  
3 find Mr. Hullum guilty of the lesser included  
4 offense of assault and battery by means of a  
5 dangerous weapon.

6 If, on the other hand, the Commonwealth  
7 has failed to prove beyond a reasonable doubt  
8 that Mr. Hullum either assaulted Mr. Girard or  
9 did so by means of a dangerous weapon,  
10 substance, or chemical, or disfigured,  
11 crippled, or inflicted serious or permanent  
12 physical injury on Mr. Girard, then you must  
13 find Mr. Hullum not guilty.

14 All right. Now, counts 9, 11, and 13  
15 basically allege that Mr. Hullum committed the  
16 same crimes against Mr. Saunders that he is  
17 alleged to have committed against Mr. Girard.  
18 The one difference is that the Commonwealth  
19 does not allege that Mr. Saunders was 60 years  
20 of age or older.

21 Now, count nine alleges armed assault with  
22 intent to murder Mr. Saunders. As I said  
23 earlier, in order to prove a defendant guilty  
24 of armed assault with intent to murder, the  
25 Commonwealth must prove three elements beyond a

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1 reasonable doubt. First, that Mr. Hullum  
2 assaulted Mr. Saunders as -- and I previously  
3 explained to you the definition of an assault.  
4 Second, that Mr. Hullum possessed a specific or  
5 actual intent to cause the death of  
6 Mr. Saunders, and I have previously explained  
7 to you what is meant by specific or actual  
8 intent. And third, that Mr. Hullum was armed  
9 with a dangerous weapon, as I've previously  
10 defined that term.

11 So, therefore, if after considering  
12 all of the evidence you determine that the  
13 Commonwealth has proven beyond a reasonable  
14 doubt each of the elements I've just defined,  
15 that is that Mr. Hullum assaulted Mr. Saunders  
16 with a dangerous weapon and that Mr. Hullum  
17 possessed specific or actual intent to kill  
18 Mr. Saunders, then you shall find Mr. Hullum  
19 guilty of armed assault with intent to murder  
20 Mr. Saunders.

21 But, if after considering all the evidence  
22 you find that the Commonwealth has proven  
23 beyond a reasonable doubt that Mr. Hullum  
24 assaulted Mr. Saunders but has failed to prove  
25 beyond a reasonable doubt that he was armed

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1 with a dangerous weapon, you shall find him  
2 guilty of the lesser included offense of  
3 assault.

4 Also, if after considering all the  
5 evidence you find that the Commonwealth has  
6 proven beyond a reasonable doubt that  
7 Mr. Hullum assaulted Mr. Girard with a  
8 dangerous weapon but has failed to prove beyond  
9 a reasonable doubt that he had a specific  
10 intent to kill, you shall find him guilty of  
11 the lesser included offense of assault.

12 If, however, the Commonwealth has failed  
13 to prove beyond a reasonable doubt that  
14 Mr. Hullum assaulted Mr. Saunders, then you  
15 must find Mr. Hullum not guilty.

16 Now, in count 11 Mr. Hullum is charged  
17 with having committed an intentional assault  
18 and battery by means of a dangerous weapon,  
19 specifically a sharp object on Mr. Saunders.  
20 In order to prove Mr. Hullum guilty of this  
21 offense the Commonwealth must prove three  
22 things beyond a reasonable doubt. First, that  
23 Mr. Hullum touched the person of Mr. Saunders,  
24 however slightly. Second, that Mr. Hullum  
25 intended to touch Mr. Saunders. Third, that

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1 the touching was done with a dangerous weapon,  
2 as I have previously defined that term.

3 So, therefore, after considering  
4 all of the evidence you determine that the  
5 Commonwealth has proven beyond a reasonable  
6 doubt each of these three elements as I have  
7 previously defined them, then you shall find  
8 Mr. Hullum guilty of assault and battery by  
9 means of a dangerous weapon.

10 If, however, you determine the  
11 Commonwealth has proven beyond a reasonable  
12 doubt that Mr. Hullum touched the person of  
13 Mr. Saunders, however slightly, that Mr. Hullum  
14 intended to touch Mr. Saunders but has failed  
15 to prove beyond a reasonable doubt that the  
16 touching was done with a dangerous weapon, then  
17 you shall find Mr. Hullum guilty of the lesser  
18 included offense of assault and battery.

19 If, however, the Commonwealth has failed  
20 to prove beyond a reasonable doubt that  
21 Mr. Hullum either touched Mr. Saunders or  
22 intended to touch Mr. Saunders, then you must  
23 find Mr. Hullum not guilty.

24 Now, count 13 charges Mr. Hullum with  
25 armed assault with intent to maim Mr. Saunders.



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**1483CR00387 Commonwealth vs. Hullum, Lance O**

- Case Type:
  - Indictment
- Case Status:
  - Open
- File Date
  - 06/09/2014
- DCM Track:
- Initiating Action:
  - A&B ON +60/DISABLED c265 §13K(a½)
- Status Date:
  - 06/09/2014
- Case Judge:
- Next Event:
  - 03/02/2023

All Information | Party | Charge | Event | Tickler | Docket | Disposition

**Party Information****Commonwealth**  
- Prosecutor

Alias

**Party Attorney**

- Attorney
- Mullin, Esq., Samantha Marie
- Bar Code
- 696105
- Address
- Plymouth County District Attorney
- 166 Main St
- Brockton, MA 02303
- Phone Number
- (508)894-6373

[More Party Information](#)**Hullum, Lance O**  
- Defendant

Alias

**Party Attorney**

- Attorney
- Tauches, Esq., Jason E
- Bar Code
- 569448
- Address
- The Law Office of Jason Tauches
- 576 Warren St
- Apt 2
- Boston, MA 02121
- Phone Number
- (617)230-4992

[More Party Information](#)**Massachusetts Treatment Center - Bridgewater**  
- Keeper of Record

Alias

**Party Attorney**[More Party Information](#)**Plymouth County Sheriff's Department**  
- Other interested party

Alias

**Party Attorney**

- Attorney
- Lee, Esq., Patrick Christopher
- Bar Code
- 634980
- Address
- Plymouth County Sheriff's Department

7 (62)

24 Long Pond Rd  
Plymouth, MA 02360  
Phone Number  
(508)830-6287

More Party Information

**Department of Corrections**  
- Other interested party

Alias

**Party Attorney**

- Attorney
- Chaves, Esq., Amanda M
- Bar Code
- 690289
- Address
- Massachusetts Department of Occupational Licensure
- 1000 Washington St
- Boston, MA 02118
- Phone Number
- (617)974-3066

More Party Information**Party Charge Information**

- **Hullum, Lance O**
- - Defendant
- Charge # 1:
- 265/13K/F-0 - Felony A&B ON +60/DISABLED c265 §13K(a½)

- Original Charge
- 265/13K/F-0 A&B ON +60/DISABLED c265 §13K(a½) (Felony)
- Indicted Charge
- Amended Charge

**Charge Disposition**

Disposition Date  
Disposition  
07/19/2019  
Guilty Verdict  
02/22/2022  
Disposition VACATED after Appeals Court decision

- **Hullum, Lance O**
- - Defendant
- Charge # 2:
- 279/25-0 - HABITUAL CRIMINAL PENALTY ENHANCEMENT c279 § 25

- Original Charge
- 279/25-0 HABITUAL CRIMINAL PENALTY ENHANCEMENT c279 § 25
- Indicted Charge
- Amended Charge

**Charge Disposition**

Disposition Date  
Disposition  
10/15/2019  
Dismissed - Request of Commonwealth

- **Hullum, Lance O**
- - Defendant
- Charge # 3:
- 265/18/A-1 - Felony ASSAULT TO MURDER +60, ARMED c265 §18(a)

- Original Charge
- 265/18/A-1 ASSAULT TO MURDER +60, ARMED c265 §18(a) (Felony)
- Indicted Charge
- Amended Charge

**Charge Disposition**

Disposition Date  
Disposition  
07/19/2019  
Guilty Verdict - Lesser Included  
02/22/2022  
Disposition VACATED after Appeals Court decision

- **Hullum, Lance O**
- - Defendant
- Charge # 4:



## 279/25-0 - HABITUAL CRIMINAL PENALTY ENHANCEMENT c279 § 25

- Original Charge
- 279/25-0 HABITUAL CRIMINAL PENALTY ENHANCEMENT c279 § 25
- Indicted Charge
- Amended Charge

**Charge Disposition**  
Disposition Date  
Disposition  
10/15/2019  
Dismissed - Request of Commonwealth

- Hullum, Lance O
- - Defendant
- Charge # 5:  
265/15A/B-1 - Felony A&B WITH DANGEROUS WEAPON +60 c265 §15A(a)

- Original Charge
- 265/15A/B-1 A&B WITH DANGEROUS WEAPON +60 c265 §15A(a) (Felony)
- Indicted Charge
- Amended Charge

**Charge Disposition**  
Disposition Date  
Disposition  
07/19/2019  
Guilty Verdict  
02/22/2022  
Disposition VACATED after Appeals Court decision

Load Party Charges 6 through 10 Load All 14 Party Charges

## Events

Date	Session	Location	Type	Event Judge	Result
06/25/2014 09:00 AM	Criminal 1 Brockton		Arraignment		Held as Scheduled
07/02/2014 09:00 AM	Criminal 1 Brockton		Hearing		Held as Scheduled
07/15/2014 09:00 AM	Criminal 1 Brockton		Bail Review		Held as Scheduled
08/22/2014 09:00 AM	Criminal 1 Brockton		Hearing		Held as Scheduled
10/14/2014 09:00 AM	Criminal 1 Brockton		Hearing		Held as Scheduled
11/04/2014 09:00 AM	Criminal 1 Brockton		Hearing		Held as Scheduled
12/04/2014 09:00 AM	Criminal 1 Brockton		Hearing		Rescheduled
12/19/2014 09:00 AM	Criminal 1 Brockton		Hearing		Held as Scheduled
02/25/2015 09:00 AM	Criminal 1 Brockton		Status Review		Held as Scheduled
04/02/2015 09:00 AM	Criminal 1 Brockton		Hearing		Held as Scheduled
04/13/2015 09:00 AM	Criminal 1 Brockton		Hearing for Appearance / Appointment of Counsel		Rescheduled
04/23/2015 09:00 AM	Criminal 1 Brockton		Status Review		Held as Scheduled
05/28/2015 09:00 AM	Criminal 1 Brockton		Status Review		Held as Scheduled
06/29/2015 09:00 AM	Criminal 1 Brockton		Pre-Trial Conference		Held as Scheduled
07/17/2015 09:00 AM	Criminal 1 Brockton		Pre-Trial Hearing		Held as Scheduled
08/13/2015 09:00 AM	Criminal 1 Brockton		Hearing		Held as Scheduled

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Date	Session	Location	Type	Event Judge	Result
09/16/2015 09:00 AM	Criminal 1 Brockton		Trial Assignment Conference		Not Held
09/25/2015 09:00 AM	Criminal 1 Brockton	BRO-2nd FL, CR1 (SC)	Trial Assignment Conference	Veary, Jr., Hon. Raymond P	Held as Scheduled
10/22/2015 09:00 AM	Criminal 1 Brockton	BRO-2nd FL, CR1 (SC)	Motion Hearing	McGuire, Jr., Hon. Thomas F	Held as Scheduled
11/05/2015 09:00 AM	Criminal 1 Brockton	BRO-2nd FL, CR1 (SC)	Motion Hearing	McGuire, Jr., Hon. Thomas F	Not Held
11/12/2015 09:00 AM	Criminal 1 Brockton	BRO-2nd FL, CR1 (SC)	Motion Hearing	McGuire, Jr., Hon. Thomas F	Held - Under advisement
01/06/2016 09:00 AM	Criminal 1 Brockton	BRO-2nd FL, CR1 (SC)	Conference to Review Status		Held as Scheduled
02/09/2016 09:00 AM	Criminal 1 Brockton	BRO-2nd FL, CR1 (SC)	Motion Hearing	Moriarty, II, Hon. Cornelius J	Held - Under advisement
02/17/2016 09:00 AM	Criminal 1 Brockton	BRO-2nd FL, CR1 (SC)	Conference to Review Status	Moriarty, II, Hon. Cornelius J	Held as Scheduled
02/25/2016 09:00 AM	Criminal 1 Brockton	BRO-2nd FL, CR1 (SC)	Conference to Review Status	Moriarty, II, Hon. Cornelius J	Not Held
03/01/2016 09:00 AM	Criminal 1 Brockton	BRO-2nd FL, CR1 (SC)	Conference to Review Status	Moriarty, II, Hon. Cornelius J	Held as Scheduled
03/22/2016 09:00 AM	Criminal 1 Brockton	BRO-2nd FL, CR1 (SC)	Conference to Review Status	Moriarty, II, Hon. Cornelius J	Held as Scheduled
04/01/2016 09:00 AM	Criminal 1 Brockton	BRO-2nd FL, CR1 (SC)	Motion Hearing	Moriarty, II, Hon. Cornelius J	Held as Scheduled
04/22/2016 09:00 AM	Criminal 1 Brockton	BRO-2nd FL, CR1 (SC)	Conference to Review Status		Held as Scheduled
06/01/2016 09:00 AM	Criminal 1 Brockton	BRO-2nd FL, CR1 (SC)	Conference to Review Status		Held as Scheduled
07/11/2016 09:00 AM	Criminal 1 Brockton	BRO-2nd FL, CR1 (SC)	Trial Assignment Conference		Held as Scheduled
09/07/2016 09:00 AM	Criminal 1 Brockton	BRO-2nd FL, CR1 (SC)	Conference to Review Status		Held as Scheduled
11/01/2016 09:00 AM	Criminal 1 Brockton	BRO-2nd FL, CR1 (SC)	Non-Evidentiary Hearing to Dismiss	McGuire, Jr., Hon. Thomas F	Held - Under advisement
12/19/2016 09:00 AM	Criminal 1 Brockton	BRO-2nd FL, CR1 (SC)	Conference to Review Status		Rescheduled
12/21/2016 09:00 AM	Criminal 1 Brockton	BRO-2nd FL, CR1 (SC)	Conference to Review Status		Rescheduled
12/21/2016 01:45 PM	Criminal 2 Brockton		Conference to Review Status		Held as Scheduled
02/22/2017 09:00 AM	Criminal 1 Brockton		Conference to Review Status		Held as Scheduled
04/10/2017 09:00 AM	Criminal 1 Brockton		Hearing on Compliance		Held as Scheduled
06/28/2017 09:00 AM	Criminal 1 Brockton		Trial Assignment Conference		Held as Scheduled
07/06/2017 09:00 AM	Criminal 1 Brockton		Hearing for Appearance / Appointment of Counsel		Held as Scheduled
08/01/2017 09:00 AM	Criminal 1 Brockton		Conference to Review Status		Held as Scheduled
09/01/2017 09:00 AM	Criminal 1 Brockton		Trial Assignment Conference		Held as Scheduled
09/25/2017 09:00 AM	Criminal 1 Brockton		Trial Assignment Conference	Moriarty, II, Hon. Cornelius J	Held as Scheduled
11/09/2017 09:00 AM	Criminal 2 Brockton		Motion Hearing	Kelley, Hon. Angel	Not Held
11/17/2017 09:00 AM	Criminal 2 Brockton		Motion Hearing	Kelley, Hon. Angel	Rescheduled

Date	Session	Location	Type	Event Judge	Result
11/27/2017 09:00 AM	Criminal 2 Brockton		Motion Hearing	Kelley, Hon. Angel	Held as Scheduled
01/30/2018 09:00 AM	Criminal 1 Brockton		Motion Hearing		Held as Scheduled
03/14/2018 09:00 AM	Criminal 1 Brockton		Hearing on Compliance	Kelley, Hon. Angel	Held as Scheduled
04/05/2018 09:00 AM	Criminal 1 Brockton		Hearing RE: Discovery Motion(s)		Held as Scheduled
04/17/2018 09:00 AM	Criminal 1 Brockton		Conference to Review Status		Not Held
05/02/2018 09:00 AM	Criminal 1 Brockton		Conference to Review Status		Held as Scheduled
05/17/2018 09:00 AM	Criminal 1 Brockton		Motion Hearing		Held as Scheduled
06/13/2018 09:00 AM	Criminal 1 Brockton		Motion Hearing	Davis, Hon. Brian A	Held as Scheduled
07/13/2018 09:00 AM	Criminal 1 Brockton		Conference to Review Status	Moriarty, II, Hon. Cornelius J	Not Held
08/13/2018 09:00 AM	Criminal 1 Brockton		Filing of Motions	Moriarty, II, Hon. Cornelius J	Held as Scheduled
09/05/2018 09:00 AM	Criminal 1 Brockton		Conference to Review Status	Moriarty, II, Hon. Cornelius J	Held as Scheduled
09/24/2018 09:00 AM	Criminal 1 Brockton		Evidentiary Hearing to Dismiss	Moriarty, II, Hon. Cornelius J	Held - Under advisement
10/29/2018 09:00 AM	Criminal 1 Brockton		Evidentiary Hearing to Dismiss	Cosgrove, Hon. Robert C	Not Held
11/30/2018 09:00 AM	Criminal 1 Brockton		Non-Evidentiary Hearing to Dismiss	Cosgrove, Hon. Robert C	Not Held
01/17/2019 09:00 AM	Criminal 1 Brockton	BRO-2nd FL, CR1 (SC)	Non-Evidentiary Hearing to Dismiss		Held - Under advisement
03/01/2019 09:00 AM	Criminal 1 Brockton	BRO-2nd FL, CR1 (SC)	Trial Assignment Conference	Kelley, Hon. Angel	Held as Scheduled
06/21/2019 02:00 PM	Criminal 4 Plymouth	PLY-3rd FL, CR 3 (SC)	Final Pre-Trial Conference	Moriarty, II, Hon. Cornelius J	Rescheduled
06/25/2019 02:00 PM	Criminal 4 Plymouth	PLY-3rd FL, CR 3 (SC)	Final Pre-Trial Conference	Moriarty, II, Hon. Cornelius J	Held as Scheduled
07/08/2019 02:00 PM	Criminal 4 Plymouth	PLY-3rd FL, CR 3 (SC)	Conference to Review Status	Moriarty, II, Hon. Cornelius J	Held as Scheduled
07/15/2019 09:00 AM	Criminal 4 Plymouth	PLY-3rd FL, CR 3 (SC)	Jury Trial	Moriarty, II, Hon. Cornelius J	Held as Scheduled
07/16/2019 09:00 AM	Criminal 4 Plymouth	PLY-3rd FL, CR 3 (SC)	Jury Trial	Moriarty, II, Hon. Cornelius J	Held as Scheduled
07/17/2019 09:00 AM	Criminal 4 Plymouth	PLY-3rd FL, CR 3 (SC)	Jury Trial	Moriarty, II, Hon. Cornelius J	Held as Scheduled
07/18/2019 09:00 AM	Criminal 4 Plymouth	PLY-3rd FL, CR 3 (SC)	Jury Trial	Moriarty, II, Hon. Cornelius J	Held as Scheduled
07/19/2019 09:00 AM	Criminal 4 Plymouth	PLY-3rd FL, CR 3 (SC)	Jury Trial	Moriarty, II, Hon. Cornelius J	Held as Scheduled
08/01/2019 02:00 PM	Criminal 4 Plymouth	PLY-3rd FL, CR 3 (SC)	Evidentiary Hearing to Dismiss	Moriarty, II, Hon. Cornelius J	Held as Scheduled
09/04/2019 09:00 AM	Criminal 4 Plymouth	PLY-3rd FL, CR 3 (SC)	Jury Trial	Moriarty, II, Hon. Cornelius J	Rescheduled
10/15/2019 09:00 AM	Criminal 4 Plymouth	PLY-3rd FL, CR 3 (SC)	Jury Trial	Moriarty, II, Hon. Cornelius J	Not Held
01/10/2020 03:00 PM	Criminal 4 Plymouth		Hearing for Sentence Imposition		Held as scheduled
11/04/2020 12:45 PM	Criminal 4 Plymouth		Conference to Review Status		Held as Scheduled



Date	Session	Location	Type	Event Judge	Result
12/16/2020 10:00 AM	Criminal 3 Plymouth		Conference to Review Status		Canceled
03/16/2022 02:00 PM	Criminal 2 Brockton		Trial Assignment Conference		Held as Scheduled
04/14/2022 02:00 PM	Criminal 2 Brockton		Trial Assignment Conference		Held as Scheduled
05/13/2022 10:00 AM	Criminal 2 Brockton		Motion Hearing		Held as Scheduled
06/09/2022 02:00 PM	Criminal 2 Brockton		Conference to Review Status		Held as Scheduled
06/15/2022 10:00 AM	Criminal 2 Brockton		Bail Hearing		Held as Scheduled
07/12/2022 12:00 PM	Civil A Brockton		Motion Hearing		Held as Scheduled
07/20/2022 10:00 AM	Criminal 1 Brockton		Motion Hearing		Held as Scheduled
08/08/2022 02:00 PM	Civil A Brockton		Motion Hearing		Rescheduled
08/16/2022 02:00 PM	Civil A Brockton		Motion Hearing		Held as Scheduled
08/31/2022 02:00 PM	Civil A Brockton		Hearing for Appearance / Appointment of Counsel		Held as Scheduled
09/08/2022 09:00 AM	Criminal 1 Brockton		Conference to Review Status		
09/08/2022 09:00 AM	Civil A Brockton		Conference to Review Status		Not Held
09/20/2022 09:00 AM	Civil A Brockton		Hearing for Appearance / Appointment of Counsel		Rescheduled
09/26/2022 02:00 PM	Criminal 1 Brockton		Lobby Conference		Held as Scheduled
10/20/2022 02:00 PM	Criminal 1 Brockton		Conference to Review Status		Held as Scheduled
11/17/2022 02:00 PM	Criminal 1 Brockton		Motion Hearing	Pasquale, Hon. Gregg J	Held - Under advisement
12/14/2022 02:00 PM	Criminal 1 Brockton		Conference to Review Status		Rescheduled
12/20/2022 02:00 PM	Criminal 1 Brockton		Conference to Review Status		Rescheduled
12/22/2022 02:00 PM	Criminal 1 Brockton		Conference to Review Status		Held as Scheduled
12/29/2022 11:00 AM	Criminal 1 Brockton		Lobby Conference		Held as Scheduled
01/03/2023 02:00 PM	Criminal 1 Brockton		Conference to Review Status		Held as Scheduled
01/26/2023 02:00 PM	Criminal 1 Brockton		Motion Hearing for Reconsideration		Held as Scheduled
02/02/2023 02:00 PM	Criminal 1 Brockton		Evidentiary Hearing to Dismiss		Held as Scheduled
03/02/2023 02:00 PM	Criminal 1 Brockton		Motion Hearing		

**Ticklers**

Tickler	Start Date	Due Date	Days Due	Completed Date
Under Advisement	11/12/2015	12/12/2015	30	11/19/2015
Under Advisement	02/09/2016	03/10/2016	30	02/09/2016
Under Advisement	11/01/2016	12/01/2016	30	11/07/2016

Tickler	Start Date	Due Date	Days Due	Completed Date
Under Advisement	01/17/2019	02/16/2019	30	02/25/2019
Under Advisement	11/17/2022	12/17/2022	30	
Docket Information				
Docket Date	Docket Text	File Ref Nbr.	Image Avail.	
06/15/2022	Commonwealth 's Response to Discovery	309		
06/24/2022	MEMORANDUM & ORDER:  of Decision on Defendant's motion to Reconsider Bail   The defendant's Motion for reduction in bail is DENIED without prejudice.  Judge: Sullivan, Hon. William F	310	<a href="#">Image</a>	
06/24/2022	Defendant 's Supplemental, Memorandum of law in support of defendant's motion to dismiss indictments on RES Judicata/Dirrct Estoppel grounds. MASS. R. CRIM. P. 13 Subdivision (s)(c)(2).	311	<a href="#">Image</a>	
06/30/2022	Attorney appearance On this date Amanda M Chaves, Esq. added for Other interested party Department of Corrections			
06/30/2022	Other 's Motion to continue  Applies To: Department of Corrections (Other interested party)	313	<a href="#">Image</a>	
07/05/2022	Habeas Corpus for defendant issued to Souza Baranowski Correctional Center returnable for 07/12/2022 12:00 PM Motion Hearing. ***TRANSPORT DEFENDANT TO COURT FOR IN PERSON HEARING ***	314		
07/05/2022	Other 's Motion to continue  Applies To: Department of Corrections (Other interested party)	315	<a href="#">Image</a>	
07/05/2022	Defendant 's Request to be heard on motions to dismiss on July 22, 2022	316	<a href="#">Image</a>	
07/07/2022	General correspondence regarding Amanda Chaves notice of appearance for the Department of Correction	317	<a href="#">Image</a>	
07/12/2022	Event Result:: Motion Hearing scheduled on: 07/20/2022 10:00 AM Has been: Held as Scheduled Hon. William F Sullivan, Presiding			
07/12/2022	Event Result:: Motion Hearing scheduled on: 07/12/2022 12:00 PM Has been: Held as Scheduled Hon. William F Sullivan, Presiding			
07/12/2022	Commonwealth 's Motion to impound grand jury transcripts ALLOWED (Sullivan, J.)	318	<a href="#">Image</a>	
07/12/2022	Commonwealth 's Memorandum in opposition to the defendant's motion to dismiss based upon double jeopardy grounds	319	<a href="#">Image</a>	
07/12/2022	Commonwealth 's Memorandum in opposition to the defendant's motion to dismiss based upon failure to comply with court orders and rule 14	320	<a href="#">Image</a>	
07/15/2022	Habeas Corpus for defendant issued to Souza Baranowski Correctional Center returnable for 08/08/2022 02:00 PM Motion Hearing. be here by 1:00PM  Applies To: Hullum, Lance O (Defendant)	321		
08/01/2022	Defendant 's Motion to continue motion hearing scheduled for August 8,2022 to August 16,2022 - ALLOWED	322	<a href="#">Image</a>	
08/02/2022	Event Result:: Motion Hearing scheduled on: 08/08/2022 02:00 PM Has been: Rescheduled For the following reason: Attorney on another trial Hon. William F Sullivan, Presiding			
08/05/2022	Pro Se Defendant 's Motion to dismiss indictment number seven (7) grounded on it did not allege an offense under the first clause or the third clause of M.G.L. CH. 265 Section 14.	323	<a href="#">Image</a>	
08/08/2022	Pro Se Defendant 's Motion for appointment of effective assistance of pretrial counsel to file a appeal of high bail as defendant repeatedly requested to counsel due to record relied on Commonwealth is over ten years old counsel has conflict of interest in fighting for my liberty as appointed to too many cases.	324	<a href="#">Image</a>	

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<u>Docket Date</u>	<u>Docket Text</u>	<u>File Ref Nbr.</u>	<u>Image Avail.</u>
08/08/2022	Pro Se Defendant 's Motion to dismiss indictment number seven (7) grounded on it did not allege on offense under the first clause or the third clause of M.G.L. CH 265 Section 14.	325	<a href="#">Image</a>
08/08/2022	Pro Se Defendant 's Motion to dismiss indictments grounded on defendant successfully obtain reversal of his convictions on an independent ground retrial should be barred by common law double jeopardy, M.G.L. Ch. 263 Section 7 (1992) Under MASS. R. CRIM. P. 13 Subdivision(s) (c)(2).	326	<a href="#">Image</a>
08/08/2022	Opposition to to the commonwealth's and D.O.C.'S assertion(s) on 7/12/2022 on compliance with previous court orders to conduct statistical data and res judicata due to April 10th, 2017 compliance hearing where no finding of facts was conduct by the court, no constitutional a principles involved was ever addressed... filed by Defendant	327	<a href="#">Image</a>
08/11/2022	Pro Se Defendant 's Notice of ineffective assistance of counsel and conflict of interest, remedy appoint effective counsel, judicial notice (Second)	328	<a href="#">Image</a>
08/15/2022	Habeas Corpus for defendant issued to Souza Baranowski Correctional Center returnable for 08/16/2022 02:00 PM Motion Hearing. ***PLEASE TRANSPORT THE DEFENDANT BY 1:00 P.M.***	329	
08/15/2022	General correspondence regarding from Pro-se Defendant To exclude July 11,2022 ADA response motion in limine of 1988 Indictment(s) and conviction from being included in her response to double jeopardy motion due to conviction is over ten years old and sentence has been completed making it "irrelevant", "prejudicial"	330	<a href="#">Image</a>
08/16/2022	Pro Se Defendant 's Motion to dismiss indictment(s) or/bar retrial grounded on common law double jeopardy and Massachusetts declarations of rights articles #1,#12 where prosecution egregious misconduct violated defendant's fundamental right to a fair trial by not conducting and produce statistical data analysis previously ordered, preventing him from evaluating and developing his selective prosecution claim seeking a retrial twice put in jeopardy of life or limb without due process of the law requiring acquittal/ discharge/dismissal with prejudice	331	<a href="#">Image</a>
08/16/2022	Defendant 's Memorandum regarding sentencing or in the alternative a request for release on recognizance pending further hearing	332	<a href="#">Image</a>
08/16/2022	Event Result:: Motion Hearing scheduled on: 08/16/2022 02:00 PM Has been: Held as Scheduled The court heard pro-se defendant's motion for new counsel. After hearing, the court finds no shortcomings of counsel and determined that defendant did receive effective assistance of counsel. The court allows defendant's motion for new counsel only because defendant requested new counsel, not due to any shortcomings of counsel. Hon. William F Sullivan, Presiding		
08/16/2022	Attorney appearance On this date Ryan Matthews, Esq. dismissed/withdrawn as Appointed - Indigent Defendant for Defendant Lance O Hullum		
08/18/2022	Pro Se Defendant 's Motion to dismiss or in the alternative bar retrial where defendant still has not been afforded effective assistance of counsel at a critical stage, pre-trial, guaranteed by due process clause of the fourteen amendment	333	<a href="#">Image</a>
08/29/2022	Pro Se Defendant 's Motion to exclude any incident report(s)/video(s)/ motion sensors monitoring devices form department of correction(s) against the defendant at pre-trial state where no D-report exist said item(s) violate the confrontation clause rights due to,(DOC) staff not subjected to cross-examination rendering material irrelevant, prejudicial and untrustworthy based on (DOC) history	334	<a href="#">Image</a>
08/30/2022	Habeas Corpus for defendant issued to Plymouth County House of Correction returnable for 08/31/2022 02:00 PM Hearing for Appearance / Appointment of Counsel. PLEASE TRANSPORT DEFENDANT TO COURT	335	
08/31/2022	Event Result:: Hearing for Appearance / Appointment of Counsel scheduled on: 08/31/2022 02:00 PM Has been: Held as Scheduled Hon. William F Sullivan, Presiding		
08/31/2022	Attorney appearance On this date Jason E Tauches, Esq. added for Defendant Lance O Hullum	336	<a href="#">Image</a>
08/31/2022	Attorney appearance On this date Ian Stone, Esq. dismissed/withdrawn as Appointed - Appellate Action for Defendant Lance O Hullum		
09/02/2022	Defendant 's Motion to advance and continue hearing	337	<a href="#">Image</a>
09/06/2022	Habeas Corpus for defendant issued to Souza Baranowski Correctional Center returnable for 09/08/2022 09:00 AM Conference to Review Status. and appearance of counsel be here by 8:30am	338	
09/08/2022	Defendant 's Supplement to motion to reconsider bail	338.1	<a href="#">Image</a>
09/08/2022	ORDER: and DECISION RE: BAIL: The defendant's bail will remain in the amount of \$25,000.00 cash. If the defendant post this amount, he is not to be released before he is fitted with a GPS bracelet and he is	338.2	<a href="#">Image</a>



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<u>Docket Date</u>	<u>Docket Text</u>	<u>File Ref Nbr.</u>	<u>Image Avail.</u>
	to be in home confinement at the home of his mother, no contact with the alleged victims in this case and individual under the age of 18 copies sent Sept 13,2022  Judge: Sullivan, Hon. William F		
09/08/2022	Case called before the Court, defendant was brought in. Motion to reduce bail has been taken under advisement. Case continued until 9/26/22 at 2pm before Judge Sullivan. Bring in deft. (Sullivan,J)(FTR)		
09/08/2022	Event Result:: Hearing for Appearance / Appointment of Counsel scheduled on: 09/20/2022 09:00 AM Has been: Rescheduled For the following reason: Other event activity needed Hon. William F Sullivan, Presiding		
09/08/2022	Habeas Corpus for defendant issued to Souza Baranowski Correctional Center returnable for 09/26/2022 02:00 PM Lobby Conference. Transport To Courthouse	339	
09/13/2022	Commonwealth's Memorandum in support of sentencing for pretrial	340	<a href="#">Image</a>
09/15/2022	Attorney Byron J Knight, Esq.'s motion to withdraw as counsel of record for party for defendant; Filed and Allowed copies sent Sept 19,2022  Judge: Sullivan, Hon. William F Applies To: Hullum, Lance O (Defendant)	341	<a href="#">Image</a>
09/15/2022	Attorney appearance On this date Byron J Knight, Esq. dismissed/withdrawn as Appointed - Indigent Defendant for Defendant Lance O Hullum		
09/23/2022	Habeas Corpus for defendant issued to Souza Baranowski Correctional Center returnable for 09/26/2022 02:00 PM Lobby Conference. PLEASE TRANSPORT DEFENDANT TO COURT	342	
09/26/2022	Attorney appearance On this date Brian S Fahy, Esq. dismissed/withdrawn as Attorney for the Commonwealth for Prosecutor Commonwealth		
09/26/2022	Event Result:: Lobby Conference scheduled on: 09/26/2022 02:00 PM Has been: Held as Scheduled Comments: continued to October 20, 2022 for status of motions Hon. William F Sullivan, Presiding		
10/07/2022	Pro Se Defendant's Motion to dismiss indictments grounded on nonmutual defensive res judicata under M.G.L. Ch. 26 sec.7, and Mass.R.Crim.P.# Subdivision(S)(C)(2)	343	<a href="#">Image</a>
10/14/2022	Notice to the Supreme Judicial Court of Interlocutory Appeal  Applies To: Tauches, Esq., Jason E (Attorney) on behalf of Hullum, Lance O (Defendant)	344	<a href="#">Image</a>
10/17/2022	Pro Se Defendant's Motion to bar retrial grounded two previous acquittals on "specific intent", "sharp object", "A person sixty years or older", essential elements of offenses renders insufficient evidence for commonwealth to prove it's case under MGL Ch 263 sec7 collateral estoppel, memorandum of law	345	<a href="#">Image</a>
10/19/2022	Habeas Corpus for defendant issued to Souza Baranowski Correctional Center returnable for 10/20/2022 02:00 PM Conference to Review Status. Arrive for 8:30 a.m.	346	
10/20/2022	Event Result:: Conference to Review Status scheduled on: 10/20/2022 02:00 PM Has been: Held as Scheduled Comments: Defendant present. After hearing, case continued by agreement to November 17, 2022 at 2:00 p.m. for motion hearing. (FTR) Hon. Gregg J Pasquale, Presiding		
10/31/2022	Notice of docket entry received from Supreme Judicial Court ORDER: Case transferred to the APPEALS COURT pursuant to June 3, 2020 "Standing Order Regarding Transfer of Certain Single Justice Matters During the COVID-19 Pandemic.	347	<a href="#">Image</a>
11/16/2022	Habeas Corpus for defendant issued to Souza Baranowski Correctional Center returnable for 11/17/2022 02:00 PM Motion Hearing. PLEASE TRANSPORT DEFENDANT TO COURT	348	
11/17/2022	Case called for hearing defendant is present. Court hears arguments on Paper No.287/306.2 (motion to dismiss based on double jeopardy grounds), Paper no305 (motion to dismiss based on judicial grounds), 274(motion to dismiss indictments), and 245 (motion to re-trial) defendant to supplement briefing by 12/1/22 Matters are Taken Under Advisement. Motion for appellate counsel is allowed case continued to December 14,2022 by agreement at 2:00PM for status conference FTR		
12/01/2022	Defendant's Motion to Issue Summon For Witness DR. Elizabeth M. Falcon Department Of Corrections #50 Maple Street Milford, MA 01757 For Evidentiary Hearing Set For December 14, 2022	349	<a href="#">Image</a>

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Docket Date	Docket Text	File Ref Nbr.	Image Avail.
12/01/2022	<p>Notice of docket entry received from Appeals Court</p> <p>ORDER: This matter came before this Court on the petition of the defendant/petitioner, pursuant to G. L. c. 211, s. 3, which the Supreme Judicial Court referred to the Single Justice of the Appeals Court, in accordance with the Supreme Judicial Court's June 3, 2020, "Order Regarding Transfer of Certain Single Justice Matters During the COVID-19 Pandemic." The defendant seeks review of the September 8, 2022, order denying his motion for a reduction of bail, setting the bail to remain in the amount of \$250,000. The Commonwealth filed a response, including the defendant's CORI record.</p> <p>The defendant currently faces several charges, including armed assault with intent to murder, assault and battery by means of a dangerous weapon, and assault and battery on a person over sixty years of age (current charges). The current charges arise from his alleged attack, in 2013, on three inmates at the Massachusetts Treatment Center in Bridgewater, where the defendant was serving a twenty-to-thirty-year sentence on 1990 convictions stemming from rape of a child, armed robbery, and armed assault with intent to rob (prior convictions). The defendant was previously tried and convicted of the current charges in 2019, at a trial where he represented himself. However, on January 24, 2022, a panel of this Court vacated the defendant's convictions, concluding that the defendant did not effectively waive his right to counsel. <i>Commonwealth v. Hullum</i>, 100 Mass. App. Ct. 1121 (2022) (2022-P-1181; unpublished decision pursuant to Rule 23.0).[1] The Commonwealth intends to retry the defendant on the current charges stemming from his vacated convictions.</p> <p>In March 2022, the defendant's bail was set at \$250,000, with special conditions of release including home confinement and the wearing of a GPS device. The defendant was unable to post bail and has since filed numerous motions to reconsider bail, with the most recent being denied on September 8, 2022. [2]</p> <p>In reviewing the bail order, I review only for an abuse of discretion or error of law. See <i>Vasquez v. Commonwealth</i>, 481 Mass. 747, 751 (2019); <i>Comness v. Commonwealth</i>, 369 Mass. 368, 374 (1975). Having reviewed the judge's findings and the parties' submissions, I see no abuse of discretion or other error of law in the judge's decision denying the defendant's motion for reduction of bail. The judge appropriately considered the charged crimes and the nature of the defendant's convictions in light of the significant sentence that the defendant faces. Additionally, the defendant has previously been convicted of the same charges that the defendant is now facing again, all of which carry a significant penalty thereby increasing the defendant's flight risk. I also note that the current charges stem from an alleged incident that occurred while the defendant was in custody. The defendant's conduct while in custody, including disciplinary issues, was an appropriate consideration by the judge particularly in light of the defendant's ability to abide by conditions of release. See generally <i>Walsh v. Commonwealth</i>, 485 Mass. 567, 588 n. 23 (2020) (discussing considerations of failing to obey court orders).</p> <p>The record also reflects that the judge properly considered that the defendant could not afford a bail amount over \$2,500, but found that this amount was "not sufficient to assure the defendant's appearance at future court proceedings." [3] The judge likewise stated that he "considered alternative nonfinancial conditions" and similarly concluded that they would not assure the defendant's appearance.</p> <p>As such, I am satisfied that, in setting the defendant's bail, the judge fully considered the factors that are required under <i>Brangan v. Commonwealth</i>, 477 Mass. 691, 709-710 (2017). See <i>Walsh</i>, 485 Mass. at 570-589. Contrast <i>Boisvert v. Commonwealth</i>, 487 Mass. 1027, 1028 (2021). Accordingly, the defendant's request for relief is denied. So ordered.</p>	350	<a href="#">Image</a>
12/06/2022	Defendant's Request For Leave To File Late Supplement	351	<a href="#">Image</a>
12/06/2022	Lance O Hullum's Memorandum Supplemental Memorandum In Support Of Motions To Dismiss On Double Jeopardy Grounds	352	<a href="#">Image</a>
12/12/2022	Pro Se Defendant's Motion to Vacate and Dismiss Indictment (s) where (D.D.U) Disgorgement Sanction Order Previously Imposed go beyond compensation, are intended to punish, and label Defendant's wrong doing as a consequence of violating public laws under Mass. R. CRIM. P. # Subdivision (a) Triggering Common Law Jeopardy.	353	<a href="#">Image</a>
12/12/2022	Pro Se Defendant's Request for Leave To File Late Supplemental	354	<a href="#">Image</a>
12/12/2022	Pro Se Defendant's Motion to dismiss Assault Charges Due To Fact Defendant Never Indicted On Assault By Grand Jury Violation Of Massachusetts Declarations Of Rights Article #12, Under Mass. R. CRIM.P.#13 Subdivision (c) (2)	355	<a href="#">Image</a>
12/12/2022	Notice of docket entry received from Appeals Court Notice of assembly of the record	356	<a href="#">Image</a>
12/12/2022	Appeal entered in Appeals Court on 12/12/2022 docket number 2022-P-1200	357	<a href="#">Image</a>
12/13/2022	Event Result:: Conference to Review Status scheduled on: 12/14/2022 02:00 PM Has been: Rescheduled For the following reason: By Court prior to date Hon. Gregg J Pasquale, Presiding		
12/15/2022	Event Result:: Conference to Review Status scheduled on: 12/20/2022 02:00 PM		

<u>Docket Date</u>	<u>Docket Text</u>	<u>File Ref Nbr.</u>	<u>Image Avail.</u>
	Has been: Rescheduled For the following reason: Joint request of parties Hon. Daniel J. O'Shea, Presiding		
12/21/2022	Habeas Corpus for defendant issued to Souza Baranowski Correctional Center returnable for 12/22/2022 02:00 PM Conference to Review Status. PLEASE TRANSPORT THE DEFENDANT TO COURT	358	
12/22/2022	Event Result:: Conference to Review Status scheduled on: 12/22/2022 02:00 PM Has been: Held as Scheduled. Note***Commonwealths opposition to evidentiary hearing due by 1/27/23 Hon. Gregg J Pasquale, Presiding		
12/23/2022	Endorsement on Supplemental, Memorandum of law in support of Defendant's motion to dismiss indictments on Res Judicata/Direct Estoppel grounds, (#311.0): DENIED		<a href="#">Image</a>
12/23/2022	Endorsement on Motion to dismiss indictments grounded on res judicata bars relitigating this same controversy with alleged victims Richard Saunders, Raymond Dean, Raymond Girard due to retraxit of civil action in federal court with criminal language of assault & battery, assault & battery with a weapon despite two different burden of proof standards, (#305.0): DENIED after hearing		<a href="#">Image</a>
12/28/2022	Habeas Corpus for defendant issued to Souza Baranowski Correctional Center returnable for 12/29/2022 11:00 AM Lobby Conference. PLEASE TRANSPORT DEFENDANT TO COURT	359	
12/29/2022	Event Result:: Lobby Conference scheduled on: 12/29/2022 11:00 AM Has been: Held as Scheduled Hon. Gregg J Pasquale, Presiding		
12/29/2022	MEMORANDUM & ORDER:  AND DECISION on defendant's motion to vacate and dismiss indictment: DDU Order triggering common law double jeopardy (paper#353); For the foregoing reasons, it is hereby Ordered that the Clerk schedule an evidentiary hearing on Defendant's Motion to Vacate and Dismiss: DDU Order triggering Common Law Double Jeopardy (Paper#353) copies sent Jan 5,2023  Judge: Pasquale, Hon. Gregg J	359.1	<a href="#">Image</a>
12/30/2022	Habeas Corpus for defendant issued to Souza Baranowski Correctional Center returnable for 01/03/2023 02:00 PM Conference to Review Status. PLEASE TRANSPORT DEFENDANT TO COURT	360	
01/03/2023	Defendant brought into court Atty Tauches present ADA Mullin present via zoom case continued to January 26,2023 motion to reconsider bring in deft Court will appear via zoom from Barnstable Superior Pasquale,J FTR		
01/05/2023	Endorsement on Motion Defendant's Motion to Dismiss For The Commonwealth Failure To Comply With Court Orders And Rule 14 Discovery Obligations, (#306.1): DENIED After Hearing and Consideration The Motion is DENIED For The Reasons Stated In The Commonwealth's Opposition		<a href="#">Image</a>
01/11/2023	General correspondence regarding Access to recent docket entry sheets	361	<a href="#">Image</a>
01/17/2023	Defendant 's EX PARTE Motion for Rule 17 Indigent Summons; Affidavit in Support	362	<a href="#">Image</a>
01/18/2023	Endorsement on Motion for Rule 17 Indigent summons, (#362.0): ALLOWED as to issuance of a summons copy sent Jan 19,2023  Judge: Pasquale, Hon. Gregg J		<a href="#">Image</a>
01/19/2023	Summons to appear issued to Dr Elizabeth Falcon to appear via zoom 161-8224-6325 no password before Judge Pasquale on February 2,2023 for motion to dismiss	363	<a href="#">Image</a>
01/24/2023	Habeas Corpus for defendant issued to Souza Baranowski Correctional Center returnable for 01/26/2023 02:00 PM Motion Hearing for Reconsideration. PLEASE TRANSPORT THE DEFENDANT TO COURT	364	
01/25/2023	Pro Se Defendant 's Motion For Statistical Data Expert Assistance Under M.G.L. Ch. 261 Section 27C, M.G.L. Ch. 267 Section 27A For Indigent Defendant.	365	<a href="#">Image</a>
01/25/2023	Pro Se Defendant 's Motion To Suppress Testimony	366	<a href="#">Image</a>
01/25/2023	Pro Se Defendant 's Motion To Suppress Witness Testimony Entered Into Evidence Obtained In Violation Of Right To Counsel.	367	<a href="#">Image</a>
01/25/2023	Pro Se Defendant 's Motion To Suppress Statements Of Defendant Obtained In Violation Of His Right To Counsel.	368	<a href="#">Image</a>
01/25/2023	Pro Se Defendant 's Motion To Suppress Introduction Of All The Evidence Introduced At The First Trial Grounded On The Fruit Of The Poisonous Tree Doctrine Under Mass.R.Crim.P.Subdivision(S) (C) (1) (2) (d).	369	<a href="#">Image</a>
01/25/2023	Pro Se Defendant 's Memorandum Of Law In Support Of Motion To Suppress Under Mass.R.Crim.P.#13	370	<a href="#">Image</a>

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<u>Docket Date</u>	<u>Docket Text</u>	<u>File Ref Nbr.</u>	<u>Image Avail.</u>
	Subdivision (c)(1)(2)(d)		
01/25/2023	Affidavit of Lance Hullum	371	<a href="#">Image</a>
01/26/2023	General correspondence regarding Hearing on Compliance Before (Yessayan, J) 04/10/2017	372	<a href="#">Image</a>
01/26/2023	Commonwealth 's Response To Defendant's July 15, 2014 Discovery Motion dated 03/10/2015	373	<a href="#">Image</a>
01/26/2023	Matter to remain scheduled for 02/02/2023 at 2:00 p.m. for Evidentiary Hearing to Dismiss. (Hallal, J) (FTR)		
02/01/2023	Habeas Corpus for defendant issued to Souza Baranowski Correctional Center returnable for 02/02/2023 02:00 PM Evidentiary Hearing to Dismiss. PLEASE TRANSPORT DEFENDANT TO COURT	374	
02/02/2023	MEMORANDUM & ORDER:  It is hereby ORDERED that Defendant's Motion to Vacate and Dismiss Indictment's Grounded on Common Law Double Jeopardy Where Indictment's Were Worded Identically to Those Which Formed the Basis of Acquittals in First Trial (Paper #274) be DENIED. It is further ORDERED that Defendant's Motion to Dismiss Assault Charges Due to Fact Defendant Never Indicted on Assault by Grand Jury (Paper #355) be DENIED.  Judge: Pasquale, Hon. Gregg J	375	<a href="#">Image</a>
02/02/2023	Event Result:: Evidentiary Hearing to Dismiss scheduled on: 02/02/2023 02:00 PM Has been: Held as Scheduled Hon. Gregg J Pasquale, Presiding		
02/02/2023	Defendant 's Supplemental Motion to suppress is filed. Paper #376.	376	<a href="#">Image</a>
02/10/2023	General correspondence regarding Letter	377	<a href="#">Image</a>
02/10/2023	Pro Se Defendant 's Supplemental Motion/Memorandum Of Law In Support Of Motion To Suppress	378	<a href="#">Image</a>
02/13/2023	Pro Se Defendant 's Supplemental Motion/ Memorandum Of Law In Support Of Motion To Suppress	379	<a href="#">Image</a>
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<b>Case Disposition</b>			
<u>Disposition</u>	<u>Date</u>	<u>Case Judge</u>	
Disposed by Jury Verdict	10/15/2019		

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COMMONWEALTH OF MASSACHUSETTS

PLYMOUTH, SS.                      SUPERIOR COURT DEPARTMENT  
   OF THE TRIAL COURT

\* \* \* \* \*  
COMMONWEALTH OF MASSACHUSETTS      DOCKET #1483CR00387

v.

LANCE HULLUM  
\* \* \* \* \*

Trial before  
THE HONORABLE C.J. MORIARTY

APPEARANCES:

For the Commonwealth:  
Plymouth County District Attorney's Office  
166 Main St.  
Brockton, MA 02301  
By: Brian Fahy

For the Defense:  
Lance Hullum, pro se

Stand-by Counsel:  
Ryan Matthews  
One Park Place  
Plymouth, MA 02360

Plymouth, Massachusetts  
July 18, 2019

Christie L. Aarons  
Approved Court Transcriber

#74

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I N D E X

Witness:	Direct	Cross	Redirect	Recross
Raymond Dean	17	46	57	
Sergio Lara	58	64		
John Martinez	65	74		
Patrick Smith	80	95	102	102
Brian Glover	129	130		
Demetrius French	144	150		

Exhibit:	Page:
14 Medical records	40

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1 THE COURT: All right.

2 COURT OFFICER: You may be seated.

3 THE COURT: All right. I have here a  
4 motion for required finding of not guilty  
5 pursuant to Mass Rules of Criminal  
6 Procedure 25. I assume this is with respect to  
7 all counts of the indictment, correct,  
8 Mr. Hullum?

9 MR. HULLUM: Yes, Your Honor. If you want  
10 me to amend it and get more specific, I will.

11 THE COURT: Well, okay. I will hear you.  
12 Let me ask you this, how much time do you need?

13 MR. HULLUM: Right now?

14 THE COURT: Yeah.

15 MR. HULLUM: I need a few minutes to get  
16 my stuff out. My --

17 THE COURT: Obtain your materials and then  
18 I'll hear you, all right?

19 MR. HULLUM: Yep.

20 THE COURT: All right, sir.

21 MR. HULLUM: Yes. The reason why I'm  
22 asking for a direct verdict, Your Honor, is  
23 because the Commonwealth can't prove specific  
24 intent that I allegedly attempted to kill these  
25 inmates or maim them. The injuries don't rise

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1 to the level based on the statute of mayhem and  
2 maim. There is no specific intent. The  
3 alleged altercation stopped on its own based on  
4 their own reports. No threats of I wanted to  
5 kill these inmates was ever made.

6 What else? Officers did not allegedly  
7 intervene in the situation where it stopped on  
8 its own. I think those are key factors when  
9 you determine whether or not someone is trying  
10 to allegedly kill someone or not. And the fact  
11 that the injuries don't rise to the level of  
12 the statute.

13 THE COURT: All right.

14 MR. HULLUM: All right.

15 THE COURT: Well, we're going to have a  
16 discussion. I'm going to start with count one.  
17 Count one alleges assault and battery on an  
18 elderly person or a person with a disability,  
19 in violation of Chapter 265, Section 13, K, A  
20 and a half. Now, in the body of the indictment  
21 it says that the defendant, Mr. Hullum, on or  
22 about December 30th, 2013, at Bridgewater, did  
23 assault and beat Raymond A. Dean, an elder or a  
24 person with a disability, and by such assault  
25 and battery did cause bodily injury to said



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1 Raymond A. Dean. Well, I assume that the  
2 Commonwealth is proceeding only on the elder  
3 portion?

4 MR. FAHY: That's correct, Your Honor.  
5 There has been no evidence that's been  
6 introduced for disability on either Mr. Dean or  
7 Mr. Girard. It was both the over 60 factor,  
8 elderly.

9 THE COURT: Right. Now, what is  
10 problematic to me here is that as I look at the  
11 section of the indictment, and that is as  
12 follows: 265, Section 13, K, A and a half  
13 says, whoever commits an assault and battery  
14 upon an elder or a person with a disability  
15 shall be punished by imprisonment, all right,  
16 in the state prison. That's the -- the  
17 technical -- that's the statute. However, the  
18 indictment reads that Mr. Hulum did assault  
19 and beat Raymond A. Dean, an elder or person  
20 with a disability, and by such assault and  
21 battery did cause bodily injury to said  
22 Raymond A. Dean.

23 The difference is -- and you cite  
24 265, Section 13, K, A and a half. 13, K, A and  
25 a half says nothing about a bodily injury. It

just simply says that it punishes a person who commits an assault and battery upon an elder. Now, it's section 13, B says, whoever commits an assault and battery upon an elder or person with a disability and by such assault and battery causes bodily injury shall be punished.

The Commonwealth has cited the incorrect statute and it conflicts with the language in the body of the indictment. Now, bodily injury includes substantial impairment of the physical condition including but not limited to any burn, fracture of any bone, subdural hematoma, injury to any internal organ or to any injury which results -- which occurs as a result of repeated harm to any bodily function or organ including human skin.

The statute under which this indictment is brought does not line up with the language in the indictment.

MR. FAHY: Your Honor, I think that if the language in the indictment with respect to did cause bodily injury, clearly it's cited that it's 13, K, A one half, which is a three-year maximum in the state prison. The B would be the five-year state prison term. It looks like

#79

1 there was a clerical error with bodily  
2 injury --

3 THE COURT: Well --

4 MR. FAHY: Because I don't think that the  
5 facts suggest that that there was a bodily  
6 injury because it has to be has to be repeat  
7 injury to including --

8 THE COURT: Well, 13, K, A and a half says  
9 nothing about a bodily injury.

10 MR. FAHY: No, and that's I think -- I  
11 think the intent of the indictment here goes  
12 towards that. I think it was a clerical error  
13 to contain that additional language. I  
14 think -- I'm not suggesting this is a 13, K, B.  
15 I would suggest this is a 13, K, A and a half.

16 THE COURT: All right.

17 MR. FAHY: And that's how I've always  
18 looked at this. I did, personally. I will  
19 admit although I did not indict this case, I  
20 did -- while I was looking over the  
21 indictments, I did not pick up on the  
22 additional language, but that has never  
23 deterred my view of this as being 13, K, A and  
24 a half.

25 THE COURT: Okay. Well, to the extent

1 that the indictment alleges a bodily injury,  
2 I'm going to find that the motion for required  
3 fining is allowed as to so much of that  
4 indictment that alleges did cause bodily  
5 injury, all right. Otherwise, though, there is  
6 sufficient evidence to find that Mr. Hullum did  
7 assault and beat Mr. Dean, who was under the  
8 law an elder. An elder is somebody who is 60  
9 years of age or older, and there has been  
10 uncontroverted testimony about his age.

11 All right. So that's what I'm going to do  
12 with count one.

13 Counsel three alleges armed assault with  
14 intent to murder. Now, this is Mr. Girard  
15 we're talking about. There has to be proven a  
16 specific intent to murder. What do you say  
17 about that?

18 MR. FAHY: Your Honor, as I said in my  
19 opening, which is obviously not evidence, but  
20 it's really the same argument, is that this  
21 defendant -- and I think the evidence shows had  
22 a very -- had a specific intent to mind -- in  
23 mind at the time that he began this path of  
24 destruction in this case. It was based off of  
25 his agitation on two different fronts with

Raymond Dean with the account -- both revolved around the accountability system, Raymond Dean, with his separate issues, and the two other individuals in their counseling, Mr. Saunders and Mr. Girard.

Mr. -- the argument here -- and the hand was already tipped by Mr. Hullum, but quite frankly, I -- you can clearly see that argument being made from day one in this case is if he intended to kill him, why didn't he finish the job? There was nothing stopping him from finishing the job. And what I say to that is there is a limited time frame that he can exact the force and the revenge for what he was intending to put on -- extract on these individuals. He only had limited time.

This isn't a person roaming freely. He is inside of caged walls, Your Honor. He has a limited scope. He has a limited ability. He has limited access. He comes up to the second floor. You see him biding his time. He's walking up and down the hall. He's going into a room. He's going into a bathroom. He walks up and down the hall. This is all premeditated. And then he strikes, and when he

# 82  
1 strikes, he strikes fast.

2 And the first two assaults are very quick  
3 in nature. Mr. Girard goes down first.  
4 Mr. Girard, an older individual, cut in the --  
5 in the jaw neck -- cheek area and there is  
6 another scratch on his neck. We heard evidence  
7 that the second hit, Mr. Girard deflected it,  
8 he thinks, by putting his arm up, and you have  
9 that scratch here.

10 My position on that is common sense. And  
11 Mr. Hullum keeps going to the medical records  
12 and superficial this and superficial that.  
13 It's not about what happened, it's about his  
14 intent. When you take a bladed object and cut  
15 an elderly person -- I'm not saying elderly --  
16 he was over 60 but under the statute an elderly  
17 person, in the facial area specifically near  
18 the neck, why are you cutting someone in the  
19 neck? You can cut that person anywhere on the  
20 body, you're cutting them in the neck. Common  
21 sense would suggest, you don't have to be a  
22 doctor or a neurosurgeon to figure this out.  
23 You cut someone in the neck, that is pretty  
24 grievous injury and that could result in death.

25 It all goes to the intent. And devoid

1 from Mr. Hullum's motion for required finding  
2 of not guilty is any mention of the Lattimore  
3 case. In the light most favorable to the  
4 Commonwealth -- to the Commonwealth, that is  
5 the standard of law. And in the light most  
6 favorable to the Commonwealth, you take a  
7 bladed instrument, which we have circumstantial  
8 evidence showing that that has --

9 THE COURT: In the light most favorable to  
10 the Commonwealth can any rationale trier of  
11 fact, all right, find that he had the specific  
12 intent --

13 MR. FAHY: Yes.

14 THE COURT: -- based on the evidence in  
15 the light most favorable to the Commonwealth to  
16 kill Mr. Girard?

17 MR. FAHY: And when you take a knife or  
18 bladed object to someone's neck, I think that  
19 in the light most favorable to the  
20 Commonwealth, under the facts in this case and  
21 the condensed period of time and the small  
22 window he had to inflict this, yes. He does  
23 two quick blows, he's out of there, he's on to  
24 the next one, he's on to Mr. Saunders. And  
25 then we're going into a different indictment

#84

1 here but I think it's important. He goes right  
2 over to Mr. Saunders, right down the hall. He  
3 blinds him, he blinds both of them. He blinds  
4 both of them with shampoo temporarily. He cuts  
5 Mr. Girard from --

6 THE COURT: Well, that's your version?

7 MR. FAHY: Oh, I'm sorry. Mr. Girard I  
8 think he missed. Mr. Saunders was temporarily  
9 blinded. That was the testimony. He tried to  
10 blind Mr. Girard. Mr. Girard was folding  
11 laundry. He was defenseless. He was  
12 clearly -- we see him in court. We compare him  
13 to the size of the defendant who was -- has  
14 testified he hasn't aged very much over the  
15 last few years, he's still a big guy. He's  
16 going after a person well advanced of his age,  
17 defenseless in his room, armed with  
18 presumptively a knife or a bladed object.

19 He had the intent under Lattimore and it  
20 should stand and go to the jury with the intent  
21 to murder. Also, I would suggest that -- also  
22 goes hand in hand with the intent to maim. You  
23 don't slash someone in the face with a --

24 THE COURT: We're going to get to this  
25 maim indictment in a minute.



#85

1 MR. FAHY: Oh, I'm sorry. And if I can  
2 just make the same argument for Mr. Saunders.  
3 He blinds Mr. Saunders with the soap, with  
4 shampoo. He grabs him by the hair.  
5 Mr. Saunders is bent over, and you look at  
6 those cuts. Again, you don't have to be a  
7 doctor or a surgeon to appreciate the force and  
8 the depth of those cuts. And if you cut  
9 someone across the body, wherever it is, that  
10 number of times that deep, there is a chance  
11 that person is going to die. And, again, it  
12 goes towards the intent. Not what actually  
13 happened and not the fact that they were  
14 released from the hospital in whatever time  
15 they were or any other argument that Mr. Hullum  
16 had thrown out there.

17 In the light most favorable to the  
18 Commonwealth, you inflict those injuries, there  
19 is a real possibility of death. And that is  
20 where under the Lattimore standard this case  
21 should without question go to the jury. Now,  
22 they might find differently beyond a reasonable  
23 doubt, and that's their prerogative, and they  
24 can do so with the facts they have. But for  
25 this state right now, this where we are, we

1 need to -- I would suggest that that should  
2 pass through.

3 THE COURT: All right. Thank you.

4 The standard at this stage of the  
5 proceedings is very prosecutorial friendly.  
6 It has to be taken in the -- the evidence must  
7 be construed in the light most favorable to the  
8 Commonwealth and whether any rationale -- any  
9 rationale trier of fact could find the elements  
10 of the offense have been proven. I think there  
11 is enough here, barely, but there is enough to  
12 survive the motion for required finding with  
13 respect to the armed assault with intent to  
14 kill Mr. Girard.

15 MR. FAHY: Murder. Kill is a different  
16 statute.

17 THE COURT: Pardon me?

18 MR. FAHY: Armed assault with intent to  
19 murder.

20 THE COURT: Armed assault with intent to  
21 murder.

22 MR. FAHY: You said -- you used the term  
23 kill, which is a different statute. I'm sorry.  
24 It's a lesser included.

25 THE COURT: Well, if you read the

42 (87)

1 instructions you will see that they -- you can  
2 talk about the intent to kill.

3 MR. FAHY: I understand that, Your Honor,  
4 that's why --

5 THE COURT: That's what I'm talking about.

6 MR. FAHY: I just wanted to make the  
7 record clear.

8 THE COURT: There is enough on count five  
9 for assault and battery by means of a dangerous  
10 weapon on a victim 60 years of age or older,  
11 despite the fact that no weapon was found. It  
12 doesn't have to be found. So that motion is  
13 denied on that count.

14 Now let's go to indictment number seven,  
15 which is assault with intent to murder or maim.  
16 Indictment reads, did assault Raymond Girard  
17 with intent to murder him or with intent to  
18 maim or disfigure his person in any way  
19 described in Mass General Laws, Chapter 265,  
20 Section 14. I suppose by the language of this  
21 indictment it's an all encompassing attempt to  
22 include both versions of liability under the  
23 mayhem statute. There was no bill of  
24 particulars -- motion for bill of particulars  
25 filed in this case, I don't believe, was there?

Appendix G

# 88

COMMONWEALTH OF MASSACHUSETTS  
SUPREME JUDICIAL COURT

---

No. SJC-13453

COMMONWEALTH,  
Plaintiff-Appellee

v.

LANCE HULLUM,  
Defendant-Appellant

---

ON APPEAL FROM AN ORDER OF THE PLYMOUTH SUPERIOR COURT

---

RECORD APPENDIX OF DEFENDANT-APPELLANT LANCE HULLUM

---

Rachel T. Rose  
BBO #678416  
P.O. Box 2055  
Framingham, MA 01701  
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January 31, 2024

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COMMONWEALTH OF MASSACHUSETTS

PLYMOUTH, SS.

SUPERIOR COURT DEPARTMENT  
INDICTMENT NO.

2014-00387-001

COMMONWEALTH

VS.

LANCE HULLUM

---

INDICTMENT

ASSAULT AND BATTERY UPON AN ELDERLY OR PERSON  
WITH A DISABILITY  
GENERAL LAWS CHAPTER 265, SECTION 13K(a 1/2)  
(COUNT A)

---

At the SUPERIOR COURT, begun and holden at BROCKTON, within and  
for the COUNTY of PLYMOUTH, on JUNE 6, 2014

THE JURORS for the Commonwealth of Massachusetts on their oath  
present that:

LANCE HULLUM

of BRIDGEWATER in the COUNTY of PLYMOUTH, on or about DECEMBER 30,  
2013, at BRIDGEWATER in the COUNTY of PLYMOUTH, did assault and beat  
RAYMOND A. DEAN, an elder or person with a disability, and by such  
assault and battery did cause bodily injury to said RAYMOND A. DEAN.

SEE COUNT B

# 2014-00387-005  
(91)

COUNT B

HABITUAL OFFENDER  
GENERAL LAWS CHAPTER 279, SECTION 25

And the jurors, aforesaid, for the Commonwealth of  
Massachusetts, on their Oath, aforesaid, do further present,  
That:


LANCE HULLUM

of BRIDGEWATER in the COUNTY of PLYMOUTH has twice been convicted and  
sentenced and committed to prison in the Commonwealth for terms of not  
less than three years each to wit:

- (1) PLYMOUTH SUPERIOR COURT; INDICTMENT NO. 85636; OFFENSE:  
OFFENSE DATE: 12/17/87;  
CONVICTION DATE: 11/27/90
- (2) NORFOLK SUPERIOR COURT; INDICTMENT NO. 98089; OFFENSE:  
ABDW; CONVICTION DATE: 4/5/99

and has been subsequently convicted of a felony as set forth in  
Count A of this indictment and is, therefore, an habitual criminal  
under the provisions of General Laws, Chapter 279, Section 25.

A TRUE BILL

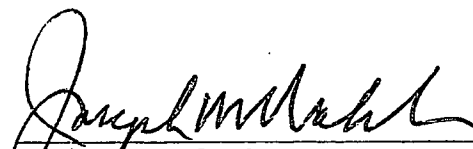
  
Foreman of the Grand Jury

  
Assistant District Attorney

RETURN

PLYMOUTH, SS. On this 9th day of June, 2014, this  
indictment was returned and presented to said Superior Court by the  
Grand Jury, and ordered to be filed and filed.

ATTEST:

  
Assistant Clerk

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COMMONWEALTH OF MASSACHUSETTS

PLYMOUTH, SS.

SUPERIOR COURT DEPARTMENT

INDICTMENT NO. 2014-00387-003

COMMONWEALTH

VS.

LANCE HULLUM

---

INDICTMENT

ARMED ASSAULT WITH INTENT TO MURDER

(VICTIM 60 YEARS OR OLDER)

GENERAL LAWS CHAPTER 265, SECTION 18(a)

(COUNT B)

---

At the SUPERIOR COURT, begun and holden at BROCKTON, within and for the COUNTY of PLYMOUTH, on JUNE 6, 2014

THE JURORS for the Commonwealth of Massachusetts on their oath present that:

LANCE HULLUM

of BRIDGEWATER in the COUNTY of PLYMOUTH, on or about DECEMBER 30, 2013, at BRIDGEWATER in the COUNTY of PLYMOUTH, being armed with a dangerous weapon, to wit: SHARP OBJECT, did assault RAYMOND A. GIRARD a person sixty years or older, with intent to murder him.

SEE COUNT B



COUNT BHABITUAL OFFENDER  
GENERAL LAWS CHAPTER 279, SECTION 25

And the jurors, aforesaid, for the Commonwealth of  
Massachusetts, on their Oath, aforesaid, do further present,  
That:


LANCE HULLUM

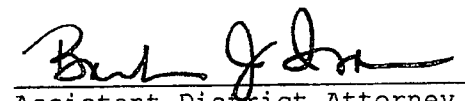
of BRIDGEWATER in the COUNTY of PLYMOUTH has twice been convicted and  
sentenced and committed to prison in the Commonwealth for terms of not  
less than three years each to wit:

- (1) PLYMOUTH SUPERIOR COURT; INDICTMENT NO. 85636; OFFENSE:  
OFFENSE DATE: 12/17/87;  
CONVICTION DATE: 11/27/90
- (2) NORFOLK SUPERIOR COURT; INDICTMENT NO. 98089; OFFENSE:  
ABDW; CONVICTION DATE: 4/5/99

and has been subsequently convicted of a felony as set forth in  
Count A of this indictment and is, therefore, an habitual criminal  
under the provisions of General Laws, Chapter 279, Section 25.

A TRUE BILL


  
Foreman of the Grand Jury

  
Assistant District Attorney

RETURN

PLYMOUTH, SS. On this 9th day of June, 2014, this  
indictment was returned and presented to said Superior Court by the  
Grand Jury, and ordered to be filed and filed.

ATTEST:

  
Assistant Clerk

H  
94

COMMONWEALTH OF MASSACHUSETTS

PLYMOUTH, SS.

SUPERIOR COURT DEPARTMENT  
INDICTMENT NO. 2014-00387-005

COMMONWEALTH

VS.

LANCE HULLUM

---

INDICTMENT

ASSAULT AND BATTERY BY MEANS OF A DANGEROUS WEAPON  
(VICTIM 60 YEARS OR OLDER)

GENERAL LAWS CHAPTER 265, SECTION 15A(a)  
(COUNT A)

---

At the SUPERIOR COURT, begun and holden at BROCKTON, within and  
for the COUNTY of PLYMOUTH, on JUNE 6, 2014.

THE JURORS for the Commonwealth of Massachusetts on their oath  
present that:

LANCE HULLUM

of BRIDGEWATER in the COUNTY of PLYMOUTH, on or about DECEMBER 30,  
2013, at BRIDGEWATER in the COUNTY of PLYMOUTH, did assault and beat  
RAYMOND A. GIRARD a person sixty years or older, by means of a  
dangerous weapon, to wit: SHARP OBJECT.

SEE COUNT B

# 95

COUNT BHABITUAL OFFENDER  
GENERAL LAWS CHAPTER 279, SECTION 25

And the jurors, aforesaid, for the Commonwealth of  
Massachusetts, on their Oath, aforesaid, do further present,  
That:

LANCE HULLUM

of BRIDGEWATER in the COUNTY of PLYMOUTH has twice been convicted and  
sentenced and committed to prison in the Commonwealth for terms of not  
less than three years each to wit:

- (1) PLYMOUTH SUPERIOR COURT; INDICTMENT NO. 85636; OFFENSE:  
OFFENSE DATE: 12/17/87;  
CONVICTION DATE: 11/27/90
- (2) NORFOLK SUPERIOR COURT; INDICTMENT NO. 98089; OFFENSE:  
ABDW; CONVICTION DATE: 4/5/99

and has been subsequently convicted of a felony as set forth in  
Count A of this indictment and is, therefore, an habitual criminal  
under the provisions of General Laws, Chapter 279, Section 25.

A TRUE BILL

  
Foreman of the Grand Jury

  
Assistant District Attorney

RETURN

PLYMOUTH, SS. On this 9th day of June, 2014, this  
indictment was returned and presented to said Superior Court by the  
Grand Jury, and ordered to be filed and filed.

ATTEST:

  
Assistant Clerk

#  
(96)

COMMONWEALTH OF MASSACHUSETTS

PLYMOUTH, SS.

SUPERIOR COURT DEPARTMENT  
INDICTMENT NO.

2014-00387-007

COMMONWEALTH

VS.

LANCE HULLUM

---

INDICTMENT

ASSAULT WITH INTENT TO MURDER OR MAIM  
GENERAL LAWS CHAPTER 265, SECTION 15  
(COUNT A)

---

At the SUPERIOR COURT, begun and holden at BROCKTON, within and  
for the COUNTY of PLYMOUTH, on JUNE 6, 2014,

THE JURORS for the Commonwealth of Massachusetts on their oath  
present that:

LANCE HULLUM

of BRIDGEWATER in the COUNTY of PLYMOUTH, on or about DECEMBER 30,  
2013, at BRIDGEWATER in the COUNTY of PLYMOUTH, did assault  
RAYMOND A. GIRARD with intent to murder him or with intent to maim or  
disfigure his person in any way described in MGL Chapter 265, Section  
14.

SEE COUNT B

COUNT BHABITUAL OFFENDER  
GENERAL LAWS CHAPTER 279, SECTION 25

And the jurors, aforesaid, for the Commonwealth of  
Massachusetts, on their Oath, aforesaid, do further present,  
That:

LANCE HULLUM

of BRIDGEWATER in the COUNTY of PLYMOUTH has twice been convicted and  
sentenced and committed to prison in the Commonwealth for terms of not  
less than three years each to wit:

- (1) PLYMOUTH SUPERIOR COURT; INDICTMENT NO. 85636; OFFENSE:  
RAPE OF CHILD - FORCE; OFFENSE DATE: 12/17/87;  
CONVICTION DATE: 11/27/90
- (2) NORFOLK SUPERIOR COURT; INDICTMENT NO. 98089; OFFENSE:  
ABDW; CONVICTION DATE: 4/5/99

and has been subsequently convicted of a felony as set forth in  
Count A of this indictment and is, therefore, an habitual criminal  
under the provisions of General Laws, Chapter 279, Section 25.

A TRUE BILL

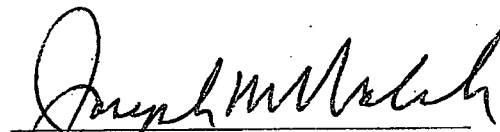
  
Foreman of the Grand Jury

  
Assistant District Attorney

RETURN

PLYMOUTH, SS. On this 9th day of June, 2014, this  
indictment was returned and presented to said Superior Court by the  
Grand Jury, and ordered to be filed and filed.

ATTEST:

  
Assistant Clerk

H  
(98)  
COMMONWEALTH OF MASSACHUSETTS

PLYMOUTH, SS.

SUPERIOR COURT DEPARTMENT

INDICTMENT NO. 2014-00381-009

COMMONWEALTH

VS.

LANCE HULLUM

---

INDICTMENT

ARMED ASSAULT WITH INTENT TO MURDER  
GENERAL LAWS CHAPTER 265, SECTION 18(b)  
(COUNT A)

---

At the SUPERIOR COURT, begun and holden at BROCKTON, within and  
for the COUNTY of PLYMOUTH, on JUNE 6, 2014

THE JURORS for the Commonwealth of Massachusetts on their oath  
present that:

LANCE HULLUM

of BRIDGEWATER in the COUNTY of PLYMOUTH on or about DECEMBER 30,  
2013, at BRIDGEWATER in the COUNTY of PLYMOUTH, being armed with a  
dangerous weapon, to wit: SHARP OBJECT, did assault  
RICHARD T. SAUNDER with intent to murder him.

SEE COUNT B

COUNT BHABITUAL OFFENDER  
GENERAL LAWS CHAPTER 279, SECTION 25

And the jurors, aforesaid, for the Commonwealth of  
Massachusetts, on their Oath, aforesaid, do further present,  
That:


LANCE HULLUM

of BRIDGEWATER in the COUNTY of PLYMOUTH has twice been convicted and  
sentenced and committed to prison in the Commonwealth for terms of not  
less than three years each to wit:

- (1) PLYMOUTH SUPERIOR COURT; INDICTMENT NO. 85636; OFFENSE:  
OFFENSE DATE: 12/17/87;  
CONVICTION DATE: 11/27/90
- (2) NORFOLK SUPERIOR COURT; INDICTMENT NO. 98089; OFFENSE:  
ABDW; CONVICTION DATE: 4/5/99

and has been subsequently convicted of a felony as set forth in  
Count A of this indictment and is, therefore, an habitual criminal  
under the provisions of General Laws, Chapter 279, Section 25.

A TRUE BILL.

  
Foreman of the Grand Jury

  
Assistant District Attorney

RETURN

PLYMOUTH, SS. On this 9th day of June, 2014, this  
indictment was returned and presented to said Superior Court by the  
Grand Jury, and ordered to be filed and filed.

ATTEST:

  
Assistant Clerk

#  
100

COMMONWEALTH OF MASSACHUSETTS

PLYMOUTH, SS.

SUPERIOR COURT DEPARTMENT  
INDICTMENT NO. 2014-00387-011

COMMONWEALTH

VS.

LANCE HULLUM

---

INDICTMENT

ASSAULT AND BATTERY BY MEANS OF A DANGEROUS WEAPON  
GENERAL LAWS CHAPTER 265, SECTION 15A(b)  
(COUNT A)

---

At the SUPERIOR COURT, begun and holden at BROCKTON, within and  
for the COUNTY of PLYMOUTH, on JUNE 6, 2014

THE JURORS For the Commonwealth of Massachusetts on their oath  
present that:

LANCE HULLUM

of BRIDGEWATER in the COUNTY of PLYMOUTH, on or about DECEMBER 30,  
2013, at BRIDGEWATER in the COUNTY of PLYMOUTH, did assault and beat  
RICHARD T. SAUNDERS by means of a dangerous weapon, to wit: SHARP  
OBJECT.

SEE COUNT B



# 2014-00387-012  
102

COUNT B

HABITUAL OFFENDER  
GENERAL LAWS CHAPTER 279, SECTION 25

And the jurors, aforesaid, for the Commonwealth of  
Massachusetts, on their Oath, aforesaid, do further present,  
That:

LANCE HULLUM

of BRIDGEWATER in the COUNTY of PLYMOUTH has twice been convicted and  
sentenced and committed to prison in the Commonwealth for terms of not  
less than three years each to wit:

- (1) PLYMOUTH SUPERIOR COURT; INDICTMENT NO. 85636; OFFENSE:  
OFFENSE DATE: 12/17/87;  
CONVICTION DATE: 11/27/90
- (2) NORFOLK SUPERIOR COURT; INDICTMENT NO. 98089; OFFENSE:  
ABDW; CONVICTION DATE: 4/5/99

and has been subsequently convicted of a felony as set forth in  
Count A of this indictment and is, therefore, an habitual criminal  
under the provisions of General Laws, Chapter 279, Section 25.

A TRUE BILL


  
Foreman of the Grand Jury

  
Assistant District Attorney

RETURN

PLYMOUTH, SS. On this 9th day of June, 2014, this  
indictment was returned and presented to said Superior Court by the  
Grand Jury, and ordered to be filed and filed.

ATTEST:

  
Assistant Clerk

#103

COMMONWEALTH OF MASSACHUSETTS

PLYMOUTH, SS.

SUPERIOR COURT DEPARTMENT  
INDICTMENT NO. 2014-00381-023

COMMONWEALTH

VS.

LANCE HULLUM

---

INDICTMENT

ASSAULT WITH INTENT TO MURDER OR MAIM  
GENERAL LAWS CHAPTER 265, SECTION 15  
(COUNT A)

---

At the SUPERIOR COURT, begun and holden at BROCKTON, within and  
for the COUNTY of PLYMOUTH, on JUNE-6, 2014

THE JURORS for the Commonwealth of Massachusetts on their oath  
present that:

LANCE HULLUM

of BRIDGEWATER in the COUNTY of PLYMOUTH, on or about DECEMBER 30,  
2013, at BRIDGEWATER in the COUNTY of PLYMOUTH, did assault  
RAYMOND A. GIRARD with intent to murder him or with intent to maim or  
disfigure his person in any way described in MGL Chapter 265, Section  
14.

SEE COUNT B

COUNT BHABITUAL OFFENDER  
GENERAL LAWS CHAPTER 279, SECTION 25

And the jurors, aforesaid, for the Commonwealth of  
Massachusetts, on their Oath, aforesaid, do further present,  
That:

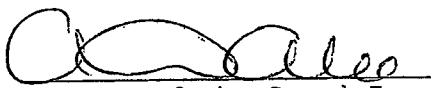
LANCE HULLUM

of BRIDGEWATER in the COUNTY of PLYMOUTH has twice been convicted and  
sentenced and committed to prison in the Commonwealth for terms of not  
less than three years each to wit:

- (1) PLYMOUTH SUPERIOR COURT; INDICTMENT NO. 85636; OFFENSE:  
- OFFENSE DATE: 12/17/87;  
CONVICTION DATE: 11/27/90
- (2) NORFOLK SUPERIOR COURT; INDICTMENT NO. 98089; OFFENSE:  
ABDW; CONVICTION DATE: 4/5/99

and has been subsequently convicted of a felony as set forth in  
Count A of this indictment and is, therefore, an habitual criminal  
under the provisions of General Laws, Chapter 279, Section 25.

A TRUE BILL

  
Foreman of the Grand Jury

  
Assistant District Attorney

RETURN

PLYMOUTH, SS. On this 9th day of June, 2014, this  
indictment was returned and presented to said Superior Court by the  
Grand Jury, and ordered to be filed and filed.

ATTEST:

  
Assistant Clerk

**1483CR00387 Commonwealth vs. Hullum, Lance O**#  
105

- Case Type:
- Indictment
- Case Status:
- Open
- File Date
- 06/09/2014
- DCM Track:
- 
- Initiating Action:
- A&B ON +60/DISABLED c265 §13K(a)(2)
- Status Date:
- 06/09/2014
- Case Judge:
- 
- Next Event:
- 01/18/2024

All Information Party Charge Event Tickler Docket Disposition

**Party Information**

**Commonwealth**  
- Prosecutor

**Alias****Party Attorney**

- Attorney
- Mullin, Esq., Samantha Marie
- Bar Code
- 696105
- Address
- Plymouth County District Attorney
- 166 Main St
- Brockton, MA 02303
- Phone Number
- (508)894-6373

[More Party Information](#)

**Hullum, Lance O**  
- Defendant

**Alias****Party Attorney**

- Attorney
- Maloney, Esq., Michael P
- Bar Code
- 675365
- Address
- Maloney Law
- 71 Legion Parkway Suite 25
- Brockton, MA 02301
- Phone Number
- (617)419-6719

[More Party Information](#)

**Massachusetts Treatment Center - Bridgewater**  
- Keeper of Record

**Alias****Party Attorney**[More Party Information](#)

**Plymouth County Sheriff's Department**  
- Other interested party

#106

**Alias****Party Attorney**

- Attorney
- Lee, Esq., Patrick Christopher
- Bar Code
- 634980
- Address
- Plymouth County Sheriff's Department
- 24 Long Pond Rd
- Plymouth, MA 02360
- Phone Number
- (508)830-6287

[More Party Information](#)

**Department of Corrections**  
- Other interested party

**Alias****Party Attorney**

- Attorney
- Chaves, Esq., Amanda M
- Bar Code
- 690289
- Address
- Massachusetts Department of Occupational Licensure
- 1000 Washington St
- Boston, MA 02118
- Phone Number
- (617)974-3066

[More Party Information](#)**Party Charge Information**

- **Hullum, Lance O**

- - Defendant

**Charge # 1:**

**265/13K/F-0 - Felony** A&B ON +60/DISABLED c265 §13K(a½)

- Original Charge
  - 265/13K/F-0 A&B ON +60/DISABLED c265 §13K(a½) (Felony)
  - Indicted Charge
  -
- Amended Charge
- 

**Charge Disposition**

Disposition Date

Disposition

07/19/2019

Guilty Verdict

02/22/2022

Disposition VACATED after Appeals Court decision

- **Hullum, Lance O**

- - Defendant

**Charge # 2:**

**279/25-0 -** HABITUAL CRIMINAL PENALTY ENHANCEMENT c279 § 25

- Original Charge
  - 279/25-0 HABITUAL CRIMINAL PENALTY ENHANCEMENT c279 § 25
  - Indicted Charge
  -
- Amended Charge
- 

**Charge Disposition**

Disposition Date

Disposition

10/15/2019

Dismissed - Request of Commonwealth

- **Hullum, Lance O**

- - Defendant

**Charge # 3:**

**265/18/A-1 - Felony** ASSAULT TO MURDER +60, ARMED c265 §18(a)

- Original Charge
- 265/18/A-1 ASSAULT TO MURDER +60, ARMED c265 §18(a) (Felony)
- Indicted Charge
- Amended Charge

**Charge Disposition**

Disposition Date  
Disposition  
07/19/2019  
Guilty Verdict - Lesser Included  
02/22/2022  
Disposition VACATED after Appeals Court decision

**Hullum, Lance O**

- - Defendant

**Charge # 4:****279/25-0 -** HABITUAL CRIMINAL PENALTY ENHANCEMENT c279 § 25

- Original Charge
- 279/25-0 HABITUAL CRIMINAL PENALTY ENHANCEMENT c279 § 25
- Indicted Charge
- Amended Charge

**Charge Disposition**

Disposition Date  
Disposition  
10/15/2019  
Dismissed - Request of Commonwealth

**Hullum, Lance O**

- - Defendant

**Charge # 5:****265/15A/B-1 - Felony** A&B WITH DANGEROUS WEAPON +60 c265 §15A(a)

- Original Charge
- 265/15A/B-1 A&B WITH DANGEROUS WEAPON +60 c265 §15A(a) (Felony)
- Indicted Charge
- Amended Charge

**Charge Disposition**

Disposition Date  
Disposition  
07/19/2019  
Guilty Verdict  
02/22/2022  
Disposition VACATED after Appeals Court decision

**Hullum, Lance O**

- - Defendant

**Charge # 6:****279/25-0 -** HABITUAL CRIMINAL PENALTY ENHANCEMENT c279 § 25

- Original Charge
- 279/25-0 HABITUAL CRIMINAL PENALTY ENHANCEMENT c279 § 25
- Indicted Charge
- Amended Charge

**Charge Disposition**

Disposition Date  
Disposition  
10/15/2019  
Dismissed - Request of Commonwealth

**Hullum, Lance O**

- - Defendant

**Charge # 7:****265/15/A-0 - Felony** ASSAULT TO MURDER c265 §15

#  
108

- Original Charge
  - 265/15/A-0 ASSAULT TO MURDER c265 §15 (Felony)
  - Indicted Charge

- Amended Charge

**Charge Disposition**

Disposition Date

Disposition

07/19/2019

Guilty Verdict

02/22/2022

Disposition VACATED after Appeals Court decision

- Hullum, Lance O

- - Defendant

**Charge # 8:****279/25-0 - HABITUAL CRIMINAL PENALTY ENHANCEMENT c279 § 25**

- Original Charge
  - 279/25-0 HABITUAL CRIMINAL PENALTY ENHANCEMENT c279 § 25
  - Indicted Charge
- Amended Charge

**Charge Disposition**

Disposition Date

Disposition

10/15/2019

Dismissed - Request of Commonwealth

- Hullum, Lance O

- - Defendant

**Charge # 9:****265/18/C-0 - Felony ASSAULT TO MURDER, ARMED c265 §18(b)**

- Original Charge
  - 265/18/C-0 ASSAULT TO MURDER, ARMED c265 §18(b) (Felony)
  - Indicted Charge
- Amended Charge

**Charge Disposition**

Disposition Date

Disposition

07/19/2019

Guilty Verdict - Lesser Included

02/22/2022

Disposition VACATED after Appeals Court decision

- Hullum, Lance O

- - Defendant

**Charge # 10:****279/25-0 - HABITUAL CRIMINAL PENALTY ENHANCEMENT c279 § 25**

- Original Charge
  - 279/25-0 HABITUAL CRIMINAL PENALTY ENHANCEMENT c279 § 25
  - Indicted Charge
- Amended Charge

**Charge Disposition**

Disposition Date

Disposition

10/15/2019

Dismissed - Request of Commonwealth

- Hullum, Lance O

- - Defendant

**Charge # 11:****265/15A/A-1 - Felony A&B WITH DANGEROUS WEAPON c265 §15A(b)**

- Original Charge

- 265/15A/A-1 A&B WITH DANGEROUS WEAPON c265 §15A(b) (Felony)
- Indicted Charge

- Amended Charge

**Charge Disposition**

Disposition Date  
Disposition  
07/19/2019  
Guilty Verdict  
02/22/2022  
Disposition VACATED after Appeals Court decision

- Hullum, Lance O

- - Defendant

**Charge # 12:**

279/25-0 - HABITUAL CRIMINAL PENALTY ENHANCEMENT c279 § 25

- Original Charge
- 279/25-0 HABITUAL CRIMINAL PENALTY ENHANCEMENT c279 § 25
- Indicted Charge
- Amended Charge

**Charge Disposition**

Disposition Date  
Disposition  
10/15/2019  
Dismissed - Request of Commonwealth

- Hullum, Lance O

- - Defendant

**Charge # 13:**

265/15A-0 - Felony ASSAULT TO MURDER c265 §15

- Original Charge
- 265/15A-0 ASSAULT TO MURDER c265 §15 (Felony)
- Indicted Charge
- Amended Charge

**Charge Disposition**

Disposition Date  
Disposition  
07/19/2019  
Guilty Verdict  
02/22/2022  
Dismissed

- Hullum, Lance O

- - Defendant

**Charge # 14:**

279/25-0 - HABITUAL CRIMINAL PENALTY ENHANCEMENT c279 § 25

- Original Charge
- 279/25-0 HABITUAL CRIMINAL PENALTY ENHANCEMENT c279 § 25
- Indicted Charge
- Amended Charge

**Charge Disposition**

Disposition Date  
Disposition  
10/15/2019  
Dismissed - Request of Commonwealth

109

**Events**

<u>Date</u>	<u>Session</u>	<u>Location</u>	<u>Type</u>	<u>Event Judge</u>	<u>Result</u>
06/25/2014	Criminal 1		Arraignment		Held as Scheduled



<u>Date</u>	<u>Session</u>	<u>Location</u>	<u>Type</u>	<u>Event Judge</u>	<u>Result</u>
09:00 AM	Brockton				
07/02/2014	Criminal 1		Hearing		Held as Scheduled
09:00 AM	Brockton				
07/15/2014	Criminal 1		Bail Review		Held as Scheduled
09:00 AM	Brockton				
08/22/2014	Criminal 1		Hearing		Held as Scheduled
09:00 AM	Brockton				
10/14/2014	Criminal 1		Hearing		Held as Scheduled
09:00 AM	Brockton				
11/04/2014	Criminal 1		Hearing		Held as Scheduled
09:00 AM	Brockton				
12/04/2014	Criminal 1		Hearing		Rescheduled
09:00 AM	Brockton				
12/19/2014	Criminal 1		Hearing		Held as Scheduled
09:00 AM	Brockton				
02/25/2015	Criminal 1		Status Review		Held as Scheduled
09:00 AM	Brockton				
04/02/2015	Criminal 1		Hearing		Held as Scheduled
09:00 AM	Brockton				
04/13/2015	Criminal 1		Hearing for Appearance / Appointment of Counsel		Rescheduled
09:00 AM	Brockton				
04/23/2015	Criminal 1		Status Review		Held as Scheduled
09:00 AM	Brockton				
05/28/2015	Criminal 1		Status Review		Held as Scheduled
09:00 AM	Brockton				
06/29/2015	Criminal 1		Pre-Trial Conference		Held as Scheduled
09:00 AM	Brockton				
07/17/2015	Criminal 1		Pre-Trial Hearing		Held as Scheduled
09:00 AM	Brockton				
08/13/2015	Criminal 1		Hearing		Held as Scheduled
09:00 AM	Brockton				
09/16/2015	Criminal 1		Trial Assignment Conference		Not Held
09:00 AM	Brockton				
09/25/2015	Criminal 1	BRO-2nd FL, CR1 (SC)	Trial Assignment Conference	Veary, Jr., Hon. Raymond P	Held as Scheduled
09:00 AM	Brockton				
10/22/2015	Criminal 1	BRO-2nd FL, CR1 (SC)	Motion Hearing	McGuire, Jr., Hon. Thomas F	Held as Scheduled
09:00 AM	Brockton				
11/05/2015	Criminal 1	BRO-2nd FL, CR1 (SC)	Motion Hearing	McGuire, Jr., Hon. Thomas F	Not Held
09:00 AM	Brockton				
11/12/2015	Criminal 1	BRO-2nd FL, CR1 (SC)	Motion Hearing	McGuire, Jr., Hon. Thomas F	Held - Under advisement
09:00 AM	Brockton				
01/06/2016	Criminal 1	BRO-2nd FL, CR1 (SC)	Conference to Review Status		Held as Scheduled
09:00 AM	Brockton				
02/09/2016	Criminal 1	BRO-2nd FL, CR1 (SC)	Motion Hearing	Moriarty, II, Hon. Cornelius J	Held - Under advisement
09:00 AM	Brockton				
02/17/2016	Criminal 1	BRO-2nd FL, CR1 (SC)	Conference to Review Status	Moriarty, II, Hon. Cornelius J	Held as Scheduled
09:00 AM	Brockton				
02/25/2016	Criminal 1	BRO-2nd FL, CR1 (SC)	Conference to Review Status	Moriarty, II, Hon. Cornelius J	Not Held
09:00 AM	Brockton				
03/01/2016	Criminal 1	BRO-2nd FL, CR1 (SC)	Conference to Review Status	Moriarty, II, Hon. Cornelius J	Held as Scheduled
09:00 AM	Brockton				
03/22/2016	Criminal 1	BRO-2nd FL, CR1 (SC)	Conference to Review Status	Moriarty, II, Hon. Cornelius J	Held as Scheduled
09:00 AM	Brockton				

<u>Date</u>	<u>Session</u>	<u>Location</u>	<u>Type</u>	<u>Event Judge</u>	<u>Result</u>
04/01/2016 09:00 AM	Criminal 1 Brockton	3RO-2nd FL, CR1 (SC)	Motion Hearing	Moriarty, II, Hon. Cornelius J	Held as Scheduled
04/22/2016 09:00 AM	Criminal 1 Brockton	3RO-2nd FL, CR1 (SC)	Conference to Review Status		Held as Scheduled
06/01/2016 09:00 AM	Criminal 1 Brockton	3RO-2nd FL, CR1 (SC)	Conference to Review Status		Held as Scheduled
07/11/2016 09:00 AM	Criminal 1 Brockton	3RO-2nd FL, CR1 (SC)	Trial Assignment Conference		Held as Scheduled
09/07/2016 09:00 AM	Criminal 1 Brockton	3RO-2nd FL, CR1 (SC)	Conference to Review Status		Held as Scheduled
11/01/2016 09:00 AM	Criminal 1 Brockton	3RO-2nd FL, CR1 (SC)	Non-Evidentiary Hearing to Dismiss	McGuire, Jr., Hon. Thomas F	Held - Under advisement
12/19/2016 09:00 AM	Criminal 1 Brockton	3RO-2nd FL, CR1 (SC)	Conference to Review Status		Rescheduled
12/21/2016 09:00 AM	Criminal 1 Brockton	3RO-2nd FL, CR1 (SC)	Conference to Review Status		Rescheduled
12/21/2016 01:45 PM	Criminal 2 Brockton		Conference to Review Status		Held as Scheduled
02/22/2017 09:00 AM	Criminal 1 Brockton		Conference to Review Status		Held as Scheduled
04/10/2017 09:00 AM	Criminal 1 Brockton		Hearing on Compliance		Held as Scheduled
06/28/2017 09:00 AM	Criminal 1 Brockton		Trial Assignment Conference		Held as Scheduled
07/06/2017 09:00 AM	Criminal 1 Brockton		Hearing for Appearance / Appointment of Counsel		Held as Scheduled
08/01/2017 09:00 AM	Criminal 1 Brockton		Conference to Review Status		Held as Scheduled
09/01/2017 09:00 AM	Criminal 1 Brockton		Trial Assignment Conference		Held as Scheduled
09/25/2017 09:00 AM	Criminal 1 Brockton		Trial Assignment Conference	Moriarty, II, Hon. Cornelius J	Held as Scheduled
11/09/2017 09:00 AM	Criminal 2 Brockton		Motion Hearing	Kelley, Hon. Angel	Not Held
11/17/2017 09:00 AM	Criminal 2 Brockton		Motion Hearing	Kelley, Hon. Angel	Rescheduled
11/27/2017 09:00 AM	Criminal 2 Brockton		Motion Hearing	Kelley, Hon. Angel	Held as Scheduled
01/30/2018 09:00 AM	Criminal 1 Brockton		Motion Hearing		Held as Scheduled
03/14/2018 09:00 AM	Criminal 1 Brockton		Hearing on Compliance	Kelley, Hon. Angel	Held as Scheduled
04/05/2018 09:00 AM	Criminal 1 Brockton		Hearing RE: Discovery Motion(s)		Held as Scheduled
04/17/2018 09:00 AM	Criminal 1 Brockton		Conference to Review Status		Not Held
05/02/2018 09:00 AM	Criminal 1 Brockton		Conference to Review Status		Held as Scheduled
05/17/2018 09:00 AM	Criminal 1 Brockton		Motion Hearing		Held as Scheduled
06/13/2018 09:00 AM	Criminal 1 Brockton		Motion Hearing	Davis, Hon. Brian A	Held as Scheduled
07/13/2018 09:00 AM	Criminal 1 Brockton		Conference to Review Status	Moriarty, II, Hon. Cornelius J	Not Held

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Date	Session	Location	Type	Event Judge	Result
08/13/2018 09:00 AM	Criminal 1 Brockton		Filing of Motions	Moriarty, II, Hon. Cornelius J	Held as Scheduled
09/05/2018 09:00 AM	Criminal 1 Brockton		Conference to Review Status	Moriarty, II, Hon. Cornelius J	Held as Scheduled
09/24/2018 09:00 AM	Criminal 1 Brockton		Evidentiary Hearing to Dismiss	Moriarty, II, Hon. Cornelius J	Held - Under advisement
10/29/2018 09:00 AM	Criminal 1 Brockton		Evidentiary Hearing to Dismiss	Cosgrove, Hon. Robert C	Not Held
11/30/2018 09:00 AM	Criminal 1 Brockton		Non-Evidentiary Hearing to Dismiss	Cosgrove, Hon. Robert C	Not Held
01/17/2019 09:00 AM	Criminal 1 Brockton	BRO-2nd FL, CR1 (SC)	Non-Evidentiary Hearing to Dismiss		Held - Under advisement
03/01/2019 09:00 AM	Criminal 1 Brockton	BRO-2nd FL, CR1 (SC)	Trial Assignment Conference	Kelley, Hon. Angel	Held as Scheduled
06/21/2019 02:00 PM	Criminal 4 Plymouth	PLY-3rd FL, CR 3 (SC)	Final Pre-Trial Conference	Moriarty, II, Hon. Cornelius J	Rescheduled
06/25/2019 02:00 PM	Criminal 4 Plymouth	PLY-3rd FL, CR 3 (SC)	Final Pre-Trial Conference	Moriarty, II, Hon. Cornelius J	Held as Scheduled
07/08/2019 02:00 PM	Criminal 4 Plymouth	PLY-3rd FL, CR 3 (SC)	Conference to Review Status	Moriarty, II, Hon. Cornelius J	Held as Scheduled
07/15/2019 09:00 AM	Criminal 4 Plymouth	PLY-3rd FL, CR 3 (SC)	Jury Trial	Moriarty, II, Hon. Cornelius J	Held as Scheduled
07/16/2019 09:00 AM	Criminal 4 Plymouth	PLY-3rd FL, CR 3 (SC)	Jury Trial	Moriarty, II, Hon. Cornelius J	Held as Scheduled
07/17/2019 09:00 AM	Criminal 4 Plymouth	PLY-3rd FL, CR 3 (SC)	Jury Trial	Moriarty, II, Hon. Cornelius J	Held as Scheduled
07/18/2019 09:00 AM	Criminal 4 Plymouth	PLY-3rd FL, CR 3 (SC)	Jury Trial	Moriarty, II, Hon. Cornelius J	Held as Scheduled
07/19/2019 09:00 AM	Criminal 4 Plymouth	PLY-3rd FL, CR 3 (SC)	Jury Trial	Moriarty, II, Hon. Cornelius J	Held as Scheduled
08/01/2019 02:00 PM	Criminal 4 Plymouth	PLY-3rd FL, CR 3 (SC)	Evidentiary Hearing to Dismiss	Moriarty, II, Hon. Cornelius J	Held as Scheduled
09/04/2019 09:00 AM	Criminal 4 Plymouth	PLY-3rd FL, CR 3 (SC)	Jury Trial	Moriarty, II, Hon. Cornelius J	Rescheduled
10/15/2019 09:00 AM	Criminal 4 Plymouth	PLY-3rd FL, CR 3 (SC)	Jury Trial	Moriarty, II, Hon. Cornelius J	Not Held
01/10/2020 03:00 PM	Criminal 4 Plymouth		Hearing for Sentence Imposition		Held as scheduled
11/04/2020 12:45 PM	Criminal 4 Plymouth		Conference to Review Status		Held as Scheduled
12/16/2020 10:00 AM	Criminal 3 Plymouth		Conference to Review Status		Canceled
03/16/2022 02:00 PM	Criminal 2 Brockton		Trial Assignment Conference		Held as Scheduled
04/14/2022 02:00 PM	Criminal 2 Brockton		Trial Assignment Conference		Held as Scheduled
05/13/2022 10:00 AM	Criminal 2 Brockton		Motion Hearing		Held as Scheduled
06/09/2022 02:00 PM	Criminal 2 Brockton		Conference to Review Status		Held as Scheduled
06/15/2022 10:00 AM	Criminal 2 Brockton		Bail Hearing		Held as Scheduled
07/12/2022 12:00 PM	Civil A Brockton		Motion Hearing		Held as Scheduled


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<u>Date</u>	<u>Session</u>	<u>Location</u>	<u>Type</u>	<u>Event Judge</u>	<u>Result</u>
07/20/2022 10:00 AM	Criminal 1 Brockton		Motion Hearing		Held as Scheduled
08/08/2022 02:00 PM	Civil A Brockton		Motion Hearing		Rescheduled
08/16/2022 02:00 PM	Civil A Brockton		Motion Hearing		Held as Scheduled
08/31/2022 02:00 PM	Civil A Brockton		Hearing for Appearance / Appointment of Counsel		Held as Scheduled
09/08/2022 09:00 AM	Criminal 1 Brockton		Conference to Review Status		
09/08/2022 09:00 AM	Civil A Brockton		Conference to Review Status		Not Held
09/20/2022 09:00 AM	Civil A Brockton		Hearing for Appearance / Appointment of Counsel		Rescheduled
09/26/2022 02:00 PM	Criminal 1 Brockton		Lobby Conference		Held as Scheduled
10/20/2022 02:00 PM	Criminal 1 Brockton		Conference to Review Status		Held as Scheduled
11/17/2022 02:00 PM	Criminal 1 Brockton		Motion Hearing	Pasquale, Hon. Gregg J	Held - Under advisement
12/14/2022 02:00 PM	Criminal 1 Brockton		Conference to Review Status		Rescheduled
12/20/2022 02:00 PM	Criminal 1 Brockton		Conference to Review Status		Rescheduled
12/22/2022 02:00 PM	Criminal 1 Brockton		Conference to Review Status		Held as Scheduled
12/29/2022 11:00 AM	Criminal 1 Brockton		Lobby Conference		Held as Scheduled
01/03/2023 02:00 PM	Criminal 1 Brockton		Conference to Review Status		Held as Scheduled
01/26/2023 02:00 PM	Criminal 1 Brockton		Motion Hearing for Reconsideration		Held as Scheduled
02/02/2023 02:00 PM	Criminal 1 Brockton		Evidentiary Hearing to Dismiss		Held as Scheduled
03/02/2023 02:00 PM	Criminal 1 Brockton		Motion Hearing		Held - Under advisement
04/03/2023 11:00 AM	Criminal 1 Brockton		Motion Hearing		Held as Scheduled
05/02/2023 02:00 PM	Criminal 1 Brockton		Non-Evidentiary Hearing on Suppression		Held as Scheduled
08/18/2023 09:00 AM	Criminal 1 Brockton		Bail Hearing		Held as Scheduled
10/02/2023 02:00 PM	Criminal 4 Plymouth		Motion Hearing		Held as Scheduled
10/26/2023 02:00 PM	Criminal 3 Plymouth		Hearing for Appearance / Appointment of Counsel		Canceled
11/02/2023 02:00 PM	Criminal 3 Plymouth		Final Pre-Trial Conference		Canceled
11/13/2023 09:00 AM	Criminal 3 Plymouth		Jury Trial		Canceled
01/18/2024 02:00 PM	Criminal 3 Plymouth		Conference to Review Status		

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114**Ticklers**


<u>Tickler</u>	<u>Start Date</u>	<u>Due Date</u>	<u>Days Due</u>	<u>Completed Date</u>
Under Advisement	11/12/2015	12/12/2015	30	11/19/2015
Under Advisement	02/09/2016	03/10/2016	30	02/09/2016
Under Advisement	11/01/2016	12/01/2016	30	11/07/2016
Under Advisement	01/17/2019	02/16/2019	30	02/25/2019
Under Advisement	11/17/2022	12/17/2022	30	05/15/2023

**Docket Information**

<u>Docket Date</u>	<u>Docket Text</u>	<u>File Ref Nbr.</u>	<u>Image Avail.</u>
06/09/2014	Indictment returned	1	
06/09/2014	RE Offense 7:Enhancement: Assault with intent to murder or maim		<a href="#">Image</a>
06/09/2014	RE Offense 13:Enhancement: Assault with intent to murder or maim		
06/24/2014	Habeas corpus for Deft at Cedar Junction MCI (Walpole) to appear June 25,2014 @ Brockton	2	
06/25/2014	Deft arraigned before Court		
06/25/2014	Defendant brought before the court without counsel, court enters plea of not guilty (Moriarty,J) R. Griffin, court reporter		
06/25/2014	RE Offense 1:Plea of not guilty (entered by court Moriarty,J)		
06/25/2014	RE Offense 3:Plea of not guilty (entered by court Moriarty,J)		
06/25/2014	RE Offense 5:Plea of not guilty (entered by court Moriarty,J)		
06/25/2014	RE Offense 7:Plea of not guilty (entered by court Moriarty,J)		
06/25/2014	RE Offense 9:Plea of not guilty (entered by court Moriarty,J)		
06/25/2014	RE Offense 11:Plea of not guilty (entered by court Moriarty,J)		
06/25/2014	RE Offense 13:Plea of not guilty (entered by court Moriarty,J)		
06/25/2014	Defendant ordered held without bail without prejudice (Moriarty,J) R. Griffin, court reporter		
06/25/2014	Bail warning read		
06/25/2014	Special Mittimus on indictment issued	3	
06/25/2014	Case continued to July 2,2014 hearing re; counsel & bail (Moriarty,J) R. Griffin, court reporter		
06/25/2014	Habeas corpus for Deft at Cedar Junction MCI (Walpole) to appear July 2,2014 @ Brockton	4	
06/30/2014	MOTION by Deft: to dismiss assault to murder charges based on selective discriminatory enforcement of Mass. Gen. Law CH 265 sec. 18 (a) Under Mass Crim Rule P#13 (a)	5	
07/02/2014	Notice of assignment of counsel	6	
07/02/2014	Notice of unpaid counsel fees sent to Dept of Revenue and Registry of MV on 7/2/2014	7	
07/02/2014	Appearance of Deft's Atty: James M Caramanica	8	
07/02/2014	Defendant's pro-se motion to dismiss Indictments brought as habitual criminal without appointing a counsel at grand jury proceedings	9	
07/02/2014	Defendant's pro-se motion to dismiss habitual criminal statute for non application under mass.ruleP.13(a)	10	
07/02/2014	Case continued to July 15, 2014 by agreement for bail and pro-se motions (Moriarty,J) C. Johnson, court reporter		

<u>Docket Date</u>	<u>Docket Text</u>	<u>File Ref Nbr.</u>	<u>Image Avail.</u>
07/02/2014	PRO-SE MOTION by Deft: for exculpatory evidence	9.1	
07/03/2014	Habeas corpus for Deft at MCI Cedar Junction to appear in Brockton on July 15, 2014	11	
07/07/2014	Defendant's PRO SE MOTION for to dismiss habitual criminal	12	
07/07/2014	Defendant's PRO-SE MOTION for discovery under Mass. Crim. Rule 14(a)(1)(D)	13	
07/08/2014	Defendant's PRO-SE MOTION to dismiss under Mass Crim Rule P#13 Subdivision (a) based on common law double jeopardy	14	
07/15/2014	Defendant's oral motion for to be admitted to bail: allowed. (Chin, J.)		
07/15/2014	Defendant ordered to recognize in the amount of \$50,000.00 Cash. (Chin, J.)		
07/15/2014	Bail warning read		
07/15/2014	Appearance of Commonwealth's Atty: E Russell Eonas	15	
07/15/2014	Pre-trial conference report filed	16	
07/15/2014	Special mittimus on indictment issued.	17	
07/15/2014	Case continued to August 22, 2014 by agreement re: motions. (Chin, J.) R. Griffin, court reporter.		
07/21/2014	MOTION by Deft: for discovery	18	
07/21/2014	Deft files affidavit of counsel in support of defendant's motion for rule 17 subpoena (Department of Corrections, Massachusetts Treatment Center)	19	
07/21/2014	Defendant's MOTION for Rule 17 subpoena (Department of Corrections Massachusetts Treatment Center)	18.1	
07/28/2014	Habeas corpus for Deft at Cedar Junction MCI (Walpole) to appear on August 22, 2014 @ Brockton	20	
08/15/2014	Affidavit of Bishop Fay: Hullum	21	
08/21/2014	Department of Correction's MOTION to intervene and response to defendant's motion for issuance of subpoena pursuant to Mass R Crim P17(a)(2)	22	
08/22/2014	Defendant's MOTION for Rule 17 subpoena (Department of Corrections-Massachusetts Treatment Center) ; Filed and Denied after hearing without prejudice to defendant's right to file a new motion tailored to obtaining disciplinary files of the alleged victims (Ullmann,J) copies mailed August 28,2014	23	
08/22/2014	Defendant's MOTION for discovery	24	
08/22/2014	MOTION#22 Department of Corrections MOTION to intervene and response to defendant's motion for issuance of a subpoena pursuant to Mass R Crim P 17(a)(2); Allowed: Department of Correction may appear in proceedings related to Rule 17 subpoenas (Ullmann,J) . Copies mailed August 28,2014		
08/22/2014	Case continued to October 14,2014 by agreement for motion (Ullmann,J) R Griffin court reporter		
08/27/2014	Defendant's first revised MOTION for Rule 17 subpoena (Department of Corrections-Massachusetts Treatment Center)	25	
08/27/2014	Correspondence received from defendant	26	
09/15/2014	Deft files supplemental affidavit in support of defendant's discriminatory selective prosecution discovery motion	27	
09/24/2014	Deft files corrected supplemental affidavit in support of defendant's discriminatory selective prosecution discovery motion	28	
10/10/2014	Department of Corrections Response to defendant's first revised motion for issuance of a subpoena pursuant to Mass R Crim P17(a)(2)	29	

<u>Docket Date</u>	<u>Docket Text</u>	<u>File Ref Nbr.</u>	<u>Image Avail.</u>
10/10/2014	Case continued to November 4, 2014 by agreement for motion (habe in deft)(Cannone, J) R Griffin court reporter		
10/16/2014	Habeas corpus for Deft at MCI Cedar Junction to appear November 4, 2014 in Brockton	30	
11/04/2014	Case continued to December 4, 2014 by agreement for motion (deft objecting)(Cannone, J) R Griffin court reporter		
12/04/2014	Case continued to December 19, 2014 by agreement re: rule 17 motions. (Cannone, J.) R. Griffin, court reporter.		
12/04/2014	Habeas corpus for Deft at Cedar Junction MCI (Walpole) to appear on 12/19/14 @ Brockton	31	
12/08/2014	Pro Se Deft files judicial notice	32	
12/08/2014	Pro Se Deft files request regarding docket entry sheets, mistakes, rule #42, copy of sheets	33	
12/18/2014	Case continued to February 25, 2015 by agreement re: status. (Cannone, J.) R. Griffin, court reporter.		
12/18/2014	MOTION (P#25) allowed in part. see endorsements. All are subject to a protective order. (Beverly J. Cannone, Justice).		
12/18/2014	MOTION (P#24) allowed in part. see endorsements (Beverly J. Cannone, Justice).		
02/12/2015	Habeas corpus for Deft at MCI Cedar Junction to appear February 25, 2015 in Brockton	34	
02/25/2015	Case continued to April 2, 2015 by agreements for filing motions (Joseph M Walsh, ACM) R. Griffin, court reporter		
03/02/2015	MOTION by Deft: to have notice of show cause issue	35	
03/10/2015	Defendant's PRO-SE MOTION to report important question of law to Supreme Judicial Court Mass Crim Rule P 34	36	
03/10/2015	Defendant's PRO-SE MOTION to dismiss under Mass Crim Rule P 13 subdivision based on common law double jeopardy	37	
03/11/2015	PRO-SE MOTION by Deft: supplemental discovery motion	38	
03/11/2015	PRO-SE MOTION by Deft: for appointment of counsel of the defendant's choice	39	
03/12/2015	Renewed PRO-SE MOTION by Deft: for discovery of statistical data	40	
03/17/2015	Protective Order issued for defense counsel James Caramanica access to presumptively privileged records ([Moriarty, J]) copy gave in hand on March 20, 2015	41	
03/17/2015	ORDER for defense counsel to gain access to and obtain copy of privileged records; Allowed (Moriarty, J) copy gave in hand along with copies of records March 20, 2015	42	
03/17/2015	Defendant's PRO-SE MOTION to appoint effective new counsel and attorney to withdraw	43	
03/20/2015	Habeas corpus for Deft at MCI Cedar Junction to appear April 2, 2015 in Brockton	44	
03/23/2015	PRO-SE MOTION by Deft: for evidentiary/live testimony from Officer Patrick Smith/subpoena	45	
03/23/2015	PRO-SE MOTION by Deft: for sanction/relief for non-disclosure	46	
03/23/2015	PRO-SE Deft files reply to the Commonwealth's response dated March 3, 2015	47	
03/26/2015	MOTION by Deft: to withdraw	48	
03/30/2015	Deft files PRO-SE Judicial Notice	49	
04/02/2015	(P.#48) Motion To Withdraw as counsel for deft.- Allowed (Moriarty, J.)		



<u>Docket Date</u>	<u>Docket Text</u>	<u>File Ref Nbr.</u>	<u>Image Avail.</u>
02/18/2016	Habeas Corpus for defendant issued to MCI - Cedar Junction (at Walpole) returnable for 02/25/2016 09:00 AM Conference to Review Status. be here by 8:30AM  Applies To: Hullum, Lance (Defendant); MCI - Cedar Junction (at Walpole) (Holding Institution)	73	
02/23/2016	Event Result: The following event: Conference to Review Status scheduled for 02/25/2016 09:00 AM has been resulted as follows: Result: Not Held Reason: By Court prior to date		
02/23/2016	Habeas Corpus for defendant issued to MCI - Cedar Junction (at Walpole) returnable for 03/01/2016 09:00 AM Conference to Review Status. be here by 8:30AM  Applies To: Hullum, Lance (Defendant); MCI - Cedar Junction (at Walpole) (Holding Institution)	74	
03/01/2016	Appearance entered On this date Victoria M Bonilla-Argudo, Esq. added as Appointed - Indigent Defendant for Defendant Lance Hullum	75	
03/01/2016	Appointment made for the purpose of Case in Chief by Judge Hon. Cornelius J Moriarty, II.		
03/01/2016	Appearance entered On this date John McKirachan Pavlos, Esq. dismissed/withdrawn as Appointed - Indigent Defendant for Defendant Lance Hullum		
03/01/2016	Case continued to March 22, 2016 by agreement motion (Moriarty,J) J Russo court reporter		
03/17/2016	Habeas Corpus for defendant issued to MCI - Cedar Junction (at Walpole) returnable for 03/22/2016 09:00 AM Conference to Review Status. be here by 8:30AM  Applies To: Hullum, Lance (Defendant); MCI - Cedar Junction (at Walpole) (Holding Institution)	76	
03/22/2016	Opposition to paper #71.2 Department of Corrections motion to quash subpoena issued pursuant to Rule 17(a)(2) filed by  Applies To: Bonilla-Argudo, Esq., Victoria M (Attorney) on behalf of Hullum, Lance (Defendant)	77	
03/22/2016	Case continued to April 1, 2016 by agreement DOC motion to quash (Moriarty,J) R Griffin court reporter		
03/25/2016	Notice sent to counsel about Department of Correction motion to quash scheduled for April 1, 2016 first criminal session.	78	
03/25/2016	Habeas Corpus for defendant issued to MCI - Cedar Junction (at Walpole) returnable for 04/01/2016 09:00 AM Motion Hearing. be here by 8:30AM  Applies To: Hullum, Lance (Defendant); MCI - Cedar Junction (at Walpole) (Holding Institution)	79	
03/29/2016	Defendant's Motion for production of public statistical data documents	80	
04/01/2016	The court takes department of corrections motion (p#71.2) defendant's opposition to motion to quash rule 17 subpoena (p#77) and defendant's motion for production of statistical documents (P#80) are taken under advisement. Case continued to April 22, 2016 by agreement re: status. (Moriarty, J.) R. Griffin, court reporter.		
04/01/2016	Defendant's Motion for corrected motion for production of public statistical data documents	81	
04/22/2016	Continued to June 1, 2016 by agreement for status (McGuire, J.) C. Johnson, court reporter		
06/01/2016	Commonwealth's Notice of discovery II	82	
06/01/2016	Commonwealth's Notice of discovery III	83	
06/01/2016	Case continued to July 1, 2016 by agreement for trial assignment (McGuire,J) R Griffin court reporter		
06/08/2016	Commonwealth's Notice of Discovery IV	84	
07/01/2016	Commonwealth's Notice of discovery V	85	
07/11/2016	Defendant's EX PARTE Motion for investigator funds; Filed and Allowed (Kelley Brown,J) copies mailed July 15,2016	86	




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<u>Docket Date</u>	<u>Docket Text</u>	<u>File Ref Nbr.</u>	<u>Image Avail.</u>
07/11/2016	Defendant's Motion to dismiss count three and nine: Armed assault with intent to murder MGLCh265sec 18(a) and 18(b) on lack of probable cause.	87	
07/11/2016	Defendant's Motion for discovery of potential commonwealth witnesses's date of birth not yet provided and taped statements of defendant; Filed and Allowed by agreement (Kelley Brown,J) copies mailed July 15,2016	88	
07/11/2016	Defendant's Motion for discovery of exculpatory information held by the prosecution team that was previously ordered disclosed; Filed and the Motion is Allowed in part Denied in part. The court finds the DOC to be a part of the prosecution team and orders the commonwealth to facilitate the production of requested information on race, age, nationality and sexual orientation. As to the second request regarding "enclosed copies of reports" referenced in the Exhibit A, the court finds the Commonwealth has complied base	89	
07/11/2016	Case continued to September 7,2016 for status by agreement (Kelley Brown,J) R Griffin court reporter		
07/14/2016	Affidavit filed by Defendant Lance Hullum in support of motion to dismiss count three and nine: Armed assault with intent to murder MGLCh265 sec 18(a)and18(b)on lack of probable cause	90	
08/03/2016	Commonwealth's Notice of discovery VI	91	
08/04/2016	Commonwealth's Notice of discovery VII	92	
09/01/2016	Habeas Corpus for defendant issued to MCI - Cedar Junction (at Walpole) returnable for 09/07/2016 09:00 AM Conference to Review Status. be here by 8:30AM	93	
	Applies To: Hullum, Lance (Defendant); MCI - Cedar Junction (at Walpole) (Holding Institution)		
09/02/2016	Commonwealth's Memorandum in opposition to the defendant's motion to dismiss (puruant to Commonwealth v. McCarthy)	94	
09/02/2016	Commonwealth's Notice of discovery VIII	95	
09/06/2016	Other's Motion to vacate court order issued July 13,2016 as it pertains to the Department of Correctin and request for a hearing Filed by Department of Corrections	96	
09/07/2016	Case continued to November 1, 2016 for hearing on motion to dismiss and mcarthy motion (Kelley Brown, J.) FTR		
10/31/2016	Habeas Corpus for defendant issued to MCI - Cedar Junction (at Walpole) returnable for 11/01/2016 09:00 AM Non-Evidentiary Hearing to Dismiss. be here by 8:30AM	97	
	Applies To: Hullum, Lance (Defendant); MCI - Cedar Junction (at Walpole) (Holding Institution)		
11/01/2016	Motion to dismiss; Held Matter taken under advisement and Case continued to December 19,2016 by agreement for status on motion to dismiss (McGuire,J) J Russo court reporter		
11/01/2016	Defendant Lance Hullum files Reply to memorandum to the Massachusetts Department of Correction Motion to Vacate Discovery Order of July 13, 2016 (#96.0)	98	
11/07/2016	Endorsement on Motion to dismiss count three and nine, (#87.0): DENIED The evidence presented is sufficient to establish probable cause (McGuire,J)		
12/08/2016	Event Result: The following event: Conference to Review Status scheduled for 12/19/2016 09:00 AM has been resulted as follows: Result: Rescheduled Reason: Joint request of parties		
12/21/2016	Event Result: The following event: Conference to Review Status scheduled for 12/21/2016 09:00 AM has been resulted as follows: Result: Rescheduled Reason: Transferred to another session		
12/21/2016	Matter continued to February 22, 2017, 1st session		
12/28/2016	Endorsement on Motion to quash subpoena issued pursuant to Rule 17(a)(2), (#71.2): DENIED (Moriarty,J) copies mailed Dec 28, 2016		
02/22/2017	Case continued to April 10,2017 for discocery compliance (Kelley Brown,J) J Russo court reporter		
04/07/2017	Habeas Corpus for defendant issued to MCI - Cedar Junction (at Walpole) returnable for 04/10/2017 09:00 AM Hearing on Compliance.	99	

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<u>Docket Date</u>	<u>Docket Text</u>	<u>File Ref Nbr.</u>	<u>Image Avail.</u>
04/10/2017	Protective Order issued for defense counsel access to presumptively privileged records.	100	
04/10/2017	Case continued to June 28, 2017 by agreement for trial assignment (Yessayan,J) C. Johnson, court reporter		
04/11/2017	Habeas Corpus for defendant issued to MCI - Cedar Junction (at Walpole) returnable for 06/28/2017 09:00 AM Trial Assignment Conference.	101	
05/25/2017	General correspondence regarding from defendant re: effective assistant of counsel	102	
05/26/2017	Pro Se Defendant's Motion to dismiss attorney and to appoint new attorney (copy sent to Atty Argudo)	103	
06/05/2017	Pro Se Defendant's Motion for funds for a independent touch DNA expert testing under MGLCH261 section 27C	104	
06/05/2017	Pro Se Defendant's Motion to dismiss indictments under Mass Rule Crim P 13 subdivision (c)	105	
06/12/2017	Attorney Victoria M Bonilla-Argudo, Esq.'s motion to withdraw as counsel of record for party	106	
	Applies To: Hullum, Lance (Defendant)		
06/13/2017	Habeas Corpus for defendant issued to MCI - Cedar Junction (at Walpole) returnable for 06/28/2017 09:00 AM Trial Assignment Conference. be here by 8:30AM	107	
	Applies To: Hullum, Lance (Defendant); MCI - Cedar Junction (at Walpole) (Holding Institution)		
06/13/2017	Pro Se Defendant's Motion to dismiss indictments for impairment of the integrity of the grand jury under Mass Rule Crim P 13 subdivisions(a)(1)(2)(3)(4)	108	
06/13/2017	Pro Se Defendant's Motion to dismiss under Mass Rule Crim P 13 subdivision (c)(2)(d)(1)	109	
06/26/2017	Pro Se Defendant's Motion to intervene and vacate or modify prejudicial protective order under Mass R Crim P14 subdivision (6) entered on December 18,2014 and March 17,2015	110	
06/28/2017	Endorsement on Motion to withdraw as counsel, (#106.0): ALLOWED (Yessayan,J) copies mailed June 30,2017		
06/28/2017	Attorney appearance On this date Victoria M Bonilla-Argudo, Esq. dismissed/withdrawn as Appointed - Indigent Defendant for Defendant Lance Hullum		
06/28/2017	Case continued to July 6,2017 by agreement for appointment of counsel (Rule 36 waived) (Yessayan,J) FTR		
06/30/2017	Habeas Corpus for defendant issued to MCI - Cedar Junction (at Walpole) returnable for 07/06/2017 09:00 AM Hearing for Appearance / Appointment of Counsel. be here by 8:30AM	111	
	Applies To: Hullum, Lance (Defendant); MCI - Cedar Junction (at Walpole) (Holding Institution)		
07/06/2017	Attorney appearance On this date Frank H Spillane, Esq. added as Appointed - Indigent Defendant for Defendant Lance Hullum Appointment made for the purpose of Case in Chief by Judge Hon. Cornelius J.Moriarty, II.	111.1	
07/06/2017	Case continued to 8/1/17 for status (Moriarty, J) J Russo- court reporter		
07/07/2017	Habeas Corpus for defendant issued to MCI - Cedar Junction (at Walpole) returnable for 08/01/2017 09:00 AM Conference to Review Status.		
08/01/2017	Case continued to September 1, 2017 for motion filing date and trial selection. (Moriarty, J.) J. Russo, court reporter		
08/01/2017	Habeas Corpus for defendant issued to MCI - Cedar Junction (at Walpole) returnable for 09/01/2017 09:00 AM Trial Assignment Conference.	112	
08/22/2017	Pro Se Defendant's Motion to dismiss indictments or grant appropriate relief bar prosecution grounded on collateral stoppel principles uner Mass' Rule Crim P 13 subdivision (a)(1)(2)(4)(c)(1)(2)	113	
08/22/2017	Pro Se Defendant's Motion for funds for a independent touch DNA expert testing under MGLch261 section 27C	114	
08/22/2017	Pro Se Defendant's Motion for funds for a wounds expert examiner under MGL ch261 sec 27C	115	
08/22/2017	Pro Se Defendant's Request for voir dire questions for the jury objections incorporated under Mass Rule Crim P22 ,24 subdivision	116	



<u>Docket Date</u>	<u>Docket Text</u>	<u>File Ref Nbr.</u>	<u>Image Avail.</u>
08/29/2017	Pro Se Defendant's Motion to dismiss indictments or grant appropriate relief bar prosecution grounded on collateral estoppel	117	
09/01/2017	Case continued to September 25, 2017 by agreement for discovery/ trial assignment (Moriarty, J) J Russo court reporter		
09/25/2017	Defendant's Motion to compel discovery	118	
09/25/2017	Case continued to November 9, 2017 for Rule 17 motions in 2nd session, Habe defendant in (Kelley Brown, J)		
10/31/2017	Case continued to November 17, 2017 at 9:00AM by agreement of all counsel (Adam Baler Asst Clerk)		
11/01/2017	Event Result: Judge: Kelley Brown, Hon. Angel The following event: Motion Hearing scheduled for 11/09/2017 09:00 AM has been resulted as follows: Result: Not Held Reason: Joint request of parties		
11/01/2017	Habeas Corpus for defendant issued to MCI - Cedar Junction (at Walpole) returnable for 11/17/2017 09:00 AM Motion Hearing. be here by 8:30AM  Applies To: Hullum, Lance (Defendant); MCI - Cedar Junction (at Walpole) (Holding Institution)	119	
11/16/2017	Event Result: Judge: Kelley Brown, Hon. Angel The following event: Motion Hearing scheduled for 11/17/2017 09:00 AM has been resulted as follows: Result: Rescheduled Reason: By Court prior to date Continued to November 27, 2017 for Rule 17 motion (Sharon Lalli Asst Clerk)  Judge: Kelley Brown, Hon. Angel		
11/16/2017	Habeas Corpus for defendant issued to MCI - Cedar Junction (at Walpole) returnable for 11/27/2017 09:00 AM Motion Hearing. be here by 8:30AM  Applies To: Hullum, Lance (Defendant); MCI - Cedar Junction (at Walpole) (Holding Institution)	120	
11/22/2017	Opposition to Motion#118 deft's motion to compel filed by filed by Department of Correction	121	
11/27/2017	Defendant brought into court. Court to obtain transcript from April 10, 2017 hearing in first session (FTR) and provide copies. Court vacates portion of Pld#89 " finds the DOC to be a part of the prosecution team"		
11/27/2017	Case continued to January 30, 2018 for motion in first criminal session before Kelley Brown, J habe in deft B St Charles court reporter  Judge: Kelley Brown, Hon. Angel		
01/29/2018	Habeas Corpus for defendant issued to MCI - Cedar Junction (at Walpole) returnable for 01/30/2018 09:00 AM Motion Hearing.	122	
01/30/2018	Case continued to March 14, 2018 by agreement re: compliance re: transcript. Court orders that transcript for 4/10/17 date ordered. (Kelley Brown, J.) FTR		
03/14/2018	Case continued to April 5, 2018 by agreement for discovery motion (bring in deft) FTR  Judge: Kelley Brown, Hon. Angel		
03/14/2018	Habeas Corpus for defendant issued to MCI - Cedar Junction (at Walpole) returnable for 04/05/2018 09:00 AM Hearing RE: Discovery Motion(s). be here by 8:30AM  Applies To: Hullum, Lance (Defendant); MCI - Cedar Junction (at Walpole) (Holding Institution)	123	
03/23/2018	General correspondence regarding Self Represented Defendant's "Judicial Notice" with exhibit	124	
04/05/2018	Case continued until 4/17/18 for status (Davis, J)(FTR)		
04/11/2018	Defendant's Motion to impose Sanction for non-compliance with discovery order where Department of Corrections reasons for non-compliance stated April 10, 2017 conflicts with existing law	125	

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<u>Docket Date</u>	<u>Docket Text</u>	<u>File Ref Nbr.</u>	<u>Image Avail.</u>
04/11/2018	General correspondence regarding Regarding self represented defendant's "Judicial Notice"	126	
04/11/2018	Defendant's Motion to Dismiss: Insufficient Evidence; Memorandum of Law in support; Affidavit in support	127	
04/17/2018	Defendant not brought into court. Case continued until 5/2/18 for status. Defendant to be HABE in. (Davis,J)		
04/27/2018	Defendant's Motion to stay the above proceeding (copy given to Judge Davis)	128	
04/30/2018	Habeas Corpus for defendant issued to MCI - Cedar Junction (at Walpole) returnable for 05/02/2018 09:00 AM Conference to Review Status. be here by 8:30AM	129	
	Applies To: Hullum, Lance (Defendant); MCI - Cedar Junction (at Walpole) (Holding Institution)		
05/02/2018	Case continued to May 17, 2018 by agreement for motion to stay FTR		
	Judge: Davis, Hon. Brian A		
05/17/2018	Case continued to June 13, 2018 by agreement for motion to stay (bring in deft) FTR		
	Judge: Davis, Hon. Brian A		
05/18/2018	Habeas Corpus for defendant issued to MCI - Cedar Junction (at Walpole) returnable for 06/13/2018 09:00 AM Motion Hearing. be here by 8:30AM	130	
	Applies To: Hullum, Lance (Defendant); MCI - Cedar Junction (at Walpole) (Holding Institution)		
05/22/2018	General correspondence regarding from pro-se defendant requesting a new attorney to be appointed (copy given to Judge Davis)	131	
05/30/2018	Pro Se Defendant's Motion to dismiss appointed attorney to appoint new attorney	132	
06/13/2018	Attorney Frank H Spillane, Esq.'s motion to withdraw as counsel of record for party	133	
	Applies To: Hullum, Lance (Defendant)		
06/13/2018	Endorsement on Motion to appoint new counsel pro-se, (#131.0): DENIED as moot the court has permitted Attorney Spillane's withdraw copies mailed June 29, 2018		
	Judge: Davis, Hon. Brian A		
06/13/2018	Endorsement on Motion to appoint new counsel pro-se, (#132.0): DENIED as moot the court has granted Attorney Spillane's motion to withdraw copies mailed June 29, 2018		
	Judge: Davis, Hon. Brian A		
06/13/2018	Endorsement on Motion to withdraw as counsel, (#133.0): ALLOWED after hearing as unopposed copies mailed June 29, 2018		
	Judge: Davis, Hon. Brian A		
06/13/2018	Defendant brought into court defense counsel motion to withdraw Allowed court gives defendant Pena warning re: appointed counsel 462 Mass183(2012) court allows appointment of attorney to Pilgrim Bar Adovactes and case continued to June 28, 2018 for appearance of counsel FTR		
	Judge: Davis, Hon. Brian A		
06/13/2018	Attorney appearance On this date Frank H Spillane, Esq. dismissed/withdrawn as Appointed - Indigent Defendant for Defendant Lance Hullum		
06/15/2018	Attorney appearance On this date James Steven Murphy, Esq. added as Appointed - Indigent Defendant for Defendant Lance Hullum		
06/15/2018	Appointment made for the purpose of Case in Chief by Judge Hon. Brian A Davis.		
06/29/2018	Due to Clerks error June 28, 2018 date was not scheduled Attorney Jim Murphy is appointed as of June 15, 2018 to represent defendant both counsel notified and new date will be scheduled (Patrick W Creedon Asst Clerk)		
07/12/2018	Habeas Corpus for defendant issued to MCI - Cedar Junction (at Walpole) returnable for 07/13/2018 09:00 AM Conference to Review Status. ***defendant to be here by 8:30am***	134	

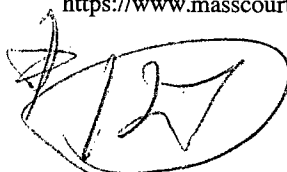
#124

<u>Docket Date</u>	<u>Docket Text</u>	<u>File Ref Nbr.</u>	<u>Image Avail.</u>
07/13/2018	At the request of Atty Murphy and the assent of the Commonwealth case continued to August 13,2018 for filing motions and status (habe in deft) FTR  Judge: Moriarty, II, Hon. Cornelius J		
07/13/2018	Habeas Corpus for defendant issued to MCI - Cedar Junction (at Walpole) returnable for 08/13/2018 09:00 AM Filing of Motions. be here by 9:00AM  Applies To: Hullum, Lance (Defendant); MCI - Cedar Junction (at Walpole) (Holding Institution)	135	
08/13/2018	Case continued to September 5,2018 by agreement for status (Moriarty,J) FTR  Judge: Moriarty, II, Hon. Cornelius J		
08/27/2018	General correspondence regarding Pro Se Motion For Micromanagement of Case, Pre-Trial, Motion to Dismiss and Effective Assistance Of Counsel	136	
09/04/2018	Habeas Corpus for defendant issued to MCI - Cedar Junction (at Walpole) returnable for 09/05/2018 09:00 AM Conference to Review Status. be here by 8:30AM	137	
09/05/2018	Case continued to September 24,2018 by agreement for motion to dismiss (bring in deft) FTR  Judge: Moriarty, II, Hon. Cornelius J		
09/05/2018	Habeas Corpus for defendant issued to MCI - Cedar Junction (at Walpole) returnable for 09/24/2018 09:00 AM Evidentiary Hearing to Dismiss. be here by 8:30AM  Applies To: Hullum, Lance (Defendant); MCI - Cedar Junction (at Walpole) (Holding Institution)	138	
09/24/2018	No motion to dismiss filed yet but other past discovery motions; Held and Matter taken under advisement and case continued to October 29,2018 for motion to dismiss (habe in deft) FTR  Judge: Moriarty, II, Hon. Cornelius J		
09/25/2018	Habeas Corpus for defendant issued to MCI - Cedar Junction (at Walpole) returnable for 10/29/2018 09:00 AM Evidentiary Hearing to Dismiss. be here by 8:30AM  Applies To: Hullum, Lance (Defendant); MCI - Cedar Junction (at Walpole) (Holding Institution)	139	
09/28/2018	Endorsement on Motion to compel discovery, (#118.0): Other action taken As Judge Yessayan has found the Commonwealth has complied with the order for discovery I will not disturb his ruling copies mailed Oct 2,2018  Judge: Moriarty, II, Hon. Cornelius J		
10/26/2018	Event Result:: Evidentiary Hearing to Dismiss scheduled on: 10/29/2018 09:00 AM Has been: Not Held For the following reason: Not reached by Court. Hon. Robert C Cosgrove, Presiding Appeared: Staff: Patrick W Creedon, Assistant Clerk Magistrate		
11/14/2018	Defendant's Motion Motion To Dismiss - 14CR387, counts 003,007,009,013 GJ Minutes in Separate Envelope	140	
11/29/2018	Habeas Corpus for defendant issued to MCI - Cedar Junction (at Walpole) returnable for 11/30/2018 09:00 AM Non-Evidentiary Hearing to Dismiss.	141	
11/30/2018	Defendant not transported from jail after habe issued case continued to January 17,2019 by agreement non evidentiary motion to dismiss FTR  Judge: Cosgrove, Hon. Robert C  Judge: Cosgrove, Hon. Robert C		
12/04/2018	Habeas Corpus for defendant issued to MCI - Cedar Junction (at Walpole) returnable for 01/17/2019 09:00 AM Non-Evidentiary Hearing to Dismiss. be here by 8:30AM  Applies To: Hullum, Lance (Defendant); MCI - Cedar Junction (at Walpole) (Holding Institution)	142	

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<u>Docket Date</u>	<u>Docket Text</u>	<u>File Ref Nbr.</u>	<u>Image Avail.</u>
01/17/2019	Matter taken under advisement: Non-Evidentiary Hearing to Dismiss scheduled on: 01/17/2019 09:00 AM Has been: Held - Under advisement Comments: After hearing case continued to March 1, 2019 for status and trial assignment (Kelley,J) FTR Hon. Angel Kelley, Presiding Appeared: Staff: Patrick W Creedon, Assistant Clerk Magistrate		
01/17/2019	Opposition to to defendant's motion to dismiss (McCarthy/O'Dell) filed by	142.1	
01/18/2019	Habeas Corpus for defendant issued to MCI - Cedar Junction (at Walpole) returnable for 03/01/2019 09:00 AM Trial Assignment Conference. be here by 8:30AM  Applies To: Hullum, Lance (Defendant); MCI - Cedar Junction (at Walpole) (Holding Institution)	143	
02/25/2019	Endorsement on Motion to dismiss, (#140.0): DENIED See memorandum of decision and order of this date (Kelley, J)		
02/25/2019	MEMORANDUM & ORDER:  On Motion to Dismiss: Defendant's Motion to Dismiss is DENIED (Kelley, J)  Judge: Kelley, Hon. Angel	144	
03/01/2019	Defendant oral motion to continue trial assignment ; DENIED (Kelley,J) FTR  Judge: Kelley, Hon. Angel		
03/01/2019	Event Result:: Trial Assignment Conference scheduled on: 03/01/2019 09:00 AM Has been: Held as Scheduled Comments: FTR Hon. Angel Kelley, Presiding Appeared: Staff: Patrick W Creedon, Assistant Clerk Magistrate		
03/05/2019	Document:  Notice to Appear for Final Pretrial on June 21,2019 @ 2:00PM in 4th session @ Plymouth Sent On: 03/05/2019 09:42:49	145	
03/05/2019	General correspondence regarding NOTICE SENT TO COUNSEL & DA OF JULY 15,2019 TRIAL @ 9:00am IN 4TH SESSION AT PLYMOUTH	146	
03/05/2019	General correspondence regarding CASE SENT TO PLYMOUTH		
06/20/2019	Event Result:: Final Pre Trial Conference scheduled on: 06/21/2019 02:00 PM Has been: Rescheduled For the following reason: Joint request of parties Hon. Cornelius J Moriarty, II, Presiding		
06/24/2019	Habeas Corpus for defendant issued to MCI - Cedar Junction (at Walpole) returnable for 06/25/2019 02:00 PM Final Pre-Trial Conference. **Defendant to be here by 12:30pm**	147	
06/25/2019	Joint Pre-Trial Memorandum filed:	148	
06/25/2019	Attorney James Steven Murphy, Esq.'s motion to withdraw as counsel of record for party after hearing taken under advisement (oral motion )  Applies To: Hullum, Lance (Defendant)		
06/25/2019	Case continued by agreement to July 8, 2019 at 2:00 p.m. for status of counsel (Moriarty, J) FTR		
06/26/2019	Defendant 's Motion to withdraw; filed and allowed (Moriarty,J)	149	
07/05/2019	Habeas corpus for witness, Raymond Dean, issued to MCI - Gardner. Returnable on 07/09/2019 09:00 AM Conference to Review Status.  Judge: Moriarty, II, Hon. Cornelius J	152	

<u>Docket Date</u>	<u>Docket Text</u>	<u>File Ref Nbr.</u>	<u>Image Avail.</u>
07/05/2019	Habeas Corpus for defendant issued to Souza Baranowski Correctional Center returnable for 07/08/2019 02:00 PM Conference to Review Status.	153	
07/08/2019	After hearing Attorney James Murphy allowed to withdraw Defendant is to proceed Pro-se Attorney Ryan Matthews is appointed as Stand by counsel Case continued to July 15, 2019 for trial FTR		
07/08/2019	Pro Se Defendant 's Motion to report important question of law to supreme judicial court Mass Crim Rule P. 34 Subdivisions (a)(b)	156	
07/08/2019	Defendant 's Request for voir dire question for the jury objections incorporated under Mass Rules crim P. 22,24 subdivisions	154	
07/08/2019	Pro Se Defendant 's Motion for instructions to the jury objections incorporated under Mass Rule Crim P. 22, subdivisions	155	
07/08/2019	Pro Se Defendant 's Motion to dismiss indictment(s) for impairment of the integrity of the grand jury under Mass Rule Crim P. 13 subdivision (s) (a)(1)(2)(3)(4)	157	
07/08/2019	Attorney appearance On this date James Steven Murphy, Esq. dismissed/withdrawn as Appointed - Indigent Defendant for Defendant Lance Hullum		
07/08/2019	Attorney appearance On this date Ryan Matthews, Esq. added as Appointed - Indigent Defendant for Defendant Lance Hullum Appointment made for the purpose of Case in Chief by Judge Hon. Cornelius J Moriarty, II.		
07/09/2019	Commonwealth 's Motion on behalf of the defendant to secure funds for clothing at trial	158	
07/09/2019	Endorsement on Motion to secure funds for clothing at trial, (#158.0): ALLOWED  Judge: Moriarty, II, Hon. Cornelius J		
07/11/2019	Commonwealth 's Motion in limine to admit in-court identification pursuant to Commonwealth v. Crayton	159	
07/12/2019	Habeas Corpus for defendant issued to Souza Baranowski Correctional Center returnable for 07/15/2019 09:00 AM Jury Trial. PLEASE HAVE DEFENDANT ARRIVE BY 8:00AM	160	
07/15/2019	Pro Se Defendant 's Motion to dismiss indictment or grant appropriate relief, drop habitual offender and impose concurrent sentence grounded on discriminatory selective prosecution under mass R. crim P. 13 subdivisions (c)(2)(d)(1)	161	
07/15/2019	Pro Se Defendant 's Motion in limine of potential witnesses of the commonwealth objections incorporated under Mass R. Crim P 22	162	
07/15/2019	Pro Se Defendant 's Motion to dismiss indictments under mass rule crim P #13 subdivision(c) Filed and denied (Moriarty,J)	163	
07/15/2019	Pro Se Defendant 's Motion in limine all video tapes; filed and after hearing defendant made no objections (Moriarty,J)	164	
07/15/2019	Pro Se Defendant 's Motion in limine all physical items seized; Moot (Moriarty,J)	165	
07/15/2019	Pro Se Defendant 's Motion in limine of photographs; filed and deferred until the commonwealth provides the photographs it seeks to introduce (Moriarty,J)	166	
07/15/2019	Commonwealth oral motion to amend Indictment # 013 to read " did assault Richard Saunders" Allowed (Moriarty,J)		
07/15/2019	Joint Pre-Trial Memorandum filed:	167	
07/15/2019	Endorsement on Defendant's request for voir dire question for the jury objections incorporated under Mass Rules, Crim P. 22, 24 subdivision, (#154.0): ALLOWED Allowed in part, see record  Judge: Moriarty, II, Hon. Cornelius J		
07/15/2019	Endorsement on Pro-se Defendant's motion to report question of law to Supreme Judicial Court Mass Crim Rule P. 34 subdivisions (a)(b);, (#156.0): DENIED		




<u>Docket Date</u>	<u>Docket Text</u>	<u>File Ref Nbr.</u>	<u>Image Avail.</u>
07/15/2019	Endorsement on Pro-se Defendant's motion to dismiss indictment (s) for impairment of the integrity of the Grand Jury under Mass Rule Crim P 13 subdivision (s)(a)(1), (#157.0): Other action taken after hearing taken under advisement  Judge: Moriarty, II, Hon. Cornelius J		
07/15/2019	Endorsement on Pro-se defendant's motion for instructions to the jury objections incorporated under Mass R. Crim P 22, (#155.0): Other action taken see record  Judge: Moriarty, II, Hon. Cornelius J		
07/15/2019	Endorsement on Defendant's pro-se motion to dismiss indictment or grant appropriate relief, drop a habitual offender and impose concurrent sentence grounded on discriminatory selective prosecution under Mass R. Crim P 13 subdivisions (c)(2)(d)(1), (#161.0): DENIED		
07/15/2019	Endorsement on Defendant's pro-se motion in limine of potential witnesses of the Commonwealth objections incorporated under Mass R. Crim P 22, (#162.0): Other action taken The Court will rule on the admissibility of evidence during trial (Moriarty,J)		
07/15/2019	Pro Se Defendant's Motion to dismiss or grant appropriate relief under Mass Rule Crim 13 subdivisions (c) ; filed and denied see record (Moriarty,J)	168	
07/15/2019	Habeas Corpus for defendant issued to Souza Baranowski Correctional Center returnable for 07/16/2019 09:00 AM Jury Trial. **DEFENDANT TO BE HERE BY 8:00AM**	169	
07/15/2019	Event Result: Jury Trial scheduled on: 07/15/2019 09:00 AM Has been: Held as Scheduled Hon. Cornelius J Moriarty, II, Presiding		
07/16/2019	Medical Records received from Morton Hospital (3 sets 1 envelope)		
07/16/2019	Endorsement on Commonwealth's Motion in limine to admit in-court identification pursuant to Commonwealth v. Crayton, (#159.0):		
07/16/2019	Habeas Corpus for defendant issued to Souza Baranowski Correctional Center returnable for 07/17/2019 09:00 AM Jury Trial. PLEASE HAVE DEFENDANT ARRIVE BY 8:00AM	170	
07/16/2019	Habeas corpus for witness, Raymond Dean, issued to MCI - Gardner. Returnable on 07/17/2019 09:00 AM Jury Trial. Mr Raymond Dean is to be kept separate and apart from defendant Lance Hullum  Please have Mr Dean arrive by 8:00 AM	171	
07/16/2019	Pro Se Defendant's Motion to dismiss indictment(s) for failure to state a crime and void vagueness as applied to defendant under Mass Rule crim P #13 subdivision(s)(C)(1)(2)(E)	173.1	
07/16/2019	Habeas corpus for witness, Richard Saunders, issued to Bristol County Ash Street Jail. Returnable on 07/17/2019 09:00 AM Jury Trial. Mr Richard Saunders is to be kept separate and apart from defendant Lance Hullum  Please have Mr Saunders arrive by 8:00 AM	172	
07/16/2019	Pro Se Defendant's Motion for summons for prospective witnesses; field and summons to issue testimony subject to potential voir dire (Moriarty,J)	173	
07/16/2019	Endorsement on Pro-se Defendant's motion to dismiss indictment (s) for impairment of the integrity of the Grand Jury under Mass Rule Crim P 13 subdivision (s)(a)(1), (#157.0): DENIED  Judge: Moriarty, II, Hon. Cornelius J		
07/16/2019	Jury impanelment begins Jury of 14 members impaneled not sworn FTR		
07/17/2019	Commonwealth oral motion to sequester witnesses; allowed (Moriarty,J)		
07/17/2019	List of jurors filed.  jury of 14 members impaneled  Judge: Moriarty, II, Hon. Cornelius J	174	



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<u>Docket Date</u>	<u>Docket Text</u>	<u>File Ref Nbr.</u>	<u>Image Avail.</u>
07/17/2019	Habeas corpus for witness, Raymond Dean, issued to Massachusetts Treatment Center - Bridgewater. Returnable on 07/18/2019 09:00 AM Jury Trial. ***PLEASE HAVE WITNESS HERE FOR 8:30AM***  Judge: Moriarty, II, Hon. Cornelius J	175	
07/17/2019	Habeas corpus for witness, Austin Ryan, issued to Massachusetts Treatment Center - Bridgewater. Returnable on 07/18/2019 09:00 AM Jury Trial. Please have witness arrive by 8:30 AM  Witness is to be kept separate and apart from defendant, Lance Hullum  Judge: Moriarty, II, Hon. Cornelius J	176	
07/17/2019	Habeas corpus for witness, Brian Glover, issued to Massachusetts Treatment Center - Bridgewater. Returnable on 07/18/2019 09:00 AM Jury Trial. Please have witness arrive by 8:30 AM  Witness is to be kept separate and apart from defendant, Lance Hullum  Judge: Moriarty, II, Hon. Cornelius J	177	
07/17/2019	Habeas corpus for witness, Ronald Scott, issued to Massachusetts Treatment Center - Bridgewater. Returnable on 07/18/2019 09:00 AM Jury Trial. Please have witness arrive by 8:30 AM  Witness is to be kept separate and apart from defendant, Lance Hullum  Judge: Moriarty, II, Hon. Cornelius J	178	
07/17/2019	Habeas corpus for witness, Bruce Forbes, issued to Massachusetts Treatment Center - Bridgewater. Returnable on 07/18/2019 09:00 AM Jury Trial. Please have witness arrive by 8:30 AM  Witness is to be kept separate and apart from defendant, Lance Hullum	179	
07/17/2019	Habeas corpus for witness, William Demetrius French, issued to Souza Baranowski Correctional Center. Returnable on 07/18/2019 09:00 AM Jury Trial. Please have witness arrive by 8:30 AM  Witness is to be kept separate and apart from defendant, Lance Hullum  Judge: Moriarty, II, Hon. Cornelius J	180	
07/17/2019	The following form was generated: Summons issued for witness Austin Ryan to appear in Plymouth on 7/18/19 at 9:00AM	181	
07/17/2019	The following form was generated: Summons to appear issued for witness Brian Glover to appear on 7/18/19 at 9AM	182	
07/17/2019	The following form was generated: Summons for witness Ronald Scott to appear in Plymouth on 7/18/189 at 9AM	183	
07/17/2019	The following form was generated: summons for witness Burce Forbes to appear in Plymouth on 7/18/19 at 9AM	184	
07/17/2019	The following form was generated: Summons for witness , William D. French to appear in Plymouth on 7/18/19 at 9AM	185	
07/17/2019	Habeas Corpus for defendant issued to Souza Baranowski Correctional Center returnable for 07/18/2019 09:00 AM Jury Trial. please have defendant arrive by 8:30 AM	186	
07/17/2019	Trial continues before Moriarty, J and jury		
07/17/2019	witness Sergio Lara, Released on Personal Recognizance and ordered to appear on July 18, 2019 Judge: Moriarty, II, Hon. Cornelius J		
07/17/2019	Witness, John Martinez, Released on Personal Recognizance and ordered to appear on July 18, 2019 Judge: Moriarty, II, Hon. Cornelius J		

<u>Docket Date</u>	<u>Docket Text</u>	<u>File Ref Nbr.</u>	<u>Image Avail.</u>
07/18/2019	Habeas corpus for witness, Austin Ryan, issued to Massachusetts Treatment Center - Bridgewater. Returnable on 07/19/2019 09:00 AM Jury Trial. Please have witness arrive by 8:30AM  Witness is to be kept separate and apart from defendant, Lance Hullum  Judge: Moriarty, II, Hon. Cornelius J	187	
07/18/2019	Defendant's Motion for a required finding of not guilty at the close of Commonwealth's case; after hearing Allowed as to Offense # 001 as to so much of that charges bodily injury; Denied as to Offense #'s 003,005,007,009,011, & 013 (Moriarty,J)	189	
07/18/2019	Habeas Corpus for defendant issued to Souza Baranowski Correctional Center returnable for 07/19/2019 09:00 AM Jury Trial. please have defendant arrive by 8:30 AM	188	
07/18/2019	Voir dire of Juror in seat #7; after hearing The Court finds that there is no conflict with Juror in Seat #7 (Moriarty,J)		
07/18/2019	Trial continues before Moriarty,J and Jury		
07/19/2019	Trial continues before Moriarty,J and jury		
07/19/2019	Pro Se Defendant oral motion for a required finding of not guilty at the close of all the evidence; Denied after hearing (Moriarty,J)  Judge: Moriarty, II, Hon. Cornelius J Applies To: Eonas, Esq., E. Russell (Attorney) on behalf of Commonwealth (Prosecutor); Fahy, Esq., Brian S (Attorney) on behalf of Commonwealth (Prosecutor); Matthews, Esq., Ryan (Attorney) on behalf of Hullum, Lance (Defendant)		
07/19/2019	Offense Disposition: Charge #1 A&B ON +60/DISABLED c265 §13K(a½) On: 07/19/2019 Judge: Hon. Cornelius J Moriarty, II By: Jury Trial Guilty Verdict  Charge #3 ASSAULT c265 §13A(a) 265/13A/A-1 On: 07/19/2019 Judge: Hon. Cornelius J Moriarty, II By: Jury Trial Guilty Verdict - Lesser Included  Charge #5 A&B WITH DANGEROUS WEAPON +60 c265 §15A(a) On: 07/19/2019 Judge: Hon. Cornelius J Moriarty, II By: Jury Trial Guilty Verdict  Charge #7 ASSAULT TO MURDER c265 §15 On: 07/19/2019 Judge: Hon. Cornelius J Moriarty, II By: Jury Trial Guilty Verdict  Charge #9 ASSAULT c265 §13A(a) 265/13A/A-1 On: 07/19/2019 Judge: Hon. Cornelius J Moriarty, II By: Jury Trial Guilty Verdict - Lesser Included  Charge #11 A&B WITH DANGEROUS WEAPON c265 §15A(b) On: 07/19/2019 Judge: Hon. Cornelius J Moriarty, II By: Jury Trial Guilty Verdict  Charge #13 ASSAULT TO MURDER c265 §15 On: 07/19/2019 Judge: Hon. Cornelius J Moriarty, II By: Jury Trial Guilty Verdict	190	
07/19/2019	The defendant/petitioner is committed without bail for the following reason: Per Order of the Court.	191	
07/24/2019	Defendant's Motion for required finding of not guilty after discharge of jury	192	
07/31/2019	Habeas Corpus for defendant issued to Souza Baranowski Correctional Center returnable for 08/01/2019 02:00 PM Evidentiary Hearing to Dismiss. **Defendant to be here by 12:00pm**	193	
08/01/2019	Event Result:: Evidentiary Hearing to Dismiss scheduled on: 08/01/2019 02:00 PM Has been: Held as Scheduled Comments: FTR Hon. Cornelius J Moriarty, II, Presiding		
08/08/2019	Defendant's Motion for a required finding of not got guilty	198	

<u>Docket Date</u>	<u>Docket Text</u>	<u>File Ref Nbr.</u>	<u>Image Avail.</u>
08/14/2019	Defendant 's Motion to dismiss habitual offender indictments	194	
08/14/2019	Defendant 's Motion for required finding of not guilty	195	
08/15/2019	Defendant 's Motion in limine to exclude the May 28, 1994 predicated offense for omission on actual notice as required by M.G.L. c. 279, sec 25(d)	196	
08/15/2019	Defendant 's Motion in limine evidence	197	
08/15/2019	Defendant 's Request for voir dire questions for the jury objections	199	
08/19/2019	Defendant 's Request for jury instructions	200	
08/19/2019	Defendant 's Motion for a new trial	201	
08/19/2019	Notice of appeal filed.	202	
	Applies To: Hullum, Lance (Defendant)		<u>Image</u>
08/28/2019	Notice sent to DA, RM, & LH re: notice of appeal filed by defendant Lance Hullum	203	
08/29/2019	Notice to parties of trial scheduled for October 15, 2019 in the 4th criminal session		
08/29/2019	notice to counsel of trial scheduled for 10/15/19 at 9:00AM		
08/30/2019	Defendant 's Motion to dismiss habitual offender indictments	204	
09/09/2019	Defendant 's Motion for a new trial	205	
09/09/2019	Defendant 's Request for Transcripts	206	
09/23/2019	Defendant 's Motion in limine regarding non-alike violation of the law M.G.L. c.265, section 22A	207	
09/23/2019	Defendant 's Motion to dismiss habitual offender grounder on res judicata	208	
10/11/2019	Habeas Corpus for defendant issued to Souza Baranowski Correctional Center returnable for 10/15/2019 09:00 AM Jury Trial. **Defendant to be here by 8:30am**	209	
10/15/2019	Lance Hullum's Memorandum (Sentencing)	210	
10/15/2019	Defendant 's Motion for substantial reduction in imposing sentence under M.G.L. c. 211E section 3(d)(12)	211	
10/15/2019	Commonwealth's Sentencing Memorandum	211.1	
10/15/2019	Offense Disposition::		
	Charge #2 HABITUAL CRIMINAL PENALTY ENHANCEMENT c279 § 25 On: 10/15/2019 Judge: Hon. Cornelius J Moriarty, II By: Hearing Dismissed - Request of Commonwealth		
	Charge #4 HABITUAL CRIMINAL PENALTY ENHANCEMENT c279 § 25 On: 10/15/2019 Judge: Hon. Cornelius J Moriarty, II By: Hearing Dismissed - Request of Commonwealth		
	Charge #6 HABITUAL CRIMINAL PENALTY ENHANCEMENT c279 § 25 On: 10/15/2019 Judge: Hon. Cornelius J Moriarty, II By: Hearing Dismissed - Request of Commonwealth		
	Charge #8 HABITUAL CRIMINAL PENALTY ENHANCEMENT c279 § 25 On: 10/15/2019 Judge: Hon. Cornelius J Moriarty, II By: Hearing Dismissed - Request of Commonwealth		
	Charge #10 HABITUAL CRIMINAL PENALTY ENHANCEMENT c279 § 25 On: 10/15/2019 Judge: Hon. Cornelius J Moriarty, II By: Hearing Dismissed - Request of Commonwealth		
	Charge #12 HABITUAL CRIMINAL PENALTY ENHANCEMENT c279 § 25 On: 10/15/2019 Judge: Hon. Cornelius J Moriarty, II By: Hearing Dismissed - Request of Commonwealth		

130

# 131

**Docket  
Date****Docket Text****File  
Ref  
Nbr.****Image  
Avail.**

Charge #14 HABITUAL CRIMINAL PENALTY ENHANCEMENT c279 § 25

On: 10/15/2019 Judge: Hon. Cornelius J Moriarty, II

By: Hearing Dismissed - Request of Commonwealth

10/15/2019 Defendant sentenced: Sentence Date: 10/15/2019 Judge: Hon. Cornelius J Moriarty, II

Charge #: 1 A&amp;B ON +60/DISABLED c265 §13K(a½)

State Prison Sentence Not Less Than: 9 Years, 6 Months, 0 Days Not More Than: 10 Years, 0 Months, 0 Days

Served Consecutively Case 98-089

Charge #: 3 ASSAULT c265 §13A(a)

Committed to HOC Term: 1 Years, 0 Months, 0 Days To Serve: 1 Years, 0 Months, 0 Days

Served Consecutively Charge # 1

Charge #: 5 A&amp;B WITH DANGEROUS WEAPON +60 c265 §15A(a)

State Prison Sentence Not Less Than: 9 Years, 0 Months, 0 Days Not More Than: 10 Years, 0 Months, 0 Days

Served Consecutively Charge # 1

Charge #: 7 ASSAULT TO MURDER c265 §15

State Prison Sentence Not Less Than: 9 Years, 0 Months, 0 Days Not More Than: 10 Years, 0 Months, 0 Days

Served Concurrently Charge # 5

Charge #: 9 ASSAULT c265 §13A(a)

Committed to HOC Term: 1 Years, 0 Months, 0 Days To Serve: 1 Years, 0 Months, 0 Days

Served Concurrently Charge # 1

Charge #: 11 A&amp;B WITH DANGEROUS WEAPON c265 §15A(b)

State Prison Sentence Not Less Than: 9 Years, 0 Months, 0 Days Not More Than: 10 Years, 0 Months, 0 Days

Served Concurrently Charge # 5

Charge #: 13 ASSAULT TO MURDER c265 §15

State Prison Sentence Not Less Than: 9 Years, 0 Months, 0 Days Not More Than: 10 Years, 0 Months, 0 Days

Served Concurrently Charge # 5

Committed to MCI - Cedar Junction (at Walpole)

10/15/2019 Issued on this date:

212

Mittimus for Sentence (All Charges)

Sent On: 10/15/2019 10:54:48

10/15/2019 ORDER: of Statutory Fees

213

Judge: Moriarty, II, Hon. Cornelius J

10/15/2019 Event Result: Jury Trial scheduled on:

10/15/2019 09:00 AM

Has been: Not Held for the following reason: Joint request of parties

Hon. Cornelius J Moriarty, II, Presiding

10/15/2019 Defendant's Motion to correct docket entry record which don't reflect not guilty verdicts on armed assault with intent to murder

214

10/15/2019 Defendant's Motion for appointment of effective assistance of appellate counsel; filed and Allowed (Moriarty, J)

215

Judge: Moriarty, II, Hon. Cornelius J

10/15/2019 Pro Se Defendant's Motion in limine regarding April 5, 1999, predicated offense grounded on res judicata principles

216

10/17/2019 Notice of appeal filed.



217

Applies To: Hullum, Lance (Defendant)

10/23/2019 Court Reporter John Russo is hereby notified to prepare one copy of the transcript of the evidence of 11/01/2016 09:00 AM Non-Evidentiary Hearing to Dismiss

218

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<u>Docket Date</u>	<u>Docket Text</u>	<u>File Ref Nbr.</u>	<u>Image Avail.</u>
10/23/2019	Court Reporter For the Record is hereby notified to prepare one copy of the transcript of the evidence of 09/24/2018 09:00 AM Evidentiary Hearing to Dismiss	219	
10/23/2019	Court Reporter For the Record is hereby notified to prepare one copy of the transcript of the evidence of 01/17/2019 09:00 AM Non-Evidentiary Hearing to Dismiss	220	
10/23/2019	Court Reporter For the Record is hereby notified to prepare one copy of the transcript of the evidence of 07/15/2019 09:00 AM Jury Trial	221	
10/23/2019	Court Reporter For the Record is hereby notified to prepare one copy of the transcript of the evidence of 07/16/2019 09:00 AM Jury Trial	222	
10/23/2019	Court Reporter For the Record is hereby notified to prepare one copy of the transcript of the evidence of 07/17/2019 09:00 AM Jury Trial	223	
10/23/2019	Court Reporter For the Record is hereby notified to prepare one copy of the transcript of the evidence of 07/18/2019 09:00 AM Jury Trial	224	
10/23/2019	Court Reporter For the Record is hereby notified to prepare one copy of the transcript of the evidence of 07/19/2019 09:00 AM Jury Trial	225	
10/23/2019	Court Reporter For the Record is hereby notified to prepare one copy of the transcript of the evidence of 08/01/2019 02:00 PM Evidentiary Hearing to Dismiss	226	
10/24/2019	Issued on this date:  Mittimus for Sentence (All Charges) Sent On: 10/24/2019 12:07:21	227	
11/01/2019	Defendant's Notice of Appeal under MASS.R.CRIM p.3 (a)(c) Paper numbered out of order due to the limitations of Mass Courts	312	 Image
11/08/2019	Defendant's Motion Establish a Stipulation of Facts where Trial Transcripts are not yet Available in a effort to Expedite Appeal	227.1	
11/14/2019	Transcript received from John Russo, Court Reporter of November 1, 2016 Motion to Dismiss hearing		
11/21/2019	Attorney appearance On this date Ian Stone, Esq. added as Appointed - Appellate Action for Defendant Lance Hullum		
11/22/2019	Pro Se Defendant's Notice to appoint effective counsel for direct appeal	227.2	
11/22/2019	Notice of assignment of counsel - Ian Stone, Esq. appointed (NAC C8036371-0)	228	
11/27/2019	Pro Se Defendant's Request for leave to amend notice of appeal to include appeal of sentence	228.1	
12/17/2019	Defendant's Motion for permission to file Amended Notice of Appeal; Affidavit of Counsel; Certificate of Service	229	 Image
12/17/2019	Habeas Corpus for defendant issued to Souza Baranowski Correctional Center returnable for 01/10/2020 03:00 PM Hearing for Sentence Imposition.  Judge: Moriarty, II, Hon. Cornelius J	230	
12/17/2019	Notice sent to pro-se defendant Lance Hullum to appear January 10, 2020 at 3:00 p.m. for Sentence Imposition	231	
01/10/2020	prior sentences revoked Defendant resentenced FTR		
01/10/2020	Defendant sentenced:: Revision Date: 01/10/2020 Judge: Hon. Cornelius J Moriarty, II Charge #: 1 A&B ON +60/DISABLED c265 §13K(a½) Committed to HOC Term: 1 Years, 0 Months, 0 Days To Serve: 1 Years, 0 Months, 0 Days Served Concurrently Charge # 5  Charge #: 3 ASSAULT c265 §13A(a) Committed to HOC Term: 1 Years, 0 Months, 0 Days To Serve: 1 Years, 0 Months, 0 Days Served Concurrently Charge # 5  Charge #: 5 A&B WITH DANGEROUS WEAPON +60 c265 §15A(a) State Prison Sentence Not Less Than: 9 Years, 0 Months, 0 Days Not More Than: 10 Years, 0 Months, 0 Days Served Consecutively Case 98-089		

**Docket  
Date****Docket Text****File  
Ref  
Nbr.****Image  
Avail.**

Charge #: 7 ASSAULT TO MURDER c265 §15

State Prison Sentence Not Less Than: 9 Years, 0 Months, 0 Days Not More Than: 10 Years, 0 Months, 0 Days

Served Consecutively Charge # 5

Charge #: 9 ASSAULT c265 §13A(a)

Committed to HOC Term: 1 Years, 0 Months, 0 Days To Serve: 1 Years, 0 Months, 0 Days

Served Concurrently Charge # 5

Charge #: 11 A&amp;B WITH DANGEROUS WEAPON c265 §15A(b)

State Prison Sentence Not Less Than: 9 Years, 0 Months, 0 Days Not More Than: 10 Years, 0 Months, 0 Days

Served Consecutively Charge # 5

Charge #: 13 ASSAULT TO MURDER c265 §15

State Prison Sentence Not Less Than: 9 Years, 0 Months, 0 Days Not More Than: 10 Years, 0 Months, 0 Days

Served Consecutively Charge # 5

Committed to MCI - Cedar Junction (at Walpole) :

01/10/2020 Endorsement on Request for leave to amend notice of appeal to include appeal of sentence, (#228.1): ALLOWED



Image

Judge: Moriarty, II, Hon. Cornelius J

01/10/2020 Endorsement on Motion for permission to file an amended notice of appeal, (#229.0): ALLOWED (Motion allowed in court on 1/10/20 by Moriarty, J. Due to clerical error endorsement not put on docket until 5/20/20)



Image

01/10/2020 Notice of appeal from sentence to MCI - Cedar Junction (at Walpole) filed by defendant

231.1

01/10/2020 Notice of appeal filed AMENDED

231.2



Image

Applies To: Hullum, Lance O (Defendant)

01/13/2020 Issued on this date:

232

Mittimus for Sentence (All Charges) :

Sent On: 01/13/2020 08:07:48

01/13/2020 CD of Transcript of 01/07/2019 09:00 AM Non-Evidentiary Hearing to Dismiss, 07/15/2019 09:00 AM Jury Trial, 07/16/2019 09:00 AM Jury Trial, 07/17/2019 09:00 AM Jury Trial, 07/18/2019 09:00 AM Jury Trial, 07/19/2019 09:00 AM Jury Trial, 08/01/2019 02:00 PM Evidentiary Hearing to Dismiss received from FTR (Christie Aarons, Court Transcriber).

01/14/2020 Notice of appearance of Ryan J. Matthews, Esq. for defendant

233

01/15/2020 Notification to the Appellate Division sent. cc: Da's office, probation, RM and LH

234

01/27/2020 Defendant's Motion to preserve the clerk's notes

235



Image

01/28/2020 Case sent to Plymouth Superior - BROCKTON Location.

02/07/2020 Endorsement on Motion to preserve the clerk's notes, (#235.0): ALLOWED if such notes exist

Judge: Moriarty, II, Hon. Cornelius J

02/07/2020 The following form was generated:

A Clerk's Notice was generated and sent to:

Attorney: Ian Stone, Esq.

Attorney: Ryan Matthews, Esq.

Attorney: E. Russell Egnas, Esq.

Attorney: Brian S Farn, Esq.

Holding Institution: Souza Baranowski Correctional Center

Keeper of Record: Massachusetts Treatment Center - Bridgewater

Witness: Raymond Dean









Witness: Richard Saunders

Witness: Austin Ryan










Witness: Brian Glover

Witness: Ronald Scott

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<u>Docket Date</u>	<u>Docket Text</u>	<u>File Ref Nbr.</u>	<u>Image Avail.</u>
	Witness: Bruce Forbes Witness: William Demetrius French		
02/07/2020	Defendant 's Motion to revise and revoke (cover letter requesting no action at this time) (copy emailed to Asst Clerk Dawn Irving Bissette for Judge Moriarty)	236	 Image
04/28/2020	CD of Transcript of 10/15/2019 09:00 AM Jury Trial, 01/10/2020 03:00 PM Hearing for Sentence Imposition received from Donna Holmes Dominguez, DH Reporting Services, Inc..		
05/20/2020	Notice sent to parties regarding notice of amended appeal filed by defendant cc: IS & DA (Motion to allow notice of amended appeal was allowed 1/10/20. Due to clerical error, endorsement and amended notice of appeal docketed 5/20/20)	237	
06/18/2020	Defendants Motion to Stay Sentence Pending Appeal (COVID19)	238	 Image
06/18/2020	Defendant 's Motion for new trial	239	 Image
06/18/2020	Defendant 's Motion for a protective order for attachment materials supporting his motion to stay execution	240	 Image
06/19/2020	Case sent to Plymouth Superior - PLYMOUTH Location.		
06/23/2020	Endorsement on Motion to stay execution of sentences, (#238.0): Other action taken Commonwealth shall have seven (7) days to respond  Judge: Moriarty, II, Hon. Cornelius J		
06/23/2020	Endorsement on Motion for new trial, (#239.0): Other action taken Commonwealth shall have sixty (60) days to respond		
06/23/2020	Endorsement on Motion for a protective order for attachment materials supporting his motion to stay sentence, (#240.0): Other action taken Commonwealth shall have seven (7) days to respond  Judge: Moriarty, II, Hon. Cornelius J		
07/06/2020	Endorsement on Motion, (#238.0): ALLOWED Court allows Commonwealth an extension of time to file its opposition until 4:00pm 07/08/20  Judge: Moriarty, II, Hon. Cornelius J		
07/07/2020	Commonwealth 's Memorandum in opposition to the defendant's motion to stay sentence pending motion for new trial/appeal	241	 Image
08/11/2020	Defendant 's Supplement to Motion for New Trial	242	
08/27/2020	Defendant 's Motion for the court to rule on the papers pursuant to Superior Court Standing Order 5-20 IIIA5	243	 Image
08/27/2020	Defendant 's Motion to strike portions of prosecution's memorandum in opposition to his motion to stay sentence	244	 Image
08/31/2020	Commonwealth 's Motion to extend filing deadline to file opposition to the defendant's motion for new trial; filed and allowed, Commonwealth to file opposition by 9/14/20 (Moriarty,J)	245	
09/14/2020	Commonwealth's memorandum in opposition to the defendant's motion for new trial	246	
10/08/2020	CD of Transcript of 04/10/2017 09:00 AM Hearing on Compliance received from Caryn Johnson, Court Reporter.		
10/15/2020	One (1) certified copy of docket entries, original copy of transcript, one (1) copy of notice of assembly issued to parties, one (1) copy of exhibit list and list of documents, and copy of the notice of appeal, each transmitted electronically to clerk of appellate court	247	
10/15/2020	Notice to Clerk of the Appeals Court of Assembly of Record	248	
10/15/2020	Notice of assembly of record sent to Counsel	249	
10/16/2020	Appeal entered in Appeals Court on 10/15/2020 docket number 2020-P-1181	250	 Image
11/04/2020	After hearig, Atty Stone request no action be taken on the motion for a new trial Case continued to December 16, 2020 at 10AM by agreement for status re; motion to stay) ftr		

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<u>Docket Date</u>	<u>Docket Text</u>	<u>File Ref Nbr.</u>	<u>Image Avail.</u>
11/16/2020	MEMORANDUM & ORDER:  Memorandum of Decision and Order on Defenadnt's motion to stay execution of sentence pending appeal: DENIED (Docket #238)  Judge: Moriarty, II, Hon. Cornelius J	251	 <a href="#">Image</a>
12/11/2020	Event Result:: Conference to Review Status scheduled on: 12/16/2020 10:00 AM Has been: Canceled For the following reason: By Court prior to date Comments: Court has rendered a decision on Pending motion to Stay and Atty Stone is not seeking any other hearing. Hon. Cornelius J Moriarty, II, Presiding		
04/30/2021	Appeal for review of sentence entered at the Appellate Division: Originating Court: Plymouth County Receiving Court: Suffolk County Criminal Case Number: 2084AD022-PL		
07/26/2021	Notice of docket entry received from Appeals Court With respect to the Motion to Provide an Omitted Record filed for Lance O. Hullum by Attorney Ian Stone. (Paper #35), the following order was entered on the docket: RE#35 & 38: The defendant has provided the July 8, 2019 transcript as paper #41. The Commonwealth is granted leave to obtain a transcript of the 06/25/2019 trial court proceedings for inclusion in the record. Appellate proceedings are stayed to 08/27/2021. A status report is due then, or with 7 days of receipt of the 06/25/2019 transcript, whichever date is sooner. To the extent the Commonwealth may seek to revise its brief after receipt of the transcript, at the time the transcript is produced, the Commonwealth may renew its request to revise its brief with a proposed due date for the brief.	252	 <a href="#">Image</a>
08/09/2021	Certification/Copy of Letter of transcript ordered from Court Reporter 06/25/2019 02:00 PM Final Pre-Trial Conference Ordered by the Commonwealth	253	
08/17/2021	Notice of docket entry received from Appeals Court With respect to the MOTION to reinstate the appeal filed for Lance O. Hullum by Attorney Ian Stone (Paper #42), on August 17, 2021, the following entry was made on the docket: RE#42: A response from the Commonwealth is requested and due on or before 08/23/2021.	254	 <a href="#">Image</a>
08/27/2021	Notice of docket entry received from Appeals Court RE #42 (revised), #43, #44: As the transcript of the 06/25/2019 trial court proceedings have been produced, they are accepted for inclusion in the record, and the stay of appellate proceedings is vacated. The Commonwealth's renewed request to revise its brief is allowed. The revised brief, clearly marked as such, is due on or before 09/09/2021. No enlargements should be anticipated. Upon the filing of the Commonwealth's revised brief, the appellant shall have 14 days to file a revised reply brief. Notice to counsel.	255	 <a href="#">Image</a>
08/31/2021	CD of Transcript of 06/25/2019 02:00 PM Final Pre-Trial Conference received from court reporter.		
09/13/2021	Notice of docket entry received from Appeals Court with respect to the Motion to Expand the Record filed for the Commonwealth by Attorney Johanna Black. (Paper #51), on September 13, 2021, the following entry was made- RE#51: Referred to the panel designated to decide this appeal.	256	 <a href="#">Image</a>
09/13/2021	Notice of docket entry received from Appeals Court with respect to the Motion to Impound (IMPOUNDED) filed for Commonwealth by Attorney Johanna Black. (Paper #52), on September 13, 2021, the following entry was made- RE#52: No action needed as Volume II was accepted for filing as impounded.	257	 <a href="#">Image</a>
12/20/2021	Order from Appellate Division of the Superior Court for the Review of Sentence it is ORDERED:  Appeal Withdrawn	258	 <a href="#">Image</a>
02/03/2022	Defendant's Motion for specific public document request under MASS. GEN. LAW. Ch. 66, § 10(a)	259	 <a href="#">Image</a>
02/03/2022	Pro Se Defendant's Motion to conduct statistical data analysis under MASS. R. CRIM. P. 17 SUBDIVISION (S)(a)(2) Defendants renewed discriminatory selective prosecution Affidavit of Defendant in support of renewal discovery motion to conduct statistical data analysis under MASS. R. CRIM. P. 14 SUBDIVISION(S) (a)(2) and MASS. R. CRIM. P. 17 SUBDIVISION(S) (a)(2)	260	 <a href="#">Image</a>









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<u>Docket Date</u>	<u>Docket Text</u>	<u>File Ref Nbr.</u>	<u>Image Avail.</u>
02/03/2022	Pro Se Defendant 's Motion to conduct statistical data analysis under Mass. R. Crim. P. 14 subdivision(s)(a)(2) (Renewed Discriminatory Selective Prosecution Discovery Motion)	260.1	 Image
02/07/2022	Pro Se Defendant 's Request specific public documents under Mass Gen Law Ch 66 sec 10(a) (Case given to RAJ Sullivan)	261	 Image
02/07/2022	Pro Se Defendant 's Motion to conduct statistical data analysis under Mass R Crim P 14 Subdivision(s) (a)(2) Renewed discriminatory selective prosecution along with affidavit in support (Case given to RAJ Sullivan)	262	 Image
02/14/2022	Pro Se Defendant 's Motion (Renewal) to dismiss indictment(s) grounded on separation of powers doctrine, double jeopardy unauthorized multiple punishment under MASS. R. CRIM. P. 13 Subdivision(s)(a)(1)(2)(4)(5).	263	 Image
02/22/2022	Rescript received from Appeals Court; judgment VACATED, REVERSED On indictments one, three, five, seven, nine, and eleven, the judgments are VACATED and the verdicts are set aside. As to indictment thirteen, charging assault with intent to murder or maim, the judgment is REVERSED, the verdict is set aside, and the indictment is to be DISMISSED.	263.1	 Image
02/22/2022	Offense Disposition: Charge #1 A&B ON +60/DISABLED c265 §13K(a½) On: 02/22/2022 Judge: Joseph Stanton By: Post Dispositon Event Disposition VACATED after Appeals Court decision  Charge #2 HABITUAL CRIMINAL PENALTY ENHANCEMENT c279 § 25 On: 10/15/2019 Judge: Hon. Cornelius J Moriarty, II By: Hearing Dismissed - Request of Commonwealth  Charge #3 ASSAULT c265 §13A(a) 265/13A/A-1 On: 02/22/2022 By: Post Dispositon Event Disposition VACATED after Appeals Court decision  Charge #4 HABITUAL CRIMINAL PENALTY ENHANCEMENT c279 § 25 On: 10/15/2019 By: Hearing Dismissed - Request of Commonwealth  Charge #5 A&B WITH DANGEROUS WEAPON +60 c265 §15A(a) On: 02/22/2022 By: Post Dispositon Event Disposition VACATED after Appeals Court decision  Charge #6 HABITUAL CRIMINAL PENALTY ENHANCEMENT c279 § 25 On: 10/15/2019 By: Hearing Dismissed - Request of Commonwealth  Charge #7 ASSAULT TO MURDER c265 §15 On: 02/22/2022 By: Post Dispositon Event Disposition VACATED after Appeals Court decision  Charge #8 HABITUAL CRIMINAL PENALTY ENHANCEMENT c279 § 25 On: 10/15/2019 By: Hearing Dismissed - Request of Commonwealth  Charge #9 ASSAULT c265 §13A(a) 265/13A/A-1 On: 02/22/2022 By: Post Dispositon Event Disposition VACATED after Appeals Court decision  Charge #10 HABITUAL CRIMINAL PENALTY ENHANCEMENT c279 § 25 On: 10/15/2019 By: Hearing Dismissed - Request of Commonwealth  Charge #11 A&B WITH DANGEROUS WEAPON c265 §15A(b) On: 02/22/2022 By: Post Dispositon Event Disposition VACATED after Appeals Court decision  Charge #12 HABITUAL CRIMINAL PENALTY ENHANCEMENT c279 § 25 On: 10/15/2019 By: Hearing Dismissed - Request of Commonwealth  Charge #13 ASSAULT TO MURDER c265 §15 On: 02/22/2022 Judge: Joseph Stanton By: Post Dispositon Event Dismissed		


















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<u>Docket Date</u>	<u>Docket Text</u>	<u>File Ref Nbr.</u>	<u>Image Avail.</u>
	Charge #14 HABITUAL CRIMINAL PENALTY ENHANCEMENT c279 § 25 On: 10/15/2019 By: Hearing Dismissed - Request of Commonwealth		
02/24/2022	Pro Se Defendant's Motion for release on own personal recognizance, MASS. GEN. LAW. CH 276 SECTION 58A.	264	 <a href="#">Image</a>
02/24/2022	The following form was generated:  Notice to Appear Sent On: 02/24/2022 12:59:51		
02/28/2022	Defendant Ian Stone, Esq.'s Motion to Continue Defendant's Notice of Appearance Date	265	 <a href="#">Image</a>
03/04/2022	Attorney appearance On this date Ryan Matthews, Esq. added as Appointed - Indigent Defendant for Defendant Lance O Hullum		
03/04/2022	Appointment made for the purpose of Case in Chief by Judge Hon. William F Sullivan.		
03/07/2022	Pro Se Defendant's Motion to dismiss indictment(s) grounded on Massachusetts common law double jeopardy principles MASS. R. CRIM. P. #13 Subdivision(s)(c)(2)	266	 <a href="#">Image</a>
03/07/2022	Pro Se Defendant's Motion to dismiss indictments grounded on court omission in appointing counsel for indigent defendant under M.G.L. Ch. 211 D section 2B	267	 <a href="#">Image</a>
03/07/2022	Pro Se Defendant's Motion for remand to county house of corrections where record shows defendant's fully completed both state prison sentences.	268	 <a href="#">Image</a>
03/07/2022	Pro Se Defendant's Motion to appoint effective counsel for bail hearing.	269	 <a href="#">Image</a>
03/07/2022	Pro Se Defendant's Motion for release on personal recognizance, MASS. GEN. LAW. CH. 276 SECTION 58 A.	270	 <a href="#">Image</a>
03/07/2022	Defendant's Motion to dismiss indictment(s) grounded on Massachusetts Common Law Double Jeopardy Principles MASS. R. CRIM. P. #13 Subdivisions(s)(c)(2)	270.1	 <a href="#">Image</a>
03/14/2022	Defendant's Motion to dismiss indictments grounded on Grand Jury witness expressed opinion with capacity to influence jurors under Mass. R. CRIM. P. #13 subdivision memorandum of law in support of dismissal of indictments, affidavit in support motion to dismiss	271	 <a href="#">Image</a>
03/15/2022	Habeas Corpus for defendant issued to Souza Baranowski Correctional Center returnable for 03/16/2022 02:00 PM Trial Assignment Conference. Please transport defendant IN PERSON	272	
03/15/2022	Attorney appearance On this date Samantha Marie Mullin, Esq. added as Attorney for the Commonwealth for Prosecutor Commonwealth	273	 <a href="#">Image</a>
03/15/2022	Attorney appearance On this date E. Russell Bonas, Esq. dismissed/withdrawn as Attorney for the Commonwealth for Prosecutor Commonwealth		
03/16/2022	Defendant's Motion to dismiss indictments grounded on common law double jeopardy where indictment(s) were worded identically to those which formed the basis of acquittals in first trial under MASS. R. CRIM. P. #13 Subdivision (c)(2).	274	 <a href="#">Image</a>
03/16/2022	Defendant's Motion to dismiss all assault & battery indictment(s) grounded on jury's verdict(s) of acquittal(s) of armed assault & battery with intent to murder was premised on the same acts used to support the force requirements resulting in double jeopardy. MASS R. CRIM. P. 13 Subdivision (c)(2)	275	 <a href="#">Image</a>
03/16/2022	Defendant's Memorandum of law included in motion to dismiss indictments grounded on speedy trial violations where commonwealth defied valid discovery order under: MASS. R. CRIM. p. #13 Subdivision (c)(2) Defendant's affidavit in support of his motion to dismiss grounded on speedy trial violations where commonwealth defied valid discovery order under: MASS. R. CRIM. p. #13 Subdivision (3)	276	 <a href="#">Image</a>
03/16/2022	Bail set at \$0.00 Surety, \$250,000.00 Cash. GPS and home confinement  **If defendant posts bail must be held and transported to Brockton Superior Court to be fitted for GPS		








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<u>Docket Date</u>	<u>Docket Text</u>	<u>File Ref Nbr.</u>	<u>Image Avail.</u>
03/16/2022	<p>Event Result:: Trial Assignment Conference scheduled on: 03/16/2022 02:00 PM</p> <p>Has been: Held as Scheduled</p> <p>Comments: Mr. Hullum appears before the court and the court appoints attorney Ryan Matthews to the defendant and that appointment is made as of March 4, 2022 - the date Atty Matthews agreed to work with Mr. Hullum in preparation for his case on this date and going forward.</p> <p>Parties argue bail on the matter. After that argument, bail is set at an amount of \$250,000.00 cash with special conditions of release of:</p> <ol style="list-style-type: none"> <li>1. Home confinement</li> <li>2. Wear a GPS device (If defendant posts bail he is to be held and brought to court the following day that Brockton Superior Court is open in order to be fitted with a GPS device)</li> </ol> <p>This bail and conditions are set without prejudice and Bail warnings are given.</p> <p>Parties select a next date of 4/14/22 at 2:00 PM for trial assignment.</p> <p>Hon. William F Sullivan, Presiding</p>		
03/16/2022	<p>Issued on this date:</p> <p>Mittimus in Lieu of Bail</p> <p>Sent On: 03/16/2022 15:15:18</p>	277	
03/21/2022	<p>Lance O Hullum's Memorandum of law included motion to dismiss indictment(s) grounded on defendant never waived his right to probable cause hearing in district court and lacks jurisdiction due to defendant never afforded counsel in district court to sign waiver of probable cause hearing under Mass Crim P # Subdivision of (C)(2) and affidavit Pro-Se (given to RAJ Sullivan)</p>	278	 <a href="#">Image</a>
03/22/2022	<p>ORDER: on vacated sentence: the Supreme Judicial Court reversed the conviction and set aside the verdicts; rescript entered in the Superior Court on Feb 22,2022. Defendant's bail is set at \$250,000.00 with substantial conditions of release including not to be released without a GPS device copies sent March 22,2023</p> <p>Judge: Sullivan, Hon. William F</p>	279	 <a href="#">Image</a>
04/04/2022	<p>Defendant 's Motion for criminal history of commonwealth's witness(es)</p>	280	 <a href="#">Image</a>
04/04/2022	<p>Pro Se Defendant 's Motion to Dismiss Charges Contained in the Nolle Prosequi Grounded on Common Law Double Jeopardy Principles where Prosecutors entry of Nolle Prosequi During Trial without Defendant's Consent in Response to Defendant's motion to Dismiss Habitual Offender Indictments Based on Res Judicata, Effectually Acquitted Defendant of those charges which are the subject of the Nolle Prosequi which are M.G.P. ch. 265 sec. 13K (2)(1//2); 13 A/A-1;15; 15A(c); 15A (b); Affidavit in Support; Exhibits Attached</p>	281	 <a href="#">Image</a>
04/06/2022	<p>Habeas Corpus for defendant issued to Souza Baranowski Correctional Center returnable for 04/14/2022 02:00 PM Trial Assignment Conference. be here by 1:00pm</p> <p>Applies To: Souza Baranowski Correctional Center (Holding Institution)</p>	282	
04/12/2022	<p>Defendant 's Motion for transfer</p>	283	 <a href="#">Image</a>
04/13/2022	<p>Endorsement on Motion for criminal history of commonwealth's witness(es), (#280.0): ALLOWED copies sent April 14,2022</p> <p>Judge: Sullivan, Hon. William F</p>		<a href="#">Image</a>
04/14/2022	<p>Attorney appearance</p> <p>On this date Patrick Christopher Lee, Esq. added for Other interested party Plymouth County Sheriff's Department</p>	284	 <a href="#">Image</a>
04/14/2022	<p>Event Result:: Trial Assignment Conference scheduled on: 04/14/2022 02:00 PM</p> <p>Has been: Held as Scheduled</p> <p>Comments:</p> <ol style="list-style-type: none"> <li>1. Defendant is present in court. Atty. Matthews appears for the defendant and Samantha Mullins appears for the Commonwealth.</li> <li>2. Court allows Paper 280, the motion for records of Commonwealth witnesses.</li> </ol>		

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<u>Docket Date</u>	<u>Docket Text</u>	<u>File Ref Nbr.</u>	<u>Image Avail.</u>
	3. Parties argue paper 233, The Defendant's Motion to be Transferred to Another Facility. After argument the court takes that matter under advisement.		
	4. Parties argue Bail. (Reduction for defendant and the Commonwealth asks for the bail to be increased). After hearing the court orders the bail to remain the same with the same conditions. Now set with prejudice.		
	Hon. William F Sullivan Presiding		
04/14/2022	Defendant 's Motion to dismiss	285	
04/14/2022	Defendant 's Motion to dismiss (Failure to Conduct probable cause hearing)	286	
04/14/2022	Defendant 's Motion to dismiss on double jeopardy grounds (Defendant has already been punished Administratively)	287	
04/14/2022	General correspondence regarding letter from deft Lance Hullum to Judge Sullivan (copy of letter was sent Atty Ryan Matthews ) and placed under seal per Judge Sullivan	288	
04/19/2022	Endorsement on Motion for transfer, (#283.0): DENIED after hearing copies sent April 19,2022		
	Judge: Sullivan, Hon. William F		
04/19/2022	ORDER: Decision and Order RE: Motion to transfer: The defendant's motion to transfer is DENIED copies sent April 19,2022	289	
	Judge: Sullivan, Hon. William F		
04/19/2022	ORDER: Decision RE: Bail; The defendant's bail will be set in the amount of \$250,000.00 cash. If the defendant posts this amount, he is not to be released before he his fitted with a GPS bracelet and he is to be in home confinement at the home of his mother, no contact with individuals under the age of 18 copies sent April 19,2022	290	
	Judge: Sullivan, Hon. William F		
04/22/2022	Defendant 's Motion to Dismiss Indictment(s) Grounded on Want of Prosecution Under Mass. R. Crim. p. #13 subdivisions (c)(2)	291	
04/25/2022	Attorney appearance On this date Byron J Knight, Esq. added as Appointed - Indigent Defendant for Defendant Lance O Hullum	292	
04/27/2022	Defendant 's Motion to stay proceedins	293	
04/27/2022	Defendant 's Motion for interlocutory appeal	294	
04/27/2022	Defendant 's Application for leave to appeal the unreasonable bail imposed	295	
04/27/2022	Defendant 's Notice of Appeal to the single justice of the denial of reasonable bail of indigent defendant with medical issues entered on April 14, 2022, by Judge Sullivan	295.1	
04/28/2022	Attorney appearance On this date Ryan Matthews, Esq. added as Appointed - Indigent Defendant for Defendant Lance O Hullum	296	
05/02/2022	Pro Se Defendant 's Motion instructing counsel Ryan Mathews to file a motion for "reconsideration" of his high bail after the alleged emergency he claimed the male clerk told him the judge was in and could not do fact finding at that time for a Rule #15(b) unreasonable bail act appeal.	297	
05/02/2022	Pro Se Defendant 's Motion for reconsideration of denial on a reasonable/affordable bail for a indigent whom is a poor person. The "\$250,000 Dollars Bail imposed" on April 14, 2022 is in violation of equal protection of the laws and is discriminatory compared to similarly situated poor defendant's in this county.	297.1	
05/06/2022	General correspondence regarding D.O.C	298	

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<u>Docket Date</u>	<u>Docket Text</u>	<u>File Ref Nbr.</u>	<u>Image Avail.</u>
05/09/2022	Habeas Corpus for defendant issued to Souza Baranowski Correctional Center returnable for 05/13/2022 10:00 AM Motion Hearing. be here by 9:00am	299	
	Applies To: Hullum, Lance O (Defendant); Souza Baranowski Correctional Center (Holding Institution)		
05/11/2022	Defendant 's Motion for an evidentiary hearing	300	
05/13/2022	Event Result:: Motion Hearing scheduled on: 05/13/2022 10:00 AM Has been: Held as Scheduled Comments:  Called in the First Session.  Hon. William F Sullivan, Presiding		<a href="#">Image</a>
05/13/2022	General correspondence regarding Defendants letter concerning Ryan Mathews.	301	
05/16/2022	Defendant 's Motion for an evidentiary hearing.	302	
05/23/2022	General correspondence regarding Letter from Bishop Faye Joy Hullum regarding Release of defendant into her custody	303	<a href="#">Image</a>
05/23/2022	Pro Se Defendant 's Motion for a Mental Health Evaluation for Pre-Trial Detainee Counsel Instructed	304	
05/31/2022	Pro Se Defendant 's Motion to dismiss Indictment(s) grounded on Res Judicata Bars Relitigating this same Controversy with Alleged Victims Richard Saunders, Raymond Dean, Raymond Girard due to Retraxit of Civil Action in Federal Court with Criminal Language of Assault & Battery with a weapon despite tow different burden of proof standards, under Mass. R. Crim. P. #13 subdivision (C)(2) also direct estoppel; Memorandum of Law in support; Plaintiff's Affidavit; Exhibits Attached	305	
06/08/2022	Habeas Corpus for defendant issued to Souza Baranowski Correctional Center returnable for 06/09/2022 02:00 PM Conference to Review Status. PLEASE TRANSPORT DEFENDANT TO COURT	306	
06/09/2022	Event Result:: Conference to Review Status scheduled on: 06/09/2022 02:00 PM Has been: Held as Scheduled Comments: CAs called for status hearing before (Sullivan,J). after hearing case continued to June 15, 2022 for status and bail hearing Hon. William F Sullivan, Presiding		
06/09/2022	Defendant 's Motion to dismiss for the Commonwealth's failure to comply with court orders and rule 14 discovery obligations	306.1	
06/09/2022	Defendant 's Memorandum in support of defendant's motion to dismiss on double jeopardy grounds	306.2	
06/14/2022	Habeas Corpus for defendant issued to Souza Baranowski Correctional Center returnable for 06/15/2022 10:00 AM Bail Hearing. Please TRANSPORT DEFENDANT IN PERSON*	307	<a href="#">Image</a>
06/15/2022	Event Result:: Bail Hearing scheduled on: 06/15/2022 10:00 AM Has been: Held as Scheduled Comments: 1. Court hears argument on defendant's request for the reduction or elimination of bail based on a change of circumstances (filing of Motions to Dismiss). That matter is taken under advisement.  2. Commonwealth files a Discovery Packet to be marked as a numbered pleading. (first page is a pleading from a civil matter "Response of Defendants Steen O'Brien... apx. 76 Pages).  3. Parties select July 20, 2022 at 10:00 for hearing on Motions to Dismiss. (In first Session)  Hon. William F Sullivan, Presiding		
06/15/2022	Habeas Corpus for defendant issued to Souza Baranowski Correctional Center returnable for 07/20/2022 10:00 AM Motion Hearing. Please TRANSPORT DEFENDANT IN PERSON*	308	

Showing 1 to 500 of 659












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













<u>Tickler</u>	<u>Start Date</u>	<u>Due Date</u>	<u>Days Due</u>	<u>Completed Date</u>
Under Advisement	11/01/2016	12/01/2016	30	11/07/2016
Under Advisement	01/17/2019	02/16/2019	30	02/25/2019
Under Advisement	11/17/2022	12/17/2022	30	05/15/2023

**Docket Information**

<u>Docket Date</u>	<u>Docket Text</u>	<u>File Ref Nbr.</u>	<u>Image Avail.</u>
06/15/2022	Commonwealth's Response to Discovery	309	
06/24/2022	MEMORANDUM & ORDER:  of Decision on Defendant's motion to Reconsider Bail  The defendant's Motion for reduction in bail is DENIED without prejudice.  Judge: Sullivan, Hon. William F	310	 <a href="#">Image</a>
06/24/2022	Defendant's Supplemental Memorandum of law in support of defendant's motion to dismiss indictments on RES JUDICATA/Dirct Estoppel grounds. MASS. R. CRIM. P. 13 Subdivision (s)(c)(2).	311	 <a href="#">Image</a>
06/30/2022	Attorney appearance On this date Amanda M Chaves, Esq. added for Other interested party Department of Corrections		
06/30/2022	Other's Motion to continue  Applies To: Department of Corrections (Other interested party)	313	 <a href="#">Image</a>
07/05/2022	Habeas Corpus for defendant issued to Souza Baranowski Correctional Center returnable for 07/12/2022 12:00 PM Motion Hearing. ***TRANSPORT DEFENDANT TO COURT FOR IN PERSON HEARING ***	314	
07/05/2022	Other's Motion to continue  Applies To: Department of Corrections (Other interested party)	315	 <a href="#">Image</a>
07/05/2022	Defendant's Request to be heard on motions to dismiss on July 22, 2022	316	 <a href="#">Image</a>
07/07/2022	General correspondence regarding Amanda Chaves notice of appearance for the Department of Correction	317	 <a href="#">Image</a>
07/12/2022	Event Result:: Motion Hearing scheduled on: 07/20/2022 10:00 AM Has been: Held as Scheduled Hon. William F Sullivan, Presiding		
07/12/2022	Event Result:: Motion Hearing scheduled on: 07/12/2022 12:00 PM Has been: Held as Scheduled Hon. William F Sullivan, Presiding		
07/12/2022	Commonwealth's Motion to impound grand jury transcripts ALLOWED (Sullivan, J)	318	 <a href="#">Image</a>
07/12/2022	Commonwealth's Memorandum in opposition to the defendant's motion to dismiss based upon double jeopardy grounds	319	 <a href="#">Image</a>
07/12/2022	Commonwealth's Memorandum in opposition to the defendant's motion to dismiss based upon failure to comply with court orders and rule 14	320	 <a href="#">Image</a>
07/15/2022	Habeas Corpus for defendant issued to Souza Baranowski Correctional Center returnable for 08/08/2022 02:00 PM Motion Hearing. be here by 1:00PM  Applies To: Hullum, Lance O (Defendant)	321	
08/01/2022	Defendant's Motion to continue motion hearing scheduled for August 8,2022 to August 16,2022 - ALLOWED	322	 <a href="#">Image</a>

















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<u>Docket Date</u>	<u>Docket Text</u>	<u>File Ref Nbr.</u>	<u>Image Avail.</u>
08/02/2022	Event Result:: Motion Hearing scheduled on: 08/08/2022 02:00 PM Has been: Rescheduled For the following reason: Attorney on another trial Hon. William F Sullivan, Presiding		
08/05/2022	Pro Se Defendant's Motion to dismiss indictment number seven (7) grounded on it did not allege an offense under the first clause or the third clause of M.G.L. CH. 265 Section 14.	323	 <a href="#">Image</a>
08/08/2022	Pro Se Defendant's Motion for appointment of effective assistance of pretrial counsel to file a appeal of high bail as defendant repeatedly requested to counsel due to record relied on Commonwealth is over ten years old counsel has conflict of interest in fighting for my liberty as appointed to too many cases.	324	 <a href="#">Image</a>
08/08/2022	Pro Se Defendant's Motion to dismiss indictment number seven (7) grounded on it did not allege on offense under the first clause or the third clause of M.G.L. CH 265 Section 14.	325	 <a href="#">Image</a>
08/08/2022	Pro Se Defendant's Motion to dismiss indictments grounded on defendant successfully obtain reversal of his convictions on an independent ground retrial should be barred by common law double jeopardy, M.G.L. Ch. 263 Section 7 (1992) Under MASS. R. CRIM. P. 13 Subdivision(s) (c)(2).	326	 <a href="#">Image</a>
08/08/2022	Opposition to to the commonwealth's and D.O.C.'S assertion(s) on 7/12/2022 on compliance with previous court orders to conduct statistical data and res judicata due to April 10th, 2017 compliance hearing where no finding of facts was conduct by the court, no constitutional a principles involved was ever addressed... filed by Defendant	327	 <a href="#">Image</a>
08/11/2022	Pro Se Defendant's Notice of ineffective assistance of counsel and conflict of interest, remedy appoint effective counsel, judicial notice (Second)	328	 <a href="#">Image</a>
08/15/2022	Habeas Corpus for defendant issued to Souza Baranowski Correctional Center returnable for 08/16/2022 02:00 PM Motion Hearing. ***PLEASE TRANSPORT THE DEFENDANT BY 1:00 P.M.***	329	
08/15/2022	General correspondence regarding from Pro-se Defendant To exclude July 11,2022 ADA response motion in limine of 1988 Indictment(s) and conviction from being included in her response to double jeopardy motion due to conviction is over ten years old and sentence has been completed making it "irrelevant", "prejudicial"	330	 <a href="#">Image</a>
08/16/2022	Pro Se Defendant's Motion to dismiss indictment(s) or/bar retrial grounded on common law double jeopardy and Massachusetts declarations of rights articles #1,#12 where prosecution egregious misconduct violated defendant's fundamental right to a fair trial by not conducting and produce statistical data analysis previously ordered, preventing him from evaluating and developing his selective prosecution claim seeking a retrial twice put in jeopardy of life or limb without due process of the law requiring acquittal/discharge/dismissal with prejudice	331	 <a href="#">Image</a>
08/16/2022	Defendant's Memorandum regarding sentencing or in the alternative a request for release on recognizance pending further hearing	332	 <a href="#">Image</a>
08/16/2022	Event Result:: Motion Hearing scheduled on: 08/16/2022 02:00 PM Has been: Held as Scheduled The court heard pro-se defendant's motion for new counsel. After hearing, the court finds no shortcomings of counsel and determined that defendant did receive effective assistance of counsel. The court allows defendant's motion for new counsel only because defendant requested new counsel, not due to any shortcomings of counsel. Hon. William F Sullivan, Presiding		
08/16/2022	Attorney appearance On this date Ryan Matthews, Esq. dismissed/withdrawn as Appointed - Indigent Defendant for Defendant Lance O Hullum		
08/18/2022	Pro Se Defendant's Motion to dismiss or in the alternative bar retrial where defendant still has not been afforded effective assistance of counsel at a critical stage, pre-trial, guaranteed by due process clause of the fourteen amendment	333	 <a href="#">Image</a>
08/29/2022	Pro Se Defendant's Motion to exclude any incident report(s)/video(s)/ motion sensors monitoring devices form department of correction(s) against the defendant at pre-trial state where no D-report exist said item(s) violate the confrontation clause rights due to (DOC) staff not subjected to cross-examination rendering material irrelevant, prejudicial and untrustworthy based on (DOC) history	334	 <a href="#">Image</a>
08/30/2022	Habeas Corpus for defendant issued to Plymouth County House of Correction returnable for 08/31/2022 02:00 PM Hearing for Appearance / Appointment of Counsel. PLEASE TRANSPORT DEFENDANT TO COURT	335	
















<u>Docket Date</u>	<u>Docket Text</u>	<u>File Ref Nbr.</u>	<u>Image Avail.</u>
	As such, I am satisfied that, in setting the defendant's bail, the judge fully considered the factors that are required under Brannigan v. Commonwealth, 477 Mass. 691, 709-710 (2017). See Walsh, 485 Mass. at 570-589. Contrast Boisvert v. Commonwealth, 487 Mass. 1027, 1028 (2021). Accordingly, the defendant's request for relief is denied. So ordered.		
12/06/2022	Defendant's Request For Leave To File Late Supplement	351	
12/06/2022	Lance O Hullum's Memorandum Supplemental Memorandum In Support Of Motions To Dismiss On Double Jeopardy Grounds	352	 
12/12/2022	Pro Se Defendant's Motion to Vacate and Dismiss Indictment (s) where (D.D.U) Disgorgement Sanction Order Previously Imposed go beyond compensation, are intended to punish, and label Defendant's wrong doing as a consequence of violating public laws under Mass. R. CRIM. P. # Subdivision (a) Triggering Common Law Jeopardy.	353	 
12/12/2022	Pro Se Defendant's Request for Leave To File Late Supplemental	354	
12/12/2022	Pro Se Defendant's Motion to dismiss Assault Charges Due To Fact Defendant Never Indicted On Assault By Grand Jury Violation Of Massachusetts Declarations Of Rights Article #12, Under Mass. R. CRIM.P.#13 Subdivision (c) (2)	355	 
12/12/2022	Notice of docket entry received from Appeals Court Notice of assembly of the record	356	 
12/12/2022	Appeal entered in Appeals Court on 12/12/2022 docket number 2022-P-1200	357	 
12/13/2022	Event Result:: Conference to Review Status scheduled on: 12/14/2022 02:00 PM Has been: Rescheduled For the following reason: By Court prior to date Hon. Gregg J Pasquale Presiding		
12/15/2022	Event Result:: Conference to Review Status scheduled on: 12/20/2022 02:00 PM Has been: Rescheduled For the following reason: Joint request of parties Hon. Daniel J. O'Shea Presiding		
12/21/2022	Habeas Corpus for defendant issued to Souza Baranowski Correctional Center returnable for 12/22/2022 02:00 PM Conference to Review Status. PLEASE TRANSPORT THE DEFENDANT TO COURT	358	
12/22/2022	Event Result:: Conference to Review Status scheduled on: 12/22/2022 02:00 PM Has been: Held as Scheduled. Note***Commonwealths opposition to evidentiary hearing due by 1/27/23 Hon. Gregg J Pasquale Presiding		
12/23/2022	Endorsement on Supplemental, Memorandum of law in support of Defendant's motion to dismiss indictments on Res Judicata/Direct Estoppel grounds, (#311.0): DENIED		 
12/23/2022	Endorsement on Motion to dismiss indictments grounded on res judicata bars relitigating this same controversy with alleged victims Richard Saunders, Raymond Dean, Raymond Girard due to retraxit of civil action in federal court with criminal language of assault & battery, assault & battery with a weapon despite two different burden of proof standards, (#305.0): DENIED after hearing		 
12/28/2022	Habeas Corpus for defendant issued to Souza Baranowski Correctional Center returnable for 12/29/2022 11:00 AM Lobby Conference. PLEASE TRANSPORT DEFENDANT TO COURT	359	
12/29/2022	Event Result:: Lobby Conference scheduled on: 12/29/2022 11:00 AM Has been: Held as Scheduled Hon. Gregg J Pasquale Presiding		
12/29/2022	MEMORANDUM & ORDER:  AND DECISION on defendant's motion to vacate and dismiss indictment: DDU Order triggering common law double jeopardy (paper#353); For the foregoing reasons, it is hereby Ordered that the Clerk schedule an evidentiary hearing on Defendant's Motion to Vacate and Dismiss: DDU Order triggering Common Law Double Jeopardy (Paper#353) copies sent Jan 5, 2023  Judge: Pasquale, Hon. Gregg J	359.1	 












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<u>Docket Date</u>	<u>Docket Text</u>	<u>File Ref Nbr.</u>	<u>Image Avail.</u>
12/30/2022	Habeas Corpus for defendant issued to Souza Baranowski Correctional Center returnable for 01/03/2023 02:00 PM Conference to Review Status. PLEASE TRANSPORT DEFENDANT TO COURT	360	
01/03/2023	Defendant brought into court Atty Tauches present ADA Mullin present via zoom case continued to January 26, 2023 motion to reconsider bring in deft Court will appear via zoom from Barnstable Superior Pasquale, J FTR		
01/05/2023	Endorsement on Motion Defendant's Motion to Dismiss For The Commonwealth Failure To Comply With Court Orders And Rule 14 Discovery Obligations, (#306.1): DENIED After Hearing and Consideration The Motion is DENIED For The Reasons Stated In The Commonwealth's Opposition		 <a href="#">Image</a>
01/11/2023	General correspondence regarding Access to recent docket entry sheets	361	 <a href="#">Image</a>
01/17/2023	Defendant's EX PARTE Motion for Rule 17 Indigent Summons; Affidavit in Support	362	 <a href="#">Image</a>
01/18/2023	Endorsement on Motion for Rule 17 Indigent summons, (#362.0): ALLOWED as to issuance of a summons copy sent Jan 19, 2023  Judge: Pasquale, Hon. Gregg J		 <a href="#">Image</a>
01/19/2023	Summons to appear issued to Dr Elizabeth Falcon to appear via zoom 161-8224-6325 no password before Judge Pasquale on February 2, 2023 for motion to dismiss	363	 <a href="#">Image</a>
01/24/2023	Habeas Corpus for defendant issued to Souza Baranowski Correctional Center returnable for 01/26/2023 02:00 PM Motion Hearing for Reconsideration. PLEASE TRANSPORT THE DEFENDANT TO COURT	364	
01/25/2023	Pro Se Defendant's Motion For Statistical Data Expert Assistance Under M.G.L. Ch. 261 Section 27C, M.G.L. Ch. 267 Section 27A For Indigent Defendant.	365	 <a href="#">Image</a>
01/25/2023	Pro Se Defendant's Motion To Suppress Testimony	366	 <a href="#">Image</a>
01/25/2023	Pro Se Defendant's Motion To Suppress Witness Testimony Entered Into Evidence Obtained In Violation Of Right To Counsel.	367	 <a href="#">Image</a>
01/25/2023	Pro Se Defendant's Motion To Suppress Statements Of Defendant Obtained In Violation Of His Right To Counsel.	368	 <a href="#">Image</a>
01/25/2023	Pro Se Defendant's Motion To Suppress Introduction Of All The Evidence Introduced At The First Trial Grounded On The Fruit Of The Poisonous Tree Doctrine Under Mass.R.Crim.P.Subdivision(S) (C) (1) (2) (d).	369	 <a href="#">Image</a>
01/25/2023	Pro Se Defendant's Memorandum Of Law In Support Of Motion To Suppress Under Mass.R.Crim.P.#13 Subdivision (c)(1)(2)(d)	370	 <a href="#">Image</a>
01/25/2023	Affidavit of Lance Hullum	371	 <a href="#">Image</a>
01/26/2023	General correspondence regarding Hearing on Compliance Before (Yessayan, J) 04/10/2017	372	 <a href="#">Image</a>
01/26/2023	Commonwealth's Response To Defendant's July 15, 2014 Discovery Motion dated 03/10/2015	373	 <a href="#">Image</a>
01/26/2023	Matter to remain scheduled for 02/02/2023 at 2:00 p.m. for Evidentiary Hearing to Dismiss. (Hallal, J) (FTR)		 <a href="#">Image</a>
02/01/2023	Habeas Corpus for defendant issued to Souza Baranowski Correctional Center returnable for 02/02/2023 02:00 PM Evidentiary Hearing to Dismiss. PLEASE TRANSPORT DEFENDANT TO COURT	374	
02/02/2023	MEMORANDUM & ORDER:  It is hereby ORDERED that Defendant's Motion to Vacate and Dismiss Indictment's Grounded on Common Law Double Jeopardy Where Indictment's Were Worded Identically to Those Which Formed the Basis of Acquittals in First Trial (Paper #274) be DENIED. It is further ORDERED that Defendant's Motion to Dismiss Assault Charges Due to Fact Defendant Never Indicted on Assault by Grand Jury (Paper #355) be DENIED.  Judge: Pasquale, Hon. Gregg J	375	 <a href="#">Image</a>

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<u>Docket Date</u>	<u>Docket Text</u>	<u>File Ref Nbr.</u>	<u>Image Avail.</u>
02/02/2023	Event Result:: Evidentiary Hearing to Dismiss scheduled on: 02/02/2023 02:00 PM Has been: Held as Scheduled Hon. Gregg J Pasquale Presiding		
02/02/2023	Defendant 's Supplemental Motion to suppress is filed. Paper #376.	376	
02/10/2023	General correspondence regarding Letter	377	
02/10/2023	Pro Se Defendant 's Supplemental Motion/Memorandum Of Law In Support Of Motion To Suppress	378	
02/13/2023	Pro Se Defendant 's Supplemental Motion/ Memorandum Of Law In Support Of Motion To Suppress	379	
03/01/2023	Habeas Corpus for defendant issued to Souza Baranowski Correctional Center returnable for 03/02/2023 02:00 PM Motion Hearing. PLEASE TRANSPORT DEFENDANT TO COURT	380	
03/02/2023	Event Result:: Motion Hearing scheduled on: 03/02/2023 02:00 PM Has been: Held as Scheduled Hon. Gregg J Pasquale Presiding		
03/02/2023	Docket Note: Cassidy Clark, V.W.A., and Roy Girard, victim, appear via Zoom. Evidence is Ordered closed on the DDU Motion. Both sides make Closing Arguments. The Motion to Dismiss is taken under advisement. Written submissions on DDU Motion to be filed by March 16, 2023. Matter is continued to April 3, 2023, 11:00 am, Motion to Suppress. Judge Pasquale does not retain jurisdiction over the Motion to Suppress.		
03/06/2023	Defendant 's Petition To the Single Justice Of The Supreme Judicial Court, Pursuant To G.L.C. 211; 3, For Review Of Double Jeopardy Orders By The Lower Court Judge	381	
03/16/2023	Commonwealth 's Memorandum in Opposition to the Defendant's motion to dismiss based upon double jeopardy grounds (SECOND)	382	
03/17/2023	Defendant 's Memorandum In Support Of Motions To Suppress Statements, Evidence And Testimony At Trial	383	
03/30/2023	Notice of docket entry received from Appeals Court Notice of Dismissal for Lack of Prosecution	384	
04/03/2023	Event Result:: Motion Hearing scheduled on: 04/03/2023 11:00 AM Has been: Held as Scheduled Comments: After hearing case continued by agreement to May 2, 2023 at @2:00 for hearing on motion to suppress. habe defendant Hon. Brian A Davis, Presiding		
04/03/2023	ORDER: Court orders that all pleadings that are filed by Mr. Hullum are to be filed through his counsel. Motions filed without cover sheet from attorney will be returned to Mr.Hullum	385	
04/24/2023	Defendant 's Motion Motion To Disqualify Judge Brian A Davis	386	
04/24/2023	Endorsement on Motion To Disqualify Judge Brian A Davis, (#386.0): DENIED Upon consideration, this motion is DENIED. No hearing is necessary. The fact that I, Judge Davis, previously denied various motions filed by the Defendant does not indicate that I hold any bias against him. It indicates only that I believed his prior motions lacked merit. After reflection, I, Judge Davis, have concluded, applying the two-part test set out in <i>Lena v. Commonwealth</i> , 369 Mass. 571 (1976), that I have no actual bias in this matter, and that no one could reasonably question my impartiality.		 
05/01/2023	Habeas Corpus for defendant issued to Souza Baranowski Correctional Center returnable for 05/02/2023 02:00 PM Non-Evidentiary Hearing on Suppression.	387	
05/02/2023	Defendant 's Supplemental Memorandum In Support Of Motion To Dismiss Based On Double Jeopardy For DDU Punishment	388	
05/02/2023	Endorsement on Motion To Suppress Testimony, (#366.0): Motion ALLOWED in part. DENIED in part. See Memo of Decision and Order.		
05/02/2023	Defendant 's Motion To Correct The Record	389	






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<u>Docket Date</u>	<u>Docket Text</u>	<u>File Ref Nbr.</u>	<u>Image Avail.</u>
05/02/2023	<p>ORDER: Decision and Order Regarding Defendant's Multiple Motions to Suppress (Docket Entry Nos. 366, 367, 368, 369, 376, 378, and 379):</p> <p>Order</p> <p>For the foregoing reasons, Defendant's Motion to Suppress are ALLOWED IN PART. IT IS HEREBY ORDERED that no testimony given or statements made by Defendant at the first trial of this action shall be offered or admitted in evidence at any retrial of this action for any purpose. In all other respects, Defendant's Motion to Suppress are DENIED without prejudice to Defendant's right to object to the introduction of any evidence at the retrial of this action on grounds other than that the evidence was introduced at the first trial of this action.</p>	390	 Image
05/02/2023	<p>cc; S.M. J.T.</p>		
05/02/2023	<p>Case continued to 11/02/2023 at 2:00 p.m. for Final Pre Trial Conference. Case continued to 11/13/2023 at 9:00 a.m. for Jury Trial. Events to be held at Plymouth Superior 3rd Session. All motions due by 10/27/2023.</p> <p>(Davis, J) (FTR)</p>		
05/02/2023	<p>Endorsement on Motion to dismiss indictment(s) or/bar retrial grounded on common law double jeopardy and Massachusetts declarations of rights articles #1 and 12, where prosecution egregious misconduct violated defendant's fundamental right to a fair trial by not conducting and produce statistical data analysis previously ordered, preventing him from evaluating and developing his selective prosecution claim seeking a retrial twice put in jeopardy of life or limb without due process of the law, requiring acquittal/disch, (#331.0): DENIED after hearing copies sent May 5,2023</p> <p>Judge: Pasquale, Hon. Gregg J</p>		 Image
05/02/2023	<p>Endorsement on Motion To Suppress Witness Testimony Entered In To Evidence Obtained In Violation Of Right To Counsel., (#367.0):</p> <p>Motion ALLOWED in part, DENIED in part. See Memo of Decision and Order.</p>		 Image
05/02/2023	<p>Endorsement on Motion To Suppress Statements Of Defendant Obtained In Violation Of His Right To Counsel, (#368.0):</p> <p>Motion ALLOWED in part, DENIED in part. See Memo of Decision and Order.</p>		 Image
05/02/2023	<p>Endorsement on Motion To Suppress Introduction Of All The Evidence Introduced At The First Trial Grounded On Fruit Of The Poisonous Tree Doctrine Under Mass.R.Crim.PSubdivision(s)(c)(1)(2)(d), (#369.0):</p> <p>Motion ALLOWED in part, DENIED in part. See Memo of Decision and Order.</p>		 Image
05/02/2023	<p>Endorsement on Motion To Suppress Testimony Supplemental, (#376.0):</p> <p>Motion ALLOWED in part, DENIED in part. See Memo of Decision and Order.</p>		 Image
05/02/2023	<p>Endorsement on Motion, Memorandum Of Law In Support Of Motion To Suppress, (#378.0):</p> <p>Motion ALLOWED in part, DENIED in part. See Memo of Decision and Order.</p>		 Image
05/02/2023	<p>Endorsement on Motion, Memorandum Of Law In Support Of Motion To Suppress, (#379.0):</p> <p>Motion ALLOWED in part, DENIED in part. See Memo of Decision and Order.</p>		 Image
05/03/2023	<p>MEMORANDUM &amp; ORDER:</p> <p>ON DEFENDANT'S MOTION TO VACATE AND DISMISS INDICTMENT: D.D.U. ORDER TRIGGERING COMMON LAW DOUBLE JEOPARDY (Paper #353)</p> <p>ORDER:</p> <p>For the foregoing reasons, it is hereby ORDERED that the Defendant's Motion to Vacate and Dismiss Indictment: D.D.U. Order Triggering Common Law Double Jeopardy (Paper # 353) Is DENIED.</p> <p>Judge: Pasquale, Hon. Gregg J</p>	390.1	 Image
05/03/2023	<p>cc; S.M. J.T.</p>		

<u>Docket Date</u>	<u>Docket Text</u>	<u>File Ref Nbr.</u>	<u>Image Avail.</u>
05/03/2023	Endorsement on Motion To Vacate and Dismiss Indictment (s) where (D.D.U) Disgorgement Sanction Order Previously Imposed go beyond compensation, are intended to punish, and label Defendant's wrong doing as a consequence of violating public laws under Mass. R. CRIM. P. # Subdivision (a) Triggering Common Law Jeopardy, (#353.0): Motion DENIED, See Memo of Decision and Order.		<a href="#">Image</a>
05/05/2023	Scheduled: Event: Jury Trial Date: 11/13/2023 Time: 09:00 AM Result: Canceled		
05/05/2023	Document:  Notice to Appear for Final Pretrial Sent On: 05/05/2023 09:04:40	391	
06/01/2023	Notice to the Appeals Court of Interlocutory Appeal (Re: partial denial of defendants "motions to suppress evidence")  Applies To: Hullum, Lance O (Defendant)	393	<a href="#">Image</a>
06/08/2023	Notice of docket entry received from Supreme Judicial Court Judgment: as on file. (Wendlandt,J)  Conclusion. Upon consideration, the defendant's request for review is allowed. For the reasons stated, this court concludes that the motion judge properly denied the defendant's motion to dismiss the indictments and that the relief requested is not warranted in the circumstances of this case. It is thus ORDERED that the defendant's petition under G. L. c. 211, § 3, shall be, and the same hereby is, DENIED. (Wendlandt, J)	394	<a href="#">Image</a>
06/15/2023	Appeal entered in Supreme Judicial Court on 06/08/2023 docket number NO. SJ-2023-0082 You are hereby notified that the record in the above-entitled case has been assembled in the office of the Clerk of the Supreme Judicial Court for the County of Suffolk in accordance with the Rules of Appellate Procedure, Rule 9 (a).	395	<a href="#">Image</a>
06/15/2023	General correspondence regarding Letter from pro-se deft to Judge Sullivan Re: Resolution of pending case commonwealth vs Hullum 1483cr00387 for the following reasons	396	
06/20/2023	Pro Se Defendant's Notice of Appeal	397	
06/23/2023	Endorsement on Pro-se Letter to Judge Sullivan RE: Resolution of pending case; Pld#396 Court will take no action see decision and order dated June 23,2023 copies sent June 26,2023  Judge: Davis, Hon. Brian A		<a href="#">Image</a>
06/23/2023	Endorsement on Notice of Appeal, (#397.0): No Action Taken see decision and order dated June 23,2023 copies sent June 26,2023  Judge: Davis, Hon. Brian A		<a href="#">Image</a>
06/23/2023	ORDER: and Decision regarding defendant's pro-se filings; This Court declines to permit Defendant to proceed in a hybrid manner in this proceeding. Accordingly, the parties are HEREBY NOTIFIED that the Plymouth Superior Court, henceforth, shall take no action on any and all filings that Defendant makes directly in this case, rather than through his legal counsel. Id. (affirming Appeals Court directive that it "would consider only filings submitted by {defendant's} counsel of record") copies sent June  Judge: Davis, Hon. Brian A	398	<a href="#">Image</a>
06/27/2023	Pld#397 Pro-se Notice of appeal docketed in error due to clerical mistake should have been docketed on 8883CCR85636 see pld#274		
06/27/2023	Notice of docket entry received from Supreme Judicial Court ORDER: as on file. (Cypher, J.)  For the above reasons, it is ORDERED that the defendant's application is DENIED	399	
07/13/2023	General correspondence regarding letter to judge white	399.1	<a href="#">Image</a>
08/04/2023	Defendant's Motion to reconsider bail certificate of service, affidavit of Jason Tauches in support, affidavit of Lance Hullum  with Judge Sullivan	400	<a href="#">Image</a>

<u>Docket Date</u>	<u>Docket Text</u>	<u>File Ref Nbr.</u>	<u>Image Avail.</u>
08/17/2023	Habeas Corpus for defendant issued to Souza Baranowski Correctional Center returnable for 08/18/2023 09:00 AM Bail Hearing. PLEASE TRANSPORT DEFENDANT TO COURT.	401	
08/18/2023	After hearing, matter taken under advisement. Sullivan, J. (FTR)		
08/18/2023	Finding and Order on Bail:  Judge: Sullivan, Hon. William F	402	<a href="#">Image</a>
08/18/2023	Endorsement on Motion to Reconsider Bail, (#400.0): DENIED Defendant's bail will remain in the amount of \$250,000 cash. If the defendant posts this amount, he is not to be released before he is fitted with a GPS bracelet, and he is to be on home confinement at the home of his mother, no contact with the alleged victims in this case and individuals under the age of 18 (see Decision Re: Bail, dated August 18, 2023)  Judge: Sullivan, Hon. William F		<a href="#">Image</a>
09/18/2023	General correspondence regarding Defendant's notice of conflict of interest with counsel	403	<a href="#">Image</a>
09/22/2023	Case sent to Plymouth Superior - PLYMOUTH Location.		
09/25/2023	Defendant Jason E Tauches, Esq.'s Motion to dismiss	404	<a href="#">Image</a>
09/25/2023	Lance O Hullum's Memorandum of Law Statement of Relevant Facts	405	<a href="#">Image</a>
09/25/2023	Affidavit of Defendant In Support of Vacating Indictments	406	<a href="#">Image</a>
09/25/2023	Defendant Jason E Tauches, Esq.'s Motion to dismiss Grounded on Improper Indictment (s) Under Mass.R.Crim.P.#13 Subdivision (c).	407	<a href="#">Image</a>
09/27/2023	Defendant's Motion to withdraw as counsel: ALLOWED (Sullivan, J.) FTR 10/02/2023  Applies To: Tauches, Esq., Jason E (Attorney) on behalf of Hullum, Lance O (Defendant)	408	<a href="#">Image</a>
09/27/2023	Defendant's Motion to advance and continue	409	<a href="#">Image</a>
09/29/2023	Habeas Corpus for defendant issued to Souza Baranowski Correctional Center returnable for 10/02/2023 02:00 PM Motion Hearing. *DEFENDANT TO BE TRANSPORTED IN PERSON AND ARRIVE BY 1:00PM*	410	<a href="#">Image</a>
10/02/2023	Event Result:: Jury Trial scheduled on: 11/13/2023 09:00 AM Has been: Canceled For the following reason: Other event activity needed Hon. William F Sullivan, Presiding		
10/02/2023	Pro Se Defendant's Motion for a Court Order directing the Souza Baranowski Correctional Center Superintendent grant immediate access to Defendant's legal Materials in D.O.C. Possession	411	<a href="#">Image</a>
10/02/2023	Attorney Tauches allowed to withdraw Appt new counsel  Case continued to 10/26/23 at 2:00 PM by agreement for Appointment of Counsel. Case continued to 1/18/24 at 2:00 PM by agreement for Status and Scheduling. Habe Defendant  (Sullivan, J.) FTR		
10/02/2023	Attorney appearance On this date Jason E Tauches, Esq. dismissed/withdrawn for Defendant Lance O Hullum		
10/02/2023	Attorney appearance On this date Michael P Maloney, Esq. added as Appointed - Indigent Defendant for Defendant Lance O Hullum Appointment made for the purpose of Case in Chief by Judge Hon. William F Sullivan.		
10/03/2023	General correspondence regarding copy of docket sheet	412	<a href="#">Image</a>
10/25/2023	Event Result:: Hearing for Appearance / Appointment of Counsel scheduled on: 10/26/2023 02:00 PM Has been: Canceled For the following reason: By Court prior to date Hon. William F Sullivan, Presiding		<a href="#">Image</a>

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<u>Docket Date</u>	<u>Docket Text</u>	<u>File Ref Nbr.</u>	<u>Image Avail.</u>
01/03/2024	Defendant 's Motion for Plymouth County District Attorney's Office to Disclose Categories of Information from Existing Internal Database on Criminal Cases Relevant and Necessary for Defendant Evaluate and Develop His Discriminatory Select Prosecution Claim Under Mass.R.Crim.Rule #14 Subdivision(s)(a)(2)(4)...	413	 <a href="#">Image</a>
01/03/2024	Affidavit of Of Defendant For a Court Order on Continuing Additional Discovery for Indigent Defendant Applies To: Hullum, Lance O (Defendant)	414	 <a href="#">Image</a>
01/03/2024	Affidavit of Supplemental Affidavit in Support Of Defendant's Discriminatory Selective Prosecution Discovery Motion	415	 <a href="#">Image</a>
01/11/2024	Endorsement on Motion for Plymouth County District Attorney's Office to Disclose Categories of Information from Existing Internal Database on Criminal Cases Relevant and Necessary for Defendant Evaluate and Develop His Discriminatory Select Prosecution Claim Under Mass.R.Crim.Rule #14 Subdivision(s)(a)(2)(4)...., (#413.0): No Action Taken The parties are hereby notified that in accordance with the court's order of 6/23/23 (Davis, J) The court will take no action on any and all filings that the defendant makes directly in this case rather than through his legal counsel  Judge: Buckley, Hon. Elaine M		 <a href="#">Image</a>
01/16/2024	Event Result:: Conference to Review Status scheduled on: 01/18/2024 02:00 PM Has been: Rescheduled For the following reason: Transferred to another session Hon. Elaine M Buckley, Presiding		
01/17/2024	Defendant 's Motion to request hearing via zoom filed and ALLOWED (Buckley, J.)	416	 <a href="#">Image</a>
01/17/2024	Habeas Corpus for defendant issued to Souza Baranowski Correctional Center returnable for 01/18/2024 02:00 PM Conference to Review Status. Defendant to appear VIA ZOOM. ID: 161-775-5517 (no password)	417	
01/18/2024	Case continued by agreement to May 6, 2024 at 2:00 PM for Status.  Buckley, J. FTR		
01/22/2024	Case sent to Plymouth Superior - PLYMOUTH Location.		

Showing 501 to 668 of 668  
<< < 1 2 > >>

<u>Case Disposition</u>	<u>Date</u>	<u>Case Judge</u>
Disposed by Jury Verdict	10/15/2019	

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COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, ss.

SUPERIOR JUDICIAL COURT

FULL JUSTICE SESSION

DOCKET NO.: S.J.C.-13453

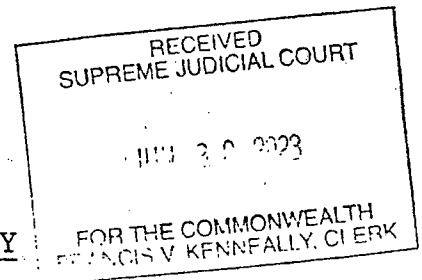
LANCE HULLUM

Petitioner

vs.

SUPERIOR COURT OF PLYMOUTH COUNTY

Respondent



EMERGENCY PETITION TO THE FULL SESSION

PURSUANT TO M.G.L. Ch. 211 §3, A APPEAL

TO REVIEW SINGLE JUSTICE'S DECISION

ENTERED ON JUNE 8th 2023.

Now comes the petitioner Lance Hullum respectfully moves this Honorable Court for leave to appeal from a Order from the Single Justice denying his petition, for relief M.G.L. Ch. 211§3, grounded on Double Jeopardy.

PROCEDURAL HISTORY:

On June 06, 2014, a Plymouth County Grand Jury returned seven indictment(s) charging Mr. Hullum as a habitual offender pursuant to M.G.L. Ch.279§25, all arising out of an alleged attack of three inmates at the Massachusetts Treatment Center, See Ex.B, Mr. Hullum was charged with the assault and battery on an elderly person in violation of M.G.L. Ch. 265 §13k(2½) on Raymond Dean (Indictment No#1 of 000387); armed assault with intent to murder a victim 60 years or older in violation of M.G.L. 265 §18(a) on Raymond Girard (Indictment #3 of 00387); assault and battery by means of a dangerous

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weapon in violation of M.G.L. Ch. 265§15A(a) on Raymond Girard (indictment 7 of 000387); armed assault with intent to murder in violation of M.G.L. Ch. 265§13(b) on Richard Saunders (Indictment No.#9 of 000387); assault and battery by means of a dangerous weapon in violation of M.G.L. Ch. 265§15A(b) (Indictment No.#11 of 000387) on Richard Saunders; and assault with intent to murder or maim in violation of M.G.L. Ch. 265§15 (Indictment No.#13 of 000387) on Richard Saunders. Each of these seven indictments was accompanied by a habitual offender indictment, (Indictments No.(s) #2,#4,#6,#8,#10,#12, and #14).Id.

On July 15, 2019, Mr. Hullum was forced to trial without counsel. On July 18, 2019, Mr. Hullum filed a motion for a required finding of not guilty, which was allowed as to causing serious bodily injuries regarding Raymond Dean, and during which The Commonwealth and the Court agreed that the Commonwealth had stipulated that counts #7, and #11, against Mr. Girard and Mr. Saunders respectfully, did not charge an assault with intent to murder, but instead an intent to maim or disfigure as a lesser included offense of mayhem, as the indictment did not charge that the assault was done with a dangerous weapon see Ex.C at #108-#109-#112-#122. On July 19, 2019, a jury convicted Mr. Hullum of the alleged indictment #1;#5,#7,#11, and #13, and found Mr. Hullum guilty of the lesser included offense assault for indictments #3, and #9, see Ex.I. Mr. Hullum was found not guilty of armed assault with intent to murder by the Jury, and verbally stated, but not recorded in transcripts.

Within the indictments #3, and #9, it was alleged "specific intent"; "A person sixty years or older", "a sharp object" all merged evidence offenses indictment(s) was permitted by the Commonwealth and the Court.



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On August 14, & 15, 2019, and on September 23, 2019, petitioner Hullum filed multiple motion(s) to dismiss the habitual offender charges. On October 15, 2019, the Court told the Commonwealth they could not go forward due to said motion(s) and the Commonwealth dismissed the habitual offender charges. see Ex. F.

On October 17, 2019, Mr. Hullum, appealed his convictions. On February 22, 2022, the Appeals Court vacated the verdict(s) of guilty on indictments #1, #3, #5, #7, #9, and #11, on the ground that Hullum did not effectively waive his right to counsel and was forced to go to trial pro se. See Commonwealth v. Hullum, #100 Mass. App.Ct. #1121 (2022). The Commonwealth conceded that indictment(s) #3, #5, #7, #9 should be dismissed as lesser included offenses, and concedes all charges stem from one act against each alleged victim. See Ex. J at #32-#33. The appeals vacated the verdict on indictment #13 and dismissed based upon an improper substantive amendment id. n.#2.

Petitioner filed a motion to dismiss indictment(s) based on Double Jeopardy collateral estoppel on March 16, 2022, see Exs. C, and D. Counsel for Mr. Hullum filed a supplement to Mr. Hullum's motions to dismiss indictments based on collateral estoppel and double jeopardy. On December #3, 2022, see Ex. E. The lower Court denied the motions on February 27, 2023 see Ex. A.

On February 27, 2023, petitioner Hullum filed a petition to the single. On March 30, 2023, the Clerk sent a notice to the Plymouth County District Attorney's Office of dismissal for lack of prosecution which was docketed at number #9, on the docket, but changed on or around May 6th, 2023. No motion for extension of time was filed by the Commonwealth. On May 26, 2023, or around that time the Commonwealth filed a opposition to petitioner's petition Under M.G.L. Ch. 211§3...

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On June #1, 2023, or around that time petitioner filed a motion to dismiss Commonwealth's opposition/or deemed waiver under Mass. App.Rule.P.#4(c). On June 8 2023, single Justice Wendlandt, issued a order denying petitioner relief, but committed error in the applied law, and abused her discretion by not considering relevant factor's, the common law double jeopardy rule of ambiguities and doubts are to be resolved in favor of the accused which does petitioner respectfully suggests to this Honorable Court entitles him to relief by way of barring a retrial. And where Commonwealth conceded for dismissal of indictment(s).

STANDARD OF REVIEW:

A petitioner may seek review and a appeal to the Full Session to address an error of law or abuse of discretion committed by a single Justice. see Rendon v. Commonwealth, #437 Mass.#40 (2002) citing Commonwealth v. Hrycenko, #417 Mass.#201(1981), When a petitioner presents a double jeopardy claim and the Superior Court Judge and Single Justice comments it is unclear as to what elements was denied by a Jury, the rule of ambiguities and doubts are to be resolved in favor of the petitioner. see Commonwealth v. Ashford, #486 Mass.450 (2020); Constantino v. Commonwealth, #443 Mass.#521-825 (2005); Commonwealth v. Carrion, #431 Mass.#44(2000); Commonwealth v. Lacapru- cia, #429 Mass.#440 (1999); Rendon v. Commonwealth, #437 Mass.#40(2002).

ARGUMENT:

The Single Justice and the Superior Court Judge committed error in the law and abuse their discretion by not considering the ambiguity rule of lenity applicable standard of review to Petitioner's double jeopardy, collateral estoppel claim a relevant factor not articulated in the finding of facts review from the Single Justice and Superior

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Court Judge placing petitioner outside equal protection of the existing laws, multiple offenses merged into criminal indictments and statute language which petitioner's acquittals are based on renders insufficient evidence for prosecutor to prove it's case on "specific intent"; "sharp object", a person sixty or older, Commonwealth conceded on dismissal of indictments warrants barring a retrial under the greater protection of Mass. State Const. Articles #1 and #12; M.G.L. Ch.263§7.

Petitioner contends under the supremacy clause Ambiguities about the breadth of a criminal statute should be resolved in defendant's favor see United States v. Davis, #139 S.Ct.#2319(2019).

Petitioner contends: the single justice Wandlandt, he respectfully suggests to this Honorable Court, did abuse her discretion because the standard of review, which is the task of the single justice in collateral estoppel claims, is to decide exactly what issue were or should have been determined at the petitioner's first trial, see Commonwealth v. Dorazio, #47 Mass. #535-#544(2015).

Wendlandt stated: This is not an easy task as a finding of not guilty at a criminal trial can result from any number of factors having nothing to do with the defendant's actual guilt.

Petitioner contends said statement, he is respectfully suggesting was abandonment of the proper standard of review for his collateral estoppel claim, was abuse of discretion, and that her decision should be disturb vacated, see Dorazio supra. The single justice also engaged in speculation, instead of determining what issue were or should have been determined at the petitioner's first trial, shifting the burden of proof on the petitioner.

THE EVIDENCE ADDUCED AT TRIAL:

The Commonwealth's theory at trial was the petitioner while

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Petitioner is respectfully suggesting to this Honorable Court that the denial of relief by the single justice, and the Superior Court Judge should be disturb both judges did not take the task of determining the essential elements of the prosecution's case and acquittals that was exactly decided or should have been determined at the first trial, based on the jury instructions, which is a abuse of discretion meaning, the reviewing Courts proper function is to determine whether the single justice and the Superior Court Judge considered relevant factors and articulated a rational connection between the facts found and the choice made, see Commonwealth v. Dorazio, #472 Mass. #535(2015), in the case at bar, this did not happen, petitioner seeks redress by way of disturbing the single justice's and Superior Court's decision, by way of vacating their denials for relief with a court order barring the introduction of the acquittal evidence #(1) a sharp object #(2)"specific intent" (3) a person sixty years or older.

M.G.L. Ch.265 Section 15 (Indictment No.#7) petitioner contends the single justice abused her discretion by not dismissing this assault with intent to murder indictment where the Commonwealth at the petitioner's first trial told the Court the intent under said statutory indictment was clearly to cover the main element, not a second assault with intent to murder see (Tr.p.#121 In.#5-#12). "The Maxis was stated".

Petitioner contends: this indictment assault with intent to murder without a weapon was never pursued by the Commonwealth to the jury, the speedy trial act requires a dismissal with prejudice of this charge, see Commonwealth v. Denehy, #466 Mass. #723(2014); Commonwealth v. Douglas #34 Mass. L. Rep.#3(2016); Commonwealth v. Vil, #101 Mass. App. Ct. #175(2022), the jury never reached a verdict

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on said assault with intent to murder is equivalent to a hung count, see Yeager v. United States, #129 S.Ct. #2360(2009)(barring a retrial on hung counts under collateral estoppel doctrine.)

In United States v. Fernandez, #722 F.3d 1 (1st Cir. 2013) on remand, U.S. v. Bravo-Fernandez, #913 F.3d#244(1st Cir, 2019), (the Court the dismissal of the conspiracy count against the legislator was an acquittal for double jeopardy purposes).

In Bravo-Fernandez, supra The United States Supreme Court, #137 D.Ct.#352(2016), vacated the first circuit judgment, on remand from the United States Supreme Court the defendants was re-acquitted by the first circuit. Concluding the government failed to establish an essential of the crime it charged, see United States v. Bravo-Fernandez, #913 F.3d #244(1st Cir. 2019) despite the alleged inconsistent verdicts, the essential elements after conviction on appeal after acquittal still resulted in a acquittal id. And apparently was a basis to conclude jury actual decided that defendants were not guilty of bribery id.

United States v. Davis, #139 S.Ct. #2319(2019)

A. ESSENTIAL ELEMENTS OF OFFENSE(S) PETITIONER  
WAS FOUND NOT GUILTY OF AT JURY TRIAL.

M.G.L.Ch.265 Section(s)(a)(b), reads as follows: Assault with intent to rob or murder while armed with dangerous weapon, Whoever, being armed with a dangerous weapon, assaults a person sixty years or older with intent to rob or murder shall be punished by imprisonment in the State Prison for not more than twenty years. These elements are not separate and distinct for double jeopardy application because they are in the statute.

Specific intent is a essential element of armed assault with intent to murder. see Commonwealth v/ Henson, #394 Mass. #584-#590

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(1985), which the petitioner was found not guilty on.

Assault while armed with a dangerous weapon, is an essential element, see Commonwealth v. Ennis, #398 Mass.#170(1986); Commonwealth v. Burkett, #396 Mass.#509 (1985), which the petitioner was found not guilty on.

A sharp object is an essential element, a weapon, see Commonwealth v. Marrero, #19 Mass.App.Ct. 921 (1984) which the petitioner was found not guilty on.

Petitioner contends double jeopardy analysis attaches to offenses merged into an indictment or statutory offense, because once they are merged the offense becomes part of the greater or lesser included offense, merger, meaning the combination of two or more acts, rights, or entities into a single act, right, or entity.

In criminal law, the process by which when a single criminal act constitutes two offenses, the lesser included offense "merges" or becomes part of the more serious or higher offense. see #905.W. #440-#444. Also see Commonwealth v. Duke, #489 Mass.#649(2022); citing Commonwealth v. Rivera, #445 Mass..132 (2005)(dismissing "merged" lesser included offenses under double jeopardy analysis). See Commonwealth v. McPherson, #78 Mass.App.Ct.#125 (2009)(assault with a dangerous weapon lesser included offense where cited in M.G.L. Ch.268§ 14 Statute).

Petitioner contends the Single Justice in the case at bar, said the record was unclear as to what elements was decided, is ambiguities, a relevant factor the single justice did not consider, or discuss, in her opinion, see Addendum #1, in petitioner's case, that should have been resolved for petitioner's see Commonwealth v. Taylor, #486 Mass. #469(2020) citing Hryenko: Commonwealth v. Ashford, #486 Mass. #450(2020); Rendon v. Commonwealth, #437 Mass.#40(2002) all reversing

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a single Justice denile of relief, grounded double jeopardy denial of relief, grounded double jeopardy ambiguities analysis, "omission". id. United States v. Davis, 139 S.Ct.2319(2019)(Ambiguilty rule applied).

Petitioner Contends: retrial should be barred, grounded on two previous acquittals on essential elements of Commonwealth's theory on "specific intent"; "sharp object", "A person sixty or older", renders insufficient evidence for Commonwealth to prove essential element's of it's case, petitioner has a right to finality in the final acquittal Judgements under M.G.L. Ch. 263 Section 263 section 7, collateral estoppel and the greater protection of Massachusetts Declarations of Rights Article #12.

The Single Justice in her opinion acknowledges only double jeopardy claims of substantial merits should be reviewed, but did not consider the correct standard of review, "the ambiguities standard", that placed petitioner out of equal protect of the existing law, see Commonwealth v. Ashford, #486 Mass. #450(2020); Rendon v. Commonwealth, #437 Mass. #40 (2002) amounting to abuse of discretion, id. Also see Commonwealth v. Roth, 437- Mass. #777(2002).

The Single Justice also abused her discretion because the Commonwealth had already conceded in the first appeal to the Appeals Court, that multiple indictments should be dismissed, see Revised Brief for Commonwealth at EXJ at #32-33, a relevant factor not addressed in the single justice's decision or considered a mistake and error of law warranting rescission of her (single justices) denial of relief. Where Commonwealth concedes to dismissal of indictments or vacating of conviction the Appellate Courts have agreed without discriminating, see Commonwealth v. Ortiz, #466 Mass. 475 n.#2(2013); Commonwealth v. Rex, 30 Mass. L.Rep.#518 (2012); Commonwealth v.


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Trotto, #487 Mass. #708(2021); Commonwealth v. Fredricq, 482-Mass. 70(2019), in the here and now the Superior Court Judge, and the Single Justice, have discriminated against the petitioner, in violation of equal protection of the laws under the #14th Amendment to the United States Constitution and Massachusetts Declaration of Rights Articles #1 and #12, by not dismissing the indictments based on the Commonwealth conceding to dismissals of multiple indictments. id. "The Maxis should be honored".

CONCLUSION:

Petitioner prays for relief by way of dismissal of the indictments because he is being treated unfairly by the Superior Court Judge and the Single Justices incomplete review on relevant factors that warrant dismissal of indictments.

X

  
Mr. Lance Hullum

SBCC PO BOX 8000

Shirley, MA 01464



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CERTIFICATE OF SERVICE:

I, Lance Hulum, do hereby certify I have served the Assistant District Attorney Elizabeth Mello, at #166 Main Street Brockton, MA 02301, by prepaid mail, the same Commonwealth v. Motts, #383 Mass. #201 (1981).

Respectfully

Submitted,

X

Mr. Lance Hulum

Through his Counsel

Mr. Jason Tauches

BBO#569448

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Jason Tauches

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COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, SS.

SUPREME JUDICIAL COURT  
SJC-13453

LANCE HULLUM vs. COMMONWEALTH.

ORDER

Lance Hullum has been indicted on various charges arising out of an alleged attack on fellow inmates at the Massachusetts Treatment Center in December 2013.<sup>1</sup> A jury found Hullum guilty on five of the seven indictments. On the two remaining indictments, the jury found him guilty of the lesser included offense of assault. The Appeals Court subsequently concluded that Hullum did not validly waive his right to counsel and vacated the judgments of conviction.<sup>2</sup> On remand, Hullum moved to dismiss the surviving indictments on the grounds of double jeopardy and collateral estoppel. A judge in the Superior Court denied the motion. Hullum then filed a petition for relief.

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<sup>1</sup> Each indictment was originally accompanied by a corresponding habitual offender indictment. All of the habitual offender indictments were ultimately dismissed at the request of the Commonwealth and are not at issue in this appeal.

<sup>2</sup> The Appeals Court reversed the judgment of conviction and dismissed the underlying indictment on count thirteen, ruling that the Commonwealth had made an impermissible, substantive amendment to the indictment.

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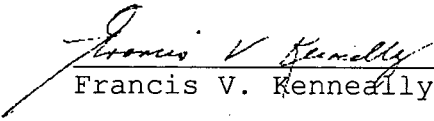
pursuant to G. L. c. 211, § 3, seeking review of the judge's decision. A single justice of this court issued a nine-page memorandum of decision and judgment, denying the petition on the merits.

The case is before us pursuant to S.J.C. Rule 2:21, as amended, 434 Mass. 1301 (2001), which requires a petitioner seeking relief from an interlocutory ruling of the trial court 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." Although a defendant ordinarily is not entitled to interlocutory review of the denial of a motion to dismiss, we have recognized that "[a] criminal defendant who raises a double jeopardy claim of substantial merit is entitled to review of the claim before he is retried," and that G. L. c. 211, § 3, is the appropriate route for obtaining such review. Neversen v. Commonwealth, 406 Mass. 174, 175 (1989). We have also recognized that "[t]he defendant . . . [has] the right to appeal an adverse determination by the single justice to the full court" in these circumstances. Id. at 175 n.2. See Creighton v. Commonwealth, 423 Mass. 1001 (1996) (recognizing appeal from single justice's decision to full court before retrial, as opposed to direct appeal from conviction following retrial, as preferred route for obtaining review of double jeopardy claim).

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Here, we conclude that the issues Hullum raises, which concern the significance of the two jury verdicts finding him guilty of lesser included offenses, present a double jeopardy claim of "substantial merit."<sup>3</sup> Accordingly, Hullum's appeal from the single justice's judgment may proceed to full briefing in the ordinary course of appeal.

By the Court,

  
Francis V. Kenneally, Clerk

Entered: September 12, 2023

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<sup>3</sup> "Substantial merit" in this context is synonymous with "meritorious . . . in the sense of being worthy of consideration by an appellate court." Cf. Commonwealth v. Gunter, 459 Mass. 480, 487 (2011) (defining "substantial" for purposes of gatekeeper provision in G. L. c. 278, § 33E, and noting that "[t]he bar for establishing that an issue is 'substantial' . . . [in this context] is not high").