### **COMMONWEALTH OF MASSACHUSETTS**

SUFFOLK, ss.

SUPREME JUDICIAL COURT FOR SUFFOLK COUNTY SINGLE JUSTICE No.: SJ-2024-0034

ON COMBINED APPEAL FROM LOWER COURT MATTERS: Norfolk Superior Court Criminal No. 2282CR00117 Dedham District Court Criminal No. 2382CR00313 Dedham District Court Restraining Order No. 2354RO0429

)

)

)

)

)

)

AIDAN KEARNEY Petitioner/Defendant v. COMMONWEALTH Petitioner/ Defendant and LINDSEY GAETANI Plaintiff, 2354RO0429

DEFENDANT'S AMENDED CAPTION TO DEFENDANT'S EMERGENCY PETITION FOR RELIEF FROM ORDER REVOKING BAIL BROUGHT PURSUANT TO G. L. c. 211 § 3

Now Comes the Petitioner/ Defendant Aidan Kearney and respectfully requests leave to attach the above-amended caption to the appeal. The caption properly reflects the moving party at the top and includes the restraining order plaintiff relative to the restraining order issue raised and now ripe for appeal in the request for the single justice to reserve and report to the full bench. See petition, p. 3.

The Dedham District Court has denied the petitioner's pending motion to vacate the prior restraint in paragraph 14 therein. See denial, filed herewith, Dedham District Court Restraining Order No. 2354RO0429. As a result, petitioner's appeal relative to that provision is ripe, and petitioner has requested that the matter be reserved and reported to the full bench, see petition, p. 2 request #2 and footnote 1 (stating issue pending below, but now has been resolved, see decision filed herewith), and not delay his bail determination.

For the foregoing reasons and those stated in his petition, Mr. Kearney respectfully requests that the Single Justice hear the matter regarding his bail revocation, vacate the ruling of the District Court revoking bail, and return him to liberty under the prior Superior Court bail determination. He further requests that the Single Justice reserve and report the remaining issues set forth above to the full bench for the reasons stated. Finally, he requests that the Justice enter any further orders and rulings necessary to effectuate his requests, and any such other relief as the Justice deems proper.

WHEREFORE, Mr. Kearney respectfully requests that the Single Justice enter appropriate orders as above.

Dated: January 29, 2024

Respectfully submitted, For the defendant, AIDAN KEARNEY By Defense Counsel,

### TIMOTHN BRADL

Timothy J. Bradl, BBO # 561079 Law Office of Timothy J. Bradl, P.C. 88 Broad Street, Suite 101 Boston, MA 02110 (617) 523-9100 TBradl@BradlLaw.com

## AFFIDAVIT OF COUNSEL

1. I, Timothy J. Bradl, on oath, do hereby depose and state that the foregoing factual

statements are accurate to the best of my knowledge, information and belief.

2. All documents filed herewith are true and accurate copies of the original.

Signed under pains and penalties of perjury on the foregoing date:

# <u> 191110 THU BRADL</u>

Timothy J. Bradl

# **CERTIFICATE OF SERVICE**

I hereby certify that on the above date a true copy of the foregoing document was served via email and/or by US mail upon all parties of record, SADA Kenneth Mello and restraining order plaintiff and now respondent herein, Lindsey Gaetani, pro se, according to her attorneys, who have withdrawn from the below proceeding and advised undersigned counsel to serve her directly.

<u> 711MO THY BRADL</u>

Timothy J. Bradl