

**Final Examination
Criminal Procedure I
Professor Sepulveda
Summer 2007**

1. You have a total of **three (3) hours** to complete this exam.
2. This is a closed book exam.
3. This exam consists of three (3) parts.
 - **Part I** consists of twenty (20) Multiple Choice questions (**40 Points**) (2 points each). 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 eight (8) Short Answer questions (**40 Points**). These range in value from 4 to 6 points. Part II is to be answered **on this exam paper in the space provided**. (If you type, you may answer on a separate sheet of paper, but you should restrict your answer to the same amount of space as provided by the question.). **Do not answer Part II in blue books.**
 - **Part III** consists of one (1) essay question (**40 Points**) Part III is to be answered in blue books (or typed). Please write clearly. Write on every other line and every other page to permit instructor comments. Part III consists of one (1) long essay. Deal with *all* the issues raised in the essay question, even if you believe the disposition of one is controlling.
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.

GOOD LUCK!

Part III – Essay (40 Points)
Recommended Time: 1 hour

The following essay question should be answered in a blue book or typed.

Boston P.D. dispatch receives an anonymous call to 911, reporting that a white male in his 30's is pointing a handgun at people coming out of the subway at Arlington station. The caller indicates that when she came out of the subway station, this white male (described as dressed in ratty jeans and a dirty grey sweatshirt with the hood pulled up) was ranting about the aliens landing and pointed what appeared to be a large caliber handgun at her and other passengers departing the station.

Officers arrive at the scene and see a white male matching the physical description given by the 911 caller, standing near the entrance to the Arlington station of the T subway system. The officers do not see a gun in the man's possession, but he is standing on a bench and is shouting about aliens. The officers approach the man, without pulling their weapons, and ask him what is going on. The man replies that "the time has come," and that the officers had better load their guns so they can shoot all the aliens. The officers ask the man if he has a gun and he replies that he might.

The officers detain the man, later identified as John Archer, and begin to pat search him. They feel a hard object in his front pants pocket. Concerned that the object could be a weapon, they reach into his pocket and retrieve it. The object is a sunglasses case, which they open up, revealing a baggie of white powder. Based upon the officers' training and experience, they believe the powder is cocaine; later tests confirm their suspicions.

As the officers start to arrest Archer, he turns and flees, jumping into the driver's seat of a Toyota Camry sitting nearby. The officers pursue the Camry, stopping it about a mile away. They order Archer out, place him under arrest for possession of cocaine, fully search his person and find a .45 caliber handgun in the back of his waistband. They put Archer into the back seat of a patrol car. One of the officers advises Archer of his *Miranda* rights; Archer indicates that he will only talk to the supreme commander of the alien fleet. There is a passenger in the car, who is later identified as "Trip" Tucker. The officers order Tucker out of the car and thoroughly search the entire vehicle. Nothing is found in the passenger compartment.

The officers remove the keys from the ignition of the car and open its trunk. Inside they find the body of a young female. Dr. Jordan Cavanaugh of the coroner's office arrives on the scene, examines the body, and indicates that the victim died approximately two days ago, apparently from a gunshot wound to the head. Both Archer and Tucker are placed under arrest for murder. Dr. Garret Macy, the supervisor of the coroner's office, later performs an autopsy and determines that the cause of death was multiple gunshot wounds. Nigel Townsend from the coroner's office matches bullets removed from the victim's body to the handgun found on Archer. Lily Lebowshi, the grief counselor at the morgue, identifies the victim as Hoshi Sato.

Archer and Tucker are transported to the police station. Detective Woody Hoyt places Archer in an interview room, obtains a *Miranda* waiver, and questions him about the murder of Hoshi Sato. Archer asks if Hoyt is in charge of the aliens, and Hoyt responds, "Sure." Archer

then tells Hoyt a fantastic tale about arriving back on earth in his space ship, along with Tucker and Sato, who are members of his crew. Archer claims that an alien race followed them to earth, and that during a battle with the aliens he accidentally shot Sato.

Both Archer and Tucker are charged with Sato's murder; Archer is additionally charged with possession of cocaine. Before their arraignment, Detective Hoyt interviews Tucker. After waiving his *Miranda* rights, Tucker tells Detective Hoyt that Archer has gone off the deep end, mentally, due to his abuse of cocaine. Tucker claims that Archer shot Sato during an argument over drugs. He indicates that during the last few days, Archer has been rambling on about aliens, claimed to be the captain of a spaceship called Enterprise, and insisted that both Tucker and Sato were members of his crew.

Archer and Tucker move to suppress all physical evidence and their statements to the police. What result and why?

END OF EXAM