

**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.

TEST CONTINUES ON NEXT PAGE

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.

TEST CONTINUES ON NEXT PAGE

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.

TEST CONTINUES ON NEXT PAGE

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)**

TEST CONTINUES ON NEXT PAGE

- 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]

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

QUESTION 1 — 40 POINTS

One evening, Jamie, who had recently completed serving a sentence for armed robbery, decided to go out to a sports bar to watch a football game and have a couple of drinks. Jamie proceeded to drink nine double bourbon drinks. Jamie became intoxicated and got into a heated argument with another man at the bar, Bob, over the game. This led to Jamie, who thought of himself as a bit of a tough guy, to act like he was going to punch Bob. In defense, Bob struck Jamie. This led to a physical altercation, with both Bob and Jamie exchanging punches. Ultimately, no one was hurt, but the bar owner ushered Jamie out of the bar. Jamie then threw a bottle at a neon light fixture hanging above the entrance to the bar, breaking it. The bar owner told Jamie never to return to the establishment or law enforcement would be called.

Enraged, Jamie began walking home, but decided to make a quick stop to pick up some marijuana to calm his nerves. He called his friend, Claire, and the two discussed where and when to meet so that Jamie could purchase an ounce of marijuana from Claire. The two then met in a nearby parking lot. Jamie got in the front passenger seat of Claire's car. While Claire was weighing out the ounce she agreed to sell to Jamie, Jamie discussed the events that occurred at the bar. The two then developed a plan to make a quick buck by robbing the bar. Claire, who didn't like Bob, convinced Jamie that she and Jamie should kill Bob while they were robbing the bar.

Once Jamie and Claire arrived at the bar, they both put on masks. Jamie also armed himself with a 9mm handgun. Claire brought into the bar a pocket knife and duffel bag. Immediately after they walked into the bar, Jamie walked up to Bob and shot him twice in the chest. Bob suffered very severe injuries, but ultimately survived. Next, Jamie pointed the gun at three other bar patrons and told them to put their hands on their heads, lay face down on the ground, and to "keep their eyes shut or they will never see their friends or family again". While brandishing the pocket knife, Claire walked up to the bartender and forced him to empty the cash register into the duffel bag. After Claire got all the money out of the register, she and Jamie went to leave. The bartender then pulled out a 12-gauge shotgun he had hidden behind the bar. Jamie in turn shot and killed the bartender.

Jamie and Claire then got into Claire's car, and Jamie drove. Jamie subsequently crashed the car into a light pole and was apprehended by law enforcement shortly thereafter.

- 1.1 With what crimes, if any, might Jamie reasonably be charged under the Louisiana Criminal Code (Title 14 of the Louisiana Revised Statutes) and is he likely to be convicted? Please discuss each crime fully, identifying the elements of each crime and the facts supporting each crime.**
- 1.2 With what crimes, if any, might Claire reasonably be charged under the Louisiana Criminal Code (Title 14 of the Louisiana Revised Statutes) and is she likely to be convicted? Please discuss each crime fully, identifying the elements of each crime and the facts supporting each crime.**

[End of Question 1]

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

QUESTION 2 — 40 POINTS

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

Immediately after Jamie crashed Claire's car into the light pole, police officers arrested Jamie and placed him into the back of a police cruiser. Claire, however, managed to flee on foot to her home before law enforcement arrived at the scene of the crash. The officers then searched the car Jamie was driving and found a duffle bag of cash, a 9mm handgun, multiple cell phones, and approximately 3 pounds of marijuana. Prosecutors intend to introduce the money, the gun, and the marijuana into evidence at trial.

After the search, one of the police officers returned to his cruiser and attempted to advise Jamie of his Miranda rights. But Jamie abruptly interrupted the officer before the officer could complete the warnings and angrily proclaimed "I've been arrested before, man. I already know all that stuff." The officer did not complete the reading of the warnings. Minutes later, Jamie offered a statement implicating himself regarding the incident at the bar.

Before police transported Jamie to the parish jail, one of the bar patrons was taken to the accident scene. Once there, investigators asked the patron if he could identify Jamie as the person who had pointed a gun at him. The patron quickly indicated that Jamie was the culprit.

Investigators then learned that Claire had been Jamie's partner during the commission of the robbery. They also learned that she may have purchased a mask similar to one used by a suspect at the scene of another armed robbery and shooting reported at a different local bar the evening before. Investigators also learned that the mask may have been stored at the home Claire shared with her boyfriend. The investigators thought the mask would make good evidence for their case and drove to Claire's home with the intention of conducting a search for the mask and arresting Claire. Upon arrival, they identified themselves to Claire's boyfriend and requested his consent to search the residence. Claire's boyfriend readily consented to the search. Claire herself, however, vigorously opposed it. Relying on the consent given by Claire's boyfriend, officers proceeded to search the couple's bedroom and discovered the mask. Claire was later arrested.

Police officers also decided to search Claire's childhood trailer where she had grown up with her family. They obtained a court-issued warrant to enable them to do so. When they arrived at the trailer, Claire's brother, Bill, was present. While searching the trailer, the officers ordered Bill to empty his pockets and discovered a small amount of cocaine in Bill's shirt pocket.

At Jamie's later criminal trial, Jamie's lawyer challenged the admissibility of Jamie's statement implicating himself regarding the incident at the bar and the admissibility of the witness's identification of Jamie.

At Claire's later criminal trial, her attorney challenged the legality of the search of Claire's car and home.

At Bill's later criminal trial, his attorney challenged the legality of the search of Bill's person and the seizure of the cocaine.

Please address the following five questions:

- 2.1 What are the state and federal constitutional bases, if any, for challenging the admissibility of Jamie's statements, and are they likely to succeed? Discuss. (8 points)**
- 2.2 What are the state and federal constitutional bases, if any, for challenging the admissibility of the results of the witness identification procedure, and are they likely to succeed? Discuss. (8 points)**

- 2.3** What are the state and federal constitutional bases, if any, for challenging the search of Claire's car, and are they likely to succeed? Discuss. (8 points)
- 2.4** What are the state and federal constitutional bases, if any, for challenging the legality of the search of Claire's home, and are they likely to succeed? Discuss. (8 points)
- 2.5** What are the state and federal constitutional bases, if any, for challenging the legality of the search of Bill's person and the seizure of the cocaine, and are they likely to succeed? Discuss. (8 points)

[End of Question 2]

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

QUESTION 3 — 20 POINTS

The following subject matters were tested in this multiple choice section:

Criminal pretrial discovery
Deadlines for capital cases
Evidence of other crimes
Impeachment evidence
Institution of criminal proceedings
Procedures relating to objectionable evidence
Relief for judge's bias
Review of criminal pretrial order
Scope of cross-examination
Suppressing evidence

[End of Question 3]

END OF CRIMINAL LAW, PROCEDURE, AND EVIDENCE TEST

**LOUISIANA STATE BAR EXAMINATION
CRIMINAL LAW, PROCEDURE AND EVIDENCE
JULY 2019**

QUESTION 1 – 40 POINTS

Andrew and Chris knew that Doug, who lived nearby, dealt drugs. They also believed Doug had a lot of money in his house because he dealt drugs. So, one evening, Andrew and Chris decided they would try and steal the money from Doug's house. They each took several shots of vodka to get up the nerve and then got into Andrew's vehicle; Andrew then drove them over to Doug's house. They loaded their guns, exited the car, and then kicked in the door to Doug's house with their guns pointed and Andrew yelled "Give us your money or we'll shoot." As soon as the door opened up, Andrew and Chris discovered three men sitting in the living room. When one of the men in the living room reached for his gun, Andrew and Chris then started shooting at him. One of the bullets from Andrew's gun ricocheted, hit Chris and killed him. Stunned, Andrew ran out of the house, got back into his car and drove to his girlfriend's house.

- 1.1. What crimes has Andrew likely committed under the Louisiana Criminal Code? Explain fully. (40 points)**

[End of Question 1]

TEST CONTINUES ON NEXT PAGE

**LOUISIANA STATE BAR EXAMINATION
CRIMINAL LAW, PROCEDURE AND EVIDENCE
JULY 2019**

QUESTION 2 – 40 POINTS

Question 2 is a continuation of the facts from Question 1.

Police officers learned of Andrew's involvement in the crime because Andrew's girlfriend called and told them that Andrew was at her apartment and that Andrew had just told her about what happened with Chris prior to his arriving at her apartment. Accordingly, police officers immediately went to the girlfriend's apartment to arrest Andrew. When police officers arrived, they arrested Andrew, read him his *Miranda* rights, and told him they needed him to give a statement about what happened. They also searched his person and took his cellphone. Officers looked through the phone and noticed several incriminating text messages.

Once back at the station, officers brought Andrew into the interview room and began questioning him. Andrew denied any wrongdoing and after approximately an hour of questioning told the officers "I'm done talking, bring me back to my cell." The officers nonetheless continued questioning him and eventually told him that they had talked with the District Attorney and that, if Andrew confessed, the District Attorney would not seek the death penalty. Andrew eventually confessed to going to Doug's house to steal money and told the officers he accidentally shot Chris.

The officers subsequently booked Andrew into the jail on one count of at least one of the crimes committed at Doug's house. Thereafter, the officers obtained a search warrant for Andrew's phone and discovered additional incriminating messages relating to the alleged crime.

Please address the following three questions:

- 2.1. What state and/or federal constitutional bases, if any, exist for Andrew to challenge the admissibility of any statements made to the officers after he told them "I'm done talking, take me to my cell"? Explain fully. (10 points)**
- 2.2. What state and/or federal constitutional bases, if any, exist for Andrew to challenge the admissibility of (a) the text messages initially found by officers on his cell phone and (b) the additional text messages found after a search warrant was obtained? Explain fully. (20 points)**
- 2.3. What state and/or federal constitutional bases, if any, exist for Andrew to challenge the admissibility of his confession to officers at the police station based on their promise not to seek the death penalty? Explain fully. (10 points)**

[End of Question 2]

TEST CONTINUES ON NEXT PAGE

**LOUISIANA STATE BAR EXAMINATION
CRIMINAL LAW, PROCEDURE AND EVIDENCE
JULY 2019**

QUESTION 3 – 20 POINTS

For each of the following ten multiple choice items, select the letter that corresponds to the correct answer.

- 3.1. Admissibility of evidence of other acts
- 3.2. Time limits for institution of criminal proceedings
- 3.3. Procedures for pretrial motions
- 3.4. Deadlines for capital cases
- 3.5. Pretrial proceeding
- 3.6. Scope of cross-examination of witness
- 3.7. Impeachment of witness
- 3.8. Institution of criminal proceedings
- 3.9. Procedures relating to objectionable evidence
- 3.10. Motions to Quash

[End of Question 3]

END OF CRIMINAL LAW, PROCEDURE AND EVIDENCE TEST