

COMMONWEALTH OF MASSACHUSETTS

NORFOLK, SS

DISTRICT COURT DEPARTMENT
DEDHAM DIVISION
DOCKET NO. 2154CR000656
2154CR000657

COMMONWEALTH

v.

LESLIE A. COUGHLIN
JAMES F. COUGHLIN

DEFENDANTS' MOTION IN LIMINE TO PROHIBIT DISPLAYS OF SUPPORT FOR
DECEDENT AT DEDHAM DISTRICT COURT

Defendants James and Leslie Coughlin move in limine to prohibit displays of support for Alonzo Polk (hereinafter, "the Decedent") in and around Dedham District Court during jury selection, empanelment, trial, and deliberations.

First, Defendants are guaranteed the right to a trial by an impartial jury under Article 12 of the Massachusetts Declaration of Rights and the Sixth and Fourteenth Amendments to the United States Constitution. *Com. v. Toolan*, 460 Mass. 452, 462 (2011). "The failure to grant a defendant a fair hearing before an impartial jury violates even minimal standards of due process." *Commonwealth v. Susi*, 394 Mass. 784, 786 (1985). Displays of Decedent support in or around Dedham District Court are overt attempts to improperly influence jurors. Decedent's supporters demand "justice for Alonzo" – which is a thinly veiled insistence that the jury deliver a guilty verdict. Protests, signs, clothing, chants, and other displays of support threaten the impartiality of the jury and thus should be prohibited.

Second, it is a criminal offense to picket or parade in or near a courthouse with the intent of influencing judges, witnesses, or jurors. Mass. Gen. L., ch. 268 § 13A. Supporters of the

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Decedent have paraded, chanted, and picketed in protest outside of the courthouse since the beginning of this case. *See* Exhibit A. At each court appearance, supporters have worn clothing with slogans and images in support of the Decedent. *Id.* After most court hearings, a representative of the Decedent's supporters holds a press conference on the courthouse steps, surrounded by fellow supporters with clothing and signs demanding justice. *Id.* The Decedent's supporters demand "justice" but, in reality, they are demanding a guilty verdict. It is clear from past organized parades and courthouse pickets that the supporters will violate the law again in a final attempt to illegally influence the result of this trial.

Third, it is also a criminal offense to intimidate, directly or indirectly, a judge, juror, or witness in a criminal trial. Mass. Gen. L., ch. 268 § 13B. Decedent's supporters and relatives have already harassed and intimidated multiple potential witnesses to this case. *See* Exs. B-F. For instance, family members of the Decedent arrived unannounced at a witness's home in Dedham, banged on his door, accused him of lying, threatened him, and told him that "they needed to stick together on this." *See* Ex. B. Approximately six months later, the same relative of the Decedent confronted the same witness and said that "he wanted [the witness] to change his story [as] to how [Decedent] died, so it supports the story his family is telling." *See* Ex. C. The witness bravely refused and told the Decedent's family member that he will "only tell the truth." *Id.* The witness was then punched in the face twice. *Id.*

The Defendants have also been the victims of witness intimidation on several occasions. On November 25th and 26th of 2021, supporters of the Decedent parked outside of the Coughlin residence, which is the last property on a dead-end street. *See* Ex. D. The supporters blared music and yelled threats at the Defendants and their children. *Id.* On June 6, 2022, the one-year anniversary of the tragic accident, tens of supporters showed up at the Coughlin home at four

7

o'clock in the morning, blared music featuring gun shots, dared the Coughlins to come outside, stood on the Coughlins' front lawn, warned the Coughlins not to use their cars in the morning, and kicked the Coughlins' cars. *See* Ex. E. All of the above instances of felony witness intimidation were reported to the Norfolk District Attorney's Office and the Dedham Police Department.¹ There have been no criminal prosecutions as a result. The Court must act to prevent future harassment, intimidation, and violence that will deter witnesses and jurors from performing their duties faithfully.

Outward displays of support for the decedent, such as signs, clothing, chants, protests, or parades will only serve to influence or intimidate the witnesses and jurors and should therefore be prohibited.

WHEREFORE, the Defendants respectfully request that this Honorable Court:

- (1) Order the Officers of the Massachusetts Trial Court to disperse any protests, parades, press conferences, or pickets in or near the Dedham District Court;
- (2) Order the Officers of the Massachusetts Trial Court to prohibit displays of support for the Decedent in or near the Dedham District Court; and
- (3) Issue any other orders to promote the fair administration of justice and protect the Defendants' rights to due to process.

Dated: March 20, 2023

Respectfully submitted,

LESLIE COUGHLIN
JAMES COUGHLIN

By their attorneys,

¹ Under the witness intimidation statute, the Norfolk County District Attorney's Office and the Dedham Police Department have jurisdiction to bring charges in Dedham District Court, regardless of where the witness intimidation took place. *See* Mass. Gen. L., ch. 268, § 13B(c).

/s/ Brian T. Kelly

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CERTIFICATE OF SERVICE

I hereby certify that a true and accurate copy of the foregoing document was hand delivered and/or emailed on March 20, 2023 to Assistant District Attorney Sean P. Riley of the Norfolk District Attorney's Office.

/s/ Thomas A. Barnico, Jr.