

**LOUISIANA STATE BAR EXAMINATION
CRIMINAL LAW, PROCEDURE AND EVIDENCE
JULY 2023**

QUESTION 1 (40 POINTS)

Jack, a coach for a local middle school basketball team in Baton Rouge, Louisiana, was known for his competitive nature and short fuse. During the district championship game, one of Jack's players was called for a foul. Jack disagreed with the call and yelled at the referee to make his objection known. In response, the referee ejected Jack from the game and ordered him off the school property. Jack left the gym but decided to wait outside in the parking lot for the referee to leave after the game was over to confront him. Pamela, the team mom, followed Jack out to the parking lot. Jack told Pamela, "I want to beat that referee up so bad." In response, Pamela told Jack that she would text him when the referee was leaving the gym. Jack told Pamela, "Yeah, text me when he is leaving. I'm going to beat the crap out of that referee."

As the referee was leaving the gym, Pamela sent Jack a text as planned. Jack then confronted the referee as he was walking to his car. Jack pushed the referee from behind as hard as he could, and the referee fell to the ground. At this point, Pamela arrived, and both Jack and Pamela began yelling at the referee telling him how bad a job he had done. As they became angrier, Jack and Pamela then began repeatedly kicking the referee while he was on the ground. Midway through their beating of the referee, Jack paused and said, "And if you ever tell anyone about what happened here, we will kill you." Jack and Pamela then continued kicking the referee. The referee suffered three broken ribs and was eventually knocked unconscious.

Afterward, Jack and Pamela looked at each other, and Jack said, "That will teach him." Pamela then took out her cell phone and took pictures of the referee's bloody face and body lying on the ground. Just as Pamela was taking her last picture, a parent from the other school came upon the scene and saw what Jack and Pamela had done. The parent immediately called for help, and a local law enforcement officer ran over. The officer then ordered Jack and Pamela to sit on the ground and told them they were being detained.

Jack and Pamela took off running, and Pamela directed Jack to her car nearby. Pamela got in the passenger seat, and Jack got in the driver's seat, started the car, and sped off. The officer ran to his patrol car and took off after them with his lights and siren engaged. The chase reached speeds of over 100 miles per hour. As Jack was speeding from the police, he was briefly able to separate from the police and let Pamela out of the vehicle at a friend's house. But the car chase quickly resumed and went for several more miles. During the car chase, Jack rammed a second police officer's patrol car, resulting in several flips and a fiery crash. The officer was killed as a result of the crash. Jack was ultimately arrested after he too later lost control of the vehicle, ran it into a ditch, and totaled Pamela's vehicle. Jack sustained injuries from his crash as well.

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

- 1.1 What crimes did Jack commit under Louisiana law, and what are the elements of each crime? What crimes did Pamela commit under Louisiana law, and what are the elements of each crime? Explain. First, address the crimes committed by Jack; second, address the crimes committed by Pamela.**

In your response for Jack, do NOT include crimes he may have committed as a principal to Pamela; similarly, in your response for Pamela, do NOT include crimes she may have committed as a principal to Jack. (40 points total)

[End of Question 1]

TEST CONTINUES ON NEXT PAGE

**LOUISIANA STATE BAR EXAMINATION
CRIMINAL LAW, PROCEDURE AND EVIDENCE
JULY 2023**

QUESTION 2 (40 POINTS)

The facts for this Question 2 include the same facts as for Question 1 above plus the following additional facts.

At the scene of Jack's wreck, officers removed Jack from his vehicle, immediately read him his Miranda rights, and placed him under arrest. However, it was clear Jack had suffered significant injuries, including a possible concussion in the wreck as he was incoherent. As a result, as opposed to being taken to the jail, Jack was taken to a local hospital where he received treatment over the next several days. Once he recovered, Jack was subsequently released back into the custody of law enforcement. Prior to booking Jack into the jail, officers placed Jack in a holding cell. Two detectives then entered the holding cell and began questioning Jack. During that time Jack made several incriminating statements. Jack also provided detectives with all relevant information related to Pamela's involvement, including her contact information and likely whereabouts. After approximately an hour, though, one of the detectives remembered that they hadn't read Jack his Miranda warnings at the outset of the interview. The other detective responded and pointed out that Jack had been read his Miranda rights days earlier immediately after the wreck. Jack had no memory of being read his Miranda rights after the wreck. In any event, out of an abundance of caution, since Jack was incoherent following the wreck and suffered a concussion, the detectives decided to re-Mirandize Jack (read him Miranda rights again) at that point and just re-question Jack about everything he had already said to the detectives during the first hour of the interview. Accordingly, the detectives read Jack his rights, and he agreed to voluntarily waive same and continue speaking to them. Jack then repeated everything he had already stated to the detectives during the first part of the interview. He was subsequently booked into the jail.

After booking Jack into the jail, detectives put out a press release indicating they had an arrest warrant for Pamela. As a result, Pamela turned herself into the jail, and her cell phone was seized and placed in a property locker. Detectives subsequently came to the jail, retrieved her phone, and searched it. Detectives did not get a search warrant to search the phone as the phone did not have a password protecting it. Detectives then located pictures on her cellphone of the referee's bloody body from the night in question.

During Jack's subsequent criminal trial, the prosecution attempted to admit Jack's incriminating statements made during both hours of questioning by the detectives in the holding cell.

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 may Jack reasonably challenge the admissibility of his incriminating statements made during the first hour of his questioning by detectives in the holding cell; and is he likely to succeed? Explain. (10 points)**
- 2.2 On what state and/or federal constitutional basis may Jack reasonably challenge the admissibility of his incriminating statements made after detectives read him his Miranda rights mid-way through the interview; and is he likely to succeed? Explain. (10 points)**
- 2.3 Assume for purposes of this Question 2.3 only that Jack and Pamela are tried separately. During Pamela's trial, the prosecution attempted to introduce Jack's confession and his statements to the detectives related to Pamela's involvement in the crimes. Pamela challenges the admission of Jack's statements on Fifth Amendment grounds. Is Pamela likely to succeed? Explain. (10 points)**

TEST CONTINUES ON NEXT PAGE

- 2.4 On what state and/or federal constitutional basis may Pamela reasonably challenge the admissibility of the pictures discovered as a result of the detectives' search of her cell phone; and is she likely to succeed? Explain. (10 points)**

[End of Question 2]

TEST CONTINUES ON NEXT PAGE

**LOUISIANA STATE BAR EXAMINATION
CRIMINAL LAW, PROCEDURE AND EVIDENCE
JULY 2023**

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.

The multiple choice items below are NOT based on the facts in Questions 1 and 2.

- 3.1 Authentication of evidence
- 3.2 Post-conviction relief
- 3.3 Impeachment evidence; admissibility of prior recordings
- 3.4 Preliminary examination
- 3.5 Suppressing evidence
- 3.6 Hearsay rule; exceptions to same
- 3.7 Review of pretrial order
- 3.8 Procedures relating to objectionable evidence
- 3.9 Evidence of other crimes; admissibility of evidence of prior acts
- 3.10 Restrictions on trial witnesses

[End of Question 3]

END OF CRIMINAL LAW, PROCEDURE AND EVIDENCE TEST

**LOUISIANA STATE BAR EXAMINATION
CRIMINAL LAW, PROCEDURE, AND EVIDENCE
FEBRUARY 2023**

QUESTION 1 (40 POINTS)

Louis, Daniel, and Paul were college roommates in Baton Rouge, Louisiana. Louis was always thinking of ways to make money. One day, Louis told his roommates that they could make fast money around campus making and selling brownies infused with marijuana. Daniel suggested that they host a bake sale on campus selling the brownies. Paul agreed to help make the treats.

After the three of them each sold their marijuana brownies for a few days on campus, Paul had an argument with Louis about how to divide up their earnings. Louis grew angry at Paul, went into the kitchen, grabbed the baking pan, and hit Paul over the head until he became unconscious. Daniel then dragged Paul into his bedroom and tied him up with the bed sheets.

“We have to get out of town,” Daniel told Louis. Neither of them had a car, so Daniel grabbed Paul’s car keys and wallet, and he and Louis fled in Paul’s car. Before leaving the apartment, Daniel smashed Paul’s cell phone, shattering it.

Daniel and Louis decided to hide out in New Orleans. Once they arrived, the car was almost out of gas. Louis went into a nearby gas station to purchase gas with Paul’s credit card, but the card was declined.

Louis and Daniel returned to the car to rummage around for loose money. Daniel discovered a black pistol in the console. He then told Louis, “I have an idea. Just play along.” Daniel re-entered the gas station with Louis close behind. Daniel pulled out the pistol, pointed it at the cashier, and demanded that she ring up a full tank of gas. The cashier complied. A customer, Joe, entered the store, startling Daniel. The pistol discharged and struck Joe.

Daniel went over to see if Joe was okay. Joe was still alive but bleeding excessively. Louis took the gun out of Daniel’s hand and shot Joe in the head, killing him instantly. Louis and Daniel then grabbed all the money out of the cash register and fled from the store.

The cashier called 911 to report the incident. As they were driving away, Daniel and Louis noticed police units nearby. Fearful that someone would be able to identify the vehicle, they drove into a neighborhood to hide.

Daniel parked the car behind a bush while Louis worked on gaining access to a home. A window was unlocked, so they both climbed in through the window and fell asleep.

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

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

[End of Question 1]

TEST CONTINUES ON NEXT PAGE

**LOUISIANA STATE BAR EXAMINATION
CRIMINAL LAW, PROCEDURE, AND EVIDENCE
FEBRUARY 2023**

QUESTION 2 (40 POINTS)

The facts for this Question 2 include the same facts as for Question 1 above plus the following additional facts.

Back at the apartment, Paul regained consciousness and was able to untie himself from the sheets and escape from the window. He ran to a neighbor's apartment and called the police, telling them everything that he knew about the marijuana brownies, as well as being bashed on the head, having his car and wallet stolen, his phone broken and being tied up.

Paul remembered that Daniel had a location sharing app on his phone. With this information, the police were able to track down Daniel's exact location. While Louis and Daniel slept, police entered the New Orleans home and apprehended them.

Once the officers apprehended Louis and Daniel, the officers informed them that they were suspects in an investigation involving the marijuana sales and various other crimes in Baton Rouge. Daniel asked the officers if they had an arrest warrant, and the officers advised that one was being obtained. Both men were handcuffed and placed in separate police units.

While on the scene, one officer heard through dispatch that two subjects matching Louis and Daniel's description had committed several offenses at the gas station five miles away. Dispatch also gave a description of the suspects' vehicle, a silver Bronco.

A second officer located a silver Bronco behind a large bush close to the home where Louis and Daniel had been apprehended. The officer confirmed that it was the vehicle seen fleeing the gas station. The two officers then searched the vehicle and located a large amount of cash, a wallet with a license belonging to Paul, and a black pistol.

After officers finished searching the Bronco, they returned to Louis and Daniel and advised each of them that they were also being arrested for the crimes that were committed at the gas station. Before the officers read Daniel his Miranda warnings, while asking Daniel for some biographical information, Daniel blurted out, "I shot the guy, but I did not kill him."

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 may Louis and Daniel challenge their detention for the Baton Rouge crimes; and are they likely to succeed? Explain fully. (10 points)**
- 2.2 On what state and/or federal constitutional basis may Louis and Daniel challenge the search of the silver Bronco and seizure of the cash, gun and wallet; and are they likely to succeed? Explain fully. (10 points)**
- 2.3 On what state and/or federal constitutional basis may Daniel challenge the admissibility of his statement; and is he likely to succeed? Explain fully. (10 points)**
- 2.4 Assume for purposes of this Question 2.4 only that Louis and Daniel are tried separately. On what state and/or federal constitutional basis may Louis challenge the admissibility of Daniel's statement to police that he shot the guy but didn't kill him, so as to prevent the statement from being introduced against Louis at trial; and is Louis likely to succeed? Explain fully. (10 points)**

[End of Question 2]

TEST CONTINUES ON NEXT PAGE

**LOUISIANA STATE BAR EXAMINATION
CRIMINAL LAW, PROCEDURE AND EVIDENCE
FEBRUARY 2023**

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 Timing and procedure for institution prosecution
- 3.2 Hearsay rule; exceptions to same
- 3.3 Institution of criminal proceedings
- 3.4 Motions to quash
- 3.5 8th Amendment forfeiture
- 3.6 Preliminary examinations
- 3.7 Admissibility of prior recordings
- 3.8 Procedure for motions to sever
- 3.9 Admissibility of evidence concerning criminal records
- 3.10 Admissibility of evidence of prior acts

[End of Question 3]

END OF CRIMINAL LAW, PROCEDURE AND EVIDENCE TEST

**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]

TEST CONTINUES ON NEXT PAGE

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

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]

TEST CONTINUES ON NEXT PAGE

**LOUISIANA STATE BAR EXAMINATION
CRIMINAL LAW, PROCEDURE AND EVIDENCE
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]

TEST CONTINUES ON NEXT PAGE

**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)**

TEST CONTINUES ON NEXT PAGE

- 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]

TEST CONTINUES ON NEXT PAGE

**LOUISIANA STATE BAR EXAMINATION
CRIMINAL LAW, PROCEDURE AND EVIDENCE
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.

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]