

SPRING, 2009

MIDTERM EXAM

Police received information from Charlie, an informant who had given reliable information several times in the past that led to the arrest and conviction of at least 3 radical terrorists, that Adams had been down at the local bar a month ago bragging about his new membership in the local 1776 Militia and now they had bestowed the honor upon Adams to store their weapons and explosives in his barn in anticipation of "the big hit."

Based on this information, Officer Banks submitted an affidavit to Magistrate Dawdle in application for a search warrant. Magistrate Dawdle, however, failed to fill in the correct address: instead of putting in 66 Smith St., he entered 66 Wesson Street. In the mean time, Banks went over to 66 Smith Street to wait for the warrant and for back up. Officers Evans and Franks were picking up the warrant and would meet Banks at the scene.

An hour went by and Banks was getting antsy. He really wanted to get this guy Adams before another major disaster occurred. He would certainly make the papers if he was able to locate the weapons and 'collar' one of these militia men. Maybe he'd even get on *Hard Copy*.

"I'm going in!" he said to his partner. "You stay here and wait for backup and the warrant." Banks leapt over the five foot fence and walked through Adams' cornfields toward the barn. The barn was located approximately 15 yards from the house. When he reached the barn, he looked in the window. He could see all types

of guns and ammunition lining the walls. Banks opened the barn door and inside he could see wooden crates marked "explosives."

Just as he was about to go inside the barn, he heard a noise behind him. When he turned around, he saw a man coming out of the house. When the man (who turned out to be Adams), saw Banks, he ran back into his house. Banks pursued him and arrested him in the kitchen. Banks cuffed him and searched his person. All he found was a small bible in the pocket of his overalls. "I'm not sayin' nuthin to you!" Adams said. Banks radioed to his partner to bring the car around. He put Adams in the back seat and they headed for the station. Banks and his partner then went out to the militia club bar and executed a search warrant for weapons. Upon searching one of the patrons, Sam, Banks found a Walter PPK pistol with the serial number erased and for which Sam had no license. He was placed under arrest.

Meanwhile, Franks and Evans went to 66 Wesson Street. When they arrived, of course, Banks and his partner were not there. "They're probably up at the do-nut shop," Evens said to Franks in disgust. "Come on!" This'll be our baby."

Unbeknownst to Evans and Franks, Grayson lived in the mobile home located at 66 Wesson Street. Grayson was out on bail for a robbery he committed the week before. The police knocked on the door of the mobile home, but no one answered. Evans walked to the side of the mobile home and looked in the window and saw an uzi on the kitchen table. With warrant in hand, they went inside the home and searched every crevice for weapons. In the freezer, they found human

body parts. Just then, a pick up truck pulled up. The officers went back outside and ordered Grayson to "freeze" as he attempted to get back into his truck at the sight of the officers.

The officers handcuffed Grayson and put him in the police car. Evans then searched the truck and found a bloodied knife in the glove compartment.

Adams, Sam and Grayson seek to have the relevant evidence suppressed.

Discuss all relevant issues.