

Question #1 – One Hour

Policeman Perry received an anonymous tip that a white male adult was forcibly pimping young women from his purple Lincoln Continental in the parking lot of Motel 6 on the Avenue. For 5 nights, Perry cruised through the lot, unable to locate the car. One week later, he spotted a white male with a female passenger driving a dark colored Lincoln Mark VIII with gold rims down the Avenue. Perry pulled up next to the car at a stop sign and recognized the driver as D-Dog, whom he believed had an outstanding warrant. Perry flashed his badge and pointed for D-Dog to pull over. D-Dog complied and Perry pulled in behind him. As Perry exited his car, D-Dog sped away, leading Perry on a high speed chase. The chase culminated when the police deployed a spike strip, popping the Lincoln's tires, and causing it to skid into a tree. D-Dog was injured and quickly taken to the hospital by ambulance for treatment of broken bones.

Right front passenger Ruby climbed out uninjured, clutching her purse to her chest. Perry immediately took her purse and pat searched her person. From the coin pocket of her jeans he seized a condom and package of methamphetamine; from her purse, a loaded "Lady Smith and Wesson" 357 hand gun. Perry placed Ruby under arrest before turning his attention to the Mark VIII to check for victims. Bloody clothing was strewn about the back seat, including an I-phone. He swiped his finger across its screen to reveal a link to "Redbook," an online exchange for "escort" services. Perry seized the phone, booked Ruby in jail, and headed to the hospital.

Perry entered the emergency room only to find D-Dog was in surgery. Perry noticed a plastic bag in the corner containing D-Dog's clothing. He opened the bag and observed a pair of blood stained jeans. He removed the jeans along with gloves and duct tape. D-Dog returned, still sedated. Perry took a fingernail scraping from D-Dog's right hand and asked the RN to take a blood draw and give him the vial. The prick of the needle stirred D-Dog awake. Perry leaned over and whispered in D-Dog's ear, "Where is she?" D-Dog responded, "Gone." Armed with this information D-Dog visited the local offices of the Redbook publishing company.

Perry boldly flashed his badge at the Redbook receptionist and demanded access to D-Dog's records. When she hesitated, Perry threatened he would get a warrant. Scared by the prospect of police activity, she allowed him access to copy their hard drives, which the District Attorney subsequently used along with other evidence in the prosecution of D-Dog and Ruby.

D-Dog recovered and was subsequently convicted of kidnapping and human trafficking.

Discuss D-Dog and Ruby's rights and remedies under the 4th, 5th, and 6th Amendments.

Question#2 – One Hour

Minor Max was a troubled sixteen year old sophomore at Continuation High. A Juvenile Court Judge had recently arraigned Max on a petition charging him with graffiti vandalism. She appointed the Public Defender and ordered Max to attend school every day while awaiting trial. After school on Friday, fellow student Narc Nancy went to the principal's office to complain that Max was selling marijuana; when queried by the principal, Nancy admitted Max had ripped her off in a weed deal gone awry earlier in the week and that she wanted her money back.

On Monday morning Max slept till noon, missing his first four periods of class and all the excitement. Determined to demonstrate that he was tough on crime, the principal had called the police department and invited them to join in a search of student lockers that morning. Policeman Paul arrived and walked drug sniffing dogs down each hallway. One of two dogs alerted to a locker that Max shared with student Sid. The principal removed the lock with a master key and opened the locker door. From behind several binders and books bearing Sid's name, police seized several pounds of dried marijuana, along with indicia that Max was selling on campus.

Max sauntered into school as police were loading up to leave. As he rounded the corner he ran headlong into Paul. Max turned around and ran back toward his home. Paul recognized Max from a previous arrest and gave chase; unfortunately Max out ran Paul right into Max's house and slammed the door. Unbeknownst to Max, Paul had stopped to pick up a wad of cash that had fallen from Max's pocket. Paul arrived a minute later and rang the bell. He waited 30 seconds before he walked through an open gate to the backyard, from where he could observe Max through a bedroom window. Paul entered via a sliding door and placed Max in handcuffs. As he did so, Paul asked Max if he was buying or growing pot himself. Max admitted only to possession. As they left, Paul saw and seized several cans of spray paint from under Max's bed.

Paul transported Max to juvenile hall and asked he be housed with known informant Ibid. Ibid recognized Max from school and asked him what happened in his vandalism case. Max told him that the DA couldn't prove it and that they couldn't prove this one either. Max laughed as he described himself outrunning and outsmarting the police. Ibid later testified for the People.

The Judge, following a court trial, found the allegations against Max to be true. Max had wanted to represent himself at a jury trial, but the Judge denied his requests.

Discuss Max's rights and remedies under the 4th, 5th and 6th Amendments.