

Essay Question 1 (50 Points)

Ashley and Daniel have dated off and on for the last two years. They have no children and do not live together. Two weeks ago Ashley's neighbor called 911 and reported yelling, screaming, and crashing noises coming from Ashley's apartment. When police arrived the neighbor directed them to the apartment where she heard all the noises. The police found Ashley sitting outside the apartment, visibly upset. The officers advised Ashley they had received a call from a concerned neighbor. They asked if she lived in the apartment, if anyone else was in the residence and if there were any weapons. She told the officers that her boyfriend was in the apartment, that they had been fighting, and that she didn't think he had any weapons, but she was afraid. She said he punched her several times in the stomach and side and she was complaining of severe pain in her ribs. The officers called for an ambulance, which arrived within 5 minutes. Ashley was transported to the hospital. Shortly after arriving at the hospital, a different officer approached Ashley and asked her more questions about what happened that evening.

The police filed a report with the district attorney, including Ashley's statements made to the responding officers and to the officer at the hospital. The district attorney wants to move forward with the case, but Ashley is being uncooperative and now cannot be located.

1. Can the district attorney successfully prosecute without Ashley's testimony?
2. Would your answer be different if Ashley was present, but refusing to testify?

Essay Question 2 (50 Points)

In 1999, Jessica Gonzales' three daughters were murdered by their father. In *Gonzales v. Town of Castlerock, Colorado* Jessica argued the City of Castlerock and several police officers had violated her rights under the due process clause of the 14th Amendment by failing to enforce her protective order. Her case went all the way to the United States Supreme Court where it was held that Ms. Gonzales' due process rights had not been violated. Several months later, in *Jessica Gonzales v. United States of America*, Ms. Gonzales filed an individual complaint against the United States for international human rights violations with the Inter-American Commission on Human Rights. One of the main arguments in her complaint focused on the failure of the United States government to do enough to protect domestic violence victims and their children.

1. Do you agree or disagree with Ms. Gonzales' position that the United States government has failed to do enough to protect domestic violence victims and their children? Give at least 3 examples from subjects covered this semester that support your position.

END OF EXAM