

SUPREME JUDICIAL COURT OF MASSACHUSETTS

Commonwealth v. Snow

456 Mass. 1019 (2010) · Decided April 20, 2010

SUMMARY

The Supreme Judicial Court of Massachusetts affirmed the denial of the Commonwealth’s petition under G. L. c. 211, § 3, seeking relief from an order permitting civilian witnesses to testify at an evidentiary hearing on alleged grand jury misconduct. The court held that the Commonwealth had not shown the exceptional circumstances, substantial claim, or irremediable error required for interlocutory review under the court’s extraordinary superintendence power.

CASE DETAILS

COURT	Supreme Judicial Court of Massachusetts
JURISDICTION	Massachusetts
DECIDED	April 20, 2010
DISPOSITION	affirmed
PROCEDURAL POSTURE	The Commonwealth appealed from a single justice's judgment denying its petition under G. L. c. 211, § 3, which sought relief from a Superior Court judge's order permitting civilian witnesses to testify at an evidentiary hearing on the defendants' motions to dismiss murder indictments.
STANDARD OF REVIEW	General superintendence review under G. L. c. 211, § 3, is extraordinary and interlocutory review in a criminal case requires a substantial claim of irremediable error, exceptional circumstances, and a need to protect substantive rights. The single justice's denial of relief is reviewed for abuse of discretion or other error.
PRECEDENTIAL VALUE	Published opinion; binding Massachusetts Supreme Judicial Court authority on the stated limits of G. L. c. 211, § 3, interlocutory review.
PARTIES	Commonwealth v. Eric Snow, James Winquist

TOPICS

- appellate procedure
- interlocutory appeal
- criminal procedure
- prosecutorial misconduct
- evidence

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether the Commonwealth could obtain interlocutory review under G. L. c. 211, § 3, of the Superior Court judge's discretionary order permitting civilian witnesses to testify at the evidentiary hearing.
2. Whether the asserted lack of a preliminary showing of grand-jury misconduct, witness-safety concerns, and the burden of repeated testimony constituted exceptional circumstances or threatened a substantive right warranting extraordinary supervisory relief.
3. Whether the single justice abused her discretion by denying the Commonwealth's G. L. c. 211, § 3, petition.

HOLDINGS

1. The Commonwealth's lack of another remedy does not make review under G. L. c. 211, § 3, automatic.
2. The Superior Court's rulings allowing the evidentiary hearing and permitting the civilian witnesses to testify were routine discretionary rulings that did not present the exceptional circumstances or threatened substantive rights necessary for G. L. c. 211, § 3, relief.

KEY QUOTATIONS

“The fact that the Commonwealth has no other remedy does not make [G. L.] c. 211, § 3, review automatic.”
(456 Mass. at 1019)

“We will review interlocutory matters in criminal cases only when ‘substantial claims’ of ‘irremediable’ error are presented . . . and only in ‘exceptional circumstances,’ . . . where ‘it becomes necessary to protect substantive rights’” (456 Mass. at 1019)

FACTUAL BACKGROUND

Snow and Winquist were indicted in September 2007 for the murders of two men whose bodies were found in a park in Hingham. They alleged that the Commonwealth presented misleading evidence, withheld exculpatory evidence, and knowingly presented false grand-jury testimony. During the resulting evidentiary hearing, the Superior Court judge first allowed testimony from law enforcement witnesses and later permitted four civilian witnesses to testify as well, prompting the Commonwealth's supervisory petition.

PROCEDURAL HISTORY

Snow and Winquist were indicted for murder. They moved to dismiss the indictments based on alleged prosecutorial misconduct before the grand jury and sought an evidentiary hearing. The Superior Court allowed the hearing and ultimately permitted four civilian witnesses, in addition to law enforcement witnesses, to testify. The Commonwealth petitioned under G. L. c. 211, § 3; a single justice denied the petition, and the Supreme Judicial Court affirmed.

DISPOSITION

affirmed

CASES CITED

- Commonwealth v. O'Dell, 392 Mass. 445 (1984)
- Commonwealth v. Salman, 387 Mass. 160, 166 (1982)
- Commonwealth v. Richardson, 454 Mass. 1005, 1005-1006 (2009)
- Commonwealth v. Cook, 380 Mass. 314, 319-320 (1980)
- Barber v. Commonwealth, 353 Mass. 236, 239 (1967)
- Commonwealth v. Narea, 454 Mass. 1003, 1004 n.1 (2009)

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