

MASSACHUSETTS SUPREME JUDICIAL COURT

Commonwealth v. Hardy

482 Mass. 416 (2019) · No. SJC-12637 · Decided June 12, 2019

SUMMARY

The Massachusetts Supreme Judicial Court held that the evidence was insufficient to establish wanton or reckless conduct supporting Suzanne Hardy's convictions for involuntary manslaughter and reckless endangerment of a child after a fatal motor vehicle collision. The court reversed those convictions, set aside the verdicts, and remanded for entry of required findings of not guilty. The court affirmed Hardy's two convictions for negligent motor vehicle homicide.

CASE DETAILS

COURT	Massachusetts Supreme Judicial Court
WRITING FOR THE COURT	Cypher, J.; Gants, C.J.; Lenk, J.; Gaziano, J.; Lowy, J.; Budd, J.; Kafker, J.
JURISDICTION	Massachusetts
DECIDED	June 12, 2019
DOCKET	SJC-12637
DISPOSITION	reversed_and_remanded
PROCEDURAL POSTURE	Hardy appealed convictions for involuntary manslaughter, reckless endangerment of a child, and negligent motor vehicle homicide. The Supreme Judicial Court transferred the case from the Appeals Court on its own initiative and reviewed the sufficiency of the evidence and alleged prosecutorial misconduct during closing argument.
STANDARD OF REVIEW	For sufficiency of the evidence, the court viewed the evidence in the light most favorable to the Commonwealth and asked whether any rational juror could find each element beyond a reasonable doubt. The court reviewed the alleged improper closing-argument remarks for prejudicial error and concluded that the trial judge's curative instruction adequately addressed the remarks concerning the negligent-homicide convictions.
PRECEDENTIAL VALUE	Published Massachusetts Supreme Judicial Court opinion; precedential.
PARTIES	Suzanne Hardy v. Commonwealth

TOPICS

criminal procedure

standard of review

appellate procedure

evidence

PRACTICE AREAS

Criminal law

Criminal procedure

Appellate law

Evidence

QUESTIONS PRESENTED

1. Whether the evidence was sufficient to prove that Hardy's conduct was wanton or reckless, as required for involuntary manslaughter, based on her inattentive driving and failure to secure Dylan in a booster seat.
2. Whether the evidence was sufficient to prove the actual awareness of a substantial risk required for reckless endangerment of a child under G. L. c. 265, § 13L.
3. Whether the prosecutor's closing argument improperly argued facts outside the evidence or appealed to the jury's passions and sympathies, requiring a new trial on the challenged convictions.

HOLDINGS

1. The evidence was legally insufficient to prove that Hardy's conduct was wanton or reckless. Her general inattentiveness and failure to use a booster seat supported, at most, negligence or gross negligence, not conduct involving a high degree of likelihood that substantial harm would result.
2. The evidence was legally insufficient to prove reckless endangerment of a child under G. L. c. 265, § 13L because it did not establish that Hardy was actually aware that failing to secure Dylan in a booster seat created a substantial risk of serious bodily injury.
3. The court did not need to decide whether the prosecutor's statement that the crash would have been survivable with proper restraints prejudiced Hardy, because the manslaughter and reckless-endangerment convictions were independently reversed for insufficient evidence. The prosecutor's sympathy-based remark concerning first responders did not require a new trial on the negligent-homicide convictions because the trial judge forcefully instructed the jury to disregard it.

KEY QUOTATIONS

"The defendant's general inattentiveness alone, however, is insufficient to support a finding of recklessness." (482 Mass. at 419)

"The defendant's failure to comply with the Massachusetts law that required a child of Dylan's size to be secured in a booster seat does not, by itself, amount to wanton or reckless conduct." (482 Mass. at 419)

"Again, the jury could find that securing a four year old with only a seat belt was negligent, but recklessness is more than a mistake of judgment or even gross negligence; it is conduct that is "substantially more than negligence."" (482 Mass. at 419)

"Where negligence may result from "inadvertence, incompetence, unskillfulness, or failure to take [adequate] precautions," recklessness "requires a conscious choice of a course of action . . . with knowledge of the

serious dangers to others involved" (citation omitted)." (482 Mass. at 419)

FACTUAL BACKGROUND

Suzanne Hardy drove three children, including her four-year-old nephew Dylan and sixteen-month-old nephew Jayce, in her sedan. Dylan was secured with a seat belt but without the booster seat required by Massachusetts law, and Jayce was in a forward-facing safety seat with improperly positioned straps rather than a rear-facing seat. Hardy approached a stopped dump truck at approximately the speed limit without braking, swerved across lanes, struck a guardrail and then collided with oncoming vehicles; Dylan and Jayce died from blunt-force head and neck injuries. The Commonwealth's experts attributed the crash to Hardy's inattentiveness but could not establish that either child would have survived had the restraints been properly used.

PROCEDURAL HISTORY

Indictments were returned in the Superior Court Department, where the cases were tried before a judge. Hardy was convicted of manslaughter of Dylan, reckless endangerment of Dylan, and negligent motor vehicle homicide of both Dylan and Jayce. The Supreme Judicial Court transferred the appeal from the Appeals Court on its own initiative. It reversed the manslaughter and reckless-endangerment convictions, affirmed both negligent motor vehicle homicide convictions, and remanded for entry of required findings of not guilty on the reversed charges.

DISPOSITION

reversed_and_remanded

REMAND INSTRUCTIONS

The case was remanded to the Superior Court for entry of required findings of not guilty on the involuntary-manslaughter and reckless-endangerment convictions. The two negligent motor vehicle homicide convictions were affirmed.

CASES CITED

- Commonwealth v. Latimore, 378 Mass. 671, 676-677 (1979)
- Commonwealth v. Carter, 481 Mass. 352, 364 (2019)
- Commonwealth v. Earle, 458 Mass. 341, 347 & n.9 (2010)
- Commonwealth v. Welansky, 316 Mass. 383, 398-399 (1944)
- Commonwealth v. Pugh, 462 Mass. 482, 497 (2012)
- Commonwealth v. Dragotta, 476 Mass. 680, 686-689 (2017)
- Commonwealth v. Levesque, 436 Mass. 443, 452 (2002)
- Commonwealth v. Catalina, 407 Mass. 779, 789 (1990)
- Commonwealth v. Life Care Ctrs. of Am., Inc., 456 Mass. 826, 832-834 (2010)
- Commonwealth v. Coggeshall, 473 Mass. 665, 667-670 (2016)
- Commonwealth v. Hendricks, 452 Mass. 97, 103-106 (2008)

- Commonwealth v. Twitchell, 416 Mass. 114, 118 (1993)
- Commonwealth v. Leonard, 90 Mass. App. Ct. 187, 194 (2016)
- Commonwealth v. Figueroa, 83 Mass. App. Ct. 251, 259-261 (2013)
- Commonwealth v. Power, 76 Mass. App. Ct. 398, 407 (2010)
- Commonwealth v. Robinson, 74 Mass. App. Ct. 752, 758-759 (2009)
- Commonwealth v. DeSimone, 349 Mass. 770, 770-771 (1965)
- Commonwealth v. Moore, 92 Mass. App. Ct. 40, 45-46 (2017)
- Commonwealth v. Guaman, 90 Mass. App. Ct. 36, 41 (2016)
- Commonwealth v. Santos, 94 Mass. App. Ct. 558, 561-562 (2018)
- Commonwealth v. Flynn, 420 Mass. 810, 815 (1995)
- Commonwealth v. Michaud, 389 Mass. 491, 498-499 (1983)
- Commonwealth v. Chapman, 433 Mass. 481, 488 (2001)
- Commonwealth v. Bouvier, 316 Mass. 489, 495 (1944)
- Boyd v. National R.R. Passenger Corp., 446 Mass. 540, 547 (2006)
- Commonwealth v. Taylor, 455 Mass. 372, 385 (2009)