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SJC-11909

COMMONWEALTH vs. GEORGE McGRATH.

May 25, 2017.

Supreme Judicial Court, Superintendence of inferior courts. Practice, Criminal, Capital case.

George McGrath purports to appeal from the decision of a single justice of this court, pursuant to the gatekeeper provision of G. L. c. 278, § 33E, denying leave to appeal from the denial of his motion for a new trial on charges of murder in the first degree and assault with intent to rob.¹ "A defendant who is denied leave to appeal from a single justice acting as a gatekeeper . . . has no right to appeal from the single justice's ruling denying leave. The single justice's ruling is 'final and unreviewable.'" Commonwealth v. Companiono, 472 Mass. 1004, 1005 (2015), quoting Commonwealth v. Gunter, 456 Mass. 1017, 1017 (2010), S.C., 459 Mass. 480, cert. denied, 565 U.S. 868 (2011). We see no reason to depart from this longstanding rule. See Commonwealth v. Robinson, 477 Mass. (2017).

Appeal dismissed.

The case was submitted on briefs.
Kathleen M. McCarthy for the defendant.
Teresa K. Anderson, Assistant District Attorney, for the Commonwealth.

¹ McGrath's convictions were affirmed on direct appeal after plenary review. Commonwealth v. McGrath, 358 Mass. 314 (1970). In addition, we reversed the allowance of McGrath's previous motion for a new trial. Commonwealth v. McGrath, 437 Mass. 46, cert. denied, 537 U.S. 980 (2002).