

**Midterm Examination**  
**CRIMINAL PROCEDURE I**

Professor Moskovitz

Spring 2005

1. You will have one (1) hour and (15) minutes to complete this exam.
2. This is a **closed** book examination.
3. This examination consists of one (1) Essay Question. The Essay Question is to be answered in the bluebooks provided, using every other line on one side of each page only.
4. Write your exam number on your exam envelope. Put your student exam # at the top of this page, each page of questions, and each blue book. **Do not** use your name, student ID number or Social Security Number on any exam materials.
5. At the conclusion of the exam, all examination materials must be returned in the envelope and submitted to the proctor: including bluebooks, these Instructions, Essay Question, all notes and scratch paper. **Do not** seal the envelope. Students who do not return all exam materials at the end of the exam may not receive a grade.

**GOOD LUCK!**

To: My law clerk

From: Judge Max Time

I just heard a motion to suppress evidence in *People v. Dan Dork*. Dork (D) has been charged with possession of cocaine and possession of marijuana. His lawyer moved to suppress the cocaine and the marijuana. At the hearing on the motion, the sole witness was San Francisco Police Officer Carl Copp (C), whose testimony is below. Please read it and advise me whether to grant the motion.

At about 10 p.m. last Saturday, I was in uniform and driving down Mission St. near First St. in my patrol car, when a woman waved me down. I pulled over and spoke to her. She wore dirty old clothes and was pushing a shopping cart containing empty cans and bottles. She pointed to a man who was walking towards a parked car. She said, That guy is selling bad dope. Some people have

gotten poisoned from his crack cocaine. Watch out, though. He carries a box cutter.

I walked towards him. He saw me and began to walk faster to the car. He had just opened the front driver's side door of a car and was getting in, when I went up to him and said, Hi. Hang on a minute. He stood up and faced me. I thought I might have recognized him from a previous drug bus. I patted him down. I felt a hard flat object in his jacket pocket. I pulled it out. It was a box cutter. I placed him under arrest for selling crack cocaine. I searched his pockets, but found no drugs. I handcuffed him and locked him in the back seat of my patrol car, and then I went back to his car and looked around. I found a backpack on the back seat. I unzipped it, and inside was some crack cocaine. I then opened the trunk, where I saw a brick of marijuana wrapped in clear plastic.