

MASSACHUSETTS SUPREME JUDICIAL COURT

Commonwealth v. Adams

434 Mass. 805 (2001) · Decided August 14, 2001

SUMMARY

The Massachusetts Supreme Judicial Court affirmed Richard Adams’s convictions for arson and two counts of murder in the first degree. The court held that, although the prosecution used Adams’s postarrest silence and related conduct in responding to his lack-of-criminal-responsibility defense, the unobjected-to evidence did not create a substantial likelihood of a miscarriage of justice in the circumstances of the trial. The court also rejected claims involving racial or ethnic prejudice, admission of prior violent conduct, prosecutorial closing argument, and relief under G. L. c. 278, § 33E.

CASE DETAILS

COURT	Massachusetts Supreme Judicial Court
WRITING FOR THE COURT	Cordy, J.
JURISDICTION	Massachusetts
DECIDED	August 14, 2001
DISPOSITION	affirmed
PROCEDURAL POSTURE	Direct appeal from convictions for arson and two counts of murder in the first degree.
STANDARD OF REVIEW	Because most challenged issues were not preserved by objection, the court reviewed them for a substantial likelihood of a miscarriage of justice. Admission of prior bad-act evidence was reviewed for palpable error, and the court reviewed the entire murder trial record under G. L. c. 278, § 33E.
PRECEDENTIAL VALUE	published precedential opinion of the Massachusetts Supreme Judicial Court
PARTIES	Richard Adams v. Commonwealth

TOPICS

- criminal procedure
- evidence
- fourteenth amendment
- character evidence
- appellate procedure

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether the prosecution's use of Adams's postarrest silence and conduct after receiving Miranda warnings, including his refusal to answer questions and requests for medical treatment, violated due process or created a substantial likelihood of a miscarriage of justice when used to rebut his insanity defense.
2. Whether the prosecution improperly used evidence of Adams's postarrest request for counsel to imply guilt.
3. Whether the prosecution improperly attacked Adams's character or appealed to racial, ethnic, or religious prejudice.
4. Whether evidence of Adams's prior violence or threatened violence toward his wife was inadmissible propensity evidence or was properly admitted as relevant to state of mind and the experts' evaluations of criminal responsibility.
5. Whether the prosecutor's closing argument improperly suggested that the jury had a duty to convict by referring to its 'job.'
6. Whether the court should exercise its authority under G. L. c. 278, § 33E, to reduce the murder verdicts or order a new trial.

HOLDINGS

1. Although the Commonwealth's use of postarrest silence and related conduct to rebut Adams's lack-of-criminal-responsibility defense would ordinarily be impermissible, the unobjected-to evidence did not create a substantial likelihood of a miscarriage of justice under the circumstances of this case.
2. There was no error in the prosecutor's use of evidence concerning Adams's postarrest telephone conversations with counsel because the defense first raised and substantively developed that evidence as part of its trial strategy.
3. The prosecutor did not improperly attack Adams's character or appeal to racial, ethnic, or religious prejudice, and the challenged evidence and questioning were not unfairly prejudicial in context.
4. The trial judge did not commit palpable error by admitting evidence of Adams's prior violence or threatened violence toward his wife because the evidence was relevant to his state of mind and to the psychiatric experts' evaluations of criminal responsibility, not merely to prove propensity or bad character.
5. The prosecutor's closing argument was not improper because, considered as a whole, the reference to the jury's 'job' directed the jury to evaluate the evidence and apply the law rather than suggesting that it had a duty to convict.
6. The court declined to exercise its authority under G. L. c. 278, § 33E, to reduce the murder verdicts or order a new trial.

KEY QUOTATIONS

“Evidence of postarrest silence used for the substantive purpose of permitting an inference of guilt or to impeach an exculpatory story violates the due process clause of the Fourteenth Amendment to the United States Constitution.” (811)

“A person is not responsible for criminal conduct if at time of such conduct as a result of mental disease or defect he lacks substantial capacity either to appreciate the criminality [wrongfulness] of his conduct or to conform his conduct to the requirements of the law.” (822 n.2)

FACTUAL BACKGROUND

Adams killed his mother-in-law by repeatedly stabbing and beating her and killed his father-in-law by striking him with a hammer. He then set fire to the family home, reported an altercation and injuries to 911, and voluntarily surrendered at a train station. At trial, he asserted lack of criminal responsibility based on a delusional belief that his in-laws intended to kill him. The prosecution introduced evidence of his postarrest silence, prior violence toward his wife, and conduct and statements bearing on whether he was delusional or capable of organized, rational thought.

PROCEDURAL HISTORY

A jury convicted Adams of arson and two counts of murder in the first degree based on deliberate premeditation and extreme atrocity or cruelty. Adams appealed, challenging the use of his postarrest silence and request for counsel, the admission and use of evidence concerning race, religion, character, and prior violent acts, and the prosecutor's closing argument. The Supreme Judicial Court also conducted the required review under G. L. c. 278, § 33E, and affirmed the convictions.

DISPOSITION

affirmed

CASES CITED

- Commonwealth v. Fowler, 431 Mass. 30, 31, 42 & n.20 (2000)
- Doyle v. Ohio, 426 U.S. 610, 619 (1976)
- Commonwealth v. Mahdi, 388 Mass. 679, 693, 695-698 (1983)
- Wainwright v. Greenfield, 474 U.S. 284, 295 (1986)
- Commonwealth v. DePace, 433 Mass. 379, 383 (2001)
- Commonwealth v. Person, 400 Mass. 136, 141 (1987)
- Commonwealth v. Silva, 431 Mass. 401, 405 (2000)
- Commonwealth v. Fernetto, 398 Mass. 658, 666-667 (1986)
- Commonwealth v. McCaster, 46 Mass. App. Ct. 752, 763 (1999)
- Commonwealth v. Graziano, 368 Mass. 325, 332 (1975)
- Commonwealth v. Phoenix, 409 Mass. 408, 425 (1991)
- Commonwealth v. Boyd, 367 Mass. 169, 185 (1975)

- Commonwealth v. Williams, 428 Mass. 383, 385 (1998)
- Commonwealth v. Marquetty, 416 Mass. 445, 450 (1993)
- Commonwealth v. Kozec, 399 Mass. 514, 518 n.8 (1987)
- Commonwealth v. Trapp, 396 Mass. 202, 206-207 (1985)
- Commonwealth v. Libran, 405 Mass. 634, 640-641 (1989)
- Commonwealth v. McGeoghean, 412 Mass. 839, 841 (1992)
- Commonwealth v. Degro, 432 Mass. 319, 328 (2000)
- Commonwealth v. Rodriquez, 423 Mass. 449, 449 n.1 (1996)
- Commonwealth v. Brown, 411 Mass. 115, 118 (1991)

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