

# Supreme Court won't hear Michelle Carter case

By [Travis Andersen](#), [Danny McDonald](#) and [John R. Ellement](#) Globe Staff, Updated January 13, 2020, 10:05 a.m.



Michelle Carter left a parole hearing in Natick last year. DAVID L. RYAN/GLOBE STAFF

The US Supreme Court has denied a request from lawyers for Michelle Carter to have the court review her involuntary manslaughter conviction stemming from the suicide of 18-year-old Conrad Roy III.

On Monday, Carter's case was among several on the court's website listed under the heading "Certiorari Denied," meaning the court won't review those matters. Carter, meanwhile, is being released from jail on Jan. 23, the Bristol County Sheriff's Office said.

Joseph P. Cataldo, a lawyer for Carter, said in an e-mailed statement that he was disappointed by the high court's decision not to hear the case.

"The US Supreme Court not accepting Michelle Carter's petition at this time is unfortunate," Cataldo said. "Clearly many legal scholars and many in the legal community understand the dangers created by the Massachusetts courts. To that end we will be weighing our next steps in correcting this injustice."

But Bristol District Attorney Thomas M. Quinn III praised the Supreme Court decision in a statement.

"I am very pleased that the US Supreme Court has denied Michelle Carter's petition for further review of her conviction," Quinn said. "This, once again, justifies the decision to charge the defendant with manslaughter based on existing Massachusetts law, which is well-established. The validity of charging her has been vindicated by numerous judges at every step of the criminal justice process---including twice by the Massachusetts Supreme Judicial Court, which voted unanimously to uphold the conviction."

Quinn added that Monday's decision "brings closure to the family of Conrad Roy for his tragic death. I hope that the finality of this decision brings some solace to them. I thank the prosecution team of Maryclare Flynn and Katie Rayburn for their tireless efforts on behalf of our office and the Roy family. I would like to also thank all the investigators, including Fairhaven Police, for their significant efforts in bringing about justice for Conrad Roy and his family. I am very pleased that the legal chapter of this tragic case is finally closed."

Carter was 17 when she urged Roy, a Mattapoissett resident, to kill himself in July 2014 — even after he told her he was too scared to go through with it. After a bench trial that drew national headlines, Judge Lawrence Moniz in June 2017 found Carter, of Plainville, guilty of involuntary manslaughter.

It was Carter's command during their last conversation, that Roy return to his truck — then filled with deadly fumes — and her subsequent failure to act that rose to the level of criminal behavior, Moniz ruled.

In February 2019, the state Supreme Judicial Court [upheld](#) Carter's conviction and sentence, ruling that she acted with criminal intent when she "badgered" Roy into taking his own life.

In seeking Supreme Court review, Carter's lawyers wrote that her communications with Roy "did not constitute speech that was 'an integral part of conduct in violation of a valid criminal statute.' "

The motion also questioned whether Carter's conviction violated the due process clause of the Fifth Amendment "because in assisted or encouraged suicide cases, the common law of involuntary manslaughter fails to provide reasonably clear guidelines to prevent 'arbitrary and discriminatory enforcement.' "

But in its February 2019 ruling upholding her conviction, the Mass. Supreme Judicial Court wrote that the guilty finding was lawful.

"We conclude that the evidence was sufficient to support the judge's finding of proof beyond a reasonable doubt that the defendant committed involuntary manslaughter as a youthful offender, and that the other legal issues presented by the defendant, including her First Amendment claim, lack merit," Justice Scott L. Kafker wrote for the SJC. "We therefore affirm."

Roy, Kafker wrote, was a "vulnerable, confused, mentally ill, eighteen year old" who had gotten out of his pickup truck filled with carbon monoxide fumes into fresh air.

"But then in this weakened state he was badgered back into the gas-infused truck by the defendant, his girlfriend," Kafker wrote. "After she convinced him to get back into the carbon monoxide filled truck, she did absolutely nothing to help him: she did not call for help or tell him to get out of the truck as she listened to him choke and die."

Roy and Carter called one another boyfriend and girlfriend but had only met a couple of times in person.

Kafker added: “There is no doubt in this case that the defendant wantonly or recklessly instructed the victim to kill himself, and that her instructions caused his death.”

Martin G. Weinberg, a prominent Boston defense attorney, said Monday via email that the Supreme Court’s decision not to hear the Carter case offers guidance to lawyers in Massachusetts.

“Today’s Supreme Court decision to not review the Carter decision will cement that decision as final within the Commonwealth,” Weinberg wrote. “Had the Supreme Court elected to review the case it would have caused great uncertainty and a corresponding diminishing of at least a short term interest in bringing prosecutions that might later require dismissals if the Supreme Court was to reverse the Carter holding.”

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