

FINAL EXAMINATION
CRIMINAL PROCEDURE I
ROBERT CALHOUN
SPRING 2006

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 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 seven (7) 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. **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.

Officer Jones is walking around a residential neighborhood, knocking on doors to inform people of a community meeting that is scheduled to be held at a local school. The purpose of the meeting is to set up a Neighborhood Watch program to promote crime prevention in the neighborhood.

Officer Jones walks up the stairs to the front door of 2235 21st Street and knocks on the front door. No one comes to the door. The inner door is open and Officer Jones can see into the house through the closed screen door. On a table in the living room he sees a small mirror with some white powder, a razor blade and a straw, sitting on a table. Based on his experience as a police officer, he concludes this is likely to be illegal drugs. Officer Jones knocks again, and announces who he is. When no one responds, he opens the screen door, walks into the living room and seizes the white powder.

Thinking there might be more drugs in the vicinity, Officer Jones decides to search the area within arm's reach of the table where the seized drugs were found. He opens the drawer on a nearby cabinet and finds a baggie containing approximately two ounces of white powder, matching the powder he has just seized. He seizes the baggie of powder.

At this time, Officer Jones hears someone walking down the stairs. Demetrius Defendant walks into the room and says, What are you doing here? Officer Jones says, Is this your cocaine? Defendant says, It's not cocaine, you idiot. It's methamphetamine. Jones arrests Defendant.

Defendant is taken to the police station where he is given his Miranda warnings. He says I want to talk to a lawyer. The police stop the interrogation.

The next day he is arraigned on cocaine charges and, at his arraignment, requests that counsel be appointed for him. The judge tells him the Public Defender will see him the next day. Officer Jones' superior, Detective Jericho, believes Defendant may have been involved in the killing of his (Defendant's) supplier of methamphetamine. He stops Defendant and Jones as Jones is putting Defendant back in his cell. He asks Defendant if he knows anything about the murder of supplier. Jones says, Maybe. Jericho takes him into an interrogation room, gives him Miranda warnings, and Defendant agrees to talk. During the interrogation, Defendant ultimately admits to the killing of his supplier as well as to the possession of the drugs in his house.

Prior to trial, Defendant moves to suppress all evidence taken in violation of his constitutional rights. Discuss which evidence, if any, is suppressible and why.

END OF EXAM