

COMMONWEALTH OF MASSACHUSETTS
SUFFOLK, ss BOSTON MUNICIPAL COURT
CENTRAL DIVISION
DOCKET # 0701CR7229

COMMONWEALTH OF MASSACHUSETTS,)
)
v.)
)
RICHARD CUSICK,)
Defendant)

and

DOCKET # 0701CR7230

COMMONWEALTH OF MASSACHUSETTS,)
)
v.)
)
RUSSELL K. STROUP,)
Defendant)

**DEFENDANTS' REQUESTED PRELIMINARY AND CLOSING
JURY INSTRUCTIONS**

Now comes the defendants and moves this Court to
include the attached instruction as part of its
preliminary and final instructions to the jury.

Respectfully submitted,

RICHARD CUSICK,
By his attorneys,

R. KEITH STROUP,
By his attorney,

Matthew H. Feinberg
BBO#161380
Feinberg & Kamholtz
125 Summer Street
Boston, Ma 02110
(617) 526-0700

Charles R. Nesson
BBO#369320
Harvard Law School
HFB 404
Cambridge MA 02138
617-495-4609

Steven S. Epstein
BBO#546862
P.O. Box 266
Georgetown, MA 01833
(978) 352-3300

CERTIFICATE OF SERVICE

I, Steven S. Epstein, Esquire, hereby
certify that I served the within by delivering a copy
in-hand to _____the
Assistant District Attorney for Suffolk County

Date

Steven S. Epstein

DEFENDANTS REQUESTED PRELIMINARY AND CLOSING
JURY INSTRUCTIONS

Ladies and gentleman of the jury:

Thank you for honoring your citizen's duty by serving today on this jury. Each one of you, as a juror, is as much an agent of our government as I am. We each have our roles and responsibilities in the trial in which you will be participating.

My role as presiding judge is to direct the process of the trial of the defendant, and to instruct and guide you in the performance of your jury duty. Your role is to determine whether the defendant is guilty of committing a crime.

As jurors you will speak for the people. You echo the voice of the original founding citizens of our government who gathered together in a constitutional convention to create our government and our fundamental laws.

Our Constitution and Declaration of Rights declares that our government is to use its power to ensure liberty, safety and tranquility to its citizens in the exercise of their natural rights and enjoyment of their blessings in life.

A citizen's liberty is the greatest of these blessings.

You, as a jury, will be asked to determine whether Rick Cusick and Keith Stroup behaved in a criminal manner which warrants the State to take their liberty away.

The prosecution has charged that the defendants possessed and used marijuana in violation state law declaring the possession and use of marijuana to be criminal.

I will instruct you as to the applicable law with respect to all matters of evidentiary

admissibility, statutory interpretation and
constitutionality. I decide the law.

You, the jury, are to judge whether the
defendant committed a crime.

It will be your responsibility to determine
first whether each element of the statutory
charge which I will articulate to you is
true. Proof of the truth of the statutory
charge against the defendant is a legal
precondition that must exist for you to
convict a defendant of a crime.

But a defendant's act, to be a crime, is
more than violation of a statute. It is an
offense to the safety and tranquility of our
community that, in your judgment as the
conscience of our community, warrants our
verdict of criminal guilt.

Thus, if you find the statutory charge to be
true, it will then be your further
responsibility and most vital role under our

constitution, drawing upon your wisdom as
the constituted conscience of our community,
to determine whether the defendant so
offended or harmed the safety and
tranquility of our society that it warrants
your judgment of criminal guilt.