

APPENDIX

To Petition for Writ of Habeas Corpus

IN THE
SUPREME COURT OF THE UNITED STATES

In Re RAMSEY E. CLAYTER,

PETITIONER.

Judgment Entered May 5, 2020

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APPEALS COURT
Full Court Panel Case
Case Docket

COMMONWEALTH vs. RAMSEY E. CLAYTER
THIS CASE CONTAINS IMPOUNDED MATERIAL OR PID
2024-P-1398

CASE HEADER

Case Status	Closed: Rescript issued
Status Date	07/08/2025
Nature	Crime: Sexual Offense
Entry Date	12/10/2024
Appellant	Defendant
Case Type	Criminal
Brief Status	
Brief Due	
Arg/Submitted	05/15/2025
Decision Date	06/10/2025
Panel	Singh, D'Angelo, Hodgens, JJ.
Citation	105 Mass. App. Ct. 1133
Lower Court	Gardner District, WO
TC Number	
Lower Ct Judge	
TC Entry Date	01/22/2020
SI Number	
FAR Number	
SIC Number	

INVOLVED PARTY

Commonwealth
Plaintiff/Appellee
Red brief & appendix filed
1 Enl. 49 Days

Ramsey E. Clayter
Pro Se Defendant/Appellant
Blue brief & appendix filed

ATTORNEY APPEARANCE

Ellyn H. Lazar, A.D.A.
Danielle E. Borges, A.D.A.

DOCKET ENTRIES

Entry Date	Paper	Entry Text
12/10/2024		Case partially impounded pursuant to M.G.L. c. 265, 24C
12/10/2024		Transcript Volume: 11/19/2024 - Motion.
12/10/2024 #1		Lower Court Assembly of the Record Package
12/10/2024 #2		Notice of entry sent.
12/11/2024		The informal brief and/or record appendix submitted to the Appeals Court has not been accepted for filing. It does not conform to the rules or the Appeals Court's Informal Brief Pilot program for the reasons itemized below (please compare the following numbers to their matching number on the below list for a description of the correction(s) necessary): 16. For additional details, you may look up the referenced provision of the "IBG" - the Informal Briefs Guidance, or the "Rule" of the Massachusetts Rules of Appellate Procedure. The Appeals Court is granting you until 01/21/2025 to make the corrections necessary and to re-file and serve the corrected brief and/or appendix. By that date, you may also file and serve a Motion for Leave to File a Nonconforming Brief and/or Appendix, asking the Appeals Court to accept your materials as they have been submitted. *Notice Sent
12/11/2024 #3		Informal Appellant brief filed by Ramsey E. Clayter.
12/11/2024 #4		Appendix filed by Ramsey E. Clayter.
12/30/2024		DAR-30161 opened on DAR APPLICATION filed by Ramsey E Clayter.
01/06/2025 #5		MOTION of Appellee to extend brief due date filed by Commonwealth.
01/06/2025 #6		RESPONSE to Paper #5, filed by Ramsey E. Clayter.
01/10/2025		RE#5: Allowed to 02/28/2025. (Toone, J.) *Notice
02/27/2025 #7		Appellee brief filed by Commonwealth.
02/27/2025 #8		Appendix (Supplemental) filed by Commonwealth.

03/07/2025 #9 Letter from A.D.A. Danielle E. Borges re: Audio/Visual Exhibit.
03/10/2025 #10 RESPONSE to Paper #9, filed by Ramsey E. Clayter.
03/11/2025 RE#10: The within is referred to the panel designated to decide this appeal. *Notice
03/17/2025 DAR DENIED (on 03/17/2025).
05/15/2025 Under consideration by Panel. (Singh, J., D'Angelo, J., Hodgens, J.).
06/10/2025 RE#10 (REVISED): No further action is required. We refer the parties to the memorandum and order. (Singh, J., D'Angelo, J., Hodgens, J.) *Notice.
06/10/2025 #11 Decision: Rule 23.0 Order denying motion for new trial affirmed. (Singh, D'Angelo, Hodgens, J.). *Notice.
07/08/2025 RESCRIPT to Trial Court.

As of 07/08/2025 3:15pm

APPENDIX B

Certified Docket, Gardner District Court Judgment, Probation Orders

Gardner District Court, 2063CR000084, Comm. v. Ramsey E. Clayter

Pages: A-4 – A-10

Title: App. B - Certified MassCourts Docket Print (2063CR000084) certified

December 17, 2024

Issued by/Source: Stamped “TRUE COPY” by Assistant Clerk Matthew Nugent.

Relevance:

Establishes absence of judicial probable-cause hearing and judge-signed probation order. Shows charge pathway and amendments (e.g., handwritten amendment to § 13H on May 5, 2020). Records multiple probable-cause dates set and cancelled with no judicial entry, and demonstrates the official record underlying Petitioner’s jurisdictional challenge.

Evidence foundation:

FRE 901(a); 901(b)(7); 902(4); 803(8); 1003.

2063CR000084 Commonwealth vs. Clayter, Ramsey E

- Case Type: Criminal
- File Date 01/22/2020
- Initiating Action: INDECENT A&B ON PERSON 14 OR OVER c265 §13H
- Case Judge:

All Information Party Charge Event Docket Disposition

Party Information

Clayter, Ramsey E

- Defendant

Alias

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

- Clayter, Ramsey E
- - Defendant
 - 265/13H-3 - Felony INDECENT A&B ON PERSON 14 OR OVER c265 §13H
- Counts:
 - Original Charge
 - 265/23A/B-1 RAPE OF CHILD, AGGRAVATED, TEN YEAR AGE DIFFERENCE c265 §23A (Felony)
 - Amended Charge
 - 265/13H-3 INDECENT A&B ON PERSON 14 OR OVER c265 §13H (Felony)
- Jurisdiction
 - Gardner
 - Date of Offense
 - 07/22/2019

Charge Disposition

Disposition Date

Disposition

05/05/2020

Guilty - Plea

• Clayter, Ramsey E

- Defendant

265/13H-3 - Felony INDECENT A&B ON PERSON 14 OR OVER c265 §13H

• Counts:

- Original Charge
- 265/23A/B-1 RAPE OF CHILD, AGGRAVATED, TEN YEAR AGE DIFFERENCE c265 §23A (Felony)
- Amended Charge
- 265/13H-3 INDECENT A&B ON PERSON 14 OR OVER c265 §13H (Felony)
- Jurisdiction
 - Gardner
 - Date of Offense
 - 08/01/2019

Charge Disposition

Disposition Date

Disposition

05/05/2020

Guilty - Plea

• Clayter, Ramsey E

- Defendant

265/13H-3 - Felony INDECENT A&B ON PERSON 14 OR OVER c265 §13H

• Counts:

- Original Charge
- 265/23A/B-1 RAPE OF CHILD, AGGRAVATED, TEN YEAR AGE DIFFERENCE c265 §23A (Felony)
- Amended Charge
- 265/13H-3 INDECENT A&B ON PERSON 14 OR OVER c265 §13H (Felony)
- Jurisdiction
 - Gardner
 - Date of Offense
 - 08/01/2019

Charge Disposition

Disposition Date

Disposition

05/05/2020

Guilty - Plea

A TRUE COPY

ATTEST:

Clerk-Magistrate/Asst. Clerk

- **Clayter, Ramsey E**
- - Defendant
- 272/28/A-1 - Felony OBSCENE MATTER TO MINOR c272 §28
- Counts:
- Original Charge
- 272/28/A-1 OBSCENE MATTER TO MINOR c272 §28 (Felony)
- Amended Charge
-

- Jurisdiction
- Gardner
- Date of Offense
- 08/01/2019

Charge Disposition

Disposition Date

Disposition

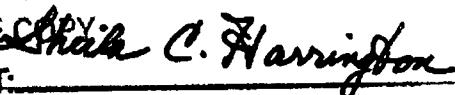
05/05/2020

Guilty - Plea

Events

Date	Session	Location	Type	Event Judge	Result
01/23/2020 11:30 AM	Administrative Session		Arraignment		Held - Bail or Conditions of Release ordered
02/14/2020 09:00 AM	Administrative Session		Pretrial Hearing		Reschedule of Hearing
03/13/2020 09:00 AM	Administrative Session		Probable Cause Hearing		Reschedule of Hearing
04/17/2020 09:00 AM	Administrative Session		Probable Cause Hearing		Not Held
05/01/2020 11:30 AM	Administrative Session		Probable Disposition		Reschedule of Hearing
05/04/2020 11:30 AM	Video Conference Session		Probable Disposition		Rescheduled-Covid-19 emergency
05/05/2020 11:30 AM	Video Conference Session		Probable Disposition		Held - Disposed by Plea
09/01/2020 09:00 AM	Administrative Session		Motion Hearing (CR)		Not Held
10/19/2023 09:00 AM	Administrative Session		Hearing to Review Status		Review Completed
11/19/2024 09:00 AM	Administrative Session		Motion Hearing (CR)		Held - Motion denied
09/29/2025 09:00 AM	Administrative Session		Probation Until		
05/03/2027 09:00 AM	Administrative Session		Probation Until		Reschedule of Hearing

Docket Information

A TRUE COPY

 ATTEST:

Clerk-Magistrate/ Amelia George
OWED Avail.**Docket Text**

01/22/2020 Complaint issued with arrest warrant.

01/22/2020 Warrant Issued:
 Straight Warrant issued on 01/22/2020 for Clayter, Ramsey E

01/23/2020 Served:
 Straight Warrant served on 01/23/2020 for Clayter, Ramsey E

01/23/2020 Defendant notified of right to a bail review before the Superior Court (C276 §58).
 Judge: Haddad, Hon. James G

01/23/2020 Event Resulted: Arraignment scheduled on:
 01/23/2020 11:30 AM
 Has been: Held - Bail or Conditions of Release ordered
 Hon. James G Haddad, Presiding

01/23/2020 Defendant arraigned before Court, advised of right to counsel.
 Judge: Haddad, Hon. James G

<u>Docket Date</u>	<u>Docket Text</u>	<u>Amount Owed</u>	<u>Image Avail.</u>
01/23/2020	Defendant before Court on Warrant, Warrant recalled as served. Judge: Haddad, Hon. James G		
01/23/2020	Reasons for ordering bail. Judge: Haddad, Hon. James G		
01/23/2020	Bail ordered: \$ \$500,000.00 surety bond or \$ \$50,000.00 cash.		
01/23/2020	Defendant is ordered committed to Worcester County House of Correction in lieu of having posted bail in the amount ordered: (\$500,000.00 Bond; \$50,000.00 Cash), returnable for 02/14/2020 09:00 AM Pretrial Hearing; mittimus issued.		
	Court location of next event (if not your court): Further Orders: ***BAIL TO BE POSTED AT GARDNER DISTRICT COURT FOR GPS HOOKUP***		
01/23/2020	Appearance filed On this date Max Burwick, Esq. added as Appointed - Indigent Defendant for Defendant Ramsey E Clayter Appearance filed for the purpose of Case in Chief by Judge Hon. Arthur F Haley, III.		
01/23/2020	Legal Counsel Fee Waived. Judge: Haley, III, Hon. Arthur F		
01/23/2020	Order of pretrial conditions of release under G.L. c. 276 § 58 filed. Order of GPS Supervision Conditions filed by probation.		
02/03/2020	Petition for review of bail filed Originating Court: Gardner District Court Receiving Court: Worcester County Case Number: 2085BP00027 ;		
02/05/2020	Finding of the Superior Court on Bail Review Petition under G.L. c.276, §58. Judge: Reardon, Jr., Hon. James G		
02/05/2020	Defendant is ordered committed to Worcester County House of Correction in lieu of having posted bail in the amount ordered: (\$250,000.00 Bond; \$25,000.00 Cash), returnable for 02/14/2020 09:00 AM Pretrial Hearing; mittimus issued.		
	Court location of next event (if not your court): Further Orders: ***BAIL TO BE POSTED AT GARDNER DISTRICT COURT FOR GPS HOOKUP***		
	Judge: Haley, III, Hon. Arthur F		
02/12/2020	Defendant's Criminal motion to affidavit in support of motion orally presented to the court		
02/12/2020	Motion to EXCUSE DEF'T'SPRESENCE ALLOWED.		
02/14/2020	Event Resulted: Pretrial Hearing scheduled on: 02/14/2020 09:00 AM Has been: Reschedule of Hearing For the following reason: On Order of the Court Hon. Arthur F Haley, III, Presiding		
02/14/2020	Defendant is ordered committed to Worcester County House of Correction in lieu of having posted bail in the amount ordered: (\$250,000.00 Bond; \$25,000.00 Cash), returnable for 03/13/2020 09:00 AM Probable Cause Hearing; mittimus issued.		
	ATTEST: <i>JUE HALEY, Clerk of Harrington</i> Clerk-Magistrate/Ast. Clerk		
	Court location of next event (if not your court): Further Orders: *** BAIL TO BE POSTED @ GARDNER DISTRICT COURT FOR GPS HOOKUP ***		
	Judge: Haley, III, Hon. Arthur F		
03/13/2020	Event Resulted: Probable Cause Hearing scheduled on: 03/13/2020 09:00 AM Has been: Reschedule of Hearing For the following reason: On Order of the Court Hon. Arthur F Haley, III, Presiding		
03/13/2020	Defendant is ordered committed to Worcester County House of Correction in lieu of having posted bail in the amount ordered: (\$250,000.00 Bond; \$25,000.00 Cash), returnable for 04/17/2020 09:00 AM Probable Cause Hearing; mittimus issued.		
	Court location of next event (if not your court): Further Orders: ***BAIL TO BE POSTED @ GARDNER DISTRICT COURT FOR GPS HOOKUP***		
	Judge: Haley, III, Hon. Arthur F		

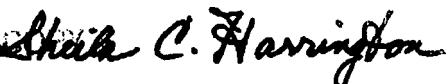
<u>Docket Date</u>	<u>Docket Text</u>	<u>Amount Owed</u>	<u>Image Avail.</u>
04/17/2020	Event Resulted: Probable Cause Hearing scheduled on: 04/17/2020 09:00 AM Has been: Not Held For the following reason: COVID Emergency-Hearing held by video Hon. Mark A Goldstein, Presiding		
04/17/2020	Defendant is ordered committed to Worcester County House of Correction in lieu of having posted bail in the amount ordered: (\$250,000.00 Bond; \$25,000.00 Cash), returnable for 05/01/2020 11:30 AM Probable Disposition; mittimus issued.		
	Court location of next event (if not your court): Further Orders: ***VIA VIDEO CONFERENCE*** BAIL TO BE POSTED AT GARDNER DISTRICT COURT FOR GPS HOOKUP***		
05/01/2020	Event Resulted: Probable Disposition scheduled on: 05/01/2020 11:30 AM Has been: Reschedule of Hearing For the following reason: On Order of the Court Comments: Court Closed Due to Covid Emergency Whitney J Brown, Presiding		
05/01/2020	Defendant is ordered committed to Worcester County House of Correction in lieu of having posted bail in the amount ordered: (\$250,000.00 Bond; \$25,000.00 Cash), returnable for 05/04/2020 09:00 AM Probable Disposition; mittimus issued.		
	Court location of next event (if not your court): Further Orders: ***VIA VIDEO CONFERENCE *** DEFENDANT TO BE BAILED AT GARDNER COURT ONLY FOR GPS HOOKUP		
05/04/2020	Event Resulted: Probable Disposition scheduled on: 05/04/2020 09:00 AM Has been: Reschedule of Hearing For the following reason: On Order of the Court Hon. Mark E Noonan, Presiding		
05/04/2020	Defendant is ordered committed to Worcester County House of Correction in lieu of having posted bail in the amount ordered: (\$250,000.00 Bond; \$25,000.00 Cash), returnable for 05/04/2020 11:30 AM Probable Disposition; mittimus issued.		
	Court location of next event (if not your court): Gardner District Court Further Orders: Attorney: Burwick, Esq., Max		
05/04/2020	Defendant is ordered committed to Worcester County House of Correction in lieu of having posted bail in the amount ordered: (\$250,000.00 Bond; \$25,000.00 Cash), returnable for 05/05/2020 11:30 AM Probable Disposition; mittimus issued.		
	Court location of next event (if not your court): Further Orders: ***Video Conference***BAIL TO BE POSTED AT GARDNER DISTRICT COURT FOR GPS HOOKUP***		
05/05/2020	Event Resulted: Probable Disposition scheduled on: 05/05/2020 11:30 AM Has been: Held - Disposed by Plea Hon. Arthur F Haley, III, Presiding		
05/05/2020	Charges Disposed: Charge # 1 INDECENT A&B ON PERSON 14 OR OVER c265 §13H On: 05/05/2020 Judge: Hon. Arthur F Haley, III Guilty - Plea		A TRUE COPY <i>Sheila C. Harrington</i>
	Charge # 2 INDECENT A&B ON PERSON 14 OR OVER c265 §13H On: 05/05/2020 Judge: Hon. Arthur F Haley, III Guilty - Plea		ATTEST: _____ Clerk-Magistrate/Asst. Clerk <i>Sheila C. Harrington</i>
	Charge # 3 INDECENT A&B ON PERSON 14 OR OVER c265 §13H On: 05/05/2020 Judge: Hon. Arthur F Haley, III Guilty - Plea		
	Charge # 4 OBSCENE MATTER TO MINOR c272 §28 On: 05/05/2020 Judge: Hon. Arthur F Haley, III Guilty - Plea		
05/05/2020	One or more charges disposed by tender of plea. Judge: Haley, III, Hon. Arthur F		
05/05/2020	Tender of plea filed and accepted by the Court. Judge: Haley, III, Hon. Arthur F		

Docket Date	Docket Text	Amount Owed	Image Avail.
05/05/2020	Correction Date: 05/05/2020 Judge: Hon. Arthur F Haley, III Charge #: 1 INDECENT A&B ON PERSON 14 OR OVER c265 §13H Committed to HOC Term: 2 Years, 5 Months, 0 Days To Serve: 2 Years, 5 Months, 0 Days Charge #: 2 INDECENT A&B ON PERSON 14 OR OVER c265 §13H Committed to HOC Term: 2 Years, 5 Months, 0 Days To Serve: 2 Years, 5 Months, 0 Days Served Concurrent Charge # 1 Case 2063CR0084 Committed to Worcester County House of Correction Credits 104 Days		
05/05/2020	Correction Date: 05/05/2020 Judge: Hon. Arthur F Haley, III Charge #: 3 INDECENT A&B ON PERSON 14 OR OVER c265 §13H Committed to HOC Term: 2 Years, 5 Months, 0 Days To Serve: 2 Years, 5 Months, 0 Days Served Consecutive Charge # 1 Case Consecutive with count 1&2 on 2063CR0084 Committed to Worcester County House of Correction		
05/05/2020	Sentence Imposed: Sentence Date: 05/05/2020 Judge: Hon. Arthur F Haley, III Charge #: 4 OBSCENE MATTER TO MINOR c272 §28		
	Probation: Risk/Need Probation Duration: 7 Years, 0 Months, 0 Days Start Date: 05/05/2020 End Date: 05/03/2027		
05/05/2020	Commonwealth's motion to Amend counts One, Two and Three filed and ALLOWED.		
08/26/2020	Defendant's motion to Modify/Clarify Terms of Probation filed with the following, if any, supporting documents:		
09/01/2020	Event Resulted: Motion Hearing (CR) scheduled on: 09/01/2020 09:00 AM Has been: Not Held Hon. Arthur F Haley, III, Presiding		
10/19/2023	Probation Officer's motion to modify conditions to 2 years probation from release date 9/29/2023 filed with the following, if any, supporting documents:		
10/19/2023	Event Resulted: Hearing to Review Status scheduled on: 10/19/2023 09:00 AM Has been: Review Completed Comments: probation extended for two years Hon. Mark A Goldstein, Presiding		
10/19/2023	Event Resulted: Probation Until scheduled on: 05/03/2027 09:00 AM Has been: Reschedule of Hearing For the following reason: Brought forward Hon. Mark A Goldstein, Presiding		
10/19/2023	Sentence Imposed: Revision Date: 10/19/2023 Judge: Hon. Mark A Goldstein Charge #: 4 OBSCENE MATTER TO MINOR c272 §28		
	Probation: Risk/Need Probation Duration: 2 Years, 0 Months, 0 Days Start Date: 10/19/2023 End Date: 09/29/2025		
10/19/2023	Probation Officer's motion to revise probation end date filed and ALLOWED.		<i>A TRUE COPY Shelia C. Harrington</i>
10/19/2023	Probation order of conditions imposed or revised modified 10/19/23 Judge: Goldstein, Hon. Mark A		<i>ATTEST:</i> Clerk-Magistrate/Asst. Clerk
10/19/2023	Appearance filed On this date Max Burwick, Esq. dismissed/withdrawn as Appointed - Indigent Defendant for Defendant Ramsey E Clayton		
06/07/2024	Defendant's motion to Vacate Convictions and Motion to Vacate Convictions Due to Ineffective Assistance of Counsel filed with the following, if any, supporting documents: memorandum of law, affidavit in support of motion		
06/11/2024	Defendant's motion to Vacate convictions and Discharge Defendant *Emergency* filed with the following, if any, supporting documents: memorandum of law, affidavit in support of motion		
10/15/2024	Defendant's motion to withdraw and to vacate conviction filed and ALLOWED.		

<u>Docket</u>	<u>Docket Text</u>	<u>Amount Owed</u>	<u>Image Avail.</u>
<u>Date</u>			
10/15/2024	Defendant's motion to return property filed with the following, if any, supporting documents: affidavit in support of motion		
10/15/2024	Defendant's motion to vacate conditions and discharge defendant filed with the following, if any, supporting documents: affidavit in support of motion		
10/30/2024	Form generated: A Notice to the Parties was generated and sent to: Defendant: Ramsey E Clayter 8 Nichols St, #2F, Gardner, MA 01440		
11/07/2024	Defendant's motion to Dismiss complaint with prejudice filed with the following, if any, supporting documents: affidavit in support of motion		
11/12/2024	Defendant's motion to Withdraw Motion to Vacate Conviction filed with the following, if any, supporting documents:		
11/12/2024	Defendant's motion to Vacate Convictions and Discharge Defendant due to ineffective Assistance of Counsel filed with the following, if any, supporting documents: affidavit in support of motion		
11/19/2024	Document and/or notice received and filed on criminal case to wit Comm. Miscellaneous correspondence Commonwealth's Response to Defendant's "Motion to Vacate Convictions and Discharge Defendant due to Ineffective Assistance of Counsel" filed in Open Court		
11/19/2024	Event Resulted: Motion Hearing (CR) scheduled on: 11/19/2024 09:00 AM Has been: Held - Motion denied Hon. Andrew Abdella, Presiding		
11/19/2024	Motion to Vacate Convictions and Discharge Defendant Due to Ineffective Assistance of Counsel DENIED.		
11/21/2024	Defendant's motion to To Vacate Convictions and Discharge Defendant Due Brady Rule Violation filed with the following, if any, supporting documents: affidavit in support of motion *EMERGENCY*		
11/25/2024	Notice of appeal to the Appeals Court filed by the Defendant		
11/26/2024	FTR MA30369 produced		
12/10/2024	Transcript received for November 19, 2024 Motion Hearing		
12/11/2024	Notice of entry of Appeal received from Appeals Court		

Case Disposition

<u>Disposition</u>	<u>Date</u>
Disposed by Plea	05/05/2020

A TRUE 
ATTEST:

Clerk-Magistrate/Asst. Clerk

APPENDIX F

Massachusetts Supreme Judicial Court Order Denying Petition (G.L. c. 211, § 3)

SJC No. 2025-0335

Pages: A-29 – A-31

Title: App. F - Order Denying Petition Under Mass. G.L. c. 211, § 3 — entered September 9, 2025.

Issued by/Source: Supreme Judicial Court for the Commonwealth of Massachusetts, Single Justice Session.

Relevance:

Demonstrates that the state's highest court denied extraordinary relief under G.L. c. 211, § 3. Shows Petitioner raised void judgment, lack of probable-cause hearing, structurally defective complaint, fraud on the court, and ongoing constitutional violations. Confirms exhaustion of available state remedies. Establishes diligence and no further state-court remedy available.

Evidence foundation:

FRE 901(a); 901(b)(1); 901(b)(7); 902(4); 902(5); 803(8); 1003.

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, ss.

SUPREME JUDICIAL COURT
FOR SUFFOLK COUNTY
No. SJ-2025-0335

Gardner District Court
No. 2063CR000084

COMMONWEALTH

v.

RAMSEY E. CLAYTER

JUDGMENT

This matter came before the court, Kafker, J., on the defendant's petition, filed pursuant to G. L. c. 211, § 3, seeking relief from an order of the Gardner District Court denying the defendant's motion to vacate conviction, dated August 12, 2025.

Having reviewed the defendant's petition and appended materials and the Commonwealth's opposition, the court concludes that the petitioner has not demonstrated "the type of exceptional matter that requires the court's extraordinary intervention." Commonwealth v. Fontanez, 482 Mass. 22, 25 (2019). It is well established that relief pursuant to G. L. c. 211, § 3, is extraordinary and exercised only in "the most exceptional circumstances" and when "there is no other adequate,

alternative remedy." McMenimen v. Passatempo, 452 Mass. 178, 184-85 (2008). Here, the court finds adequate alternative remedies exist. See id.

It is **ORDERED** that the petition for extraordinary relief under G. L. c. 211, § 3, shall be, and hereby is, **DENIED** without hearing.

By the Court, (Kafker, J.)

Allison S. Cartwright
Allison S. Cartwright, Clerk

Dated: September 9, 2025



Ramsey Clayter <ramseyclayter10@gmail.com>

Activity in Case 4:25-cv-40023-MRG Clayter v. Massaouh Order Dismissing Case

ECFnotice@mad.uscourts.gov <ECFnotice@mad.uscourts.gov>
To: CourtCopy@mad.uscourts.gov

Wed, Jul 2, 2025 at 1:01 PM

This is an automatic e-mail message generated by the CM/ECF system. Please DO NOT RESPOND to this e-mail because the mail box is unattended.

NOTE TO PUBLIC ACCESS USERS Judicial Conference of the United States policy permits attorneys of record and parties in a case (including pro se litigants) to receive one free electronic copy of all documents filed electronically, if receipt is required by law or directed by the filer. PACER access fees apply to all other users. To avoid later charges, download a copy of each document during this first viewing. However, if the referenced document is a transcript, the free copy and 30 page limit do not apply.

United States District Court

District of Massachusetts

Notice of Electronic Filing

The following transaction was entered on 7/2/2025 at 1:01 PM EDT and filed on 7/2/2025

Case Name: Clayter v. Massaouh

Case Number: 4:25-cv-40023-MRG

Filer:

Document Number: 30

Docket Text:

District Judge Margaret R. Guzman: ORDER DISMISSING CASE entered. (LB)

4:25-cv-40023-MRG Notice has been electronically mailed to:

Emily N. Rothkin emily.rothkin@mass.gov, AppealsEFilings@mass.gov

Ramsey E. Clayter Ramseyclayter10@gmail.com

4:25-cv-40023-MRG Notice will not be electronically mailed to:

The following document(s) are associated with this transaction:

Document description:Main Document

Original filename:yes

Electronic document Stamp:

[STAMP_dcecfStamp_ID=1029851931 [Date=7/2/2025] [FileNumber=11436659-0
] [5193865be52627a1ddaebedf8599bca4dd85b957734b940442e2bb82bee71183240e
10cd6b994f6e0d71d71bb522dff867d0442eb9df66eae35679ffe6996e6c0]]

APPENDIX J

U.S. District Court Order Dismissing § 2241 Petition

D. Mass. No. 25-cv-40092-DHH

Pages A-42 – A-43

Title: App. J - ECF Notice of Electronic Filing: Order Dismissing 28 U.S.C. § 2241 Petition Without Prejudice (Use § 2254 Vehicle)

Issued by/Source: United States District Court for the District of Massachusetts, CM/ECF system email from mad.uscourts.gov with docket order (petition filed July 14, 2025; order entered July 17, 2025)

Relevance:

Confirms that a federal habeas petition under 28 U.S.C. § 2241, No. 25-cv-40092-DHH, was filed and dismissed without prejudice because § 2254 is the exclusive vehicle. Establishes that Petitioner was denied de novo review. Shows official transmission of the dismissal order by the court's CM/ECF system, authenticating both content and date of entry. Establishes the procedural posture and federal presentation of claims, including the court's rejection of the § 2241 "savings clause."

Evidence foundation:

FRE 901(a); 901(b)(1); 901(b)(4); 901(b)(7); 803(8); 1003. The CM/ECF email, including system-generated metadata: (Message-ID: 11458396@mad.uscourts.gov). It is distinctive and self-identifying, authenticated by recipient's knowledge, admissible as a public record.



Ramsey Clayter <ramseyclayter10@gmail.com>

Activity in Case 4:25-cv-40092-MRG Clayter v. Massouh Order Dismissing Case

1 message

ECFnotice@mad.uscourts.gov <ECFnotice@mad.uscourts.gov>
To: CourtCopy@mad.uscourts.gov

Thu, Jul 17, 2025 at 2:07 PM

This is an automatic e-mail message generated by the CM/ECF system. Please DO NOT RESPOND to this e-mail because the mail box is unattended.

NOTE TO PUBLIC ACCESS USERS Judicial Conference of the United States policy permits attorneys of record and parties in a case (including pro se litigants) to receive one free electronic copy of all documents filed electronically, if receipt is required by law or directed by the filer. PACER access fees apply to all other users. To avoid later charges, download a copy of each document during this first viewing. However, if the referenced document is a transcript, the free copy and 30 page limit do not apply.

United States District Court

District of Massachusetts

Notice of Electronic Filing

The following transaction was entered on 7/17/2025 at 2:07 PM EDT and filed on 7/17/2025

Case Name: Clayter v. Massouh

Case Number: 4:25-cv-40092-MRG

Filer:

Document Number: 12

Docket Text:

District Judge Margaret R. Guzman: ORDER entered. ORDER DISMISSING CASE. (SF)

4:25-cv-40092-MRG Notice has been electronically mailed to:

Ramsey E. Clayter ramseyclayter10@gmail.com

4:25-cv-40092-MRG Notice will not be electronically mailed to:

The following document(s) are associated with this transaction:

Document description: Main Document

Original filename: yes

Electronic document Stamp:

[STAMP dcecfStamp_ID=1029851931 [Date=7/17/2025] [FileNumber=11458394-0] [0459dc909e313274f3154454c977428edcf64af6f6ba8463311b014e403db6a5829105306bf59a5459e1a1d4905f8f91597e98f05cdba2d763c16548feaa723]]

APPENDIX K

U.S. District Court Order Dismissing § 2254 Petition

D. Mass. No. [insert docket]

Pages A-44 – A-46

Title: App. K - ECF Notice of Electronic Filing: Order Dismissing 28 U.S.C. § 2254 Petition Without Prejudice (Failure to Exhaust / State Process Not Shown Ineffective)

Issued by/Source: United States District Court for the District of Massachusetts — CM/ECF system email from mad.uscourts.gov with docket order (petition filed August 7, 2025; order entered August 11, 2025) in Ramsey E. Clayter v. Diane Massouh, Chief Probation Officer, No. 25-cv-40110-MRG.

Relevance:

Confirms filing and disposition of a federal habeas petition under 28 U.S.C. § 2254 in No. 25-cv-40110-MRG, and that Petitioner was denied de novo review. Shows dismissal without prejudice for failure to exhaust and for not demonstrating that the state process is ineffective, bearing on exhaustion and federal remedies posture. Establishes precise federal chronology for AEDPA and supports diligence in seeking relief.

Evidence foundation:

FRE 901(a); 901(b)(1); 901(b)(4); 901(b)(7); 803(8); 1003.

The CM/ECF email, including message-ID: 11495204@mad.uscourts.gov, is self-identifying, admissible as a public record, and duplicate is acceptable.



Ramsey Clayter <ramseyclayter10@gmail.com>

Activity in Case 4:25-cv-40110-MRG Clayter v. Massouh Memorandum & ORDER

1 message

ECFnotice@mad.uscourts.gov <ECFnotice@mad.uscourts.gov>
To: CourtCopy@mad.uscourts.gov

Mon, Aug 11, 2025 at 2:28 PM

This is an automatic e-mail message generated by the CM/ECF system. Please DO NOT RESPOND to this e-mail because the mail box is unattended.

NOTE TO PUBLIC ACCESS USERS There is no charge for viewing opinions.

United States District Court

District of Massachusetts

Notice of Electronic Filing

The following transaction was entered on 8/11/2025 at 2:28 PM EDT and filed on 8/11/2025

Case Name: Clayter v. Massouh
Case Number: 4:25-cv-40110-MRG
Filer:
Document Number: 6

Docket Text:

District Judge Margaret R. Guzman: ORDER entered. MEMORANDUM AND ORDER. The Court DENIES the petition without prejudice for failure to exhaust state remedies, directs the clerk to terminate the pending motion and orders that this action be DISMISSED. (bm)

4:25-cv-40110-MRG Notice has been electronically mailed to:

Ramsey E. Clayter ramseyclayter10@gmail.com

4:25-cv-40110-MRG Notice will not be electronically mailed to:

The following document(s) are associated with this transaction:

Document description: Main Document**Original filename:** yes**Electronic document Stamp:**

[STAMP dcecfStamp_ID=1029851931 [Date=8/11/2025] [FileNumber=11495197-0] [9180c0eca4f5fb1a9a7a9ab1b55213c0e9200bece612bf268ee66c79f1d88552302c29ba3275b3c5b11c2da42b4c498e2f6735e11b19a00412291a619aef0e2a]]

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

RAMSEY E. CLAYTER,

Petitioner,

v.

DIANE MASSOUEH, Chief Probation Officer,

Respondent.

CIVIL ACTION
NO. 25-40110-MRG

ORDER OF DISMISSAL

August 11, 2025

GUZMAN, D.J.

Pursuant to the Court's Memorandum and Order of this date denying the petition for writ of habeas corpus, it is hereby ordered that this case be DISMISSED.

So Ordered.

/s/ Margaret R. Guzman
MARGARET R. GUZMAN
UNITED STATES DISTRICT JUDGE

Dated: August 11, 2025

APPENDIX L

Orders of Probation Conditions (Unsigned)

Gardner District Court

Pages A-47 – A-48

Title: App. L - Orders of Probation Conditions (Unsigned) — lists 05/05/2020–05/03/2027; signed by Petitioner and Chief Probation Officer Diane Massouh (“not present”); no judicial signature.

Issued by/Source: Gardner District Court. Delivered to Petitioner while in segregation by Worcester County Sheriff Deputy.

Relevance:

Demonstrates absence of any judge-imposed probation conditions notwithstanding ongoing enforcement. Confirms restraints occur without a judge-signed order and shows internal date mismatch with the certified docket. Confirms Petitioner started probation on May 5, 2020 and completed on May 3, 2022, while incarcerated. Marked at the top left corner is “A2-41,” confirming the petition received service while in segregation (Housing Unit A2, cell 41) absent a probable cause determination.

Evidence foundation: FRE 401/402; 901(a); 1003; 403; 105.

42-41

ORDER OF PROBATION CONDITIONS UPON FINDING OF GUILTY OR SUFFICIENT FACTS		Court Division: Gardner District Court	Trial Court of Massachusetts District Court Department	
Probationer's Name: Ramsey Clayton	Disposition:	<input checked="" type="checkbox"/> Risk/Need or OUI Supervision <input type="checkbox"/> Administrative Supervision		
Docket No(s). In which Probation Ordered: 2063CR000084D	GUILTY SUP PROB 2 YEARS	Probation Start Date: 5/05/2020	Probation End Date: 5/03/2027	

TO THE ABOVE-NAMED PROBATIONER: You are hereby placed on probation by this Court. Unless you are excused by your probation officer, you must appear in court on the probation end date indicated above, at which time a report on your progress will be made. If you fail to appear on that date or any other date required, a warrant may be issued for your arrest.

GENERAL CONDITIONS OF PROBATION (You must comply with items 1 - 6 unless struck by judge).

1. Obey all court orders and all local, state and federal laws, including any support order as defined in G.L. c. 119A, § 1A.
2. Report to your probation officer at such times and places as he or she requires, and make no false statements to your probation officer.
3. Notify your probation officer within 48 hours if your change residence or employment.
4. Submit a DNA sample, if required to do so by law, as instructed by a probation officer.
5. Register with the Sex Offender Registry, if required to do so by law.
6. Sign all releases necessary for supervision and verification of compliance.

(You must also comply with items 7 - 9 if "Risk/Need or OUI Supervision" is checked above)

7. Allow the probation officer to visit, with or without notice, wherever you may be.
8. Report to your probation officer within 48 hours after you are released from any incarceration.
9. Do not leave Massachusetts unless you get the express permission of your probation officer or the court.

SPECIAL CONDITIONS OF PROBATION (You must comply with all items checked below and all payment ordered)

10. **EMPLOYMENT/SCHOOL:** Remain employed or make reasonable efforts to obtain employment or attend school.
11. **SUBSTANCE USE EVALUATION/TREATMENT:** As directed by the probation officer, and subject to review by a judge on request, submit to and successfully complete any substance use evaluation, treatment and aftercare at a non-residential program
 and/or a residential program.
12. **DRUG/ALCOHOL TESTING:** No illegal or unprescribed drugs alcohol unprescribed marijuana/THC. Submit to random testing.
13. **MENTAL HEALTH EVALUATION/TREATMENT:** Submit to evaluation Comply with treatment and take medication as prescribed.
14. **SPECIFIC PROGRAMS:** Complete the following program(s), including any aftercare Anger Management
 Driver Alcohol Education (G.L. c. 90, § 24D) 14-Day Residential Driver Alcohol Education
 Intimate Partner Abuse Education Program Other Certified Sex Offender Counseling
15. **HAVE NO CONTACT WITH:** and STAY (distance) _____ AWAY FROM (names) Listed minor victim
16. **HOME CONFINEMENT:** Submit to home confinement and electronic monitoring until _____ as ordered.
17. **OTHER CONDITIONS:** stay away no contact w/any children w/18 (excluding Jaydon Bitlick); cannot seek employment as coach/mentor
18. Make all **FINANCIAL PAYMENTS** and perform community service monthly as listed below by end date of Probation unless otherwise ordered by the court.

Type	Amount	Due Date And/Or Terms	Type	Amount	Due Date And/Or Terms
Probation Fee & Surcharge	waived	monthly	Counsel Fee/Contribution		
Default Warrant Fee			OUI § 24D State Fee		
Default Warrant Arrest Fee			OUI Victims Assessment		
Court Costs			Head Injury Assessment/Surfine		
Fine/Surfine/Civil Assessment			Drug Analysis Fee		
Restitution		see restitution order	Abuse Education Assessment		
Victim/Witness Assessment	waived		Community Service		

SIGNATURE OF PROBATIONER: I have read and understand the conditions of probation including the notices on the back. If I violate any such condition it may result in my arrest, revocation of probation, entry of a guilty finding (if not already entered), and the imposition or execution of sentence. I have received a copy of this Order.

John Clayton
date: 5-5-20

SIGNATURE OF INTERPRETER, if any: I have translated the front and back of this document to the probationer prior to his/her signature.

date:

MCR-27/Rev. 10-23-10 *WAIVER OF MEDIATION* *WAIVER OF TRIAL BY JUDGE*

SIGNATURE OF JUDGE:

John J. O'Connell
date: 5-5-20

SIGNATURE OF WITNESSING PROBATION OFFICER:

Diane H. Marshall

date: 5-5-20

Page 1 of 2

APPENDIX M

Orders of Probation Conditions (Signed)

Gardner District Court

Pages A-49 – A-50

Title: App. M - Orders of Probation Conditions (Signed by Judge Goldstein) — lists 09/29/2023 – 09/29/2025; signed by Petitioner and previous Probation Officer William Goodell.

Certification: Certified “TRUE COPY” by Clerk Magistrate Sheila Harrington.

Relevance:

Petitioner’s outstanding arrest warrant is derived from these orders. Confirms Petitioner was sentenced on this without counsel present. Shows Petitioner’s inability to withdraw his guilty plea in the trial court, and forced medical treatment under *Morrissey v. Brewer*, 408 U.S. 471, 482 (1972); *Cruzan v. Director, Missouri Dep’t of Health*, 497 U.S. 261 (1990). Verifies ongoing deprivation of liberty without due process in violation of Petitioner’s rights under the Fourth Amendment.

Evidence foundation: FRE 401/402; 901(a); 1003; 403; 105.

ORDER OF PROBATION CONDITIONS UPON FINDING OF GUILTY OR SUFFICIENT FACTS		Court Division: Gardner District Court	Trial Court of Massachusetts District Court Department	
Probationer's Name: Ramsey Clayter	Disposition: Guilty (MOD)	<input checked="" type="checkbox"/> Risk/Need or OUI Supervision <input type="checkbox"/> Administrative Supervision		
Docket No(s). in which Probation Ordered: 2063CR000084		Probation Start Date: 9/29/23	Probation End Date: 9/29/25	

TO THE ABOVE-NAMED PROBATIONER: You are hereby placed on probation by this Court. Unless you are excused by your probation officer, you must appear in court on the probation end date indicated above, at which time a report on your progress will be made. If you fail to appear on that date or any other date required, a warrant may be issued for your arrest.

GENERAL CONDITIONS OF PROBATION (You must comply with items 1 - 6 unless struck by judge)

1. Obey all court orders and all local, state and federal laws, including any support order as defined in G.L. c. 119A, § 1A.
2. Report to your probation officer at such times and places as he or she requires, and make no false statements to your probation officer.
3. Notify your probation officer within 48 hours if your change residence or employment.
4. Submit a DNA sample, if required to do so by law, as instructed by a probation officer.
5. Register with the Sex Offender Registry, if required to do so by law.
6. Sign all releases necessary for supervision and verification of compliance.

(You must also comply with items 7 - 9 if "Risk/Need or OUI Supervision" is checked above)

7. Allow the probation officer to visit, with or without notice, wherever you may be.
8. Report to your probation officer within 48 hours after you are released from any incarceration.
9. Do not leave Massachusetts unless you get the express permission of your probation officer or the court.

SPECIAL CONDITIONS OF PROBATION (You must comply with all items checked below and all payment ordered)

10. **EMPLOYMENT/SCHOOL:** Remain employed or make reasonable efforts to obtain employment or attend school.
11. **SUBSTANCE USE EVALUATION/TREATMENT:** As directed by the probation officer, and subject to review by a judge on request, submit to and successfully complete any substance use evaluation, treatment and aftercare at a non-residential program
 and/or a residential program.
12. **DRUG/ALCOHOL TESTING:** No illegal or unprescribed drugs alcohol unprescribed marijuana/THC. Submit to random testing.
13. **MENTAL HEALTH EVALUATION/TREATMENT:** Submit to evaluation Comply with treatment and take medication as prescribed.
14. **SPECIFIC PROGRAMS:** Complete the following program(s), including any aftercare Anger Management
 Driver Alcohol Education (G.L. c. 90, § 24D) 14-Day Residential Driver Alcohol Education
 Intimate Partner Abuse Education Program Other Certified Sex Offender Treatment
15. **HAVE NO CONTACT WITH:** and STAY (distance) _____ AWAY FROM (names) Listed Minor Victim
16. **HOME CONFINEMENT:** Submit to home confinement and electronic monitoring until _____ as ordered.
17. **OTHER CONDITIONS:** Stay Away/No Contact w/any children u/18 (excluding Jaydon Bitick); cannot seek work as coach/mentor
18. Make all **FINANCIAL PAYMENTS** and perform community service monthly as listed below by end date of Probation unless otherwise ordered by the court.

Type	Amount	Due Date And/Or Terms	Type	Amount	Due Date And/Or Terms
Probation Fee & Surcharge	N/A	monthly	Counsel Fee/Contribution		
Default Warrant Fee			OUI § 24D State Fee		
Default Warrant Arrest Fee			OUI Victims Assessment		
Court Costs			Head Injury Assessment/Surveillance		
Fine/Surfine/Civil Assessment			Drug Analysis Fee		
Restitution		see restitution order	Abuse Education Assessment		
Victim/Witness Assessment	Waived		Community Service		

SIGNATURE OF PROBATIONER: I have read and understand the conditions of probation including the notices on the back. If I violate any such condition it may result in my arrest, revocation of probation, entry of a guilty finding (if not already entered), and the imposition or execution of sentence. I have received a copy of this Order.

Ramsey Clayter

date: 10-19-23

SIGNATURE OF INTERPRETER, if any: I have translated the front and back of this document to the probationer prior to his/her signature.

R

date:

SIGNATURE OF JUDGE:

W 22 10-19-23

date:

SIGNATURE OF WITNESSING PROBATION OFFICER:

WJD

date: 10/19/23

APPENDIX N

Order Denying Motion to Alter or Amend Judgment (Rule 59(e))

D. Mass. No. 25-cv-40023-MRG.

Pages A-51 – A-52

Title: App. N - ECF Notice of Electronic Filing: Order Denying Motion to Alter or Amend Judgment (Fed. R. Civ. P. 59(e))

Issued by/Source: United States District Court for the District of Massachusetts — CM/ECF system email from mad.uscourts.gov with docket text and attached order denying Rule 59(e) motion (dated July 9, 2025) in Ramsey E. Clayter v. Diane Massouh, Chief Probation Officer, No. 25-cv-40023-MRG.

Relevance:

Confirms that Petitioner timely sought reconsideration under Federal Rule of Civil Procedure 59(e) following the July 2, 2025 dismissal, and that the court denied relief on July 9, 2025. Establishes diligence and preserves issues for further review, supporting the “no adequate relief elsewhere” showing;

Evidence foundation: FRE 901(a); 901(b)(1); 901(b)(4); 901(b)(7); 803(8); 1003. The CM/ECF email with system-generated metadata: Message-ID: 11445229@mad.uscourts.gov. This is self-identifying; authenticated by my knowledge as recipient; admissible as a public record; duplicate acceptable.



Ramsey Clayter <ramseyclayter10@gmail.com>

Activity in Case 4:25-cv-40023-MRG Clayter v. Massaouh Order on Motion to Amend

1 message

ECFnotice@mad.uscourts.gov <ECFnotice@mad.uscourts.gov>
To: CourtCopy@mad.uscourts.gov

Wed, Jul 9, 2025 at 2:13 PM

This is an automatic e-mail message generated by the CM/ECF system. Please DO NOT RESPOND to this e-mail because the mail box is unattended.

NOTE TO PUBLIC ACCESS USERS Judicial Conference of the United States policy permits attorneys of record and parties in a case (including pro se litigants) to receive one free electronic copy of all documents filed electronically. If receipt is required by law or directed by the filer, PACER access fees apply to all other users. To avoid later charges, download a copy of each document during this first viewing. However, if the referenced document is a transcript, the free copy and 30 page limit do not apply.

United States District Court

District of Massachusetts

Notice of Electronic Filing

The following transaction was entered on 7/9/2025 at 2:13 PM EDT and filed on 7/9/2025

Case Name: Clayter v. Massaouh**Case Number:** 4:25-cv-40023-MRG**Filer:****WARNING: CASE CLOSED on 07/02/2025**

Document Number: 32 (No document attached)

Docket Text:

District Judge Margaret R. Guzman: ELECTRONIC ORDER entered: The Court DENIES [31] Motion to Amend. Plaintiff claims that state judgment against him is void ab initio and, therefore, he is not required to exhaust state remedies prior to filing his petition with this Court. Specifically, Plaintiff maintains that the state judgment against him is invalid because a probable cause hearing was never held in his case. Those are precisely the types of questions that he must present to the state courts, including the highest state appellate court, before he presents them to a federal court in a habeas petition. See OSullivan v. Boerckel, 526 U.S. 838, 842 (1999); Sanchez v. Roden, 753 F.3d 279, 294 (1st Cir. 2014). (LB)

4:25-cv-40023-MRG Notice has been electronically mailed to:

Emily N. Rothkin emily.rothkin@mass.gov, AppealsEFilings@mass.gov

Ramsey E. Clayter Ramseyclayter10@gmail.com

4:25-cv-40023-MRG Notice will not be electronically mailed to:

APPENDIX O

MassCourts Docket Reprint

Pages A-53 – A-60

Title: App. O - MassCourts Docket Reprint (FINAL) — printed August 24, 2025, 1:24 p.m. ET with Headers/Footers; portal shows incorrect initiating charges under § 13H. Instead of G.L. c. 265(A).

Source: <https://www.masscourts.org/>

Relevance:

Corroborates absence of judicial probable-cause determination. Shows irregular substitutions and docket entries not reflected in App. B (Certified Docket).

Sequence differs from App. B, establishing procedural discrepancies. Establishes a baseline for the public view of proceedings and supports the record for federal habeas review.

Evidence foundation: FRE 901(a); 901(b)(7); 902(5); 803(8); 1003.

2063CR000084 Commonwealth vs. Clayter, Ramsey E

- Case Type: Criminal
- File Date 01/22/2020
- Initiating Action: INDECENT A&B ON PERSON 14 OR OVER c265 §13H
- Case Judge:

All Information Party Charge Event Docket Disposition

Party Information

Clayter, Ramsey E
- Defendant

Alias

Party Attorney

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

- Clayter, Ramsey E
- - Defendant
- 265/13H-3 - Felony INDECENT A&B ON PERSON 14 OR OVER c265 §13H
- Counts:
- Original Charge
- 265/23A/B-1 RAPE OF CHILD, AGGRAVATED, TEN YEAR AGE DIFFERENCE c265 §23A (Felony)
- Amended Charge
- 265/13H-3 INDECENT A&B ON PERSON 14 OR OVER c265 §13H (Felony)

- Jurisdiction Gardner
- Date of Offense 07/22/2019

Charge Disposition

Disposition Date
Disposition
05/05/2020
Guilty - Plea

- Clayter, Ramsey E
- - Defendant
- 265/13H-3 - Felony INDECENT A&B ON PERSON 14 OR OVER c265 §13H
- Counts:
- Original Charge
- 265/23A/B-1 RAPE OF CHILD, AGGRAVATED, TEN YEAR AGE DIFFERENCE c265 §23A (Felony)
- Amended Charge
- 265/13H-3 INDECENT A&B ON PERSON 14 OR OVER c265 §13H (Felony)

- Jurisdiction Gardner
- Date of Offense 08/01/2019

Charge Disposition

Disposition Date
Disposition
05/05/2020
Guilty - Plea

- Clayter, Ramsey E
- - Defendant
- 265/13H-3 - Felony INDECENT A&B ON PERSON 14 OR OVER c265 §13H
- Counts:
- Original Charge
- 265/23A/B-1 RAPE OF CHILD, AGGRAVATED, TEN YEAR AGE DIFFERENCE c265 §23A (Felony)
- Amended Charge
- 265/13H-3 INDECENT A&B ON PERSON 14 OR OVER c265 §13H (Felony)

- Jurisdiction Gardner
- Date of Offense 08/01/2019

Charge Disposition

Disposition Date
Disposition
05/05/2020
Guilty - Plea

- Clayter, Ramsey E

- Defendant

(Case Type: 141)

272/28/A-1 - Felony OBSCENE MATTER TO MINOR c272 §28

- Counts:

- Original Charge

- 272/28/A-1 OBSCENE MATTER TO MINOR c272 §28 (Felony)

- Amended Charge

- Jurisdiction
- Gardner
- Date of Offense
- 08/01/2019

Charge Disposition

Disposition Date

Disposition

05/05/2020

Guilty - Plea

Events

Date	Session	Location	Type	Event Judge	Result
01/23/2020 11:30 AM	Administrative Session		Arraignment		Held - Bail or Conditions of Release ordered
02/14/2020 09:00 AM	Administrative Session		Pretrial Hearing		Reschedule of Hearing
03/13/2020 09:00 AM	Administrative Session		Probable Cause Hearing		Reschedule of Hearing
04/17/2020 09:00 AM	Administrative Session		Probable Cause Hearing		Not Held
05/01/2020 11:30 AM	Administrative Session		Probable Disposition		Reschedule of Hearing
05/04/2020 11:30 AM	Video Conference Session		Probable Disposition		Rescheduled-Covid-19 emergency
05/05/2020 11:30 AM	Video Conference Session		Probable Disposition		Held - Disposed by Plea
09/01/2020 09:00 AM	Administrative Session		Motion Hearing (CR)		Not Held
10/19/2023 09:00 AM	Administrative Session		Hearing to Review Status		Review Completed
11/19/2024 09:00 AM	Administrative Session		Motion Hearing (CR)		Held - Motion denied
08/14/2025 08:30 AM	Administrative Session		Probation Violation First Appearance		Held
09/11/2025 09:00 AM	Administrative Session		Probation Violation Hearing		
09/29/2025 08:00 AM	Administrative Session		Probation Until		
05/03/2027 09:00 AM	Administrative Session		Probation Until		Reschedule of Hearing

Docket Information

Docket	Docket Text	Amount Owed	Image Avail.
Date			
01/22/2020	Complaint issued with arrest warrant.		
01/22/2020	Warrant Issued: Straight Warrant issued on 01/22/2020 for Clayter, Ramsey E		
01/23/2020	Served: Straight Warrant served on 01/23/2020 for Clayter, Ramsey E		
01/23/2020	Defendant notified of right to a bail review before the Superior Court (C276 §58). Judge: Haddad, Hon. James G		
01/23/2020	Event Resulted: Arraignment scheduled on: 01/23/2020 11:30 AM		

Docket Date	Docket Text	Amount Owed	Image Avail.
	Has been: Held - Bail or Conditions of Release ordered Hon. James G Haddad, Presiding		
01/23/2020	Defendant arraigned before Court, advised of right to counsel. Judge: Haddad, Hon. James G		
01/23/2020	Defendant before Court on Warrant, Warrant recalled as served. Judge: Haddad, Hon. James G		
01/23/2020	Reasons for ordering bail. Judge: Haddad, Hon. James G		
01/23/2020	Bail ordered: \$ \$500,000.00 surety bond or \$ \$50,000.00 cash.		
01/23/2020	Defendant is ordered committed to Worcester County House of Correction in lieu of having posted bail in the amount ordered: (\$500,000.00 Bond; \$50,000.00 Cash), returnable for 02/14/2020 09:00 AM Pretrial Hearing; mittimus issued.		
	Court location of next event (if not your court): Further Orders: ***BAIL TO BE POSTED AT GARDNER DISTRICT COURT FOR GPS HOOKUP***		
01/23/2020	Appearance filed On this date Max Burwick, Esq. added as Appointed - Indigent Defendant for Defendant Ramsey E Clayter Appearance filed for the purpose of Case in Chief by Judge Hon. Arthur F Haley, III.		
01/23/2020	Legal Counsel Fee Waived. Judge: Haley, III, Hon. Arthur F		
01/23/2020	Order of pretrial conditions of release under G.L. c. 276 § 58 filed. Order of GPS Supervision Conditions filed by probation.		
02/03/2020	Petition for review of bail filed Originating Court: Gardner District Court Receiving Court: Worcester County Case Number: 2085BP00027		
02/05/2020	Finding of the Superior Court on Bail Review Petition under G.L. c.276, §58. Judge: Reardon, Jr., Hon. James G		
02/05/2020	Defendant is ordered committed to Worcester County House of Correction in lieu of having posted bail in the amount ordered: (\$250,000.00 Bond; \$25,000.00 Cash), returnable for 02/14/2020 09:00 AM Pretrial Hearing; mittimus issued.		
	Court location of next event (if not your court): Further Orders: ***BAIL TO BE POSTED AT GARDNER DISTRICT COURT FOR GPS HOOKUP***		
	Judge: Haley, III, Hon. Arthur F		
02/12/2020	Defendant's Criminal motion to affidavit in support of motion orally presented to the court		
02/12/2020	Motion to EXCUSE DEF'T'S PRESENCE ALLOWED.		
02/14/2020	Event Resulted: Pretrial Hearing scheduled on: 02/14/2020 09:00 AM Has been: Reschedule of Hearing For the following reason: On Order of the Court Hon. Arthur F Haley, III, Presiding		
02/14/2020	Defendant is ordered committed to Worcester County House of Correction in lieu of having posted bail in the amount ordered: (\$250,000.00 Bond; \$25,000.00 Cash), returnable for 03/13/2020 09:00 AM Probable Cause Hearing; mittimus issued.		
	Court location of next event (if not your court): Further Orders: *** BAIL TO BE POSTED @ GARDNER DISTRICT COURT FOR GPS HOOKUP ***		
	Judge: Haley, III, Hon. Arthur F		
03/13/2020	Event Resulted: Probable Cause Hearing scheduled on: 03/13/2020 09:00 AM Has been: Reschedule of Hearing For the following reason: On Order of the Court Hon. Arthur F Haley, III, Presiding		
03/13/2020	Defendant is ordered committed to Worcester County House of Correction in lieu of having posted bail in the amount ordered: (\$250,000.00 Bond; \$25,000.00 Cash), returnable for 04/17/2020 09:00 AM Probable Cause Hearing; mittimus issued.		
	Court location of next event (if not your court): Further Orders:		

Docket Date	Docket Text	Amount Owed	Image Avail.
BAIL TO BE POSTED @ GARDNER DISTRICT COURT FOR GPS HOOKUP			
Judge: Haley, III, Hon. Arthur F			
04/17/2020	Event Resulted: Probable Cause Hearing scheduled on: 04/17/2020 09:00 AM Has been: Not Held For the following reason: COVID Emergency-Hearing held by video Hon. Mark A Goldstein, Presiding		
04/17/2020 Defendant is ordered committed to Worcester County House of Correction in lieu of having posted bail in the amount ordered: (\$250,000.00 Bond; \$25,000.00 Cash), returnable for 05/01/2020 11:30 AM Probable Disposition; mittimus issued. Court location of next event (if not your court): Further Orders: ***VIA VIDEO CONFERENCE*** BAIL TO BE POSTED AT GARDNER DISTRICT COURT FOR GPS HOOKUP***			
05/01/2020	Event Resulted: Probable Disposition scheduled on: 05/01/2020 11:30 AM Has been: Reschedule of Hearing For the following reason: On Order of the Court Comments: Court Closed Due to Covid Emergency Whitney J Brown, Presiding		
05/01/2020	Defendant is ordered committed to Worcester County House of Correction in lieu of having posted bail in the amount ordered: (\$250,000.00 Bond; \$25,000.00 Cash), returnable for 05/04/2020 09:00 AM Probable Disposition; mittimus issued. Court location of next event (if not your court): Further Orders: ***VIA VIDEO CONFERENCE *** DEFENDANT TO BE BAILED AT GARDNER COURT ONLY FOR GPS HOOKUP		
05/04/2020	Event Resulted: Probable Disposition scheduled on: 05/04/2020 09:00 AM Has been: Reschedule of Hearing For the following reason: On Order of the Court Hon. Mark E Noonan, Presiding		
05/04/2020	Defendant is ordered committed to Worcester County House of Correction in lieu of having posted bail in the amount ordered: (\$250,000.00 Bond; \$25,000.00 Cash), returnable for 05/04/2020 11:30 AM Probable Disposition; mittimus issued. Court location of next event (if not your court): Gardner District Court Further Orders: Attorney: Burwick, Esq., Max		
05/04/2020	Defendant is ordered committed to Worcester County House of Correction in lieu of having posted bail in the amount ordered: (\$250,000.00 Bond; \$25,000.00 Cash), returnable for 05/05/2020 11:30 AM Probable Disposition; mittimus issued. Court location of next event (if not your court): Further Orders: ***Video Conference***BAIL TO BE POSTED AT GARDNER DISTRICT COURT FOR GPS HOOKUP***		
05/05/2020	Event Resulted: Probable Disposition scheduled on: 05/05/2020 11:30 AM Has been: Held - Disposed by Plea Hon. Arthur F Haley, III, Presiding		
05/05/2020	Charges Disposed: Charge # 1 INDECENT A&B ON PERSON 14 OR OVER c265 §13H On: 05/05/2020 Judge: Hon. Arthur F Haley, III Guilty - Plea Charge # 2 INDECENT A&B ON PERSON 14 OR OVER c265 §13H On: 05/05/2020 Judge: Hon. Arthur F Haley, III Guilty - Plea Charge # 3 INDECENT A&B ON PERSON 14 OR OVER c265 §13H On: 05/05/2020 Judge: Hon. Arthur F Haley, III Guilty - Plea Charge # 4 OBSCENE MATTER TO MINOR c272 §28 On: 05/05/2020 Judge: Hon. Arthur F Haley, III Guilty - Plea		
05/05/2020	One or more charges disposed by tender of plea. Judge: Haley, III, Hon. Arthur F		

<u>Docket Date</u>	<u>Docket Text</u>	<u>Amount Owed</u>	<u>Image Avail.</u>
05/05/2020	Tender of plea filed and accepted by the Court. Judge: Haley, III, Hon. Arthur F		
05/05/2020	Correction Date: 05/05/2020 Judge: Hon. Arthur F Haley, III		
	Charge #: 1 INDECENT A&B ON PERSON 14 OR OVER c265 §13H Committed to HOC Term: 2 Years, 5 Months, 0 Days To Serve: 2 Years, 5 Months, 0 Days		
	Charge #: 2 INDECENT A&B ON PERSON 14 OR OVER c265 §13H Committed to HOC Term: 2 Years, 5 Months, 0 Days To Serve: 2 Years, 5 Months, 0 Days Served Concurrent Charge # 1 Case 2063CR0084		
	Committed to Worcester County House of Correction Credits 104 Days		
05/05/2020	Correction Date: 05/05/2020 Judge: Hon. Arthur F Haley, III		
	Charge #: 3 INDECENT A&B ON PERSON 14 OR OVER c265 §13H Committed to HOC Term: 2 Years, 5 Months, 0 Days To Serve: 2 Years, 5 Months, 0 Days Served Consecutive Charge # 1 Case Consecutive with count 1&2 on 2063CR0084		
	Committed to Worcester County House of Correction		
05/05/2020	Sentence Imposed: Sentence Date: 05/05/2020 Judge: Hon. Arthur F Haley, III		
	Charge #: 4 OBSCENE MATTER TO MINOR c272 §28		
	Probation: Risk/Need Probation Duration: 7 Years, 0 Months, 0 Days Start Date: 05/05/2020 End Date: 05/03/2027		
05/05/2020	Commonwealth's motion to Amend counts One, Two and Three filed and ALLOWED.		
08/26/2020	Defendant's motion to Modify/Clarify Terms of Probation filed with the following, if any, supporting documents:		
09/01/2020	Event Resulted: Motion Hearing (CR) scheduled on: 09/01/2020 09:00 AM Has been: Not Held Hon. Arthur F Haley, III, Presiding		
10/19/2023	Probation Officer's motion to modify conditions to 2 years probation from release date 9/29/2023 filed with the following, if any, supporting documents:		
10/19/2023	Event Resulted: Hearing to Review Status scheduled on: 10/19/2023 09:00 AM Has been: Review Completed Comments: probation extended for two years Hon. Mark A Goldstein, Presiding		
10/19/2023	Event Resulted: Probation Until scheduled on: 05/03/2027 09:00 AM Has been: Reschedule of Hearing For the following reason: Brought forward Hon. Mark A Goldstein, Presiding		
10/19/2023	Sentence Imposed: Revision Date: 10/19/2023 Judge: Hon. Mark A Goldstein Charge #: 4 OBSCENE MATTER TO MINOR c272 §28		
	Probation: Risk/Need Probation Duration: 2 Years, 0 Months, 0 Days Start Date: 10/19/2023 End Date: 09/29/2025		
10/19/2023	Probation Officer's motion to revise probation end date filed and ALLOWED.		
10/19/2023	Probation order of conditions imposed or revised modified 10/19/23 Judge: Goldstein, Hon. Mark A		
10/19/2023	Appearance filed On this date Max Burwick, Esq. dismissed/withdrawn as Appointed - Indigent Defendant for Defendant Ramsey E Clayter		
06/07/2024	Defendant's motion to Vacate Convictions and Motion to Vacate Convictions Due to Ineffective Assistance of Counsel filed with the following, if any, supporting documents: memorandum of law, affidavit in support of motion		

<u>Docket Date</u>	<u>Docket Text</u>	<u>Amount Owed</u>	<u>Image Avail.</u>
06/11/2024	Defendant's motion to Vacate convictions and Discharge Defendant *Emergency* filed with the following, if any, supporting documents: memorandum of law, affidavit in support of motion		
10/15/2024	Defendant's motion to withdraw and to vacate conviction filed and ALLOWED.		
10/15/2024	Defendant's motion to return property filed with the following, if any, supporting documents: affidavit in support of motion		
10/15/2024	Defendant's motion to vacate conditions and discharge defendant filed with the following, if any, supporting documents: affidavit in support of motion		
10/30/2024	Form generated: A Notice to the Parties was generated and sent to: Defendant: Ramsey E Clayter 8 Nichols St. #2F, Gardner, MA 01440		
11/07/2024	Defendant's motion to Dismiss complaint with prejudice filed with the following, if any, supporting documents: affidavit in support of motion		
11/12/2024	Defendant's motion to Withdraw Motion to Vacate Conviction filed with the following, if any, supporting documents:		
11/12/2024	Defendant's motion to Vacate Convictions and Discharge Defendant due to ineffective Assistance of Counsel filed with the following, if any, supporting documents: affidavit in support of motion		
11/19/2024	Document and/or notice received and filed on criminal case to wit Comm. Miscellaneous correspondence Commonwealth's Response to Defendant's "Motion to Vacate Convictions and Discharge Defendant due to Ineffective Assistance of Counsel" filed in Open Court		
11/19/2024	Event Resulted: Motion Hearing (CR) scheduled on: 11/19/2024 09:00 AM Has been: Held - Motion denied Hon. Andrew Abdella, Presiding		
11/19/2024	Motion to Vacate Convictions and Discharge Defendant Due to Ineffective Assistance of Counsel DENIED.		
11/21/2024	Defendant's motion to To Vacate Convictions and Discharge Defendant Due Brady Rule Violation filed with the following, if any, supporting documents: affidavit in support of motion *EMERGENCY*		
11/25/2024	Notice of appeal to the Appeals Court filed by the Defendant		
11/26/2024	FTR MA30369 produced		
12/10/2024	Transcript received for November 19, 2024 Motion Hearing		
12/11/2024	Notice of entry of Appeal received from Appeals Court		
02/18/2025	Defendant's motion to VACATE CONVICTIONS AND DISCHARGE DEFENDANT *EMERGENCY* filed with the following, if any, supporting documents:		
03/18/2025	After Review: Decision on Motion filed by Defendant on February 18, 2025 copy mailed to defendant Judge: Hillman, Zachary		
07/08/2025	Received from Appeals Court : Ordered , the following entry be made on the docket: Order denying the motion for new trial affirmed.		
07/17/2025	Defendant's motion to Vacate Judgment as Void Pursuant to Mass.R.Crim.P.30 filed with the following, if any, supporting documents:		
07/22/2025	After Review, this Court DENIES the motion without a hearing filed on July 17, 2025 copy mailed to defendant Judge: Hillman, Zachary		
07/28/2025	Sworn Certificate of Constructive Denial filed by Ramsey E.Clayter		
07/28/2025	Notice of appeal to the Appeals Court filed by the Defendant		
07/29/2025	Defendant Ramsey Clayter filed Notice with Court that he is withdrawing both the Notice of Appeal and Sworn Certificate of Constructive Denial filed on 7/28/2025		
07/30/2025	Defendant's motion for Reconsideration and to Vacate Judgment as Void Pursuant to Mass R Crim P 30(a) filed with the following, if any, supporting documents: certif. of service on opposing party		
08/04/2025	Probation Violation Notice filed with notice of scheduled hearing date and certificate that service to be completed in hand or by mail on the defendant.		
08/11/2025	Defendant's motion to Compel Production of Signed Probation Conditions Prior to Violation Hearing filed with the following, if any, supporting documents:		

<u>Docket</u>	<u>Docket Text</u>	<u>Amount Owed</u>	<u>Image Avail.</u>
08/11/2025	Defendant's motion to Dismiss Probation Violation Proceeding for Lack of subject Matter Jurisdiction filed with the following, if any, supporting documents: certif. of service on opposing party		
08/12/2025	Motion for Reconsideration and to Vacate Judgment as Void Pursuant to Mass. R. Crim. P. 30(a) DENIED. copy emailed and mailed to defendant		
08/12/2025	Motion to Compel Production of Signed Probation Conditions Prior to Violation Hearing DENIED. copy to defendant via email and first class mail, copy to probation		
08/14/2025	Event Resulted: Probation Violation First Appearance scheduled on: 08/14/2025 08:30 AM Has been: Held Hon. Whitney J Brown, Presiding		
08/14/2025	Document and/or notice received and filed on criminal case to wit Defendant's miscellaneous correspondence Petition Pursuant to G.L. c. 211 Sec 3 to Exercise the Court's Supervisory Powers and Vacate a Void Criminal Judgment For Lack of Subject Matter Jurisdiction		
08/20/2025	Misc Entry: Addendum to Petition under G.L. c. 211, 3 Applies To: Clayter, Ramsey E (Defendant)		

Case Disposition

<u>Disposition</u>	<u>Date</u>
Disposed by Plea	05/05/2020

Due to the system maintenance, MassCourts.org (including the Attorney Portal) will be unavailable between 2PM on Friday, August 29 and 6AM Tuesday, September 2. All case search, calendar functionality, and ePay, will be unavailable during this time. ✕

APPENDIX R

Pertinent Text of U.S. Const. amend. IV

Pages A-70 – A-71

Title: App. R - Reprint of the Fourth Amendment to the United States

Constitution

Issued by/Source: Library of Congress — official online publication of the Constitution of the United States (downloaded and printed August 30, 2025, with headers/footers showing URL, date, and time).

Relevance:

Provides the full text of the Fourth Amendment, guaranteeing the right of the people to be secure against unreasonable searches and seizures. Establishes the constitutional basis for petitioner's claims regarding unlawful searches, seizures, and warrants unsupported by oath or affirmation. Authenticates the operative provision for this habeas proceeding.

Evidence foundation:

FRE 902(5); 901(b)(1); 1001(d); 1003; 401/402; 403; 105. Official online publication; headers/footers confirm authenticity; duplicate acceptable.

Amendment III

No Soldier shall, in time of peace be quartered in any house, without the consent of the Owner, nor in time of war, but in a manner to be prescribed by law.

Amendment IV

The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

Amendment V

No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a Grand Jury, except in cases arising in the land or naval forces, or in the Militia, when in actual service in time of War or public danger; nor shall any person be subject for the same offence to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation.

Amendment VI

In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the Assistance of Counsel for his defence.

Amendment VII

In Suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved, and no fact tried by a jury, shall be otherwise re-examined in any Court of the United States, than according to the rules of the common law.

Amendment VIII

Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.

APPENDIX S

Pertinent Text of U.S. Const. amend. VI

Pages A-72 – A-73

Title: App. S - Sixth Amendment to the United States Constitution

Issued by/Source: Library of Congress — official online publication of the Constitution of the United States (downloaded and printed September 18, 2025, with headers/footers showing URL, date, and time).

Relevance:

Provides the verbatim text of the Sixth Amendment, securing the rights of the accused in all criminal prosecutions. Establishes the constitutional basis for petitioner's claims regarding the right to a speedy and public trial, trial by impartial jury, notice of the accusation, confrontation of witnesses, compulsory process, and effective assistance of counsel. Authenticates the operative provision for this habeas proceeding.

Evidence foundation:

FRE 902(5); 901(b)(1); 1001(d); 1003; 401/402; 403; 105. Official online publication; headers/footers confirm authenticity; duplicate acceptable.

CONSTITUTION ANNOTATED

Analysis and Interpretation of the U.S. Constitution

Constitution of the United States

Sixth Amendment

Sixth Amendment Explained

In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the Assistance of Counsel for his defence.

APPENDIX T

Pertinent Text of U.S. Const. amend. XIII, § 1

Pages A-74 – A-755

Title: App. U - Thirteenth Amendment to the United States Constitution

Issued by/Source: Library of Congress — official online publication of the Constitution of the United States (downloaded and printed August 30, 2025, with headers/footers showing URL, date, and time).

Relevance:

Provides the verbatim text prohibiting slavery and involuntary servitude, except as punishment for a crime upon due conviction. Supports petitioner's claims regarding unlawful compelled labor and custody predicated on a judgment alleged to be void, focusing on the "except as punishment for crime" clause. Authenticates the operative provision for use in this habeas proceeding.

Evidence foundation:

FRE 902(5); 901(b)(1); 1001(d); 1003; 401/402; 403; 105. Official online publication; headers/footers confirm authenticity; duplicate acceptable.

Representatives shall not choose a President whenever the right of choice shall devolve upon them, before the fourth day of March next following, then the Vice-President shall act as President, as in case of the death or other constitutional disability of the President. —]* The person having the greatest number of votes as Vice-President, shall be the Vice-President, if such number be a majority of the whole number of Electors appointed, and if no person have a majority, then from the two highest numbers on the list, the Senate shall choose the Vice-President; a quorum for the purpose shall consist of two-thirds of the whole number of Senators, and a majority of the whole number shall be necessary to a choice. But no person constitutionally ineligible to the office of President shall be eligible to that of Vice-President of the United States. *Superseded by section 3 of the 20th amendment.

AMENDMENT XIII

Passed by Congress January 31, 1865. Ratified December 6, 1865.

Note: A portion of Article IV, section 2, of the Constitution was superseded by the 13th amendment.

Section 1.

Neither slavery nor involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted, shall exist within the United States, or any place subject to their jurisdiction.

Section 2.

Congress shall have power to enforce this article by appropriate legislation.

AMENDMENT XIV

Passed by Congress June 13, 1866. Ratified July 9, 1868.

Note: Article I, section 2, of the Constitution was modified by section 2 of the 14th amendment.

Section 1.

All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States;

APPENDIX U

Pertinent Text of U.S. Const. amend. XIV, § 1

Pages A-76 – A-78

Title: App. U - Fourteenth Amendment to the United States Constitution

Issued by/Source: Library of Congress — official online publication of the Constitution of the United States (downloaded and printed August 30, 2025, with headers/footers showing URL, date, and time).

Relevance:

Provides the verbatim text of the Fourteenth Amendment, including the Due Process and Equal Protection Clauses. Establishes the constitutional foundation for claims that custody and restraints were imposed without due process and in a discriminatory manner. Supports arguments regarding liberty interests implicated by probation, resentencing, and related state actions challenged in this habeas proceeding.

Evidence foundation:

FRE 902(5); 901(b)(1); 1001(d); 1003; 401/402; 403; 105. Official online publication; headers/footers confirm authenticity; duplicate acceptable.

Representatives shall not choose a President whenever the right of choice shall devolve upon them, before the fourth day of March next following, then the Vice-President shall act as President, as in case of the death or other constitutional disability of the President. --]* The person having the greatest number of votes as Vice-President, shall be the Vice-President, if such number be a majority of the whole number of Electors appointed, and if no person have a majority, then from the two highest numbers on the list, the Senate shall choose the Vice-President; a quorum for the purpose shall consist of two-thirds of the whole number of Senators, and a majority of the whole number shall be necessary to a choice. But no person constitutionally ineligible to the office of President shall be eligible to that of Vice-President of the United States. *Superseded by section 3 of the 20th amendment.

AMENDMENT XIII

Passed by Congress January 31, 1865. Ratified December 6, 1865.

Note: A portion of Article IV, section 2, of the Constitution was superseded by the 13th amendment.

Section 1.

Neither slavery nor involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted, shall exist within the United States, or any place subject to their jurisdiction.

Section 2.

Congress shall have power to enforce this article by appropriate legislation.

AMENDMENT XIV

Passed by Congress June 13, 1866. Ratified July 9, 1868.

Note: Article I, section 2, of the Constitution was modified by section 2 of the 14th amendment.

Section 1.

All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States;

Representatives shall not choose a President whenever the right of choice shall devolve upon them, before the fourth day of March next following, then the Vice-President shall act as President, as in case of the death or other constitutional disability of the President. --]* The person having the greatest number of votes as Vice-President, shall be the Vice-President, if such number be a majority of the whole number of Electors appointed, and if no person have a majority, then from the two highest numbers on the list, the Senate shall choose the Vice-President; a quorum for the purpose shall consist of two-thirds of the whole number of Senators, and a majority of the whole number shall be necessary to a choice. But no person constitutionally ineligible to the office of President shall be eligible to that of Vice-President of the United States. *Superseded by section 3 of the 20th amendment.

AMENDMENT XIII

Passed by Congress January 31, 1865. Ratified December 6, 1865.

Note: A portion of Article IV, section 2, of the Constitution was superseded by the 13th amendment.

Section 1.

Neither slavery nor involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted, shall exist within the United States, or any place subject to their jurisdiction.

Section 2.

Congress shall have power to enforce this article by appropriate legislation.

AMENDMENT XIV

Passed by Congress June 13, 1866. Ratified July 9, 1868.

Note: Article I, section 2, of the Constitution was modified by section 2 of the 14th amendment.

Section 1.

All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States;

nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

Section 2.

Representatives shall be apportioned among the several States according to their respective numbers, counting the whole number of persons in each State, excluding Indians not taxed. But when the right to vote at any election for the choice of electors for President and Vice-President of the United States, Representatives in Congress, the Executive and Judicial officers of a State, or the members of the Legislature thereof, is denied to any of the male inhabitants of such State, being twenty-one years of age,* and citizens of the United States, or in any way abridged, except for participation in rebellion, or other crime, the basis of representation therein shall be reduced in the proportion which the number of such male citizens shall bear to the whole number of male citizens twenty-one years of age in such State.

Section 3.

No person shall be a Senator or Representative in Congress, or elector of President and Vice-President, or hold any office, civil or military, under the United States, or under any State, who, having previously taken an oath, as a member of Congress, or as an officer of the United States, or as a member of any State legislature, or as an executive or judicial officer of any State, to support the Constitution of the United States, shall have engaged in insurrection or rebellion against the same, or given aid or comfort to the enemies thereof. But Congress may by a vote of two-thirds of each House, remove such disability.

Section 4.

The validity of the public debt of the United States, authorized by law, including debts incurred for payment of pensions and bounties for services in suppressing insurrection or rebellion, shall not be questioned. But neither the United States nor any State shall assume or pay any debt or obligation incurred in aid of insurrection or rebellion against the United States, or any claim for the loss or emancipation of any slave; but all such debts, obligations and claims shall be held illegal and void.

Section 5.

The Congress shall have power to enforce, by appropriate legislation, the provisions of this article.

**Changed by section 1 of the 26th amendment.*

APPENDIX V

Pertinent Text of 28 U.S.C. § 2254

Pages A-79 – A-81

Title: App. V - Reprint of 28 U.S.C. § 2254 (State Custody; Remedies in Federal Courts)

Issued by/Source: Office of the Law Revision Counsel, United States House of Representatives (uscode.house.gov) — official online United States Code publication (downloaded and printed August 30, 2025, with headers/footers showing URL, date, and time).

Relevance:

Provides the statutory vehicle for federal habeas review of custody under a state-court judgment (subsection (a)). Describes standards governing review and relief, including deference to state adjudications and limits on evidentiary development, relevant to petitioner's requested remedies. Anchors the jurisdictional and remedial framework for this proceeding.

Evidence foundation:

FRE 902(5); 901(b)(1); 1001(d); 1003; 401/402; 403; 105. Official online publication; headers/footers confirm authenticity; duplicate acceptable.

28 USC 2254: State custody; remedies in Federal courts

Text contains those laws in effect on August 29, 2025

From Title 28-JUDICIARY AND JUDICIAL PROCEDURE**PART VI-PARTICULAR PROCEEDINGS****CHAPTER 153-HABEAS CORPUS****Jump To:**[Source Credit](#)[Amendments](#)[Miscellaneous](#)[References In Text](#)[Effective Date](#)**§2254. State custody; remedies in Federal courts**

(a) The Supreme Court, a Justice thereof, a circuit judge, or a district court shall entertain an application for a writ of habeas corpus in behalf of a person in custody pursuant to the judgment of a State court only on the ground that he is in custody in violation of the Constitution or laws or treaties of the United States.

(b)(1) An application for a writ of habeas corpus on behalf of a person in custody pursuant to the judgment of a State court shall not be granted unless it appears that-

(A) the applicant has exhausted the remedies available in the courts of the State; or

(B)(i) there is an absence of available State corrective process; or

(ii) circumstances exist that render such process ineffective to protect the rights of the applicant.

(2) An application for a writ of habeas corpus may be denied on the merits, notwithstanding the failure of the applicant to exhaust the remedies available in the courts of the State.

(3) A State shall not be deemed to have waived the exhaustion requirement or be estopped from reliance upon the requirement unless the State, through counsel, expressly waives the requirement.

(c) An applicant shall not be deemed to have exhausted the remedies available in the courts of the State, within the meaning of this section, if he has the right under the law of the State to raise, by any available procedure, the question presented.

(d) An application for a writ of habeas corpus on behalf of a person in custody pursuant to the judgment of a State court shall not be granted with respect to any claim that was adjudicated on the merits in State court proceedings unless the adjudication of the claim-

(1) resulted in a decision that was contrary to, or involved an unreasonable application of, clearly established Federal law, as determined by the Supreme Court of the United States; or

(2) resulted in a decision that was based on an unreasonable determination of the facts in light of the evidence presented in the State court proceeding.

(e)(1) In a proceeding instituted by an application for a writ of habeas corpus by a person in custody pursuant to the judgment of a State court, a determination of a factual issue made by a State court shall be presumed to be correct. The applicant shall have the burden of rebutting the presumption of correctness by clear and convincing evidence.

(2) If the applicant has failed to develop the factual basis of a claim in State court proceedings, the court shall not hold an evidentiary hearing on the claim unless the applicant shows that-

(A) the claim relies on-

(i) a new rule of constitutional law, made retroactive to cases on collateral review by the Supreme Court, that was previously unavailable; or

(ii) a factual predicate that could not have been previously discovered through the exercise of due diligence; and

(B) the facts underlying the claim would be sufficient to establish by clear and convincing evidence that but for constitutional error, no reasonable factfinder would have found the applicant guilty of the underlying offense.

(f) If the applicant challenges the sufficiency of the evidence adduced in such State court proceeding to support the State court's determination of a factual issue made therein, the applicant, if able, shall produce that part of the record pertinent to a determination of the sufficiency of the evidence to support such determination. If the applicant, because of indigency or other reason is unable to produce such part of the record, then the State shall produce such part of the record and the Federal court shall direct the State to do so by order directed to an appropriate State official. If the State cannot provide such pertinent part of the record, then the court shall determine under the existing facts and circumstances what weight shall be given to the State court's factual determination.

(g) A copy of the official records of the State court, duly certified by the clerk of such court to be a true and correct copy of a finding, judicial opinion, or other reliable written indicia showing such a factual determination by the State court shall be admissible in the Federal court proceeding.

(h) Except as provided in section 408 of the Controlled Substances Act, in all proceedings brought under this section, and any subsequent proceedings on review, the court may appoint counsel for an applicant who is or becomes financially unable to afford counsel, except as provided by a rule promulgated by the Supreme Court pursuant to statutory authority. Appointment of counsel under this section shall be governed by section 3006A of title 18.

(i) The ineffectiveness or incompetence of counsel during Federal or State collateral post-conviction proceedings shall not be a ground for relief in a proceeding arising under section 2254.

(June 25, 1948, ch. 646, 62 Stat. 967 ; Pub. L. 89-711, §2, Nov. 2, 1966, 80 Stat. 1105 ; Pub. L. 104-132, title I, §104, Apr. 24, 1996, 110 Stat. 1218 .)

HISTORICAL AND REVISION NOTES

This new section is declaratory of existing law as affirmed by the Supreme Court. (See *Ex parte Hawk*, 1944, 64 S. Ct. 448, 321, U.S. 114, 88L. Ed. 572.)

SENATE REVISION AMENDMENTS

Senate amendment to this section, Senate Report No. 1559, amendment No. 47, has three declared purposes, set forth as follows:

"The first is to eliminate from the prohibition of the section applications in behalf of prisoners in custody under authority of a State officer but whose custody has not been directed by the judgment of a State court. If the section were applied to applications by persons detained solely under authority of a State officer it would unduly hamper Federal courts in the protection of Federal officers prosecuted for acts committed in the course of official duty.

"The second purpose is to eliminate, as a ground of Federal jurisdiction to review by habeas corpus judgments of State courts, the proposition that the State court has denied a prisoner a 'fair adjudication of the legality of his detention under the Constitution and laws of the United States.' The Judicial Conference believes that this would be an undesirable ground for Federal jurisdiction in addition to exhaustion of State remedies or lack of adequate remedy in the State courts because it would permit proceedings in the Federal court on this ground before the petitioner had exhausted his State remedies. This ground would, of course, always be open to a petitioner to assert in the Federal court after he had exhausted his State remedies or if he had no adequate State remedy.

"The third purpose is to substitute detailed and specific language for the phrase 'no adequate remedy available.' That phrase is not sufficiently specific and precise, and its meaning should, therefore, be spelled out in more detail in the section as is done by the amendment."

EDITORIAL NOTES

REFERENCES IN TEXT

Section 408 of the Controlled Substances Act, referred to in subsec. (h), is classified to section 848 of Title 21, Food and Drugs.

AMENDMENTS

1996-Subsec. (b). Pub. L. 104-132, §104(1), amended subsec. (b) generally. Prior to amendment, subsec. (b) read as follows: "An application for a writ of habeas corpus in behalf of a person in custody pursuant to the judgment of a State court shall not be granted unless it appears that the applicant has exhausted the remedies available in the courts of the State, or that there is either an absence of available State corrective process or the existence of circumstances rendering such process ineffective to protect the rights of the prisoner."

Subsec. (d). Pub. L. 104-132, §104(3), added subsec. (d). Former subsec. (d) redesignated (e).

Subsec. (e). Pub. L. 104-132, §104(4), amended subsec. (e) generally, substituting present provisions for provisions which stated that presumption of correctness existed unless applicant were to establish or it otherwise appeared or respondent were to admit that any of several enumerated factors applied to invalidate State determination or else that factual determination by State court was clearly erroneous.

Pub. L. 104-132, §104(2), redesignated subsec. (d) as (e). Former subsec. (e) redesignated (f).

Subsecs. (f), (g). Pub. L. 104-132, §104(2), redesignated subsecs. (e) and (f) as (f) and (g), respectively.

Subsecs. (h), (i). Pub. L. 104-132, §104(5), added subsecs. (h) and (i).

1966-Pub. L. 89-711 substituted "Federal courts" for "State Courts" in section catchline, added subsec. (a), designated existing paragraphs as subsecs. (b) and (c), and added subsecs. (d) to (f).

STATUTORY NOTES AND RELATED SUBSIDIARIES

APPENDIX W

Pertinent Text of 28 U.S.C. § 1651(a)

Pages A-82 – A-844

Title: App. W - Reprint of 28 U.S.C. § 1651(a) (Wrts)

Issued by/Source: Office of the Law Revision Counsel, United States House of Representatives (uscode.house.gov) — official online United States Code publication (downloaded and printed August 30, 2025, with headers/footers showing URL, date, and time).

Relevance:

Provides the full text of the All Wrts Act, authorizing federal courts to issue all writs necessary or appropriate in aid of their respective jurisdictions and agreeable to the usages and principles of law. Establishes statutory authority for interim relief and record-preservation measures sought in connection with this habeas proceeding. Authenticates the operative federal statute for citation and evidentiary use.

Evidence foundation:

FRE 902(5); 901(b)(1); 1001(d); 1003; 401/402; 403; 105. Official online publication; headers/footers confirm authenticity; duplicate acceptable.

28 USC 1651: Writs

Text contains those laws in effect on August 29, 2025

From Title 28-JUDICIARY AND JUDICIAL PROCEDURE**PART V-PROCEDURE****CHAPTER 111-GENERAL PROVISIONS****Jump To:****Source Credit****Miscellaneous****Amendments****§1651. Writs**

(a) The Supreme Court and all courts established by Act of Congress may issue all writs necessary or appropriate in aid of their respective jurisdictions and agreeable to the usages and principles of law.

(b) An alternative writ or rule nisi may be issued by a justice or judge of a court which has jurisdiction.

(June 25, 1948, ch. 646, 62 Stat. 944 ; May 24, 1949, ch. 139, §90, 63 Stat. 102 .)

HISTORICAL AND REVISION NOTES**1948 ACT**

Based on title 28, U.S.C., 1940 ed., §§342, 376, 377 (Mar. 3, 1911, ch. 231, §§234, 261, 262, 36 Stat. 1156 , 1162).

Section consolidates sections 342, 376, and 377 of title 28, U.S.C., 1940 ed., with necessary changes in phraseology.

Such section 342 provided:

"The Supreme Court shall have power to issue writs of prohibition to the district courts, when proceeding as courts of admiralty and maritime jurisdiction; and writs of mandamus, in cases warranted by the principles and usages of law, to any courts appointed under the authority of the United States, or to persons holding office under the authority of the United States, where a State, or an ambassador, or other public minister, or a consul, or vice consul is a party."

Such section 376 provided:

"Writs of ne exeat may be granted by any justice of the Supreme Court, in cases where they might be granted by the Supreme Court; and by any district judge, in cases where they might be granted by the district court of which he is a judge. But no writ of ne exeat shall be granted unless a suit in equity is commenced, and satisfactory proof is made to the court or judge granting the same that the defendant designs quickly to depart from the United States."

Such section 377 provided:

"The Supreme Court and the district courts shall have power to issue writs of scire facias. The Supreme Court, the circuit courts of appeals, and the district courts shall have power to issue all writs not specifically provided for by statute, which may be necessary for the exercise of their respective jurisdictions, and agreeable to the usages and principles of law."

The special provisions of section 342 of title 28, U.S.C., 1940 ed., with reference to writs of prohibition and mandamus, admiralty courts and other courts and officers of the United States were omitted as unnecessary in view of the revised section.

The revised section extends the power to issue writs in aid of jurisdiction, to all courts established by Act of Congress, thus making explicit the right to exercise powers implied from the creation of such courts.

The provisions of section 376 of title 28, U.S.C., 1940 ed., with respect to the powers of a justice or judge in issuing writs of ne exeat were changed and made the basis of subsection (b) of the revised section but the conditions and limitations on the writ of ne exeat were omitted as merely confirmatory of well-settled principles of law.

The provision in section 377 of title 28, U.S.C., 1940 ed., authorizing issuance of writs of scire facias, was omitted in view of rule 81(b) of the Federal Rules of Civil Procedure abolishing such writ. The revised section is expressive of the construction recently placed upon such section by the Supreme Court in *U.S. Alkali Export Assn. v. U.S.*, 65 S.Ct. 1120, 325 U.S. 196, 89 L.Ed. 1554, and *De Beers Consol. Mines v. U.S.*, 65 S.Ct. 1130, 325 U.S. 212, 89 L.Ed. 1566.

1949 ACT

This section corrects a grammatical error in subsection (a) of section 1651 of title 28, U.S.C.

EDITORIAL NOTES**AMENDMENTS**

1949-Subsec. (a). Act May 24, 1949, inserted "and" after "jurisdictions".

STATUTORY NOTES AND RELATED SUBSIDIARIES**WRIT OF ERROR**

Act Jan. 31, 1928, ch. 14, §2, 45 Stat. 54 , as amended Apr. 26, 1928, ch. 440, 45 Stat. 466 ; June 25, 1948, ch. 646, §23, 62 Stat. 990 , provided that: "All Acts of Congress referring to writs of error shall be construed as amended to the extent necessary to substitute appeal for writ of error."

APPENDIX X

Pertinent Text of Mass. Gen. Laws ch. 263, § 4A

Pages A-85 – A-87

Title: App. X - Reprint of Massachusetts General Laws c. 263, § 4A

(Prosecutions upon information; waiver of indictment)

Issued by/Source: Massachusetts General Court (malegislature.gov) — official online publication of the Massachusetts General Laws (downloaded and printed on August 30, 2025, with headers and footers enabled to show URL, date, and time)

Relevance:

Provides the Commonwealth's statutory mechanism permitting prosecution upon an information where indictment is waived. Establishes that a valid waiver and related procedures are required before proceeding without indictment, bearing on the validity of the underlying criminal process, and supports due process arguments tied to charging formalities and the necessity of a prior judicial probable-cause determination.

Evidence foundation:

FRE 902(5); 901(b)(1); 1001(d); 1003; 401/402; 403; 105. Official online publication from a public office; authenticated by headers and footers displaying URL, date, and time; duplicate acceptable.

Part IV**CRIMES, PUNISHMENTS AND PROCEEDINGS IN CRIMINAL CASES****Title I****CRIMES AND PUNISHMENTS****Chapter 263****RIGHTS OF PERSONS ACCUSED OF CRIME****Section 4A****WAIVER OF INDICTMENT; PROCEDURE**

Section 4A. A defendant charged in the district court with an offense as to which he has the right to be proceeded against by indictment shall have the right, except when the offense charged is a capital crime, to waive that right, whereupon the court shall have as full jurisdiction of the complaint as if an indictment had been found. If a defendant is so charged and requests a probable cause hearing in district court, that request shall constitute a waiver of the right to be proceeded against by indictment and the prosecution may proceed upon the complaint. If a defendant waives the right to be proceeded against by indictment, a probable cause hearing shall be held in the district court unless the defendant waives the probable cause hearing or unless the prosecutor elects to proceed by indictment pursuant to the Massachusetts Rules of Criminal Procedure.

If the district attorney desires to charge a defendant who waives indictment hereunder with an additional non-capital crime which is not charged in the complaint upon which the prosecution is proceeding and as to which there is the right to be proceeded against by indictment, the

district attorney may prepare an additional complaint charging such additional crime and serve that complaint upon the defendant so as to give the defendant an opportunity to waive indictment upon such additional charge.

**Additional material
from this filing is
available in the
Clerk's Office.**