

**FINAL EXAMINATION**  
**CRIMINAL PROCEDURE I**  
**PROFESSOR PETER KEANE**  
**SPRING 2006**

**INSTRUCTIONS**

1. You have a total of **three (3) hours** to complete this examination.
2. This is a **closed book** exam. No outside materials are allowed and you may not discuss the exam with anyone else.
3. There are two parts to this examination, MULTIPLE CHOICE and ESSAY.
  - } **PART I**, the multiple-choice segment, contains 20 questions and is worth 1/3 of your grade. Indicate the best answer on the ParSCORE test form provided.
  - } **PART II**, the essay segment, is worth 2/3 of your grade, with each essay answer worth 1/3 of the total grade. You should budget your time to devote one hour and not more to each question.
4. Please be sure to allow some of the above suggested times to think, organize and outline your answers before you begin writing your essays. Use the blue books provided. Write only on the right hand side of the page (skipping a page each time) and double-space your work. Please write legibly.
5. Write your exam number on your exam envelope, at the top of this page and every page of questions thereafter, the ParSCORE test form, and each blue book you use. **Do not** use your name, student ID number or Social Security number on any exam materials.
6. At the conclusion of the exam, return all exam materials to the exam 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.

**Good luck!**

## **Part Two**

### **Essay**

**(One Hour)**

Betty is driving in downtown San Francisco. A police officer, driving behind her, calls in a computer check on her car and license plate. The computer check mistakenly indicates that the license plate registration has expired. The officer pulls her over, writes the ticket and starts to leave. He decides to frisk Betty and finds a gun in her purse. The gun is later traced to a murder. He arrests Betty and finds letters in the trunk of the car which show that Betty, Annie and Joan are illegally selling machine guns from Betty's house at 456 Castro Street.

Police inspectors use the letters to obtain a search warrant for 456 Castro Street. Because the inspectors suspect, but have no evidence, that Gloria, who lives next door at 458 Castro Street, is involved, the officers lie to the magistrate and also obtain a warrant to search Gloria's house at 458 Castro. The police break into 456 Castro Street at 2 a.m., find machine guns, and arrest Annie and Joan who are there spending the night. They also find heroin in a nightstand next to the bed where Joan was sleeping. A further search turns up cocaine hidden between the wallpaper and the wall of a bathroom.

The search of 458 Castro turns up counterfeit money in a locked safe, which the police break open. The counterfeit money is owned and stored in Gloria's house by Arnold, Gloria's boyfriend, with Gloria's consent.

Early the next morning Gloria, who is unaware of any of the searches, is arrested at Arnold's house by federal agents. The agents are also unaware of the local police activity. The agents enter Arnold's house and arrest Gloria with an arrest warrant for her passing counterfeit money at her local Starbucks several weeks before. The agents see stolen artworks in Arnold's house so they also arrest him. The agents tell Gloria, We can get a search warrant for your house or you can do it the easy way and give consent. Gloria says, Okay. The agents go to Gloria's house and learn about the earlier searches.

**Identify all issues raised by these facts. Analyze these issues in relation to the facts and discuss how they should be resolved and why.**

**END OF PART TWO**

## **Part Three**

### **Essay**

**(One Hour)**

Janice, Sidney and Floyd rob the Bank of America on Market Street and kill two bank guards during a shootout as they escape. An hour later, Susan, a police officer, sees Janice driving the van in which the robbers were seen to escape. Susan shoots out the tires of the van which crashes into a pole, badly injuring Janice. Susan pulls Janice from the van and asks, Where are the other two? Janice answers Room 14, Palace Hotel. A police team immediately goes to that location, kicks in the door and arrests Sidney and Floyd. The police find guns and other physical evidence linking all three to the robbery.

Janice, in great pain, is taken to the hospital. Officers ask the doctors to leave the room. They give Janice Miranda warnings, she first says, Maybe I need a lawyer. They continue to question her and she then says Okay, whatever you want. She confesses to the robbery. They then ask her, Any other crimes? She says she won't talk anymore and the interrogation stops. An hour later different police return and say, We still need to find out if you guys have committed other robberies. She is again given Miranda warnings, and says, Okay, let's get this over with, and confesses to two other robberies.

After Floyd's arrest he says he wants a lawyer. Later, two police officers stand outside his cell and talk in detail about Janice having confessed. One of them says, These two guys are crazy if they take the rap for Janice. Floyd says, She is the one who planned the whole thing. Sidney and I never wanted to kill those guards. A short time later, two bank tellers are brought to Floyd's cell and they identify him as one of the robbers.

All three are charged with the robberies. As they are brought to court, officers have the two bank tellers sitting in the spectator section and they ask them if Sidney was also one of the robbers. The tellers say that he was.

At the arraignment in court, Janice, heavily medicated from her injuries, says she wants to represent herself. The judge says, You are not competent. The judge appoints a lawyer to represent Janice. Sidney and Floyd both say to the judge that they want Floyd's cousin Vinnie to represent them. The judge says, If that is what you both want. Vinnie represents both men during the trial. After closing arguments the judge states on the record that it was clear that Vinnie was drunk as he gave this arguments. The judge adds, But I have never seen a better closing argument in all my years on the bench.

The jury finds all three guilty of all of the charges.

**Identify all issues raised by these facts. Analyze these issues in relation to the facts and discuss how they should be resolved and why**

**END OF EXAM**