

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF
MASSACHUSETTS

Patrick Grier v. Stephen Kennedy

Grier v. Kennedy · No. Civil Action No. 23-CV-12395-AK · Decided December 9, 2025

SUMMARY

The United States District Court for the District of Massachusetts denied Patrick Grier’s amended petition for a writ of habeas corpus under 28 U.S.C. § 2254. The court rejected or declined to review claims concerning Batson challenges based on race, gender, and age; jury instructions; and allegedly improper lay opinion testimony. The court relied on AEDPA deference, an independent and adequate state procedural bar, and the absence of a federal question for certain claims.

CASE DETAILS

COURT	United States District Court for the District of Massachusetts
WRITING FOR THE COURT	Angel Kelley
JURISDICTION	United States District Court for the District of Massachusetts
DECIDED	December 9, 2025
DOCKET	Civil Action No. 23-CV-12395-AK
DISPOSITION	denied
PROCEDURAL POSTURE	Petitioner sought federal habeas corpus relief under 28 U.S.C. § 2254 from Massachusetts convictions for first-degree murder and unlawful possession of a firearm. The court considered the amended petition after permitting amendment to assert only exhausted claims.
STANDARD OF REVIEW	Under AEDPA, relief is unavailable unless the state-court adjudication was contrary to, or involved an unreasonable application of, clearly established federal law as determined by the Supreme Court, or was based on an unreasonable determination of the facts under 28 U.S.C. § 2254(d). Federal habeas review is also barred by an adequate and independent state procedural ground absent cause and prejudice or a fundamental miscarriage of justice.
PRECEDENTIAL VALUE	Unknown; district-court memorandum and order with no reported citation identified
PARTIES	Patrick Grier v. Stephen Kennedy

TOPICS

federal habeas corpus

post-conviction relief

equal protection

jury instructions

evidence

PRACTICE AREAS

federal habeas corpus

criminal procedure

constitutional law

post-conviction relief

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QUESTIONS PRESENTED

1. Whether the state courts unreasonably rejected Grier's race-based Batson challenge to the prosecution's peremptory strikes.
2. Whether the Massachusetts Supreme Judicial Court's failure to expressly discuss Grier's gender-based Batson challenge warranted federal habeas relief.
3. Whether the prosecution's use of peremptory challenges against young prospective jurors violated the Equal Protection Clause.
4. Whether federal habeas review was barred because Grier failed to contemporaneously object to the challenged jury instruction.
5. Whether federal habeas review was available for the detective's challenged testimony, where one portion was procedurally defaulted and the other was presented only as a state-law evidentiary issue.

HOLDINGS

1. The state courts' rejection of Grier's race-based Batson claim was not contrary to or an unreasonable application of clearly established federal law and was not based on an unreasonable determination of the facts; habeas relief was therefore unavailable.
2. The court presumed that the Massachusetts Supreme Judicial Court adjudicated Grier's gender-based Batson claim on the merits and held that the state-court determination was entitled to AEDPA deference.
3. The use of age as a race-neutral justification for peremptory challenges did not provide a basis for federal habeas relief because young adults are not a protected group under clearly established federal law governing peremptory challenges.
4. Federal habeas review of the jury-instruction claim was barred because trial counsel failed to contemporaneously object, Massachusetts treated the claim as procedurally defaulted, and Grier did not establish cause and prejudice or a fundamental miscarriage of justice.
5. The claim concerning the detective's testimony that a man in a still image was raising his arm was procedurally barred because counsel failed to object. The claim concerning the jacket marked with a "C" presented only an issue of state evidentiary law and therefore was not cognizable on federal habeas review; newly asserted federal theories were also waived.

KEY QUOTATIONS

"For the foregoing reasons, Mr. Grier's Amended Petition for Habeas Corpus [Dkt. 32] is DENIED."

FACTUAL BACKGROUND

A Massachusetts jury convicted Patrick Grier of first-degree murder and unlawful possession of a firearm after a trial involving jury selection challenges and testimony from a police detective. During jury selection, the prosecution used peremptory challenges against three African American women, and the trial judge identified age rather than race or gender as the apparent pattern. The trial judge instructed prospective jurors to set aside personal experiences, thoughts, and opinions and decide the case on the evidence, and a detective testified about a still image showing a man raising an arm and wearing a jacket with a “C” on it.

PROCEDURAL HISTORY

A Suffolk Superior Court jury convicted Grier in June 2010 and sentenced him to life imprisonment without parole. The Massachusetts Supreme Judicial Court affirmed the judgments on August 9, 2022. Grier filed a federal habeas petition on October 16, 2023; the court conditionally dismissed it on August 28, 2024, while permitting an amended petition limited to exhausted claims. Grier filed the amended petition on September 23, 2024, and the court denied it.

DISPOSITION

denied

CASES CITED

- *Lynch v. Ficco*, 438 F.3d 35, 44 (1st Cir. 2006)
- *Brown v. Ruane*, 630 F.3d 62, 66-67 (1st Cir. 2011)
- *John v. Russo*, 561 F.3d 88, 96 (1st Cir. 2009)
- *Williams v. Taylor*, 529 U.S. 362, 413 (2000)
- *Porter v. Coyne-Fague*, 35 F.4th 68, 75 (1st Cir. 2022)
- *Brumfield v. Cain*, 576 U.S. 305, 314 (2015)
- *Wood v. Allen*, 558 U.S. 290, 301 (2010)
- *Batson v. Kentucky*, 476 U.S. 79, 89, 93-98 (1986)
- *J.E.B. v. Alabama*, 511 U.S. 127, 146 (1994)
- *Johnson v. California*, 545 U.S. 162, 167-69 (2005)
- *Sanchez v. Roden*, 753 F.3d 279, 302 (1st Cir. 2014)
- *United States v. De Gross*, 913 F.2d 1417, 1425 (9th Cir. 1990)
- *United States v. Girouard*, 521 F.3d 110, 115-16 (1st Cir. 2008)
- *Aspen v. Bissonnette*, 480 F.3d 571, 577 (1st Cir. 2007)
- *Boyd v. Newland*, 467 F.3d 1139, 1148-50 (9th Cir. 2006)
- *Miller-El v. Dretke*, 545 U.S. 231, 241 (2005)
- *Commonwealth v. Grier*, 191 N.E.3d 1003 (Mass. 2022)
- *Harrington v. Richter*, 562 U.S. 86, 99 (2011)
- *Johnson v. Williams*, 568 U.S. 289, 301 (2013)
- *United States v. Helmstetter*, 479 F.3d 750, 753-54 (10th Cir. 2007)

- Commonwealth v. Lopes, 91 N.E.3d 1126, 1131-32 (Mass. 2018)
- Coleman v. Thompson, 501 U.S. 722, 729-30, 750, 753 (1991)
- Janosky v. St. Amand, 594 F.3d 39, 44 (1st Cir. 2010)
- Gunter v. Maloney, 291 F.3d 74, 80 (1st Cir. 2002)
- Murray v. Carrier, 477 U.S. 478, 488 (1986)
- Estelle v. McGuire, 502 U.S. 62, 67-68 (1991)
- Logan v. Gelb, 790 F.3d 65, 70 (1st Cir. 2015)
- Smiley v. Maloney, No. 01-11648-GAO, 2003 WL 23327540, at *16 n.39 (D. Mass. Oct. 31, 2003)

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