

SUPREME JUDICIAL COURT OF MASSACHUSETTS

Commonwealth v. Dinkins

440 Mass. 715 (2004) · Decided January 22, 2004

SUMMARY

The Massachusetts Supreme Judicial Court affirmed William F. Dinkins’s first-degree felony-murder conviction. The court held that the trial judge properly denied suppression based on the Commonwealth’s destruction of ballistics evidence, correctly instructed the jury regarding reasonable and possible inferences, and did not find ineffective assistance of counsel. The court also found no basis for relief under its review pursuant to G. L. c. 278, § 33E.

CASE DETAILS

COURT	Supreme Judicial Court of Massachusetts
WRITING FOR THE COURT	Cordy, J.
JURISDICTION	Massachusetts
DECIDED	January 22, 2004
DISPOSITION	affirmed
PROCEDURAL POSTURE	After a jury trial, Dinkins was convicted of felony-murder in the first degree and appealed, challenging the denial of his motion to suppress evidence-related testimony, the effectiveness of trial counsel, and the jury instructions. The Supreme Judicial Court also conducted the review required by Mass. Gen. Laws ch. 278, § 33E.
STANDARD OF REVIEW	The denial of a motion to dismiss or suppress based on the Commonwealth's loss or destruction of exculpatory evidence is reviewed for clear abuse of discretion. Ineffective-assistance claims in murder cases are reviewed to determine whether counsel committed error and, if so, whether the error created a substantial likelihood of a miscarriage of justice. Counsel's tactical decision constitutes ineffective assistance only if it was manifestly unreasonable when made.
PRECEDENTIAL VALUE	Published Massachusetts Supreme Judicial Court opinion; binding precedent in Massachusetts.
PARTIES	William F. Dinkins v. Commonwealth

TOPICS

suppression of evidence

criminal procedure

jury instructions

ineffective assistance

appellate procedure

PRACTICE AREAS

criminal procedure

evidence

appellate procedure

ineffective assistance of counsel

QUESTIONS PRESENTED

1. Whether the trial judge erred in denying Dinkins's motion to suppress testimony and ballistics reports after the Commonwealth destroyed the handgun and other ballistics evidence.
2. Whether the jury instruction that circumstantial-evidence inferences need only be reasonable and possible improperly lowered the Commonwealth's burden of proof.
3. Whether trial counsel was ineffective for failing to emphasize during closing argument an inconsistency in Joyner's testimony concerning the timing of the robbery.
4. Whether the cumulative effect of alleged trial errors required reversal or reduction of the conviction under Mass. Gen. Laws ch. 278, § 33E.

HOLDINGS

1. A defendant seeking relief based on the Commonwealth's loss or destruction of potentially exculpatory evidence must first present concrete evidence establishing a reasonable possibility that access to the evidence would have produced favorable evidence; Dinkins failed to make that showing, and the denial of his motion to suppress was not a clear abuse of discretion.
2. An instruction that inferences from circumstantial evidence need only be reasonable and possible accurately states Massachusetts law and does not lower the Commonwealth's burden of proof.
3. Counsel was not ineffective for failing to highlight every inconsistency in Joyner's testimony during closing argument because counsel had effectively developed the inconsistency and emphasized other credibility issues; the strategic choice was not manifestly unreasonable.
4. The court's complete review of the record disclosed no reason to reverse or reduce Dinkins's first-degree murder conviction.

KEY QUOTATIONS

“A defendant who seeks relief from the loss or destruction of potentially exculpatory evidence has the initial burden ... to establish “a ‘reasonable possibility, based on concrete evidence rather than a fertile imagination,’ that access to the [evidence] would have produced evidence favorable to his cause”” (717)

“In this formulation, “possible” is not a lesser alternative to “reasonable.” Rather, the two words function in a synergistic manner: each raises the standard imposed by the other.” (721)

FACTUAL BACKGROUND

In 1989, two hooded men robbed a Boston convenience store, and one shot and killed Cosimiro Dos Santos with a .25 caliber handgun. Police later matched shell casings and the fatal bullet to ballistics evidence from other shootings and to a .25 caliber handgun seized from a bedroom shared by Dinkins and Adell Joyner, but the handgun and some ballistics evidence were destroyed during the intervening years. Joyner, who entered a plea agreement, testified that Dinkins carried the gun and fired the fatal shots.

PROCEDURAL HISTORY

A Superior Court jury found Dinkins guilty of felony-murder in the first degree. The trial judge denied Dinkins's motion to suppress testimony and ballistics reports concerning evidence destroyed by the Commonwealth. On direct appeal, the Supreme Judicial Court rejected his claims and affirmed the conviction after reviewing the entire record under section 33E.

DISPOSITION

affirmed

CASES CITED

- Commonwealth v. Patten, 401 Mass. 20 (1987)
- Commonwealth v. Neal, 392 Mass. 1, 12 (1984)
- Commonwealth v. Willie, 400 Mass. 427, 432 (1987)
- Commonwealth v. Cintron, 438 Mass. 779, 784-785 (2003)
- Commonwealth v. O'Day, ante 296, 307 (2003)
- Commonwealth v. Gomes, 403 Mass. 258, 277 (1988)
- Commonwealth v. Ellis, 373 Mass. 1, 5-6 (1977)
- Commonwealth v. Wallis, ante 589, 593 (2003)
- Commonwealth v. Evans, 439 Mass. 184, 200 (2003)
- Newman v. Commonwealth, 437 Mass. 599, 602 (2002)
- Commonwealth v. Marshall, 434 Mass. 358, 361 (2001)
- Commonwealth v. Lodge, 431 Mass. 461, 465 (2000)
- Commonwealth v. Lynch, 439 Mass. 532, 537 (2003)
- Commonwealth v. Gaboriault, 439 Mass. 84, 90 (2003)
- Commonwealth v. Coonan, 428 Mass. 823, 827 (1999)
- Commonwealth v. Olszewski, 401 Mass. 749 (1988), S.C., 416 Mass. 707 (1993), cert. denied, 513 U.S. 835 (1994)
- Commonwealth v. Sasville, 35 Mass. App. Ct. 15 (1993)