

COMMONWEALTH OF MASSACHUSETTS

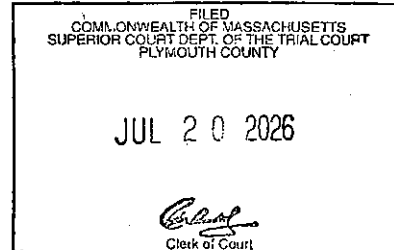
PLYMOUTH, SS

SUPERIOR COURT DEPARTMENT
NOS. 2383-CR-00198/001-003

COMMONWEALTH

v.

LINDSAY CLANCY

**REQUEST OF FATHER OF CHILD VICTIMS TO IMPOUND CERTAIN MATERIALS TO BE
FILED IN SUPPORT OF HIS REQUEST FOR JUDICIAL ORDER**

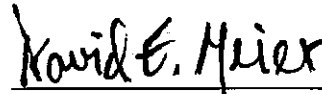
Now comes Patrick Clancy, the father of the three child victims and the personal representative of their estates, through his counsel and, pursuant to Rule 2(a)(1) of the Uniform Rules of Impoundment Procedure, respectfully requests this Honorable Court to impound certain materials that he seeks to file in support of his Request To Restrict Display Of And Access To Certain Evidence And Exhibits At Trial To Jury And Necessary Parties. Mr. Clancy does not seek to prohibit counsel for the Commonwealth or the defendant from having access to or viewing the materials.

As grounds therefor, Mr. Clancy respectfully states that, given the extraordinary circumstances of this case and the nature of the materials he seeks to file with the Court, there is good cause to impound the materials. It is well-settled that a court may order the impoundment of information related to a criminal case "for good cause shown." *Boston Globe Media Partners, LLC v. Chief Justice of Trial Court*, 483 Mass. 80, 97 (2019) ("[A] court generally may enter an order of impoundment for good cause shown"); *In re Globe Newspaper Co., Inc.*, 461 Mass. 113, 121 (2011) (noting that the "good cause standard" delineated under the Uniform Rules of Impoundment Procedure for civil proceedings also applies in criminal cases). *See also Boston Globe Media Partners, LLC*, 483 Mass. at 97 (in determining whether sufficient grounds for

impoundment exists, the Court should consider "all relevant factors, including, but not limited to, (i) the nature of the parties and the controversy, (ii) the type of information and the privacy interests involved, (iii) the extent of community interest, (iv) constitutional rights, and (v) the reason(s) for the request."

Respectfully Submitted,
Patrick Clancy,

By his attorney,



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Dated: July 20, 2026

COMMONWEALTH OF MASSACHUSETTS

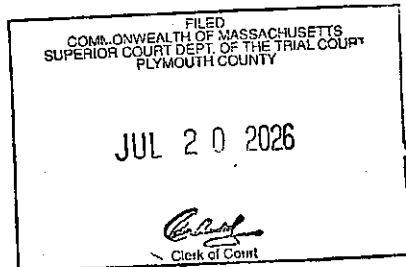
PLYMOUTH, SS

SUPERIOR COURT DEPARTMENT
NOS. 2383-CR-00198/001-003

COMMONWEALTH

v.

LINDSAY CLANCY



**REQUEST BY FATHER OF CHILD VICTIMS TO RESTRICT DISPLAY OF AND ACCESS TO
CERTAIN EVIDENCE AND EXHIBITS AT TRIAL TO JURY AND NECESSARY PARTIES**

Introduction

Now comes Patrick Clancy, the father of the three child victims and the personal representative of their estates, through his counsel and, pursuant to G. L. c. 258B (the Massachusetts "Victim's Bill of Rights"), *Hagen v. Commonwealth*, 437 Mass. 374 (2002), and the fundamental privacy interests of Mr. Clancy and his family, respectfully requests that this Honorable Court restrict the display of and access to certain potential items of evidence and exhibits at trial to the Court, the Session Clerk, the prosecution trial team, the defense trial team, the testifying witness, the court reporter, and the jury.

In particular, Mr. Clancy respectfully requests that the Court restrict the courtroom display of and the public access to (i) the audio recording of the initial 911 call made by Mr. Clancy, (ii) any photographs of the three child victims (ages 5, 3, and 8 months) -- including pre-incident photographs, crime scene photographs, and autopsy photographs -- and (iii) any clothing associated with the three child victims to the Court, the Session Clerk, the prosecution trial team, the defense trial team, the testifying witness, the court reporter, and the jury.

Argument

Mr. Clancy respectfully states that absent an appropriate Order by the Court, various recordings and images of such evidence and exhibits will be displayed, published, and disseminated by the media (and in turn by private individuals) -- on television, in newspapers and magazines, on the internet, and through social media networks -- nationally and internationally, now and forever. The potential harmful and everlasting emotional impact to Mr. Clancy and his family of any public dissemination of such graphic and sensational evidence and exhibits related to his three children is immeasurable. Likewise, the disrespect for the dignity and memory of the three child victims that would inherently be occasioned by such dissemination speaks for itself.

Conversely, an appropriate limiting Order by the Court would prejudice neither the Commonwealth in its prosecution of the defendant nor Ms. Clancy in her defense of the charges. The Court, the testifying witness, the trial attorneys, and, most importantly, the jurors would not be adversely affected in any way. Indeed, from the jurors' perspective, the items at issue would be viewed and evaluated like every other piece of evidence or exhibit introduced at trial. In truth, the only real consequence of such an Order by the Court would be a humane and noble one that would reflect honorably on the criminal justice system: the father of three deceased child victims (as well as their grandparents, relatives, and all those who knew the children) will be spared the emotional trauma that will be caused by the widespread public display and dissemination of graphic and sensational trial exhibits related to the children.

As the Court is aware, "[a]lthough the right of access to criminal trials is of constitutional stature, it is not absolute." *Globe Newspaper Company v. Superior Court for Norfolk County*, 457 U.S. 596, 606 (1982). Mr. Clancy respectfully directs the Court's attention to (i) G. L. c. 258B (setting forth the rights of a victim in general), (ii) G. L. c. 258B, §3(h) (setting forth the specific right of a victim to request confidentiality in the criminal justice system and the Court's

corresponding authority "to enter such orders or conditions to maintain limited disclosure of [certain] information as it deems appropriate to protect the privacy and safety of victims, victims' family members and witnesses"); (iii) *Hagen v. Commonwealth*, 437 Mass. 374, 380-382 (2002) (discussing G. L. c. 258B and noting that "the Legislature ... directed that judges ... must act to 'assure that victims of crime are afforded the rights established in [the Victim's Bill of Rights]' ... [citing] G. L. c. 258B, §12"); and (iv) Supreme Judicial Court Rule 1:19 (Electronic Access to the Courts), Sections 2(a)-(g) (conferring authority and discretion upon trial judges to limit access by the news media to certain testimony or evidence "if it appears that such coverage will create a substantial likelihood of harm to any person or other serious harmful consequence") (emphasis supplied).

In addition to the authority to impose certain limitations outlined in Supreme Judicial Court Rule 1:19, Sections (2)(a), (b), and (c), trial judges may "deny the [media] right of access in order to inhibit the disclosure of sensitive information," provided it is "shown that the denial is necessitated by a compelling governmental interest, and is narrowly tailored to serve that interest." *Globe Newspaper Company*, 457 U.S. at 606-607. Here, Mr. Clancy is not seeking to close the courtroom or to prevent the public or the media from hearing testimony at trial. Rather, as set forth above, Mr. Clancy seeks a narrowly circumscribed Order limiting the recording, display, and disclosure by the media (or any other persons) of certain graphic and sensational items of evidence related to his three young children, which, if disseminated, would only serve to perpetuate the already severe emotional harm to Mr. Clancy and his family.¹

1. Likewise, and for the same reasons, to the extent that the Court treats Mr. Clancy's request as a motion to impound certain evidence at trial, Mr. Clancy submits that "good cause" exists for the Court to restrict public disclosure of such evidence. See *Commonwealth v. Chism*, 476 Mass. 171, 178 (2017). Under Rule 7(b) of the Uniform Rules of Impoundment Procedure, "[i]n determining good cause, the court shall consider all relevant factors, including, but not limited to, (i) the nature of the parties and the controversy, (ii) the type of information and the privacy interests involved, (iii) the extent of community interest, (iv) constitutional rights, and (v) the reason(s) for the request."

Conclusion

Patrick Clancy respectfully submits that given the extraordinary circumstances of this case, the media's display and dissemination of, and the public's access to, (i) the audio recording of the initial 911 call made by Mr. Clancy, (ii) any photographs of the three child victims, including pre-incident photographs, crime scene photographs, and autopsy photographs, and (iii) any clothing associated with the three child victims "will create a substantial likelihood of harm" or "other harmful consequence" to Mr. Clancy and his family -- as well as to the dignity and memory of the three children themselves.

Accordingly, the imposition of an Order by the Court prohibiting the display, disclosure, or dissemination by the media (or by any other persons) of such items of evidence and exhibits at trial is fair, reasonable, and warranted.

Respectfully Submitted,
Patrick Clancy,

By his attorney,



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