

## **TOP 25 CASES THAT EVERY CRIMINAL PRACTITIONER SHOULD KNOW**

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### ***NEW MASSACHUSETTS CRIMINAL JUSTICE REFORM LAWS***

- Chapter 69 of the Acts of 2018, An Act Relative to Criminal Justice Reform.
- Chapter 72 of the Acts of 2018, An Act Implementing the Joint Recommendation of the Massachusetts Criminal Justice Review.
- Updated “Reasons for Bail” Form.
- Complaint Offense Code Update Memo with New Complaint Language.
- List of Offenses for Decriminalization Under G.L. c. 277, § 70C and Diversion Under G.L. c. 276A.
- Updated “Assessment of Waiver Moneys in Criminal Cases” Form.

### ***CRIMINAL PROCESS OF THE COMPLAINT/INDICTMENT***

1. **Commonwealth v. DiBennadetto**, 436 Mass. 310 (2002)
2. **Commonwealth v. McCarthy Jr.**, 385 Mass. 160 (1982)
3. **Commonwealth v. O’Dell Jr.**, 392 Mass. 445 (1984)

### ***BAIL***

4. **Brangan v. Commonwealth**, 477 Mass. 691 (2017)

### ***DISCOVERY AND PRE-TRIAL RELATED ISSUES***

5. **Kyles v. Whitley**, 514 U.S. 419 (1995)
6. **Commonwealth v. Dwyer**, 448 Mass. 122 (2006)
7. **Commonwealth v. Lampron**, 441 Mass. 265 (2004)
8. **Commonwealth v. Durham**, 446 Mass. 212 (2006)
9. **Commonwealth v. O’Neal**, 93 Mass. App. Ct. 189 (2018)<sup>1</sup>
10. **Commonwealth v. Reynolds**, 429 Mass. 388 (1999)
11. **Commonwealth v. Martin**, 423 Mass. 496 (1996)
12. **Commonwealth v. Edwards**, 444 Mass. 526 (2005)

### ***SUPPRESSION***

*Statements/Confessions – Humane Practice Rule*

13. **Commonwealth v. Tavares**, 385 Mass. 140 (1982)<sup>2</sup>  
**Suppression Matters**, Section 18-9(2)[b][c][1][2]

### ***MOTOR VEHICLE STOPS***

14. **Commonwealth v. Gabriel Cordero**, 477 Mass. 237 (2017)

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<sup>1</sup> Progenitor Case: **Commonwealth v. Heath**, 89 Mass. App. Ct. 328 (2016)

<sup>2</sup> Successor Case: **Commonwealth v. Baye**, 462 Mass. 246 (2012)

## ***IDENTIFICATION***

15. **Commonwealth v. Carlson**, 92 Mass. App. Ct. 710 (2018)
16. **Commonwealth v. Crayton**, 470 Mass. 228 (2014)<sup>3</sup>

## ***CONSENT SEARCHES***

17. **Commonwealth v. Ortiz**, 478 Mass. 820 (2018)
18. **Commonwealth v. Hernandez**, 93 Mass. App. Ct. 172 (2018)

## ***PRETEXTUAL STOPS – “AUTHORIZATION TEST”***

19. **Commonwealth v. Rogelio Buckley**, 478 Mass. 861 (2018)<sup>4</sup>

## ***TERRY STOP***<sup>5, 6</sup>

20. **Commonwealth v. Narcisse**, 457 Mass. 1 (2010)
21. **Commonwealth v. Martin**, 457 Mass. 14 (2010)

## ***INVESTIGATORY STOPS***

22. **Commonwealth v. Lyons**, 409 Mass. 16 (1990)

## ***TRIAL ISSUES***

23. **Commonwealth v. Adjutant**, 443 Mass. 649 (2005)
24. **Commonwealth v. Latimore**, 378 Mass. 671 (1979)
25. **Commonwealth v. Saferian**, 366 Mass. 89 (1974)

**Note:** During both Summer sessions, I reserve the right to assign new and/or additional cases decided by the Massachusetts Appeals and Supreme Judicial Courts which directly relate to and impact the topical areas of study.

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<sup>3</sup> Defendant's judgments of conviction were vacated and the SJC remanded the case to the Superior Court for a new trial. Following the second trial, Defendant appealed again claiming he was entitled to a new trial because the trial judge erred in “. . . (2) admitting in evidence an in-court identification of him by a library employee . . .” . On May 23, 2018, the Appeals Court decided the Defendant’s appeal – granting him a new trial. See: **Commonwealth v. Crayton**, No. 17-P-431, --- N.E.3d ----2018 WL 2325754

<sup>4</sup> Progenitor Case: See **Commonwealth v. Santana**, 420 Mass. 205 (1995)

<sup>5</sup> Progeny Cases: **Terry v. Ohio**, 392 U.S. 1, 28 (1968); **Berkemer v. McCarthy**, 468 U.S. 420 (1984); **Commonwealth v. Groome**, 435 Mass. 201 (2001); **Commonwealth v. DePeiza**, 449 Mass. 367 (2007) and **Vanhouton v. Commonwealth**, 424 Mass. 327 (1997).

<sup>6</sup> **Commonwealth v. Cawthron**, --- N.E.3d ----, 2018 WL 2325777, This recently decided SJC opinion considered whether police officers were required to provide Miranda warnings prior to questioning two individuals who had been detained in a restaurant parking lot as part of a “threshold inquiry” into a street-level drug transaction. The SJC, as part of its holding and analysis focused primarily on the issue of a valid Terry-type stop and whether such a stop results in “custodial interrogation” where Miranda warnings should have been given.