

**Traditional Defenses,
Technical Defenses,
and the Law of
Self-Incrimination,
Admissions and Confessions,
Miranda, and Immunity**

2012 Edition

This reference guide is based on the author's updated version of selected entries from the 2004 benchbook

*Fundamental Principles
of
Massachusetts Criminal Law*

by
James F. Comerford, Esq.

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FOREWORD

This publication is intended to provide judges and lawyers with quick references to identify and resolve a range of defense issues that may arise in the course of a criminal trial. The material presents direct reference to cases decided by the United States Supreme Court, the Massachusetts Supreme Judicial Court, and the Massachusetts Appeals Court. It is presented in the format used in Flaschner Judicial Institute's prior publication authored by James F. Comerford, *Fundamental Principles of Massachusetts Criminal Law* (2004 & Supp. 2008). It provides general topics and refines those topics into identifiable nuances. In this manner, the judge or lawyer can find relevant authority easily and quickly. It is not intended to be exhaustive—criminal law is not static—but the text does cover significant cases and identifies controlling principles as expressed by the several courts.

For those not familiar with the Flaschner Judicial Institute's other current titles, the following list may be instructive. Copies of all of the Institute's publications are given to Massachusetts judges and made available for sale to the bar at large.

Massachusetts Guide to Evidence, 2012 Edition. Written by the Supreme Judicial Court Advisory Committee on Massachusetts Evidence Law. 507 pages.

Recent Developments in Massachusetts Negligence Law: Causes of Action in Premises Liability, Liquor Liability, and Medical Malpractice Liability, 2011. Written by Hon. John M. Greaney (ret.), Supreme Judicial Court, and James F. Comerford, Esq. Contributing Editor: Nicholas Macaronis, Esq. 115 pages.

Massachusetts Motor Vehicle Stops Benchbook, 2011 Edition. Written by James F. Comerford, Esq. Editorial Committee: Hon. John M. Greaney (ret.), Chair, Supreme Judicial Court; Hon. Kevin J. O'Dea, District Court; Daniel W. O'Malley, Esq. 213 pages.

The Law of Homicide in Massachusetts, 2009. Written by Hon. John M. Greaney (ret.), Supreme Judicial Court, and James F. Comerford, Esq. 344 pages.

Massachusetts Summary Judgment Benchbook, 2005. Written by Hon. John M. Greaney, Supreme Judicial Court, and Wayne E. Hartwell, Esq., Social Law Library. 148 pages.

Residential Landlord-Tenant Benchbook, Revised Edition, 2005. Editor: Wayne E. Hartwell, Esq., Social Law Library. Contributors: Hon. David D. Kerman, Massachusetts Housing Court; Hon. John G. Martin, Massachusetts Housing Court; Hon. William H. Abrashkin, Massachusetts Housing Court; Susan Hegel, Esq.; Toni Lee Pomeroy, Esq. 682 pages. *Note: Third Edition coming Fall 2012.*

Massachusetts Jury Trial Benchbook, Second Edition, 2004. Written by Hon. Peter M. Lauriat, Massachusetts Superior Court, with the assistance of Wayne E. Hartwell, Esq., Social Law Library. 298 pages.

Excellent Judges, 1997. Written by Chief Justice Edward F. Hennessey. 33 pages.

Judges Making Law, 1994. Written by Chief Justice Edward F. Hennessey. 80 pages.

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