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NEWS RELEASE
DECEMBER 21, 2018

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COMMONWEALTH PREVAILS IN GPS TRACKING CASE

SJC rules on probable cause to charge criminal harassment

HINGHAM – Massachusetts’ highest court has allowed a GPS tracking device case to go forward as criminal harassment, Plymouth County District Attorney Timothy J. Cruz announced today.

On September 27, 2016, the defendant in this case, Francis Brennan, was arraigned in Hingham District Court on two counts of Criminal Harassment. The complaint was filed by Hingham Police after Brennan allegedly installed Global Positioning System devices on two cars belonging to a married couple, whom he had never met. Police determined that Brennan secretly tracked their movements by accessing the devices from his cell phone.

Brennan filed a Motion to Dismiss, asserting that the police reports failed to establish probable cause to believe that he had committed Criminal Harassment. On March 30, 2017, a judge allowed the Motion to Dismiss with a finding that the application for criminal complaint did not allege three qualifying acts to support a charge of Criminal Harassment as to either named victim. The Commonwealth appealed the ruling, and the case was transferred to the Supreme Judicial Court.

Today, the SJC issued their decision reversing the dismissal of the charges. The Court held that the particular allegations in Brennan’s case did supply probable cause to charge him with two counts of Criminal Harassment.

“We are pleased with the SJC’s decision,” DA Cruz said. “We will now go forward and pursue this case accordingly.”

The appeal of this case was argued for the Commonwealth by Assistant District Attorney David Cutshall.

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