

SUPREME JUDICIAL COURT OF MASSACHUSETTS

Commonwealth v. Taylor

469 Mass. 516 (2014) · No. SJC-11398 · Decided August 29, 2014

SUMMARY

The Supreme Judicial Court of Massachusetts reviewed Rodrick James Taylor's conviction of murder in the second degree. The court held that the trial judge did not abuse discretion in denying Taylor's motion to dismiss for lack of a speedy trial under Mass. R. Crim. P. 36, although it modified the treatment of delays caused by motions to compel mandatory discovery under Mass. R. Crim. P. 14. The court also concluded that improper remarks in the prosecutor's closing argument did not constitute reversible error.

CASE DETAILS

COURT	Supreme Judicial Court of Massachusetts
WRITING FOR THE COURT	Lenk, J.; Ireland, C.J.; Spina, J.; Cordy, J.; Botsford, J.; Gants, J.; Duffly, J.
JURISDICTION	Massachusetts
DECIDED	August 29, 2014
DOCKET	SJC-11398
DISPOSITION	affirmed
PROCEDURAL POSTURE	Taylor appealed from his second-degree murder conviction and from the denial of his motion for a new trial. The Appeals Court affirmed, and the Supreme Judicial Court granted further appellate review limited to the direct appeal.
STANDARD OF REVIEW	The denial of the rule 36 speedy-trial motion was reviewed for abuse of discretion. The prosecutor's closing argument was assessed in light of the entire argument, the judge's instructions, and the trial evidence; reversal depended on whether the remarks constituted prejudicial error.
PRECEDENTIAL VALUE	Published Massachusetts Supreme Judicial Court opinion; precedential
PARTIES	Rodrick James Taylor v. Commonwealth

TOPICS

- speedy trial
- discovery criminal
- criminal procedure
- prosecutorial misconduct
- appellate procedure

PRACTICE AREAS

criminal procedure

constitutional law

appellate procedure

homicide

QUESTIONS PRESENTED

1. Whether the Superior Court abused its discretion by denying Taylor's motion to dismiss under Mass. R. Crim. P. 36 for failure to bring him to trial within twelve months.
2. Whether delays caused by the Commonwealth's failure to provide mandatory discovery under Mass. R. Crim. P. 14 should automatically be excluded from the rule 36 speedy-trial calculation.
3. Whether improper remarks in the prosecutor's closing argument required reversal of Taylor's conviction and a new trial.

HOLDINGS

1. The Superior Court did not abuse its discretion in denying Taylor's motion to dismiss because, although 614 calendar days elapsed before the motion, Taylor acquiesced in or benefited from at least 388 days of delay, exceeding the 249 days the Commonwealth was required to justify.
2. When the Commonwealth fails to produce mandatory discovery under Mass. R. Crim. P. 14(a)(1), the time required to resolve a defendant's motion to compel or for sanctions under rule 14(a)(1)(C) is not automatically excluded from the rule 36 speedy-trial calculation. The judge must determine case by case whether the delay should count against the Commonwealth.
3. The prosecutor's characterization of the defense theory as a 'bald-face lie' and invocation of the jurors' oath were improper, but the remarks did not constitute prejudicial error requiring reversal.

KEY QUOTATIONS

"A defendant must decide in those circumstances whether to press a motion to compel production of the requisite discovery, aware that, under extant case law, doing so automatically will stop the running of the speedy trial clock, notwithstanding the time it may take to resolve such a motion." (slip op. at 3-4)

"A defendant should not be required to choose between the right to mandatory discovery and the right to a speedy trial." (slip op. at 21)

"In order that a defendant freely may pursue the discovery he is due without thereby sacrificing his rule 36 rights, the time it takes to resolve the rule 14 (a) (1) (c) motion shall not be excluded automatically from the ultimate speedy trial calculation." (slip op. at 21-22)

"Both statements were ill-advised and should not have been made." (slip op. at 25)

FACTUAL BACKGROUND

The Commonwealth's evidence showed that Dominique Samuels was strangled in a Roxbury apartment and that her body was later burned in Franklin Park. Martin McCray testified that Taylor confessed to killing Samuels, sought a vehicle to dispose of the body, and said he would burn the victim's fingertips. Physical and DNA

evidence corroborated Taylor's presence at the relevant locations, while the defense argued that Martin was the actual killer and had falsely accused Taylor.

PROCEDURAL HISTORY

A Suffolk County grand jury indicted Taylor for first-degree murder. The Superior Court denied his motion to dismiss for lack of a speedy trial, tried the case, and entered judgment after the jury convicted him of second-degree murder. A later motion for a new trial was denied by a different judge; the Appeals Court affirmed the conviction after consolidating the appeals, and the Supreme Judicial Court granted further appellate review of only the direct appeal.

DISPOSITION

affirmed

CASES CITED

- Barry v. Commonwealth, 390 Mass. 285 (1983)
- Barker v. Wingo, 407 U.S. 514 (1972)
- Commonwealth v. Lauria, 411 Mass. 63 (1991)
- Commonwealth v. Frith, 458 Mass. 434 (2010)
- Commonwealth v. Look, 379 Mass. 893 (1980)
- Commonwealth v. Mattos, 404 Mass. 672 (1989)
- Commonwealth v. Bourdon, 71 Mass. App. Ct. 420 (2008)
- Commonwealth v. Fling, 67 Mass. App. Ct. 232 (2006)
- Commonwealth v. Sigman, 41 Mass. App. Ct. 574 (1996)
- Commonwealth v. Vasquez, 55 Mass. App. Ct. 523 (2002)
- Commonwealth v. Amidon, 428 Mass. 1005 (1998)
- Commonwealth v. Wysocki, 28 Mass. App. Ct. 45 (1989)
- United States v. Hastings, 847 F.2d 920 (1st Cir. 1988), cert. denied, 488 U.S. 925 (1988)
- Commonwealth v. Lewis, 465 Mass. 119 (2013)
- Commonwealth v. Kozec, 399 Mass. 514 (1987)
- Commonwealth v. Burgos, 462 Mass. 53 (2012)
- Commonwealth v. Degro, 432 Mass. 319 (2000)
- Commonwealth v. Cunneen, 389 Mass. 216 (1983)
- Commonwealth v. Grandison, 433 Mass. 135 (2001)
- Commonwealth v. Taylor, 83 Mass. App. Ct. 1106 (2013)