

MASSACHUSETTS SUPREME JUDICIAL COURT

Commonwealth v. Beland

436 Mass. 273 (2002) · Decided March 12, 2002

SUMMARY

The Massachusetts Supreme Judicial Court affirms Arthur J. Beland’s conviction for murder in the first degree based on extreme atrocity or cruelty. The court rejects challenges to the voluntariness and validity of his Miranda waivers, the delay before arraignment, and the effects of his cognitive deficiencies, mental-health history, and alleged deprivation of food or sleep. The court also rejects his ineffective-assistance claim and declines to exercise its extraordinary authority under G. L. c. 278, § 33E.

CASE DETAILS

COURT	Massachusetts Supreme Judicial Court
WRITING FOR THE COURT	Ireland, J.
JURISDICTION	Massachusetts
DECIDED	March 12, 2002
DISPOSITION	affirmed
PROCEDURAL POSTURE	Defendant appealed directly from his conviction of murder in the first degree by reason of extreme atrocity or cruelty and sought suppression of statements and derivative evidence, relief for ineffective assistance of counsel, reversal based on prosecutorial misconduct, and discretionary relief under G. L. c. 278, § 33E.
STANDARD OF REVIEW	The court deferred substantially to the motion judge's subsidiary findings if warranted by the evidence, independently reviewed the judge's application of law, and reviewed unobjected-to closing-argument claims for a substantial likelihood of a miscarriage of justice. Direct-appeal ineffective-assistance claims in a first-degree murder case were reviewed under the more favorable G. L. c. 278, § 33E standard.
PRECEDENTIAL VALUE	published precedential opinion of the Massachusetts Supreme Judicial Court
PARTIES	Arthur J. Beland v. Commonwealth

TOPICS

suppression of evidence

miranda rights

right to counsel

prosecutorial misconduct

appellate procedure

PRACTICE AREAS

criminal procedure

constitutional law

appellate procedure

QUESTIONS PRESENTED

1. Whether the defendant's Miranda waivers were invalid or his statements involuntary under the totality of the circumstances because of his cognitive deficiencies, history of mental illness, delay before arraignment, lack of food or sleep, and interrogation conditions.
2. Whether the defendant's statements and evidence obtained in ensuing searches should have been suppressed because of an unreasonable delay between arrest and arraignment.
3. Whether the defendant was denied the constitutional right to effective assistance of counsel because appointed counsel did not telephone the police station and request access to him before a further interrogation.
4. Whether the prosecutor's closing remarks about the jury's role and honor in serving as jurors were improper and created a substantial likelihood of a miscarriage of justice.
5. Whether the court should order a new trial or reduce the verdict under G. L. c. 278, § 33E.

HOLDINGS

1. The defendant's Miranda waivers were voluntary, knowing, and intelligent, and his statements were voluntary under the totality of the circumstances. His cognitive deficiencies, borderline intelligence, history of mental illness, food and sleep circumstances, and interrogation conditions did not require suppression.
2. The approximately nineteen-and-one-half-hour period between the defendant's arrest and arraignment was not unreasonable and did not invalidate his Miranda waivers or render his statements involuntary.
3. The defendant had no Sixth Amendment or Massachusetts art. 12 right to appointed counsel at the prearraignment interrogation, and counsel's failure to telephone the police station therefore did not constitute constitutionally ineffective assistance.
4. The prosecutor's remarks thanking the jury and stating that jurors should feel honored did not constitute improper advocacy or create a substantial likelihood of a miscarriage of justice.
5. The court declined to order a new trial or reduce the verdict under its extraordinary power pursuant to G. L. c. 278, § 33E.

KEY QUOTATIONS

“The police, and ultimately judges, must give special attention to whether a person of low intelligence waived Miranda rights and voluntarily and knowingly made a statement to the police Circumstances and techniques of custodial interrogation which pass constitutional muster when applied to an adult of normal intelligence may not be constitutionally tolerable when applied to one who is mentally deficient.” (281)

“The rule we established in Commonwealth v. Mavredakis, supra, is designed to effectuate the protections against self-incrimination afforded to suspects under art. 12.” (287)

FACTUAL BACKGROUND

Emergency personnel found Soares unconscious and suffering from cardiac arrest after the defendant reported that she was having a diabetic reaction. Medical imaging and autopsy evidence showed severe blunt-force head trauma and strangulation, and she later died. The defendant made several statements to police after repeated Miranda warnings, initially attributing the injuries to falls and later acknowledging that he may have struck the victim and, in a later interview, that he remembered striking her once. The police also obtained multiple consent-to-search forms and seized blood-stained clothing, bedding, a wire antenna, and other evidence.

PROCEDURAL HISTORY

A jury convicted Beland of first-degree murder after the beating death of Mary Ann Soares. The trial judge denied Beland's motion to suppress his statements and evidence seized in ensuing searches. On direct appeal, the Supreme Judicial Court reviewed the asserted Miranda, voluntariness, counsel, prosecutorial-argument, and § 33E issues and affirmed the judgment.

DISPOSITION

affirmed

CASES CITED

- Commonwealth v. Rodriguez, 425 Mass. 361, 364, 366-367 (1997)
- Commonwealth v. Jackson, 432 Mass. 82, 85-87 (2000)
- Commonwealth v. Edwards, 420 Mass. 666, 670 (1995)
- Commonwealth v. Mandile, 397 Mass. 410, 413 (1986)
- Commonwealth v. Hartford, 425 Mass. 378, 381 (1997)
- Commonwealth v. Prater, 420 Mass. 569, 574-578 (1995)
- Commonwealth v. Parham, 390 Mass. 833, 838 (1984)
- Commonwealth v. Rosario, 422 Mass. 48, 49-50, 56 (1996)
- Commonwealth v. Hunter, 426 Mass. 715, 720-723 & n.3 (1998)
- Commonwealth v. Fryar, 425 Mass. 237, 250 n.9 (1997), cert. denied, 522 U.S. 1033 (1997)
- Commonwealth v. Painten, 429 Mass. 536, 542 (1999)
- Commonwealth v. Fisher, 433 Mass. 340, 353-354 (2001)
- Commonwealth v. Wright, 411 Mass. 678, 681-682 (1992)
- Commonwealth v. Ortiz, 422 Mass. 64, 67 n.1 (1996)
- Commonwealth v. Jones, 403 Mass. 279, 286 (1988)
- Commonwealth v. Soffen, 377 Mass. 433, 436 (1979)
- Commonwealth v. Stirk, 392 Mass. 909, 913 (1984)

- Commonwealth v. Mavredakis, 430 Mass. 848, 851-861 (2000)
- Moran v. Burbine, 475 U.S. 412, 422 (1986)
- McNeil v. Wisconsin, 501 U.S. 171 (1991)
- Commonwealth v. Vao Sok, 435 Mass. 743 (2002)
- Commonwealth v. Degro, 432 Mass. 319, 329 (2000)
- Commonwealth v. Sanchez, 405 Mass. 369, 375 (1989)
- Commonwealth v. Toro, 395 Mass. 354, 360 (1985)
- Commonwealth v. Mello, 420 Mass. 375, 380 (1995)
- Commonwealth v. Wilson, 427 Mass. 336, 350 (1998)
- Commonwealth v. Sanna, 424 Mass. 92, 107 (1997)
- Commonwealth v. Cryer, 426 Mass. 562, 568 (1998)
- Commonwealth v. Sherman, 389 Mass. 287, 288 (1983)
- Commonwealth v. Mahnke, 368 Mass. 662, 691-692 (1975), cert. denied, 425 U.S. 959 (1976)
- Commonwealth v. McKenna, 355 Mass. 313, 317-320, 324 (1969)