

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, ss

SUPREME JUDICIAL COURT  
FOR SUFFOLK COUNTY  
NO. SJ-2020-0142

Brockton District Court  
No. 2015CR000574

COMMONWEALTH

v.

MICHAEL IHDE

JUDGMENT

The defendant, Michael Ihde, has filed a petition for emergency relief pursuant to G. L. c. 211, § 3. The defendant filed a motion for release pursuant to Committee for Public Counsel Services v. Chief Justice of the Trial Court, SJC-12926 (Apr. 3, 2020) (CPCS v. Chief Justice). The defendant's bail was revoked on April 6, 2020 on the grounds that the defendant is not entitled to the presumption of release, notwithstanding that the crime for which he is currently being held is not listed as an excluded offense. The Commonwealth requests that I reserve and report the question of whether the charge be excluded. I decline to do so. The list is explicit.

The defendant is eligible for the presumption of release under CPCS v. Chief Justice. The Commonwealth is required to rebut that presumption by a preponderance of the evidence

In keeping with the goals of CPCS v. Chief Justice, I have reviewed the matter myself de novo and I reach a different result. The defendant is particularly vulnerable to respiratory illness and the defendant has provided a reasonable release plan.

I conclude, after an evaluation of all of the relevant circumstances and consideration of the arguments of the Commonwealth and the defendant, that the Commonwealth has not rebutted the presumption by a preponderance of the evidence that the defendant is entitled to release.

Upon consideration thereof, it is hereby **ORDERED** that the petition for release on personal recognizance is **ALLOWED**.

*/s/ Elspeth Cypher*

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Elspeth Cypher, Associate Justice

Entered: April 10, 2020