

SUPREME JUDICIAL COURT OF MASSACHUSETTS

Commonwealth v. Walker

466 Mass. 268 (2013) · Decided August 12, 2013

SUMMARY

The Massachusetts Supreme Judicial Court affirmed the denial of Stevie Walker’s motion to suppress statements made to police and affirmed his conviction of murder in the first degree under a theory of extreme atrocity or cruelty. The court held that Walker knowingly, intelligently, and voluntarily waived his Miranda rights, that his statements were voluntary, and that his written waiver of the right to prompt arraignment was valid. The court also rejected his claim concerning the statutory right to make a telephone call and found no basis to exercise its authority under G. L. c. 278, § 33E.

CASE DETAILS

COURT	Supreme Judicial Court of Massachusetts
WRITING FOR THE COURT	Ireland, C.J.
JURISDICTION	Massachusetts
DECIDED	August 12, 2013
DISPOSITION	affirmed
PROCEDURAL POSTURE	Direct appeal from a first-degree murder conviction and the denial of a motion to suppress statements.
STANDARD OF REVIEW	The court accepts subsidiary findings on a motion to suppress absent clear error but independently reviews ultimate findings and conclusions of law. Jury-instruction claims are reviewed for error and, if error exists, prejudice; the charge is considered as a whole for its probable impact on the jury.
PRECEDENTIAL VALUE	Published Massachusetts Supreme Judicial Court opinion; precedential.
PARTIES	Stevie Walker v. Commonwealth

TOPICS

- suppression of evidence
- miranda rights
- jury instructions
- criminal procedure
- constitutional law

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether Walker knowingly, intelligently, and voluntarily waived his Miranda rights.
2. Whether Walker's statements were voluntary under the totality of the circumstances.
3. Whether Walker's written waiver of the right to a prompt arraignment under *Commonwealth v. Rosario* was voluntary and whether the delay required suppression.
4. Whether the police's delayed advisement of Walker's statutory right to make a telephone call required suppression of evidence.
5. Whether the jury instructions adequately explained how mental impairment and voluntary drug consumption could bear on the *Cunneen* factors for murder committed with extreme atrocity or cruelty.

HOLDINGS

1. The Commonwealth proved beyond a reasonable doubt that Walker knowingly, intelligently, and voluntarily waived his Miranda rights.
2. Walker's statements were voluntary and were not the product of police conduct that overbore his will.
3. The written waiver of Walker's right to a prompt arraignment was voluntary, and the statements were not subject to suppression under the *Rosario* rule.
4. Although police violated G. L. c. 276, § 33A by failing to inform Walker promptly of his telephone-call right, suppression was not required because the violation was not intentional.
5. The jury instructions, considered as a whole, adequately permitted consideration of mental impairment and voluntary drug consumption both in evaluating malice and in determining whether the killing was committed with extreme atrocity or cruelty; the isolated use of 'and/or' was harmless.

KEY QUOTATIONS

“In reviewing a [decision] on a motion to suppress, we accept the judge’s subsidiary findings of fact absent clear error ‘but conduct an independent review of his ultimate findings and conclusions of law.’” (270)

“Due process requires a separate inquiry into the voluntariness of [a defendant’s] statement, apart from the validity of the Miranda waiver.” (277)

“Only an intentional violation of the statute requires suppression of evidence.” (278)

FACTUAL BACKGROUND

Police investigating a fatal stabbing focused on Walker after finding blood evidence and a dreadlock at the crime scene and receiving information that he had entered the building. Two days after the killing, Walker went to a police station, where officers administered Miranda warnings and later homicide detectives obtained written waivers and recorded an interview. Walker had used crack cocaine several days earlier, was tired and hungry during the interview, and had a hand injury, but officers and the motion judge found no impairment or coercive circumstances. At trial, the evidence included eyewitness identification and DNA evidence linking Walker to the

victim and crime scene; the defense argued that mental impairment and cocaine use prevented the requisite criminal intent.

PROCEDURAL HISTORY

A jury convicted Walker of murder in the first degree on a theory of extreme atrocity or cruelty. Before trial, a motion judge denied Walker's motion to suppress statements, except for one question-and-answer exchange not at issue on appeal. The Supreme Judicial Court affirmed the suppression ruling and conviction and found no basis for extraordinary relief under G. L. c. 278, § 33E.

DISPOSITION

affirmed

CASES CITED

- Commonwealth v. Rosario, 422 Mass. 48, 56 (1996)
- Commonwealth v. Scott, 440 Mass. 642, 646 (2004)
- Commonwealth v. Jimenez, 438 Mass. 213, 218 (2002)
- Commonwealth v. Isaiah I., 448 Mass. 334, 337 (2007)
- Commonwealth v. LeBeau, 451 Mass. 244, 254-255 (2008)
- Commonwealth v. Bins, 465 Mass. 348, 355 (2013)
- Commonwealth v. Medeiros, 395 Mass. 336, 343 (1985)
- Commonwealth v. Tolan, 453 Mass. 634, 642 (2009)
- Commonwealth v. Mandile, 397 Mass. 410, 413 (1986)
- E.C.O. v. Compton, 464 Mass. 558, 562 (2013)
- Commonwealth v. LeBlanc, 433 Mass. 549, 554 (2001)
- Commonwealth v. Doucette, 391 Mass. 443, 448-450 (1984)
- Commonwealth v. Freeman, 430 Mass. 111, 115 (1999)
- Commonwealth v. Morales, 461 Mass. 765, 777-778 (2012)
- Commonwealth v. McCowen, 458 Mass. 461, 472 (2010)
- Commonwealth v. Durand, 457 Mass. 574, 596-597 (2010)
- Commonwealth v. Magee, 423 Mass. 381, 387 (1996)
- Commonwealth v. Selby, 420 Mass. 656, 663 (1995)
- Commonwealth v. Edwards, 420 Mass. 666, 669 (1995)
- Commonwealth v. Siny Van Tran, 460 Mass. 535, 563 (2011)
- Commonwealth v. Johnson, 422 Mass. 420, 429 (1996)
- Commonwealth v. Leahy, 445 Mass. 481, 489 (2005)
- Commonwealth v. Rodriguez, 58 Mass. App. Ct. 610, 622 (2003)
- Commonwealth v. Cunneen, 389 Mass. 216, 227 (1983)

- Commonwealth v. Williams, 439 Mass. 678, 682 (2003)
- Commonwealth v. Batchelder, 407 Mass. 752, 759 (1990)
- Commonwealth v. Richards, 384 Mass. 396, 399-400 (1981)
- Commonwealth v. Owens, 414 Mass. 595, 607 (1993)
- Commonwealth v. Szlachta, 463 Mass. 37, 45-46, 49 (2012)
- Commonwealth v. Silanskas, 433 Mass. 678, 688 n.11 (2001)
- Commonwealth v. Vazquez, 387 Mass. 96, 100 (1982)

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