



# The Commonwealth of Massachusetts

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## Press Release

### Murder Conviction Affirmed in 2010 Shooting through Stoughton Window

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The state's highest court today affirmed the murder conviction of the Stoughton man who shot and killed his rival while that man lay in bed in 2010, Norfolk District Attorney Michael W. Morrissey said.

"Stephen Erving was in his first-floor bedroom at 3:30 a.m. on March 16, 2010 when Michael W. Blanchard approached the window with a 9-millimeter pistol. He fired repeatedly, ending the life of a defenseless man," District Attorney Morrissey said. "Mr. Erving's family has been involved in every step of the prosecution and appellate process; we are relieved for them that the Supreme Judicial Court has affirmed this murder conviction."

Blanchard, now 28, was 21 at the time of the shooting. A Norfolk Superior Court jury convicted him of murder in the second degree on June 19, 2013 following a trial before Judge Elizabeth R. Fahey. The defendant had argued at trial that he should be convicted of manslaughter, claiming that he fired the gun to scare, not kill, the victim because they had a history of prior conflict.

"The central appeal issue was that a notebook that was supposed to remain with the judge was brought into the jury room during deliberations, including some material that was not in evidence," District Attorney Morrissey said. "Judge Fahey handled that unusual and potentially disruptive development perfectly."

There is specific case law on how judges should deal with juries that have been exposed to extraneous information, or information they are not supposed to see, which the lead prosecutor, Assistant District Attorney Greg Connor, and appeals ADA Pamela Alford brought to the judge after the mistake was discovered, District Attorney Morrissey said. "Judge Fahey handled the matter perfectly, not only avoiding what could have been a mistrial, but resolving the issue in a way that withstood appellate review."

The murder was investigated by Stoughton detectives and Massachusetts State Police detectives attached to the Norfolk DA's Office. Connor and Alford were assisted by Victim/Witness Advocate Maureen Russell. "A great deal of hard work, acumen and talent went into securing this conviction," Morrissey said. "I am relieved for the loved ones of Stephen Erving that a mistake - completely unrelated to guilt or innocence - did not undo this just verdict."