

SUPREME JUDICIAL COURT OF MASSACHUSETTS

Commonwealth v. Skipper Carino

Carino · No. SJC-13737 · Decided December 9, 2025

SUMMARY

The Massachusetts Supreme Judicial Court reversed Skipper Carino's conviction for violating an abuse prevention order under G. L. c. 209A, § 7. The court held that the evidence was insufficient to prove beyond a reasonable doubt that Carino had positioned himself sufficiently close to the protected residence to be able to abuse or contact the protected person. The court set aside the verdict, reversed the conviction, and remanded for entry of judgment in the defendant's favor.

CASE DETAILS

COURT	Supreme Judicial Court of Massachusetts
WRITING FOR THE COURT	Dewar, J.; Budd, C.J.; Gaziano, J.; Kafker, J.; Wendlandt, J.; Georges, J.; Wolohojian, J.
JURISDICTION	Supreme Judicial Court of Massachusetts
DECIDED	December 9, 2025
DOCKET	SJC-13737
DISPOSITION	reversed_and_remanded
PROCEDURAL POSTURE	The defendant appealed his conviction for violating an abuse prevention order, challenging the sufficiency of the evidence supporting the Commonwealth's theory that he violated the order's stay-away provision. The Supreme Judicial Court granted further appellate review after the Appeals Court affirmed the conviction.
STANDARD OF REVIEW	The court reviewed the sufficiency of the evidence by asking whether, viewing the evidence in the light most favorable to the Commonwealth, any rational trier of fact could have found the essential elements of the crime beyond a reasonable doubt.
PRECEDENTIAL VALUE	published
PARTIES	Skipper Carino v. Commonwealth

TOPICS

- criminal procedure
- evidence
- domestic violence
- suppression of evidence

PRACTICE AREAS

criminal procedure

evidence

domestic violence

protective orders

QUESTIONS PRESENTED

1. Whether the evidence was sufficient to prove beyond a reasonable doubt that Carino violated the stay-away provision by positioning himself sufficiently close to the victim's property that he could physically abuse or contact her if she were on the property or entering or leaving it.
2. Whether the defendant's presence in the general vicinity of the protected property and his intent to violate the order, without proof that he reached a qualifying vantage point or otherwise could physically contact or abuse the victim, established a violation of the stay-away provision.

HOLDINGS

1. The evidence was insufficient to prove beyond a reasonable doubt that, when arrested on the opposite side of the block, Carino had positioned himself sufficiently proximate to the victim's property that he could abuse or physically contact her if she were on the property or entering or leaving it.
2. Evidence that a defendant reached the vicinity of protected property while intending to violate an abuse prevention order does not, by itself, prove that he breached the physical zone established by the order's stay-away provision.

KEY QUOTATIONS

"The zone of separation created by an order to stay away from a particular address does not shrink or expand based on whether the defendant intends to violate the order." (at 249-250)

"Accordingly, evidence that the defendant reached the vicinity of the protected property with the intent to violate the 209A order does not alone suffice to prove that he actually breached the protected physical zone 'tethered to the property boundary, and to places proximate to it,' defined by sufficient proximity to the property 'that he would be able to abuse or to contact the plaintiff, in the event that the plaintiff were on the property, or entering or leaving it.'" (at 249-250)

FACTUAL BACKGROUND

A valid abuse prevention order required Carino to leave and stay away from the victim's residence and prohibited him from contacting the victim or her children. Carino approached the victim's neighborhood, walked along a parallel street, and was arrested near a house directly behind the victim's residence, approximately 200 feet away and separated by backyards, trees, and a shed. The evidence showed that he intended to observe whether the children were in the victim's backyard, but it did not establish that he could observe, contact, or abuse the victim from his location if she were on or entering or leaving the property.

PROCEDURAL HISTORY

The defendant was charged in the Cambridge Division of the District Court Department with violating G. L. c. 209A, § 7. After a jury convicted him and he was sentenced to one year in a house of correction, the trial judge denied his motions for a required finding of not guilty. The Appeals Court affirmed the conviction at 104 Mass.

App. Ct. 578, 586 (2024). The Supreme Judicial Court allowed further appellate review, reversed the conviction, and remanded for entry of judgment for the defendant.

DISPOSITION

reversed_and_remanded

REMAND INSTRUCTIONS

Set aside the verdict, reverse the conviction, and remand for entry of judgment in favor of the defendant.

CASES CITED

- Commonwealth v. Watson, 94 Mass. App. Ct. 244, 248-250 (2018)
- Commonwealth v. Carino, 104 Mass. App. Ct. 578, 582-583, 586 (2024)
- MacDonald v. Caruso, 467 Mass. 382, 385 (2014)
- Commonwealth v. Gordon, 407 Mass. 340, 344, 347 (1990)
- Commonwealth v. Dufresne, 489 Mass. 195, 198-200 (2022)
- Commonwealth v. Kulesa, 455 Mass. 447, 452 (2009)
- Commonwealth v. Delaney, 425 Mass. 587, 596-597 (1997), cert. denied, 522 U.S. 1058 (1998)
- Commonwealth v. Latimore, 378 Mass. 671, 677-678 (1979)
- Commonwealth v. Gonzalez, 475 Mass. 396, 407 (2016)
- Commonwealth v. Swafford, 441 Mass. 329, 343 (2004)
- Commonwealth v. Goldman, 94 Mass. App. Ct. 222, 226 (2018)
- Commonwealth v. Telcinord, 94 Mass. App. Ct. 232, 233, 241 (2018)
- Commonwealth v. Kendrick, 446 Mass. 72, 75-76 (2006)