

WORCESTER,SS

COMMONWEALTH OF MASSACHUSETTS  
TRIAL COURT  
OF THE COMMONWEALTH  
0762CR001852

COMMONWEALTH  
v.  
LAWRENCE D. CIRIGNANO

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COMMONWEALTH'S MOTION TO CONTINUE TRIAL  
UNTIL AFTER SHOW-CAUSE HEARING ON VICTIM

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Now comes the Commonwealth in the above-captioned case and respectfully requests this Honorable Court to continue the case currently scheduled for trial October 15, 2007 until sometime after October 29, 2007.

This continuance is warranted because an associate of the defendant, Shari Worthington, on September 24, 2007 filed a criminal complaint application<sup>1</sup> against Sarah Loy, the victim of the charges pending against defendant Lawrence Cirignano. The show-cause hearing on this complaint application is October 29. Ms. Worthington's complaint application alleges Ms. Loy disrupted the December 16, 2006 rally where defendant Cirignano is charged with an assault and battery upon Ms. Loy and with violating Ms. Loy's civil rights.<sup>2</sup>

Ms. Worthington waited nearly 10 months after the rally and just weeks before Mr. Cirignano's trial date to seek this criminal charge. She also filed this complaint application even though the Court, Ricciardone, J., on July 6 denied defendant Cirignano's motion to dismiss the civil rights count. Defendant Cirignano unsuccessfully argued that he could not be charged with violating Ms. Loy's civil rights because Ms. Loy had no constitutional or civil right to hold a sign expressing an opposing view.<sup>3</sup> Ms. Loy's exercise of her free speech would be the same conduct being addressed by Ms. Worthington's complaint application.

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<sup>1</sup> A copy of this application is attached hereto and incorporated herein by reference. It is application number 07AC0047 on file in the Worcester District Court.

Ms. Worthington was the permit holder for the rally. Mr. Cirignano, one of the first speakers at the rally, is accused of committing the crimes just after he finished his speech.

<sup>3</sup> A copy of Judge Ricciardone's opinion is attached hereto and incorporated herein by reference.

This last-minute attempt at a "cross complaint" places Ms. Loy in the position of deciding whether to invoke her 5<sup>th</sup> Amendment right against self-incrimination in this trial. If Ms. Loy exercised her constitutional right to remain silent, the Commonwealth would be deprived of having the testimony of the victim for trial, and thus have its case dramatically weakened. If Ms. Loy were to waive her 5<sup>th</sup> Amendment rights, defendant Cirignano would be entitled to cross examine her on the pending complaint application by Ms. Worthington, even though Judge Ricciardone's opinion would suggest there is little merit to that complaint application. Therefore, a continuance of defendant Cirignano's trial until after the show-cause hearing would be in the interest of justice, because then the case would be prosecuted and defended solely on its merits, and not collateral matters.

RESPECTFULLY SUBMITTED  
FOR THE COMMONWEALTH

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