

**FINAL EXAMINATION
CRIMINAL PROCEDURE
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SPRING 2007**

1. You have 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 I consists of twenty (20) multiple choice questions which are worth 1/3 of the total grade. Please mark your responses to the multiple choice questions 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 II consists of two (2) essay questions which are each worth 1/3 of the total grade. So you should budget your time to devote one hour and no more to each question. Please write your response in the blue books provided. Please write clearly. Write on every other line and every other page to permit instructor comments.

4. Write your exam number on your exam envelope. Put your correct class section and student exam # at the top of this page, each page of questions, each blue book, and the "ParSCORE TEST FORM". **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 II: Essay Questions
Recommended Time: 1 Hour on each

1. Jennifer, leader of a methamphetamine distribution ring, and Andrea, one of her employees, both regularly process meth in a large garage which is owned by Jennifer and in which Jennifer allows Andrea to store many of her personal belongings. Blanche, a narcotics inspector, uses false information in an affidavit in support of a search warrant submitted to a judge and gets a warrant to search the garage. Blanche's Captain has other police officers, who are unaware of the false affidavit, search the garage with the warrant. They find meth. While searching, the officers hear noises from the inside of Jennifer's house to which the garage is attached. They enter the house, look around and see dozens of expensive TV sets that the officers recognize as being stolen in a recent burglary. They also arrest Jennifer who is hiding in a closet in a bedroom. A search of a dresser drawer in the bedroom turns up cocaine.

The officers watch Andrea drive up and park her car $\frac{3}{4}$ of a block away. She walks to the garage, enters and is arrested. A search of her car yields more meth in the glove compartment and heroin in the trunk.

At trial, Jennifer testifies and says she would not even know what meth looks like if she saw it. The prosecutor asks her, "Didn't you have meth and meth processing equipment in your garage?"

Both women are convicted and appeal. Jennifer, who is a lawyer, asks to represent herself on appeal. The appeals court turns her down and appoints a lawyer who is an alcoholic. The appointed lawyer goes on a long drunken spree, fails to file a brief and the appeal is dismissed.

Discuss all issues that will be raised by these facts. State how those issues will be resolved and why.

2. Dianne is a professional contract killer. In 2005 she is subpoenaed before a grand jury which is investigating the 2004 murder of Frank whom ballistics evidence shows was killed by bullets fired from an AK47 assault rifle. She is given immunity, questioned, and denies that she killed Frank. She admits that she did own an AK47 in 2004. A year later, police dig up the badly decomposed body of Eddie, who went missing in 2004. Eddie's corpse is riddled with bullets fired from an AK47.

Dianne is arrested for Eddie's murder, given Miranda warnings and says, "I don't want to talk. I feel that I ought to get a lawyer." The police leave and come back an hour later and say, "We won't ask you about Eddie's killing. We want to talk to you about Frank." Dianne says, "OK, I'll talk about Frank." She is interrogated through the day and after 11 hours of denying her involvement, she confesses that she killed Frank.

The next day, Dianne's landlady reads a newspaper story about Dianne's arrest which mentions Dianne having admitted before the grand jury in 2005 that she owned an AK47. The landlady brings an AK47, which Dianne had left in the landlady's care, to the police and they match the gun to both killings.

Dianne is charged with the two killings. A few days later Dianne calls the police inspectors and says, "I want to tell you more about how Frank died." The inspectors interrogate her on both crimes and she gives them more details incriminating her in the two killings.

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

END OF EXAM