

Rec'd  
10-1-26

COMMONWEALTH OF MASSACHUSETTS

PLYMOUTH, ss.

SUPERIOR COURT  
2383CR00198

COMMONWEALTH

vs.

LINDSAY CLANCY

**MEMORANDUM OF DECISION AND ORDER ON  
DEFENDANT'S MOTION FOR REQUIRED FINDING**

The Court will deny a motion for required finding of not guilty pursuant to Mass. R. Crim. P. 25(b)(2) if there was enough evidence to have satisfied *any* rational trier of fact as to the essential elements of the crime beyond a reasonable doubt. *Commonwealth v. Manolo M.*, 496 Mass. 244, 256 (2025).

The evidence may be primarily or entirely circumstantial, provided that, when viewed in the light most favorable to the Commonwealth, it “and the inferences permitted to be drawn therefrom [are] ‘of sufficient force to bring minds of ordinary intelligence and sagacity to the persuasion of [guilt] beyond a reasonable doubt.’” *Commonwealth v. Jansen*, 459 Mass. 21, 27 (2011).

In the present case, the defendant has moved for a required finding of not guilty pursuant to Mass. R. Crim. P. 25(b)(2) on the three indictments alleging murder. The defendant argues that the evidence presented was insufficient in two areas, the identity of the individual who committed the crimes and the issue of criminal responsibility.

I. **Proof of the Identity of Individual who Committed the Crime**

There was evidence introduced, both physical and circumstantial, that would permit a rational trier of fact to find beyond a reasonable doubt the elements of the charge of murder.<sup>1</sup> Among the evidence received was that the defendant was the mother of Cora, Dawson and Callan Clancy. In the Fall and Summer of 2022 and into the early months of 2023, the defendant was struggling with her mental health. She stated that she had experienced thoughts of harming her children. On January 24, 2023, the defendant ordered take out from a restaurant in Plymouth. The defendant's husband, Patrick Clancy, went to pick up the order. The defendant also asked him to pick up medication for their daughter at a local CVS. When Patrick Clancy left to go to the CVS and the restaurant, the defendant was alone in the home with the three children. While at the CVS, Patrick Clancy spoke to the defendant over their cellphones. Patrick Clancy picked up the medication and the food order and returned to the family home. There were videos introduced of Patrick Clancy being present at the CVS and the restaurant on January 24, 2023, at a time consistent with his testimony.

When Patrick Clancy returned to the home, he went inside and did not hear anyone. He eventually went upstairs to his and the defendant's bedroom. After unlocking the door, he went inside. He saw blood in the room and a window open to the backyard. He went down to the backyard and found the defendant on her back below the open window. She was injured. He asked her what happened and she said she tried to kill herself. He asked where the children were,

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<sup>1</sup>The crime of murder requires proof of an unexcused killing committed with malice aforethought, which includes intent to kill, intent to cause grievous bodily harm, and intent to commit an act which in the circumstances known to the defendant, a reasonable person would have known created a plain and strong likelihood that death would follow. *Commonwealth v. Pierce*, 419 Mass. 28, 35 n.8 (1994).

and she said they were in the basement. Patrick Clancy called 911 for help and stayed with the defendant until first responders arrived. At that time, Patrick Clancy went into the home's basement and found the bodies of Cora, Dawson as well as Callan. There were exercise bands wrapped around the children's necks.

Medical examiners testified that Callan died from complications due to mechanical asphyxia and that Cora and Dawson died from asphyxia. There were numerous exhibits introduced including computer records, phone records and crime scene photographs.

The argument raised by the defendant is whether the evidence produced by the Commonwealth in its case in chief was sufficient to convict on the crimes charged. As stated above, the evidence may be primarily or entirely circumstantial, provided that, when viewed in the light most favorable to the Commonwealth, it "and the inferences permitted to be drawn therefrom [are] 'of sufficient force to bring minds of ordinary intelligence and sagacity to the persuasion of [guilt] beyond a reasonable doubt.'" With respect to the elements of murder and the identity of who committed the alleged crimes, the evidence presented by the Commonwealth in its case in chief, when viewed in the light most favorable to the Commonwealth, was sufficient to satisfy any rational trier of fact beyond a reasonable doubt.

## **II. Issue of Criminal Responsibility**

Where a defendant asserts a defense of lack of criminal responsibility and there is evidence at trial that, viewed in the light most favorable to the defendant, would permit a reasonable finder of fact to have a reasonable doubt whether the defendant was criminally responsible at the time of the offense, the Commonwealth bears the burden of proving beyond a reasonable doubt that the defendant was criminally responsible. *Commonwealth v. Keita*, 429

Mass. 843, 849 (1999). “In this process, we require the Commonwealth to prove negatives beyond a reasonable doubt: that the defendant did not have a mental disease or defect at the time of the crime and, if that is not disproved beyond a reasonable doubt, that no mental disease or defect caused the defendant to lack substantial capacity either to appreciate the criminality of [her] conduct or to conform [her] conduct to the requirements of law.” *Commonwealth v. Lawson*, 475 Mass. 806, 811 (2016).

In evaluating the sufficiency of the evidence, the Court must “examine the evidence in the light most favorable to the Commonwealth and 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).

In the present case, both the defendant and the Commonwealth introduced expert testimony that the defendant, at the time of the killings, suffered from some form of a serious mental illness. Mental illness alone does not preclude a finding of criminal responsibility beyond a reasonable doubt. *Commonwealth v. Fujita*, 497 Mass. 46, 59-60 (2026).

The Commonwealth’s theory of criminal responsibility was that when the defendant committed the crime, she 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. In support of this position, the Commonwealth introduced evidence regarding the nature and methods of the killings and the defendant’s actions and demeanor at times surrounding the killings. See *Commonwealth v. Cullen*, 395 Mass 225, 229 (1985). The Commonwealth also called three expert witnesses who testified that it was their opinion that the defendant did not lack substantial capacity to appreciate the criminality or wrongfulness of her

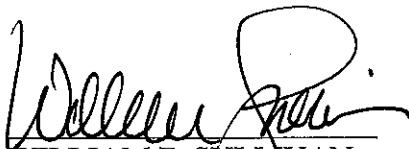
conduct and did not lack the substantial capacity to conform her conduct to the requirements of the law at the time of the killings.

Although the defendant also produced expert witnesses who disagreed with the Commonwealth's experts, it is within the discretion of the fact finder to place little or no weight on that evidence. "The law 'does not give the opinions of experts ... the benefit of conclusiveness, even if there are no contrary opinions introduced at trial.'" *Commonwealth v. Smith*, 357 Mass. 168, 178 (1970). "When expert testimony conflicts on the matter of sanity the decision is to be left to the jury." *Commonwealth v. Francis*, 355 Mass. 108, 111 (1969). See also *Smith*, 357 Mass. at 178 (jury is sole judge of credibility and weight of expert evidence on issue of sanity).

The Court finds that the evidence, when viewed in the light most favorable to the Commonwealth and with the reasonable inferences permitted to be drawn, was sufficient to have satisfied any rational trier of fact beyond a reasonable doubt as to the essential element of the defendant's criminal responsibility.

#### **ORDER**

For the foregoing reasons, Defendant's Motion for Required Finding pursuant to Mass. R. Crim. P. 25(b)(2) is **DENIED**.

  
WILLIAM F. SULLIVAN  
Justice of the Superior Court

DATE: October 1, 2026