

Kern County College of Law  
Criminal Procedure  
Final Examination  
Spring 2025  
Prof. A. Kohler

Instructions:

Answer Three (3) Essay Questions.

Total Time Allotted: Three (3) Hours.

KCL

Criminal Procedure

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Essay Question #1:

In the township of Kerbako there was a large-scale narcotics operation that local law enforcement was aware was taking place but law enforcement officers weren't quite sure who was behind the operation. Based on information provided by a confidential reliable informant (CRI) they sat outside Mr. Daelers home one evening. They saw much foot traffic in and out of the home for brief periods of time. Officers also had information from the CRI that he had purchased narcotics from Mr. Daeler approximately two months previously at that location. Based on the information from CRI and from observations by officers a search warrant was secured for the home of Mr. Daeler to search for narcotics and any packaging materials. Officers thereafter served the search warrant and searched not only the home of Mr. Daeler but also a detached shed that was located approximately 5 feet behind the home and within a fenced off portion of the yard which contained the home, patio and shed. Narcotics and an assault rifle were in the home on top of the master bed. Three All Terrain Vehicles (ATV's) also located in the shed were seized. Those were later determined to be stolen. Two individuals who were in the house with Mr. Daeler at the time the warrant was being executed ran out the backdoor. One was Mrs. Runner, who while being pursued, threw a package on the ground. It was later found to contain an ounce of methamphetamine. Further, when Ms. Runner was searched prior to being booked into the jail an additional 5 bindles was found in her bra.

The second individual fleeing from the house, Mr. Slowman, was caught and frisked by officers and found to have a knife, a hypodermic needle and 3 bindles of heroin in his jacket pocket. Mr. Slowman was taken down to headquarters in handcuffs and placed in an interrogation room. He was later questioned without any Miranda warnings being given to him and admitted to police that he had purchased narcotics from Mr. Daeler.

Mr. Daeler was also taken to the police station after being arrested. He was advised of his Miranda rights and he waived those rights and told the officers that he conducted narcotics sales and had been using a laptop computer he had in his home to communicate with his buyers and that he kept all his records of sales and profits on his computer. He advised that he kept his passwords in his desk drawer in a notebook. He was never asked for consent to search for or seize the computer. The detective conducting the interview telephoned officers who were finishing their search of Mr. Daeler's home and advised them to search for and seize the computer and passwords and to access the computer to find any evidence of drug sales. They found the computer and passwords and searched the laptop finding the records and lists of buyers.

Mrs. Runner and Mr. Slowman are each being charged with narcotics possession. Mr. Daeler is being charged with possession for sale of narcotics, possession of an assault weapon and possession of the stolen ATV's.

Prior to trial each defendant moves to suppress the evidence obtained from each of them, both because of a search or seizure or of their statements made.

Please discuss fully the applicable legal principles and the evidence obtained from each, both because of a search or seizure or of their interview. Please also discuss fully the applicable legal principles and the arguments for and against admission at trial made by each the defendant and the prosecution. How should the Court rule as to each defendant's motion to suppress?

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### Essay Question #2

Ms. Jewel was on trial for a string of armed robberies she had committed of high-end jewelry stores. Her co-defendant and boyfriend, Mr. Heist, had confessed to the crimes and implicated Ms. Jewel. At trial the Court permitted the confession of Mr. Heist. The Court did not delete any references to Ms. Jewel and let the entire confession come in but did caution the jury “not to consider it against Ms. Jewel.”

The Court also let into evidence a photographic lineup that had Ms. Jewel displayed in her jail jumpsuit and handcuffs, the other 5 women shown were in nice civilian clothes, with hair and make-up looking presentable. A witness at one of the jewelry stores selected Ms. Jewel out of that lineup. There was another photographic lineup shown to the same woman earlier with 6 women, all in jail clothing, shown to the same witness before and she was unable to make an identification. The Detective figured since there was no identification made in the earlier and first photo lineup he could just throw it away. He kept no copies, wrote no notes or report about this failed line-up.

During trial, Ms. Jewel could see that she was likely going to be convicted so she asked her attorney to put her on the stand. She told her lawyer that she was going to lie and she gave him a list of questions to ask her so she could get her fake alibi in front of the jury. Her attorney did not ask any of the questions she asked him to ask and she was convicted and sentenced to a lengthy prison sentence. She was very angry and believes her attorney was horrible. Her attorney did file all appropriate in limine motions, including a Trombetta motion which was denied.

You are her post-conviction attorney and she has asked you to file an appeal or writ to get her conviction overturned. You want to discuss every POTENTIAL issue with her, even if it is not likely to prevail.

Please discuss fully all issues that might be advanced on Ms. Jewel's behalf and whether these claims are likely to prevail.

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### Essay Question #3:

Mr. Jones has a drug manufacturing operation on the edge of town. The warehouse is located on 20 acres in a remote, unfenced location. His home is approximately 2 miles from the warehouse. A smaller outbuilding is located on the edge of the property, about a mile from the warehouse. His wife, Mrs. Jones, travels from their local airport in Arizona to Miami two times a month to pickup the chemicals needed for their drug manufacturing business and then drives those chemicals back to the warehouse. Their best friend, Mr. Smith is the on-site manager of their drug business.

Based on some uncorroborated tips the local law enforcement drug task force decides to investigate further. They first do a fly-over of the Jones's property where they are able to observe large trucks parked outside the warehouse and smoke from an exhaust chimney in the building. They also see people moving large crates into the trucks.

There is no business licensed at the warehouse. In order to determine if there are drugs in the house, the police sit in a vehicle outside the perimeter line utilizing a thermal heat imaging technology that permits them to measure the electricity being used in the home. Confident that they have good information they roll up to the scene at night and go up to the warehouse and look through the windows. Officers are able to see an elaborate drug making operation with drugs being packaged on a large conveyer belt. Unfortunately, officers also see Mr. Smith with a gun pointed at one of the workers and he is yelling and angry. Not willing to wait, Officers bust into the warehouse and detain everyone on premises. The Officers did a sweep of the warehouse to make certain that there are no other

armed individuals present. Large quantities of drugs were observed as well as stacks of cash. The drugs and cash were seized. Based on the observations that evening, as well as the aerial observations during the fly-over, a search warrant is obtained for the warehouse and more drugs, guns and cash are located. A warrant is also obtained for the home of Mr. Jones based in part on the results of the thermal imaging, as well as the events that unfolded at the warehouse.

Officers pull over Mrs. Jones over as she is leaving the neighborhood in her vehicle. She has a taillight out and officers discover her license is suspended, a misdemeanor offense. She is removed from the vehicle and placed under arrest for the suspended license. Upon a search of her person a plane ticket and a list of chemicals commonly used for drug manufacturing is located in her jacket pocket. Officers impound her vehicle and conduct a search of her vehicle and locate a gym bag containing 100,000 in cash and an inventory list of drugs for sale.

Please discuss all the search and seizure issues that are present in this fact pattern, including any exceptions to the warrant requirement. Please also discuss briefly what the 4<sup>th</sup> Amendment protects against and what legally constitutes an unreasonable search or seizure.

\*\*\*\*\*

**No Answer Outline**

was organized, accurate, complete and thorough

1)

**Mr. Dealer:**

**CRI:**

For investigations, the use of a confidential reliable informant can be used backed by precedent under Illinois v. Perkins; where an informant has to be reliable, remain confidential and has to have been acknowledged by Law Enforcement (herein as LE) as reliable in order to use for investigatory means. Additionally, the informant needs to have been given at least 2 reliable instances where information has checked out to be reliable.

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In this instance, the informant is a confidentially reliable and had privy knowledge about the criminal acts of Mr. Dealer because he bought drugs from him 2 months prior.

Therefore the use of a CRI is valid to base additional PC for the officers to have gathered a valid search warrant and make an arrest on Mr. Dealer.

yes

officer used CRI gave pri info - the corroborate which like cures an sterility

**Police Investigation:**

Police began an investigation upon Mr. Dealer based on CRI information.

Additionally, police, based on the information the CRI gave them, followed up and began their own investigation upon the home and by sitting outside and observing foot traffic coming and going from the home for brief periods. Indicating that a drug trafficking operation was taking place.

9

**Probable Cause:**

Probable cause (herein PC) is more than a reasonable suspicion that a person committed a crime and it can be used to make a valid arrest for various means; crime committed in front of LE, use of CRI etc...

yes

Through the use of the information from the CRI and the separate lines of investigation from police, there was sufficient PC to obtain a Search Warrant (herein SW)

good

**Valid Search Warrant:**

For a search warrant to be valid, there has to be PC, backed with specific items that are going to be seized, possible locations of items to be seized, and signed by a impartial magistrate.

yes

The warrant in this instance was valid because it detailed the items to be seized (drugs and packaging material) and also included the entirety of the property....even the back shed that was enclosed in the gate. Not  
into  
gate  
but  
curtilage  
prob ✓

**Curtalidge:**

Curtalidge is anything that is attached to a home where a person has a reasonable expectation of privacy. Katz v. U.S sets that standards for the expectation of privacy test. ✓

**Katz Test:** Did the defendant has a subjectively (reasonable) expectation of privacy and was that expectation of privacy objectively reasonable? > q1

Here, the prosecution will argue that yes Mr. Dealer had both a subjective and reasonable expectation to privacy, but that the SW indicated the attachments of curtilage to Mr. Dealers home. not  
fact  
ph

Therefore, this was a valid SW — as to the home + likely curtilage

**Plain View of Drugs and Gun:**

Plain view is an exception to the warrant requirement that states if a LE is in a lawful place, and sees, hears, smells, touches, anything that is in LE plain view of sight or touch, then the evidence obtained need not be executed through a search warrant. Great

In this instance, the evidence of the gun and the drugs that were seized were both in plain view on the bed in the master bedroom after conducting a **protective sweep** of the house to make sure no other individuals were in the house for **officers safety**. ✓

Officers were lawfully in a place they were supposed to be due to the validity of the SW. yes

There were indeed other people in the house, reiterating the necessity or a protective (cursory sweep) for LE safety. Additionally, it is known that the involvement of drugs will typically involve firearms.

Therefore, the gun and drugs will be admitted into evidence due to the validity of the SW for officers to be lawfully in the home of Mr. Dealer, and that thy did a protective sweep for their safety and located drugs and a gun in plain view in one of the rooms. good ✓

**ATV Seizure:**

The defense will raise the question of the necessity to seize the three ATVs. They will state that the items were not listed in the warrant and should be excluded regardless of a records check identifying them as stolen. *(after the fact)*

There needed to be a separate warrant served for these ATV's because they were not attached to the drug operation, and LE can not seize items not listed on the warrant unless with consent, or cause. *right - if they had cause to believe stolen.*

A records check to search for additional evidence after already having a valid search warrant will likely not allow the admittance of the ATV seizure. *good - no after the fact justification*

However, if LE can articulate the reason behind running a records check of the ATV's, while also being at the property when they ran the records may result on the admittance of the ATV's as evidence for possession stolen property *tr*

Unfortunately, it is still unlikely to be admitted. ✓

*analysis on point*

**Valid Arrest:**

To have a valid arrest, there needs to be a support of PC, or to have a valid arrest warrant.

After conducting the valid SW, officers had enough PC to make an arrest without an arrest warrant and do so.

The arrest was valid. ✓ *good*

**Miranda Rights:**

Miranda rights are as follows: "You have the right to remain silent. Anything you say, can, and will be held against you in a court of law. You have the right to an attorney. If you can not afford an attorney one will be appointed to you by the courts free of charge. Do you understand these rights as i have read them to you." ✓ *qc*

Mr. Dealer's rights were properly given after his arrest. ✓

**Waiver of Rights:**

An expression of waiver must be expressed voluntarily and fully.

Here, the facts indicate that Mr. Dealer did voluntarily and expressly waive his rights. ✓



**Confessions:**

A confession can be drawn out from a suspect. A confession does have to be voluntarily given, or admitted based on the preponderance of evidence against them, they feel inclined to give incriminating responses.

yes

LE job is to elicit an incriminating response from suspects/defendants.

Here, Mr. Dealer was already in custody, and gave a free admission of guilt after already waiving his rights to an attorney and remain silent. Mr. Dealer gave a voluntary statement of incriminating responses regarding the laptop and its usage for his illegal drug operation. ✓

The confession will be admitted based upon the above facts of the valid PC to establish a SW, an arrest, and the seizure of gun and drugs. yes

**Search/Seizure of Laptop:**

The search of the lap top will likely not be admitted. but the seizure of the lap top would have been had LE not gone through the laptop. ✓ yes depending on the scope of the warrant

Electronics require there own SW to go through, and because officers at the scene were not technologically trained to come through the computer, regardless of the involuntariness by the defendant, the Computer should have only been seized and not searched through. The computer, and all documents related to the computer are now fruit of the poisons tree based on the exclusionary rule.

go

However, the prosecution could assert inevitable discovery doctrine to admit due to the inevitability the computer would have been found. But can you justify when they could have sought additional warrant?

Unfortunately, the defense will likely prevail here due to the lack of identification for the search and seizure of the computer in the initial lap top, and the exclusionary rule to its contents due to the evidence already seized that would be admitted to determine the defendants guilt.

statements, c  
Def. regarding  
contents - yes  
contents - prob  
n

**Conclusion:**

The prosecution will argue the admittance of the drugs and gun through plain view, the ATV's due to the lawful placement of LE and the records check to determine stolen property, the admittance of the confession as a freely stated of guilt due to the waiver of rights, and the admittance of the computer through the defendants voluntarily given statements.

drugs + guns - yes  
statements - yes  
ATV's + contents  
of computer for  
real issues for  
h n

Defense will move to exclude the drugs and ATV's because not listed in the SW, so exclusionary rule, the confession will be argued due to the dominating police environment, and the computer because not consented and not listed on the warrant even though voluntarily given details as to its location and seizure. *ye*

Evidence to be admitted will be the gun and drugs. Evidence not admitted will be the ATV's and the computer.

*Good conclusion - YES*

**Mrs. Runner:**

**Exigent Circumstances - Hot Pursuit/Destruction of Evidence:**

Exigent circumstances of the warrant requirement are hot pursuit, destruction of evidence, and officer/public safety. Here hot pursuit applies because officers had to give chase to Mrs. Runner in an effort to detain her from Mr. Dealers property where a SW was being executed.

All members located at a house are to be lawfully detained and patted down. *✓ good*

Here, Mrs. Runner took off, indicating she was party to a crime, and so officers lawfully searched the items she voluntarily discarded where there is not reasonable expectation of privacy (subjectively or objectively). *Good - abandoned property*

Therefore, the hot pursuit of Mrs. Runner was valid in order to legally obtain the evidence.

**Valid Arrest:**

To have a valid arrest, there needs to be a support of PC, or to have a valid arrest warrant.

Mrs. Runner was placed under a valid arrest based on PC since she ran from the house and LE where they were conducting a lawful SW. *→ she threw down drugs*

**Booking Search:**

A booking search is an exception to the warrant requirement under special needs-administrative procedures for the safety of the institution.

Ms. Runner had contraband hidden in her person, and was uncovered during the standard procedure of a booking search before being placed into the jail facility. *900 ✓*

The evidence obtained from Mrs. Runner will be admitted.

**Conclusion:**

As to the evidence obtained from Mrs. Runner, it will all be admitted.

yes - good

**Mr. Slowman:**

**Exigent Circumstances - Hot Pursuit:**

Exigent circumstances of the warrant requirement are hot pursuit, destruction of evidence, and officer/public safety. Here hot pursuit applies because officers had to give chase to Mr. Slowman in an effort to detain him from Mr. Dealers property where a SW was being executed.

**Terry Frisk:**

LE are allowed to terry frisk an individual for their own safety once an individual is being detained.

good  
discreet

Officers conducted a lawful terry frisk of the defendant and found a knife and a needle. For their own safety this was removed from Mr. Slowman's person.

Additionally, if articulated by LE and they can determine with their own expertise on the force as to what unknown items may be, they can also remove other items from the pocket (the 3 bindles of drugs)

The Terry frisk was lawful and the knife, needle, and drugs will be admitted.

**Custodial Interrogation:**

For a custodial interrogation one would need to look the length of time for an interview, the conduct of LE, the the reasonable expectation of TARP that a person would be free to leave, the confinement of the individual, and the language used by LE to elicit an incriminating response.

Good

There was no Miranda given, Mr. Slowman was brought in handcuffs, and placed into an interrogation room.

This is a LE dominated environment and allowed no room for the right to counsel as his rights were not read.

Yes

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Additionally, due to the environment he was in, he felt based on a reasonable expectation, that he was not free to leave. ✓  
good

**Miranda Rights:**

Miranda rights are as follows: "You have the right to remain silent. Anything you say, can, and will be held against you in a court of law. You have the right to an attorney. If you can not afford an attorney one will be appointed to you by the courts free of charge. Do you understand these rights as i have read them to you." }  
good

Mr. Slowman was not read his Miranda rights and was in custody thereby violating his 5th amendment rights.

**Confession:**

A confession can be drawn out from a suspect. A confession does have to be voluntarily given, or admitted based on the preponderance of evidence against them, they feel inclined to give incriminating responses.

LE job is to elicit an incriminating response from suspects/defendants.

Due to the coercive environment as to how Mr. Slowman was brought in for questioning, and the lack of Miranda given, it is evident that his confession will likely not be admitted.

**Conclusion:**

As to Mr. Slowman, the evidence will be admitted for the drugs but not the confession. ✓  
Good

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of issues & organization of Answer  
82

2)

Under the Aranda Bruton holding, specifically the confrontation clause, an incriminating statement made by a co-defendant cannot be used in trial against the other defendant. Here, Mr. Heist confessed to the crimes and implicated Ms. Jewel which would be a violation of Bruton. I would advise Ms. Jewel to challenge the court in allowing the jury to specifically hear her name in the confession and in using the statement overall. It seems to be a violation of due process against her because even if the jury was told not to "consider the statement" it would be impossible to guarantee the jury would not use that confession to subconsciously render Ms. Jewel guilty. Under due process rights and Aranda Bruton, Ms. Jewel's rights were violated. She would likely prevail on a claim against both of these.

There are procedures for witness identification in criminal proceedings under the fourth amendment. When the measures are unnecessarily suggestive such as actions that will subconsciously point to a specific individual, it is improper. Here, the lineup consisted of 5 women in nice clothing while Ms. Jewel was in a jumpsuit. It was absolutely suggestive as to which individual would be deemed "criminal" having a jail jumpsuit on. In addition, of the two lineups conducted, the first was Jewel in a jumpsuit while the other included 6 women all in jail attire. In this case, the same witness could not make an identification which goes to show the result of suggestive methods such as what was done in the first line up discussed.

Under the exclusionary rule, which is where evidence obtained in violation of the 4th, 5th and 6th amendment is not admissible, Ms. Jewel could claim that being that the identification measures would violate her fourth amendment right, the photographic lineup should not be admissible into evidence. It would be argued that she has a strong claim due to the results of the lineup and the lack thereof of the second lineup done.

Ms. Jewel would be able to prevail on this claim in regards to identification.

yes!

In addition, there is a preservation of evidence and what is known as Trombetta. There is also a due process right to discovery which states government must provide exculpatory evidence of the defendant. Police have no duty to preserve evidence however, evidence that is discarded in bad faith on behalf the police is a due process violation. In the preservation of evidence factors such as there being a chance the conviction could have been different had the evidence been preserved or it being exculpatory are important. Here, the Detective threw away the first photo lineup which included Ms. Jewel being depicted in jail attire and where she was chosen. In addition, there was no notes/reports about this lineup. Keeping both of these acts in mind, it would be argued that had it

been preserved, it would have aided Ms. Jewel's case as she was not able to be identified when there was only a lineup made of all jail clothing, only the one where specifically she was the single person in jail attire. Subconsciously, the witness who viewed the photo, along with any human being would have had that subconscious thought that the person in jail attire must be the guilty one. A Trombetta motion would be important to file, however since her first attorney tried and it was denied, the likelihood of it prevailing this time would be low.

gc

Brady violation could be made in terms of the evidence that was not provided. It would not likely prevail. The violation of Due process rights under the fourteenth amendment could also be brought up as a claim. No state shall deprive any person of their due process right of life, liberty, or property. Here, Ms. Jewel was implicated in the confession of her co-defendant which was allowed in trial. The photographic lineup conducted included inappropriate measures that signaled her as the one to be chosen. One of the two lineups conducted was thrown away which was crucial to comparing both the lineups to prove the distinction between a lineup made in her wearing a jail jumpsuit and everyone wearing one. A claim of her challenging the lawful execution of due process rights would likely prevail.

why? it was clearly exculp + Le. f. of pr

Ms. Jewel would also be able to challenge effective assistance of counsel. For effective assistance of counsel, a person has to prove the attorney's deficiency and that deficiency prejudiced the result. More specifically, the defendant would have to prove that the outcome that could have resulted would have been completely different if it were not for counsel's deficiency. Him not asking the questions she told him to ask or not putting her on the stand would not be sufficient to show her attorney was ineffective/deficient. In fact, her attorney filed all appropriate in limine motions, including the trombetta motion mentioned above. The attorney not allowing her to lie and using her misleading questions, along with filing all appropriate motions would actually go to show how effective he was. This claim of ineffective counsel would not likely prevail.

reass prob

good

Stric 2-PA Te Objective to stand or Perfor.

ARANDA BRUTON

4TH AMEND. UNNECESSARILY SUGGESTIVE WITNESS IDENTIFICATION

TROMBETTA

-due process right to discovery



EFFECTIVE ASSISTANCE OF COUNSEL

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demonstrated & NOT only knowledge of subject matter but unders. This is a good essa response.

good copy

3)

**Search and Seizure (4th Amendment)**

The fourth amendment protects people from unlawful searches and seizures by the government. To analyze if a fourth amendment violation has occurred, you must first see if there is government conduct, if the defendant has standing, whether or not a valid warrant was used, if not did the police act in good faith, and if neither a valid warrant nor good faith apply, was there an exception to the warrant requirement at play.

Government conduct simply means that the search or seizure was committed by a government entity, such as law enforcement. ✓

Standing refers to whether or not a person has a reasonable expectation of privacy. The defendant must subjectively believe that they have an expectation of privacy and that expectation must be objectively reasonable. ✓

A valid warrant must be supported by probable cause and particularity. Probable cause is determined by the totality of the circumstances but there must be articulable facts and enough evidence that a reasonable person would think that a crime has been committed. Particularity refers to the fact that a warrant must specifically state what is being searched for and where police are going to search. ✓  
very good

If police don't have a valid warrant for a search they must show that they acted in good faith or another exception to the warrant requirement is at play. Good faith simply means that police reasonably relied on a warrant that was invalid and truly believed they were acting legally. ✓

Exceptions to the warrant requirement are circumstances in which a search or seizure can occur without a warrant. These include, consent, searches incident to lawful arrest, protective sweeps, plain view, Terry stops, the automobile exception, and inventory searches. ✓  
90

Without a warrant, good faith, or a warrant exception, searches or seizure of an individual or their belongings in which a reasonable expectation of privacy exists, is illegal. ✓

**Issues**

**Curtilage**

People have a reasonable expectation of privacy in their home and the surrounding curtilage, which ✓  
is the area immediately surrounding the home, enclosed, or used for intimate private activities of the  
home.

The defense may argue that the warehouse was on the defendants property and therefore, the police did not have a right to be there. However, the warehouse was two miles from the home and the outbuilding another mile away from that. These would likely not be considered part of the home or the curtilage and the open fields doctrine would apply. The open fields doctrine simply states that property outside the home or curtilage is open field and therefore no reasonable expectation of privacy exists. Therefore, the police would be justified in searching the area around the warehouse and outbuilding.

### Surveillance

The supreme court has ruled that some types of surveillance do not violate an individuals expectation of privacy while others do. In this case, the fly-over was permitted as an individual has no expectation of privacy in public air space. However, the use of thermal imaging is not permitted as it is considered unreasonably intrusive and violates an individuals reasonable expectation of privacy in their home.

### Warrant

A warrant requires probable cause and particularity. The uncorroborated tips the police received would not be sufficient. The warrant for the warehouse was based on information gathered from the fly-over as well as the observations through the window that evening. This involved evidence of unlicensed use of the building and an individual being threatened with a gun. This would likely constitute probable cause, making the warehouse warrant valid. However, the probable cause for the home warrant was based in part on the evidence gained by thermal imaging. In order for this warrant to be valid, police would have to show that they would still have probable cause without the thermal imaging. This would likely be the case as the owner of the home was observed threatening another person with a firearm earlier that night.

### Exceptions to the Warrant Requirement

#### Exigent Circumstances

Exigent circumstances are three exceptions rolled into one. They include, hot pursuit, public safety, ✓  
and preventing the destruction of evidence. In this scenario, police enter the warehouse without a

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o  
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↑ actually it was Mr. Smith  
but given all the obses  
you are correct

warrant because they witness the defendant threatening another person with a gun. Preventing this would likely be considered in the interest of public safety. Therefore, entering the warehouse without a warrant was valid.

### Protective Sweep

When the circumstances suggest that the area is dangerous, police are permitted to do a sweep of the area for their own safety and the safety of others. After, stopping the defendant from threatening one of his workers with a gun, it was reasonable to assume that other armed individuals may be in the area. Therefore, the protective sweep was permitted.

### Plain View

So long as police are lawfully in place and the criminal nature of an object or person is readily apparent to the five senses, then a search and seizure is permitted. The police were permitted to perform their protective sweep, therefore the drugs and money they observe during the sweep are admissible as evidence.

### Search Incident to Lawful Arrest

So long as an arrest is lawful, a search of the arrested person and their immediate surroundings is permitted. The broken tail light on Mrs. Jones car gave rise to reasonable suspicion, a lesser standard than probable cause, given them permission to stop her car. The fact that Mrs. Jones was driving with a suspended license gave them probable cause to arrest her. Therefore her arrest was lawful and the subsequent search of her person was valid.

### Inventory Search

When a vehicle is impounded or an individual's belongings seized, those items can be searched both for posterity and safety. After Mrs. Jones was arrested, her car was impounded and inventory search of that car was permitted by the inventory search exception.

**END OF EXAM**