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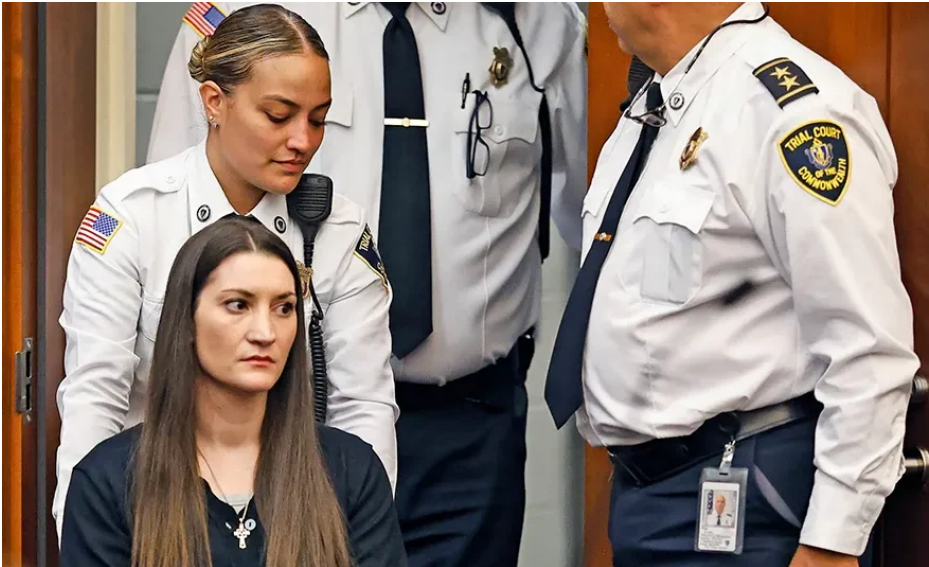
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The high-profile trial of Lindsay Clancy is slated to start on July 20 in Plymouth Superior Court. (USA TODAY NETWORK)

## Attorneys: Clancy insanity defense faces steep odds at trial

Lawyers discuss rulings, strategy as trial approaches

Kris Olson // July 13, 2026 // 7 Minute Read

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In brief

- Massachusetts places the burden on prosecutors to prove criminal responsibility once a lack-of-criminal-responsibility defense is raised.
- Attorneys say persuading jurors to accept an insanity defense remains difficult despite the state's favorable legal standard.
- Judge's pretrial rulings, including allowing Patrick Clancy's emotional 911 call into evidence, could significantly influence the trial.
- Civil lawsuits alleging negligent psychiatric care may shape the defense's theory, though they are unlikely to be directly referenced before the jury.

Even with a favorable legal standard like the one in Massachusetts, the lawyer defending a Duxbury mother has a steep challenge on his hands in establishing that she is not criminally responsible for the deaths of her three young children, members of the local criminal defense bar and a retired judge agree.

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Editor's Picks

The trial of [Lindsay Clancy](#) is set to begin July 20 in Plymouth [Superior Court](#) before [Judge William F. Sullivan](#), who has already issued pretrial rulings that will meaningfully shape the proceedings, according to those observers. Clancy is being represented by Brockton attorney Kevin J. Reddington.

With what is commonly referred to as an insanity defense, Massachusetts is in the minority in terms of the burden of proof, Boston attorney David R. Yannetti noted.

"Once the defense is raised here, the prosecutor bears the burden to prove beyond a reasonable doubt that the defendant was criminally responsible," he said. "In most other states, the defense must prove lack of criminal responsibility by a preponderance of the evidence."

In theory, that should make it easier for the defense to succeed in Massachusetts. But it tends not to work out that way, according to Yannetti.

"The greatest challenge to a lack-of-criminal-responsibility defense is persuading the jury that although someone did the acts, he or she should still not be held responsible," Yannetti said. "Unless someone is clearly mentally ill — with a documented history of hospitalizations, hallucinations and bizarre behavior that a layperson would recognize instantly — a juror may look at the defense as an unfair attempt to evade responsibility, which could lead that juror to unfairly gloss over the presumption of innocence."

What is shaping up as a key fact in Clancy's trial is that she sent her husband, Patrick, to get takeout for the family far enough away from home to give her time to commit the crime, which prosecutors will cite as evidence of the deliberateness of her actions.

But that muddies what the prosecution must prove beyond a reasonable doubt: that the defendant knew she was committing a crime and that her mental illness was not preventing her from following the law, said Boston attorney J.W. Carney Jr.

"Prosecutors often believe that criminal responsibility is shown by the fact that her acts were planned and deliberate," Carney said. "This is not true. It's not whether the individual's plans were deliberate. It is why did she do these acts?"

A defendant can act deliberately but still be operating under delusions, he noted.

"For example, did she believe that her children were in grave danger and that they could only be saved by sending them to heaven and joining them there?" Carney said.

*The greatest challenge to a lack-of-criminal-responsibility defense is persuading the jury that although someone did the acts, he or she should still not be held responsible.*

— David R. Yannetti, Boston



If so, her defense would have a chance of convincing the jury that mental illness was preventing her from realizing that such an action is a crime, he said.

## Substitute villain

Getting jurors to that point will not be easy, most agreed. Retired Superior Court Judge John T. Lu referred to the insanity defense as "last ditch," given how infrequently it succeeds.

"The biggest hurdle is that the defendant's chances of success are inversely proportional to the inhumanity of the alleged offenses, whether or not the defendant is legally, factually or criminally responsible," he said. "Given this horrible tragedy, this is a monumentally tough case for the defense."

The prosecution will also have the benefit of playing into the jury's preconceived views of mental illness, Boston attorney Tracy A. Miner said.

"It is easier to believe what you thought at the outset," she said.

Lindsay Clancy's criminal trial will be commencing against a backdrop of two civil suits, one filed by Patrick Clancy, which alleges that his wife's psychiatric providers failed to recognize and treat her deteriorating mental condition, and one filed by Lindsay Clancy herself, which claims her providers misdiagnosed her as having postpartum depression and anxiety, failed to diagnose bipolar disorder or postpartum psychosis, and prescribed her a dangerous combination of up to 13 medications that worsened her condition.



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*Fellow criminal defense lawyers say Brockton attorney Kevin J. Reddington, who is representing Lindsay Clancy, is facing an uphill battle. (USA TODAY NETWORK)*

On the one hand, those civil suits will confine the contours of her lack-of-criminal-responsibility defense, said Andover attorney Ryan P. Sullivan.

"It really locks in the defense into what they have to say [in terms] of shifting the blame onto the medical providers," he said.

On the other hand, it could have benefits, Sullivan added.

"Blaming the medical providers, it can give [jurors] another villain other than Lindsay Clancy to be focusing on," he said. "I'm not sure how successful that's going to be, but at least it gives them a shot."

The existence of civil lawsuits is unlikely to be acknowledged during the criminal trial, all agreed. But the theory of liability underlying those lawsuits will implicitly be part of the proceedings.

"Remember that the rate of medical errors which might or might not be medical malpractice is high, and there will definitely be jury pool members who believe that they or their family or friends have been the victim of medical mistakes or medical malpractice," Lu said.

## **911 call, site visits**

Attorneys took no issue with Judge Sullivan's ruling on several motions concerning evidence in advance of the trial.

Yannetti noted that Sullivan was an experienced and accomplished trial lawyer prior to taking the bench.

"His reputation among both prosecutors and defense counsel is impeccable," Yannetti said. "The decisions he made on those pretrial motions are both thoughtful and fair."

The most consequential of those decisions was Sullivan's ruling that the 911 call that Patrick Clancy placed upon returning home should be played for jurors. Patrick first found his wife, who had apparently cut her wrists and neck and leapt from a second-story window in an unsuccessful attempt to end her own life. She is now paralyzed from the waist down.

Only later did Patrick discover the children with bands around each of their necks, which he removed. The fact that the bands were not tied — suggesting that Lindsay Clancy manually pulled the bands around the children's necks until they died rather than tying them and walking away — is probative of the deliberateness and extreme atrocity and cruelty of Lindsay Clancy's acts, prosecutors argued.

Sullivan is planning to first give a limiting instruction, in which judges customarily urge jurors not to be affected by the emotional impact of the recording and instead consider it only for its evidentiary value.

But Patrick Clancy's "raw horror" is going to be hard for jurors to ignore, Ryan Sullivan said.

"A limiting instruction is more a legal fiction here because no instruction can cure the father screaming," he said. "It's going to really shift a lot of the emotion in the trial in the commonwealth's favor."

Miner agreed.

"Limiting instructions only go so far and are no match for the emotional impact of the evidence," she said.

Less remarkable is Sullivan's ruling that witnesses will be sequestered, which Carney said is normal during a murder trial.

"It's important that witnesses not hear what previous witnesses said at the trial," he said. "The only exception sometimes is if an expert is allowed to sit in a trial strictly to hear what an opposing expert is saying so that the listening expert can be called to rebut what the testifying expert was saying."

Prosecutors also asked for permission to bring the jury to the home, CVS pharmacy where Patrick Clancy picked up his wife's medication, and restaurant where dinner was purchased before the killings. Such crime scene visits are not uncommon, and Miner said she would expect the judge to allow a scene view of the home, which Patrick Clancy sold for \$675,000 about a year after the death of his children.

"I am not sure what a view of the CVS or the restaurant gets either side, except perhaps to show the distance from the home," Miner said.

It is unclear whether the evidence the jury will hear at trial will include any material related to an interview Patrick Clancy gave the New Yorker, which resulted in a story published on Oct. 14, 2024. The New Yorker, represented by Boston attorney Jonathan M. Albano, filed a motion to quash the subpoena Sullivan issued in February 2025 at the request of Plymouth County District Attorney Timothy J. Cruz's office. Albano directed the court to a New York statute that prosecutors would have to follow to obtain the material. The docket reflects that prosecutors took an initial step to comply with the procedural requirements of the New York statute, but the docket suggests that no further action was taken.

In response to an inquiry from Lawyers Weekly, Albano declined to comment.

## Should she stay or should she go?

There is an open question as to whether potential jurors will be quizzed about their own experiences with mental illness during voir dire, as the prosecution requested. But attorneys said they see a benefit to both the prosecution and the defense to gaining that insight.

"I do think that both sides need that information," Sullivan said.

However, because the prosecution may be using such questions as a tool to strike jurors who have a history with mental illness and therefore are potentially more receptive to a lack-of-criminal-responsibility defense, care should be taken as to how the inquiry is conducted, Sullivan added.

"The questions have to be asked in a way that is not intrusive to their own psychiatric history," he said.

It would be wise to ask if the jurors have had experiences with mental illness that might prevent them from being fair and impartial, Lu said. But he also recommended that the parties "just pick a jury and take your chances."

"There will be multiple members of the jury with experience with mental illness," he said. "It is nearly ubiquitous, in my opinion."

Once the trial is underway, Lindsay Clancy may ask to be excused during graphic testimony, such as the showing of crime scene and autopsy photos, Reddington told reporters after one of the case's final pre-trial hearings last month.

But whether Reddington takes that step will depend on how he believes his client will react during the testimony, Carney said. One person might get "completely frozen in their emotions" and seem not to be having any reaction whatsoever, while another person might sob uncontrollably, he noted.

"That one's probably going to be a game day decision," Carney said.

There is a risk in having the defendant leave the courtroom, Miner added.

"An emotional reaction on her part may help her by making her more human," she said. "Leaving may make it look like she doesn't want to see what she did and make her less like a mom and more like a criminal defendant."

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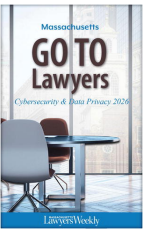
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