

MASSACHUSETTS SUPREME JUDICIAL COURT

Commonwealth v. Walczak

463 Mass. 808 (2012) · Decided December 12, 2012

SUMMARY

The Massachusetts Supreme Judicial Court affirmed the dismissal of a second-degree murder indictment against a juvenile defendant. Although the court unanimously concluded that the evidence before the grand jury supported the indictment, a majority held that the prosecutor was required to instruct the grand jury on the elements of murder and the significance of substantial mitigating circumstances or defenses. The court established this instruction requirement for future cases involving juvenile murder indictments and substantial evidence of mitigating circumstances or defenses.

CASE DETAILS

COURT	Massachusetts Supreme Judicial Court
WRITING FOR THE COURT	By the Court; Chief Justice Ireland; Justice Cordy; Justice Spina; Justice Botsford; Justice Gants; Justice Lenk; Justice Duffly
JURISDICTION	Massachusetts
DECIDED	December 12, 2012
DISPOSITION	affirmed
PROCEDURAL POSTURE	The Commonwealth appealed from a Superior Court order dismissing an indictment charging the defendant with murder in the second degree. The Supreme Judicial Court granted the defendant's application for direct appellate review.
STANDARD OF REVIEW	The sufficiency of evidence supporting a grand jury indictment is reviewed under the standard stated in Commonwealth v. McCarthy, 385 Mass. 160 (1982).
PRECEDENTIAL VALUE	Published opinion; binding Massachusetts Supreme Judicial Court precedent.
PARTIES	Commonwealth v. Walczak

TOPICS

- grand jury
- jury instructions
- criminal procedure
- appellate procedure

PRACTICE AREAS

criminal procedure

grand jury

jury instructions

appellate procedure

QUESTIONS PRESENTED

1. Whether the evidence presented to the grand jury was sufficient to support an indictment charging murder in the second degree.
2. Whether, when substantial evidence of mitigating circumstances or defenses is presented to a grand jury in a juvenile murder case, the prosecutor must instruct the grand jury on the elements of murder and the legal significance of those circumstances or defenses.

HOLDINGS

1. The evidence before the grand jury supported the indictment charging the defendant with murder in the second degree.
2. In future cases in which the Commonwealth seeks to indict a juvenile for murder and substantial evidence of mitigating circumstances or defenses, other than lack of criminal responsibility, is presented to the grand jury, the prosecutor must instruct the grand jury on the elements of murder and on the significance of those mitigating circumstances and defenses.
3. The prosecutor's instructions to the grand jury on the elements of murder and the significance of mitigating circumstances and defenses must be transcribed as part of the transcription of the grand jury proceedings.

KEY QUOTATIONS

“In future cases, where the Commonwealth seeks to indict a juvenile for murder and where there is substantial evidence of mitigating circumstances or defenses (other than lack of criminal responsibility) presented to the grand jury, the prosecutor shall instruct the grand jury on the elements of murder and on the significance of the mitigating circumstances and defenses.” (810)

“The instructions are to be transcribed as part of the transcription of the grand jury proceedings.” (810)

FACTUAL BACKGROUND

The defendant was sixteen years old when he stabbed Rene Valdez during an altercation that began when Valdez and an accomplice attempted to rob him. Evidence concerning the attempted robbery and the surrounding altercation raised mitigating circumstances or defenses relevant to the murder charge.

PROCEDURAL HISTORY

A Superior Court judge dismissed the murder indictment, concluding that the evidence presented to the grand jury was insufficient to support a charge of murder in the second degree. The Supreme Judicial Court held that the evidence did support the indictment but affirmed the dismissal on the alternative ground that the grand jury was not instructed on the elements of murder and the significance of mitigating circumstances and defenses raised by the evidence.

DISPOSITION

affirmed

CASES CITED

- Commonwealth v. McCarthy, 385 Mass. 160 (1982)

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