

SJC tosses murder conviction in '09 strangulation death in Taunton

By [Travis Andersen](#) | GLOBE STAFF NOVEMBER 21, 2017

The state's highest court Tuesday threw out a drug dealer's first-degree murder conviction stemming from the 2009 strangulation of an opioid supplier in Taunton, finding the defendant's rights were violated when his lawyer failed to challenge cellphone evidence at trial.

The 31-page ruling from the Supreme Judicial Court granted a new trial for Aaron Morin, now 34, who was found guilty in 2012 of killing a Percocet supplier, Chad Fleming, 31, during a botched drug rip.

But the four justices who heard Morin's appeal suggested the case against him was strong, even if his lawyer proved ineffective.

"We conclude that the evidence was sufficient to support his conviction," Justice Frank M. Gaziano wrote for the panel.

At issue, Gaziano wrote, was the failure of Morin's trial lawyer to file a motion to "suppress the search of [Morin's'] cellular telephone; and the improperly seized evidence from that device, which was introduced at trial, likely influenced the jury's verdict."

Bristol District Attorney Thomas M. Quinn III's office said in a brief statement that prosecutors "are reviewing the high court's ruling and will make a decision on how we

will proceed in the near future."

Robert F. Shaw Jr., the lawyer who handled Morin's appeal, hailed the decision.

"I'm extremely grateful for the opportunity to have a new trial, and we're very pleased with the decision," Shaw said. "Aaron Morin has vigorously maintained from day one that he had no part in killing this victim and that he never intended to kill anyone."

According to Gaziano's opinion, Morin sold large quantities of Percocet in southeastern Massachusetts and obtained the drugs from a codefendant, Nelson Melo, who got the supply from Fleming, usually via mail that Fleming sent up from Florida.

During the fall of 2009, a money dispute caused Fleming to bypass Melo and begin selling pills to Massachusetts customers directly, Gaziano wrote. That angered Morin, who plotted to rob Fleming and arranged for the crime to go down at a rental property owned by Melo, the opinion said.

The robbery took a devastating turn on the night of Nov. 3, 2009, when Fleming was strangled inside Melo's property. In addition to the strangulation, Gaziano wrote, Fleming had also been "severely beaten" and suffered "deep lacerations and abrasions on his head, internal injuries to his torso, bruises and abrasions on arms and legs, and two broken ribs."

Gaziano wrote that Morin's trial lawyer should have filed a motion to suppress text messages on Morin's phone that prosecutors showed the jury, and that implicated Morin in the robbery that precipitated Fleming's death.

The trial lawyer should have sought to suppress the texts, Gaziano wrote, because a police affidavit in support of a search warrant failed to establish probable cause to scour the phone's contents.

Gaziano wrote that the text messages were "central to the Commonwealth's case," and

their improper admission “likely influenced the jury’s verdict.”

Jurors in Morin’s 2012 trial convicted him of first-degree murder based on the theory of felony murder, on the grounds that Morin, Melo, and unknown accomplices robbed Fleming of “drugs and money, and that the killing occurred in connection with the robbery.”

Melo was tried separately and also convicted of the killing.

If a retrial is held in Morin’s case, he can only be convicted of a first-degree slaying on a theory of felony murder if prosecutors prove that he set out to kill Fleming or knew the robbery would probably turn fatal, based on a prior SJC [ruling](#) handed down in September.

First-degree murder convictions carry a mandatory life sentence without the possibility of parole.

Prosecutors sometimes offer deals to defendants whose first-degree convictions are tossed by the SJC, allowing them to plead guilty to lesser charges — such as second-degree murder or manslaughter — rather than risk a retrial.

Material from the Herald News of Fall River was used in this report. Laura Crimaldi and John R. Ellement of the Globe Staff contributed to this report.