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SJC-12971

ANTONIO MARCOS FERREIRA vs. SUPERINTENDENT, MASSACHUSETTS
CORRECTIONAL INSTITUTION, NORFOLK.

August 13, 2020.

Supreme Judicial Court, Superintendence of inferior courts.
Habeas Corpus.

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

Ferreira was convicted of murder in the first degree in 2012, and we affirmed his conviction. See Commonwealth v. Ferreira, 481 Mass. 641, 642 (2019). In May 2020, he filed, in the county court, a "petition for a writ of habeas corpus," in which he sought release from prison on the basis of the COVID-19 pandemic. The single justice treated the petition as having been filed pursuant to G. L. c. 211, § 3, and denied it without a hearing.

Ferreira has now filed a memorandum and appendix pursuant to S.J.C. Rule 2:21, as amended, 434 Mass. 1301 (2001), but that rule does not apply in this situation because Ferreira is not challenging any interlocutory ruling of the trial court. Indeed, he is not challenging any ruling of the trial court at all. As best we can tell from the very limited record before us, Ferreira has not sought relief in the trial court; rather, he simply filed his petition for relief directly in the county court. The one-page petition that Ferreira filed in the county court stated, summarily, that he should be released in light of the COVID-19 pandemic on the basis of his medical conditions. Although he included a brief medical assessment from the medical director of the prison in which he is incarcerated, he provided

no legal argument whatsoever. The single justice did not err or abuse his discretion in denying relief.

Judgment affirmed.

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

Antonio Marcos Ferreira, pro se.