

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, ss.

SUPREME JUDICIAL COURT  
FOR SUFFOLK COUNTY  
No. SJ-2024-0018

Cambridge District Court

**TRUSTEES OF BOSTON UNIVERSITY AND  
BOSTON GLOBE MEDIA PARTNERSHIP LLC**

**v.**

**CLERK-MAGISTRATE OF THE CAMBRIDGE DISTRICT COURT**

**JUDGMENT**

This matter came before me on a petition pursuant to G.L. c. 211, § 3, filed on January 12, 2024, by the owners of WBUR-FM and the Boston Globe Newspaper, seeking release of applications for criminal complaint in advance of public show-cause hearings for twenty-eight individuals accused of violating G.L. c. 272, § 53A (sex-for-fee). On January 17, 2024, I issued an interim order staying the district court proceedings pending consideration of the petition. Thereafter, a memorandum of decision and order of remand was issued on January 23, 2024, directing the respondent Clerk Magistrate to submit written findings. On January 26, 2024, the Clerk Magistrate filed her response to the order of remand and thereafter, the interveners filed their responses as well.

After review of the relevant case law, the District Court compliant standards, the impounded applications for complaint, the extensive pleadings, and the Clerk-Magistrate's findings, I conclude that the Clerk-Magistrate's decision to open the show cause hearings and deny pre-hearing access to the applications for complaint does not constitute an abuse of discretion or error of law. Opening the show cause hearings to the public, as she found, promotes transparency, accountability, and public confidence in the judiciary by demonstrating that each individual accused of these crimes, no matter their station in life, is treated equally. The Clerk-Magistrate, in her findings, articulated an adequate basis for denying access to the applications for complaint; the disclosure of extraneous personal information could create "collateral consequences for the individuals involved, and gratuitously expose non-public information that would otherwise remain private for those persons for whom no probable cause is established."

Accordingly, the petition pursuant to G.L. c. 211, § 3 is DENIED and the stay of the underlying District Court proceedings is VACATED.

By the Court,

/s/ Frank M. Gaziano  
Associate Justice

Entered: February 2, 2024