

*Chris Johnson*

CRIMINAL PROCEDURE MID-TERM EXAMINATION – FALL 2006

1. Please write only on one side of the paper, and use ink. Please write legibly.
2. This is a closed book exam.
3. The midterm consists of one question. Good luck.

On August 15, Capitol City police discovered Stanley Smith's body beside the railroad tracks on the outskirts of town. An investigation revealed that Smith died as a result of being struck by a passing train. Uncertain whether Smith's death was an accident, a suicide, or a homicide, the police began to interview Smith's known associates. After several unproductive interviews with people who professed to have no knowledge of the circumstances of Smith's death, the police decided to change their questioning tactics. Specifically, they decided to lead their next interviewee - Lucinda Lawless - to believe that the police suspected that she had played a role in Smith's death.

On the afternoon of August 20, four police officers went to Lawless's home. The officers wore their uniforms, and each carried a service revolver in a holster. When Lawless's father answered their knock on his door, they asked to come in to speak to Lawless. Her father told them that she wasn't home, but agreed to allow them to wait for her. While they waited for her to return, the police talked to her father, who told them that Lawless was a seventeen-year old high school drop-out who had taken special education classes throughout her schooling because of her "low IQ." He said that Lawless worked two jobs, and would shortly be returning home after having worked for the last twelve hours. She was scheduled to return to work the following morning at 5 a.m. The police also learned that Lawless had briefly dated Smith, and that her father thought she was very upset about his death. Her father described Lawless as a physically small and socially shy person.

When Lawless returned, the officers met her at the front door and told her that they were investigating Smith's death. Lawless immediately burst into tears, and said "it was an accident." The officers then led her to a chair in a living room, where two of the officers took turns questioning her, while the other two observed. Lawless seemed very upset about Smith's death, and cried throughout the interview. As they had planned, the police told her that they didn't believe Smith's death was an accident, and that another person had told them that Lawless had killed Smith. At first, she denied being present at the time of Smith's death. When asked how she knew the death was accidental, she said somebody else had told her about it. When asked who told her it was an accident, she claimed not to remember. The police then told her that, if she admitted the truth, they would make sure that the judge knew that she had been honest with them. After the police (falsely) told Lawless that Jenny Jones, a mutual friend of hers and of Smith's, had claimed to have seen Lawless push Smith in front of the train, Lawless replied, "but Jenny wasn't even there." "Well," said one of the officers to

rights, and was willing to talk to them. Under questioning, Lawless gave a full account of the events at the railroad tracks leading up to Smith's death.

Please address the admissibility of the following evidence:

- (1) Lawless's statements to the police on August 20;
- (2) Carpenter's statements to the police on August 22;
- (3) Lawless's statements to the police on August 23.

You should present the best arguments for the defense for suppression and for the State for admission. Then, apply the law and explain the result the court will likely reach.