Nothing can destroy a government more quickly than its failure to observe its own laws, or worse, its disregard of the charter of its own existence.

Mapp v. Ohio

Use your social security number on the blue book and this examination. Write your answers to Question 2 in the spaces provided.

Your knowledge and ability to analyze the issues should be clear from the manner you express those thoughts on this test.

Write no more than six (6) handwritten pages using only one side of each paper or four (4) typed, double-spaced pages. We will not read anything that exceeds the page limitation.

QUESTION 1

Agent Gotsmart, a Customs and Border Protection agent, told her Commander, Agent Danny, that Kofis, a suspected terrorist and distributor of stolen property, had that morning shown an unnamed informant 10 stolen U.S. Stinger missiles that Kofis possessed. Agent Danny prepared an arrest warrant affidavit alleging that an informant has reported that Kofis possesses stolen property. The affidavit was presented to a court clerk who then issued an arrest warrant. After the warrant issued, an F.B.I. bulletin issued for Kofis arrest.

One hour later, Gotsmart observed Kofis at the entrance to the barn on the border of Kofis’ property talking to Nathan O’Leary, a known drug dealer. After Gotsmart went to the back of the property, he informed Kofis of the outstanding warrant and arrested Kofis. She then searched him and found nothing. In searching O’Leary, she found a gram of cocaine. Backup agents immediately took O’Leary from the scene. Due to some confusion, O’Leary was never read his rights.

GotSMART demanded that Kofis reveal the location of the missiles. Kofis refused to say anything saying that he thought it might be a good idea to speak with his former attorney the well-known defense attorney, Alfred Puller. Gotsmart then told Kofis that because of what he had done, Kofis was subject to
the death penalty, but that penalty would not be pursued if he cooperated and talked immediately. Gotsmart had no authority to make that promise. Kofis then told Gotsmart that 5 of the missiles were in the back of his van parked in the garage across the street and the other 5 were hidden in the barn that his wife uses to teach pottery to the local senior citizens. Kofis was placed under arrest and read his rights.

Gotsmart ran into the barn and found 5 of the missiles. The van was towed to a police impound lot, where the door was pried open and the remaining 5 missiles removed. A search of the vehicle also discovered a pound of marijuana in a hidden compartment.

Gotsmart was unaware that the day before an undercover FBI agent who had worked for Kofis’ organization during the last two years had obtained a search warrant for Kofis’ property and an arrest warrant for Kofi from the special terrorist court. Because of Gotsmart’s discovery, those warrants were never served.

Kofis and Nathan were charged with receiving stolen property and possession of marijuana. Nathan was also charged with possession of cocaine. You are assigned to represent them. Discuss all the issues presented.

**QUESTION 2**

**Fourth Amendment**

1. The right of the people to be secure in their ________, ________, ________, and ________, against ________ and ________, shall not be violated, and no ________ shall issue, but upon ______________, supported by Oath or affirmation, and ________________, the place to be ________, and the persons or things to be ________.

Please fully define each of the following terms and then explain how, if at all, it applies to the fact pattern described in Question 1.

**Terry Stop**

2. _____________________________________________________________________________

_________________________________________________________________________________

_________________________________________________________________________________

_________________________________________________________________________________
3. Exceptions to the warrant requirement for a lawful search

4. Search and Seizure

5. Curtliage

6. Griffin-Douglas Principle

7. Totality of the Circumstances Test
8. Entrapment

9. The Exclusionary Rule

10. Habeas Corpus