

QUESTION 1
(One hour)

Defendant Didi owned a mobile cupcake truck which operated under the name “Sugar Mama.” The City required she install (as part of her business license), a GPS tracker to ensure she operated in specified zones. When the local press ran an article on the link between sugar and cancer, Didi’s business took a hit. To make ends meet Didi amended her personal business plan to add the sale of methamphetamine to her income stream—outside of the specified zones.

One evening, Officer Green, a recent academy graduate, logged into the City’s GPS tracker and located the Sugar Mama truck parked in a fire zone in front of Big Box Store on Santa Rosa Avenue. Green parked his patrol car in front of the truck. He was in the process of writing a citation for illegal parking when Didi opened the serving window and shouted, “What are you here for?” Green said he was writing a ticket, eagerly adding he’d “never seen the inside of a food truck before!” Didi, sensing his excitement and believing she had a new fresh faced customer, replied, “Well then honey, come on in!”

Officer Green entered the truck through the back door. His attention was immediately drawn to bags of white powder on a counter, which he recognized as methamphetamine packaged for sale. As he reached to pick one up, he accidentally bumped into a computer mouse, prompting the screen on Didi’s laptop to display a spreadsheet of her customers’ names, images, and what Green believed to be monies owed for prior drug sales. He recognized one of the individuals as Adam, a known drug addict. Green took a “screen shot” of the list with his camera, seized the bags, and told Didi to turn around. He searched her person and seized a large quantity of cash from the pocket of her apron. As he placed handcuffs on her she cried, “But it’s not what you think...it’s baking soda!” As Green was at the end of his shift, he released her with a citation to appear in court on the above charges. The next day she hired herself defense counsel Carl.

One week later, Green again logged into the City’s GPS tracker and noticed “Sugar Mama” parked in a high crime area, which was also outside the specified zones for food sales. Green drove across town to investigate. It was already dark when arrived and saw Adam standing with other individuals below the serving window. Green shouted, “Hey, can I talk to you?” Adam turned and started to walk at Green. Green immediately frisked Adam’s clothing, including the bulky jacket he was wearing. Green removed a concealed pistol from the interior pocket of Adam’s coat. He arrested Adam for possession of the gun and transported him to county jail.

On the lengthy ride over, Green casually asked Adam if he would be interested in sharing what he knew about Sugar Mama—“before someone’s kid got a cupcake baked with something other than flour.” Adam was silent for the remainder of the ride. When they finally reached the jail’s sally port an hour later, Adam volunteered that while Didi

baked cupcakes by day, she sold methamphetamine by night. Adam asked Green for leniency in Green's police report since a gun and potentially tainted pastries were now off the street.

Adam posted bail and hired attorney Carl on his case as well. Carl represented both individuals from arraignment to conviction.

Discuss Didi and Adam's rights and defenses under the Fourth, Fifth, and Sixth Amendments. Please do not discuss any substantive crimes.

QUESTION 2
(One hour)

On June 24, Deputy Dave was patrolling a subdivision of Anytown, CA, which had been leveled by wildfire two weeks earlier. He slowly passed a van with two individuals sitting inside, parked in front of a partially destroyed residence. Dave looked in his rearview mirror and noticed the occupants looking back at him, followed by a “flurry of activity” in the vehicle. He ran the license plates, which returned to an individual, “Sid Sr.” from Oakland, CA. Dave made a U-turn and pulled alongside, motioning for the driver to roll his window down. Suspect Sid Jr., complied.

Deputy Dave shouted, “What are you two doing here?” Sid Jr. said they were visiting some friends but had gotten lost. Dave, sensing something was amiss, put his car in park and started to get out. Seeing this, Sid Jr. suddenly started the engine and gunned it. Deputy Dave pursued Sid Jr. in a highspeed chase for several miles, before losing him in the outskirts of town.

On July 4, Dave was patrolling the same outskirts of Anytown when he spotted the suspect van parked in the driveway of a home where neighbors were enjoying a backyard barbeque. He parked, got out, and peeked through a broken slat in the gate to the rear yard. All Dave could see was neighbor Ned smoking a cigarette and flicking his ashes into the yard’s tall dry grass. Dave opened the gate and interrupted the party as to advise Ned of the fire risk. As he did so, Dave witnessed Sid Jr. by the barbeque, pounding the remains of a 40 oz. beer. Dave immediately placed Sid Jr. under arrest for the previous month’s conduct of evading an officer.

Sid Jr. asked Dave if he could get his wallet out of the back of his dad’s van before going to jail so he could have it in his jail property. As Dave opened the van’s door for him, Dave noticed a small partially burned out safe in the van’s cargo compartment. In addition to the wallet, Dave seized the safe. He searched the wallet and discovered that Sid Jr. was just 18 years old and attended a continuation high school in the East Bay. Dave placed both the wallet and safe into evidence at the Sheriff’s Department after booking Sid Jr. into the jail. Dave subsequently inventoried the safe and discovered several pieces of jewelry which he believed survived the fire.

The next morning, Dave visited Sid Jr. at the jail in a colorfully decorated playroom which was also used when toddlers visited their parents in custody. As Dave started to read Sid Jr. his Miranda rights, Sid Jr. interrupted, demanding, “So where’s my lawyer at dude?” Dave said, “You’ll meet your lawyer, um, I mean Public Defender tomorrow.” Breaking the silence a minute or two later, Dave continued, “Look. Don’t let 12 people from my hood of Oakmont, not your hood of Oakland, judge you and decide your fate. All they’re going to see is another young thug who didn’t give a f--- about the fire. The only thing you can do to mitigate this is admit guilt.” Sid Jr. didn’t know what mitigate meant but thinking he might help himself, confessed to evading Deputy Dave on June 24 after looting the partially destroyed house.

Only the afternoon of July 6, Sid Jr. was arraigned and appointed Public Defender Pat. Pat was in busy in trial and told Sid Jr. she couldn't visit him until the following week. Sid Jr.'s parents didn't come to visit him either. So he called the only one he could think of, Deputy Dave and asked for a visit. After some idle chatter about jail food, Dave asked Sid Jr. why he wanted to talk. Sid Jr. said he wanted to clear his conscience. He confessed to looting an additional dozen homes.

Discuss Sid Jr.'s rights and defenses under the Fourth, Fifth, and Sixth Amendments. Please do not discuss any substantive crimes.