

1971

Criminal Justice Administration: Final Examination (May 19, 1971)

William & Mary Law School

Repository Citation

William & Mary Law School, "Criminal Justice Administration: Final Examination (May 19, 1971)" (1971). *Faculty Exams: 1944-1973*. 236.
<https://scholarship.law.wm.edu/exams/236>

CRIMINAL JUSTICE ADMINISTRATION

FINAL EXAMINATION

MAY 19, 1971

DIRECTIONS: Abbreviations used in the following questions are: D refers to one accused or convicted of a crime, P refers to prosecutor or federal or state government and O or Os refers to law enforcement officer(s). Please use these abbreviations in your answers. Discuss fully, yet concisely, each issue raised in the following questions whether or not any one issue seems to you dispositive of the case.

I. Os, patrolling their beat, saw D, wearing a black tam and carrying a gun and a bag, run from a jewelry store with the proprietor running after him calling, "Stop thief". Os saw D jump into a blue Ford and speed off but not before they had copied down the license number. Calling into the station, Os learned the name and address of the person to whom the car was registered. Os immediately went to this address, entered and found D in the living room calmly reading the ball scores. Os placed D under arrest and searched his person to no avail. They then went into the dining room where in a drawer they found six Bulova watches. Subsequently they found a black tam in the hall closet and a gun in the breadbox in the kitchen. On the way out, with D in custody, Os took a quick look under the seats of D's car and found a diamond necklace. Both the watches and the necklace were subsequently identified by the owner of the store as items taken during the holdup. Prior to trial, however, D moved to suppress as evidence all items taken from his home and car. What result? Why?

II. D has been indicted for murder and, upon application, has been committed to a state hospital for psychiatric examination. Upon returning from the hospital D obtained, also, independent psychiatrists to examine him and, in a moment of remorse, made inculpatory statements to his jailer who recorded them and had D sign them. Shortly prior to the date set for trial, D's attorney moved that he be allowed to inspect the reports made by the state psychiatrists, that he be permitted to take depositions of psychiatrists in other states who he had reason to believe had treated D in years past, and that he be permitted to inspect the statements made by D to the jailer. P stated, in response to this motion, that there would be no objection if P could inspect reports, if any, made by any independent psychiatrist who'd examined D. How should the court rule on the motion? Why?

III. D has been indicted for armed robbery, a crime which in the particular jurisdiction carries a penalty ranging from a term of years to death. While D was arrested on the basis of a valid warrant, he was asleep when O arrived to serve the warrant. O shook D to wake him and D blurted out, "Well, I might as well admit it", after O had told him that he was under arrest for the robbery and to get a move on because O had to hurry to the station with him. In appraising the case, D's lawyer has learned of D's statement and the conditions under which it was made and, in any event, believes he will have to put D on the stand if the case comes to trial. After discussing the case with D, lawyer advised D to plead guilty, it being a fact that the trial judge has never given a death sentence on a guilty plea. This advice was followed. Now, some

time later, D moves to vacate his sentence of 50 years on the grounds that his plea was involuntary being motivated by the possibility of the death penalty and that lawyer was incompetent in advising him to plead. Assuming no legal impediment to D's making the motion at the particular time, should it be granted? Why?

IV. State X is a jurisdiction requiring that all felonies be prosecuted by indictment. Provision is also made for a preliminary hearing where the magistrate, after finding that a crime has been committed and that there is probable cause to hold the person charged for the crime, orders the accused held for the grand jury. After a grand jury investigation into voting frauds, an indictment was returned against D for conspiracy to bribe voters, a felony, and D was then arrested by bench warrant. Now D, who is in fact indigent, demands a preliminary hearing and appointment of counsel to represent him at preliminary. Should D's motion be granted? Why?

V. In State X all persons accused of felony are entitled to trial by a jury of 12, 10 of whom may return a verdict. D has been charged with manslaughter the penalty for which ranges from 30 days to four years. Prior to trial, which took place in 1968, D moved that he be tried by jury and that the court order that in the event of conviction the jury be unanimous. Both aspects of this motion were denied. D was then convicted only 10 jurors concurring. Assume that the Supreme Court of the U.S. decided in 1969 that the Sixth Amendment right to jury trial for all serious crimes was applicable to the states via the Fourteenth Amendment, and that D's appeal of his conviction based on the State Supreme Court's affirmance of the trial court's overruling D's motion reaches the U.S. Supreme Court in 1971. Should D's conviction be reversed? Why?

VI. O, being informed that D was in the business of selling heroin without a license, called D on the phone and represented himself as W. O asked D if he could fix him up with a shot. O said, "Sure", whereupon O went to D's house and purchased a packet of heroin. O then placed D under arrest. At trial D objected to the introduction of the heroin and asked the court to rule on the motion without jury intervention. This the court refused to do and sent the question to the jury. Relative to the question of whether or not the heroin should be admitted, P introduced, over D's strong objection, evidence tending to prove (1) that D had previously been convicted for illegal possession of LSD and (2) that D was known throughout the city as one of the most notorious purveyors of illegal drugs. D was convicted and now appeals. What result? Why?