

In re: WBUR Request for Applications for Criminal Complaints

After consideration of the above-referenced request, I find the following:

According to Standard 5:02 of the Revised Standards on the Complaint Procedure, “[a] criminal proceeding does not commence in the District Court until a complaint has been authorized. An application for complaint is merely a preliminary procedure to determine if criminal proceedings should commence.”

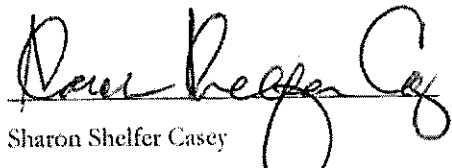
“If an application for complaint has been filed but no determination has yet been made, it is merely an accusation as to which no judicial officer has yet found probable cause. Public dissemination of inaccurate information in such an application could unfairly stain the reputation of the accused. Pending applications, therefore are presumptively unavailable to the public unless a magistrate or judge makes a determination that the legitimate interest of the public outweighs any privacy interests of the accused.”

“The legal considerations which dictate the public character of a trial are not present here. There is no tradition of public access to show cause hearings, which are similar to grand jury proceedings. Such secrecy protects individuals against who complaints are denied from undeserved notoriety, embarrassment and disgrace.” See *Matter of Doe Grand Jury Investigation*, 415 Mass. 727, 615 N.E. 2d 567 (1993); *WBZ-TV 4 v District Attorney for Suffolk Dist.*, 408 Mass. 595, 599-600, 562 N.E. 2d 817 (1990); *Jones v. Robbins*, 8 Gray 329, 344 (1857).

Having considered all of the above, the request for any applications for criminal complaints or disclosure of the names of the accused prior to a finding of probable cause by a judicial officer are hereby denied.

Hearings are in the process of being scheduled and will take place at the Cambridge District Court, 121 Third Street, Cambridge, MA 02141. Once hearings have been scheduled and notices sent, procedures for the hearings will be set forth.

Date: December 26, 2023


Sharon Shelfer Casey
Clerk-Magistrate Cambridge District Court

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CAMBRIDGE DISTRICT COURT
CLERKS OFFICE