

COMMONWEALTH OF MASSACHUSETTS
SUPREME JUDICIAL COURT

SUFFOLK, ss.

No. SJC-11517

_____)
COMMONWEALTH)
)
v.)
)
ANTWAN CARTER)
_____)

MOTION OF THE CHARLES HAMILTON HOUSTON INSTITUTE FOR RACE AND JUSTICE, BLACK AND PINK MASSACHUSETTS, GLBTQ LEGAL ADVOCATES & DEFENDERS AND LAMBDA LEGAL DEFENSE AND EDUCATION FUND, INC. FOR LEAVE TO FILE A BRIEF AS *AMICI CURIAE* IN SUPPORT OF DEFENDANT-APPELLANT ANTWAN CARTER AND FOR LEAVE TO FILE LATE

The Charles Hamilton Houston Institute for Race and Justice at Harvard Law School, Black and Pink Massachusetts, GLBTQ Legal Advocates & Defenders (GLAD) and Lambda Legal Defense and Education Fund, Inc. write to respectfully request leave of this Court to submit a brief as *amici curiae* in the above-captioned case. *See* Mass. R. App. P. 17.

In support of their motion, *amici* submit that they have expertise to offer on issues of ensuring equity and non-discrimination in the administration of justice, central to the jury selection questions in this case.

In addition, under Rule 17, *amici* understand that briefs are due to be filed no later than 21 days prior to the date of oral argument, “unless the appellate court or a

single justice for cause shown shall grant leave for later filing.” Mass. R. App. P.

17(b). On March 4, 2021, the Court set oral argument in this case for May 7, 2021.

Accordingly, under Rule 17, amicus submissions were due on April 16, 2021.

Amici seek an extension of one business day (from April 16, 2021 to April 20, 2021) to file their amicus brief. Although this case has been pending in this Court for some time, the briefing schedule has only just been exhausted. The Commonwealth’s brief was late-filed on March 29, 2021, and the Defendant-Appellant’s reply brief was filed on April 13, 2021. Accordingly, accepting the enclosed *amicus* filing today, more than two weeks prior to oral argument and shortly after the party briefs were filed, would not prejudice the parties and would offer valuable information to this Court in answering the questions presented.

For the foregoing reasons, the *amici* request leave to file their proposed amicus brief and for leave to file their brief late.

Respectfully submitted,

CHARLES HAMILTON HOUSTON
INSTITUTE FOR RACE AND JUSTICE

BLACK & PINK MASSACHUSETTS

GLBTQ LEGAL ADVOCATES &
DEFENDERS (GLAD)

LAMBDA LEGAL DEFENSE AND
EDUCATION FUND, INC.

By their attorney

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April 20, 2021

**CERTIFICATE OF
SERVICE**

Pursuant to Rule 13(e) of the Massachusetts Rules of Appellate Procedure, I hereby certify that on April 20, 2021, this document was served upon all counsel of record via the Massachusetts Tyler Host electronic filing system.

/s/ Chris Erchull
Chris Erchull, BBO #690555