

QUESTION 9 THE ANSWER TO THIS QUESTION SHOULD GO IN BLUEBOOK III

Responding to a 911 call about someone lying in a gas station parking lot, two police officers found a man with multiple gunshot wounds. Though bleeding significantly, the man could respond to the officers' questions. After a question about the man's condition, the questions turned to "what happened?" The man asked in response if an ambulance had been called. The officers said one was on the way and asked again "what happened?" The man responded, "20 minutes ago, Bobby shot me." When the police asked "where he had been shot", he responded, "Bobby's house; he shot me through the door." One of the officers then asked "where's that?" The man said, "Parker Street by 5th" The man then said, "I need that ambulance now -- now! I'm bleeding bad and I'm getting foggy. Bobby killed me." When other officers arrived and began asking what happened, they received similar answers from the man. Paramedics arrived moments later, but it was too late. The man was pronounced dead from gunshot wounds.

Responding officers alerted homicide detectives who arrested Bobby the next day at a home on Parker Street, two blocks from the gas station. Eventually charged with murder, Bobby moved the court to exclude from admission at trial the man's statements made to responding officers. Bobby's lawyer based the request on constitutional grounds.

Identify (1) the grounds on which defense counsel would base his request; (2) how the prosecutor should respond; and, (3) the analysis the court should make, including its conclusion. Explain your answers.

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