

SUPREME JUDICIAL COURT OF MASSACHUSETTS

Commonwealth v. DiPadova

460 Mass. 424 (2011) · No. SJC-10743 · Decided August 22, 2011

SUMMARY

The Supreme Judicial Court of Massachusetts reversed the defendant's first-degree murder conviction because the jury instructions concerning criminal responsibility and the interaction between mental illness and voluntary drug use were flawed and created a substantial likelihood of a miscarriage of justice. The court held that the instructions failed to explain when drug use aggravating an existing mental disease does not defeat the defense and improperly omitted a required knowledge consideration in certain circumstances. The court also discussed confrontation concerns arising from substitute medical examiner testimony about an autopsy, but did not decide whether that error independently warranted relief because a new trial was required.

CASE DETAILS

COURT	Supreme Judicial Court of Massachusetts
WRITING FOR THE COURT	Botsford, J.; Ireland, C.J.; Spina, J.; Gants, J.; Duffly, J.
JURISDICTION	Massachusetts
DECIDED	August 22, 2011
DOCKET	SJC-10743
DISPOSITION	reversed_and_remanded
PROCEDURAL POSTURE	Direct appeal from a first-degree murder conviction. The defendant challenged the criminal-responsibility jury instructions and the admission of autopsy findings through a substitute medical examiner.
STANDARD OF REVIEW	Because the defendant did not object to the jury instruction at trial, the court reviewed the instructional error for a substantial likelihood of a miscarriage of justice, asking whether the error was likely to have influenced the jury's conclusion.
PRECEDENTIAL VALUE	published precedential opinion
PARTIES	Nino DiPadova v. Commonwealth

TOPICS

- criminal procedure
- jury instructions
- evidence
- sixth amendment

PRACTICE AREAS

criminal law

criminal procedure

evidence

constitutional law

QUESTIONS PRESENTED

1. Whether the jury instructions adequately explained the interaction between voluntary drug consumption and a preexisting mental disease or defect in determining criminal responsibility.
2. Whether the admission of autopsy findings through testimony by a substitute medical examiner violated the defendant's confrontation rights.

HOLDINGS

1. The instructions were flawed and incomplete because they failed to explain that drug use that merely aggravates a mental disease or defect does not defeat a lack-of-criminal-responsibility defense when the mental disease or defect independently caused the defendant to lack substantial capacity. The instructions also improperly stated that drug use activating the defendant's mental illness established criminal responsibility without requiring proof that the defendant knew or reasonably should have known that the drugs would cause the loss of substantial capacity.
2. The court did not decide whether the substitute medical examiner's testimony created a substantial likelihood of a miscarriage of justice because reversal was independently required by the erroneous criminal-responsibility instructions. The court noted that the testimony implicated confrontation rights under *Commonwealth v. Nardi* and indicated that the issue should be addressed at retrial.

KEY QUOTATIONS

"The legally relevant question is not whether the defendant consumed alcohol or drugs, but what was the cause of his loss of substantial capacity: the consumption or the mental condition?" (460 Mass. at 432)

"The defendant is 'entitled to a new trial, with instructions that adequately clarify the ... issues presented to the jury.'" (460 Mass. at 437)

"We trust that, at a retrial of the defendant, such testimony will be recognized as raising a Nardi issue, and the defendant can make an informed decision about how to proceed with a full understanding of his rights." (460 Mass. at 438)

FACTUAL BACKGROUND

The victim, Nancy Carignan, was found stabbed approximately one hundred times in her Lowell home in July 2004. The defendant had a longstanding history of serious mental illness, including bipolar disorder with psychotic features and PTSD, and regularly experienced auditory hallucinations; he also used alcohol and drugs, including cocaine. At trial, defense expert testimony attributed the killing to mental illness and command hallucinations, while the Commonwealth's expert disputed that the defendant lacked criminal responsibility and emphasized substance abuse and possible fabrication or exaggeration of symptoms.

PROCEDURAL HISTORY

The defendant was convicted of murder in the first degree on theories of deliberate premeditation and extreme atrocity or cruelty. He appealed directly, arguing that the criminal-responsibility instructions were erroneous and that substitute medical examiner testimony concerning the autopsy violated his confrontation rights. The Supreme Judicial Court reversed the conviction and set aside the verdict because the jury instructions created a substantial likelihood of a miscarriage of justice, and remanded for a new trial.

DISPOSITION

reversed_and_remanded

REMAND INSTRUCTIONS

The judgment was reversed, the verdict was set aside, and the case was remanded for a new trial with jury instructions that adequately clarify the interaction between mental disease or defect, voluntary drug or alcohol consumption, aggravation or triggering of mental illness, and the defendant's knowledge of those effects.

CASES CITED

- Commonwealth v. McHoul, 352 Mass. 544, 546-547, 555 (1967)
- Commonwealth v. McGrath, 358 Mass. 314, 319-320 (1970)
- Commonwealth v. Herd, 413 Mass. 834, 839, 842 (1992)
- Commonwealth v. Sheehan, 376 Mass. 765, 770 (1978)
- Commonwealth v. Berry, 457 Mass. 602, 603, 614-619 (2010)
- Commonwealth v. Angelone, 413 Mass. 82, 86-87 (1992)
- Commonwealth v. Brennan, 399 Mass. 358, 359-360, 363 (1987)
- Commonwealth v. Shelley, 381 Mass. 340, 343-345 (1980)
- Commonwealth v. Wright, 411 Mass. 678, 682 (1992)
- Commonwealth v. Nardi, 452 Mass. 379, 389, 392-394 (2008)
- Commonwealth v. McCowen, 458 Mass. 461, 481 (2010)
- Commonwealth v. Durand, 457 Mass. 574, 587 n.14 (2010)