

NOTICE: All slip opinions and orders are subject to formal revision and are superseded by the advance sheets and bound volumes of the Official Reports.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

SJC-13261

JORGE SANCHEZ vs. COMMONWEALTH.

June 22, 2022.

Moot Question.

Jorge Sanchez appeals from a judgment of the county court denying, without a hearing, his petition for relief under G. L. c. 211, § 3. We dismiss the appeal as moot.

Sanchez was charged in the District Court with rape and other offenses. At his bail hearing, he requested a probable cause hearing on the ground that rape is an offense outside the District Court's jurisdiction. See G. L. c. 276, § 38; Commonwealth v. Perkins, 464 Mass. 92, 98, 103 (2013) (statute "provides for a probable cause hearing in cases where a defendant is charged with a crime in the District Court that lies beyond the jurisdiction of that court and for which the defendant is entitled to be proceeded against by indictment"; "probable cause hearing is to be held as soon as reasonably practicable in the circumstances presented"). His request was denied. Instead, a pretrial conference was scheduled. Sanchez's G. L. c. 211, § 3, petition sought relief from the denial of a probable cause hearing. After the single justice denied relief, the defendant again requested, and was granted, a probable cause hearing date.<sup>1</sup> Sanchez has thus received the specific relief he was seeking in his petition, rendering this appeal moot. See Santiago v. Young, 446 Mass. 1006, 1006 (2006).

Appeal dismissed.

---

<sup>1</sup> The Commonwealth has since entered a nolle prosequi as to the rape charge.

Thomas Combs & Korrina Burnham, Committee for Public  
Counsel Services, for Jorge Sanchez.

Aimee Rose Maldonado, Assistant District Attorney, for the  
Commonwealth.