

Lindsay Clancy is claiming double jeopardy. What does that mean?

By [Sean Cotter](#) Globe Staff, Updated September 21, 2026, 5:54 p.m.



Attorney Martin Weinberg is seen here making arguments to the Supreme Judicial Court in the Karen Read case. He has now filed similar arguments in the Lindsay Clancy case. GREG DERR/POOL

Lawyers for [Lindsay Clancy](#) filed a motion to dismiss on Monday, claiming the judge's mistrial declaration earlier this month was done in error and therefore Clancy should not be able to be tried again for killing [her three children](#).

The lawyers contend Superior Court Judge William F. Sullivan should have done more to probe jurors about whether [the lone holdout juror](#) against finding her not guilty by reason of insanity was deliberating inappropriately and therefore should have been removed. Because the judge should have taken those other steps to dig deeper, Clancy's lawyers argue, Sullivan should not have declared a mistrial. Therefore, they argued, to try her again would violate the longstanding Constitutional prohibition against prosecuting a person twice for the same crime.

"Accordingly, any successive trial would constitute a violation of Ms. Clancy's Double Jeopardy rights," Clancy's lawyer Martin G. Weinberg wrote in the filing.

The judge did not act on the motion immediately, and the prosecution has yet to file a response. But the motion to dismiss the charges will be a major focus of future proceedings in the the triple-murder case that's drawn national attention and superheated internet speculation; it's one [of several attempts by her defense](#) in the weeks that have followed the mistrial to end the case ahead of a retrial. If it's granted, the prosecution of Clancy for the killing of her three children would end.

Though Clancy would be technically found not guilty for killing Cora, 5, Dawson, 3, and Callan, 8 months, during what she called a postpartum psychotic episode, she would not necessarily be released if the motions are approved; she would likely be committed by a judge to a mental health hospital.

Clancy's first trial ended in a mistrial earlier this month. She has admitted to killing her children, but has claimed what's often referred to as the insanity defense — that she should not be criminally responsible because, in her case, she was deep in the throes of post-partum mental illness.

Clancy's month-long trial this past summer ended controversially, with the jury sending multiple notes to Sullivan that there was one juror holding out for guilt in a way that the other jurors, who wanted to find her not guilty by reason of insanity, found inappropriate. They said he expressed doubt that she was legally sane, but wouldn't find her not guilty by reason of insanity, as would then be required; he has since said through a lawyer that he did not have such doubts and was merely sticking by his beliefs about the case.

Weinberg, a well-known lawyer who Clancy hired to handle these post-trial arguments, argued in his 34-page motion to dismiss on Monday that the notes alleged juror misconduct and therefore the judge should have conducted more questioning of jurors than he did, particularly of the foreperson, who wrote the notes, and the holdout.

"Clancy, like all criminal defendants, had a Constitutional right to have her fate decided by an impartial jury of her peers, faithfully applying the law as instructed rather than superimposing the juror's own view of legal right and wrong, including the foundational principle that, absent proof beyond a reasonable doubt of her guilt, she must be acquitted," Weinberg wrote. "The multiple reports of a juror violating this bedrock principle, therefore, required a judicial inquiry sufficient to ascertain whether her right to an impartial jury was being violated."

Much of the specifics of what led up to the mistrial remain out of public view. For example, many of the notes were not read aloud in court, so the specifics of what the other jurors told the judge about the holdout aren't publicly available. This filing fills in few gaps: Weinberg's motion cites multiple notes but redacts much of them in the filing available to the public.

Clancy's motion to dismiss carries echoes of the proceedings that followed the mistrial declaration that ended the first trial of Karen Read, the Mansfield woman who was accused of killing her boyfriend. That mistrial declaration too was controversial when it came in July 2024, and, like this case, Weinberg joined the legal team to argue that a defendant should not be tried again because of split jury deliberations. Ultimately, Read did not prevail and was retried last year, though she was acquitted of all charges in her boyfriend's death at the end of that trial.

Weinberg himself notes the similarities in this case, citing the proceedings against his former client multiple times in the filing he entered for Clancy on Monday. But he calls this case the "antithesis" of Read's.

For Read, the controversy came from the strongly-worded notes that the jury sent, claiming that they were deeply deadlocked. After the judge declared a mistrial, multiple jurors spoke out publicly to clarify that they only were deadlocked on one count, that of manslaughter, and actually seemed to be in agreement on the others. The argument was that they'd miscommunicated the reality of deliberations on most of the charges, because they didn't know what to do with the situation they were in.

The state's highest court ultimately rejected Weinberg's argument for Read, saying the judge in that case had acted reasonably based on the notes she'd received.

In Clancy's case, "by contrast, we have a jury that was calling out for help, not once but twice informing the Court that its deliberations were being hijacked by a juror's disregard of the Court's instructions," Weinberg wrote.

Sean Cotter can be reached at sean.cotter@globe.com. Follow him [@cotterreporter](https://twitter.com/cotterreporter).

[Show 24 comments](#)
