

WILFUL INTERFERENCE WITH A FIRE FIGHTING OPERATION

G.L. c. 268, § 32A

The defendant is charged with wilful interference with a (fire fighter) (fire fighting force). In order to prove the defendant guilty of this offense, the Commonwealth must prove two things beyond a reasonable doubt:

***First:* That the defendant obstructed, interfered with, or hindered a (fire fighter) (fire fighting force) in the lawful performance of (his) (her) (its) duty; and**

***Second:* That the defendant did so wilfully.**

The defendant acted wilfully if (he) (she) acted both with the intent to commit the act or acts that obstructed, interfered with, or hindered the (fire fighter) (fire fighting force), and with the intent to cause obstruction, interference, or hindrance of the (fire fighter) (fire fighting operation).

If the Commonwealth has proven both elements beyond a reasonable doubt, then you should find the defendant guilty. If the Commonwealth has not proven both elements beyond a reasonable doubt, then your verdict must be not guilty.

See Instruction 3.120 (Specific Intent).

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NOTE:

Defendant's "dual intent" makes no difference. The statutory requirements are met if the defendant has the required intent, even if he or she has other intentions as well. *Commonwealth v. Joyce*, 84 Mass. App. Ct. 574, 580 (2013) (defendant claimed he had the intention to save pets inside burning building; evidence supported finding that he shouted profanity and threats at safety personnel when he could have been trying to save animals).