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Criminal Law & Procedure, Habeas Corpus

Cronin v. Commissioner of Probation, No. 14-1580

Petitioner was convicted and sentenced for operating a motor vehicle under the influence of alcohol and negligent operation of a motor vehicle. At some point during the booking process, petitioner was given written Miranda warnings and invoked his right to remain silent. Petitioner contends that the prosecutor's cross-examination and closing argument constituted constitutionally forbidden commentary on his post-Miranda silence. The district court's denial of habeas relief is affirmed, where, even if the Massachusetts Appeals Court misapplied the Doyle v. Ohio rule proscribing the prosecution's use of a defendant's post-Miranda silence in a criminal case, any comment on the petitioner's silence here was harmless when considered in the context of the trial as a whole.