

COMMONWEALTH OF MASSACHUSETTS – PLYMOUTH DISTRICT
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SJC UPHOLDS FIRST DEGREE MURDER CONVICTION AGAINST KINGSTON MAN

BROCKTON – Massachusetts highest court today upheld the First Degree Murder Conviction of a Kingston man found guilty of shooting two people, killing one, when he was not allowed to have one of their beers at a house party, Plymouth County District Attorney Timothy J. Cruz announced today.

On January 30, 2013, a Plymouth County jury deliberated four days before convicting Richard M. Boucher Jr. (DOB: 11/4/91) of Murder in the first degree for the May 27, 2010 homicide of James Tigges. Boucher was also found guilty of Assault with Intent to Murder for shooting and paralyzing victim Jackson Duncan. Boucher was sentenced to life in prison without parole for the crimes.

At trial, the Commonwealth presented evidence that on May 26, 2010, the defendant went to a party at #7 Cortelli Court in Plymouth with a loaded firearm. During the night, Boucher took a beer belonging to Tigges and Duncan. Neither victim reacted to this, though their female friend did. In the early morning hours of May 27, 2010, the victims decided to leave the party due to the uncomfortable situation of knowing that the person who took their beer also had a gun that he was showing off.

Within moments of the victims exiting the party, Boucher followed them out, called them expletives and proceeded to unload his gun into the two victims and continued to pull the trigger until after he had run out of ammunition. Tigges was killed after being hit four times with hollow point ammunition. Duncan was paralyzed as a result of the shooting.

In his argument to the SJC to set aside or reduce his murder conviction, Boucher claimed that jury instructions improperly limited the jury's consideration of the evidence of alleged intoxication at the time of the shooting and, consequently, did not allow the jury to consider evidence of his diminished capacity from drinking with reference to whether the shooting was committed with extreme atrocity or cruelty.

The SJC held that jury instructions correctly described the elements of murder in the first degree on the theory of extreme atrocity or cruelty and the judge properly instructed jurors on the existing state of the law. The SJC also declined the defendant's invitation to restrict the jury's ability to act as the conscience of the community when considering extreme cruelty or atrocity.

"We are pleased with the SJC's opinion today," DA Cruz said. "This was a senseless crime that destroyed the lives of two young men. To have reduced Mr. Boucher's convictions or granted him a new trial would have only re-victimized these families all over again."

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The case was prosecuted by Assistant District Attorney Jeremy Beth Kusmin with the assistance of Assistant District Attorney Kristen Stone and investigated by State Police Detectives assigned to the Plymouth County District Attorney's Office and Plymouth Police.

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