Massachusetts prosecutors weigh retrial of Lindsay Clancy after jury deadlocks with lone holdout

Norisa Diaz, Kate Randall
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The trial of Lindsay Clancy ended Friday afternoon in a mistrial, after a jury of nine women and three men told Plymouth Superior Court Judge William Sullivan "with a heavy heart" that they could not reach a unanimous verdict. Jurors had deliberated for seven days and nearly 40 hours, after a trial of more than five weeks in which the prosecution called 75 witnesses to the defense's 10.

Clancy, 36, a labor and delivery nurse from Duxbury, has never denied that on the evening of January 24, 2023, she strangled her daughter Cora, 5, and her sons Dawson, 3, and Callan, 8 months, before cutting her wrists and neck and throwing herself from a second-story window. She survived, paralyzed from the waist down. Her defense argued that she was in the grip of postpartum psychosis, commanded by hallucinated voices, and therefore not criminally responsible—Massachusetts' version of the insanity defense.

The Commonwealth's answer to this unspeakable tragedy has been to charge a gravely ill and debilitated woman with three counts of first-degree murder, which carries life without parole in state prison. Plymouth County District Attorney Timothy Cruz could have accepted the psychiatric evidence and sought civil commitment. He chose to prosecute, and having failed to convict her once, he has given every indication he intends to try her again.

A hung jury leaves the triple-murder charges in place. Cruz declined to say Friday whether he would retry Clancy, deferring to a status hearing on September 29, but his remarks left little doubt. "This was, and has always been, about getting justice for those three little babies," he said, describing the deaths as "the cruel and calculated killing of three innocents." He added: "All too often, criminals are being treated as victims, and the real victims are invisible."

Defense attorney Kevin Reddington told reporters he expected the DA to seek first-degree murder convictions again. "This young lady is not guilty of the killing of her children because she was suffering from a disease and defect," he said, blaming "the damn medicine and the lousy medical care that she got." Of the holdout juror, he said, "I hope that guy can sleep well at night."

Patrick Clancy, Lindsay's former husband, who buried his three children and then sat through weeks of testimony reliving their deaths, said through his attorney that "the loss of Patrick's children is something from which he will never recover. The prospect of reliving this tragedy through another trial is extraordinarily painful."

From the notes sent by the jury foreperson on Thursday it became clear that the panel was split 11 to one for acquittal. The foreperson reported that a single juror "has made statements acknowledging doubt, but refuses to apply it to the verdict as the law states." In other words, 11 jurors had concluded that the Commonwealth had not proven beyond a reasonable doubt that Clancy was criminally responsible, and the twelfth agreed that there was doubt but would not vote to acquit.

Reddington moved to have the juror replaced by an alternate. Sullivan declined to replace the juror. On Friday morning, as the judge prepared to declare a mistrial, the defense made a last-ditch appeal to the Supreme Judicial Court, the state's highest court, asking that the trial judge be ordered to investigate whether the holdout was capable of following the law. SJC Associate Justice Dalila Argaez Wendlandt denied an emergency stay, and the mistrial was declared shortly after 2 p.m.

The removal of the juror could have indeed set a dangerous precedent for prosecutors in other cases to remove jurors holding out against a conviction.

Jurors appeared distressed, exhausted and wiped away

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tears after the mistrial was declared, NBC Boston's Sue O'Connell reported. The jury had been subjected to a devastating ordeal. Although Clancy did not dispute the killings, the prosecution paraded dozens of medical examiners, pathologists, paramedics, police and laboratory scientists before the panel, along with autopsy photographs, in an effort to secure a conviction by appeal to the basest emotions. Twice the prosecution or its witness invoked the Catholic doctrine of "mortal sin" in connection with Clancy's actions, prompting Sullivan to declare the tactic "absolutely inappropriate" and "highly prejudicial."

That 11 jurors voted for acquittal speaks to the broad popular sympathy the case has aroused. Hundreds gathered outside the courthouse in support of Clancy, women across social media have written that "I could have been Lindsay Clancy," and there is widespread revulsion at a prosecution that has worked to turn a psychiatric catastrophe into a criminal spectacle.

In the months before the killings, Lindsay Clancy was, in her mother-in-law's words, "begging for help." She was put on a succession of psychiatric medications that her husband told doctors were turning her "into a zombie." She twice called a suicide crisis line and was not referred for higher care because she had no "plan." The Women & Infants Hospital of Rhode Island turned her away as overmedicated. Bounced from one provider to the next, she was never diagnosed, though no expert on either side at trial denied she was seriously ill.

The point is not to scapegoat individual therapists or physicians for what was a systemic failure. Decades of bipartisan cuts have gutted mental health care in the US, shrinking public psychiatric beds per capita to the level of the 1850s while jails and prisons have become the country's largest psychiatric institutions. If a nurse with insurance and a devoted family could not get a diagnosis, millions of working-class women have far less chance of getting the help they need.

Postpartum psychosis affects one to two of every 1,000 new mothers, several thousand American women each year. Its symptoms were described by Hippocrates 2,400 years ago. It is a psychiatric emergency that can strip a mother of any grasp of reality. Britain, Canada, Australia, New Zealand and much of Europe have for a century treated infanticide by a mother whose "balance of mind" was disturbed by childbirth as a distinct offense akin to manslaughter, allowing for treatment rather than a life sentence. The US, which charges such women with first-degree murder, is an outlier among developed nations.

The 11 jurors in the Clancy trial resisted the prosecution's appeals to fear and religious guilt, as well as efforts to undermine the principle of reasonable doubt, a standard that emerged in Anglo-American common law during the era of the American Revolution, alongside the democratic rights the Revolution established.

The far right sensed this and responded accordingly. Nancy Grace, whom the WSWS described 15 years ago, during the Casey Anthony trial, as among the "professional befoulers of the public consciousness, viciously anti-democratic zealots, fascistic elements," spent the trial broadcasting falsehoods, including the claim that Clancy had searched the phrase "how to kill." Right-wing commentators have hailed the lone holdout for delivering "justice for the kids." Trump, asked about the case Friday, said Clancy "did a horrible, horrible thing" and "we'll find out what the price to pay is."

This is the voice of a ruling class for which due process is an obstacle. This extends to those most vulnerable and abused in society. Twenty-four death row inmates have been executed so far this year alone, including the elderly and infirm, victims of child abuse, the mentally ill, the intellectually disabled and veterans.

As the Clancy jury deliberated, the illegal war on Iran entered its 28th week, the Gaza genocide continued with bipartisan support and ICE, which seized 51,000 people in July alone, drove 20-year-old Haitian college student Pierre Damas Bel to take his own life last Monday in fear of deportation. The ongoing Gaza genocide with full bipartisan support has killed over 20,000 children while another 44,000 have been wounded or maimed.

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