

# Supreme Judicial Court and Appeals Court of Massachusetts

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### SUPREME JUDICIAL COURT for Suffolk County Case Docket

**WILLIAM HAVERTY, et al vs. COMMISSIONER OF CORRECTION, et al**  
SJ-2003-0026

#### CASE HEADER

<b>Case Status</b>	Disposed: judgment after rescript	<b>Status Date</b>	11/05/2003
<b>Nature</b>	Superintendence c 211 s 3	<b>Entry Date</b>	01/24/2003
<b>Sub-Nature</b>	Stay Pdg Appeal--civil	<b>Single Justice</b>	Cordy, J.
<b>TC Ruling</b>	Motion denied	<b>TC Ruling Date</b>	01/24/2003
<b>SJ Ruling</b>		<b>TC Number</b>	2003-J-0038
<b>Pet Role Below</b>		<b>Full Ct Number</b>	
<b>Lower Court</b>	Appeals Ct-Single Justice	<b>Lower Ct Judge</b>	Fernande R.V. Duffly, J.

#### INVOLVED PARTY

**Commissioner of Correction, et al.**  
Petitioner

**William Haverty, et al**  
Respondent

**Massachusetts Appeals Court**  
Other interested party

#### ATTORNEY APPEARANCE

[William D. Saltzman](#), Esquire

[Phillip Kassel](#), Esquire  
[James R. Pingeon](#), Esquire

#### DOCKET ENTRIES

Entry Date	Paper	Entry Text
01/24/2003		Case entered.
01/24/2003	#1	Defendants'/Appellants' Emergency Petition Pursuant To G.L. c. 211, s 3, filed by Joel J. Berner with attached Exhibits A-C and Certificate of Service.
01/27/2003	#2	Plaintiffs'/Appellees' Opposition To Defendants'/Appellants' Emergency Petition Pursuant To G.L. c. 211, s 3, (Brief Of Plaintiffs/Appellees), filed by Philip Kassel and James Pingeon.

**DOCKET ENTRIES**

01/27/2003 #3 Appendix to Plaintiffs'/Appellees' Opposition To Defendants'/Appellants' Emergency Petition Pursuant To G.L. c. 211, s 3, filed by Philip Kassel and James Pingeon.

01/27/2003 Hearing held before Cordy, J.

01/27/2003 #4 Appearance of Atty Joel J. Berner for Commissioner of Correction, et al.

01/27/2003 #5 Appearance of Atty Phillip Kassel for William Haverty, et al.

01/27/2003 #6 ORDER: "...it is ORDERED that the Superior Court order of January 17, 2003 is hereby stayed pending further order of this Court." (Cordy, J.)

01/27/2003 #7 Notice to counsel, regarding paper number 6 filed.

01/28/2003 #8 Copy of the Defendants' Report Pursuant To Order Of January 17, 2003 submitted by Joel J. Berner with Attachments, filed by Phillip Kassel.

01/28/2003 #9 Letter to Justice Robert J. Cordy from Phillip Kassel stating "...The one page document provided to you at the hearing on January 27th, showing the effect of Judge King's Order on the prisoners scheduled for release on January 27th, was taken from this Report. The full Report details the effect of the Order on the 127 prisoners who are eligible for release this year. Although it includes only a subgroup of the approximately 700 prisoners who would be entitled to relief under the terms of Judge King's Order, it reveals that 54 of the 127 prisoners (42.5%) have been transferred from MCI Cedar Junction to other prisons..."

01/28/2003 #10 Letter to The Honorable Justice Robert J. Cordy from Joel J. Berner stating "...The defendants write to you in response to the plaintiffs' comment, in their letter today, regarding the data on Defendants' Report Pursuant to Order of January 17, 2003 that was filed by the defendants in the Superior Court on January 27th..."

01/28/2003 #11 Letter to the Honorable Justice Robert J. Cordy from Joel J. Berner stating "...I have enclosed a clean copy of page 25 for Ex. C..." with Attachment.

01/30/2003 #12 Reservation and Report and Stay of Proceedings: as on file...."I hereby reserve and report, without decision....to the Supreme Judicial Court for the Commonwealth..." (Cordy, J.)

01/31/2003 #13 Notice of assembly of the record.

01/31/2003 #14 Notice to counsel, regarding paper number 12-13 filed.

02/15/2003 #14.1 Notice to Supreme Judicial Court for Suffolk County from Supreme Judicial Court for the Commonwealth..Direct Entry: Single Justice Reservation & Report..NOTICE OF ENTRY..Pursuant to Mass. R.A.P. 10(a)(3), you are hereby notified that, on February 3, 2003, the above-referenced case was entered on the docket of this court. (Susan Mellen, Clerk)

**DOCKET ENTRIES**

05/15/2003 #15 Letter to Clerk from Dana Abhahams saying..."I am writing to request a) I be provided with a docket entry sheet, or the equivalent thereof, b) I be provided with a copy of any decision on these reported questions."

05/19/2003 An updated docket sheet and a copy of paper #12 were mailed to Dana Abrahams as requested. (see paper #15) (lav)

07/11/2003 #16 NOTICE: Effective July 21, 2003, the Clerk's Office of the Supreme Judicial Court for Suffolk County will be relocated to One Beacon Street, 4th Floor, Boston, MA 02108. Please note that the telephone numbers and facsimile numbers will remain the same.

09/16/2003 #17 Rescript, as on file. (Spina, J.) "...ORDERED , that the following entry be made in the docket; viz. Question no. 1 is answered in the negative. We need not answer question no. 2. The case is remanded to the single justice for further proceedings consistent with the opinion.

11/05/2003 #18 JUDGMENT after Rescript from the SJC for the Commonwealth. "This matter came before the Court, and in accordance with the Rescript Opinion that was entered in the Full Court on August 8, 2003, it is ORDERED and ADJUDGED that the following entry of Judgment be, and the same hereby is, made: 1. Reserved and reported questions no. 1 (did the trial judge have the power to grant equitable relief in the form of good-time credits) is answered in the negative; and 2. Reserved and reported question no. 2 (whether the amount of good-time credits awarded constitutes an abuse of discretion) need not be addressed; and 3. The case is remanded to the single justice for further proceedings consistent with the opinion." (Spina, J.)

11/05/2003 #19 Notice to counsel, regarding paper number 18 filed.

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As of 01/07/2009 01:03