The Fourth Amendment self-incrimination under the Fifth Amendment, and the

Why does the Fourth Amendment have to do with search and seizure under

"Mariner's" Does it matter? Why or why not?

"Perhaps the defendant in the back seat" The police do NOT give her/Miranda

Police to participate in a "vague lawn" and receive the words used in a robbery.

Defendant Defendant in lawful police custody an existing charge is asked by

Amendment place upon any search?

3. Police Officers observe Defentant/Defendant place a suitcase, which they have

"The vehicle?"

2. Driver Driver is stopped by the Annoyer, Massachusetts Police Department for

"Probable cause?"

Spinelli" First and the current Federal Constitutional standard for the evaluation of

"Confidential/relatable information" in the affidavit. Despite the former "vaguety-

1. Officer Officer applies for a search warrant using information obtained from a

PART I (30 POINTS) ANSWER ALL

Il.

PART II (20 points) is a choice of essays. Pick one of the three choices and answer

Your analysis and conclusions. Be concise.

PART III (50 points) is a classic issue/positional. Use the facts with the law in

to answer each.

PART I (30 points) consists of ten questions. A paragraph or so should be sufficient

evaluate the relative importance of each section and the time you need to allocate.

The exam is divided into three sections. I suggest that you read it over and

INSTRUCTIONS

INSTRUCTOR: H. JOHNSON
EXAMINATION
SPRING 2002
CRIMINAL PROCEDURE
10. Marvin is arrested for possession of a hypodermic needle and syringe in violation of local law. He is searched and placed in the back of a cruiser. Officer Olde sticks his head in the back of the cruiser and asks, "Mary, can I search your house?" Why or why not?

9. In the State of Connecticut, the Fifth Amendment provides that the Fifth Amendment protects against compulsory self-incrimination. Why or why not?

8. Jackson suffers from mental illness. He thinks he hears the voice of the late Bing Crosby giving him various commands. The police arrest Jackson for stealing a stranger's wallet. He is read his Miranda warnings. Jackson indicates he understands the warnings and wishes to talk to the police. Jackson confesses to the murder of Mr. Bing Crosby. Why or why not?

7. Define the term "search" in the Fourth Amendment context.

6. Sylvia is arrested, arraigned, appointed counsel, and held in custody awaiting trial. She agrees to an interview of her attorney without the presence of her lawyer. The police approach the interview of Sylvia without her lawyer present, while in custody. Why or why not?

5. The fruits of the search survive a motion to suppress. Why or why not?

4. The State of Connecticut, the Fifth Amendment protects against compulsory self-incrimination. Why or why not?

3. The police may execute a search warrant at the home of a suspect without knocking in all drug cases. Is the statute constitutionally valid? Why or why not?
Detective Drumwater, a veteran of the Haubur Hillis, Massachusetts, Police

PAR II (50 POINTS)
3. Discuss the Exclusionary Rule, their purpose, scope and the exceptions.

3. Exceptions here:

2. Describe the "Benchmarks" Fourth Amendment Warrant Requirement and the modifier

including the applicable amendments and the significance of "Benchmarks".

1. Discuss confessions and admissions where the suspect is in the custody of the police.

Pick ONE TO ANSWER

PART III (20 POINTS)

RAISE THE FACETS AND APPLY THE LAW.

PLEASE DISCUSS WHAT IF ANY, CONSTITUTIONAL ISSUES ARE

Saw walking down the street with a machine gun, yesterday.

pointed out the robber, Alphonse, and stabbed the suspect, Cracker. "That's the guy I

with the other persons. One of whom was suspected in a bank robbery. The victim, Era,

after being provoked counseled. Cracker his management decided, was placated in a heated

Ritz was arrested on the conspiracy charge before a judge and placed in a cell

Gun bullets, which are illegal to possess under local law.

Fountain searched the interior of the car and found in a locked briefcase machine

back of his cruiser.

a possible fire as a penalty. Fountain arrested, cuffed and placed locked in the

search was delated and placed in custody after the guns were found..

Meanwhile, Drummer's partner, Phil, was charged

with illegal firearms possession.