

SUPREME JUDICIAL COURT OF MASSACHUSETTS

Commonwealth v. Accime

476 Mass. 469 (2017) · No. SJC-12081 · Decided February 13, 2017

SUMMARY

The Supreme Judicial Court of Massachusetts reversed Richie Accime's conviction for disorderly conduct arising from his conduct while involuntarily detained in a hospital's psychiatric emergency department. The court held that the evidence was insufficient to establish that Accime consciously disregarded a substantial and unjustifiable risk of public inconvenience, annoyance, or alarm, considering the setting and circumstances. The court also stated that compliance with statutory requirements governing involuntary hospitalization and forcible medication may be relevant to the defendant's requisite intent and potential self-defense arguments.

CASE DETAILS

COURT	Supreme Judicial Court of Massachusetts
WRITING FOR THE COURT	Botsford, J.; Gants, C.J.; Lenk, J.; Hines, J.; Gaziano, J.; Lowy, J.; Budd, J.
JURISDICTION	Massachusetts
DECIDED	February 13, 2017
DOCKET	SJC-12081
DISPOSITION	reversed_and_remanded
PROCEDURAL POSTURE	The defendant appealed his disorderly-conduct conviction from the Boston Municipal Court Department. The Supreme Judicial Court granted direct appellate review.
STANDARD OF REVIEW	The court viewed the evidence in the light most favorable to the Commonwealth and asked whether a rational trier of fact could have found the essential elements of disorderly conduct beyond a reasonable doubt.
PRECEDENTIAL VALUE	Published, precedential opinion of the Supreme Judicial Court of Massachusetts.
PARTIES	Richie Accime v. Commonwealth

TOPICS

criminal procedure

statutory interpretation

jury instructions

PRACTICE AREAS

criminal law

criminal procedure

mental health law

statutory interpretation

QUESTIONS PRESENTED

1. Whether the evidence was sufficient to prove that Accime consciously disregarded a substantial and unjustifiable risk of public inconvenience, annoyance, or alarm, as required for disorderly conduct under G. L. c. 272, § 53.
2. Whether Accime's conduct in the psychiatric area of a hospital emergency department constituted the requisite public inconvenience, annoyance, or alarm under the setting-specific disorderly-conduct standard.
3. Whether the legality of Accime's involuntary hospitalization and forcible medication, including compliance with G. L. c. 123, §§ 12 and 21, was relevant to his intent and proposed self-defense instruction.

HOLDINGS

1. The evidence was insufficient to prove beyond a reasonable doubt that Accime consciously disregarded a substantial and unjustifiable risk of public inconvenience, annoyance, or alarm.
2. In the circumstances presented, Accime's conduct inside the psychiatric area room did not constitute the type of public inconvenience, annoyance, or alarm targeted by G. L. c. 272, § 53.

KEY QUOTATIONS

"It bears emphasis that at the time of this incident, according to the Commonwealth, the defendant had been brought to and was detained in the hospital's emergency department because he was thought to be dangerous to himself or to others by reason of mental illness." (slip op. at 10)

"Indeed, far from going 'way beyond' a hospital's day-to-day 'hurly-burly,' a patient's resistance to detention and medication would seem to be the kind of disruption a psychiatric area in the hospital's emergency department is designed to absorb." (slip op. at 14)

"The defendant's belligerent actions, given their context and location, do not rise to the level of disorderly conduct." (slip op. at 15)

FACTUAL BACKGROUND

Accime was brought against his will to the psychiatric area of a Boston hospital emergency department and detained in a small room. He shouted, objected to medication and detention, made threats toward hospital security officers, paced with clenched fists, adopted a fighting stance, and was eventually pepper-sprayed and handcuffed. The evidence did not show that he left the room, knew that hospital traffic had been rerouted, or knew that patients were observing him; the rerouting was a precaution initiated by security officers.

PROCEDURAL HISTORY

A criminal complaint charged Accime with threatening to commit a crime, disorderly conduct, and assault. After a jury trial, the jury acquitted him of assault, failed to reach a verdict on the threatening charge, and convicted him of disorderly conduct; the trial judge imposed a fine. The Supreme Judicial Court granted direct appellate review and reversed the disorderly-conduct conviction.

DISPOSITION

reversed_and_remanded

REMAND INSTRUCTIONS

The conviction was reversed, the judgment was vacated, and the case was remanded to the Boston Municipal Court for entry of a judgment of dismissal.

CASES CITED

- Commonwealth v. Latimore, 378 Mass. 671, 676-677 (1979)
- Commonwealth v. Chou, 433 Mass. 229, 231-232 (2001)
- Commonwealth v. Sholley, 432 Mass. 721, 727 n.7, 729-731 (2000), cert. denied, 532 U.S. 980 (2001)
- Commonwealth v. A Juvenile, 368 Mass. 580, 585-586, 587, 592, 595-597 (1975)
- Commonwealth v. Feigenbaum, 404 Mass. 471, 475 (1989)
- Commonwealth v. Pierce, 138 Mass. 165, 175, 178 (1884)
- Commonwealth v. Richards, 369 Mass. 443, 446-448 (1976)
- Commonwealth v. Sinai, 47 Mass. App. Ct. 544, 548 (1999)
- Commonwealth v. Mulero, 38 Mass. App. Ct. 963, 964-965 (1995)
- Commonwealth v. Carson, 10 Mass. App. Ct. 920, 921-922 (1980)
- Commonwealth v. Mulvey, 57 Mass. App. Ct. 579, 584 (2003)
- Commonwealth v. Orlando, 371 Mass. 732, 735 (1977)
- Commonwealth v. Martin, 476 Mass. 72, 77-78 (2016)
- Matter of Spring, 380 Mass. 629, 638 (1980)
- Rogers v. Commissioner of the Department of Mental Health, 390 Mass. 489, 499-500 (1983)