

**Question 1 – One Hour**

In an attempt to curtail violent crime on public transportation, Santa Rosa enacted the Bus Safety Initiative, “BSI”. Buses on routes in high crime areas displayed a sign reading, “This bus may be stopped and inspected to insure passenger safety.” On a slow summer Friday night, Officer Orton followed one of these buses for several blocks. When Bus Driver Bob pulled over at his scheduled stop Orton pulled in behind and exited his patrol car. Orton walked along the right side of the bus toward the bus’ now open doors. As he approached the front, he noticed an empty Vodka bottle rolling around on the dash. Orton boarded the bus and asked passenger Paul, who was attempting to get off the bus to sit back down while he spoke with Bob.

Paul and the other passengers sat on the bus for ten minutes while Orton administered field sobriety tests to Bob. After concluding Bob was not under the influence, Orton turned his attention to Paul who had begun to nervously shift in his seat and manipulate the lock on a small piece of luggage. Orton asked Paul for his id; Paul produced a drivers’ license from the pocket of his down jacket. Orton radioed dispatch and determined Paul had an outstanding arrest warrant for possession of cocaine--a warrant which Paul adamantly denied. Orton asked to search his luggage. When Paul refused, Orton seized the luggage for the purpose of taking it to the station while he sought a search warrant for its contents. Orton released Paul on the warrant with a citation to appear in court and advised Paul he could pick up his property the following week. Orton never sought a warrant; however, he did squeeze the sides of the luggage and felt “brick like objects” inside, which he believed to be drugs packaged for sale.

On Monday morning Paul appeared at the police department to reclaim his luggage. Officer Orton invited him to wait in an interview room and suggested Paul fill out a “Property Claim Form” to “speed up the process.” The form asked for information about the claimant and the property. An hour had passed when Orton returned to the room and looked at the form quizzically. “This information doesn’t match the tag on your luggage...and just to be straight with you, we’ve already tested the substance and know that you were transporting cocaine.” Paul subsequently confessed. Orton had never even opened the bag, which ultimately was determined to contain bricks of cocaine.

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Orton subsequently learned that the warrant for Paul's arrest had been previously recalled; however, the recall was never entered into the criminal records system.

*Discuss Paul's rights under the Fourth, Fifth, and/or Sixth Amendments to the U.S. Constitution. Do not discuss any substantive crimes.*

**Question 2 – One Hour**

On Thursday morning, Tammi, a Teller at Central Bank was robbed of \$10,000 in marked bills. That night, Sid, a senior high dropout, was arrested as a suspect. Among pieces of evidence was a note: “Hand me mony. I dont kid.” On Friday Detective Dex visited Sid in jail. After introducing himself, Dex told Sid he was there to obtain a writing sample. Sid complied, asking Dex how to spell several words. When Sid was done, Dex advised him of his Miranda rights adding, “You don’t want to lose what may be your last chance to tell your side of the story.” Sid remained largely silent. On Monday, Sid was arraigned on robbery charges and appointed a Public Defender. On Tuesday, before the Public Defender had a chance to visit Sid, Sid posted \$100,000 cash bail.

Sunday night, 9-1-1 received a report of a prowler in the “Nimby” (Not in My Backyard) Subdivision. The caller refused to give her name but said a young white male adult was walking down her sidewalk, stopping to peer in windows. He wore “blue jeans, a grey hoodie” and looked “like he doesn’t belong here.” Officer Ollie responded with German Sheperd Gus, trained in apprehending suspects. Ollie was two blocks away from the caller’s home when he passed a white male adult, wearing blue jeans and a white t-shirt, carrying a duffel bag. As Ollie started to pull his car to the curb, the man fled toward the Nimby neighborhood’s open space. Unable to see through the trees, and concerned the man might be armed, Ollie released Gus to “track.” Gus apprehended the man in a tangled blackberry bush. As Gus bit the man about the arms and legs, the man screamed, “Get this dog off me! I didn’t kill anyone; I only robbed a bank!” Ollie commanded Gus to release only after the man was in handcuffs. In the bushes, Ollie located a duffel bag from which he removed cash that was later determined to be taken in the bank robbery and indicia confirming that the “man” was Sid. Before taking Sid to the hospital, Ollie asked a fellow officer to transport the 9-1-1 caller to the scene. The caller saw Sid as he stood in cuffs in front of the patrol car. She identified Sid as the prowler.

Ollie booked Sid into jail on the new charges of prowling. During his preliminary hearing on the robbery charge, Sid’s Public Defender refused to cross examine Tammy because he realized he represented her on theft charges. Sid asked the Judge if he could represent himself; the Judge said “Sure, I need to move this case along. But if you disrupt my courtroom you can forget about cross-examining any of the witnesses.” The Judge made true on this promise when Sid started interrupting the witness with sexual epithets. Sid was subsequently convicted of both robbery and prowling.

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