

MASSACHUSETTS SUPREME JUDICIAL COURT

Commonwealth v. Knight

437 Mass. 487 (2002) · Decided August 12, 2002

SUMMARY

The Massachusetts Supreme Judicial Court affirmed Edward Knight’s conviction of murder in the first degree and the denial of his motion for a new trial. The court held that amending the indictment’s alleged date of death was a permissible change in form that caused no prejudice and did not materially alter the grand jury’s work. It also rejected challenges concerning cross-examination about the Louise Woodward verdict, admission of prior consistent statements, and alleged ineffective assistance of counsel.

CASE DETAILS

COURT	Massachusetts Supreme Judicial Court
WRITING FOR THE COURT	Cordy, J.
JURISDICTION	Massachusetts
DECIDED	August 12, 2002
DISPOSITION	affirmed
PROCEDURAL POSTURE	Knight appealed from his conviction of murder in the first degree and from the denial of his motion for a new trial. The appeals were consolidated, and the Supreme Judicial Court also conducted review under Massachusetts General Laws chapter 278, section 33E.
STANDARD OF REVIEW	The court reviewed preserved trial-error claims for legal error and prejudice, evaluated the limitation on cross-examination under the materiality of the witness's testimony and degree of restriction, reviewed ineffective-assistance claims in a capital case under the substantial-likelihood-of-a-miscarriage-of-justice standard, and conducted plenary section 33E review of the entire record.
PRECEDENTIAL VALUE	Published Massachusetts Supreme Judicial Court opinion; precedential.
PARTIES	Edward Knight v. Commonwealth

TOPICS

- criminal procedure
- evidence
- ineffective assistance
- appellate procedure
- post-conviction relief

PRACTICE AREAS

criminal law

criminal procedure

appellate practice

evidence

post-conviction relief

QUESTIONS PRESENTED

1. Whether the Commonwealth properly amended the murder indictment to change the alleged date of death from on or about June 21, 1996, to on or about June 19, 1996.
2. Whether excluding cross-examination concerning the effect of Louise Woodward's criminal trial verdict improperly infringed Knight's constitutional right to confront and cross-examine Kelley.
3. Whether the trial court improperly admitted Kelley's prior consistent statements.
4. Whether trial counsel was constitutionally ineffective for failing to request an alibi instruction, call an additional witness, pursue additional impeachment evidence, or more extensively cross-examine the medical examiner.
5. Whether the court should exercise its authority under Massachusetts General Laws chapter 278, section 33E, to reduce the verdict or order a new trial.

HOLDINGS

1. Changing the alleged date of the victim's death from June 21 to June 19 was an amendment of form rather than substance, did not prejudice Knight, and did not materially change the work of the grand jury.
2. The trial judge did not violate Knight's confrontation rights by excluding the minimally relevant and highly inflammatory questioning about the Louise Woodward verdict because the jury had sufficient other evidence to assess Kelley's bias and credibility.
3. The trial court properly admitted Kelley's prior consistent statements because the defense necessarily attacked her testimony as recently fabricated or induced, and the statements preceded the alleged incentive to fabricate.
4. Knight failed to establish ineffective assistance or a substantial likelihood of a miscarriage of justice based on counsel's failure to request a specific alibi instruction, call an additional witness, pursue an additional impeachment experiment, or more extensively cross-examine the medical examiner.
5. After reviewing the entire record, the court found no reason to reduce the jury's verdict or order a new trial.

KEY QUOTATIONS

"The time alleged for an offense is ordinarily treated as a matter of detail rather than substance." (492)

"There is no question that Kelley's direct testimony was material to the Commonwealth's case because she provided the only first-hand account of the murder." (496)

"It would defy logic on the facts of this case to conclude that she had reason to formulate such a false story long before any indictment, arrest, or incarceration." (498)

“The fact that the examination of any witness may not have been perfect is not the standard we use to evaluate the effectiveness of counsel.” (503)

FACTUAL BACKGROUND

Pasquale Candelino was found dead in his Boston apartment with multiple stab wounds, and the apartment had been ransacked. The Commonwealth's principal witness, Betsy Kelley, testified that she and Knight entered Candelino's apartment on June 19, 1996, to rob him, that Knight attacked and killed him, and that they took drugs and other property. Kelley later entered a plea agreement requiring her to testify against Knight in exchange for a recommended manslaughter sentence, while Knight relied on evidence that Candelino was alive on June 20 and June 21 and argued that Kelley had fabricated her account.

PROCEDURAL HISTORY

Knight was convicted in the trial court of murder in the first degree on theories of deliberate premeditation, extreme atrocity or cruelty, and felony-murder. He moved for a new trial, which was denied, and appealed both the conviction and that denial. The Supreme Judicial Court affirmed the judgment and the order denying a new trial and declined to reduce the verdict or order a new trial under section 33E.

DISPOSITION

affirmed

CASES CITED

- Commonwealth v. Fowler, 431 Mass. 30, 31 (2000)
- Commonwealth v. Snow, 269 Mass. 598, 606, 609 (1930)
- Commonwealth v. Hobbs, 385 Mass. 863, 870 & n.8 (1982)
- Commonwealth v. Barbosa, 421 Mass. 547, 549 (1995)
- Commonwealth v. Benjamin, 358 Mass. 672, 679 (1971)
- Commonwealth v. Campiti, 41 Mass. App. Ct. 43, 50 (1996)
- Commonwealth v. Wright, 411 Mass. 678, 683 (1992)
- Commonwealth v. Murphy, 415 Mass. 161, 165 (1993)
- Commonwealth v. Parrotta, 316 Mass. 307, 311 (1944)
- Commonwealth v. Gallo, 2 Mass. App. Ct. 636, 639-640 (1974)
- Commonwealth v. Grasso, 375 Mass. 138, 139 (1978)
- Commonwealth v. Sineiro, 432 Mass. 735, 737-738 (2000)
- Commonwealth v. Aguiar, 400 Mass. 508, 512-515 (1987)
- Commonwealth v. Moorer, 431 Mass. 544, 547 (2000)
- Commonwealth v. Miles, 420 Mass. 67, 72 (1995)
- Commonwealth v. Graziano, 368 Mass. 325, 330 (1975), S.C., 371 Mass. 596 (1976)
- Commonwealth v. LaVelle, 414 Mass. 146, 154 (1993)

- Commonwealth v. Hicks, 377 Mass. 1, 8 (1979)
- Commonwealth v. Dougan, 377 Mass. 303, 310 (1979)
- Commonwealth v. Woodward, 427 Mass. 659 (1998)
- Commonwealth v. Rivera, 430 Mass. 91, 99-100 (1999)
- Commonwealth v. Saarela, 376 Mass. 720, 723 (1978)
- Commonwealth v. Martinez, 425 Mass. 382, 397 (1997)
- Commonwealth v. Sullivan, 410 Mass. 521, 527 (1991)
- Commonwealth v. Graham, 431 Mass. 282, 289 (2000), cert. denied, 531 U.S. 1020 (2000)
- Commonwealth v. Parker, 420 Mass. 242, 246 & n.5 (1995)
- Commonwealth v. Medina, 380 Mass. 565, 579 (1980), S.C., 430 Mass. 800 (2000)
- Commonwealth v. Sarmanian, 426 Mass. 405, 406-408 (1998)
- Commonwealth v. Britto, 433 Mass. 596, 602-604 (2001)
- Commonwealth v. Fisher, 433 Mass. 340, 357 (2001)
- Commonwealth v. Johnson, 435 Mass. 113, 115 n.2 (2001)
- Commonwealth v. Payne, 426 Mass. 692, 702 (1998)