

MASSACHUSETTS SUPREME JUDICIAL COURT

Commonwealth v. Martin

Commonwealth v. Martin · No. SJC-08768 · Decided May 5, 2020

SUMMARY

The Massachusetts Supreme Judicial Court affirmed James Anthony Martin’s conviction of murder in the first degree and the denial of his motion for a new trial. The court rejected his claims of ineffective assistance of counsel, declined to apply retroactively the court’s revised felony-murder rule from Commonwealth v. Brown, and found no prejudicial error in the denial of requested manslaughter instructions. The court also declined to exercise its extraordinary authority under G. L. c. 278, § 33E, to order a new trial or reduce the conviction.

CASE DETAILS

|                       |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
|-----------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| COURT                 | Massachusetts Supreme Judicial Court                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
| WRITING FOR THE COURT | Gants, C.J.; Lenk, J.; Gaziano, J.; Lowy, J.; Budd, J.; Cypher, J.; Kafker, J.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
| JURISDICTION          | Massachusetts                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
| DECIDED               | May 5, 2020                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
| DOCKET                | SJC-08768                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
| DISPOSITION           | affirmed                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
| PROCEDURAL POSTURE    | The defendant appealed from his conviction of murder in the first degree and from the denial of his motion for a new trial, arguing ineffective assistance of counsel, retroactive application of Commonwealth v. Brown, and instructional error. The appeals were consolidated, and the Supreme Judicial Court conducted plenary review under G. L. c. 278, § 33E.                                                                                                                                                                                                                                             |
| STANDARD OF REVIEW    | A tactical or strategic ineffective-assistance claim is evaluated under whether counsel's decision was manifestly unreasonable when made; prejudice requires a substantial likelihood of a miscarriage of justice. A requested manslaughter instruction is required when the evidence, viewed in the light most favorable to the defendant, would permit a manslaughter verdict. Preserved instructional error is prejudicial unless the Commonwealth shows with fair assurance that the judgment was not substantially swayed by the error. The court also conducted plenary review under G. L. c. 278, § 33E. |

**PRECEDENTIAL VALUE**

published precedential opinion

**PARTIES**

James Anthony Martin v. Commonwealth

**TOPICS**

ineffective assistance

criminal procedure

post-conviction relief

appellate procedure

**PRACTICE AREAS**

criminal procedure

constitutional law

post-conviction relief

appellate procedure

homicide

**QUESTIONS PRESENTED**

1. Whether defense counsel's opening statement and alleged inadequate preparation deprived the defendant of the constitutional right to effective assistance of counsel.
2. Whether Commonwealth v. Brown, which changed Massachusetts felony-murder doctrine, applied retroactively to a case tried before Brown but pending on appeal when Brown was decided.
3. Whether the trial judge erred by refusing to instruct the jury on voluntary and involuntary manslaughter.
4. Whether the court should exercise its extraordinary authority under G. L. c. 278, § 33E, to order a new trial or reduce the conviction to second-degree murder.
5. Whether the trial judge was required to instruct on second-degree felony-murder predicated on uncharged felonies.

**HOLDINGS**

1. Counsel's decision to tell the jury that Brown would testify, despite counsel's knowledge that the prosecutor had not decided whether to call him and counsel's own lack of intent to call him, was manifestly unreasonable. However, the error did not create a substantial likelihood of a miscarriage of justice because it was not reasonably likely to have influenced the verdict.
2. Commonwealth v. Brown did not apply retroactively to the defendant's case. Brown changed Massachusetts substantive common law by prospectively altering the felony-murder rule; it did not announce a new Federal constitutional rule or a new Federal rule of criminal procedure.
3. The trial judge erred by refusing the defendant's requested instructions on voluntary and involuntary manslaughter, because the evidence viewed favorably to the defendant could have supported accidental killing, heat of passion arising from reasonable provocation, or sudden combat. The error was not prejudicial.
4. No error occurred when the judge failed to instruct on second-degree felony-murder based on uncharged felonies where no party requested the instruction or brought the issue to the judge's attention at trial.

**KEY QUOTATIONS**

*"The manifestly unreasonable test, therefore, is essentially a search for rationality in counsel's strategic decisions, taking into account all the circumstances known or that should have been known to counsel in the*

*exercise of his [or her] duty to provide effective representation to the client and not whether counsel could have made alternative choices.” (12)*

*“This was not a clarification of existing common law; it constituted a change to our common law.” (18)*

*“A manslaughter instruction is required if the evidence, considered in the light most favorable to a defendant, would permit a verdict of manslaughter . . . .” (22)*

*“Limiting the availability of such a claim to cases where the felony later advanced as presenting a basis for a charge of felony-murder in the second degree was the subject of a separate indictment may strike an appropriate balance.” (26)*

## FACTUAL BACKGROUND

James Anthony Martin went to an apartment in Cambridge during what the victim and the victim's brother believed was a drug transaction. Martin displayed a gun, demanded money, and shot the victim once in the chest from approximately five feet away. Martin fled Massachusetts and remained a fugitive until his apprehension in Canada in 1999; the jury later convicted him of first-degree murder on a felony-murder theory.

## PROCEDURAL HISTORY

The defendant was indicted in the Superior Court Department in 1976 and was tried in 2001. A jury found him guilty of murder in the first degree on a felony-murder theory. In 2016, he moved for a new trial, which a Superior Court judge denied. The Supreme Judicial Court affirmed both the conviction and the denial of the new-trial motion.

## DISPOSITION

affirmed

## CASES CITED

- Commonwealth v. Kolenovic, 471 Mass. 664, 674 (2015), S.C., 478 Mass. 189 (2017)
- Commonwealth v. Acevedo, 446 Mass. 435, 442 (2006)
- Commonwealth v. Field, 477 Mass. 553, 556 (2017)
- Commonwealth v. Brown, 462 Mass. 620, 630 (2012)
- Commonwealth v. Brown, 477 Mass. 805, 807, 822-823 (2017), cert. denied, 139 S. Ct. 54 (2018)
- Commonwealth v. Bin, 480 Mass. 665, 681 (2018)
- Commonwealth v. Phap Buth, 480 Mass. 113, 120, cert. denied, 139 S. Ct. 607 (2018)
- Griffith v. Kentucky, 479 U.S. 314, 328 (1987)
- Commonwealth v. Waters, 400 Mass. 1006, 1007 (1987)
- Fiore v. White, 531 U.S. 225, 228-229 (2001)
- Bunkley v. Florida, 538 U.S. 835, 840 (2003)
- Commonwealth v. Dagley, 442 Mass. 713, 721 n.10 (2004), cert. denied, 544 U.S. 930 (2005)

- Commonwealth v. Pina, 481 Mass. 413, 422 (2019)
- Commonwealth v. Rosado, 428 Mass. 76, 79 (1998)
- Commonwealth v. Flebotte, 417 Mass. 348, 353 (1994)
- Commonwealth v. Brown, 392 Mass. 632, 645 (1984)
- Commonwealth v. Dickerson, 372 Mass. 783, 795-796 (1977)
- Commonwealth v. Paulding, 438 Mass. 1, 10 (2002)
- Commonwealth v. Evans, 390 Mass. 144, 151-152 (1983)
- Commonwealth v. Stokes, 460 Mass. 311, 315-316 (2011)

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