

U.S.

Guilty Verdict for Young Woman Who Urged Friend to Kill Himself

By KATHARINE Q. SEELYE and JESS BIDGOOD JUNE 16, 2017

TAUNTON, Mass. — For a case that had played out in thousands of text messages, what made Michelle Carter’s behavior a crime, a judge concluded, came in a single phone call. Just as her friend Conrad Roy III stepped out of the truck he had filled with lethal fumes, Ms. Carter told him over the phone to get back in the cab and then listened to him die without trying to help him.

That command, and Ms. Carter’s failure to help, said Judge Lawrence Moniz of Bristol County Juvenile Court, made her guilty of involuntary manslaughter in a case that had consumed New England, left two families destroyed and raised questions about the scope of legal responsibility. Ms. Carter, now 20, is to be sentenced Aug. 3 and faces up to 20 years in prison.

The judge’s decision, handed down on Friday, stunned many legal experts with its conclusion that words alone could cause a suicide.

“This is saying that what she did is killing him, that her words literally killed him, that the murder weapon here was her words,” said Matthew Segal, a lawyer with the American Civil Liberties Union of Massachusetts, which raised concerns

about the case to the state's highest court. "That is a drastic expansion of criminal law in Massachusetts."

Ms. Carter's defense team is expected to appeal the verdict. Legal experts said that it seemed to extend manslaughter law into new territory, and that if it stood, it could have far-reaching implications, at least in Massachusetts.

"Will the next case be a Facebook posting in which someone is encouraged to commit a crime?" Nancy Gertner, a former federal judge and Harvard Law professor, asked. "This puts all the things that you say in the mix of criminal responsibility."

Judge Moniz unspooled his verdict in a packed courtroom, which was silent except for his voice and Ms. Carter's gasping sobs. By the time he told Ms. Carter to stand up, and pronounced her guilty, the two families seated on either side of the courtroom's aisle — Ms. Carter's and Mr. Roy's — wept, too.

The verdict concluded an emotionally draining weeklong trial in southeastern Massachusetts involving two troubled teenagers who had built a virtual relationship largely on texting from 2012 to 2014. Ms. Carter, then 17, started out encouraging Mr. Roy, 18, to seek treatment for his depression but then abruptly changed, and in the two weeks before he killed himself on July 12, 2014, she encouraged him, repeatedly, to do it.

For all the scrutiny during the trial of their texts, the judge based his guilty verdict on a phone conversation.

Once Mr. Roy drove his truck to a remote spot at a Kmart parking lot, the two ceased texting and instead talked on their cellphones. When Mr. Roy, with fumes gathering in the cab of his truck, apparently had a change of heart and stepped out, the judge said, Ms. Carter told him to get back in, fully knowing "his ambiguities, his fears, his concerns."

"This court finds," the judge added, "that instructing Mr. Roy to get back in the truck constituted wanton and reckless conduct."

But the phone conversation was not recorded, and the only evidence of its content came three months after the suicide in a text from Ms. Carter to a friend.

“Sam his death is my fault, like honestly I could have stopped him,” Ms. Carter wrote. “I was on the phone with him and he got out of the car because it was working and he got scared.”

She said she then instructed him “to get back in.”

The prosecution made this phone call, as described in Ms. Carter’s text, the heart of its case. And the judge accepted it as factual and incriminating.

The defense strongly argued that there was nothing to substantiate what Ms. Carter had said on the phone and insisted that Mr. Conrad, who had tried to kill himself before, was determined to take his own life, regardless of anything Ms. Carter did or said.

Judge Moniz acknowledged that Mr. Roy had taken steps to cause his own death, like researching suicide methods, obtaining a generator and then the water pump with which he ultimately poisoned himself. Indeed, Judge Moniz said that Ms. Carter’s text messages pressuring him to kill himself had not, on their own, caused his death.

Instead, the judge zeroed in on the moment that Mr. Roy climbed out of his truck.

“He breaks that chain of self-causation by exiting the vehicle,” Judge Moniz said. “He takes himself out of that toxic environment that it has become.” That, the judge said, was a clear indication that Mr. Roy — as on his previous suicide attempts — wanted to save himself.

But, the judge said, Ms. Carter had a duty to help Mr. Roy after she had put him in danger by ordering him back into the truck.

“She admits in a subsequent text that she did nothing, she did not call the police or Mr. Roy’s family,” the judge said. “She called no one. And finally, she did

not issue a simple additional instruction: ‘Get out of the truck.’”

The verdict stunned many legal specialists because suicide is generally considered, legally, to result from a person’s free will.

Daniel Medwed, a law professor at Northeastern University, said the decision surprised him because the manslaughter charge seemed “a stretch” to begin with. Because Ms. Carter was not at the scene, and Mr. Roy ultimately acted alone, he said, it was difficult to prove she “caused” the death.

Ms. Gertner of Harvard said that likely grounds for appeal would be that the verdict had “extended the law of involuntary manslaughter to an arena into which it hasn’t been extended before — the notion of liability with respect to a suicide for someone who failed to act, who wasn’t present, who didn’t provide the instrumentalities for the suicide and the concept of a failure to intervene are all unique and that’s what would be litigated.”

At its core, the case was about two troubled teenagers and the fatal path their online relationship took.

Mr. Roy was a gentle but deeply depressed teenager who worked as a tugboat captain. He had graduated from high school with a college scholarship, but worried about the social anxiety he might experience there.

Ms. Carter was a high school student with homework to finish and a love of the television show “Glee,” but she said her life was controlled by an eating disorder. She too was wrought by social anxiety, desperately seeking the approval of friends whom she admired but worried did not truly like her.

When Mr. Roy told Ms. Carter in June 2014 that he was considering suicide, she told him he had a lot to live for and urged him to seek help.

“I’m trying my best to dig you out,” Ms. Carter wrote.

“I don’t wanna be dug out,” Mr. Roy answered, adding later, “I WANT TO DIE.”

By early July, she began to embrace the idea. “If this is the only way you think you’re gonna be happy, heaven will welcome you with open arms,” she wrote.

They talked at length about how he could kill himself with carbon monoxide. “If you emit 3200 ppm of it for five to ten mins you will die within a half hour,” she wrote. In the last days of his life, she told him repeatedly, “You just need to do it.”

Prosecutors said Ms. Carter wanted Mr. Roy to kill himself because she wanted the sympathy that would come as the “grieving girlfriend.” Ms. Carter’s lawyers cast her as a naïve teenager who wanted to help people and was not even on the scene when Mr. Roy took his life

But the prosecution argued in its closing — and evidently Judge Moniz agreed — that Ms. Carter’s physical absence was immaterial.

“The phones that we have now allow you to be virtually present with somebody,” Katie Rayburn, an assistant district attorney, said, adding, “She was in his ear, she was in his mind, she was on the phone, and she was telling him to get back in the car even though she knew he was going to die.”

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