LOCAL NEWS

Lindsay Clancy lawyers argue motion to dismiss, prosecutors indicate intent to retry case



Defendant Lindsay Clancy listens to prosecutor Jennifer Sprague say that they plan on a re-trial, during a hearing Monday in Plymouth Superior Court. (Greg Derr/The Patriot Ledger via AP, Pool)



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Lindsay Clancy's case was back in court Monday as the defendant's lawyers attempted to block a potential retrial, making the case that a second trial after September's mistrial would constitute double jeopardy.

The hearing marks the second time Clancy has returned to court since the prosecution's bid to convict the mother on charges of first-degree murder of her three children, Cora, 5, Dawson, 3, and Callan, 8 months, in 2023 ended in a mistrial in early September.

Prosecutor Jennifer Sprague indicated the DA's office intends to retry the case during the hearing in Plymouth Superior Court on Monday morning, saying the office does not know what the retrial looks like yet and is waiting for judgements on certain motions.

During an at times heated hearing, Judge William Sullivan heard three motions from the prosecution and defense, including the defense's motions to dismiss and admit evidence related to the holdout juror, and the prosecution's motion to preclude prejudicial statements.



“Ultimately the double jeopardy and jury trial rights are significant,” said defense attorney Martin Weinberg, who argued the double jeopardy motion to dismiss in court Monday. “We’ve raised issues that are not a long shot. We’ve raised issues consistent with the decisions of the SJC and the federal courts. And I’m again hopeful, not naive but hopeful, that either Judge Sullivan, the Supreme Judicial Court, or if necessary, federal courts will bar a second trial on double jeopardy concerns.”

The defense’s double jeopardy bid relies on the case that a “voir dire” – referring to the process in which judges and attorneys question jurors to check for bias or other potential disqualifications – should have been conducted before a mistrial was declared after jury notes raised questions of the holdout juror’s ability to follow reasonable doubt instructions.

Sprague contended that any further inquiry would have posed a risk of “chilling” the juror and argued the judge correctly handled the situation.

Defense attorney Kevin Reddington also argued for admitting evidence related to whether the holdout juror had been honest on his jury questionnaire and during empanelment related to arrest questions and had improperly used a phone during deliberations. Reddington cited interviews and statements made by jurors following the mistrial, calling any potential lies before the trial a “fatal infection of the independence, honesty and integrity of this juror.”

The prosecution fired back that information shared after the mistrial was not pertinent to the proceedings and there was “no relevance” to double jeopardy grounds.

During a tense exchange, Reddington was reprimanded for using the juror’s name in court, then later for referring to Sprague by her first name.

After the attorney started to dig into the juror’s potentially undisclosed arrest incidents, the prosecution also jumped in to move to sidebar. Judge Sullivan called the sides to sidebar, remarking, “Why don’t we all dial this back a little bit?”

“I was very impressed watching attorney Reddington through the trial,” the holdout juror’s attorney Heather O’Connor said after the hearing. “I think he is a great trial attorney, and I think he did a great job for his client. Today was a different story. Today seemed very emotional driven. It seemed maybe taking it too personal. It was not necessarily about the law. I feel like it was about the feelings, and that’s not how the law is decided.”

Asked if the holdout juror lied at any point leading up to the trial, O'Connor said he "answered the questions as he understood them to the best of his ability; he believes he was truthful."

Sprague also made the motion to restrain "prejudicial statements" from the defense, arguing Reddington's statements to the media could further impact a future jury pool and stating that "both sides have a right to a fair and impartial trial." The defense responded that the motion was "purely speculative" at this point.

Judge Sullivan took all three motions under consideration Monday, after arguments from the defense, prosecution and attorney for the holdout juror.

The case will return to Plymouth Superior Court on Nov. 16 at 9 a.m. for a status hearing and potential scheduling of a new trial date. Sullivan indicated the trial could take place in March.

Defense attorney Kevin Reddington listens to proceedings in court on Monday. (Greg Derr/The Patriot Ledger via AP, Pool)

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