

Criminal Procedure  
2015 Issues Outline

Question 1:

Norm:

- Gov't action?
- Expectation of privacy/standing?
  - Curtilage or open field?
- Owen's warrantless entry into backyard?
  - Anonymous informant's tip?
  - Exigency exception for gunfire?
  - Consent with apparent authority?
  - Good faith exception?
- Initial detention or arrest of Norm?
  - Submission to authority or application of physical force?
  - Reasonable articulable suspicion of criminal activity?
  - Terry pat of Norm?
    - Armed and dangerous?
    - Shotgun shell apparent as contraband?
- Warrantless search of Chevy camper shell?
  - Plain view exception?
  - Probable cause/automobile exception?
  - If defacto arrest (above), search incident to arrest exception?
- Warrantless search of Chevy cab? See campershell above.
- Probable cause to arrest Norm?

Bobby:

- Gov't action?
- Expectation of privacy/standing?
  - Abandoned/lost property?
  - Higher expectation in camera footage?
- Warrantless seizure of pieces of drone and GoPro Camera?
  - Incident to arrest exception?
  - Evidence of underlying crime?
- Denial of court appointed counsel?
- Failure of court to provide a Faretta advisement?

Question 2: Brittany only:

- Initial questioning at courthouse? Sixth Amendment Massiah issue?
- Search warrant for 54 Center St.?
  - Government action?
  - Standing?
  - Issuance?
    - Requisite particularity?
      - Address?
      - Description of property to be seized?
    - Neutral and detached magistrate?
    - Failure to include information regarding line-up?
      - Franks hearing?
      - Sixth Amendment issue re: line-up?

Execution?

Staleness of warrant?

Execution at wrong residence?

Absence of knock/notice?

Detention or arrest of Brittany during search warrant execution?

Seizure of bags from laundryroom?

Scope of warrant?

Search incident to arrest?

Secondary questioning during execution of search warrant?

Fifth Amendment voluntariness violation?

Invocation of Sixth Amendment right under Miranda?

Third questioning while in jail custody.

Violation of Sixth Amendment right under Massiah?

Violation of Sixth Amendment right under Miranda (if invoked above)?

Brady violation for failure to provide exculpatory evidence?