

**FINAL EXAMINATION**  
**ROBERT CALHOUN**  
**CRIMINAL PROCEDURE II**

**SPRING 2005**

**INSTRUCTIONS**

1. You have three (3) hours to complete this exam.
2. This exam is **closed** book; no materials are allowed.
3. This exam consists of three (3) parts.

**Part I**

- Part I is to be answered on a separate ParScore answer sheet.
- Part I consists of 20 multiple-choice questions.
- Each question is worth two points.
- Part I is worth a total of 40 points.

**Part II**

- Part II is to be answered on this exam paper in the space provided. (If you type, you may answer on a separate sheet of paper, but you should restrict your answer to the same amount of space provided by the question.)
- Part II consists of eight (8) short answer questions. These range in value from 4 to 8 points.
- Part II is worth a total of 40 points.

**Part III**

- Part III is to be answered in blue books (or typed). If you answer Part III in a blue book, please write on every other line.
- Part III consists of one (1) long essay question.
- Part III is worth a total of 40 points.
- With regard to the essay question, deal with all issues raised – even though you believe disposition of one is controlling.

4. Write your **exam number** on this exam envelope, all used blue books, at the top of this exam packet, and on the ParScore answer sheet. **Do not use your name, student ID number, or Social Security Number on any exam materials.**
5. At the conclusion of the exam, return all test materials, including blue books, ParScore answer sheet, scratch paper, and this exam packet to the envelope and submit it to the proctor.

GOOD LUCK!

**Part III**  
**Essay (40 points)**

Defendant was charged with the brutal rape of an adult woman. A jury panel of 100 was called to the courtroom. The panel was evenly divided between men and women. The judge asked the potential jurors who were women if they would find it upsetting to hear the details of the alleged crime. Twenty potential women jurors answered “yes” and were automatically excused, resulting in a panel of 50 men and 30 women. After the jury selection process, the actual jury that was seated had 10 men and 2 women.

The defendant did not testify at the trial. During closing argument the prosecutor argued “there is no evidence offered by the defendant to contradict what the people offered.”

One of the witnesses called by the prosecution during its case in chief identified the defendant as having fled from the scene of the rape. After defendant was convicted, the defense discovered that this witness had an 8 year old prior felony conviction for fraud.

The prosecutor failed to give defendant pre-trial discovery of this witness’s prior conviction. The defense had requested pre-trial discovery but had not specifically requested discovery of prior convictions of prosecution witnesses.

1. Defendant claims on appeal that the composition of the jury violated his constitutional rights. How should the court rule and why?
2. Defendant also claims on appeal that the prosecution’s argument to the jury violated his constitutional rights. How should the court rule and why?
3. Defendant lastly claims that the denial of discovery was in violation of his rights. How should the court rule and why?