

Criminal Procedure Final Exam
Summer Session 2018: Issues Outline Question 1

Initial encounter: Officer Green and Didi: (30)

- Use of GPS tracking device for regulatory inspection? (*Camara*)
- Consensual encounter or detention of Didi? (*Hodari*)
 - Didi's standing in cupcake truck? (*Rakas*)
 - If detention, reasonable suspicion to detain? (*Terry*)
- Entry into mobile cupcake truck?
 - Warrant required? (4th Amendment)
 - Exception to warrant?
 - Pretext? (*Whren*)
 - Valid consent? (*Bumper*)
 - Home, business, or vehicle for 4th Amendment purposes? (*Carney*)

Events inside the truck: (35)

- Search/seizure of bags of white powder?
 - Warrant required? (4th Amendment)
 - Exception to warrant?
 - Valid consent? (*Bumper*)
 - Valid plain view? (*Hicks*)
- Search/seizure of Adam's image from computer?
 - Adam's standing in computer image? (*Rakas*)
 - Exception to warrant?
 - Valid plain view? (*Supra*)
 - Valid search incident to arrest? (*Chimel, Knowles, if auto...Gant*)
 - Good faith exception/exclusionary rule served by "accident?" (*Sachs*)
- Arrest and search of Didi?
 - Probable cause to arrest? (*Text*)
 - Valid pat search and seizure of cash? (*Terry*)
 - Valid search incident to arrest? (*Chimel, Knowles, if auto...Gant*)
- Admissibility of spontaneous statement, "It's not what you think!"

Initial encounter and arrest: Officer Green and Adam: (20)

- Standing to object to regulatory inspection? (*Supra*)
- Consensual encounter or detention of Adam? (*Hodari*)
- If detention, reasonable suspicion to detain? (*Terry*)
- Valid pat search and seizure of concealed pistol (*Terry*)?
- Admissibility of Adam's statement about drug sales? (*Miranda*)
 - Custody? (*Innis*)
 - Interrogation of functional equivalent test? (*Brewer*)
- If inadmissible, Didi's ability to "bootstrap" onto the issue? (*Bellis, Escobar*)

Attenuation of taint and the Exclusionary rule: what comes in, and what doesn't: (10) (*Wong Sun*)

Carl's Conflict in representing both Didi and Adam? (5) (*Holloway*)

Criminal Procedure Final Exam
Summer Session 2018: Issues Outline Question 2

Initial encounter: Deputy Dave and Sid Jr.: (20)

- Consensual encounter or detention of Sid Jr? (*Hodari*)
- Sid Jr's standing? (*Rakas*)
- If detention, reasonable suspicion to detain? (*Terry*)
- Admissibility of Sid's statement about visiting friends?
- Termination of detention by Sid's flight? Additional reasonable suspicion or probable cause?

Backyard encounter: Deputy Dave and Sid Jr.: (20)

- Sid Jr.'s standing in neighbor's backyard? (*Carter*)
- Dave's entry into neighbor's property:
 - Home, curtilage, or open field? (*Dunns*)
 - If home or curtilage, warrant required? (4th Amendment)
 - Exception to warrant?
 - Valid plain view? (*Hicks*)
 - Arrest on warrant? (*Payton*)
 - Exigency to prevent fire? (*Welch*)
- Probable cause to arrest Sid Jr.? Staleness? (Text)

Dave's search of Sid Jr.'s car and safe: (20)

- Sid Jr.'s standing in car and contents? (*Rakas*)
- Warrant required for car? (4th Amendment)
- Exception to warrant?
 - Valid consent? (*Bumper*)
 - Valid search incident to arrest? (*Gant*)
 - Valid plain view? (*Supra*)
- Warrant required for safe? (4th Amendment)
- Exception to warrant?
 - Valid automobile exception? (*Azevedo*)

Admissibility of Sid Jr.'s initial confession to Deputy Dave: (20)

- Due Process/Voluntariness approach?
 - Extrinsic promise? (*Spano*)
 - Sid's state of intoxication? (*Kelekolio*)
- Miranda* approach?
 - Custody? (*Innis*)
 - Interrogation of functional equivalent test? (*Brewer*)
 - Sufficiency of partial (interrupted) admonition? (*Prysock*)
 - Invocation of Sixth Amendment right to counsel? (*Edwards*)
 - If invocation, was invocation scrupulously honored? (*Supra*)

Admissibility of Sid Jr.'s subsequent confession to Deputy Dave: (10)

- Right to counsel approach? (*Massiah*)
- Miranda* approach/Reinitiation of questioning? (*Supra*)

Attenuation of taint and the Exclusionary rule: what comes in, and what doesn't: (10) (*Wong Sun*)