

Criminal Procedure Final Exam Question 1 Issues Outline

- I. Initial Encounter Between Paul and Jack: (25pts)
 - A. Sufficiency of Nan as an Informant? Adams, White, Wardlow
 - B. Consensual encounter or detention of Jack? Hodari, Terry
 - C. Validity of pat search of Jack? Terry
 - D. Seizure of Captain Morgan and marijuana? Dickerson
 - E. Inquiry about Jack's age? Chrisman, Muniz
 - F. Detention or arrest of Jack? Introduction

- II. Search of Jack and the Honda: (20 pts)
 - A. Cargo pants and wallet?
 - 1. Incident to custodial arrest? Chimel
 - B. Honda?
 - 1. Standing in Dad's vehicle? Rakas
 - 2. Incident to custodial arrest? Gant
 - 3. Probable cause exception? Azevedo
 - 4. Impound/inventory exception? Dombrowski

- III. Search/seizure of Jack's cell phone: (15 pts)
 - A. Necessity of a warrant for search? Riley
 - B. Inquiry about Jack's intoxication? Miranda
 - C. Seizure of data from Jack's cell phone? Miranda
 - D. Testimonial for Fifth Amendment purposes? Baust, Kirschner.

- IV. Questioning of Jack in the patrol car: (20 pts)
 - A. Custodial for purposes of Miranda? Orozco
 - B. Sufficiency of Miranda advisement? Prysock, Berghuis
 - C. Subsequent invocation of Miranda? Fare

- V. Identification of Jack by Nan: Moore (5 pts)

- VI. Jack's testimony at trial over objection: Harris (5 pts)

- VII. Exclusionary Rule/Conclusions as to what evidence is admitted vs. excluded: (10 pts)
 - A. Inevitable discovery? Nix
 - B. Fruit of the poisonous tree or attenuation? Wong Sun

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Criminal Procedure Final Exam Question 2 Issues Outline

- I. Initial Inspection by Detective Dave of Frank's Tiny House: (25 pts)
 - A. Expectation of privacy in Tiny House? Carter, Carney
 - B. Warrant required for regulatory inspection? Camara
 - C. Warrant required for use of canine Carl on porch? Jardines
 - D. Plain view exception for Frank standing on trailer? Hicks
 - D. Exigency exception to warrant requirement? Fisher

- II. Execution of search warrant the following morning: (25 pts)
 - A. Probable cause for issuance? Gates
 - B. Detention of Frank at entry? Bailey
 - 1. Validity of pat search of Frank? Terry
 - 2. Seizure of counterfeit bills? Dickerson
 - C. Seizure of business equipment? Gates, Hicks
 - D. Probable cause for custodial arrest of Frank? Text
 - E. If no warrant actually existed, exigency? Supra

- III. Pretext phone call between Frank and Gina: (15 pts)
 - A. Expectation of privacy in Gina's cell phone? Katz
 - B. Sufficiency of Gina as informant/independent source? Adams, White, Wardlow
 - C. Right to counsel approach to confession/offense specific? Cobb
 - D. Self incrimination approach to confession/false friend? Miranda

- IV. Frank's arraignment and appointment of Public Defender Patty: (10 pts)
 - A. Court invites compelled self incrimination? Fifth Amendment
 - B. Sixth Amendment right to self representation following hearing? Faretta

- V. Dave's visit to Frank in the jail kitchen: (20 pts)
 - A. Right to counsel approach to confessions?
 - 1. Massiah violation?
 - 2. Offense specific? Cobb
 - B. Self incrimination approach to confessions?
 - 1. Custody for purposes of Miranda? Fields
 - 2. Interrogation or functional equivalent? Innis
 - C. Due process approach to confessions re: Gina? Spano
 - D. Confession tainted by prior pretextual confessions? Elstad, Seibert

- VI. Exclusionary Rule/Conclusions as to what evidence is admitted vs. excluded: (5 pts)

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