

SUPREME JUDICIAL COURT OF MASSACHUSETTS

Commonwealth v. LaBrie

473 Mass. 754 (2016) · No. SJC-11836 · Decided March 9, 2016

SUMMARY

The Supreme Judicial Court of Massachusetts reviewed Kristen A. LaBrie's convictions arising from her failure to administer prescribed cancer medications to her son. The court affirmed the reckless endangerment conviction, reversed the assault and battery convictions and ordered judgment for the defendant on those charges, and reversed the denial of her motion for a new trial on the attempted murder charge. The opinion addressed the elements of attempted murder, sufficiency of the evidence, jury instructions, and ineffective assistance of counsel.

CASE DETAILS

COURT	Supreme Judicial Court of Massachusetts
WRITING FOR THE COURT	Botsford, J.; Gants, C.J.; Spina, J.; Cordy, J.; Duffly, J.; Lenk, J.; Hines, J.
JURISDICTION	Massachusetts
DECIDED	March 9, 2016
DOCKET	SJC-11836
DISPOSITION	other
PROCEDURAL POSTURE	The defendant appealed from convictions for attempted murder, two caretaker assault and battery offenses, and reckless endangerment of a child, and from the denial of her motion for a new trial asserting ineffective assistance of counsel. The Supreme Judicial Court transferred the case from the Appeals Court on its own initiative.
STANDARD OF REVIEW	Sufficiency of the evidence was reviewed under the required-finding standard. The denial of the motion for a new trial was reviewed for abuse of discretion, with deference to the motion judge's factual findings. Claims concerning counsel's strategic decisions were reviewed under the manifestly unreasonable standard, and ineffective assistance under Commonwealth v. Saferian.
PRECEDENTIAL VALUE	Published precedential opinion of the Supreme Judicial Court of Massachusetts
PARTIES	Kristen A. LaBrie v. Commonwealth

TOPICS

criminal procedure

ineffective assistance

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evidence

mens rea

PRACTICE AREAS

criminal law

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ineffective assistance of counsel

QUESTIONS PRESENTED

1. Whether nonachievement or noncompletion of the substantive crime is an element of attempted murder that the Commonwealth must prove beyond a reasonable doubt.
2. Whether the evidence was sufficient to support convictions for caretaker assault and battery based on permitting substantial or serious bodily injury.
3. Whether the jury instructions on attempted murder and the caretaker assault and battery offenses were legally correct.
4. Whether trial counsel provided ineffective assistance by failing to consult an independent pediatric oncologist, by facilitating disclosure of defense expert records to the Commonwealth's expert, or by failing to present evidence concerning the defendant's history with the Department of Children and Families.
5. Whether the defendant was entitled to a new trial on the attempted-murder charge because counsel's failure to consult an independent oncologist deprived her of a substantial ground of defense concerning intent.

HOLDINGS

1. The elements of attempted murder are specific intent to commit murder and an overt act toward completion of murder. The Commonwealth need not prove nonachievement or noncompletion of the murder as a separate element beyond a reasonable doubt.
2. The evidence was insufficient to prove that the defendant's failure to administer medication caused substantial bodily injury or serious bodily injury within the meaning of G. L. c. 265, §§ 13J and 13K.
3. Trial counsel's failure to consult a qualified independent pediatric oncologist was manifestly unreasonable and likely deprived the defendant of an otherwise available, substantial ground of defense concerning her intent. The defendant was entitled to a new trial on the attempted-murder charge.

KEY QUOTATIONS

"The elements of attempt, whether general attempt or attempted murder, are (1) the specific intent to commit the substantive crime at issue, and (2) an overt act toward completion of the substantive crime."

"In the circumstances, it was patently unreasonable for the defendant's counsel not to consult with a qualified pediatric oncologist to explore the disease, its treatment, and in particular whether experience dealing with other caretaking parents might help to identify explanations other than an intent to kill the child for a parent's decision not to give medications."

FACTUAL BACKGROUND

The defendant was the primary caretaker of her seven-year-old son, Peter, who had lymphoblastic lymphoma and required a complex, prolonged chemotherapy regimen involving medications administered at home. Pharmacy records showed that the defendant failed to fill or administer multiple prescribed medications over substantial periods, although she repeatedly reported to medical personnel that Peter was receiving them. Peter later relapsed, developed treatment-resistant leukemia, and died, but the medical evidence could not establish beyond a reasonable doubt that the defendant's noncompliance caused the relapse or death. The Commonwealth argued that the defendant intentionally withheld the medications to kill Peter, while the defense attributed the noncompliance to the burdens of treatment, fatigue, and the defendant's inability to appreciate the long-term consequences.

PROCEDURAL HISTORY

The defendant was indicted in the Essex County Superior Court in 2009 and convicted by a jury in 2011. The trial judge denied her motion for a new trial after an evidentiary hearing. The Supreme Judicial Court affirmed the reckless-endangerment conviction, vacated the two assault and battery convictions with judgment to enter for the defendant, and vacated the order denying a new trial on attempted murder, remanding for further proceedings.

DISPOSITION

other

REMAND INSTRUCTIONS

The case was remanded to the Superior Court for further proceedings consistent with the opinion. The reckless-endangerment conviction remains affirmed; judgment must enter for the defendant on the two caretaker assault and battery indictments; and the defendant is entitled to a new trial on attempted murder.

CASES CITED

- Commonwealth v. Peaslee, 177 Mass. 267 (1901)
- Commonwealth v. Kennedy, 170 Mass. 18 (1897)
- Commonwealth v. Dixon, 34 Mass. App. Ct. 653 (1993)
- Commonwealth v. Marzilli, 457 Mass. 64 (2010)
- Commonwealth v. Bell, 455 Mass. 408 (2009)
- Commonwealth v. Rivera, 460 Mass. 139 (2011)
- Commonwealth v. Ortiz, 408 Mass. 463 (1990)
- Commonwealth v. Gosselin, 365 Mass. 116 (1974)
- Commonwealth v. Cline, 213 Mass. 225 (1913)
- Commonwealth v. Sullivan, 84 Mass. App. Ct. 26 (2013), S.C., 469 Mass. 621 (2014)
- Commonwealth v. Dykens, 473 Mass. 635 (2015)

- Commonwealth v. Chapman, 433 Mass. 481 (2001)
- Commonwealth v. Roderiques, 462 Mass. 415 (2012)
- Commonwealth v. Saferian, 366 Mass. 89 (1974)
- Commonwealth v. Kolenovic, 471 Mass. 664 (2015)
- Commonwealth v. Lang, 473 Mass. 1 (2015)
- Commonwealth v. Haggerty, 400 Mass. 437 (1987)
- Commonwealth v. Martin, 427 Mass. 816 (1998)
- Commonwealth v. Roberio, 428 Mass. 278 (1998), S.C., 440 Mass. 245 (2003)
- Department of Youth Servs. v. A Juvenile, 398 Mass. 516 (1986)
- Commonwealth v. Dockham, 405 Mass. 618 (1989)
- Commonwealth v. Pike, 431 Mass. 212 (2000)
- Commonwealth v. Hanright, 465 Mass. 639 (2013)
- United States v. York, 578 F.2d 1036 (5th Cir.), cert. denied, 439 U.S. 1005 (1978)
- United States v. Rivera-Relle, 333 F.3d 914 (9th Cir.), cert. denied, 540 U.S. 977 (2003)
- Lightfoot v. State, 278 Md. 231 (1976)