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Appeal in Michelle Carter case may take years to resolve, experts say



MATT WES - POOL

Michelle Carter waited for her sentencing.

By [Matt Rocheleau](#) | GLOBE STAFF AUGUST 03, 2017

The appeal in the case of Michelle Carter will likely take at least months, if not years, before it is settled.

“It’s not that anyone is dragging their feet, but these things take time, and it’s important — everyone wants to make sure they get it right,” said Suffolk University law professor Rosanna Cavallaro.

Carter, 20, was sentenced Thursday in Bristol Juvenile Court to 2½-years with 15 months suspended for goading 18-year-old Conrad Roy III into committing suicide in July 2014. But the judge agreed to allow Carter to remain free while her appeal is pending.

Experts said the judge’s reasoning for staying Carter’s sentence was likely influenced by the length of sentence he imposed.

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“The judge was afraid that by the time the case went through the appeals process, she would have already served her sentence,” said Peter Elikann, criminal defense attorney and former chair of the Massachusetts Bar Association’s Criminal Justice Section. “If she were to win her appeal, she might have already served all of her time in jail.”

The appeal could first go before the state Appeals Court. If unsuccessful there, her lawyers could ask the state Supreme Judicial Court to hear the case. They could eventually appeal the case to the federal courts, experts said.

However, the appeal could also skip that first step and go straight to the Supreme Judicial Court, if Carter’s lawyers ask the court to hear the case, and the court agrees. Alternatively, the SJC could decide that it wants to hear the appeal.

Either way, it’s likely to take months, if not years, to resolve, specialists said.

“The time it takes is kind of a wild card,” said Elikann. “It’s really is hard to pin down. But we’re not talking just a few months. In all likelihood, it will be years.”

Cavallaro said she would expect the process just at the Appeals Court level to take between 12 and 15 months, but noted there can be variation.

Not only does the casework itself take time, but “The appeals court is a really busy court,” she said. “There’s a lot of cases from different streams that flow into that court.”

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