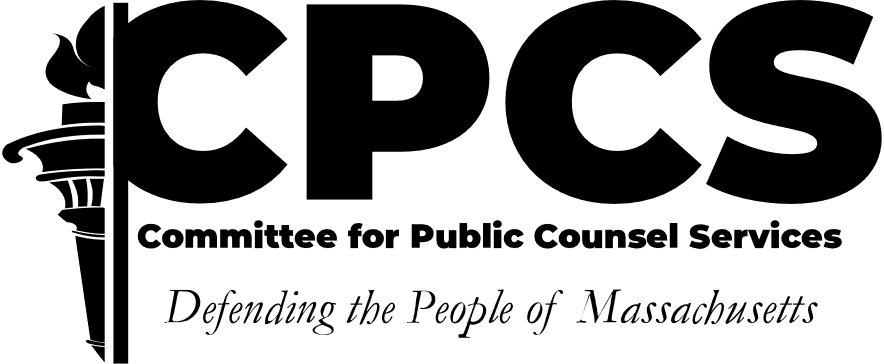
Committee for Public Counsel Services

Private Counsel Division

Alternative Commitment & Registration Support Unit

75 Federal Street, 6th Floor, Boston, MA 02110

Tel: (617) 482-6212 – Fax: (617) 502-6328



**HOLLY SMITH**

DEPUTY CHIEF COUNSEL

**PASQUA SCIBELLI**

DIRECTOR

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CHIEF COUNSEL

We are pleased to inform you that the Massachusetts Supreme Judicial Court has ruled that indigent clients are entitled to counsel for SORB reclassification hearings to lower a classification level and for early termination hearings. *Daniel Noe v. SORB*, SJC-12447 (August 1, 2018). Attached you will find a sample (1) Motion for Reclassification and Appointment of Counsel; (2) Motion for Early Termination and Appointment of Counsel and an Affidavit of Indigency.

**Motion for RECLASSIFICATION**

You are eligible to apply for reclassification to a lower level if:

1. € You are currently classified as a level 2 or 3;
2. € It has been at least three years since your most recent final classification;

OR

* + You have experienced a change in a medical condition that decreases your risk (even if it has not been three years since your final classification)

3. € You are not currently incarcerated or if you are incarcerated, your current level is outdated and does not reflect your current risk;

4. € You do NOT have pending criminal charges;

5. € You have been offense free for at least the past three years without any new sex offenses;

6. € You do NOT currently have a classification decision under review in the Superior Court or on appeal.

If you have checked ONE box in EACH of the above six categories, you are eligible to fill out the attached Motion for Reclassification and Appointment of Counsel and Affidavit of Indigency. Mail these documents to the Sex Offender Registry Board at the address listed below and keep a copy for your records.

**Motion for early TERMINATION**

You are eligible to apply for early termination if:

1. € You have not committed a new sex offense for 10 years since the date of your sex offense conviction or release from custody or supervision (whichever date is later);

OR

€ You were adjudicated delinquent or youthful offender for your sex offense(s) (you can apply for early termination at any time; even if 10 years has not elapsed) AND you do NOT have any adult sex offense convictions;

1. € You are NOT currently incarcerated;
2. € You do NOT have pending criminal charges;
3. € You do NOT currently have a classification decision under review in the Superior Court or on appeal.

If you have checked ONE box in EACH of the above four categories, you are eligible to fill out the attached Motion for Early Termination and Appointment of Counsel and Affidavit of Indigency. Mail these documents to the Sex Offender Registry Board at the address listed below and keep a copy for your records.

NOTE: If you are eligible, you may apply for both early termination and reclassification.

Your motion and affidavit of indigency should be mailed to:

Sex Offender Registry Board

P.O. Box 392

North Billerica, MA 01862

Telephone: 978-740-6400

Facsimile: 978-740-6466

**Once SORB receives your motion and affidavit of indigency, they will make a determination and if they find that you are indigent, your information will be referred to our office for appointment of counsel.**

If you have any questions, please feel free to contact Rob Ploski at [ac@publiccounsel.net](mailto:ac@publiccounsel.net) or 617-482-6212, ext.5827.