

**LOUISIANA STATE BAR EXAMINATION
CRIMINAL LAW, PROCEDURE AND EVIDENCE
JULY 2022**

QUESTION 1 (40 POINTS)

Hope married Joey just after high school, and they have an 8-year-old child together, Shayna. Unbeknownst to Hope, Joey has been living a double life. Joey wasn't the 18-wheeler driver that Hope thought he was; instead, he was the most prolific methamphetamine (meth) manufacturer in Louisiana. One day, Hope complained to Joey that she was bored, and Joey responded "It's about time. You're coming to work with me tomorrow."

Hope and Joey woke up the next morning at 6 a.m. and got Shayna dressed for school. While Hope was dressing Shayna, Joey went outside and placed 30 grams of blue meth in the trunk of his car to sell later. While Joey was outside alone, he took a couple hits from his meth pipe before going back into the house. Hope and Shayna were taking too long to get ready to leave, and the meth made Joey very anxious. Joey slapped Hope in the mouth and told her to hurry it up or she wasn't going to work with him. Hope hurried Shayna, and they all got into Joey's car.

Joey took another hit from his meth pipe (which he described to Hope as a tobacco pipe), drove to Shayna's school, and dropped her off. Then, Joey said they needed to make a stop at a pharmacy. Once they arrived, Joey told Hope to go inside the pharmacy and steal as many boxes of Sudafed as she could. Sudafed is used in the manufacture of methamphetamine. He told her to conceal the drugs in her purse. Hope obliged her husband, and returned to the vehicle with 30 boxes of Sudafed in her purse.

To celebrate this score, Joey and Hope drove to a local bar, where he proceeded to consume half a bottle of tequila. Intoxicated, Joey then instigated a physical altercation with Tony, another patron at the bar, because Joey overheard Tony saying that "this new blue meth sucks." Joey approached Tony, spit on him, and told Tony to get out. When Tony refused, Joey punched Tony in the face and knocked out Tony's top two middle teeth, which permanently disfigured his appearance. Joey and Hope rushed out of the bar because Joey did not want to get caught at the scene with his precious cargo (blue meth) in his trunk. Joey left the parking lot and drove down Main Street going one hundred miles per hour in a forty-five mile per hour zone.

Trooper Andrews clocked Joey's speed and instantly began pursuit, signaling for Joey to stop his vehicle. Joey refused to stop. At this time, Hope told Joey that she wanted out of the vehicle, but Joey refused. Hope then begged Joey to let her out of the vehicle. Joey removed a firearm from underneath his seat, pointed it at Hope angrily, and told her "You are not leaving this vehicle." Joey continued to speed away from the police, weaving in and out of oncoming traffic. The police eventually setup a barricade to stop Joey. Unwilling to surrender, Joey crashed into the barricade resulting in one police officer being killed, and a police car being totaled from the crash. Joey and Hope were both taken into custody.

Please answer the following question. Explain your answer; an answer without explanation will receive no credit.

- 1.1 What crimes did Joey commit under Louisiana law; what crimes did Hope commit under Louisiana law, and what are the elements of each crime? Explain fully. First, address the crimes committed by Joey, and then address the crimes committed by Hope. (40 points)**

[End of Question 1]

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QUESTION 2 (40 POINTS)

Question 2 involves separate questions and is NOT based on the facts in Question 1.

Billy and Sam, cousins, left Houston and were traveling through Louisiana en route to a family reunion. They were in a rental vehicle, and Billy was driving. Both of their licenses were in good standing, and the rental vehicle was properly rented and registered to Billy. Before they left, Billy's grandmother, who was sick, gave Billy a package to bring to his aunt at the family reunion. The package looked like an ordinary gift with pink gift wrapping and a white bow on it. Inside of the package, however, and unbeknownst to Billy or Sam, was 10 pounds of vacuum sealed marijuana. Because it was vacuum sealed, it gave off very little scent. While driving through Louisiana, a State Trooper observed Billy speeding and making lane changes without using his signal and pulled Billy's vehicle to the side of the road. The Trooper was working drug interdiction, not traffic, and he pulled Billy and Sam over only as an excuse to look for drugs.

After they were stopped, the Trooper ordered Billy out of the vehicle and told him he pulled him over for speeding and improper lane usage. He asked where Billy and Sam were coming from and going. Billy told the Trooper that he and Sam were going to a family reunion and were coming from Houston. The Trooper then approached Sam and asked him to step out of the vehicle. Sam calmly exited the vehicle and proceeded to the back of the car with Billy. After obtaining Billy and Sam's licenses, the Trooper returned to his unit where he checked the licenses for any outstanding warrants. None were found.

The Trooper then returned to where Billy and Sam were standing and informed Billy that he was just going to write Billy a warning ticket. As he began to write the warning ticket, he then asked Billy and Sam whether they knew of anything illegal in the car. They both replied "No." The Trooper then asked them if everything in the car belonged to them. They both replied "Yes." The Trooper then asked Billy if he would consent to a search of the vehicle. Billy hesitated and said he didn't see why the vehicle needed to be searched. The Trooper then went to his vehicle and got a search and consent form. While in his car, he also radioed for a drug dog to come to the scene. When Billy refused to sign the form, the officer said that was fine and said that a drug dog was on the way and that it would just be a minute. About 10 minutes later, before the drug dog had gotten to the scene, the Trooper then decided to pat down Billy and Sam for weapons and found a small bag of cocaine in Sam's pocket.

After the Trooper found the cocaine, he asked Sam several questions, and Sam admitted that the cocaine was for personal use. Sam also indicated that Billy knew about the cocaine in his pocket because Billy had sold it to him. Sam and Billy were then handcuffed and placed into the back of the Trooper's patrol car.

The drug dog eventually arrived and after rounding the rental car, gave its handler the signal that narcotics were in the trunk. Troopers then searched the trunk and found the gift package with the marijuana inside. Billy and Sam were then booked on charges of possession of marijuana and cocaine.

Please answer the following four subquestions. Explain each answer; an answer without explanation will receive no credit.

- 2.1 On what state and/or federal constitutional basis, if any, may Billy and Sam challenge the Trooper's stop of the vehicle and any evidence derived as a result of the initial stop? Explain fully. (10 points)**
- 2.2 On what state and/or federal constitutional basis, if any, may Sam challenge the search and seizure of the cocaine found on his person? Explain fully. (10 points)**

TEST CONTINUES ON NEXT PAGE

- 2.3 On what state and/or federal constitutional basis, if any, may Sam challenge the admissibility of his statement to the Trooper at the scene regarding the cocaine? Explain fully. (10 points)**
- 2.4 On what state and/or federal constitutional basis, if any, may Billy and Sam challenge the search of the vehicle? Explain fully. (10 points)**

[End of Question 2]

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**LOUISIANA STATE BAR EXAMINATION
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JULY 2022**

QUESTION 3 (20 POINTS)

Each of the following ten multiple choice items counts for 2 points. Select the letter that corresponds with the correct answer.

Question 3 involves separate questions and is NOT based on the facts in Questions 1 and 2.

- 3.1 Bill of particulars
- 3.2 Evidence of other crimes
- 3.3 Time limits for instituting criminal proceedings
- 3.4 Preliminary examinations
- 3.5 Review of pretrial order
- 3.6 Procedures relating to objectionable evidence
- 3.7 Hearsay; exceptions
- 3.8 Post-conviction relief
- 3.9 Scope of cross-examination of witness
- 3.10 Institution of criminal proceedings

[End of Question 3]

END OF CRIMINAL LAW, PROCEDURE AND EVIDENCE TEST

**LOUISIANA STATE BAR EXAMINATION
CRIMINAL LAW, PROCEDURE AND EVIDENCE
FEBRUARY 2022**

QUESTION 1 (40 POINTS)

John, a 25-year-old convicted felon, had just returned home to live with his mother after being released from prison. To celebrate, later that evening, John walked to a local bar where he proceeded to consume almost a fifth of whiskey. Intoxicated, John then instigated a physical altercation with Ben, another patron at the bar. John approached Ben, removed Ben's baseball cap from his head, threw it on the ground, and told Ben to leave the bar. When Ben refused, John shoved him toward the door. In defense, Ben shoved John back and a fight ensued with John and Ben exchanging several punches. No one was badly hurt. John then left the bar.

As he was walking home, John decided he wanted some company and some marijuana. John called his ex-girlfriend Ashley, who answered the phone and told him she had plenty of marijuana for him to buy. Ashley asked John how much he wanted, and John told her he wanted to buy an ounce. John and Ashley agreed on the amount, the price and to meet at the drugstore where Ashley worked not too far from John.

John and Ashley met in the drugstore's parking lot, where John got in the front passenger seat of Ashley's truck and exchanged the cash for the marijuana. John and Ashley then sat in the car and smoked a joint. John told Ashley about the incident at the bar earlier. The two then decided to go back to the bar and "get even" by shooting it up.

John and Ashley left the drugstore's parking lot in Ashley's truck. Ashley pulled her truck over to the side of the road near where the bar was located. Ashley reached into her back seat and gave John a 22-caliber rifle. Ashley then removed her pistol from underneath her seat. Ashley pulled back onto the road and proceeded toward the bar. As they approached the bar, John and Ashley hung out the window and fired several shots in the bar's direction. Several bullets hit the cars of patrons who were still inside. Several bullets also went through the bar's windows. A bullet shot from John's rifle ricocheted and hit the bartender in the arm. He was taken to a local hospital and released later with several stitches.

Immediately after the shooting, Ashley sped away. A police officer who witnessed this activated his patrol unit's emergency lights, signaling for Ashley to stop her vehicle. Ashley, however, continued to speed away. Ashley turned the corner out of the officer's sight, abruptly stopped the vehicle, and told John to get out and run. John complied. Ashley then sped away, attempting to evade the police officer. She was ultimately pulled over.

- 1.1. With what crimes can John be charged and convicted under Louisiana law, with what crimes can Ashley be charged and convicted under Louisiana law, and what are the elements of each crime? Explain fully. First, address the crimes committed by John, and then address the crimes committed by Ashley. (40 points)**

[End of Question 1]

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**LOUISIANA STATE BAR EXAMINATION
CRIMINAL LAW, PROCEDURE AND EVIDENCE
FEBRUARY 2022**

QUESTION 2 (40 POINTS)

Assume all the facts given in Question 1, in addition to the following:

Once Ashley had pulled over and stopped her vehicle, she was apprehended by law enforcement. Ashley was immediately placed under arrest, handcuffed and placed in the back of the police cruiser. The police officers then searched Ashley's vehicle and found Ashley's pistol and a clear plastic bag containing an ounce of marijuana. Both were seized. Prosecutors intend to introduce the gun and marijuana into evidence at trial.

After their initial investigation, detectives learned that Ashley was with John during the shooting. Accordingly, after learning of John, the police officers suspected that he may possess evidence that would be helpful for their investigation of the shooting. The officers drove to John's home with the intention of conducting a search for any relevant evidence and to arrest John. Upon arrival, they identified themselves to John's mother and requested her consent to search the residence. John's mother readily consented to the search. However, John was present and vigorously opposed the search and refused to give his consent. Relying on the consent given by John's mother, officers proceeded to search the home and discovered nothing relevant to their case. However, they did locate and seize multiple firearms and a gram of cocaine. John was then arrested.

Upon arrival at the police station, the officers placed Ashley and John into separate holding cells. Officers told John they would return once they finished taking Ashley's statement. The officers then escorted Ashley down the hallway into an interrogation room. After being advised as to her rights under Miranda, Ashley said she wanted a lawyer. The officers then left Ashley in the interrogation room for a couple of hours during which time John remained in his holding cell. Officers wanted John to believe Ashley was speaking with the officers.

Officers subsequently returned Ashley to her holding cell and went to get John. After allowing him to use the restroom, the officers escorted John to the interrogation room. While walking to the interrogation room, officers told John that Ashley had confessed to everything and that they knew the truth. John didn't say anything in response. Officers then advised John of his rights per Miranda once in the interrogation room and John agreed to waive his rights and speak with the officers. John quickly confirmed that he and Ashley had shot up the bar and smoked weed together. John told the officers there was no reason to deny anything since Ashley had already confessed.

After John confessed to everything, officers returned to the holding cell where Ashley was and told her that John had confessed to everything and that if Ashley just answered their questions, they would go easy on her. Ashley subsequently agreed to speak with officers and confessed to her role in the crimes as well.

Please address the following four questions:

- 2.1. On what state and/or federal constitutional basis, if any, may Ashley challenge the search and seizure of the evidence (firearm and marijuana) from her vehicle; and is she likely to succeed? Explain fully. (10 points)**
- 2.2. On what state and/or federal constitutional basis, if any, may John challenge the search and seizure of the evidence (firearms and cocaine) from his residence; and is he likely to succeed? Explain fully. (10 points)**

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- 2.3. On what state and/or federal constitutional basis, if any, may John challenge the admissibility of his statement to the officers at the police station; and is he likely to succeed? Explain fully. (10 points)**
- 2.4. On what state and/or federal constitutional basis, if any, may Ashley challenge the admissibility of her statement to the officers at the police station; and is she likely to succeed? Explain fully. (10 points)**

[End of Question 2]

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**LOUISIANA STATE BAR EXAMINATION
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FEBRUARY 2022**

QUESTION 3 (20 POINTS)

Each of the following ten multiple choice items counts for 2 points. Select the letter that corresponds with the correct answer.

Note: *Question 3 involves separate questions and is NOT based on the facts in Questions 1 and 2.*

- 3.1. Evidence of other crimes
- 3.2. Motion to quash
- 3.3. Procedures relating to objectionable evidence
- 3.4. Speedy trial
- 3.5. 8th Amendment forfeiture
- 3.6. Scope of cross-examination of witnesses
- 3.7. Impeachment evidence
- 3.8. Preliminary examination
- 3.9. Warrants; execution; search of a person for bodily samples
- 3.10. Institution of criminal proceedings

[End of Question 3]

[END OF CRIMINAL LAW, PROCEDURE AND EVIDENCE TEST]

**LOUISIANA STATE BAR EXAMINATION
CRIMINAL LAW, PROCEDURE, AND EVIDENCE
JULY 2021**

QUESTION 1 (100 POINTS)

Adam and his live-in girlfriend Betty have a 5-year-old son, Charlie. Neither has a criminal record. One night, during an intense argument, Adam slapped Betty. When Betty started screaming at him, Adam covered her nose and mouth with his hand, which impeded Betty's ability to breathe, and she passed out. Adam thought he may have killed Betty, so he grabbed Charlie and left the apartment.

Betty woke up shortly after Adam left and she drove to Adam's flooring store, which shared a building with a popular 24-hour fitness center. When she arrived at the parking lot in front of the building, the fitness center was very busy and the parking lot had about a dozen cars in it for customers at the fitness center. Betty broke into Adam's store, poured glue solvent on the floor, and lit it on fire. The fire destroyed Adam's portion of the building and then spread to the fitness center next door where Danielle was working out. Danielle died of smoke inhalation. Betty sped away from the scene, which caused a police officer near the scene to activate his overhead lights and siren and pursue her. Upon seeing the officer, Betty sped up further, ran a red light and crashed into another car. The officer then arrested Betty.

After she was arrested and booked, and while being escorted to an interview room, Betty spat on and then bit one of the officers. Betty was read her Miranda rights. She signed a form agreeing to waive those rights and to speak to detectives without an attorney present. Betty admitted to being upset with Adam and breaking into his store that night. However, when Betty was questioned about the fire, she stopped answering questions and said she wanted to speak to a lawyer. Pointing to the form she had signed, the detective told her that she was no longer entitled to have a lawyer present at her questioning. Betty then answered all of the detective's questions and admitted to starting the fire.

Meanwhile, Adam was distraught over his argument with Betty. He drove to a nearby bar and left Charlie sleeping alone in the car while he went inside. As he sipped his beer, Adam saw on the news that his flooring store was on fire and assumed that Betty was to blame. Adam immediately decided to get revenge on Betty by creating a social media account and publicly sharing nude photographs that Betty had privately shared with him. Adam posted Betty's full name and tagged her family members and employer. After he finished his only beer, Adam asked another bar patron if he had any "party drugs." Adam purchased four MDMA/ecstasy tablets from him, swallowed two, and put the remaining two in his pocket. Adam left the bar an hour after taking the MDMA/ecstasy.

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As he was driving home from the bar, Adam accidentally clipped a bicyclist, causing him to fall and break his leg. Adam panicked and immediately fled the scene. Adam drove straight home and put Charlie in bed. Despite his injury, the cyclist managed to call 9-1-1, and described Adam's car including the license plate number. The cyclist would require multiple surgeries to attempt to repair his broken leg. Within 20 minutes of the accident, law enforcement arrived at Adam's apartment where they found his damaged vehicle. Adam was then arrested and taken to the police station. A search of Adam's person incidental to the arrest recovered the two remaining MDMA/ecstasy tablets. As part of the investigation, Adam was drug and alcohol tested. Adam's blood alcohol content at that time was within legal limits, but MDMA/ecstasy was detected in his system.

Once at the police station, the detectives told Adam that they would conduct an informal interview and thus that he would not need an attorney present. Adam admitted to hitting the cyclist but denied involvement with the social media posts. Adam refused to unlock his phone but the detective guessed the password as it was Adam's birthdate. The detective then found evidence on the phone of the social media account and posts. Detectives also found a collection of photographs of what appeared to be pre-teen aged girls in compromising positions. Later, as Adam was being booked on additional charges related to the photographs, Adam told the booking officer: "I am guilty of everything else, but I swear I thought those girls were of age."

Please address the following three questions:

- 1.1 **What crimes did Betty commit under Louisiana law, what crimes did Adam commit under Louisiana law, and what are the elements of each such crime? Explain fully. First address the crimes committed by Betty, and then address the crimes committed by Adam. (60 points)**
- 1.2 **On what state and/or federal constitutional basis, if any, might a motion to suppress each of the following incriminating statements be made, and how is the court likely to rule?**
 - (a) **Betty's initial statement about breaking into Adam's store.**
 - (b) **Betty's later statement about starting the fire.**
 - (c) **Adam's initial statement about hitting the cyclist.**
 - (d) **Adam's later statements to the booking officer.**

Explain fully. (24 points)

- 1.3 **What state and/or federal constitutional basis, if any, does Adam have for challenging the legality of the search of his phone, and is the evidence seized by the search admissible in the prosecution's case in chief? Explain fully. (16 points)**

[End of Criminal Law, Procedure, and Evidence Test]

**LOUISIANA STATE BAR EXAMINATION
CRIMINAL LAW, PROCEDURE AND EVIDENCE
FEBRUARY 2021**

QUESTION 1 (100 POINTS)

Zak is a 28-year-old convicted felon and a mechanic who is employed at a local Auto Repair Shop. There are several street gangs in the area where Zak lives. Zak's best friend Jenny, who is also a convicted felon, is a member of one of the street gangs.

One afternoon, Jenny visited Zak and asked Zak to help her purchase some cocaine. Zak agreed to help Jenny and called his friend Trevor, who told Zak that he had cocaine for sale. Jenny had told Zak how much cocaine she wanted to purchase, and Zak decided to buy some for himself too. Zak and Trevor agreed on the amount, the price and to meet thirty minutes later in a parking lot near Zak's apartment.

Before leaving, Zak, who had just drunk half of a 750 ml bottle of tequila, rolled a marijuana blunt for the road. Both Jenny and Zak picked up their handguns and, with Zak driving, went to meet Trevor. They pulled into the designated parking lot next to Trevor's vehicle. Zak got into Trevor's vehicle, exchanged the cash for the cocaine and then got back into his own vehicle. He gave Jenny half of the cocaine, and the two then left to go back to Zak's apartment, smoking the marijuana on their way.

Jenny noticed a suspicious vehicle parked on the street behind Zak's apartment complex. She believed the vehicle belonged to someone from a rival gang. She and Zak decided to check the vehicle out and to shoot whoever was in the vehicle because they assumed that it was a rival gang member. As they walked up to the vehicle, Jenny fired her handgun five times striking the vehicle and the occupant. She and Zak then ran back to Zak's vehicle and sped out of the neighborhood. In fact, the person in the vehicle was not a rival gang member but was a 17-year-old named Vic. Vic was simply waiting in his vehicle for his girlfriend. A bullet struck Vic in the back of the head, killing him instantly.

Immediately after the shooting, Zak, who was speeding and driving erratically, collided with one vehicle and almost hit another one. Zak also almost hit a young woman and her two children. Two police officers who witnessed this activated their patrol car's emergency lights, signaling for Zak to stop his vehicle. Zak and Jenny saw the patrol car, but at Jenny's urging, Zak continued to speed away. Jenny told Zak to let her get out of the vehicle so that it would be harder for the police to catch both of them. Zak abruptly turned a corner and stopped. Jenny got out and ran away. Zak then sped away but was ultimately pulled over by the two officers.

Zak was then apprehended by the two officers, immediately placed under arrest, handcuffed and placed in the back of their patrol car. The police officers then searched Zak's vehicle and found and seized Zak's firearm and a clear plastic bag containing about two grams of cocaine. Prosecutors intend to introduce the gun and cocaine into evidence at trial.

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The police soon learned that Zak was with another person named Jenny during the shooting. They suspected that Jenny may possess evidence that would be helpful for their investigation of Vic's death. The officers drove to Jenny's home intending to arrest Jenny and conduct a search for any relevant evidence. Upon arrival, they identified themselves to Jenny's boyfriend and requested his consent to search the residence. Jenny's boyfriend readily consented to the search, but Jenny was present and vigorously opposed the search and refused to give her consent. Relying on the consent given by Jenny's boyfriend, the officers proceeded to search the apartment but discovered nothing relevant to their case. However, they did locate and seize multiple firearms and roughly an ounce of marijuana. They then arrested Jenny.

Zak's attorney intends to introduce character evidence at his trial through the testimony of Zak's supervisor at the Auto Repair Shop. He intends for the supervisor to testify that, among his coworkers, Zak has a reputation for being peaceful and non-violent.

Please address the following four questions:

- 1.1 Identify the crimes Zak committed, and also the crimes Jenny committed, under Louisiana law and the elements of each crime. Explain fully. First address the crimes committed by Zak and then address the crimes committed by Jenny. (58 points)**
- 1.2 On what state and/or federal constitutional bases, if any, may Zak challenge the search and seizure of the evidence (firearm and cocaine) from his vehicle? Explain fully. (20 points)**
- 1.3 On what state and/or federal constitutional basis, if any, may Jenny challenge the legality of the search and seizure of the evidence (firearms and marijuana) from her residence? Explain fully. (8 points)**
- 1.4 Is the character evidence that Zak's attorney intends to introduce through the testimony of Zak's supervisor at the Auto Repair Shop admissible at trial? Explain fully. (14 points)**

[End of Criminal Law, Procedure and Evidence Test]

**LOUISIANA STATE BAR EXAMINATION
CRIMINAL LAW, PROCEDURE AND EVIDENCE
OCTOBER 2020**

QUESTION 1 (100 POINTS)

One evening of this year, Jack was planning to meet up at a friend's house to have a few drinks. Jack had already consumed two six packs of beer that afternoon before leaving for his friend's house. On the way to his friend's house, Jack stopped at a gas station to fill up his gas tank. At the gas station, Jack saw an old friend of his from high school, Terra, who walked over to the gas pump to say hello. While the two were talking, Terra asked Jack if he wanted to buy any marijuana or cocaine. Jack stated that he wanted to purchase some cocaine from Terra. They agreed to meet at Terra's apartment, which was near the gas station.

Jack followed Terra and arrived at Terra's apartment complex. Jack then went with Terra to her apartment to purchase the cocaine. He told her he wanted a small amount for himself, but wanted a good deal more so that he could sell most of it to some of his neighbors. After Terra weighed out 2.5 ounces of cocaine, she told Jack that it was \$500 for the product. [2.5 ounces of cocaine is much more than what an average cocaine user would consume in a day.] Jack didn't have that much cash with him so he pleaded with Terra to sell him the cocaine for \$150. However, Terra refused to do so.

The two engaged in a heated argument which led to Terra telling Jack to leave her apartment. Jack became enraged, pulled out his pocketknife and told Terra, "now, I'm getting the cocaine for free." Likewise, Jack then told Terra to turn over the cocaine, or he was going to cut her up. Terra, who was high on cocaine, was not afraid at all and began yelling at and pushing Jack. As a result, Jack panicked and stabbed Terra twice in her abdominal area. Jack then wiped off the knife, put it in his pocket, grabbed all of the cocaine which was being stored in a limited-edition designer purse, Terra's cell phone and \$400 cash and ran out of the apartment. Jack no longer wanted to go to his friend's house, so he went right home. Terra died of her injuries a few hours later.

The next day, two police officers were on patrol duty when they observed a vehicle with a broken taillight and illegal window tint. The driver of this vehicle was Jack, who was on his way to dispose of the cocaine and the knife. The officers followed Jack for a short period of time before activating their emergency lights. Jack complied with the officers and pulled over. The officers explained to Jack why they pulled him over. While speaking with Jack, one of the officers noticed that his vehicle and license plate matched a vehicle seen on camera leaving a crime scene the night before. The officers then asked Jack if they could search his vehicle. Jack refused, telling the officers they needed to obtain a search warrant to do so. The officers then threatened to arrest Jack, take him to jail and book him on a murder charge if he did not let the officers search his vehicle. Jack, frightened, quickly got back into his vehicle and drove away.

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Once the police officers managed to get Jack to stop his vehicle again, they placed Jack in handcuffs and began searching his vehicle. Upon searching the trunk of the vehicle, the officers located and seized a pocket knife that had a small amount of dried blood on it, as well as the cocaine in the purse that Jack had taken from Terra's apartment the night before. The officers then advised Jack that he was under arrest. While searching Jack's person, they located and seized a small amount of synthetic marijuana as well. On the way to the police station, the officers asked Jack what happened. Jack, who had begun breaking down and crying, told the officers that he "wasn't thinking clearly" and that he "ruined" his life.

Once they arrived at the police station Jack was placed in an interview room and read his Miranda rights by a detective. Jack waived his Miranda rights and agreed to speak with the detective without an attorney. The detective asked Jack what happened. Despite agreeing to speak with the officers, Jack refused to answer the question. The detective then told Jack that they had everything on camera so there was no point in denying the homicide. The detective was actually lying because all the officers had on camera was Jack's vehicle leaving the scene. Jack proceeded to make a full confession to all of the crimes that he committed that night.

- 1.1 What crimes, if any, has Jack committed under Louisiana Law? Explain the elements of each crime. (52 points)**
- 1.2 On what state or federal constitutional basis, if any, may Jack reasonably challenge the search and seizure of the knife and cocaine from his vehicle? Explain fully. (12 points)**
- 1.3 On what state or federal constitutional basis, if any, may Jack reasonably challenge the admissibility of the incriminating statements he gave while being escorted to the police station? Explain fully. (12 points)**
- 1.4 On what state or federal constitutional basis, if any, may Jack reasonably challenge the admissibility of the incriminating statements he provided to the detective at the police station? Explain fully. (12 points)**
- 1.5 On what state or federal constitutional basis, if any, may Jack reasonably challenge the legality of the search of his person and the seizure of the marijuana? Explain fully. (12 points)**

[End of Criminal Law, Procedure and Evidence Test]

**LOUISIANA STATE BAR EXAMINATION
CRIMINAL LAW, PROCEDURE AND EVIDENCE
AUGUST 2020**

QUESTION 1 (100 POINTS)

Last month, Laura and Katelyn turned 19. Laura and her family live in a golf course community, with their home sitting on the golf course. Laura hosted a birthday party at her home for herself and Katelyn. Laura purchased alcohol to serve at their party. During the party which began early in the day, both Laura and Katelyn drank heavily. In the late afternoon, after the party cleared out, Laura and Katelyn smoked marijuana and drank a bottle of wine. They discussed wanting to do something wild to celebrate the end of their teen years.

Laura and Katelyn decided to break into the garage of Laura's neighbor Jerry to take his golf cart joyriding on the golf course. Katelyn and Laura snuck over to Jerry's garage and found the door open. They entered the garage. As they were about to get into the golf cart, they noticed Jerry in the garage. Laura grabbed one of the golf clubs on the cart and hit Jerry on the head with it. Jerry fell to the floor, and began bleeding profusely and had to be taken to the hospital for stitches. Laura and Katelyn then jumped into the golf cart, and Laura drove toward the 16th hole where she proceeded to cut donuts on the green, which resulted in the green being torn up and unplayable. Afterwards, they drove toward the woods on the other side of the neighborhood to hide the golf cart. Upon exiting the golf course, Laura accidentally hit and severely injured Eileen, a woman who lived in the neighborhood. After hitting Eileen, Katelyn and Laura panicked and ran back to Laura's house on foot. Eileen, unable to get up, lay there with severe injuries. An evening jogger, Dan, who also lives in the neighborhood, happened to witness the entire incident and called 911. Eileen was then rushed to the hospital but succumbed to her injuries on the way and was pronounced dead upon arrival at the hospital. When the police arrived, Dan explained that he saw Laura and another girl in the golf cart that hit Eileen, that he recognized Laura as someone who lives in the neighborhood, and that he saw the girls run away from the scene towards Laura's house.

After speaking with Dan, the officers went to Laura's house and knocked on the door. Upon answering the door, Katelyn was startled to see the police and began to cry. The officers then placed Katelyn and Laura under arrest. Officers noticed that both Laura and Katelyn appeared to be intoxicated. Officers also noticed a distinct smell of marijuana on Katelyn. Neither was mirandized at that time.

TEST CONTINUES ON NEXT PAGE

While on the way to the police station, one of the arresting officers stated to Katelyn, “You are too young to be drinking, let alone smoking marijuana.” This caused Katelyn to begin crying again and admit to the arresting officer that she and Laura had been drinking all day. Once they arrived at the police station, they were each put in separate interview rooms. Prior to being interviewed, they were both read their Miranda rights. Each stated that she understood these rights and wished to move forward with speaking to the investigating detective without the presence of an attorney. One detective asked Laura how much she and Katelyn had been drinking prior to driving the golf cart. Laura, despite agreeing to speak with the detective, refused to answer the question. The detective replied to Laura’s refusal to cooperate by telling Laura that there was no point in lying because, in her interview in the station, Katelyn had already told them everything they needed to know. But the detective was being untruthful, as Katelyn had, in fact, not told the detective anything during her interview. Once Laura was told this, she admitted that she and Katelyn had been drinking since around 11 a.m. that morning, had smoked marijuana and drove the golf cart that had struck Eileen. When police asked if Laura would consent to a search of her home, Laura refused.

The next day police showed up at Laura’s house, while Laura was still in custody at the police station. The officers knocked on the door, and it was answered by Laura’s older sister with whom she shared a bedroom. The officers explained they had arrested Laura the previous day and told Laura’s sister they needed to come into the home to search for evidence. Laura’s sister consented to the search. During the search, officers entered the bedroom that the sister shared with Laura. They found a marijuana cigarette and a bloody golf club in the bedroom.

- 1.1 With what crimes might Laura be reasonably charged under Louisiana law? Explain the elements of each crime. (50 points)**
- 1.2 What are the state and federal constitutional bases, if any, for challenging the admissibility of the incriminating statements Katelyn gave while being escorted to the police station? Explain fully. (12 points)**
- 1.3 What are the state and federal constitutional bases, if any, for challenging the admissibility of Laura’s incriminating statements to the investigating detective at the police station? Explain fully. (12 points)**
- 1.4 What are the state and federal constitutional bases, if any, for challenging the admissibility of the marijuana and bloody golf club obtained during the search of Laura’s home? Explain fully. (10 points)**
- 1.5 Assume that during the State’s case-in-chief against Laura, prosecutors called Dan who testified that he witnessed Laura driving the golf cart that hit Eileen. Laura’s attorney is aware that Dan was convicted ten years ago on ten counts of check fraud. May Laura’s attorney raise the conviction during cross-examination of Dan? Explain fully. (8 points)**

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- 1.6 Assume that as part of Laura’s defense strategy, her attorney called Father John to testify as a character witness. Father John was prepared to testify that Laura has been volunteering at the church’s foster home for the past two years and that Laura is known among the staff, foster children and other members of the community to be someone who is kind, with a calm demeanor and trustworthy. Prosecutors object to the testimony. How should the judge rule on the objection? Explain fully. (8 points)**

[End of Criminal Law, Procedure and Evidence Test]