

COMMONWEALTH OF MASSACHUSETTS

PLYMOUTH, SS.

**PLYMOUTH SUPERIOR COURT
INDICTMENT NOS. 2383CR00198**

COMMONWEALTH

v.

LINDSAY CLANCY

**COMMONWEALTH'S OPPOSITION TO DEFENDANT'S
RENEWED MOTION FOR REQUIRED FINDING OF NOT GUILTY**

Now comes the Commonwealth in the above captioned matter and respectfully requests this court deny Defendant's Renewed Motion for Required Finding of Not Guilty pursuant to Mass. R. Crim P. 25 (b)(2). As reasons therefore, the Commonwealth asserts that the evidence presented at trial was sufficient to permit any rational trier of fact to find the essential elements of both the underlying charges of murder as well as criminal responsibility beyond a reasonable doubt. Commonwealth v. Latimore, 378 Mass. 671, 677 (1979); Commonwealth v. Kappler, 416 Mass. 574, 578 (1993).

PROCEDURAL HISTORY

On September 15, 2023, the Plymouth County Grand Jury returned indictments for three counts of murder against the defendant for an incident resulting in the death of the defendant's three children that occurred on January 24, 2023, in the town of Duxbury. On July 20, 2026, the Commonwealth moved for trial and the jury selection process began and continued through July 23, 2026. Eighteen jurors were empaneled and the jury sworn on July 27, 2026. Between July

27, 2026, and August 17, 2026, the Commonwealth presented seventy- two witnesses to the jury. Hundreds of pieces of evidence were submitted. On August 17, 2026, the Commonwealth rested its case in chief and Defendant began presenting witnesses. Prior to the defense starting its case, the parties litigated a motion for required finding of not guilty that was filed by defendant at the conclusion of the Commonwealth's case. After a hearing in open court, outside the presence of the jury, the Court denied the defendant's first motion for required finding of not guilty. Ten witnesses then testified for the defense between August 17, 2026, and August 21, 2026. On August 21, 2026, the defense rested. Counsel for the defendant made an oral motion for required finding of not guilty that was denied. The Commonwealth proceeded to present a rebuttal case where three additional expert witnesses testified between August 21, 2026, and August 26, 2026. Following the completion of the testimony of the last witness, Dr. Gregory Saathoff, the Commonwealth rested on its rebuttal case and the defendant again made an oral motion to the court for a required finding of not guilty, which was denied. The matter proceeded to jury deliberations following closing arguments on August 27, 2026. On September 4, 2026, after more than six days of deliberation and six reported questions from the jury, the Court declared a mistrial and the jury was discharged.

STATEMENT OF FACTS¹

On the evening of January 24, 2023, the defendant strangled her three children, Cora (5), Dawson (3), and Callan (8 months), by wrapping exercise bands around each child's neck in the basement of their home at 47 Summer Street in Duxbury. The defendant had been home most of the day with the children while her husband, Patrick Clancy, worked from home in his basement

¹ The following statement of facts is a summary of the evidence presented at trial. The statement does not cite to trial transcripts as transcripts have yet to be completed on the most recent trial matter.

office. On the morning of the killings, the defendant took Cora to her annual well visit at the pediatrician at South Shore Medical Center. Cora had just turned five years old. When they returned, she spent the remainder of the day with the children. After putting Callan down for a nap in the late morning, the defendant took Cora and Dawson out to the backyard to play in the snow. They built a snowman and the defendant sent pictures of the kids playing to Patrick Clancy and her mother. In the late afternoon (around 4pm) the defendant searched on her phone for kids MiraLAX and "take out 3V." According to the cell phone data extracted from the defendant's phone, she opened apple maps to find out the route and how much time it would take to get from their home to the restaurant in Plymouth. The restaurant was a place they had eaten before but not the normal option for take-out. She called the local CVS to see if they had kids MiraLAX. That morning, the doctor's office suggested a laxative for Cora because she had complained of a bellyache the day before while at school. And then the defendant texted Patrick asking if he wanted to get takeout from 3V because she had had a long day and didn't cook anything for dinner. The defendant then called in the order for food to Three V. She spoke to the hostess. She provided the order correctly and answered questions about the order. She also correctly provided Patrick's name and phone number as the pick-up person. Patrick left the house around 5:15. When he left, he observed the kids in the living room. Dawson was eating chicken nuggets and green beans on the couch.

According to Patrick Clancy and corroborated by video surveillance and cell phone data, Patrick left the house around 5:15, went to CVS and purchased the requested medication, proceeded to the restaurant to pick up the food that the defendant ordered, and then returned home. He arrived at approximately 6:09 PM to an eerily quiet home. No defendant, no kids. He called to them in the house with no answer. He called the defendant's phone. No answer. He

went up to the bedroom and found the bedroom door locked. After unlocking the door, Patrick Clancy entered the bedroom to find blood in the room and the window open. He proceeded to the backyard where he found the defendant lying on the ground. According to Patrick's Clancy's testimony, he asked what she had done and where were the kids, to which she responded she tried to kill herself and the kids were in the basement. He proceeded to the basement where he located the three children, each with an exercise band still around their neck.

The evidence presented establishes that when Patrick Clancy left the house, the defendant brought the children to the basement. Cora and Callan remained in the basement living room and Dawson was in Patrick Clancy's home office. The defendant wrapped an exercise band around each child's neck and strangled them until they were no longer responsive. When first responders arrived at the home and discovered the children none of the children were responsive. Dawson was not wearing pants and located just inside the office door. First responders, emergency room doctors, and the medical examiner confirmed that Dawson had significant discoloration and petechia in his face and ligature marks around his neck. Cora was found wearing pajamas and a bathrobe and was located closest to the entry of the basement living room. She too had significant discoloration and petechia in the area of the head as well as marks on her neck. Callan was located in the basement living area near Cora. He was wearing Mickey Mouse pajamas. Callan was observed to have petechial hemorrhages and ligature marks on his head and neck as well.

Based on evidence of the crime scene and medical records, the defendant attempted to kill herself following the killings of the children. She went upstairs to her bedroom with a knife and ingested an unknown amount of prescription medication. She cut her neck and wrists with a kitchen knife. She opened the bedroom window, went out the second story window and landed

on the cold, frozen ground. Laboratory testing of the defendant's blood confirmed that the defendant consumed several different prescription medications but none at a toxic or lethal level. The defendant was also observed and treated for the cut marks on her neck and wrists. And as a result of the fall from the second story, the defendant suffered spinal injuries that resulted in permanent paralysis.

During the course of the trial, testimony and physical evidence confirmed that the defendant was seeing mental health professionals for anxiety and/or depression. She began in September 2022 by seeking advice and medication from psychiatrist Dr. Jennifer Tufts. After a few weeks of trialing different medications with Dr. Tufts in October 2022, the defendant sought assistance through the South Shore Perinatal Behavioral Health Clinic with Julie Paul, NP. Her care was transferred to Rebecca Jollota, NP, when Ms. Paul left the clinic. According to medical records, the defendant was actively engaged with her providers through scheduled appointments and messaging exchanges. There were several adjustments and changes to medications between October 2022 and January 2023. The defendant presented at South Shore Hospital emergency department on one occasion (November 2022) and the emergency department at Mass General Hospital twice (December 2022). The defendant declined to pursue inpatient or partial hospitalization options, despite repeated recommendations from various providers. She presented to a post-partum outpatient program at Woman and Infant's Hospital in Rhode Island on December 20, 2022, but based on her reports to providers at the program they did not find she met criteria for their program but provided three alternative treatment options. On January 1, 2023, the defendant finally accepted recommendations for inpatient hospitalization at McLean Hospital. The defendant left McLean hospital on January 5, 2023, at her request, in order to be home for Cora's birthday party on January 7.

Evidence at trial by way of testimony, medical records, and pharmacy records support that the defendant was prescribed a number of different combinations of medications from October 2022 through January 2023. In some instances, the defendant reported adverse reactions to various medications. Nevertheless, at the time of the killings, the defendant was only prescribed three medications and had resumed treatment with Dr. Jennifer Tufts.

The defendant was observed by friends and family in the weeks following discharge from McLean. She attended Cora's birthday party at a local trampoline park. She and Patrick took the children to the Museum of Science and the waterpark at the Cape Codder Hotel. Patrick left her home with Callan and Dawson on January 16, 2023. And over the course of the weekend before the killings the defendant spent time with her parents and went to a friend's house for a bon fire with Cora, Dawson and Patrick. Patrick reported she had been doing much better in the days leading up to the killings.

ARGUMENT

Massachusetts Rules of Criminal Procedure Rule 25 (b) (2) provides that after the discharge of the jury the judge may on motion set aside the verdict and order a new trial, or order the entry of a finding of not guilty, or order the entry of a finding of guilty of any offense included in the offense charged in the indictment or complaint. Commonwealth v. Doucette, 408 Mass. 454, 456 (1990). A motion for a required finding of not guilty may be brought at the close of the Commonwealth's case and again at the close of all evidence. Commonwealth v. Sheline, 391 Mass. 279, 283 (1984). A motion for required finding of not guilty by reason of lack of criminal responsibility may be brought only at the close of all the evidence. Commonwealth v. Lawson, 475 Mass. 806, 817 (2016).

In deciding a Rule 25 (b)(2) motion for a required finding of not guilty, a judge must assess the legal sufficiency of the evidence viewing evidence in the light most favorable to the Commonwealth. Commonwealth v. Latimore, 378 Mass. at 677. The judge must determine whether the evidence and the inferences that reasonably could be drawn from it were of sufficient force to permit a rational finder of fact to conclude that the defendant was criminally responsible beyond a reasonable doubt. Commonwealth v. Griffin, 475 Mass. 848, 856 (2016), Commonwealth v. Lawson, 475 Mass. at 816. In deciding a motion for required finding of not guilty by reason of lack of criminal responsibility, a judge must review the evidence in the light most favorable to the Commonwealth and must disregard contrary evidence presented by the defendant, including testimony of a defense expert, unless the contrary evidence demonstrates that the Commonwealth's evidence, or any inference drawn from such evidence is *conclusively incorrect*. Commonwealth v. Lawson, 475 Mass. at 817 (emphasis added). A required finding of not guilty by lack of criminal responsibility may rest on the failure of proof of criminal responsibility. Commonwealth v. Griffin, 475 Mass. at 855. However, it will be the rare case where the totality of the evidence regarding the defendant's conduct and the circumstances surrounding the offense will not be sufficient to defeat a defendant's motion for a required finding of not guilty by reason of lack of criminal responsibility. Commonwealth v. Lawson, 475 Mass. at 817.

When a defendant raises a defense of lack of criminal responsibility, the Commonwealth is required to demonstrate, beyond a reasonable doubt, that the defendant was criminally responsible at the time of the offense. Commonwealth v. Dunphe, 485 Mass. 871, 878 (2020). The Commonwealth may do so by establishing that at the time of the event the defendant did not suffer from a mental disease or defect. Id. at 879. Or if the defendant suffered from a mental

disease or defect when she committed the crime, the Commonwealth must demonstrate that the defendant did not lack substantial capacity to appreciate the criminality or wrongfulness of her conduct and did not lack the substantial capacity to conform her conduct to the requirements of the law. Commonwealth v. Rezac, 494 Mass. 368, 371 (2024), citing Commonwealth v. McHoul, 352 Mass. 544, 546 (1967). Mental illness alone does not preclude a finding of criminal responsibility beyond a reasonable doubt. Commonwealth v. Fujita, 497 Mass. 46, 59-60 (2026). See also, Commonwealth v. Rezac, 494 Mass. at 371. Not every defendant with a mental illness lacks criminal responsibility for his or her acts. Commonwealth v. Fujita, 497 Mass. at 60, citing Commonwealth v. Zagrodny, 443 Mass. 93, 108 (2004). See also, Commonwealth v. Lunde, 390 Mass. 42, 47-48 (1983) (Commonwealth may carry its burden even when conceding defendant suffered from mental disease or defect). The Commonwealth may prove criminal responsibility through the inferences arising from the circumstances of the offense or through admissible evidence of the defendant's words and conduct before, during, and after the offense. Commonwealth v. Cullen, 395 Mass. 225, 229-230 (1985). The Commonwealth may prove criminal responsibility by evidence of intention, goal directed conduct or evidence of rational motive. Commonwealth v. Lawson, 475 Mass. at 815. A fact finder may also infer sanity from evidence and reasonable inferences showing the defendant was oriented as to time, place, and person. Commonwealth v. Cole, 380 Mass. 30, 36 (1980).

In this case, the evidence clearly established that the defendant committed the crime of murder on each of the three children when she strangled each one with an exercise band on January 24, 2023. On that day, the defendant's actions prior to the killings, during the killings, and after the killings establish deliberate premeditation where the defendant sent her husband away from the house to pick up medicine and dinner with an errand that would guarantee her a window of time

to kill each one of the children and attempt to kill herself. She proceeded to take the children to a secluded area of the house where she separated Dawson, the more spirited of the three children, from Cora and Callan thereby limiting the children's ability and opportunity to escape. She quickly and efficiently strangled the first child, moved on to the second, and then the third until they were all unresponsive and then she left them on the basement floor. The manner, method, and means of the killings further demonstrate that the killings were also done with extreme atrocity or cruelty.

Having established the elements of the underlying offenses, three counts of murder, the Commonwealth asserts that there was also sufficient evidence to support a finding of guilty of criminal responsibility beyond a reasonable doubt. The defendant's purposeful and controlled actions before, during, and after the killings demonstrate that she appreciated the criminality or wrongfulness of her conduct and retained the ability to conform her behavior to the requirements of the law. See Commonwealth v. Fujita, 497 Mass. at 60. Prior to the killings, the defendant engaged normally with several people during the course of the day on January 24, 2023, including the pediatrician, her husband, her mother via text message, an employee at CVS and the hostess at Three V. She appropriately cared for the children that day by putting Callan down for a nap, bringing the other two children out to play in the snow while dressed appropriately, caring for all the children throughout the course of the afternoon, preparing meals for them, ensuring Cora and Callan were dressed for bed, and interacting with Patrick on what he described as a "really good day" for the defendant. She took affirmative steps to ensure that she was alone with the children and that she knew the window of uninterrupted time that she would be home with all three children. The defendant sent her husband to pick up take out, to a restaurant that was not their normal place, and significantly further away than other of their

normal places. She added an errand to the trip by asking him to pick up the medicine and took steps to ensure he could complete the task without her assistance by calling ahead to make sure the medicine was in stock and texting her husband the name of the medicine as he left the house. Such deliberate conduct supports intention, rational thought, and planning. All facts that support that the defendant had the substantial capacity to appreciate the wrongfulness of her conduct and had the ability to conform her conduct.

During the killings the defendant further displayed goal-oriented behavior and control when she strangled each child with a separate exercise band and left the band around each child's neck before moving on to the next. She had brought the children into an area of the house that was secluded to avoid quick detection of the children by Patrick when he returned. She separated the children while killing them. And was able to strangle each child quickly and efficiently so that she had time to go upstairs to prepare to kill herself. During the time that Patrick was gone, the defendant was able to accomplish these tasks and in the middle of it all, she was able to recognize she missed a call from her husband and immediately called him back to confirm the medicine he was looking for was correct.

After, the killings the defendant engaged in a series of methodical steps to avoid the consequences of her actions by attempting to kill herself. She employed three different means to try to kill herself: taking a cocktail of prescription medications, cutting her wrists and neck, and going out of a second story window onto the cold, hard, ground. Additionally, statements the defendant made following the incident support a rational motive in this case. The evidence presented at trial supports that the defendant's motive in killing the children was altruistic in that once she had decided that she was going to kill herself, she was of the belief that no one could care for her children as she could, and she killed them so they would not suffer. This is

supported by statements she made to Shelia Cavanaugh and other staff at Brigham and Women's hospital after the incident.

The defendant's claim that she experienced a command hallucination and that she was in a state of psychosis at the time of the incident is not supported by the evidence in this case. There was testimony from several of witnesses, including the defendant's own expert Dr. Phillip Resnick, that command hallucinations are normally persistent, pervasive, and specific. Here the defendant claimed that she only heard the voice on this one occasion, for a short period of time and that the voice told her that this was her last chance, "she had to kill the kids so she could kill herself." The alleged voice repeated the phrase with no further instruction on what to do to kill the children or how to kill the children, and it stopped after she killed the last child, Callan. The alleged voice, although initially directing her kill herself, did not continue to ensure that she complete the command. It stopped as suddenly as it began. And she never heard the alleged voice again. The defendant further claimed that she was in a state of psychosis at the time of the incident. However, the evidence at trial from several friends, family, and mental health providers establish that no one ever observed behavior suggesting the defendant had ever experienced a psychotic episode or that she was experiencing signs or symptoms of psychosis on that day. See Commonwealth v. Fujita, 497 Mass. at 60. Friends and family testified to observations that in the weeks leading up the murders the defendant was going on day trips with the family, interacting at friend's houses, reporting she was sleeping better, and although still depressed she was doing better overall.

The Commonwealth does not dispute that the evidence supports that the defendant was experiencing signs and symptoms of mental illness in the months leading up to the killings of Cora, Dawson, and Callan Clancy. The defendant was treated between September 2022 and

January 2023 by a number of mental health providers, prescribed several different trials of medications, and given different diagnosis by different providers. Upon forensic evaluation in this case, the defendant continued to be given varying diagnoses. A diagnosis of a mental disorder or mental illness does not automatically lead to the conclusion that a defendant is not criminally responsible at the time of the crime. Where here the evidence presented at trial was of sufficient force to establish that the defendant understood her actions were illegal or wrong and that she had the ability to control her actions, the facts were sufficient to permit a rational finder of fact to conclude that the defendant was criminally responsible beyond a reasonable doubt.

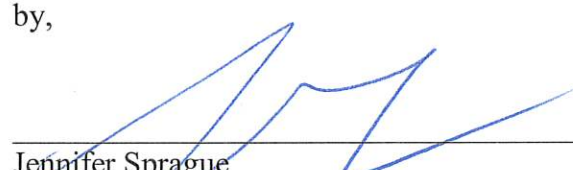
CONCLUSION

Despite claims by defense, this Court should be evaluating the sufficiency of the evidence based only on the evidence presented at trial and not to consider any alleged information regarding jury deliberations nor the potential collateral issues regarding the outcome of what would happen to the defendant should to Court consider a required finding of not guilty by lack of criminal responsibility. Defendant has cited no authority that could permit the court to consider such information. Rather the Supreme Judicial Court has repeatedly held it not appropriate to take the question of criminal responsibility away from the fact finder.

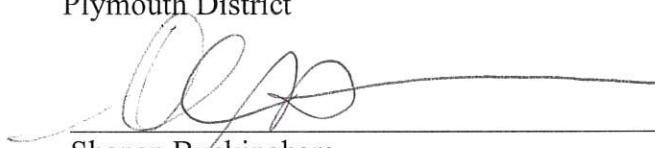
Commonwealth v. Brunette-Silveira, 106 Mass. App. Ct. 731, 739 (2026), *dissent*, citing Commonwealth v. Rasmusen, 444 Mass. 657, 662 n.6 (2005) (required finding generally not appropriate where the defense is lack of criminal responsibility); Commonwealth v. Fernandes, 436 Mass. 671, 676 (2002) (“we are aware of no case in which we have ordered the entry of a judgement of not guilty by reason of defendant’s lack of criminal responsibility after a jury has rejected such a defense”); Commonwealth v. Rosenthal, 432 Mass. 124, 130 (2000) (same). As such and for all the reasons stated above the Commonwealth respectfully requests that this Court

DENY Defendant's Renewed Motion for Required Finding of Not Guilty, as it denied similar motions at the conclusion of the Commonwealth's case, at the conclusion of the Defendant's case, and at the conclusion of the entire case.

Respectfully Submitted
by,



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Date: September 28, 2026