

MOTIVE

The Commonwealth is not required to prove motive as an element of the offense. However, you may consider an absence of motive evidence in determining whether the Commonwealth has proved all the elements of the crime beyond a reasonable doubt.

Commonwealth v. Brea, 488 Mass. 150, 166-67 (2021) (declining to spell out the exact circumstances in which a defendant may be entitled to an instruction that the absence of motive can be considered, or what precisely a proper instruction should say, but holding that, when “the Commonwealth requests an instruction informing the jury that it is not required to prove motive as part of its case, the judge should also inform the jury of the corollary principle: that the jury can consider an absence of motive evidence in determining whether the Commonwealth has proved all the elements of the crime beyond a reasonable doubt.”).