

FINAL EXAM 12/18/07
REPRESENTING JUVENILES AND YOUTHFUL OFFENDERS
INSTRUCTOR BRIAN WISEMAN

Officer Friendly of the Pleasantville Police Department has volunteered to be an assistant to the varsity football coach at Pleasantville High School for the past three seasons. During the course of the three years as an assistant Officer Friendly noticed that some of the players had grown unusually strong and muscular for High School players. The team's star player, Roger, was also exhibiting some erratic behavior. Last summer at a high school baseball all star game Roger inexplicably hit an opposing player with a baseball bat. His teammates joked that it was due to "roid rage." Friendly was concerned that Roger and some of the other players were experimenting with illegal steroids.

Officer Friendly expressed his concerns about Roger and others to the head coach, Coach Mitchell. Friendly suggested that Mitchell separately summons each player to his office to gain some information. Only one player, Andy (a sixteen year old junior), acknowledged he knew anything about steroids. Andy told Coach Mitchell **"I was given some by a close friend. I was afraid to inject it. I poured it down the toilet. I even have the needle in my locker. I didn't know what to do with it."** After speaking to Andy, Coach Mitchell told Officer Friendly what he had learned. **Friendly and Mitchell went to Andy's locker and Officer Friendly retrieved the needle.**

While still at Andy's locker, Coach Mitchell told Officer Friendly that Roger and Andy always worked out together and that for the last 6 months Roger has been living with Andy's family. Given Andy's statement, and Roger's recent erratic behavior. Coach Mitchell and Officer Friendly both agreed that Roger was likely to be taking steroids. **Coach Mitchell decided he would search Roger's locker, which was adjacent to Andy's, to see if there were any steroids or paraphernalia in the locker.** Inside the locker Coach Mitchell found only a notebook. Coach Mitchell briefly opened the notebook and found what looked like a ledger. Officer Friendly took the notebook briefly scanned the notebook and informed Coach Mitchell that the notebook was a ledger tracking the sales of steroids.

Officer Friendly asked Coach Mitchell if he could summons Roger and his parents to the coach's office so that he could question Roger about the ledger. Unfortunately Roger's father has been incarcerated for the past few years and Roger's mother is in a drug rehab program. Roger has been in the custody of DSS for the past year and a half. Six months ago DSS placed Roger with Andy's family. Coach Mitchell called Andy's mother.

When Roger (who is sixteen years old) and Andy's mother arrived Officer Friendly waived the notebook in the air and said to Roger **"This is serious."** Roger, who is not a very good student, said **(statement 1) "I don't know how that got in my locker."** Officer Friendly pointed out that he never said it was found in his locker, and then added before you say anything else, I want you and Mrs. (Andy's mother) to know your rights.

Officer Friendly then read from his Miranda card and asked if Roger and Andy's mother wanted to talk privately. Neither Roger nor Andy's mother responded. After waiting 10 to 20 seconds, Officer Friendly then told Roger about the notebook and Andy's statement. Andy's mother asked if Andy was in trouble. She was quite upset but was reassured by the coach that Andy never injected himself with the steroids. She asked if she could speak to Roger alone for a minute. When they were alone she said to Roger "How can you do this to me after all I have done for you". Then she added "don't tell them anything to make this worse."

When Friendly returned Roger looked like he was going to cry. Friendly said "so what is it were you pushing the roids?" Roger replied **(statement 2) "All's I did was try to make this the best most competitive team possible." Roger then pulled a small vial containing a liquid steroid out of his pocket and handed it to Officer Friendly.**

Andy was charged with a misdemeanor possession of a hypodermic needle. Roger was charged with distributing steroids which is a felony. Andy has no record. Roger presently is on a continuance without a finding for assault and battery on a police officer. He has a pending charge of assault and battery with a dangerous weapon for striking the opposing player with a baseball bat. The assault and battery with a dangerous weapon charge is scheduled for trial next month.

- (1) You are Andy's attorney. Briefly, what are you going to argue at his arraignment. (7.5 points)
- (2) You are Roger's attorney. Discuss all arguments and possible motions you expect from the assistant district attorney and probation at Roger's arraignment. What will you say? (25 points)
- (3) At a hearing to suppress Andy's statement and the search of his locker what do you expect the Commonwealth to argue? What will you argue? (25 points)
- (4) At a hearing to suppress Roger's statements and the search of his locker what do you expect the Commonwealth to argue? What will you argue? (35 points)
- (5) What collateral consequences do both boys face? (7.5 points)