

NOTICE: All slip opinions and orders are subject to formal revision and are superseded by the advance sheets and bound volumes of the Official Reports.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; SJCReportersjc.state.ma.us

SJC-12775

CURTIS HOWELL vs. COMMONWEALTH.

January 10, 2020.

Supreme Judicial Court, Superintendence of inferior courts. Due Process of Law, Competency to stand trial.

The petitioner, Curtis Howell, appeals from a judgment of a single justice of this court denying his petition pursuant to G. L. c. 211, § 3. We affirm.

Howell has been charged in a complaint with assault with a dangerous weapon, in violation of G. L. c. 265, § 15B (b). At the arraignment in the District Court, a judge ordered that Howell be committed to Bridgewater State Hospital pursuant to G. L. c. 123, § 15 (a), for a determination whether he was competent to stand trial. The hospital subsequently filed a petition for civil commitment pursuant to G. L. c. 123, § 16 (b). After Howell had been committed for the initial competency determination, he filed his G. L. c. 211, § 3, petition in the county court alleging various violations of his due process rights, the details of which are not easily discernable from the record before us. He subsequently filed additional papers in the county court raising issues related not to the underlying criminal proceedings but to the competency proceedings. The single justice denied the petition without a hearing.

In his appeal to this court, Howell argues that his substantive and due process rights have been violated and his right to a fair hearing (related, presumably, to the competency determination) and a fair trial (related, presumably, to the underlying criminal proceedings) have been hindered. What he has not done is demonstrate why he is entitled to review

pursuant to G. L. c. 211, § 3. Indeed, he has not even addressed the issue. It is in any event clear that he is not entitled to such review where other relief is available to him. There is no reason why his claims of violations of his due process rights cannot adequately be addressed in an appeal from any adverse judgment against him in the criminal proceedings or why his claims stemming from the competency proceedings cannot adequately be addressed in an appeal from a determination in that proceeding.

The single justice did not err or abuse her discretion in denying relief under G. L. c. 211, § 3.

Judgment affirmed.

The case was submitted on the papers filed, accompanied by a memorandum of law.

Curtis Howell, pro se.