

ADMINISTRATION OF JUSTICE

YOU MAKE THE DECISION!

The Chemistry and the Criminal

Name: _____ Period: _____ Row: _____ Score: _____

TODAY'S CASE INVOLVES narcotics. Ray Bryant was arrested by the Springfield Police Department for violation of state narcotics laws. He has been charged with manufacturing and selling "speed" to Terry Smith. Terry Smith is called as a witness at the trial, sworn in and then questioned by the district attorney.

"Mr. Smith, you lived in the town of Springfield for nine months before this narcotics deal was arranged with Mr. Bryant. What were you doing in Springfield during the months prior to this deal?"

"Well, just hanging around, making connections with people and getting to know where the action was. Finding out who was dealing drugs, and who wasn't. I wanted to know who was moving the stuff in Springfield - narcotics and other illegal drugs. Who the sellers were and who the buyers were."

"Mr. Smith please tell the court about the transaction you had with Mr. Bryant."

"Well, I talked to some people and told them I needed to find some speed. That's the street name for methamphetamine you know. So my connections hooked me up with Ray Bryant. I called him and told him I needed some speed for my regular customers. I was told that Bryant had a little lab in his home where he made the stuff and that he was a pretty good chemist. Bryant informed me that he didn't have any XTP-3, a chemical needed to make the speed. The chemical XTP-3 is legal to purchase, but it's very hard to find because of its limited supply. I told Bryant I knew a dependable source where it could be obtained at a reasonable price, but I did not know if the XTP-3 had been stolen or not. Bryant said he did not care and if I got some for him, he would make me up a batch of speed with it. We worked out the details, the price, and agreed on it."

"Did you actually get this chemical XTP-3 for Mr. Bryant?"

"Yes, I was able to purchase enough through government contacts for the job. On May 22, I gave Bryant a 15 lb. can of it, and told him there was more where that came from. We agreed to meet a week later."

"Where was that meeting, and what took place at that time?"

"We met at 1 A.M. in Central Park and Bryant gave me a boxful of tablets he said he had made. I made a quick test and they were speed. After testing the speed, I gave him the money we agreed on and he put the money in his pocket. He asked me if I could get more XTP-3 for him next week."

"What did you say to that?"

"I said no. He acted surprised, and said why not? At that time I informed him that I was Inspector Terry Smith, of the State Narcotics Squad, and that he was under arrest. Then a couple of my agents came out of the shadows, and we put handcuffs on him and took him to be booked at the station."

There are a few other witnesses that provide similar testimony, and the case is concluded. You ask the attorney's for their closing statements.

The district attorney says, "If the court pleases, this is a simple case. At the time of their introduction, Bryant was entirely willing to sell a forbidden product to Mr. Smith. All that held him up at the time was the lack of a certain chemical, which was not illegal to obtain. Inspector Smith arranged to get some for Bryant. Then Bryant made the forbidden product and sold it to Smith. In doing so, he broke the law. He should be convicted and sentenced for the crime."

Bryant's attorney denies there was a crime. "This case is not as simple as the district attorney says. At the time they met, Mr. Bryant couldn't sell speed even if he wanted to. He didn't have any, and he couldn't make any, because he did not have one of the chemicals necessary to make it.

But Inspector Smith coaxed Bryant into committing this crime by saying he could get some. He hinted the XTP-3 was stolen. Then he did furnish it. By promising money and making it easy for Ray Bryant to manufacture the stuff, he lured Bryant into committing this crime.

Your honor, this is entrapment. Entrapment by government officials is a complete defense to a crime. We submit there would have been no sale of speed if my client had not been pressured into it by the inspector."

You say, "Gentlemen, I appreciate the assistance of both of you in the case. I will have a decision for you within a few days."

* * *

Now you are alone in your judge's chambers. You must find the answers to several questions so that you can decide the case, and be sure your decision is within the law. You must consider all the facts, and then complete your official Opinion and Order.

Judge's "Case Analysis Sheet"

To make an informed decision in a court dispute you must first examine the facts in issue. FULLY EXPLAIN YOUR ANSWERS:

1. What were the charges against Ray Bryant?

2. Do you think Ray Bryant would have sold speed to Smith or anyone else if he had some on hand?

3. Why didn't Ray Bryant have any XTP-3 on hand?

4. Do you think Bryant was going to quit making speed simply because he currently did not have any XTP-3 on hand?

5. What do you think Bryant would be doing in regard to making drugs if he had not been arrested?

6. What facts would indicate that Bryant would have made "speed" regardless of whether or not Inspector Smith had provided the XTP-3 to make the drug?

7. What do you think Bryant would have done about manufacturing speed in the future had he not met Inspector Smith?

8. Did Inspector Smith promote the crime to be committed, or did he only detect it?

9. Do you think that Inspector Smith enticed Bryant to do something he would not have done on his own if he could get the XTP-3 without the help of Smith?
