

SJC orders new trial for man convicted in Boston slaying, ruling judge should have looked into social media postings

By [John R. Ellement](#) Globe Staff, Updated November 16, 2023, 2:17 p.m.

Social media postings that suggested a key prosecution witness committed perjury should have been investigated during a Boston man's first degree murder trial that ended with his conviction, the state's highest court ruled Thursday, ordering a new trial for Julian L. Troche.

In a unanimous ruling, the Supreme Judicial Court concluded Superior Court Judge Mitchell H. Kaplan should have paused Troche's 2019 trial in Suffolk Superior Court so his defense attorney could question the witness under oath during what is known as a voir dire hearing - which is held without a jury in the courtroom - and try to determine if they in fact authored the controversial comments.

"We recognize the question is a close one... [But] we cannot exclude a 'reasonable possibility' that depriving the defendant of an opportunity to conduct a voir dire examination... might have contributed to the jury's verdict." Justice Dalia Wendlandt wrote for the court. "Accordingly, we vacate the convictions and remand for a new trial."

In its summary of the evidence Suffolk County prosecutors used against Troche during the trial, the SJC said the key prosecution witness testified he saw Troche in a grey car near in the Franklin Field housing development 20 minutes before 28-year-old Dantley Leonard was shot 11 times in a drive-by shooting on Nov. 12, 2016. Leonard was helping a friend move when he fell victim to the gunfire. He was the father of twin boys who were eight years old when he was killed.

After the witness testified, Troche's defense attorney received text messages and screenshots of social media postings that included a conversation during which a person using the witness' name admitted lying in court. " 'I think it's wrong that we lying' " about Troche the text message said, according to the SJC.

The defense attorney, James Greenberg, asked Kaplan to order the witness back into court while the prosecutor said the witness had denied he had any role in the social media postings in a telephone call.

Kaplan decided against holding the voir dire hearing, noting that Troche could challenge his decision on appeal. The trial continued, and Troche was convicted of first degree murder, firearms offenses and for wounding a second man who survived the gunfire that cost Leonard his life, according to the SJC. Kaplan imposed the mandatory sentence of life imprisonment without parole, a sentence Troche is serving at the Souza-Baranowski Correctional Center, the state's maximum security prison.

Kaplan was wrong, the SJC said. Relying solely on the prosecutor's comments was a violation of Troche's constitutional right to a fair trial, the SJC said.

"The information provided to defense counsel by the anonymous sender raised significant questions regarding the truthfulness of [the witness's] identification testimony, which was a key element of the Commonwealth's case; in short, the new information directly called into question the integrity of the trial itself," Wendlandt wrote. "Under the circumstances, allowing a voir dire examination of [the witness], during which he would be under oath, was critical."

Robert F. Shaw, Jr., the Cambridge attorney who represented Troche on appeal, applauded the SJC decision.

"We are extremely grateful for the Supreme Judicial Court's thorough and detailed decision," Shaw wrote in an e-mail to the Globe. "The substantial errors in Mr. Troche's trial go to the heart of the prosecution's obligation to do justice. The Supreme Judicial

Court's decision confirms that in pursuing a conviction of Julian Troche, that obligation was not fulfilled. Mr. Troche will now have the opportunity for a new and fair trial.”

A spokesman for Suffolk District Attorney Kevin R. Hayden's office said prosecutors are reviewing the SJC ruling before deciding what actions it will take.

During his 2019 trial, prosecutors alleged during the trial that Troche was retaliating for the murder of his friend, Phillip Woods, Jr. on Sept. 17, 2016, outside a Dorchester nightclub while the defense contended Troche had been mistakenly identified as the assailant.

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