

FINAL EXAMINATION
CRIMINAL PROCEDURE I
ROBERT CALHOUN
SPRING 2008

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 five (5) short answer questions. These range in value from 5 to 10 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.

Deborah Defendant was pulled over by Police Officer Jones for driving 60 mph in a 40 mph zone. As he was checking Defendant's license and registration, Jones asked her, "Is this your car?" Deborah truthfully answered, "No. I'm borrowing it for the day from my sister-in-law, Corene Defendant. She lent it to me so that I could run some errands."

Jones responded by asking, "May I look in the trunk?" When Deborah remained silent, James said, "Look, if you co-operate with me I might forget the speeding ticket. I'm only interested in drugs. Even if you have a dead body back there, all I'm concerned about is drugs." Deborah responded, "Well, in that case, have a look." She opened the trunk with a lever from the front seat.

Jones looked in the trunk. At first he saw nothing. Then he noticed the faint outline of a machine gun under a blanket which was laid across the floor of the trunk. He lifted up the blanket and saw a machine gun. He also saw a notebook lying next to the machine gun.

Jones directed Deborah to come see what he found in the trunk. He informed Deborah that it was illegal for private citizens to own machine guns in the state. Deborah denied the machine gun was hers. She said it belonged to Corene. "Or maybe you," said Jones. He arrested Deborah, then reached down to pick up the notebook. "Well look what we have here," he said. The notebook contained plans for a recent bank robbery. The plans indicated the name and address of the bank and the intent to use a machine gun. (The bank mentioned in the plans had been robbed the day before by two women, one of whom brandished a machine gun.) The names of the two participants were included in the plans. They were Deborah and Corene.

Based on the notebook, Officer Jones sought and received an arrest warrant for Corene. Jones went to her house to arrest her but she wasn't home. Jones parked across the street and waited. Several minutes later Corene drove up in her car, entered her driveway and then drove into the garage that was attached to her house. Jones exited his car and, through a loudspeaker, announced, "Don't move. Put your hands up. You're under arrest." As Jones said this, the exterior door of the garage began to close. Corene walked through the door separating the garage from the house and into her kitchen. Jones was at her front door,

ringing the bell with gun drawn. Corene shouted, "Don't shoot. I'm coming." She opened the door and Jones put handcuffs on her. Noticing that the wand for the garage door was still in her hand, he took it. He opened the garage door with the remote and went to the car. He opened the passenger door and discovered money bags from the recent bank robbery and a handgun. He seized both.

As Corene was being booked into jail, the booking officer asked her for her full name, address and social security number. She then asked Corene if she had any tattoos or scars. Corene lifted her sleeve to show a tattoo of a machine gun. (Witnesses to the bank robbery said one of the robbers had a tattoo of a machine gun on her upper arm).

Later that day Jones took Deborah into a small interrogation room. He informed her of her Miranda rights and she agreed to talk. She continued to assert her innocence, claiming that Corene must be the guilty party. After about thirty minutes, Deborah said, "Maybe I should talk to my lawyer. Has she come to see me?" Officer Jones lied and said no. (In fact, the lawyer had come to the jail and asked to see Deborah and said she would wait there until she could speak to Deborah.) Deborah then said, "Well I guess I'll keep talking." Shortly thereafter she admitted her complicity in the bank robbery.

Later that day Deborah and Corene were charged with bank robbery and conspiracy to commit bank robbery. Prior to trial, Deborah and Corene moved to suppress all evidence taken in violation of their constitutional rights. What would their lawyers say in support of such a motion? What would the prosecution argue? How should a court rule?

END OF EXAM