

Court Agrees Civil Commitment Cases Must Be Decided Expeditiously

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The highest court in Massachusetts decided Thursday that judges must issue rulings within 30 days of a trial when they are deciding whether defendants should be held indefinitely as sexually dangerous offenders.

The Supreme Judicial Court ruled in a case brought by a man convicted of child rape and indecent assault and battery on a child.

Shortly before Joseph Blake was to be released from prison in 2002, prosecutors sought to have him committed to a Bridgewater prison treatment center for sex offenders.

A judge held a trial in 2004, then took 13 months to issue a decision that granted prosecutors' request.

The Supreme Judicial Court on Thursday upheld the decision to commit Blake, and also found that his constitutional rights were not violated by the 13-month delay.

But the court said the delay was "unacceptably long" and established the new 30-day rule.

Defense lawyers have long complained about the length of time judges can take to issue decisions on petitions to civilly commit sexually dangerous offenders after they have served their sentences. While they wait, the defendants are generally held at the Massachusetts Treatment Center at the Bridgewater Correctional Complex.

"He's held in limbo. He hasn't been committed, but he can't get the treatment they're supposed to offer there, he can't appeal his case, he's just held there waiting," said Eric Tennen, a Boston attorney who filed a friend-of-the-court brief on behalf of the state's public defender office.

The court said judges must issue decisions within 30 days of the end of the trial, unless there are "extraordinary circumstances."