

**APPENDIX
TO PETITION FOR A WRIT OF CERTIORARI**

IN THE
SUPREME COURT OF THE UNITED STATES

RAMSEY E. CLAYTER,

Petitioner,

v.

COMMONWEALTH OF MASSACHUSETTS,

Respondent.

Judgment Entered June 2, 2026, in S.J.C. No. SJ-2026-0190

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APPENDIX A

Massachusetts Supreme Judicial Court Order Denying Petition

Pursuant to G.L. c. 211, § 3 (June 2, 2026) (S.J.C. No. SJ-2026-0190)

Judgment Under Review

Pages: A-1 – A-2

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

Relevance:

- Demonstrates that the state's highest court denied extraordinary relief under G.L. ch. 211, § 3;
- Reflects Petitioner's presentation of claims concerning the alleged void judgment, the absence of a probable-cause hearing, and ongoing constitutional violations;
- Establishes that this Court has jurisdiction to review the state judgment under 28 U.S.C. § 1257(a);
- Establishes timeliness of petition within the 90-day review window.

Total Pages (Including Cover): 2

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, ss.

SUPREME JUDICIAL COURT
FOR SUFFOLK COUNTY
No. SJ-2026-0190

APPEALS COURT
No. 2024-P-1398

Gardner District Court
No. 2063CR000084

COMMONWEALTH

v.

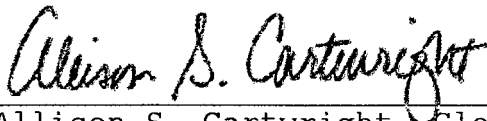
RAMSEY E. CLAYTER

JUDGMENT

This matter came before the Court, Kafker, J., on the defendant's petition pursuant to G. L. c. 211, § 3.

Upon consideration thereof, it is ORDERED that the petition be, and the same hereby is, DENIED without hearing on the grounds set forth in the Commonwealth's opposition. See Burnham v. Commonwealth, 484 Mass. 1034, 1035 (2020).

By the Court, (Kafker, J.)


Allison S. Cartwright, Clerk

Dated: June 2, 2026

APPENDIX E

Massachusetts Appeals Court Memorandum and Order (June 10, 2025)

(Massachusetts Appeals Court No. 2024-P-1398)

Pages: A-16 – A-21

Issued by/Source: Massachusetts Appeals Court, No. 2024-P-1398.

Relevance:

Reflects the Massachusetts Appeals Court's disposition affirming the denial of Petitioner's Rule 30 motion;

Addresses Petitioner's ineffective-assistance claim concerning counsel's failure to ensure that a probable-cause hearing occurred;

Demonstrates that the Appeals Court reviewed Petitioner's Opposition Motion together with the Certified Gardner District Court Docket, which reflected the initiating charges that were not included in the docket contained in the record appendix assembled for appellate review.

Forms part of the state-court procedural history culminating in the Supreme Judicial Court's denial of relief pursuant to G.L. c. 211, § 3.

Total Pages (Including Cover): 6

Commonwealth of Massachusetts

Appeals Court for the Commonwealth

At Boston

In the case no. 24-P-1398

COMMONWEALTH

vs.

RAMSEY CLAYTER.

Pending in the Gardner District

Court for the County of Worcester

Ordered, that the following entry be made on the docket:

Order denying motion for new
trial affirmed.

By the Court,

Paul Little, Clerk

Date June 10, 2025.

NOTICE: Summary decisions issued by the Appeals Court pursuant to M.A.C. Rule 23.0, as appearing in 97 Mass. App. Ct. 1017 (2020) (formerly known as rule 1:28, as amended by 73 Mass. App. Ct. 1001 [2009]), are primarily directed to the parties and, therefore, may not fully address the facts of the case or the panel's decisional rationale. Moreover, such decisions are not circulated to the entire court and, therefore, represent only the views of the panel that decided the case. A summary decision pursuant to rule 23.0 or rule 1:28 issued after February 25, 2008, may be cited for its persuasive value but, because of the limitations noted above, not as binding precedent. See Chace v. Curran, 71 Mass. App. Ct. 258, 260 n.4 (2008).

COMMONWEALTH OF MASSACHUSETTS

APPEALS COURT

24-P-1398

COMMONWEALTH

vs.

RAMSEY CLAYTER.

MEMORANDUM AND ORDER PURSUANT TO RULE 23.0

In 2020, the defendant pleaded guilty in the District Court to three counts of indecent assault and battery on a person aged fourteen or over, G. L. c. 265, § 13H, and one count of dissemination of obscene matter to a minor, G. L. c. 272, § 28.¹ In 2024, the defendant filed a "motion to vacate convictions and discharge defendant due to ineffective assistance of counsel."²

¹ The defendant was initially charged with three counts of aggravated rape, G. L. c. 265, § 23A, and one count of dissemination of obscene matter to a minor. On the day of the plea, the aggravated rape charges were amended to indecent assault and battery on a person aged fourteen or over.

² A motion to withdraw a guilty plea is treated as a motion for a new trial under Mass. R. Crim. P. 30 (b), as appearing in 435 Mass. 1501 (2001). See Commonwealth v. DeJesus, 468 Mass. 174, 178 (2014).

After a nonevidentiary hearing, the motion judge, who was not the plea judge, denied the defendant's motion. The defendant appeals from that decision. We affirm.

The defendant alleges that his plea counsel was ineffective for failing to ensure that a probable cause hearing took place and that if one had been conducted, the charges against him would have been dismissed. As a result, the defendant maintains that he entered into an "illegal" guilty plea. To prevail on a claim of ineffective assistance of counsel, the defendant must show that "there has been serious incompetency, inefficiency, or inattention of counsel -- behavior of counsel falling measurably below that which might be expected from an ordinary fallible lawyer -- and, if that is found, then, typically, whether [counsel's performance] has likely deprived the defendant of an otherwise available, substantial ground of defence."

Commonwealth v. Saferian, 366 Mass. 89, 96 (1974).

The defendant has failed to meet the burden of proving either prong of the Saferian test. Beginning with the first prong, counsel's performance, the defendant has failed to demonstrate how his counsel's conduct fell below that of an "ordinary fallible lawyer." Saferian, 366 Mass. at 96. The defendant failed to articulate how his counsel's failure to insist on a probable cause hearing on aggravated rape charges

was conduct falling below the standard of an ordinary lawyer, rather than a reasonably strategic decision under the circumstances. The defendant simply made a conclusory assertion that his counsel "neglected to ensure a probable cause hearing was held."

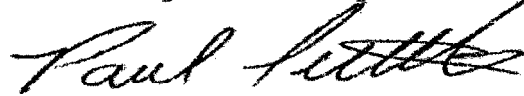
Turning next to the second prong, we consider prejudice to the defendant. The defendant has failed to demonstrate how the absence of a probable cause hearing prejudiced him or how his counsel deprived him of an otherwise available, substantial ground of defense. See Saferian, 66 Mass. at 96.³ For instance, he merely asserts that "[h]ad the hearing been held, the charges would have been dismissed and [his] innocence proven." Because the defendant failed to demonstrate how a probable cause hearing would have resulted in the dismissal of his charges, we cannot

³ Based on a review of the defendant's plea colloquy there is nothing to suggest that the defendant's plea was not knowing, voluntary, or intelligent.

say that his counsel performed deficiently by not ensuring a probable cause hearing. See Saferian, supra.

Order denying motion for new trial affirmed.

By the Court (Singh,
D'Angelo & Hodgens, JJ.⁴),

A handwritten signature in cursive script, appearing to read "Paul Little".

Clerk

Entered: June 10, 2025.

⁴ The panelists are listed in order of seniority.

● ●

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