

COMMONWEALTH OF MASSACHUSETTS  
TRIAL COURT OF MASSACHUSETTS  
QUINCY DISTRICT COURT

COMMONWEALTH OF MASSACHUSETTS  
Plaintiff,

v.

JOAO DEPINA,  
Defendant.

Case No.: 2156 CR 3600  
Former Case No. 2107 CR 00306  
(Dorchester Division, Boston  
Municipal Court)<sup>1</sup>

MOTION TO DISMISS

Defendant Joao DePina hereby moves, pursuant to Mass. R. Crim. P. 13 and *Bradford Knights*, 427 Mass. 748, 695 N.E.2d 1068 (1998) that the above-entitled matter be dismissed, as there was no probable for the issuance of the complaint. As the SJC cited in *Bradford*, “[i]f the person complained of believes that there was not probable cause to charge him with a crime, he may move to dismiss the complaint.”

As further reasons thereof, based on the facts set forth in the Suffolk County Police Report authored by Officer Dante Williams, the Commonwealth is unable to establish probable cause that Defendant committed intimidation of a person connected to a criminal proceeding. As such, upon the annexed Affidavit of Jay M. Wolman and exhibits filed herewith, Defendant moves for this

<sup>1</sup> This matter was originally brought in the Boston Municipal Court. On December 8, 2021, it was transferred to this Court. See **Exhibit 5**.

FRANK, F.

Carroll T. Frank

4/29/22 - After hearing, the motion is ALLOWED. The defendant was charged with various intimidation, in violation of G.L. c. 26B, §13B. According to a report of Boston Police, the defendant made statements to the Suffolk County D.A. Rachael Rollins during a press conference that appear as an intent to interfere with the defendant's criminal cases, being prosecuted by DA Rollins' office. The report author posits that the defendant made several indirect references to his criminal cases. The parties agreed to allow the case to be reviewed by the electronic recording of the press conference. There exists no probable cause to prosecute or re-arrest, director cause to prosecute or re-arrest, director criminal case. The defendant's speech was.

indirect to the defendant's pending criminal case. The first Amendment is protective