

Question 1

- I. Initial seizure of D-Dog/Ruby?
 - a. Government agent for 4th A?
 - b. Reasonable suspicion to detain at outset of encounter?
 - i. Validity of anonymous tip/totality of circumstances? (White)
 1. Indicia of reliability?
 2. Predictive of behavior?
 3. Staleness of information?
 - ii. Existence of warrant for arrest? (Draper, Hill)
 - c. Detention or arrest of D-Dog and Ruby (Hodari)?
 - i. Flashing of badge to pull over?
 1. Show of authority?
 2. Submission to authority by D-Dog?
 - ii. Use of spike strip to detain?
 1. Application of physical force
 2. Probable cause to arrest for evading/reckless driving?
- II. Searches of Ruby and her purse?
 - a. Standing in her person and purse (Rakas)?
 - b. Pat search of Ruby/seizure of meth and condom?
 - i. Valid investigatory detention (Terry)?
 - ii. Evidence Ruby was “armed and dangerous?”
 - iii. “Plain feel” doctrine as applied to meth? (Dickerson)?
 - c. Search of Ruby’s purse/seizure of handgun?
 - i. Search incident to arrest for meth (Chimel, Lafayette)?
 - ii. Probable cause exception for meth?
 - d. Probable cause for custodial arrest of Ruby?
- III. Search of the Lincoln Mark VIII?
 - a. Standing by D-Dog and Ruby in car?
 - b. Search incident to Ruby’s arrest (Gant)?
 - c. Plain view exception to warrant requirement (Hicks)?
 - d. Exigency exception to warrant requirement (Warden)?
 - e. Impound/inventory exception to warrant requirement (Cady)?
 - f. Seizure of an I-Phone?
 - i. Standing by D-Dog and Ruby in phone (supra)?
 - ii. Sweep of phone screen without a warrant (Riley)?
- IV. Encounter with D-Dog in the hospital?
 - a. Search of bag/seizure of clothing, gloves, and duct tape?
 - i. Standing by D-Dog in bag?
 - ii. Plain view exception to warrant requirement?
 - iii. Probable cause exception for violent crime(s)?
 - iv. Search incident to D-Dog’s arrest/if arrest determined (Chimel, Edwards)?
 - b. Validity of fingernail scraping and blood draw?
 - i. Standing by D-Dog in bodily fluids/substances?
 - ii. Warrant exception for fingernail scraping (Cupp)?

Question 2

- I. Effect of arraignment on juvenile court petition (Massiah, Critical Stage)?
- II. Initial search of Max and Sid's locker?
 - a. Government agent for 4th A?
 - i. Principal
 - ii. Policeman Paul and his dog?
 - b. Standing in locker on school campus (Rakas)?
 - c. Reasonable suspicion to conduct canine assisted search of locker?
 - i. Validity of anonymous tip/totality of circumstances? (White)
 1. Indicia of reliability?
 2. Predictive of behavior?
 - ii. Constitutional use of canine drug detection dog (Cabelles)?
- VIII. Attempted seizure and/or arrest of Max?
 - a. Flight as reasonable suspicion (Wardlow)?
 - b. Violation of court order as reasonable suspicion?
 - c. Seizure of marijuana and indicia as probable cause for arrest?
 - d. Seizure of wad of cash?
 - i. Seizure of cash preceding seizure of person (Hodari)?
 - ii. Abandoned property exception to warrant requirement (Greenwood)?
- IX. Arrest of Max?
 - a. Standing in home and cartilage (Rakas)?
 - b. Unlawful entry into property?
 - i. Open fields exception or cartilage (Dunn)?
 - ii. Exigency exception to warrant requirement (Warden)?
 - c. Arrest in the home without a warrant (Payton)?
 - d. Probable cause to arrest?
 - e. Search under bed and seizure of spray paint?
 - i. Search incident to Max's arrest (Chimel)?
 - ii. Plain view exception to warrant requirement (Hicks)?
- X. Max's statement to Paul that he possessed marijuana?
 - a. Miranda 5th and 6th Amendment approach to confessions?
 - i. Required to be read?
 1. Custodial (Orozco)?
 2. Interrogation (Innis)?
 - ii. Remedy of exclusion/still admissible for impeachment (Harris).
 - b. Massiah 6th Amendment approach to confessions as offense specific (Cobb)?
- XI. Max's statement to Ibid that he outsmarted the police who couldn't prove it?
 - a. Miranda 5th and 6th Amendment approach to confessions?
 - i. Required to be read?
 1. Custodial (Orozco)?
 2. Interrogation (Innis)?
 3. False friend doctrine (Perkins)?
 - ii. Remedy of exclusion/still admissible for impeachment (Harris).
 - b. Massiah 6th Amendment approach to confessions?

- i. Offense specific (Cobb)?
 - ii. False friend doctrine (Moulton)
- XII.** Max's trial rights?
 - a. Right to represent self (Faretta)?
 - b. Right to court v. jury trial—*note: dropped as point awarded issue.*