Convictions arise in two different ways:

- Guilty pleas
- Guilty verdicts after trial
Challenging guilty pleas

Mass. R. Crim. P. 30 is the mechanism and it can be invoked to get a new trial “at any time if it appears that justice may not have been done.”
Challenging guilty pleas

- Ineffective assistance of counsel
- Plea was not intelligent, knowing or voluntary
- Actual innocence
- Competence
- Egregious prosecutorial misconduct
Challenging convictions in state court after direct appeal

- Mass. R. Crim. P. 30

Rule 30: “[A]t any time if it appears that justice may not have been done.”

- A latticework of more specific standards, e.g.,
  - Newly discovered evidence
  - Ineffective assistance of counsel
  - Prosecutorial misconduct
- Also “broad discretion to see that justice is done” (see Brescia)
- A confluence of factors combined to create a substantial risk of a miscarriage of justice. (See Rosario)
Rule 30: Spotting potential issues

- Evidence the jury did not hear
  - Witnesses
  - Forensics
  - Experts
  - Government misconduct

Note: 90 percent of incarcerated women have experienced sexual or physical violence.
Rule 25(b)(2)(second sentence)

Focuses on the weight of the evidence introduced at trial and the interests of justice. Judge can grant:
- New trial
- Reduction of the verdict to a lesser included
Rule 25(b)(2): Spotting potential issues

- The evidence at trial was thin
- The verdict didn’t make any sense based upon the evidence at trial
- Another conclusion made more sense from the evidence at trial
- “I can’t believe she was convicted”
First step – get an attorney experienced in this area

Contact CPCS and request appointed counsel.
