

**FINAL EXAMINATION
CRIMINAL PROCEDURE I
ROBERT CALHOUN
FALL 2006**

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 the separate “ParSCORE TEST FORM” using pen or pencil and following the instructions on that form. If you change your answer, place a clear X through the wrong answer and mark the correct answer. A machine will score the exam and any ambiguities will be counted as a wrong answer.

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 five (5) short answer questions. These range in value from 5 to 9 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. **DO NOT** seal the envelope. Students who do not return all exam materials at the end of the exam may not be graded.

Part III (40 Points)

The following essay should be answered in blue books or typed.

The police suspected that Deborah Defendant, a clerk in the local police department, was selling drugs that she had obtained by stealing them from the police evidence locker. They believed she was setting up sales by using her computer at work in the police department. Her supervisor decided to look through her e-mails to see if their suspicions were correct or not. (whenever Deborah logged on to her office computer, a message would pop up stating that the computer network was subject to monitoring by her supervisors in the police department. On the other hand, Deborah had a private password for her e-mail account that only she knew.) By examining her e-mail messages, the police found extensive evidence of her drug sales.

When Deborah arrived at work, the police arrested her and asked her for permission to search her home (where the e-mails said she kept much of the stolen drugs). Deborah refused to give permission. Deborah was taken to jail. Then, one of the police officers went to her home. When the officer knocked on the door, Harold, Deborah's husband, answered. The police asked Harold for permission to search the house and Harold gave consent. When they came upon a small room downstairs which was locked, Harold said, "Oh that's my wife's office where she works when she is at home." The police asked for permission to search the office. Harold agreed and gave them a key to the office. Inside the office they found large amount of illegal drugs. Also inside the home office, they found a key for a storage locker, with a tag attached which gave the address of the storage company and the number of the locker for which the key corresponded.

The police sought a search warrant for the locker based on all of the above information. The warrant was granted by a judge. Pursuant to the warrant they searched the locker and found more drugs.

Deborah was charged with possession of illegal narcotics with intent to sell and was released on \$250,000 bail. Upon her release, she returned to her office to clean out her desk. Unbeknownst to Deborah, the police had asked one of her coworkers to find out anything they could about Deborah's drug activities. As Deborah was cleaning out her desk, the co-worker approached her and said, "Are you leaving us?" Deborah said, "Yes, I got busted for drugs." The co-worker said, "What happened?" Deborah explained everything, including admitting that she had been selling drugs illegally.

Prior to trial, Deborah moves to suppress all evidence taken in violation of her constitutional rights. What would her attorney argue on her behalf of such a suppression motion. What would the prosecutor argue? How should a court rule?

END OF EXAM