

2013 Question 1 Issues Outline
Professor Stark-Slater
Criminal Procedure Final Exam

Initial contact with Passenger Paul

- Legality of city's "**Bus Safety Initiative**"? (Prouse, Edmond, Woodrum)
- Government action**? (4th Amendment)
- Standing** on public transportation? (Rakas)
- Detention** of Paul at bus stop
 - Timing**—when Orton pulls behind bus or when he notices Vodka bottle?
 - Reasonable suspicion** to detain Paul? (Terry)
 - Ordering Paul to **remain on bus**? (Mimms, Wilson)
 - Prolonged detention**? (Caballes, Sharpe)
- Good faith** reliance on ordinance? (DeFellippo)

Secondary contact with Passenger Paul after DUI investigation

- Renewed **reasonable suspicion to detain** Paul? (Terry)
- Request for **id of Paul**? (Hiibel)
- Good faith** reliance on warrant? (Herring)
- Search/seizure of luggage**
 - Standing** in luggage? (Bond)
 - Preference for **warrant**? (Fourth Amendment)
 - Consent** exception? (Drayton)
 - Search **incident to arrest** exception? (Knowles, Chadwick)
 - Inventory** exception? (Dombrowski)

Final encounter with Passenger Paul at the police department

- Confession** by Paul under **Miranda**/Fifth and Sixth Amendment approach
 - Custodial interrogation** for purposes of **Miranda**? (Mathiason, Beheler)
 - Questioning by functional equivalent**? (Innis)
- Deceitful interrogation**? (Kelekolio)
- Attenuation of taint**? (Wong Sun)

Exclusionary rule/Conclusion—What evidence is excluded?

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2013 Question 2 Issues Outline
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Initial contact with Suspect Sid in jail

- Right to counsel implicated in **writing sample**?
- Interview of Sid by Dex
 - Under **Voluntariness**/Fifth Amendment approach?
 - Under **Miranda**/Fifth and Sixth Amendment approach?
 - Custodial interrogation** for purposes of **Miranda**? (Mathiason)
 - Questioning by functional equivalent**? (Innis)
 - Silence as invocation** of **Miranda** rights? (Berghuis)

Arraignment of Sid on charges of bank robbery initiates **right to counsel** (Massiah)

Subsequent encounter with Suspect Sid in Nimby neighborhood

- Government action**? (4th Amendment)
- Standing** on subdivision? (Rakas)
- Detention** of Sid in the blackberry bush.
 - Sufficiency of **anonymous tip**? (White)
 - Reasonable suspicion** to detain Paul? (Terry)
 - Flight as reasonable suspicion**? (Wardlow)
 - Timing** when detention occurs? (Hodari)
- PC to arrest** Sid? (4th Amendment)
- Statement by Sid** from the bushes
 - Under **Voluntariness**/Fifth Amendment approach?
 - Under **Miranda**/Fifth and Sixth Amendment approach?
 - Custodial interrogation** for purposes of **Miranda**? (Mathiason)
 - Questioning by functional equivalent**? (Innis)
 - Renewed questioning/consecutive confessions (Mosley, Elstad)

Search of duffel bag

- Preference for **warrant**? (Fourth Amendment)
- Search **incident to arrest** exception? (Knowles, Chadwick)
- Probable cause** exception? (Azevedo)

Show up id of Sid

- Implicates **right to counsel**? (Kirby)
- Due Process** violation re: reliability? (Stovall)

Preliminary Hearing **Right to Counsel** issues

- Conflict declaration by Public Defender? (Holloway)
- Sid and self-representation? (Faretta)