COMMONWEALTH OF MASSACHUSETTS
APPEALS COURT

MIDDLESEX COUNTY 2025 SITTING

No. 2025-P-1172

COMMONWEALTH OF MASSACHUSETTS,
APPELLANT

v.

JOSEPH K. MCLAUGHLIN,
APPELLEE.

ON APPEAL FROM AN ORDER
OF THE SOMERVILLE DISTRICT COURT

BRIEF AND RECORD APPENDIX FOR THE COMMONWEALTH

Respectfully Submitted
For the Commonwealth:

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ISSUE PRESENTED

Did the motion judge improperly allow the defendant's motion to suppress, where the defendant was unconscious behind the wheel of his car with an open pill bottle on the passenger seat, and opening the defendant's car door was a minimally intrusive invasion justified by both reasonable suspicion that a crime was occurring and community caretaking?

STATEMENT OF THE CASE

Prior Proceedings[1]

On September 16, 2024, the Somerville District Court issued a five-count complaint (docket no. 2410CR000991) charging that on September 14, 2024, in Medford, the defendant possessed ammunition without an FID card, possessed a class A drug, carried a loaded firearm without a license, carried a firearm without a license, and received stolen property. (R.A. 3.)

On April 11, 2025, the defendant filed a motion to suppress evidence. (R.A. 6.) On April 14, 2025, the Commonwealth filed an opposition to that motion. (R.A. 6.) An evidentiary hearing before Justice Stuart M. Hurowitz was held on April 14, 2025. (R.A. 6.) The defendant filed a post-hearing memorandum in support of his motion to suppress on May 5, 2025. (R.A. 6.) On May 14, 2025, Justice Hurowitz issued a written Decision on Defendant's Motion to Suppress Evidence allowing the defendant's motion to suppress. (R.A. 6, 22-24, Add. 25-27.)

On May 30, 2025, the Commonwealth filed a motion to reconsider. (R.A. 7.) A hearing on the motion to reconsider was held on July 2, 2025. (R.A. 7.) Justice Hurowitz denied the Commonwealth's motion to reconsider in a decision issued on

[1] Citations to the record are as follows: to the Commonwealth's Addendum, by page number, e.g., (Add. ___); to the Record Appendix, by volume and page, e.g., (R.A. I/5____); and to the transcript, by volume and page number, e.g., (Tr. I/5___.) The Commonwealth designates the transcript of the evidentiary motion to suppress Tr. I, and the transcript of the motion to reconsider Tr. II.

July 3, 2025. (R.A. 7, 82, Add. 27.) On July 31, 2025, the Commonwealth sought interlocutory review of the allowance of the defendant's motion to suppress and the denial of the Commonwealth's motion to reconsider pursuant to Mass. R. Crim. P. 15(a)(2). On August 14, 2024, a single justice of the Supreme Judicial Court for Suffolk County allowed the application for interlocutory review and ordered that the appeal proceed in the Appeals Court. On September 23, 2025, the case entered on the docket of this court.

FACTUAL BACKGROUND

An evidentiary hearing on the defendant's motion to suppress was held on April 14, 2025. State Police Troopers Ryan Palmer and Thomas Cashin testified at the hearing. (Tr. I/5-33, 35-45.) The body camera footage from both troopers was also admitted into evidence. (Tr. I/20-21, 34, Exhs. 1 & 2.[2]) Based on the testimony and evidence, Justice Hurowitz made the following findings of fact:

> On September 14, 2024, around 3:30am, a purple Dodge Challenger with temporary Texas license plates was parked in the breakdown lane heading northbound on Interstate 93 in Medford. (Tr. I/6-9.) The car was fully in the breakdown lane, though slightly angled, and completely stationary. (Tr. I/7-8.) The car neither had its hazard lights on nor were the rear brake lights illuminated, suggesting that the engine was not running. (Tr. I/9.) This particular stretch of breakdown

[2] Pursuant to Mass. R. App. P. 8(a), 9(b), and 18(e), the Commonwealth has separately submitted as part of the record a USB drive containing the two exhibits from the motion to suppress. The Commonwealth refers to Trooper Palmer's body camera footage, which was admitted as exhibit 1, as "Exh. 1," and Trooper Cashin's body camera footage, which was admitted as exhibit 2, as "Exh. 2.")

lane is just after a curved portion of the highway making it difficult to see from a distance. (Tr. I/8.)

Trooper Palmer parks his cruiser behind the Dodge and turns on his overhead lights to illuminate the Dodge. (Tr. I/10.) Upon walking to the passenger side window of the Dodge and shining his flashlight into the car the defendant, Mr. Joseph McLaughlin, is seen sleeping in the driver's seat. (Tr. I/10-11.) His head is on his chest and his eyes are closed. (Tr. I/11.) On the passenger seat is a cell phone and what looks like a prescription pill bottle. (Tr. I/11.) Trooper Palmer walks to the driver's side door and taps his flashlight 8-9 times in rapid succession and then immediately opens the door to the Dodge. (Tr. I/12-13.) The Trooper asks Mr. McLaughlin "What's up?" and Mr. McLaughlin, without hesitation, tells the Trooper he was out of gas and that someone was on the way to help him. (Tr. I/13-14.) When asked where he was heading, Mr. McLaughlin says he was going to New Hampshire. (Tr. I/22.) It was later confirmed that Mr. McLaughlin resides in New Hampshire.

Trooper Palmer has Mr. McLaughlin place his hands on the steering wheel. (Tr. I/21.) There is no hesitation or inability to comply. Mr. McLaughlin is ordered out of the car at about the same time that Trooper Cashin walks up to the driver's side of the car. (Tr. I/15, 22, 38.) They walk Mr. McLaughlin to the rear of the car where he is handcuffed, pat frisked, then put in the back seat of the cruiser. (Tr. I/16-17, .) Trooper Cashin shines his flashlight into the Dodge through the open door. (Tr. I/17.) He observes a gun wedged in-between the driver's seat and the center console. (Tr. I/17, 39.) Upon relating this observation to Trooper Palmer, Trooper Palmer demands Mr. McLaughlin's License to Carry. (Tr. I/17, 41.) Mr. McLaughlin replies that he did not have one. (Tr. I/17.)

Trooper Palmer and Trooper Cashin return to the Dodge to collect the firearm and render it safe. (Tr. I/18, 40.) They also locate a ziplock type bag. (Tr. I/18.) It is not completely see-through, but what could be best described as 'milky' in that it is a clear bag but slightly more

> difficult to see through because of what appears to be the residue of something coating the inside of the bag. (Tr. I/27.) The ziplock bag, which appears to be a typical ziplock bag and not what is often described as either a "dime bag" or "cut corner bag," is located on the driver's side floor, partially under the seat. (Tr. I/27.) However, it did not necessarily start there. Trooper Palmer testified that in the brief moments after opening the car door but before having Mr. McLaughlin exit the car, he observed some white powder in between his legs on the seat and the bag on the floor between his feet. (Tr. I/13-14.)
>
> (Add. 25-26, R.A. 22-23. See also Exhs. 1 & 2.)

ARGUMENT

THE MOTION JUDGE IMPROPERLY ALLOWED THE DEFENDANT'S MOTION TO SUPPRESS, WHERE THE DEFENDANT WAS UNCONSCIOUS BEHIND THE WHEEL OF HIS CAR WITH AN OPEN PILL BOTTLE ON THE PASSENGER SEAT, AND OPENING THE DEFENDANT'S CAR DOOR WAS A MINIMALLY INTRUSIVE INVASION JUSTIFIED BY BOTH REASONABLE SUSPICION THAT A CRIME WAS OCCURRING AND COMMUNITY CARETAKING.

The motion judge found that Trooper Palmer's actions in opening the defendant's car door without giving the defendant adequate time to respond to the trooper's knock on the window was an unreasonable stop under Article 14 and the Fourth Amendment. (Add. 26-27, R.A. 22-24, 82.[3]) The motion judge was

[3] The motion judge reiterated in the denial of the Commonwealth's motion to reconsider that he believed it was "entirely unreasonable" for the trooper to open the unconscious defendant's door after tapping on the window nine times "without waiting for a response." (Add. 28, R.A. 82.)

mistaken. This minimally intrusive action was justified by both the trooper's community caretaking function – ensuring the safety of the public – and by reasonable suspicion that a crime was occurring.

In reviewing a decision on a motion to suppress, this court must accept the motion judge's findings of fact absent clear error, but may conduct an independent review of the application of the law to those facts. Commonwealth v. Ancrum, 65 Mass. App. Ct. 647, 651 (2006), citing Commonwealth v. Scott, Mass. 440 Mass. 642, 646 (2004). An appellate court may supplement a motion judge's subsidiary findings with evidence from the record that "is uncontroverted and undisputed and where the judge explicitly or implicitly credited the witness's testimony[.]" Commonwealth v. Isaiah I., 448 Mass. 334, 337 (2007).

a. The stop occurred when the Trooper opened the defendant's car door.

The sole constitutional event requiring justification was the trooper opening the defendant's door— an action that was permissible based on both reasonable suspicion and community caretaking. "Determining the precise moment at which a seizure occurs is critical to resolving the issue of suppression." Commonwealth v. Sykes, 449 Mass. 308, 310 (2007) "[N]ot every encounter between a law enforcement official and a member of the public constitutes an intrusion of constitutional dimensions requiring justification." Commonwealth v. Lopez, 451 Mass. 608, 611 (2008), quoting Commonwealth v. Stoute, 422 Mass. 782, 789

(1996). See Terry v. Ohio, 392 U. S. 1, 19 n.16 (1968). "[T]he police do not effect a seizure merely by asking questions unless the circumstances of the encounter are sufficiently intimidating that a reasonable person would believe he was not free to turn his back on his interrogator and walk away." Commonwealth v. Fraser, 410 Mass. 541, 544 (1991) (no seizure where officer approached, identified himself as police officer, and asked defendant to remove hands from his pockets). "Thus, police officers may approach individuals on the street to ask them about their business without implicating the balance between State power and individual freedom." Commonwealth v. Narcisse, 457 Mass. 1, 5 (2010). "Only when the officer, by means of physical force or show of authority, has in some way restrained the liberty of a citizen may [a court] conclude that a 'seizure' has occurred." Lopez, 451 Mass. at 611, quoting Commonwealth v. Thinh Van Cao, 419 Mass. 383, 388 n.7, cert. denied, 515 U.S. 1146 (1995).

Courts consider the circumstances from the perspective of the suspect, and the intent of the officer is irrelevant to the court's inquiry unless it is communicated to the suspect. Commonwealth v. Damelio, 83 Mass. App. Ct. 32, 35 (2012). It is the defendant's burden at the motion to suppress stage to show that a seizure and search in the constitutional sense occurred. Commonwealth v. Berry, 420 Mass. 95, 105-106 (1995).

An objective analysis of the circumstances illustrates the absence of any

physical force or show of authority that would have converted Trooper Palmer's inquiry into a seizure requiring constitutional justification prior to the opening of the door and exit order. See Sykes, 449 Mass. at 311 (whether particular encounter between officer and member of public constitutes seizure is fact-specific question). Trooper Palmer did not stop the defendant simply by pulling behind the defendant's already parked vehicle and approaching it. See Commonwealth v. Doulette, 414 Mass. 653, 655 (1993) (defendant not stopped where officer left cruiser, approached defendant's parked automobile, and shined flashlight into automobile). The trooper did not position his cruiser in a way that blocked the defendant's vehicle. Contrast Commonwealth v. Helme, 399 Mass. 298, 303 (1987) (stop occurred when officer parked cruiser in way that blocked the defendant's vehicle from departing).

Nor did a stop occur when Trooper Palmer approached the vehicle, looked inside the vehicle, or knocked on the window of the vehicle. Just as a police officer can knock on a person's front door without constitutional justification, the Fourth Amendment is not implicated by the trooper's knock on the window of the defendant's already parked vehicle. See Commonwealth v. Fortune, 57 Mass. App. Ct. 923, 924 (2003) (police can "lawfully ask questions of people in the street or of persons whose door bells they rang"); Commonwealth v. Murdough, 428 Mass. 760, 763 (1999) ("And if the police, in pursuing their inquiries, may knock on any

door, they may also knock on any vehicle window"). The video that was entered into evidence at the motion to suppress shows that the defendant was not even aware of the trooper's presence until the trooper opened the car door. See Exh. 1.

It was not until Trooper Palmer opened the defendant's door that a justification for the action must be offered. See Murdough, 428 Mass. at 764. Contrary to the motion judge's ruling, this action was justified by both reasonable suspicion that a crime had occurred and by the trooper's community caretaking function.

b. The Trooper had reasonable suspicion that the defendant was operating under the influence prior to opening the defendant's door and issuing the exit order.

Trooper Palmer legally opened the defendant's car door to issue him an exit order because the trooper had reasonable suspicion at the time that the defendant was committing a crime. It is well settled that police may permissibly issue an exit order during a traffic stop in three situations, including when they "have reasonable suspicion of criminal activity." Commonwealth v. Torres-Pagan, 484 Mass. 34, 38 (2020). Thus, "[w]here police officers have a reasonable, articulable suspicion that a person in a vehicle has committed, is committing, or is about to commit a crime, they may... issue an exit order, and conduct a threshold inquiry." Commonwealth v. Greenwood, 78 Mass. App. Ct. 611, 616 (2011).

"Reasonable suspicion exists when an officer, based on specific, articulable

facts and reasonable inferences therefrom, in light of the officer's experience, has reasonable grounds to suspect a person is committing, has committed, or is about to commit a crime." Commonwealth v. Pinto, 476 Mass. 361, 363–64 (2017). "The standard is objective: 'would the facts available to the officer at the moment of the seizure or the search 'warrant a man of reasonable caution in the belief that the action taken was appropriate?'" Commonwealth v. Mercado, 422 Mass. 367, 369 (1996), quoting Terry v. Ohio, 392 U.S. 1, 21-22 (1968).

Here, the totality of the circumstances as they existed before the door was opened and the defendant was ordered from his car provided Trooper Palmer with ample reasonable suspicion that the defendant was operating his vehicle under the influence. The defendant's car was inexplicably stopped in the breakdown lane at 3:30 a.m. on a busy stretch of Interstate 93 with no hazard or even brake lights illuminated. When Trooper Palmer approached the passenger side and illuminated the interior of the vehicle with his flashlight, he observed the defendant slumped in the driver's seat, unconscious, while the car remained on.[4] The defendant did not react to the flashlight beam or show any signs of awareness, nor did he respond when the trooper knocked on the window with his flashlight repeatedly. An open prescription pill bottle was clearly visible in the passenger seat.

[4] The vehicle's infotainment screen is clearly illuminated when Trooper Plamer approaches the car, demonstrating the vehicle's electrical system was on during the interaction. See Exh. 1.

This combination of evidence-- a slumped over, non-responsive driver with a pill bottle by his side-- provided reasonable suspicion that the defendant was operating his vehicle while under the influence of an intoxicating substance. See Commonwealth v. Davis, 481 Mass. 210, 216 (2019), quoting Commonwealth v. Connolly, 394 Mass. 169, 173 (1985) ("A driver operates a motor vehicle while under the influence when the consumption of an intoxicating substance such as alcohol or marijuana diminishes his or her 'ability to operate a motor vehicle safely'"). The defendant did not appear to possess the appropriate "alertness, judgment, and ability to respond promptly and effectively to unexpected emergencies." District Court Jury Instruction 5.310, Operating Under the Influence of Intoxicating Liquor. Combined with the open pill container, it was appropriate for Trooper Palmer to order the defendant out of the vehicle in order to confirm or dispel his suspicions. See United States v. Sharpe, 470 U.S. 675, 686 (1985) ("appropriate to examine whether the police diligently pursued a means of investigation that was likely to confirm or dispel their suspicions quickly, during which time it was necessary to detain the defendant"); Commonwealth v. Eckert, 431 Mass. 591, 598 (2000) ("reasonable suspicion that the defendant was operating while under the influence of intoxicants would suffice to justify minimally intrusive detention and search").

The trooper had reasonable and articulable suspicion that the defendant was

operating under the influence of an intoxicating substance, and was justified in opening the car door and requesting the defendant exit the vehicle so that he could quickly confirm or dispel that suspicion. The contraband, a firearm and narcotics, were discovered in plain view after the defendant exited the vehicle. Therefore, the motion to suppress was allowed in error.

c. Trooper Palmer's actions, opening the vehicle door and requesting the defendant to exit the vehicle, were justified by the trooper's community caretaking function of ensuring the safety of the community and the defendant.

The trooper's decision to open the defendant's door, after shining a light at him and repeatedly knocking on the window, was also justified as community caretaking, and the judge erred in holding otherwise. (Add. 26, R.A. 22-24, 82.) The presence of an apparently unconscious person behind the wheel of a car, who may be under the influence or in need of immediate medical attention, certainly merits quick action to protect both the well-being of the public and the defendant himself.

Local police officers "are charged with 'community caretaking functions, totally divorced from the detection, investigation or acquisition of evidence relating to the violation of a criminal statute.'" Commonwealth v. Evans, 436 Mass. 369, 372 (2002), quoting Cady v. Dombrowski, 413 U.S. 433, 441 (1973). When executing this community caretaking function, an officer may, where

appropriate or necessary, stop individuals to inquire as to their wellbeing, even without grounds to suspect criminal activity. Murdough, 428 Mass. at 764. "Under the community caretaking function, an officer may, without reasonable suspicion of criminal activity, approach and detain citizens for community caretaking purposes." Commonwealth v. Sargsyan, 99 Mass. App. Ct. 114, 116 (2021) (officer acted in community caretaking function where defendant was found alone on cold, dark January evening, apparently sleeping while seated in driver's seat of running car). The decision to make a wellbeing check must be based on a reasonable belief that the individual's safety and wellbeing, or that of the public, may be in jeopardy. Id. at 762. Acting in this community caretaking capacity, a police officer may take all steps reasonable and consistent with the purpose of a wellbeing inquiry. Commonwealth v. Smigliano, 427 Mass. 490, 499-501 (1998) (Fried, J., concurring). An officer may take such steps even if the actions include conduct that otherwise would be considered constitutionally intrusive. Cady, 413 U.S. at 447.

The current case is similar to both Murdough, 428 Mass. at 761, and Evans, 436 Mass. at 370-371. In each case, officers came upon parked running vehicles, approached the vehicles where they found the defendants unresponsive in the driver's seat, and each defendant took some time to rouse despite the officers knocking on the window. Murdough, 428 Mass. at 761; Evans, 436 Mass. at 370-371. In Murdough the Court held that the officers involved did not go beyond the

community caretaking function by asking the defendant to step out of the vehicle to be able further to observe his condition and because they thought that "the cold air would sober him up." Murdough, 428 Mass. at 764-765. Similarly in Evans, the Court held that "[t]he trooper, as part of his community caretaking responsibilities, appropriately decided to check the status of the vehicle and its occupants." Evans, 436 Mass. at 373.

The facts of the present case are similar to Murdough and Evans. Trooper Palmer approached the running vehicle, saw the apparently unconscious, non-responsive defendant with an open prescription pill bottle resting on the passenger seat next to him. The vehicle was stopped on a curve on a busy interstate highway without its headlights on. The trooper opened the defendant's door and asked him to exit to determine whether the defendant needed assistance and whether he was capable of safe operation.

Moreover, an impaired person behind the wheel of a car is an immediate danger to the community at large. "If the community caretaking function . . . means anything, surely it allows a police officer to determine whether a driver is in such a condition that if he resumes operation of the vehicle, in which he is seated at a highway rest stop, he will pose such an extreme danger to himself and others." Murdough, 428 Mass. at 764. Contrast Commonwealth v. Quezada, 67 Mass. App. Ct. 693, 695 (2006) (police exceeded community caretaking function where police

chased defendant, who was on foot and appeared injured, and ordered him to stop after defendant declined police's assistance. "Here, the defendant was not operating a motor vehicle, which could, in his condition, have posed a potential danger to the public").

Here, Trooper Plamer appropriately carried out his community caretaking responsibilities by ensuring that the defendant, who was unconscious behind the wheel of a motor vehicle, was both not in distress and capable of operating safely as to not pose an extreme danger to himself and others. Approaching the defendant's vehicle, opening the door and asking him to step out "was a minimal intrusion on the defendant" and did "require judicial justification." Evans, 436 Mass. at 373. Even if there was not reasonable suspicion that the defendant was operating under the influence, Trooper Plamer's community caretaking function still required him to act quickly to ensure that the defendant was not in need of immediate medical attention and could operate the vehicle safely. See Sargsyan, 99 Mass. App. Ct. at 118 ("There are conditions other than intoxication due to alcohol or drugs, however, that could have affected the defendant's ability to drive, e.g., medical related conditions. Neither the defendant's apparent sobriety, nor the car's running engine, extinguished the need for the community caretaking inquiry to continue").

The motion judge erred in focusing on the amount of time Trooper Plamer

waited between knocking on the defendant's vehicle and opening the door. (Add. 26-27, R.A. 23-24, 82.) The presence of the pill bottle and the fact that the defendant did not respond to multiple attempts to rouse him could have easily indicated the defendant was in immediate need of medical attention and that time was of the essence. It would be entirely unreasonable to require that an officer wait to open the door for a set period of time after pulling up behind the defendant, shining a flashlight directly at him, seeing a pill bottle on the passenger seat, and repeatedly knocking on the driver's side window.

Furthermore, the interaction occurred on a curved stretch of an interstate highway. It was therefore paramount that the defendant quickly be removed from behind the wheel of the vehicle. A vehicle operated by an intoxicated or otherwise impaired individual still poses a danger to the public even if the vehicle is temporarily parked. See Commonwealth v. Wurtzberger, 496 Mass. 203, 207 n.9 (2025) (citing Commonwealth v. Clarke, 254 Mass. 566, 567 (1926). "The defendant's vehicle in Clarke [] was parked on an incline and, when the defendant shifted into neutral, the vehicle rolled forward into another vehicle. The facts in Clarke exemplify one of the dangers a standing vehicle with its engine off may pose if operated by an intoxicated individual"). The danger to the defendant, the trooper, and the public is amplified on the side of an interstate with vehicles passing at a high rate of speed. Therefore, the trooper acted well within his

community caretaking function by quickly removing the defendant from behind the wheel of the vehicle to determine whether he could operate the motor vehicle safely.

Trooper Palmer's actions in opening the vehicle door and the exit order were entirely appropriate pursuant to his community caretaking functions and the motion to suppress was therefore allowed in error.

CONCLUSION

For the foregoing reasons, the order of the Somerville District Court should be reversed.

Respectfully Submitted
For the Commonwealth,

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Dated: November 17, 2025

ADDENDUM

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COMMONWEALTH OF MASSACHUSETTS

MIDDLESEX, ss. SOMERVILLE DISTRICT COURT
Doc. No. 2410CR000991

COMMONWEALTH OF MASSACHUSETTS

v.

JOSEPH MCLAUGHLIN

DECISION ON
DEFENDANT'S MOTION TO SUPPRESS EVIDENCE

The Court conducted an evidentiary hearing on April 14, 2025 on the Defendant's Motion to Suppress Evidence. Specifically, the Defendant moved to suppress the fruits of a stop, exit order, and search of a motor vehicle that the Defendant was in on September 14, 2024 as not being supported by either probable cause or reasonable suspicion.

The Court heard from two Commonwealth witnesses, Trooper Ryan Palmer and Trooper Thomas Cashin both of the Massachusetts State Police.

The Court also accepted into evidence two compact discs, each containing the body worn camera footage from each Trooper.

For the reasons stated herein, the Defendant's Motion is Granted.

Findings of Fact

On September 14, 2024, around 3:30am, a purple Dodge Challenger with temporary Texas license plates was parked in the breakdown lane heading northbound on Interstate 93 in Medford. The car was fully in the breakdown lane, though slightly angled, and completely stationary. The car neither had its hazard lights on nor were the rear brake lights illuminated, suggesting that the engine was not running. This particular stretch of breakdown lane is just after a curved portion of the highway making it difficult to see from a distance.

Trooper Palmer parks his cruiser behind the Dodge and turns on his overhead lights to illuminate the Dodge. Upon walking to the passenger side window of the Dodge and shining his flashlight into the car the defendant, Mr. Joseph McLaughlin, is seen sleeping in the driver's seat. His head is on his chest and his eyes are closed. On the passenger seat is a cell phone and what looks like a prescription pill bottle. Trooper Palmer walks to the driver's side door and taps his flashlight 8-9 times in rapid succession and then immediately opens the door to the Dodge. The Trooper asks Mr. McLaughlin "What's up?" and Mr. McLaughlin, without hesitation, tells the Trooper he was out of gas and that someone was on the way to help him. When asked where he was heading, Mr. McLaughlin says he was going to New Hampshire. It was later confirmed that Mr. McLaughlin resides in New Hampshire.

Trooper Palmer has Mr. McLaughlin place his hands on the steering wheel. There is no hesitation or inability to comply. Mr. McLaughlin is ordered out of the car at about the same time that Trooper Cashin walks up to the driver's side of the car. They walk Mr. McLaughlin to the rear of the car where he is handcuffed, pat frisked, then put in the back seat of the cruiser. Trooper Cashin shines his flashlight into the Dodge through the open door. He observes a gun wedged in-between the driver's seat and the center console. Upon relating this observation to Trooper Palmer, Trooper Palmer demands Mr. McLaughlin's License to Carry. Mr. McLaughlin replies that he did not have one.

Trooper Palmer and Trooper Cashin return to the Dodge to collect the firearm and render it safe. They also locate a ziplock type bag. It is not completely see-through, but what could be best described as 'milky' in that it is a clear bag but slightly more difficult to see through because of what appears to be the residue of something coating the inside of the bag. The ziplock bag, which appears to be a typical ziplock bag and not what is often described as either a "dime bag" or "cut corner bag," is located on the driver's side floor, partially under the seat. However, it did not necessarily start there. Trooper Palmer testified that in the brief moments after opening the car door but before having Mr. McLaughlin exit the car, he observed some white powder in between his legs on the seat and the bag on the floor between his feet.

Rulings of Law

The first question is whether or not it was reasonable for the Trooper [redacted] to open the driver's side door. The Court concludes that under these particular facts, it was not.

Certainly, the Trooper was justified in having both an investigative and community caretaking motivation when he parked his cruiser behind the Dodge that was in the breakdown lane at 3:30am. He continued to be justified in peering through the passenger's side door window, and then the driver's side door window for the same reasons. He was even justified in tapping on the driver's side door window in order to determine if the occupant of the car needed medical assistance. The body worn camera footage demonstrates that the Trooper, however, did not give the occupant adequate, or really any, time to awaken from the taps on the window prior to opening the car door. This case is, therefore, factually very different from Commonwealth v. Leonard, 422 Mass 504 (1996). In Leonard, an Officer watched the car in question pull to the side of the road. The Officer tried to get the attention of the driver with his PA System and his Air Horn to no avail. The failure of those loud methods prompted him to go to the car and knock on the window. When that failed to get the operator's attention, he opened the door. Id. at 505. The SJC held that the totality of these actions by the Officer were reasonable under Article 14. Id. at 509. The length and efforts that the Officer in Leonard went through prior to opening the door, coupled with that Officer's observations of the car having pulled off the road, stand in contrast to the lack of time the Trooper in this case afforded to the car's occupant.

The Community Caretaking function of the police is a "limited and focused inspection of a vehicle to determine whether assistance or aid is required is a minimal intrusion on the occupant's, or owner's, expectation of privacy." Commonwealth v. King, 389 Mass. 233, 242

(1983). Tapping on the window and opening of the car door immediately without any pause to determine if the occupant responded exceeds this minimal intrusion warning and makes the opening of the door unreasonable stop under both Article 14 and the Fourth Amendment. Commonwealth v. Tompert, 27 Mass. App. Ct. 804, 806 (1989).

Therefore, the Defendant's Motion to Suppress is Granted.

May 9, 2025

Stuart M. Hurowitz
Associate Justice of the District Court

COMMONWEALTH OF MASSACHUSETTS

MIDDLESEX, ss. SOMERVILLE DISTRICT COURT
Doc. No. 2410CR000991

COMMONWEALTH OF MASSACHUSETTS

v.

JOSEPH MCLAUGHLIN

DECISION ON
COMMONWEALTH'S MOTION TO RECONSIDER
THE COURT'S DECISION ON THE DEFENDANT'S MOTION TO SUPPRESS EVIDENCE
OR, IN THE ALTERNATIVE, TO REOPEN EVIDENCE

On July 2, 2025, the Court conducted a hearing over Zoom on the Commonwealth's Motion to Reconsider.

After that hearing and considering the Appeals Court Decision of Commonwealth v Page, ____ Mass App Ct ____ (decided May 13, 2025) that was issued shortly after this court's original decision on May 9, 2025, the Commonwealth's Motion is DENIED.

Page reinforces the requirement that there be objective evidence that a community caretaking function is necessary before an intrusive action, such as opening a car door, may be taken. In Page, the objective evidence was clear that there was a person overdosing when the police arrived, permitting them to take action.

In this case, as demonstrated particularly by the body worn camera footage, it was not clear that there was a need to open the car door for a community caretaking purpose. It was reasonable to tap on the window to gather further information about whether the defendant was in medical crisis or, as it turned out, merely asleep. It was entirely unreasonable to open the door without waiting for a response. Because the officer did not have clear objective evidence that the defendant was in medical crisis at the moment he opened the door, he was not performing a valid community caretaking function.

The decision Granting the Defendant's Motion to Suppress stands and the Commonwealth's Motion to Reconsider is **DENIED**.

July 3, 2025

Stuart M. Hurowitz
Associate Justice of the District Court

SOMERVILLE DC CLERKS
JUL 3'25 AM9:57

CERTIFICATE OF COMPLIANCE
Mass. R.A.P. 16 (k)

Re: Commonwealth v. Joseph McLaughlin
Appeals Court No. 2025-P-1172

I, Casey E. Silvia, hereby certify that the brief complies with the rules of court that pertain to the filing of briefs, including, but not limited to: Rule 16(e) (references to the records); and Rule 20 (form and length of briefs, appendices, and other documents); and Rule 21 (redaction). I further certify that the proportionally spaced font used to prepare this brief is Times New Roman 14 point size, the number of non-excluded words in this brief is 3,963 words determined by the Microsoft Word 365 word count tool (including footnotes and endnotes), and the word-processing program used to prepare this brief is Microsoft Word 365.

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CERTIFICATE OF SERVICE

Re: Commonwealth v. Joseph McLaughlin
Appeals Court No. 2025-P-1172

I, Casey E. Silvia, hereby certify that on this day I served the Commonwealth's brief and supplemental record appendix on the defendant by causing PDF copies to be sent via Tylerhost and electronic mail to his attorney:

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Signed under the pains and penalties of perjury,

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