

Summer 2017  
Issues Outline  
Criminal Procedure

Q1:

- I. Initial Encounter Between Don and Uri:
  - A. Government action and standing as Uber?
  - B. Reasonable suspicion to detain? (Terry)
    - 1. Pretext due to xenophobia? (Arizona, Whren)
    - 2. Right to order out of vehicle? (Mimms)
    - 3. Right to conduct field sobriety tests? (Muniz)
    - 4. Right to question Uri re: location? (Berkemer)
  - C. Application of the "Textalyzer" technology?
    - 1. Expectation of privacy in phone "use?" (Riley)
    - 2. Prolonged detention? (Caballes)
  - D. Effect of Paul's arrest/renewed suspicion? (Terry)
- II. Search of Uri's vehicle:
  - A. Warrant required? (Text)
  - B. Exception to the warrant requirement?
    - 1. Officer safety? (Long)
    - 2. Incident to Paul's custodial arrest? (Gant)
    - 3. Probable cause? (Acevedo)
  - C. Pat search of Uri? (Terry, Dickerson)
  - D. Impound/Inventory of car? (Cady)
- III. Interrogation of Uri:
  - A. 5th Amendment Voluntariness Approach? (Spano)
  - B. 5th/6th Amendment Self-Incrimination?(Miranda)
    - 1. Custodial arrest (Mathiason)
    - 2. Functional equivalent to interrogation?(Innis)
    - 3. Invocation of right to counsel? (Edwards)
  - C. Expectation of privacy in calls at station?
- IV. Paul's conviction for perjury and his testimony at trial? (Brady)

th  
Q2:

- I. Initial encounter between O'Day and Dex:
  - A. Government action and standing as Uber?
  - B. Reasonable suspicion to detain? (Terry)
    - 1. Sufficiency of Mel's Information? (White)
    - 2. Dex detained despite flight on foot? (Hodari)
    - 3. Subsequent search of the car
      - a. Abandoned property? (Greenwood)
      - b. Probable cause? (Azevedo)
- II. Identification procedure?
  - A. 6th Amendment Right to Counsel? (Ash)
  - B. 5th Amendment--Unduly Suggestive? (Manson)
  - C. Peter as an independent source? (Segura)

- D. Sufficient probable cause for warrant? (Draper)
- III. Search of Dex' tent?
  - A. Hilda as reliable informant? (Aguilar-Spinelli)
  - B. Expectation of privacy in tent? (Carney)
  - C. Entry into tent--warrant required? (Text)
  - D. Search of tent?
    - 1. Incident to custodial arrest? (Chimel)
    - 2. Plain view exception? (Hicks)
- IV. Initial questioning of Dex?
  - A. Custodial arrest? (Mathiason)
  - B. Invocation of right to remain silent? (Mosley)
- V. Secondary questioning of Dex?
  - A. Sixth Amendment right to counsel violation? (Massiah)
  - B. Reassumption of questioning? (Mosley)
  - C. Course of conduct indicating waiver? (Berghuis)