

MASSACHUSETTS SUPREME JUDICIAL COURT

Commonwealth v. Groome

435 Mass. 201 (2001) · Decided October 5, 2001

SUMMARY

The Massachusetts Supreme Judicial Court affirmed the defendant’s first-degree murder conviction. The court held that the defendant was not in custody during his initial interactions with police, that Miranda warnings were not required before that point, and that his later waiver and confession were voluntary.

CASE DETAILS

COURT	Massachusetts Supreme Judicial Court
WRITING FOR THE COURT	Sosman, J.
JURISDICTION	Massachusetts
DECIDED	October 5, 2001
DISPOSITION	affirmed
PROCEDURAL POSTURE	The defendant appealed his first-degree murder conviction, challenging the denial of his motion to suppress statements and the refusal to instruct the jury on voluntary manslaughter. He also requested relief under Mass. Gen. Laws ch. 278, § 33E.
STANDARD OF REVIEW	The court accepted the motion judge's subsidiary factual findings and gave substantial deference to ultimate conclusions supported by the evidence, but independently reviewed the correctness of applying constitutional principles to those facts. The requested voluntary-manslaughter instruction was assessed under the evidence viewed in the light most favorable to the defendant.
PRECEDENTIAL VALUE	Published, precedential opinion of the Massachusetts Supreme Judicial Court
PARTIES	Commonwealth v. Groome

TOPICS

- criminal procedure
- miranda rights
- right to counsel
- suppression of evidence
- appellate procedure

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether the defendant was in custody or subjected to interrogation before receiving Miranda warnings, requiring suppression of his earlier statements.
2. Whether police improperly interfered with the defendant's asserted right to counsel when he asked whether he needed a solicitor or attorney before custodial interrogation began.
3. Whether the defendant's Miranda waiver was voluntary despite his hesitation to sign the waiver form and the officers' conditioning a requested walk on his signature.
4. Whether the evidence warranted a jury instruction on voluntary manslaughter based on Korpela's statement that she had AIDS and had probably transmitted it to the defendant.
5. Whether the court should exercise its authority under Mass. Gen. Laws ch. 278, § 33E, to reduce the verdict or order a new trial.

HOLDINGS

1. The defendant was not in custody during the initial encounter at the school, the ride to the Cape, or the interview at the barracks before police confronted him with the blood evidence; moreover, the initial encounter did not involve interrogation. His prewarning statements therefore were properly admitted.
2. The police did not violate a constitutional right to counsel by failing to provide counsel or cease questioning when the defendant asked whether he needed a solicitor, because the inquiry occurred before custodial interrogation and before formal adversary proceedings had begun.
3. The defendant knowingly and voluntarily waived his Miranda rights, and his hesitation to sign the written waiver did not invalidate the oral waiver he had already given.
4. The trial judge properly refused to instruct on voluntary manslaughter because, even viewing the evidence favorably to the defendant, the evidence showed that he had cooled off before the killing and that the statements immediately preceding the attack were insults and arguments rather than adequate provocation.
5. The court declined to reduce the verdict or order a new trial under its extraordinary review authority.

KEY QUOTATIONS

“The crucial question is whether, considering all the circumstances, a reasonable person in the defendant’s position would have believed that he was in custody.” (435 Mass. at 211)

“A person who is not being subjected to custodial interrogation is free to stop talking with the police and free to leave, whether for the purpose of consulting counsel or for any other reason, but that person does not have any right to counsel unless and until the interview becomes custodial.” (435 Mass. at 216)

“The issue is whether the defendant knowingly and voluntarily waived his right to remain silent, not whether he was willing to provide the officers with signed documentation of that waiver.” (435 Mass. at 218)

“The evidence must be sufficient to create a reasonable doubt in the minds of a rational jury that a defendant’s actions were both objectively and subjectively reasonable.” (435 Mass. at 220)

FACTUAL BACKGROUND

The defendant's girlfriend, Elsie Korpela, was found dead beneath the defendant's automobile, and Korpela's Volvo was found in the defendant's possession. Police located the defendant at his workplace, brought him voluntarily to a police barracks, and questioned him informally before learning that blood had been found on the Volvo. The defendant was then arrested, given Miranda warnings, and eventually signed a written waiver after repeatedly speaking with officers and being told that a requested walk could occur only after he signed the waiver. During the walk, he spontaneously stated that he had killed Korpela and later gave a detailed confession.

PROCEDURAL HISTORY

After a three-day evidentiary hearing, the motion judge denied the defendant's motion to suppress his prewarning statements and postwarning confession. At trial, the defendant was convicted of murder in the first degree committed with deliberate premeditation and extreme atrocity or cruelty. The Supreme Judicial Court affirmed the conviction and declined to reduce the verdict or order a new trial under § 33E.

DISPOSITION

affirmed

CASES CITED

- Commonwealth v. Parker, 402 Mass. 333, 339 (1988), S.C., 412 Mass. 353 (1992), and 420 Mass. 242 (1995)
- Commonwealth v. Haas, 373 Mass. 545, 550-551 (1977), S.C., 398 Mass. 806 (1986)
- Brewer v. Williams, 430 U.S. 387, 403 (1977)
- Commonwealth v. Damiano, 422 Mass. 10, 13 (1996)
- Commonwealth v. Morse, 427 Mass. 117, 121-127 (1998)
- Commonwealth v. Bryant, 390 Mass. 729, 737 (1984)
- Commonwealth v. Accaputo, 380 Mass. 435, 452 (1980)
- Commonwealth v. Duguay, 430 Mass. 397, 400-401 (1999)
- Commonwealth v. Gil, 393 Mass. 204, 212 (1984), quoting Commonwealth v. Bookman, 386 Mass. 657, 660 (1982)
- Commonwealth v. Torres, 424 Mass. 792, 796-797 (1997), quoting Rhode Island v. Innis, 446 U.S. 291, 300-301 (1980)
- Davis v. United States, 512 U.S. 452, 457 (1994)
- United States v. Gouveia, 461 U.S. 180, 188 (1984)
- Michigan v. Tucker, 417 U.S. 433, 443-444 (1974)
- Commonwealth v. Philip S., 414 Mass. 804, 813 n.7 (1993)
- O'Tinger v. State, 342 So. 2d 1343 (Ala. Crim. App. 1977)

- State v. McVay, 127 Ariz. 18, 20 (1980)
- People v. Davis, 29 Cal. 3d 814, 826 (1981)
- Commonwealth v. Lester, 392 Pa. Super. 66, Commonwealth v. Lester, 392 Pa. Super. 66 (1990)
- State v. Furman, 122 Wash. 2d 440, 451 (1993)
- Commonwealth v. Jackson, 377 Mass. 319, 326-329 (1979)
- Commonwealth v. Dustin, 373 Mass. 612, 613, 615 (1977), cert. denied, 435 U.S. 943 (1978)
- Commonwealth v. Edwards, 420 Mass. 666, 673 (1995)
- Commonwealth v. Vanderpool, 367 Mass. 743, 745-746 (1975)
- Commonwealth v. Andrade, 422 Mass. 236, 237 (1996)
- Commonwealth v. Schnopps, 383 Mass. 178, 180-181 (1981), S.C., 390 Mass. 722 (1984)
- Commonwealth v. McLeod, 394 Mass. 727, 738, cert. denied, 474 U.S. 919 (1985)
- Commonwealth v. Bermudez, 370 Mass. 438, 440-442 (1976)
- Commonwealth v. Estremera, 383 Mass. 382, 392 (1981)
- Commonwealth v. Benjamin, 430 Mass. 673, 680 (2000)
- Commonwealth v. Powell, 433 Mass. 399, 399 n.1 (2001)
- Commonwealth v. Fryar, 414 Mass. 732, 742 n.8 (1993), S.C., 425 Mass. 237, cert. denied, 522 U.S. 1033 (1997)
- Commonwealth v. Burgess, 434 Mass. 307, 314 (2001)
- Commonwealth v. Freeman, 430 Mass. 111, 115 (1999)
- Commonwealth v. Pina, 430 Mass. 66, 70 n.8 (1999)
- Commonwealth v. Larkin, 429 Mass. 426, 438 n.10 (1999)
- Commonwealth v. Fernandes, 427 Mass. 90, 98 (1998)
- Commonwealth v. Diaz, 422 Mass. 269, 273 (1996)

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