

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, ss

SUPREME JUDICIAL COURT
FOR SUFFOLK COUNTY
NO. SJ-2020-0148

Worcester Superior Court
No. 1985CR000266

COMMONWEALTH

v.

MICHAEL MINA

JUDGMENT

The defendant, Michael Mina, 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 is currently being held on bail in the amount of \$2,500 for charges of one count of breaking and entering in the daytime with intent to commit a felony, G.L. c. 266, § 18, as a habitual offender, G.L. c. 279, § 25, and one count of larceny from a building, G.L. c. 266, § 20, as a habitual offender, G.L. c. 279, § 25. 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. A Superior

Court judge considered the totality of the circumstances, including the nature of the crimes charged, the potential penalty, and the defendant's conviction and default history, and denied the motion concluding that release of the defendant would result in an unreasonable danger to the community and a very high risk of flight. As of April 8, 2020 no inmates have tested positive in the Worcester House of Correction, however according to the special master's report received today, two correctional officers have tested positive. Nevertheless, although no inmates have tested positive, 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 has requested that he be released on personal recognizance, on the conditions that he stay away from the alleged victim in the case and that he attend inpatient substance abuse treatment. The defendant has obtained a commitment from the Salvation Army Adult Recovery Program in Springfield that it has a bed available for him on or before April 24, 2020.

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 is ALLOWED, conditioned upon the defendant staying away from the victims and upon the admission of the defendant to the Salvation Army Adult Recovery Program and his completion of their program.

/s/ Elspeth Cypher

Elspeth Cypher, Associate Justice

Entered: April 9, 2020