

CRIMINAL DOCKET		DOCKET NUMBER 1913CR002935	NO. OF COUNTS 2	Trial Court of Massachusetts District Court Department	
DEFENDANT NAME AND ADDRESS Hakeem Mushwaalakbar 7 Essex Avenue, 1S Lynn, MA 01902		DOB 09/27/1994	GENDER Male	COURT NAME & ADDRESS Lynn District Court 580 Essex Street Lynn, MA 01901	
		DATE COMPLAINT ISSUED 10/01/2019		INTERPRETER REQUIRED	
		PRECOMPLAINT ARREST DATE			
FIRST FIVE OFFENSE COUNTS					
COUNT	CODE	OFFENSE DESCRIPTION			OFFENSE DATE
1	265/13M/D	A&B ON FAMILY/HOUSEHOLD MEMBER SUBSEQUENT c265 §13M(b)			09/30/2019
2	265/15D/A	STRANGULATION OR SUFFOCATION c265 §15D(b)			09/30/2019
ORIGINAL					
DEFENSE ATTORNEY <i>Rosy Kenney. Rob DeLong</i>		OFFENSE CITY/TOWN Lynn		POLICE DEPARTMENT Lynn PD	
DATE & JUDGE	DOCKET ENTRY		DATE & JUDGE	FEES IMPOSED	
<i>Mori, J. 12-11-19</i>	<input checked="" type="checkbox"/> Attorney appointed (SJC R. 3:10) <input type="checkbox"/> Atty denied & Deft. Advised per 211 D §2A <input type="checkbox"/> Waiver of Counsel found after colloquy Terms of release set: <input type="checkbox"/> PR <input type="checkbox"/> Bail <i>NIC</i> <input type="checkbox"/> See Docket for special condition <input checked="" type="checkbox"/> Held (276 §58A)		<i>Mori, J. 12-11-19</i>	Counsel Fee (211D § 2A(2)) <input type="checkbox"/> WAIVED \$ 150	
				Counsel Contribution (211D § 2) <input type="checkbox"/> WAIVED \$	
<i>Mori, J. 12-11-19</i>	Arraigned and advised: <input checked="" type="checkbox"/> Potential of bail revocation (276 §58B) <input type="checkbox"/> Right to bail to review (276 §58) <input type="checkbox"/> Right to drug exam (111E § 10) <input type="checkbox"/> Inquiry made by Court under 276 § 56A			Default Warrant Fee (276 § 30(1)) <input type="checkbox"/> WAIVED \$	
				Default Warrant Arrest Fee (276 § 30(2)) <input type="checkbox"/> WAIVED \$	
<i>Mori, J. 12-11-19</i>	Abuse Allegation: <input checked="" type="checkbox"/> C276 § 56A form filed by Commonwealth <input checked="" type="checkbox"/> Allegation of abuse under C276 § 56A found <input type="checkbox"/> No allegation of abuse under C276 § 56A found			Probation Supervision Fee (276 § 87A) <input type="checkbox"/> WAIVED \$	
				Bail Order Forfeited	
				Advised of right to jury trial: <input type="checkbox"/> Waiver of jury found after colloquy <input type="checkbox"/> Does not waive	
				Advised of trial rights as pro se (Dist. Ct. Supp.R.4)	
				Advised of right of appeal to Appeals Ct. (M.R. Crim P.R. 28)	
SCHEDULING HISTORY					
NO.	SCHEDULED DATE	EVENT	RESULT	JUDGE	TAPE START/ STOP
1	<i>12-11-19</i>	<i>WR tau</i>	<input checked="" type="checkbox"/> Held <input type="checkbox"/> Not Held but Event Resolved <input type="checkbox"/> Cont'd	<i>Mori, J.</i>	<i>11:39-</i>
2	<i>12-16-19</i>	<i>58A hrg</i>	<input checked="" type="checkbox"/> Held <input type="checkbox"/> Not Held but Event Resolved <input type="checkbox"/> Cont'd	<i>Nesher, J</i>	<i>2/220 pm</i>
3	<i>2:00 pm</i>		<input type="checkbox"/> Held <input type="checkbox"/> Not Held but Event Resolved <input type="checkbox"/> Cont'd		
4	<i>PTA 1/16/20</i>	<i>PTCNC</i>	<input type="checkbox"/> Held <input type="checkbox"/> Not Held but Event Resolved <input type="checkbox"/> Cont'd	<i>Nesher</i>	<i>2/1000</i>
5	<i>2-13-20</i>	<i>CRV VIC</i>	<input type="checkbox"/> Held <input type="checkbox"/> Not Held but Event Resolved <input type="checkbox"/> Cont'd	<i>Nesher?</i>	
6	<i>4-19-20</i>	<i>ST</i>	<input type="checkbox"/> Held <input type="checkbox"/> Not Held but Event Resolved <input type="checkbox"/> Cont'd		
7	<i>5-19-20</i>	<i>SR / VIC</i>	<input type="checkbox"/> Held <input type="checkbox"/> Not Held but Event Resolved <input type="checkbox"/> Cont'd		
8	<i>6-4-20</i>	<i>SR / VICS</i>	<input type="checkbox"/> Held <input type="checkbox"/> Not Held but Event Resolved <input checked="" type="checkbox"/> Cont'd	<i>Cumio 19</i>	
9	<i>7-8-20</i>	<i>SR VIC</i>	<input type="checkbox"/> Held <input type="checkbox"/> Not Held but Event Resolved <input checked="" type="checkbox"/> Cont'd	<i>Cumio 19</i>	<i>H H-jm</i>
10	<i>7-14-20</i>	<i>MOT - 9:30 am</i>	<input type="checkbox"/> Held <input type="checkbox"/> Not Held but Event Resolved <input type="checkbox"/> Cont'd	<i>Before Nesher</i>	
APPROVED ABBREVIATIONS ARR = Arraignment PTH = Pretrial hearing DCE = Discovery compliance & jury selection BTR = Bench trial JTR = Jury trial PCH = Probable cause hearing MOT = Motion hearing SRE = Status review SRP = Status review of payments FAT = First appearance in jury session SEN = Sentencing CWF = Continuance-without-finding scheduled to terminate PRO = Probation scheduled to terminate DFTA = Defendant failed to appear & was defaulted WAR = Warrant Issued WARD = Default warrant issued WR = Warrant or default warrant recalled PVH = probation revocation hearing.					
A TRUE COPY ATTEST:		CLERK-MAGISTRATE / ASST CLERK X		TOTAL NO. OF PAGES	ON (DATE)



CRIMINAL DOCKET - OFFENSES		DEFENDANT NAME Hakeem Mushwaalakbar		DOCKET NUMBER 1913CR002935		
COUNT / OFFENSE 1 A&B ON FAMILY/HOUSEHOLD MEMBER SUBSEQUENT c265 §13M(b)			DISPOSITION DATE AND JUDGE Mcneel 9/23/21			
DISPOSITION METHOD <input type="checkbox"/> Guilty Plea or <input type="checkbox"/> Admission to Sufficient Facts accepted after colloquy and alien warning pursuant to C278§29D and MRCrP12 <input type="checkbox"/> Bench Trial <input checked="" type="checkbox"/> Jury Trial <input type="checkbox"/> Dismissed upon: <input type="checkbox"/> Request of Commonwealth <input type="checkbox"/> Request of Victim <input type="checkbox"/> Request of Defendant <input type="checkbox"/> Failure to prosecute <input type="checkbox"/> Other: <input type="checkbox"/> Filed with Defendant's consent <input type="checkbox"/> Nolle Prosequi <input type="checkbox"/> Decriminalized (277 §70 C)		FINE/ASSESSMENT	SURFINE	COSTS	OUI §24D FEE	OUI VICTIMS ASMT
		HEAD INJURY ASMT	RESTITUTION	V/W ASSESSMENT	BATTERER'S FEE	OTHER
		SENTENCE OR OTHER DISPOSITION <input type="checkbox"/> Sufficient facts found but continued without a finding until: <input type="checkbox"/> Defendant placed on probation until: <input type="checkbox"/> Risk/Need or OUI <input type="checkbox"/> Administrative Supervision <input type="checkbox"/> Defendant placed on pretrial probation (276 §87) until: <input type="checkbox"/> To be dismissed if court costs / restitution paid by:				
		<i>Def found G by jury on underlying offense subsequent probation plea on 9/24/21 2 1/2 years HOC 67 days</i>				
FINDING <input checked="" type="checkbox"/> Guilty <input type="checkbox"/> Not Guilty <input type="checkbox"/> Responsible <input type="checkbox"/> Not Responsible <input type="checkbox"/> Probable Cause <input type="checkbox"/> No Probable Cause		FINAL DISPOSITION <input type="checkbox"/> Dismissed on recommendation of Probation Dept. <input type="checkbox"/> Probation terminated: defendant discharged <input type="checkbox"/> Sentence or disposition revoked (see cont'd page)		JUDGE	DATE <i>Jan 1 credit.</i>	
COUNT / OFFENSE 2 STRANGULATION OR SUFFOCATION c265 §15D(b)			DISPOSITION DATE AND JUDGE Mcneel 9/23/21			
DISPOSITION METHOD <input type="checkbox"/> Guilty Plea or <input type="checkbox"/> Admission to Sufficient Facts accepted after colloquy and alien warning pursuant to C278§29D and MRCrP12 <input type="checkbox"/> Bench Trial <input checked="" type="checkbox"/> Jury Trial <input type="checkbox"/> Dismissed upon: <input type="checkbox"/> Request of Commonwealth <input type="checkbox"/> Request of Victim <input type="checkbox"/> Request of Defendant <input type="checkbox"/> Failure to prosecute <input checked="" type="checkbox"/> Other: <i>Required finding at trial.</i> <input type="checkbox"/> Filed with Defendant's consent <input type="checkbox"/> Nolle Prosequi <input type="checkbox"/> Decriminalized (277 §70 C)		FINE/ASSESSMENT	SURFINE	COSTS	OUI §24D FEE	OUI VICTIMS ASMT
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CRIMINAL DOCKET	DEFENDANT NAME	DOCKET NUMBER
DOCKET ENTRIES	Hakeem Mushwaalakbar	1913CR002935

DATE	DOCKET ENTRIES
10-1-19	STRAIGHT WARRANT
11-6-19	motion for speedy trial filed. ^{ISS. M.L.}
11-14-19	leave habe Suffolk County house of correct for 12/11/19. warrant remains in effect.
11-14-19	Habe issued to Suffolk County Hoc ^{for 12-11-19}
11-21-19	Jail call not at S. Bay at Nashua St requested a New Habe be sent
11-22-19	Habe issued to Suffolk County Nashua St for 12-11-19
12-11-19	Comm filed 276 §58A motion. PC found + good cause for continuance shown. A heard w/o bail pending by Mori, J.
12-16-19	58A hearing in front of Nestor D. 8 exhibits entered (No objection) for consideration. no witness on the papers. Exhibit list filed by Commonwealth. After hearing J. Nestor finds Dangerous with no conditions or release to protect victim & public. Bail warning read etc date 1/16/20 120 day date 4/13/20 stay away no contact victim PTH on 1/16/20 VIDEO CONFERENCE
1-16-20	Nashua 2:00 - C-2-13-20 CF EVC Held w/o bail

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CRIMINAL DOCKET DOCKET ENTRIES	DEFENDANT NAME Hakeem Mushwaalakbar	DOCKET NUMBER: 1913CR002935
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DATE	DOCKET ENTRIES
2/13/20	Held w/o removal
4-14-20	COVID-19 - C-5-19-20 SR on ST VIC
	Held w/o Bail
4-24-20	per S.J.C decision (COVID-19) defendant released; denied new date for SR 6/4/20 new writ issued.
6/4/20	Held w/o
7/8/20	Held w/o
7-13-20	Recd call from atty Duling. Presume waived for hearing tomorrow. motion for re-consider 58A to be heard before restra 9:30 AM teleconf. D held @ Suffolk Hoc per atty.
7-17-20	#2 Nestor 1035-1027 D mot to reconsider denied C 8-11-20 c/e TC Held w/o
8-11-20	CE/TC C-9-17-20 BT polyanna/ve by agreement. D remains held w/o bail
9-17-20	C 1-19-21 JTR D remains restra held w/o by. D to be transported to jury session on 1-19-21 Cuna J.
11-3-20	Defendants renewed motion and memorandum of law to reconsider denial of motion for non-presumptive release attachment 1 East Boston Medical Records

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DATE	DOCKET ENTRIES	
	Attachment 2 SJC Order re 211-3	
	Attachment 3 Karim Furtada affidavit read	
	Attachment 4 Nashua Sheriff's - medical records	
	Attachment 5 MBH medical records	
11.9.20	DEFENDANT RENEWED MOTION to RECONSIDER RELEASE to be HEARD before JUDGE NEVON 12.8.20 MOT New Mittimus sent to Nashua St JAIL for 12.8.20 10:30 AM VIDEO	
11/9/2020	NEW MITT FAXED & EMAILED TO NASHUA ST. JAIL; COURT OFFICERS NOTIFIED OF NEW DATE	
12.8.20	motion to reconsider released - denied w/o a hearing. Restrict C-1-19-21 JT/VC remains held w/o bail. Restrict D held @ Suffolk County HOC	
1-6-20	Appeals Court / Lower Court No. 1984BP00659, 1914CR00244, 1913CR002935) Notice of Docket entry on 12-29-20 - Superintendence C. 211, S. 3 transfer from the Supreme Judicial Court.	
1-6-20	Supreme Judicial Court - No 55-2020-0755, (1984BP00659) - Order of transfer to the appeals Court. Dated 12-29-20 (Katker, J.)	
1-6-20	Appeals Court, notice of docket entry - Order: A response is requested from the Commonwealth in both the Lynn District Court Case and the Suffolk Superior Court Case on or before 1-8-20. (Hendon, J.) Dated 1-4-21	

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1-19-21 C 6/1/21 JT please transport

Menil.
remains held w/o bail



CRIMINAL DOCKET DOCKET ENTRIES	DEFENDANT NAME Hakeem Mushwaalakbar	DOCKET NUMBER 1913CR002935
DATE	DOCKET ENTRIES	
3-15-21	(Appeals Court, No. 2020-5-567) Memorandum and order received. "After careful review, including all of the documents submitted by the petitioner and the Commonwealth I conclude that neither the Suffolk Superior Court bail order nor the Lynn District Court dangerousness determination detaining the defendant until his trial constitutes an error of law or abuse of discretion." (Hanton, J.)	
3-26-21	1 Appeals Court - Lower Ct. No.: 2020-5-0567, 1984BP00659, 1914CR002414, 1913CR002935) The Supreme Judicial Court has allowed an application for Direct Appellate Review of the above referenced matter.	
	5/18/21 TRC	
4-23-21	Bail Petition Denied - Judge Drechsler	
5-18-21	TRC - 2/19/03-9:14 C 6-18-21 TRC/UC TRC report filed in court. @ 10:30 Rule 17 motion for records from Lynn Fire filed in court - allowed TRC custody - not ready for trial This case needs a trial date ASAP after 6-18-21 B remains held w/o bail. Sheld @ nashua st jail. (20th day was 4/13/20)	
5-20-21	Hanton written objection to Continuance and Motion for Speedy Trial filed by atty Mushwaalakbar	
6-2-21	Medical Records Rec'd from Salem Hospital	
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DATE	DOCKET ENTRIES	
6-10-21	Expedite motion for funds for expedited production of transcripts	
6-10-21	Motion to reconsider detention	
6-18-21	motion for reconsideration of detention with exhibit 1, 2, & 3.	
6-14-21	<p>Appeals Ct. RE: no. 2020-3-0567 - Lower Ct. No.: 1984BP00659 1914CR002414 & 1913CR002935</p> <p>Notice of Docket Entry - Order: Pursuant to the decision of the Supreme Judicial Court in <i>Mushwaalakbar v. Commonwealth</i>, 85 C-13098, issued on June 9, 2021, the order of the Lynn Division of the District Court Department denying the defendant's November 2020 renewed motion for reconsideration is vacated and the matter is remanded for an immediate hearing in the Lynn Division of the District Court Department. (Hanton)</p> <p>Dated: June 11, 2021</p>	
6-14-21	<p>Emailed & faxed alert to Middleton HOC to appear (In Person) on 6-18-21 and confirmed receipt.</p>	
6-18-21	<p>Court J. 4p:59 + intermittently throughout morning session. Decision @ 12:25 - 12:37</p> <p>Δ found to still be a danger pursuant to 58A but released on conditions →</p> <p>10,000 cash bail w/ bps. Bail can only be posted @ LDC after imposition of bps; 3/4-N/C @, no H/A(s), d/W(s), d/d(s), no new crimes (exclusion zone is Δ's address).</p>	
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DATE	DOCKET ENTRIES	
6-18-21 (cont'd)	Δ files Ex Parte motion for Funds for Expedited Production of transcript; allowed Δ also files Notice of Intent to Introduce Specific acts of Violence	
	C 6-29-21 SR, def's presence waived C 7-7-21 JTR (Salem); transport Curran, J.	
6/29/2021	ON 6/28/2021: BAIL PETITION ALLOWED, RELEASED ON PERSONAL RECOGNIZANCE WITH THE FOLLOWING CONDITIONS - GPS MONITORING. CAN NOT BE RELEASED UNTIL GPS IN PLACE CR 6-29-21	
7-29-21	CR 6-30-21 SR (Def't held w/o until GPS is placed. Next date after 6-30-21 will be 7-27-21 for P+E. J. Curran	
6-28-21	Bail Petition Allowed. Released on Personal Recog w/ the following conditions GPS Monitoring CAN NOT BE Released until GPS is in Place	
7-27-21	C 9-23-21 JTR. (NS) 1/917- Disc complete per parties	

APPROVED ABBREVIATIONS

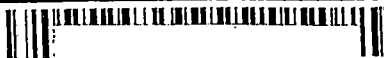
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9/23/21	Motions in Limine heard 1020 Am - 1100 am
	officer Chez takes stand in MIL
	After hearing Emmanuel allows CW
	motion for excited utterances
	CW motion for 911 to be admitted
	allowed.
	Def motion for Voir Dire allowed in part.
	Denied in part.
	motion for sequestration allowed.
	Def motion for Jury Instructions
	CW/Def witness lists
	Def motion for Voir Dire questions
	Def motion prior bad acts.
	Jury Sworn 1200 pm openings follow
	CW call first w. Victim 1230 pm
	CW call second witness, off. Chez 1240 pm
	cross officer Chez 200 / 215.
	CW calls off Tavori. 911 tape entered
	into evidence. Medical Records entered into
	evidence
	CW rests 220 pm
	motion for Dismissal on required finding after CW
	evidence filed.
	Denied: Act in household
	allowed: strangulation
	voir dire re witness Troncoso.

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DOCKET ENTRIES

DEFENDANT NAME

DOCKET NUMBER

DATE

DOCKET ENTRIES

9/23/21

240 pm Defense calls first witness
Mony Hurtado.

253 return calls Sarah Fussi

Jury gets case 350

Verdict 417 pm

Guilty verdict

Verdict slip filed 420 pm.

9/24/21

Subsequent portion of Trial held.

Parties tender an agreed plea

Plea Colloquy given 915 am

2 1/2 years WOC 617 days credit.

Notice of appeal filed.

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