

CRIMINAL PROCEDURE I - Professor Moskowitz

Final Examination – Spring, 2005

1. You have one hour and 45 minutes to complete this exam.
2. This is a closed book exam.
3. This exam consists of two parts.
4. **Part I** consists of multiple-choice questions. 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 one (1) essay 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.

5. 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.
6. 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.

**Criminal Procedure I – Professor Moskowitz
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**PART II: ESSAY QUESTION
50% of Grade**

To: My law clerk
From: Max Time, Esq.
Re: *People v. Michaels*

My client, Jackson Michaels (M), has been charged with child molestation. I would like to file a motion to suppress the following pieces of evidence: (1) M’s statement, “Yes, he’s my lover”, (2) M’s statement, “Yes, one with pictures of some beautiful boys”, and (3) the magazine “Big Boys”.

Please read the attached police report from Officer Copp (C) and advise me as to the best arguments each side can make and whether the court is likely to grant my motion.

POLICE REPORT

This morning I received a phone call from a woman who said that rock star Jackson Michaels might have molested an 11-year old boy named "Kenny" at Jackson's mansion, Wheneverland, having seduced the boy with a pornographic magazine. She said she overheard some man at a bar talking about this. When I asked for her name, she hung up.

While I was in uniform, I drove to Wheneverland. As I was getting out of my car, I saw Mr. Michaels walking out of the house towards a van. I said, "Stop. I need to talk to you." He stopped and came over to me. I said, "We had a report that a boy named Kenny has been staying with you." He said, "Yes, he's my lover." I then arrested him and told him his *Miranda* rights.* He said, "I guess I should call my lawyers." I said, "You can do that when we get to the station. Do you have any magazines?" He said, "Yes, one with pictures of some beautiful boys." He reached into his jacket pocket and pulled out a magazine called "Big Boys". It contained photographs of naked juveniles. I searched the rest of his pockets, finding nothing of interest, and then took him to the police station.

* Assume the officer correctly stated the *Miranda* warnings.

Have a nice summer!