

**QUESTION 9 THE ANSWER TO THIS QUESTION SHOULD GO IN BLUEBOOK III
OR IN SOFTEST ANSWER SCREEN 9**

On routine foot patrol in a residential neighborhood, Officer Jenkins heard loud screams through a window at 123 Adams Street. Officer Jenkins paused directly in front of the house. He heard glass breaking and a woman scream, "Stop it. Stop it." A male voice shouted, "Shut up or take a bullet!" The woman screamed "Johnny! Johnny! Help mommy!" More tussling was heard and the woman screamed again. Officer Jenkins hustled to the door and he yelled "police."

Officer Jenkins then heard the woman yell "help" again. By this time, backup had arrived and Officer Jenkins and Officer Simm, who had also heard the screaming, ran through the door to find Barry Brown standing over the woman. Brown was immediately subdued, cuffed and arrested, and turned over to other police arriving on the scene. Brown was removed from the home.

While in the room where Brown was arrested, Officer Simm saw a significant amount of a substance he recognized from his training as cocaine, as well as items he recognized as packaging materials and a scale. Officer Simm seized these items from atop the coffee table.

Paramedics attended to the woman and Officer Jenkins ran down the basement stairs. At the bottom of the stairs was a closed door. Officer Jenkins opened the door, which was a bedroom, and found many illegal automatic firearms. He, along with other officers, took possession of the firearms. While in the room, Officer Jenkins began opening drawers to a nightstand where he found scores of pictures he believed amounted to child pornography, and seized these pictures. At that time, a child came out from under the bed and ran into Officer Jenkins' arms.

Brown was charged with possession with intent to deliver cocaine, possession of illegal firearms, and possession of child pornography. No assault charge was brought because the victim refused to cooperate.

Brown moved to suppress the seized evidence - the cocaine, the guns, and the pictures - contending that police entry into his home without a warrant violated his 4th Amendment rights against unreasonable searches and seizures. Brown's counsel added, "and it wouldn't have mattered if they had got a warrant before seizure, because the information they gained illegally

would make the issuance of the warrant defective." The court, stated that, because no warrant was issued, the salient question was whether justification existed--in the absence of a warrant--for the entry into the home, the seizure of the cocaine, the entry of the basement bedroom, the seizure of the guns, and the seizure of the pornographic pictures - in the absence of a warrant.

How should the prosecutor respond to these various arguments? Evaluate the chances of success for each item of evidence.