

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, ss

SUPREME JUDICIAL COURT
FOR SUFFOLK COUNTY
NO. SJ-2020-0146

Worcester Superior Court
No. 1985CR00059

COMMONWEALTH

v.

MARK MORALES

JUDGMENT

The defendant has filed a petition for emergency relief pursuant to G. L. c. 211, § 3 to be released on personal recognizance. He is being held at the Worcester County House of Correction on \$3,000.00 cash bail. He is charged with three counts of breaking and entering in the daytime with the intent to commit a felony, G. L. c. 266, § 18, three counts of larceny from a building, G.L. c. 266 § 20, and three counts of vandalism, G. L. c. 266, §126A. Accordingly, he is entitled to a presumption of release under Committee for Public Counsel Services v. Chief Justice of the Trial Court, SJC-12926 (Apr. 3, 2020) (CPCS v. Chief Justice), and the Commonwealth must rebut the presumption by a preponderance of the evidence. A Superior Court judge denied the defendant's "Emergency Motion for Bail Reduction Hearing" concluding that, because of the nature of the

crimes charged, the potential penalty, and the defendant's conviction and default history, release of the defendant would present 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 spirit 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. The defendant has a documented medical condition which makes him particularly vulnerable to respiratory illness. If released, the defendant plans to live with his mother and will self-quarantine for fourteen days.

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 pursuant to G. L. c. 211, § 3 for release on personal recognizance is **ALLOWED**.

/s/ Elspeth Cypher

Elspeth Cypher, Associate Justice

Entered: April 9, 2020