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SJC-13189

COMMONWEALTH vs. MILTON R. WALKER.

July 29, 2022.

Practice, Criminal, Capital case, Postconviction relief,  
Dismissal.

Milton R. Walker 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 a charge of murder in the first degree. See Commonwealth v. Walker, 401 Mass. 338, 339 (1987) (affirming conviction after plenary review). "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." Commonwealth v. Ferreira, 490 Mass. 1002, 1002 (2022), quoting Commonwealth v. Companonio, 472 Mass. 1004, 1005 (2015), and cases cited. The single justice's ruling is "final and unreviewable." Commonwealth v. Gunter, 456 Mass. 1017, 1017 (2010). Walker's purported appeal from the single justice's decision must be dismissed.

Appeal dismissed.

The case was submitted on briefs.  
Milton R. Walker, pro se.  
Darcy Jordan, Assistant District Attorney, for the  
Commonwealth.