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Law and International law

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Jury Instruction

1. To prove the violation of §846, the government does not need to prove the commission about any "overt act", which is carried as the furtherance of any conspiracy. The statute's language does not demand an overt act, and therefore, such a requirement is not inferred. It can also be observed from the Congressional silence, which shows that Congress intended to approve the common law as according to the definition of conspiracy. Therefore, an “overact” needs to be alleged or proved before the furtherance of judicial proceedings. For example, the defendant Shabani was convicted of conspiring against the distribution of cocaine, which violated 21 U.S. C §846. The District court disapproved to instruct the jury and held that the government must demonstrate the presence of an "overt act".
2. In this case, Ms. Smith who argue that she was merely present. The jury found that “Mary Lou Smith was driving the Chevrolet”. This shows that Ms. Smith cannot be discharged considering her vital role in the (offense). Therefore she has been found guilty by association. A similar case to this incident is Frye v. Smith. In the latter case, since the defendant was not involved in the criminal offense, but still, the Supreme Court of the United States denied the right to review. The role of Ms. Smith in the first case is entirely different, and here she was witnessed by the troopers as an active participant of the (offense).
3. Any defendant charged with conspiracy is also liable for the account of the actual commission of a crime, for the account of being an aider or abettor or will also be liable under Pinkerton theory. The case United States V. Ailsworth, 867 is related to witness that the government can prove liability according to any alternative theory, and relevant to this the jury will not hold a verdict which indicates a precise manner in which the defendant is accused of committing the crime. In the case referred here, it is interesting to note that if a jury finds anyone guilty of aiding or abetting a crime, it will not be equivalent to finding a conspirator agreement. The case United States V. Ailsworth, 867 was presented to the eleventh circuit court of appeals.
4. The elements of the crime are according to 21 U.S.C. §841(a) (1) are creating, distributing, dispensing, and possessing a prohibited substance. Further, some other elements of 21 U.S.C. §841(a) (1) are the creation, distribution, dispensation, or possession of a counter felt substance.
5. Some other names of ‘crack cocaine’ includes cloud nine, bazooka, Casper, kibbles, etc.
6. Withdrawing is an affirmation of criminal defense. It arises when a defendant claims that he or she has never completed or was involved in a criminal offense. It means that the burden is on the defendant to prove that they meet the requirement of successful withdrawal from the crime. Since, in this case, defendant, Marylou Smith has withdrawn herself from the charges of conspiracy. Therefore she will have to prove the circumstance in her favor. For example, the case Koury v. The Queen, [1964] S.C.R. 212 presented to the Supreme Court of the United States, the defendant’s claim was that he withdrew from the association of the case at a specific time. He appealed that his conviction should be placed aside and considered inconsistent with the court's decision. However, the court held that the appeal should be dismissed.
7. In order to prove that the defendant was involved in aiding and abetting, the prosecutor must prove that the defendant was ready to commit the crime, during the occurrence of crime, the defendant was directly involved in completing the offense and the defendant's word of his or her action was, in fact, aiding the crime.