

SUPREME JUDICIAL COURT OF MASSACHUSETTS

James Green, petitioner

475 Mass. 624 (2016) · No. SJC-11999 · Decided October 4, 2016

SUMMARY

The Massachusetts Supreme Judicial Court held that, in a proceeding under G. L. c. 123A to determine whether a petitioner remains sexually dangerous, the Commonwealth must rely at least in part on credible opinion testimony from a qualified examiner. The court upheld a jury instruction requiring the jury to credit the qualified examiner's opinion before finding the petitioner sexually dangerous, while preserving the jury's role in determining credibility and weight. The order denying the Commonwealth's motion for a new trial was affirmed.

CASE DETAILS

COURT	Supreme Judicial Court of Massachusetts
WRITING FOR THE COURT	Hines, J.; Gants, C.J.; Spina, J.; Cordy, J.; Botsford, J.; Duffly, J.; Lenk, J.
JURISDICTION	Massachusetts
DECIDED	October 4, 2016
DOCKET	SJC-11999
DISPOSITION	affirmed
PROCEDURAL POSTURE	The Commonwealth appealed the denial of its motion for a new trial following a jury verdict finding that James Green was no longer sexually dangerous in a proceeding under G. L. c. 123A, § 9. The Supreme Judicial Court granted direct appellate review.
STANDARD OF REVIEW	The court reviewed jury instructions for legal error resulting in prejudice to the moving party, considering the charge as a whole. Because the instruction was derived from the court's prior ruling in Johnstone, the court reviewed it in that statutory and precedential context.
PRECEDENTIAL VALUE	Published precedential opinion of the Supreme Judicial Court of Massachusetts
PARTIES	Commonwealth v. James Green

TOPICS

expert testimony

jury instructions

statutory interpretation

standard of review

appellate procedure

PRACTICE AREAS

sexually dangerous person proceedings

evidence

expert testimony

jury instructions

civil commitment

QUESTIONS PRESENTED

1. Whether a jury instruction in a sexually dangerous person discharge proceeding may require the jury to credit a qualified examiner's opinion before finding the petitioner sexually dangerous.
2. Whether that instruction improperly commented on the weight of expert testimony or usurped the jury's fact-finding function.
3. Whether the instruction required a new trial.

HOLDINGS

1. In a sexually dangerous person proceeding under G. L. c. 123A, a finding of sexual dangerousness must be based at least in part on credible opinion testimony from a qualified examiner.
2. An instruction requiring the jury to credit a qualified examiner's opinion does not improperly dictate the weight of that opinion or usurp the jury's fact-finding role.

KEY QUOTATIONS

“At trial, the qualified examiner testimony serves a different and more important purpose; it is the essential basis for a finding of sexual dangerousness.” (475 Mass. at 634)

“Thus, there was no error in the judge's instruction that the jury must credit the qualified examiner's opinion to reach a finding of sexual dangerousness.” (475 Mass. at 635)

“It merely instructs the jury that they must determine it to be credible in order to find a person sexually dangerous.” (475 Mass. at 635-636)

FACTUAL BACKGROUND

Green had multiple sex-offense convictions and was transferred to the Massachusetts Treatment Center in 2007. After he was adjudicated sexually dangerous in 2011, he petitioned for discharge under G. L. c. 123A, § 9. At the discharge trial, the Commonwealth's qualified examiner opined that Green remained sexually dangerous, while Green's experts and another qualified examiner opined that he was no longer sexually dangerous. The jury found that Green was no longer sexually dangerous.

PROCEDURAL HISTORY

Green was adjudicated sexually dangerous after a 2011 jury trial and later petitioned for discharge under G. L. c. 123A, § 9. At the discharge trial, the judge instructed the jury that it could not find Green sexually dangerous unless it credited the opinion of the Commonwealth's qualified examiner. The jury found Green no longer sexually dangerous, and the Superior Court judge denied the Commonwealth's motion for a new trial. The Supreme Judicial Court affirmed.

DISPOSITION

affirmed

CASES CITED

- Johnstone, petitioner, 453 Mass. 544 (2009)
- Commonwealth v. Nieves, 446 Mass. 583 (2006)
- Souza, petitioner, 87 Mass. App. Ct. 162 (2015)
- Commonwealth v. Kelly, 470 Mass. 682 (2015)
- Kelly v. Foxboro Realty Assocs., 454 Mass. 306 (2009)
- McHoul, petitioner, 445 Mass. 143 (2005), cert. denied, 547 U.S. 1114 (2006)
- Commonwealth v. Young, 461 Mass. 198 (2012)
- Commonwealth v. Grady, 474 Mass. 715 (2016)
- Kansas v. Crane, 534 U.S. 407 (2002)
- Kansas v. Hendricks, 521 U.S. 346 (1997)
- Dutil, petitioner, 437 Mass. 9 (2002)
- Commonwealth v. Cowen, 452 Mass. 757 (2008)
- Commonwealth v. Blake, 454 Mass. 267 (2009)

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