

FINAL EXAMINATION
CRIMINAL PROCEDURE

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SUMMER 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.
3. The exam consists of three parts. Part One is a section of 20 multiple-choice questions. Parts Two and Three are each essay questions. Each of the three parts to this exam is worth 1/3 of the total grade. **I suggest you budget your time to devote one hour, and no more, to each of the three parts.**
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. **Please 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 Question

(One Hour)

Gloria, Angela and Suzie are partners dealing in stolen large screen television sets. Police officers receive an anonymous letter saying that Suzie's house contains stolen big TV

sets. The officers submit an affidavit to a judge falsely stating that the information comes from a known, reliable, citizen informant and also stating a number of other false facts saying that they have corroborated the informant's information. The judge issues the warrant and the officers go to Suzie's house, knock on the door and are met by Teresa, a part-time cleaning woman who says Suzie is out. They do not mention the warrant, but instead ask Teresa if they can search the house. Teresa says, Okay with me. They find stolen TVs in a garage behind the house and letters in a file cabinet that prove Gloria, Angela and Suzie are dealing in stolen goods.

Leaving the house, an officer notices Gloria, whom he does not know, walking on the other side of the street. The officer believes that she looked over at him nervously. He goes over and says he wants to talk to her. When Gloria says No and keeps walking, he says, Stay here. Gloria stops; the officer approaches her, pats her outer clothing and feels a gun. He reaches into her pocket, takes the gun and arrests her. A search of a briefcase she is carrying turns up more evidence incriminating the three women.

An arrest warrant is obtained for Angela, whom the police have probable cause to believe is staying at Gloria's house. They enter Gloria's house without knocking and arrest Angela. In a protective sweep of the house after they handcuff Angela, they notice papers relating to stolen televisions lying on top of a desk. They seize the letters. Angela asks, Can I get my cell phone out of my car? It is parked outside. I have to tell my babysitter I won't be home. An officer says no. He goes to the car, searches it and finds more incriminating evidence in the trunk.

Discuss all issues that will be raised in prosecuting the three women. State how those issues will be resolved and why.

END OF PART TWO

Part Three

Essay Question

(One Hour)

Lucy and Natasha electronically steal George W. Bush's credit card information and Social Security number. They purchase a number of items and sell them. Lucy is subpoenaed to a grand jury, given immunity and admits the crimes. The next day, federal agents show photographs of Lucy to storeowners and they identify her as having purchased items with Bush's credit cards. Lucy is arrested, placed in a lineup and identified by other storeowners.

Lucy is charged with theft and released on bail. Several days later, FBI agents come to her house and ask her if they can speak with her about a murder, unrelated to the theft

charges. She agrees. They give her Miranda warnings, which she waives, and Lucy confesses to the murder. She also turns over a gun used in the killing.

Natasha is arrested and interrogated. She asks for a lawyer and the interrogation stops. That evening in her jail cell, Natasha tells a guard, I should have talked to those guys. The guard calls the agents who return and give her Miranda warnings and interrogate her. She confesses to the theft and the murder and also tells them they can find Bush's credit cards buried in a park. Natasha is then placed in a lineup with four considerably older women and several storeowners also identify her as having made purchases.

Lucy and Natasha appear in court and the judge asks them if they want lawyers. Lucy says, Yes. Natasha says, I hate lawyers. The judge appoints a lawyer for Lucy and says Natasha can represent herself. In the trial, Lucy testifies, denies guilt and says she knows nothing about the gun used in the murder. Natasha testifies, denies guilt and says she knows nothing about the credit cards found buried in the park. Lucy's lawyer sleeps through the entire trial.

Both women are convicted. They both raise all issues on appeal, but Lucy does not complain about her lawyer on the appeal. Later, in a habeas corpus action, Lucy alleges ineffective assistance of counsel and asks the court to appoint a lawyer to represent her on this claim.

Discuss all issues raised by these facts. State how these issues should be resolved and why.

END OF EXAM