

NOTICE: All slip opinions and orders are subject to formal revision and are superseded by the advance sheets and bound volumes of the Official Reports. If you find a typographical error or other formal error, please notify the Reporter of Decisions, Supreme Judicial Court, John Adams Courthouse, 1 Pemberton Square, Suite 2500, Boston, MA, 02108-1750; (617) 557-1030; SJCReporter@sjc.state.ma.us

SJC-12734

JOHN DOE, SEX OFFENDER REGISTRY BOARD NO. 21634 vs. SEX
OFFENDER REGISTRY BOARD.

May 15, 2020.

Sex Offender. Sex Offender Registration and Community
Notification Act. Supreme Judicial Court, Superintendence
of inferior courts.

John Doe appeals from a judgment of a single justice of this court dismissing his complaint for declaratory and injunctive relief, equitable relief, relief in the nature of mandamus, and extraordinary relief pursuant to G. L. c. 211, § 3, requesting that this court relieve Doe of the obligation to register with the Sex Offender Registry Board (board). We affirm.

"Our jurisprudence under G. L. c. 211, § 3, consistently reinforces the principle . . . that the extraordinary remedy of general superintendence is meant for situations where a litigant has no adequate alternative remedy." McMenimen v. Passatempo, 452 Mass. 178, 185 (2008) (gathering cases). The same is true of requests for relief in the nature of mandamus, see Myrick v. Superior Court Dep't, 479 Mass. 1012, 1012 (2018), quoting Rines v. Justices of the Superior Court, 330 Mass. 368, 371 (1953), and requests for declaratory or injunctive relief, see Longval v. Superior Court Dep't of the Trial Court, 437 Mass. 1018, 1018-1019 (2002), citing Temple v. Marlborough Div. of the Dist. Court Dep't, 395 Mass. 117, 132-133 (1985).

Here, as noted by the single justice, Doe has an adequate alternative avenue to obtain the relief sought, that is, "a request to the [b]oard to be terminated, and to have an evidentiary hearing where he may be represented by counsel,

provided by public counsel if necessary. An adverse finding by the [b]oard may be reviewed [in the Superior Court] pursuant to G. L. c. 30A."

The single justice did not err or abuse his discretion in denying relief.

Judgment affirmed.

The case was submitted on briefs.

John Doe, pro se.

William H. Burke, Special Assistant Attorney General, for the defendant.