

MASSACHUSETTS SUPREME JUDICIAL COURT

Commonwealth v. Paquette

475 Mass. 793 (2016) · No. SJC-12028 · Decided October 27, 2016

SUMMARY

The Massachusetts Supreme Judicial Court considered whether the defendant's statements during two police interviews constituted misleading a police officer under G. L. c. 268, § 13B. The court held that the jury instruction defining misleading conduct was incorrect because the conduct must reasonably be capable of leading investigators to pursue a materially different course of investigation. It vacated the judgment, ordered a required finding of not guilty on the second indictment, and permitted retrial on the first indictment.

CASE DETAILS

COURT	Massachusetts Supreme Judicial Court
WRITING FOR THE COURT	Lenk, J.; Gants, C.J.; Spina, J.; Cordy, J.; Botsford, J.; Duffly, J.; Hines, J.
JURISDICTION	Massachusetts
DECIDED	October 27, 2016
DOCKET	SJC-12028
DISPOSITION	vacated
PROCEDURAL POSTURE	The defendant was convicted by a Superior Court jury on two indictments charging misleading a police officer in violation of G. L. c. 268, § 13B. The Supreme Judicial Court granted direct appellate review.
STANDARD OF REVIEW	Because the defendant did not object at trial to the misleading-element instruction, the court reviewed that issue for a substantial risk of a miscarriage of justice. It reviewed the sufficiency of the evidence under the Latimore standard, viewing the evidence in the light most favorable to the Commonwealth and asking whether the evidence and reasonable inferences could persuade a jury beyond a reasonable doubt.
PRECEDENTIAL VALUE	Published precedential opinion of the Massachusetts Supreme Judicial Court
PARTIES	Raymond Zachary Paquette v. Commonwealth

TOPICS

statutory interpretation

jury instructions

criminal procedure

standard of review

appellate procedure

PRACTICE AREAS

criminal law

criminal procedure

appellate practice

QUESTIONS PRESENTED

1. What conduct constitutes misleading a police officer under G. L. c. 268, § 13B?
2. Whether the jury were properly instructed on the misleading and impeding elements of G. L. c. 268, § 13B.
3. Whether the evidence was sufficient to support the defendant's convictions for misleading police during either interview.

HOLDINGS

1. A statement is misleading under § 13B only if, given the information known to police when the statement was made, it reasonably could lead investigators to pursue a materially different course of investigation from the course they otherwise would have pursued. A knowingly false statement is not automatically misleading merely because it is false.
2. The instruction created a substantial risk of a miscarriage of justice because it allowed the jury to find that the defendant misled police based on any knowingly false or incomplete statement, without requiring that the statement reasonably could have led police to pursue a materially different investigative course.
3. The trial judge did not commit prejudicial error by declining to give a more specific instruction concerning the possible exculpatory purpose of a defendant's denials. It was sufficient to instruct that objectively misleading conduct alone was insufficient and that specific intent could be inferred from the defendant's words, actions, and surrounding circumstances.
4. If correctly instructed, a jury could find beyond a reasonable doubt that the defendant violated § 13B during the first interview.
5. The evidence was insufficient to support a conviction under § 13B for the second interview because no view of the evidence showed that the defendant's statements reasonably could have led police to pursue a materially different course of investigation.

FACTUAL BACKGROUND

The defendant hosted a party at his father's house where a fight broke out and Patrick Bousquet struck Tyler Spath with a glass bottle, causing serious injuries. During a first police interview, the defendant denied being in the kitchen during the fight and minimized his knowledge of the participants; during a later interview, he repeated that account while acknowledging secondhand information about the assault. Other witnesses placed the defendant in the kitchen and indicated that he had attempted to mediate the argument before the assault.

PROCEDURAL HISTORY

A grand jury returned two indictments, one concerning each of the defendant's police interviews. After a jury trial, the defendant was convicted on both charges and received a suspended house-of-correction sentence with probation conditions. The Supreme Judicial Court concluded that the jury instruction defining misleading was incorrect, that the evidence could support a conviction based on the first interview but not the second, vacated the judgments, and remanded for entry of a required finding of not guilty on the second indictment and further proceedings on the first.

DISPOSITION

vacated

REMAND INSTRUCTIONS

The matter was remanded to the Superior Court for entry of a required finding of not guilty on the second indictment concerning the second interview and for further proceedings consistent with the opinion. The defendant may be retried on the first indictment concerning the first interview.

CASES CITED

- Commonwealth v. Hart, 455 Mass. 230, 238 (2009)
- Commonwealth v. Figueroa, 464 Mass. 365, 372-373 (2013)
- Bayless v. TTS Trio Corp., 474 Mass. 215, 219 (2016)
- Commonwealth v. Fortuna, 80 Mass. App. Ct. 45, 47, 50-51 (2011)
- Commonwealth v. Morse, 468 Mass. 360, 361, 364, 372-375 (2014)
- Commonwealth v. Occhiuto, 88 Mass. App. Ct. 489, 506 (2015)
- Commonwealth v. One 1987 Mercury Cougar Auto., 413 Mass. 534, 537-538 (1992)
- Commonwealth v. D'Amour, 428 Mass. 725, 744 (1999)
- Commonwealth v. Giles, 350 Mass. 102, 111 (1966)
- Commonwealth v. Alphas, 430 Mass. 8, 13 (1999)
- Commonwealth v. Kaeppler, 473 Mass. 396, 406 (2015)
- Commonwealth v. Stewart, 454 Mass. 527, 535 (2009)
- Commonwealth v. Robinson, 449 Mass. 1, 8 (2007)
- Commonwealth v. Lapage, 435 Mass. 480, 486 (2001)
- Commonwealth v. Scott, 472 Mass. 815, 820 (2015)
- Commonwealth v. Latimore, 378 Mass. 671, 676-677 (1979)
- United States v. Kulczyk, 931 F.2d 542, 548 (9th Cir. 1991)
- United States v. King, 762 F.2d 232, 237 (2d Cir. 1985)