

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

SEAN K. ELLIS,
Petitioner,
 v.
 JOHN MARSHALL,
Respondent.

Civil Action No. 01-12147-PBS

AMENDED¹ REPORT AND RECOMMENDATION ON
PETITIONER'S PETITION FOR WRIT OF HABEAS CORPUS

June 13, 2012

SOROKIN, C.M.J.

Pending is the Petition for Writ of Habeas Corpus (Docket # 1) of the Petitioner, Sean K.

*9/21/2012
after review of the objections, the court orders the report and recommendation and denies the petition for a writ of habeas corpus.*

¹ The Report and Recommendation on the Petition for Writ of Habeas Corpus issued on May 22, 2012, included a footnote in which the Court noted that neither party had provided the Court with the full set of trial transcripts. Following the issuance of the Report and Recommendation, the Attorney General's Office informed the Court that it had included these transcripts in its supplemental answer. The Attorney General's Office also provided a courtesy copy of the transcripts of the second trial to the Court. The Court found that one relevant day of the second trial, namely March 31, 1995, was missing from the courtesy copy and was not available in the clerk's office file. The Attorney General's Office stated that it could not find this particular day's transcript in its file, but had contacted the District Attorney's Office to request the transcript. Notwithstanding the absence of this transcript, the Court proceeds to issue this Report and Recommendation because nothing before the Court disputes the Supreme Judicial Court's summary of proceedings, rather Petitioner disagrees with the legal conclusions drawn from the record. Regarding the other transcripts, nothing in the recently (re)submitted transcripts alters the analysis set forth in the original Report and Recommendation. Accordingly, I therefore reissue the Report and Recommendation, which is the same in all respects except for this revised footnote and the second paragraph of the Report and Recommendation.