

**MACDL  
Amicus Committee Report**

As of November 4, 2014

**I. Recent amicus projects - cases decided since September 7, 2014**

A. None.

**II. Amicus briefs filed by MACDL since September 7, 2014**

**A. *Commonwealth v. Diachenko***

1. main issue(s) in the case: Whether juveniles serving life sentence are entitled to the representation of counsel at Parole Board hearings.
2. source of amicus inquiry: The issue was not addressed in other amicus filings in the case.
3. amicus brief writer(s): Afton M. Templin, Esq.
4. status: #SJC-11688. The amicus brief was filed on October 16, 2014.

**B. *Commonwealth v. Santiago***

1. main issue(s) in the case: Whether the SJC should recognize target standing under Article 14.
2. source of amicus inquiry: The ACLUM was a co-signatory.
3. amicus brief writer(s): Michael K. Fee, Esq. & P.R. Goldstone, Esq. (ACLUM) and Alex G. Philipson, Esq. (MACDL)
4. status: #SJC-11619. The amicus brief was filed on September 22, 2014. The Court heard oral argument on October 7, 2014.

**III. Amicus briefs signed onto by MACDL since September 7, 2014**

**A. *Commonwealth v. DiCicco***

1. main issue(s) in the case: Whether the trial court judge erred and abused his discretion in excluding the defense expert's opinions regarding the use of a low-level DNA allele to exclude the defendant under *Daubert-Lanigan* and denying the defendant funds.
2. source of amicus inquiry: CPCS Innocence Project.
3. amicus brief writer(s): Ira Gant, Esq. & Lisa Kavanaugh, Esq. (CPCS Innocence Project) and Elizabeth Lunt, Esq. (MACDL)
4. status: #SJC-11672. The amicus brief was filed on September 24, 2014. The Court has scheduled oral argument for November 4, 2014.

**B. *Commonwealth v. Evelyn***

1. main issue(s) in the case: Whether defense counsel's concession in opening and closing statements of a lesser-included offense that the defendant had pleaded not guilty to and had not consented to the concession, and had not had a plea colloquy regarding was a violation of his constitutional due process rights.
2. source of amicus inquiry: CPCS
3. amicus brief writer(s): Donald Harwood, Esq. (CPCS) and David Lewis, Esq. (MACDL).
4. status: #SJC-11643. The amicus brief was filed on October 21, 2014. The Court has scheduled oral argument for November 3, 2014.

**C. *Laurinenko v. Horgan, et al.***

1. main issue(s) in the case: Whether due process requires that detained noncitizens be provided with: (1) a hearing where the government must justify detention by clear and convincing evidence; (2) subsequent periodic hearings to consider whether continued detention is justified; and (3) adequate procedural safeguards to make these hearings meaningful.
2. source of amicus inquiry: NACDL and Center for Public Representation.
3. amicus brief writer(s): James J. Farrell, Esq., James H. Moon, Esq., and Nathan M. Saper (NACDL), Robert Fleischner, Esq (Center for Public Representation), and Chauncey M. Wood, Esq. (MACDL).
4. status: First Circuit, #14-1627. The amicus brief was filed in the First Circuit on October 14, 2014.

**IV. Pending projects - amicus briefs not yet filed**

**A. *Commonwealth v. Wallace***

1. source of amicus inquiry: ACLUM

**B. [ACLU Dookan case]**

1. source of amicus inquiry: ACLUM