

SUPREME JUDICIAL COURT OF MASSACHUSETTS

Commonwealth v. Szlachta

463 Mass. 37 (2012) · Decided July 27, 2012

SUMMARY

The Massachusetts Supreme Judicial Court reviewed Marion Szlachta’s conviction of murder in the first degree on a theory of extreme atrocity or cruelty for the beating death of his housemate. The defendant argued that the trial judge improperly instructed the jury regarding the effect of his mental impairment on the degree of murder. The court held that the instruction conformed to applicable model instructions and precedent, affirmed the conviction, and declined to reduce it under G. L. c. 278, § 33E.

CASE DETAILS

COURT	Supreme Judicial Court of Massachusetts
WRITING FOR THE COURT	Spina, J.
JURISDICTION	Massachusetts
DECIDED	July 27, 2012
DISPOSITION	affirmed
PROCEDURAL POSTURE	The defendant appealed from a Superior Court conviction of murder in the first degree on a theory of extreme atrocity or cruelty. He challenged the refusal to give his requested jury instruction concerning the effect of mental impairment and sought relief under G. L. c. 278, § 33E.
STANDARD OF REVIEW	The court reviewed the refusal to give the requested instruction for error and, if error existed, prejudice. It also independently reviewed the entire trial record under the extraordinary power conferred by G. L. c. 278, § 33E.
PRECEDENTIAL VALUE	Published Massachusetts Supreme Judicial Court opinion; precedential.
PARTIES	Marion Szlachta v. Commonwealth

TOPICS

- jury instructions
- criminal procedure
- evidence

PRACTICE AREAS

criminal law

criminal procedure

jury instructions

homicide

QUESTIONS PRESENTED

1. Whether the trial judge erred by refusing to give the defendant's requested instruction stating that the jury could consider mental impairment in evaluating his ability to make decisions normally or appreciate the consequences of his choices in determining extreme atrocity or cruelty.
2. Whether the defendant was entitled to reduction of his first-degree murder conviction to second-degree murder under the Supreme Judicial Court's extraordinary power pursuant to G. L. c. 278, § 33E.

HOLDINGS

1. The judge did not err in refusing to give the defendant's requested instruction because the judge accurately instructed the jury on the Cunneen factors and, consistently with the Model Jury Instructions on Homicide, instructed that the jury could consider evidence of mental impairment in determining whether the defendant acted with extreme atrocity or cruelty.
2. A conviction for murder in the first degree on a theory of extreme atrocity or cruelty does not require proof that the defendant had a specific mental intent or knew that his acts were extremely atrocious or cruel beyond the malice aforethought required for murder.
3. The defendant was not entitled to a reduction of his first-degree murder conviction to second-degree murder under § 33E.

KEY QUOTATIONS

“In other words, there is no requirement that a defendant have a specific mental intent or knowledge of the character of his acts beyond malice aforethought to be convicted of murder in the first degree based on extreme atrocity or cruelty.” (47)

“The instruction sought by the defendant here was similar to language set forth in Gould, supra at 686 n.16, that “the judge may also instruct the jurors that if they find from the evidence that the defendant had substantially reduced mental capacity at the time the crime was committed, they may consider what effect, if any, the defendant’s impaired capacity had on his ability to appreciate the consequences of his choices.”” (48)

FACTUAL BACKGROUND

Szlachta beat his housemate, Randy Lee Maleski, with the victim’s baseball bat, causing fatal blunt-force injuries. The defendant admitted during a recorded police interview that he had repeatedly struck the victim. The defense presented evidence that the defendant had longstanding alcohol abuse, Korsakoff syndrome, depression, and impaired judgment, and argued that these conditions affected his ability to understand the consequences of his actions.

PROCEDURAL HISTORY

A Superior Court jury convicted Szlachta of first-degree murder. The defendant conceded that he was guilty of murder but argued that his impaired mental condition supported a second-degree murder verdict. After the trial judge instructed the jury using the Model Jury Instructions on Homicide and denied the requested language, the defendant objected and appealed. The Supreme Judicial Court affirmed and declined to reduce the conviction under § 33E.

DISPOSITION

affirmed

CASES CITED

- Commonwealth v. Urrea, 443 Mass. 530, 535-536 (2005)
- Commonwealth v. Gould, 380 Mass. 672, 683-686 & n.16 (1980)
- Commonwealth v. Oliveira, 445 Mass. 837, 847-849 (2006)
- Commonwealth v. Rutkowski, 459 Mass. 794, 797-798 (2011)
- Commonwealth v. Breese, 389 Mass. 540, 545-549 (1983)
- Commonwealth v. Cunneen, 389 Mass. 216, 226-229 (1983)
- Commonwealth v. Rosenthal, 432 Mass. 124, 129-130 (2000)
- Commonwealth v. Gilbert, 165 Mass. 45, 59 (1895)
- Commonwealth v. Rogers, 459 Mass. 249, 252-253, cert. denied, 132 S. Ct. 813 (2011)
- Commonwealth v. Williams, 439 Mass. 678, 682 (2003)
- Commonwealth v. Flebotte, 417 Mass. 348, 353 (1994)
- Commonwealth v. Auclair, 444 Mass. 348, 361-362 (2005)
- Commonwealth v. Chhim, 447 Mass. 370, 377 (2006)
- Commonwealth v. Perry, 432 Mass. 214, 221-222 (2000)
- Commonwealth v. Guy, 441 Mass. 96, 107 (2004)
- Commonwealth v. Obershaw, 435 Mass. 794, 808-809 (2002)
- Commonwealth v. Benjamin, 430 Mass. 673, 681 (2000)
- Commonwealth v. Shelley, 381 Mass. 340, 354 (1980)
- Commonwealth v. Painten, 429 Mass. 536, 548 (1999)
- Commonwealth v. Murphy, 426 Mass. 395, 400 (1998)
- Commonwealth v. Sanders, 451 Mass. 290, 300 (2008)
- Commonwealth v. James, 427 Mass. 312, 316 (1998)