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SJC-12852

HAMID REZA ARDANEH vs. COMMONWEALTH & others.¹

October 23, 2020.

Supreme Judicial Court, Superintendence of inferior courts.

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

In August 2016, Ardaneh was indicted on several counts of rape, in violation of G. L. c. 265, § 22 (b), and one count of strangulation or suffocation, in violation of G. L. c. 265, § 15D (b). In August 2017, while proceedings in the trial court were ongoing, he was committed for observation to Bridgewater State Hospital for a determination whether he is competent to stand trial pursuant to G. L. c. 123, § 15 (a). He was subsequently found incompetent to stand trial and was committed to the hospital pursuant to G. L. c. 123, § 16. He has since been recommitted, and remains there still. In November 2019, he filed his G. L. c. 211, § 3, petition, in which he claimed, very generally and among other things, that his constitutional rights have been violated, including his right to effective assistance of counsel; that he does not suffer from any mental illness and has been "falsely" deemed incompetent to stand trial; that he has exculpatory evidence to prove his innocence; and that the Commonwealth is protecting the "alleged victim and her family"

¹ Certain individuals associated with Bridgewater State Hospital; certain individuals associated with the trial court; and others.

because they are Jewish (and Ardaneh is not).² The single justice denied the petition without a hearing.

In his appeal to the full court, Ardaneh continues to raise a myriad of claims, not all of which are easy to discern. He continues to press his ineffective assistance of counsel claim; he argues his innocence and maintains that he does not suffer from mental illness; and he makes claims about the "Jewish mafia" and disparaging and discriminatory statements about Jews. Although he states that he is seeking injunctive relief, what he ultimately appears to be seeking is a dismissal of the indictments against him and release from confinement.³ He does so, however, without setting forth any sound legal argument.

First, the single justice properly denied relief because Ardaneh had an adequate alternative remedy. Relief under G. L. c. 211, § 3, is properly denied where "there are other routes by which the petitioning party may adequately seek relief." Sabree v. Commonwealth, 432 Mass. 1003, 1003 (2000). To the extent that Ardaneh sought dismissal of the indictments, that was a matter to raise in the trial court in the first instance.⁴ Similarly, a remedy related to his continuing commitment pursuant to G. L. c. 123, § 16, lies, in the first instance, in the trial court. See id.; G. L. c. 123, § 17.

Second, we note that Ardaneh was not seeking relief in the county court from any specific rulings of the trial court, but rather from what he perceived to be general injustices done to or imposed on him. His claims did not present a situation warranting extraordinary superintendence relief directly from this court. The single justice therefore did not err or abuse his discretion in denying relief under G. L. c. 211, § 3.

Judgment affirmed.

² Ardaneh was represented by counsel in the criminal case in the trial court. He filed his petition in the county court pro se.

³ In addition to raising the issue of dismissal of the indictments in his brief, the petitioner has also separately filed, in this court, a motion to dismiss the indictments.

⁴ Indeed, while the petitioner's appeal has been pending in this court, he filed a motion to dismiss in the trial court, which was denied.

The case was submitted on briefs.

Hamid Reza Ardaneh, pro se.

Randall E. Ravitz, Assistant Attorney General, for the respondents.