

COMMONWEALTH OF MASSACHUSETTS – PLYMOUTH DISTRICT
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COMMONWEALTH PREVAILS IN STEVEN JAMES MURDER CONVICTION

SJC rules that gatekeeper provision of MGL applies to a juvenile who has been convicted of murder in the first degree and whose conviction has been affirmed after plenary review

BROCKTON – Massachusetts highest court today ordered the case against a man who brutally murdered a Rockland man with a baseball bat must show that he is raising a new and substantial issue before he may be heard on any further appeals, Plymouth County District Attorney Timothy J. Cruz announced today.

On April 11, 1995, a Plymouth County jury convicted Steven James of First Degree Murder and assault charges in the death of 22-year-old Edward Sullivan. James was sentenced to a mandatory term of life without the possibility of parole.

On February 21, 1994, then 17-year-old James and several of his friends were in a parking lot of a sandwich shop in Rockland. Some distance away, near a van belonging to Sullivan, an argument began between Sullivan and Steven DiRenzo, one of James's friends. Mr. Sullivan took a baseball bat out of his van and used it to fend off DiRenzo, but did not actually swing it. DiRenzo then called to James who, with several of their other friends, ran toward the van and began taunting Sullivan. During this encounter, Sullivan, who was pushed to the ground, dropped the bat and lay motionless on his stomach as people repeatedly hit and kicked him. Throughout the beating, Sullivan pleaded with them to stop and made no attempt to fight back. James picked up the bat and swung it three times at Sullivan's head, crushing his skull and lacerating his brain. Sullivan was taken to a hospital, where he died two days later as a result of head injuries.

In 2013, James filed a motion for a new trial that was denied and James was resentenced to life without the possibility of parole. James thereafter filed an application, pursuant to the gatekeeper provision of MGL Chapter 278, Section 33E, seeking leave to appeal the denial of his motion for a new trial. James argued that he was not subject to the gatekeeper provision.

Today, the SJC issued their opinion holding that “the gatekeeper provision applies to a juvenile defendant who, like James, has had a direct appeal, has received plenary review and, following that review, remains convicted of murder in the first degree.” James's case will now

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return to the Single Justice for consideration of James’s gatekeeper application, specifically whether the issues presented in his new trial motion are new and substantial.

“We are pleased with the SJC’s opinion today,” DA Cruz said. “Edward Sullivan was brutally and senselessly murdered with a baseball bat held by Steven James. Mr. James had his direct appeal and his case received plenary review. The SJC recognized this and ruled accordingly.”

The Appeal of this case was handled for Plymouth County by Assistant District Attorney Mary Lee and prosecuted at trial by First Assistant District Attorney Richard Savignano.

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