

COMMONWEALTH OF MASSACHUSETTS

Norfolk, ss.

No. SJC-_____
NORFOLK SUPERIOR COURT
No. 2282CR0117

SUPREME JUDICIAL COURT
FOR SUFFOLK COUNTY

No. SJ-2024-0122

TRACEY ANNE SPICUZZA, LORENA JENKINSON, DANA STEWART
LEONARD, AND PAUL CRISTOFORO

v.

COMMONWEALTH OF MASSACHUSETTS, KAREN READ, AND
SUPERIOR COURT OF NORFOLK COUNTY

No. SJ-2024-0123

FREEDOM TO PROTEST COALITION,
NICHOLAS ROCCO, AND JON SILVERIA

v.

COMONWEALTH OF MASSACHUSETTS, KAREN READ,
AND SUPERIOR COURT OF NORFOLK COUNTY

Petitioners’ Brief Pursuant to Supreme Judicial Court Rule 2:21

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SJC Rule 2:21 requires that the Petitioners set forth the reasons why review of the trial court decision cannot adequately be obtained on appeal from any final adverse judgment in the trial court or by other available means.

In this case, it is simple: The trial court had no authority to create a 200-foot prior restraint zone, outside courthouse grounds, extending into both traditional public forums and private businesses, prohibiting all manner of demonstrative speech, but it did so anyway. It did so without clearly defining the area where the prior restraint would apply. It did so in a vastly overbroad manner. It did so without engaging in narrow tailoring.¹ It did all of this without making any evidence-based findings supporting it or an opportunity to provide evidence in opposition, or even to object to statements of counsel, that purported to substitute for actual evidence.

The Petitioner-Appellants want to demonstrate on traditional public forums. They do not wish to be disruptive, but merely communicative. Since Petitioners are not even parties to the case below, and apparently have no right to intervene, but have standing to

¹ It engaged in narrowing, from 500' to 200', but it omitted the tailoring part.

seek this Court's superintendency powers, the only Court to which they can appeal is the full Supreme Judicial Court. Expedited relief is requested, because the prior restraint zone comes into effect on April 16, 2024, and Petitioners have no other recourse.

Respectfully submitted,

TRACEY ANNE SPICUZZA,
LORENA JENKINSON, DANA
STEWART LEONARD, AND PAUL
CRISTOFORO, FREEDOM TO
PROTEST COALITION, NICHOLAS
ROCCO, AND JON SILVERIA,

By their attorneys,

/s/ Marc J. Randazza

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CERTIFICATE OF SERVICE

I, Marc J. Randazza, hereby certify that a true and correct copy of the foregoing document was served upon all *pro se* parties and all attorneys of record via first-class mail, postage prepaid, and electronic mail, on April 15, 2024, as follows:

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And that a true and correct copy has also been served and filed in the office of the clerk of the trial court from which the matter arose, via first-class mail, postage prepaid, and electronic mail, on April 15, 2024, as follows:

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/s/ Marc J. Randazza
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