

## **Simulated Exam #2**

### **Case Law Questions**

1. An arrest based on probable cause serves several important interests that serve to justify the seizure. An arrest:
  - A. ensures that the suspect appears in court
  - B. enables the officer to conduct a more thorough in-custody investigation
  - C. safeguards evidence
  - D. All of the above
  
2. Officers responded to an anonymous 9-1-1 report of a man with a shotgun at 200 Main Street. Upon his arrival at that address, Officer Ruiz observed three black males, including Eugene, in the area. Ruiz was approached by a young woman who told him that she was standing on the corner with a group of people when Eugene pointed a shotgun in her direction, and said, "Get off the corner." She also stated that she saw Eugene throw the shotgun underneath a black Cadillac. Eugene was detained by the officer and other officers recovered an unloaded shotgun from underneath the Cadillac. Eugene was placed in the back of a police car. Eugene stated, "What's the problem, you guys don't do your job. So, I went inside and got my shotgun." The young woman told the officer that she lived in the area but nothing else about herself. She said she did not want to speak with any detectives or become involved in the case because she was scared for her safety. The officer did not get her name, address, or telephone number. The young woman just left and walked away. Did the officer have probable cause to arrest Eugene?
  - A. Yes, probable cause was established once the woman identified Eugene.
  - B. No. The woman should be considered an anonymous tipster and her information was not corroborated.
  - C. Yes. The on-scene identification by the woman and the discovery of the shotgun gave the officer probable cause to arrest Eugene.
  - D. No. The fact that Eugene was detained and placed in the back of the patrol car was considered an unlawful arrest.

3. Joey was one of over 20 people gathered in a parking lot at 11:30 p.m. on a cold, dark night in a high drug trafficking area. Someone in the crowd, recognized officers approaching and shouted an alarm. Officer Bogs recognized Joey as someone whom he had seen conversing with convicted drug dealers on several occasions. Joey ran from the officers and refused to obey the officers when they ordered him to stop. Joey fell and officers placed him under arrest. The officers found a bag of cocaine hidden in his baseball cap. At what point did the officer have probable cause to arrest Joey?
  - A. When Joey started running.
  - B. When Joey refused to stop after the officers ordered him to stop.
  - C. When Joey was found to have the cocaine in his possession.
  - D. At no point. The officers were not justified in attempting to stop Joey just because he ran from the group.
  
4. Two plainclothes officers were driving near the Grant Court and Garfield Court housing complexes, targeting the areas for trespassing and drug violations. The detectives walked into the Grant Court complex and saw William, sitting on a bicycle, in the rain, close to an area in the complex known for narcotics activity. “No Trespassing” signs were posted in the area. One of the officers recognized William from two prior encounters with him at the Grant and Garfield housing complexes. On both of those prior occasions, William had a valid reason for being there. When William saw the officers approaching, he began to ride away. One officer chased William, grabbed his arm, and stopped him. William said he was not doing anything. The officer placed him under arrest for trespassing. A search incident to the arrest produced two bags of cocaine from William’s pocket. At what point did the officer have probable cause to arrest William?
  - A. When they observed William in the area of the complex known for narcotics activity.
  - B. When William began to ride away.
  - C. When the search of William’s person produced cocaine.
  - D. At no time. Flight alone does not create reasonable suspicion for a stop.
  
5. Which of the below statements is correct regarding the appropriate remedy for an improper arrest?
  - A. The entire prosecution will be dismissed in an improper arrest situation.
  - B. The entire complaint will be dismissed because a defendant is improperly arrested.
  - C. Any evidence that may have been seized in connection with that arrest will be suppressed.
  - D. None of the above statements are correct.

6. Officer Jones was patrolling in a section of the city known for its history of violent crimes and drug activity. The president of the Omega Community Center had asked the police to check the property because of incidents of criminal mischief. As the officer drove near the building, he noticed David leaning against the porch of the Community Center. At the time, the area was well lit, and a first-floor window displayed a sign that declared: "No Loitering." As the patrol car approached him, David began walking away. The officer stopped David and David explained he was coming from his child's mother's home located two blocks away. He told the officer that he was waiting for a ride. The officer believed that David seemed very excited and somewhat evasive, and the officer thought David was looking around as though he was attempting to run. Based on these facts, the officer arrested David for trespassing on the Omega property. A search of David's person yielded crack cocaine. At what point did the officer have probable cause to arrest David?
- A. At no time. A "no loitering sign" cannot adequately warn against trespass because "loitering" and "trespassing" denote different types of conduct.
  - B. Upon observing David leaning against the porch of the Community Center.
  - C. When David appeared nervous, evasive and appearing to attempt to run.
  - D. When the crack cocaine was discovered on David's person.
7. Officer Portal was in uniform, working an off-duty detail at a local methadone clinic and knew that the illegal sale of methadone was a constant problem. During the course of the day, three of the clinic's patients advised the officer that there was a white male outside attempting to buy bottles of methadone. The officer knew each of the patients from his work at the clinic, although he did not know their names. One of the patients, a woman, walked outside with Officer Portal, where she pointed out Harry as the man who was attempting to purchase methadone. The officer approached Harry and Harry was visibly nervous and shaking. The officer informed Harry he was going to pat him down for his own safety. When he did so he felt the distinctive shape of two methadone bottles in Harry's pocket. Harry was not a clinic patient. The woman who had pointed out Harry left the area without Portal ever asking her name. Which of the below is true regarding this scenario?
- A. The actual name of a citizen witness is always absolutely necessary to legitimize police action.
  - B. Because the informant's name was unknown to the officer, it was improper for him to stop and question Harry.
  - C. The information constituted probable cause to arrest and therefore all of the officer's actions were proper.
  - D. The officer was justified in questioning Harry however the ensuing pat-down, *Terry*, frisk was improper.

8. Police received an anonymous call that a young black male wearing a plaid shirt was standing at a particular bus stop armed with a gun. Within minutes, two police officers arrived at the bus stop and observed Julius, a young black male wearing a plaid shirt, and two other black males standing there. The officers frisked all three and found a gun in Julius' pocket. Which of the below statement is true regarding this situation?
- A. The community caretaking function of the police allowed the officer to stop and frisk the three males.
  - B. The anonymous tip lacked sufficient basis of reliability to justify a stop and frisk.
  - C. The officers were allowed to perform a *Terry* (investigative) stop but not a pat-down search for weapons.
  - D. There is a "firearm exception" wherein a tip alleging an illegal gun would justify a stop and frisk.
9. Detective Grubbs was an experienced narcotics officer. He previously had made numerous drug arrests in a certain area known for heavy drug trafficking. Using binoculars, he observed three men move away from a group to the back of a vacant lot, and he saw two of those men give money to the third man in exchange for small unknown objects. Which of the below statements is true regarding this scenario?
- A. Detective Grubbs had probable cause to arrest all three men.
  - B. The detective did not have any reason to believe that there would be a fair probability that a narcotics transaction had occurred.
  - C. The circumstances here only established a reasonable suspicion to support an investigatory (*Terry*) stop.
  - D. Detective Grubbs only had reasonable articulable suspicion to stop and frisk the men.

10. On another occasion, Detective Grubbs (from Question #9) was driving through a known high narcotics area when he observed Paul, a known drug-law violator, conversing with a Victor. Grubbs then observed Victor hand Paul what appeared to be paper currency in exchange for a small unknown object. Grubbs saw Victor place the object in his right-hand jacket pocket and walk away. The officer followed Victor and approached him on foot. When Grubbs tapped Victor on the shoulder he turned around and removed his right hand from his jacket pocket, which allowed Grubbs to see two balloons in the pocket, each tied off in a knot, one green and one white. Based on his training and experience, Grubbs knew that heroin was often stored and sold in such a manner because it made it easier to swallow and destroy the drugs before the police could get them. Grubbs removed the objects from Victor's pocket and placed him under arrest. At what point did Detective Grubbs have probable cause to arrest Victor?

- A. At no point. The circumstances here only established a reasonable suspicion to support an investigatory (*Terry*) stop.
- B. When he observed Paul, a known drug-law violator, and Victor conversing in the known high narcotics area.
- C. When he observed the exchange of currency for the small unknown object.
- D. When he observed the balloons in Paul's pocket.

11. Officer Dumfries was on patrol in a high crime area. From his patrol car, the officer observed Kevin and Jorge standing on the corner. A bicycle was nearby. The officer recognized both individuals. He previously had encountered Kevin "while clearing the corners" in that same area, and he had received intelligence reports indicating Kevin was a suspected drug dealer. The officer knew Jorge, having arrested him for failure to pay child support and for possession of a controlled dangerous substance. He also was aware that Jorge was a drug user. The officer observed Kevin give Jorge a pack of cigarettes, a container which in the officer's experience, is sometimes used to transport drugs. At the time, neither were smoking. The two men noticed the officer. They looked at him with shock and surprise. Jorge mounted a bicycle and pedaled away. The officer pursued Jorge, overtook him, and then detained him. He informed Jorge that he believed he had just purchased drugs. Jorge began to cry and denied any drug involvement. The officer then asked Jorge for the cigarette pack, and upon receipt of it, looked inside and found three small baggies of suspected heroin. The circumstances in this scenario:

- A. failed to establish any reason to stop, search or arrest Jorge.
- B. only established a reasonable suspicion for an investigatory (*Terry*) stop.
- C. only established a reasonable suspicion for an investigatory (*Terry*) stop and protective (*Terry*) frisk for weapons.
- D. established probable cause for Jorge's arrest and search incident to that arrest.

12. At 1:00 a.m. officers responded to a complaint about loud music and illegal activities at a house described as vacant by the caller, a former neighborhood commissioner. Upon arrival, several neighbors confirmed that the house should have been empty. When the officers knocked on the front door, one of the partygoers opened the door, and the officers entered. The house was in disarray and looked like a vacant property. The officers smelled marijuana and saw beer bottles and cups of liquor on the floor. In fact, the floor was so dirty that one of the partygoers refused to sit on it while being questioned. The house had working electricity and plumbing but had no furniture downstairs other than a few padded metal chairs. The only other signs of habitation were blinds on the windows, food in the refrigerator, and toiletries in the bathroom. In the living room, the officers found a makeshift strip club. Several women were wearing only bras and thongs, with cash tucked into their garter belts. After seeing the uniformed officers, many partygoers scattered into other parts of the house. In one of the upstairs bedrooms, the officers found a naked woman and several men. One partygoer was located hiding in an upstairs closet, and another who had shut himself in the bathroom refused to come out. The officers questioned the 21 people in the house but were unable to obtain a clear or consistent story. Two of the women working the party said that a woman named “Peaches” was renting the house and had given them permission to be there. She did not know Peaches’ real name but was able to call her on her phone so that an officer could talk to her. Peaches first claimed to be renting the house from the owner and that she had given the attendees permission to have a bachelor party. When asked again about who had given her permission to use the house, Peaches became agitated, nervous, and evasive. Ultimately, she admitted that she did not have permission to use the house. The officers then contacted the owner who confirmed that he had not given anyone permission to be there. At that point, the officers arrested the 21 partygoers for unlawful entry.

Which of the below statements is true regarding this scenario?

- A. The fact that the house had signs of inhabitation (working electricity and plumbing, blinds on the windows, toiletries in the bathroom, and food in the refrigerator) were enough to prove that the house was not vacant, and the officers lacked reason to enter and proceed through the house.
- B. Because one woman told the officers that Peaches had recently moved in, the officers had no reason to doubt that was true and therefore the arrests for unlawful entry were unlawful.
- C. The fact that multiple neighbors, including a former neighborhood official, informed the officers that the house had been vacant for several months gave the officer probable cause to believe the partygoers were unlawfully in the house.
- D. Considering the totality of the circumstances, the officers made a reasonable inference that the partygoers were knowingly taking advantage of a vacant house as a venue for their late-night party.

13. In a public area, Officer Hughes was speaking with a group of partygoers when a seemingly intoxicated Bart started shouting at them not to talk to the police. When the officer approached him, Bart began yelling at the officer to leave. Rather than escalate the situation, the officer left. Minutes later, Bart saw Sgt. Waggs asking a minor whether he and his underage friends had been drinking. Bart approached in an aggressive manner, stood between the sergeant and the teenager, and yelled with slurred speech that the sergeant should not speak with the minor. Bart then stepped very close to Sgt. Waggs in a combative way, so the sergeant pushed him back. Officer Hughes saw the confrontation and rushed over, arriving right after the sergeant pushed Bart. Officer Hughes immediately initiated an arrest, and when Bart was slow to comply with his orders, the officers forced him to the ground. After he was handcuffed, Bart claims that the officer said, "Bet you wish you would have talked to me now." Bart was charged with disorderly conduct and resisting arrest. Which of the below statements are true regarding this scenario?

- A. The officers violated Bart's First Amendment rights by arresting him in retaliation for his speech.
- B. The officers had probable cause to arrest Bart.
- C. Reasonable suspicion will always defeat a First Amendment retaliatory arrest claim.
- D. None of the above statements are true.

14. The police arrested Steve for committing certain offenses and brought him to police headquarters where he gave a statement to an investigating detective. He was permitted to make a telephone call from one of the stationhouse's landlines but was not told that his conversation would be recorded or accessible to law enforcement without his consent or a warrant. Steve called and spoke with Wendy. The next day, a detective retrieved the recording and listened to their private conversation. Based on the contents of that conversation, Wendy was charged with various crimes. Which of the below is true regarding this scenario?

- A. Steve and Wendy did not have a reasonable expectation of privacy in their conversation since it is commonly known that telephone lines in police departments are generally being recorded.
- B. The recorded telephone conversation was seized pursuant to a valid exception to the warrant requirement.
- C. The warrantless retrieval and use of that recording violated Steve and Wendy's privacy rights.
- D. Steve's custodial status in the stationhouse stripped him of all constitutional protections.

15. An officer arrested Nancy on a bench warrant issued for her failure to appear in municipal court. A search of her person incident to the arrest uncovered two vials of cocaine. After the arrest and search, the officer learned that Nancy had posted bail on the bench warrant and been released from jail 42 days earlier. The officer also learned that she later pled guilty to the underlying bad check charge and the bench warrant was judicially marked vacated 27 days before her arrest. The police records, however, had never been updated and corrected to show that the bench warrant was no longer outstanding at the time of the arrest. Which of the below statements is true regarding this scenario?
- A. The arrest is invalid, and the evidence is inadmissible.
  - B. The arrest is invalid, but the evidence is admissible.
  - C. The arrest is valid, and the evidence is admissible.
  - D. The arrest is valid, but the evidence is inadmissible.
16. Which of the below may an officer make a warrantless arrest in cases where an offense does not occur in the officer's presence?
- A. All crimes
  - B. All crimes and disorderly persons offenses
  - C. All crimes, disorderly persons offenses and petty disorderly offenses
  - D. All crimes, disorderly persons offenses, petty disorderly offenses and serious motor vehicle law infractions
17. Which of the below statements is true regarding the "in-presence" requirement that certain offenses be committed within an officer's presence?
- A. In N.J., besides the offense occurring in the officer's presence, there must also be a breach of the peace to make an arrest for a municipal ordinance.
  - B. An admission brings offenses within the presence of an officer.
  - C. The "in presence" requirement is satisfied by an officer directly viewing an offense with a telescope.
  - D. All of the above are true statements.
18. What are the guidelines surrounding the use of a warrantless protective sweep when investigating allegations of criminal activity?
- A. Officers must be lawfully within the premises for a legitimate purpose.
  - B. Officers must have probable cause to believe that the area to be swept harbors an individual posing a danger.
  - C. Officers must be within the premises investigating a crime.
  - D. All of the above



19. Which of the below offenses is not considered a legislative exception to the “in-presence” requirement?

- A. Drunk Driving
- B. Shoplifting
- C. Theft of Library Materials
- D. Falsely Representing Food as Kosher

20. During a street interview in a high crime area, Mike was observed by an officer dropping a couple pieces of napkin. When the officer cautioned him about the city ordinance prohibiting littering, Mike picked up the paper. The interview continued and Mike again threw down the napkin paper. The officer then requested identification from him in order to issue a summons for violation of the anti-littering ordinance. When Mike was unable to produce identification, he was transported to headquarters where identification procedures were set in motion. It was then learned that Mike had a record which included incidents of failure to appear for other municipal summonses, and that he was out on bail awaiting imminent sentence on prior controlled dangerous substance convictions. The Lieutenant in charge of the station house set \$100 bail to secure Mike’s attendance for the summons under the municipal littering ordinance. When Mike indicated that he was unable to post the \$100 bail, he was placed in a holding cell. Which of the below statements is true regarding this scenario?

- A. Mike’s arrest at the scene and subsequent detainment at police headquarters constituted an unreasonable seizure.
- B. Since a breach of the peace (one which disrupts the tranquility enjoyed by citizens of a community) did occur here, the officer acted reasonably by arresting Mike without a warrant because he was unable to determine his identification.
- C. Because Mike did not have identification, the officer acted properly. The setting of bail was also proper because of concern that Mike will not respond to a summons.
- D. None of the above statements are true.

21. Tom and Hank were walking on the beach. They were approached by Officer Gomez who asked them whether they had obtained beach badges. When they replied in the negative, they were detained by the officer and asked for identification. When the identification was produced to the officer, the men saw her copying information onto a summons form but then the officer radioed for another police officer who came to the scene in a patrol car. The men were not handcuffed but were placed in the rear seat of the patrol car and taken to police headquarters. At headquarters they were placed in separate cells and subsequently interviewed by a detective who took basic information from them but asked them no questions concerning the offense itself. Tom and Hank were eventually released and given a summons for violation of a municipal ordinance which apparently requires people who are on the beach to purchase a beach badge. The entire process took approximately two hours. Which of the below statements is true regarding this situation?

- A. Tom and Hank were unlawfully arrested.
- B. Tom and Hank should have simply been issued a summons on the scene.
- C. Both A & B statements are correct.
- D. Neither A nor B statement is correct.

22. Which of the below is true with regard to the “protective sweep” in a home?

- A. It is a full search of the premises.
- B. It is automatic in the room where the arrest takes place and may be conducted in the absence of reasonable suspicion.
- C. It is automatic in the entire home and curtilage.
- D. It may be conducted only when justified by probable cause that the home is harboring a person posing a danger to those on the arrest scene.

23. Officers executed a warrant for the arrest of Jerome Buie, at his home. Buie, and another male, were wanted for the armed robbery of a restaurant. As soon as the officers entered Buie's home, they fanned out through the first and second floors. One of the officers guarded the entry to the basement so that no one could come up and surprise the officers. The officer twice shouted into the basement, ordering anyone down there to come up. When a voice answered, the officer announced three times: "this is the police, show me your hands." Shortly thereafter, a pair of hands appeared around the bottom of the stairwell and Buie emerged from the basement. He was arrested, searched, and handcuffed by the officer. After Buie's arrest, one of the detectives at the scene entered the basement just in case there was someone else down there. While in the basement, the detective discovered a red running suit lying in plain view on a stack of clothing. Recognizing that the running suit matched the description of the clothing worn by one of the armed robbers, the detective immediately seized it. Which of the below statements is false regarding this scenario?

- A. Until the point of Buie's arrest the police had the right, based on the authority of the arrest warrant to search anywhere in the house that Buie might have been found, including the basement.
- B. Before the officer would have been justified in entering the basement, he would need probable cause to believe that a serious and demonstrable potentiality for danger existed.
- C. The officers properly conducted the protective sweep of the premises because they possessed reasonable suspicion another person posing a danger could be found.
- D. The protective sweep is not a full search of the premises but may extend only to a cursory inspection of those spaces where a person may be found as was done in this situation.

24. Mike and Ike committed a strong-armed robbery on a cab driver. Police discovered two sets of footprints in the snow leading a short distance to Mike's house. The officers knocked on the door and when Mike opened the door the officers observed that his and Ike's clothing matched the clothing description given by the cab driver. The officers entered the house and placed both men under arrest. Which of the below statement is true regarding this scenario?

- A. The officers were not voluntarily admitted into the house therefore the entry and arrests were unlawful.
- B. The exigent circumstances exception to the warrant requirement justified the police entry into the dwelling.
- C. The officers were not in "hot pursuit" of any suspects and therefore should have applied for a search warrant to search the home.
- D. The officers should have conducted a surveillance to determine if the actual suspects to the robbery had retreated to the house. If so, then a "hot pursuit" exception would have justified any entry and arrests.

25. When murder suspect (and drug addict) Artie failed to show for his polygraph appointment, several members of the Hometown Police Department went searching for him. After looking unsuccessfully at several well-known drug-dealing locations, the officers drove by 1189 Landsdowne Avenue, the address of Sandra Jones, Artie's "estranged partner." The officers knew that Artie often frequented this address and decided to look for him inside. As they walked up to the premises, the officers noted that the building appeared to be vacant. Finding the front door unlocked and ajar, the officers entered and confronted Artie at the top of the stairs. Artie immediately told the officers that he knew that he was supposed to be at the detective bureau taking a polygraph but stated that he wanted to "mellow out" first. He then asked the officers if he could give himself an injection. When the officers said "no," Artie handed them a syringe and a drug spoon. The officers then confiscated a quantity of drugs which were sitting on top of a bureau and placed Artie under arrest for the drug offenses. Which of the below statements is true regarding this scenario?

- A. The warrantless entry was justified however the seizure of evidence was not.
- B. The warrantless entry was not justified however the seizure of evidence was.
- C. Both the warrantless entry and seizure of evidence were justified.
- D. Neither the warrantless entry nor the seizure of evidence was justified.

26. The prosecutor's office had a court order authorizing police to retrieve from Jerry's home any firearms, including a Glock, and to do so immediately upon receipt of a copy of the Order. That order, however, was not sent to the Police Department for more than two months. After a police sergeant received the order, he waited another twelve days to enforce it. Within that time, he learned that Jerry had two active arrest warrants, and that he possessed firearms in addition to the Glock. Rather than obtain a search warrant, the sergeant put in motion an operation of seven officers to surveil Jerry's home for the purpose of arresting him and enforcing the order. Within approximately ten minutes of the start of the surveillance, Jerry was arrested in his driveway while placing a laundry basket in his car. He was handcuffed and did not resist. There was a second car in the driveway. The police decided to conduct a protective sweep of the house. In carrying out the sweep the officers observed in plain view imitation firearms, butterfly knives, hatchets, bows and arrows, a ballistic vest, simulated police identification badges, and a safe capable of storing firearms. A later search warrant was issued and was executed. During the search, the police seized, among other things, seven rifles; two shotguns; four handguns; numerous rounds of ammunition; other weapons, including a cross bow and arrows and butterfly knives; drugs and related paraphernalia; and \$8,320 in cash.

Which of the below statements is true regarding this scenario?

- A. The second car, alone, gave rise to a reasonable suspicion that another person was present in the house and potentially dangerous.
- B. Prior to entering the home, the police should have secured the house, from the outside, and sought a search warrant.
- C. The police had the required probable cause to believe that the home harbored a danger, and the protective sweep was justified.
- D. The police did not have probable cause to arrest Jerry as the court order only authorized them to retrieve weapons from him.

27. Sgt. Briggs, along with other officers, went to Danny's apartment to execute a warrant for his arrest. The officers knew that Danny had several prior criminal convictions and had information that he might be armed with a weapon. Danny lived in a second-floor apartment with a back porch adjacent to the unit's living room. Apartment access is by a door on the first floor. Officers positioned themselves behind the building, allowing them to observe Danny's back porch, while the sergeant and other officers knocked on the front door. After knocking, the officers heard what sounded like a commotion by the movement of something and multiple people inside the apartment. The sergeant announced that he had a warrant, and seconds later an officer guarding the rear called out that Danny had run into the apartment from the back porch. Sergeant Briggs then banged on the door. A female voice responded, "Hold on." The sergeant stated that he had an arrest warrant for Danny and that the door would be kicked in unless the door was opened. Shortly thereafter, Danny's daughter opened the door, and the officers entered the apartment and found Danny lying on a couch. Danny was handcuffed and placed under arrest. The sergeant then conducted a protective sweep of the bedroom, bathroom, and back porch to ensure that no one could launch a surprise attack against the officers. A sliding glass door separating the living room from the porch was open. When Sergeant Briggs stepped onto the porch, he observed a camouflage rifle bag on the floor next to a storage bin in which he feared someone might be hiding. He picked up the bag and knew by its weight and feel that a rifle was inside. He opened the bag and found an assault-type rifle, a banana clip, numerous rounds of ammunition, other magazines, and speed loaders. The rifle and contents of the bag were seized as evidence. Which of the below statements is true regarding this scenario?

- A. The entry was lawful as was the protective sweep. The evidence found was properly seized and therefore would be admissible at trial.
- B. The entry was lawful as was the protective sweep however the evidence found was not properly seized. The sergeant should have obtained a search warrant to search the contents of the opaque camouflage rifle bag.
- C. The entry was lawful however the protective sweep was not. Once it was ascertained that only Danny and his daughter were in the apartment, the officers lacked reason to believe that anyone else was in the apartment that could pose a danger.
- D. The entry was unlawful as it was conducted under the threat of "kicking the door open." Afterwards, all evidence seized was a product of the "fruit of the poisonous tree" and would not be admissible at trial.

28. “Buy-bust” drug operations are constitutionally unreasonable if:

- A. the initial entry to effect the undercover or controlled buy of narcotics is consensual.
- B. reasonable cause for an immediate arrest arises out of the initial entry.
- C. the second entry to effect the arrest of the seller is not unduly delayed.
- D. legitimate grounds exist for delaying the initial arrest until backup officers can arrive.

29. Detective Smith proceeded to an apartment in an attempt to make an undercover buy of cocaine. As the detective approached the door, the backup team waited in their cars a short distance away. Vivian answered the detective’s knock, and in response to his request, “Let me get two,” she stated, “You have to see my son for that.” Detective Smith entered the apartment, approached Vivian’s son, Terrell, and said, “Give me two.” Terrell asked for twenty dollars, and Smith handed him two ten-dollar bills which had been previously photocopied. Terrell then told another occupant in the apartment to “go get him two.” It was at this time that Detective Smith noticed, in addition to the three adults involved in the drug transaction, that there were at least two other adults and several children in the front room of the apartment. As soon as Smith received the two vials of crack, he left. Once outside the apartment, Detective Smith advised his backup team of the buy, and they moved in for the bust. Within fifteen to twenty minutes of the buy, the backup officers arrived at Vivian’s door. In response to an officer’s knock, Vivian opened the door and, as the officers announced their identity, one of the occupants fled into a bedroom in an attempt to hide a bag of contraband. The officers quickly apprehended her in the bedroom and seized a plastic bag containing 116 vials of crack, which she was trying to hide under a mattress. The backup team arrested the three adults involved in the drug transaction. A search incident to the arrest of Terrell uncovered the previously photocopied ten-dollar bills. Which of the below statements is true regarding this scenario?

- A. Because no new invitation to enter the apartment was given to the police, the entry was unlawful, and the arrest and seizure of evidence was also unreasonable.
- B. Once Detective Smith left the apartment without making an arrest, he was constitutionally obligated to get a warrant.
- C. An otherwise legal warrantless arrest becomes illegal because a warrant could have been secured.
- D. The probable cause developed from the buy was still present at the time of the bust. The action of the police was justified and constitutionally valid.

30. Detective Jones, dressed in street clothes, went to an apartment building in an attempt to make an undercover purchase of cocaine. The detective entered the hallway and purchased two vials of cocaine from a male whom the officer did not know and later identified as Norman Rocks. Afterwards, the detective and his backup team returned to the police station where they discussed the undercover purchase and decided to return to the apartment building to arrest Norman. About 30 to 45 minutes after the purchase of cocaine, the officers walked through the unlocked front door into the building's hallway and up to the apartment. The door to the apartment was open and they could see Norman sitting in a chair in the living room watching television. The officers announced their presence and walked through the open door to arrest Norman. One of the officers walked into a bedroom found John using a razor blade to cut up cocaine. John was arrested, after which he consented to a search of the apartment. During the search, the officers discovered quantities of heroin and drug paraphernalia. Which of the below statements is false regarding this scenario?

- A. The entry into the apartment cannot be sustained under the consent-once-removed doctrine.
- B. Norman's arrest, which led to John's discovery and arrest was a planned arrest for which a warrant could readily have been obtained.
- C. Because the detective did not know Norman's name, he was not able to seek a warrant for his arrest. Thus, a warrantless arrest was the only option the detective had available.
- D. None of the above. All statements are true.

31. Pauly approached Franky at a bus stop and asked to use his cell phone. When Franky took his phone from his pocket, Pauly punched him in the arm, took the phone and fled. Franky explained to the responding officer that the phone was an Apple iPhone, which had been in a pink glittery case. The officer and the victim used the "Find My iPhone" application to track the location of the phone. The application identified the phone being at a house about three blocks from the bus stop. Officers arrived at the house and secured its perimeter. While performing an exterior security check, an officer peered through a first-floor window and noticed a pink glittery phone case matching Franky's description on a nearby bed. When no one responded to the officers' several knocks on the front door, one officer located an unlocked window on the first floor, through which he and another officer entered the house and performed a protective sweep to determine whether Pauly was inside. The officers found Pauly in a bedroom and subsequently arrested him. What, if any, justification did the officer have for entering the home without a warrant?

- A. The exigency exception.
- B. The hot pursuit doctrine.
- C. The plain view exception.
- D. None of the above



32. Continuing on the fact pattern to Question # 31, the officers handcuffed Pauly, brought him downstairs, and questioned him about his knowledge of the robbery. Pauly's family members subsequently arrived at the house, including his older brother and mother, who lived there. Pauly's mother appeared irate at Pauly upon her arrival. She asked the police "what did he do now?" She then "angrily informed the officers that they could search the house for the missing phone. The officers explained to Pauly's brother that they suspected that Pauly had stolen the phone. Pauly's brother irritably responded that stealing a phone is something that Pauly would be inclined to do. The brother asked if the officers had found the phone, and when they responded that they had not, he said that if it was not in Pauly's bedroom, it was probably in a younger brother's room. Without encouragement from the police, he went to their younger brother's room accompanied by an officer, found a phone, and gave it to the officer. The phone matched the victim's description of his stolen phone. Which of the following statements is true regarding this scenario?

- A. Pauly's brother's retrieval of the phone was a result of the officer's actions and therefore the phone would not be admissible at trial.
- B. Pauly's brother's search for the missing phone was independent non-state action, free from constitutional restrictions and the phone would be admissible at trial.
- C. Pauly's brother chose to undertake his search motivated by intimidation by the police presence. The phone would not be admissible at trial.
- D. It was not necessary for Pauly's brother to retrieve the phone. An officer already observed the phone in plain view, and it would have been justified for that officer to retrieve the phone and it would be admissible at trial.

33. Officers went to Sam's home to execute a contempt warrant. Sam came downstairs clad in a t-shirt and pants, but no shoes. When the officers stated that they intended to bring Sam in for the outstanding warrant, Sam stated that he wanted to put on shoes and a jacket before going outside. The officers followed the Sam to his bedroom. While in the bedroom, one of the officers noticed a pair of boots with a distinctive sole matching a boot imprint that had been left at the scene of an unsolved robbery. The officer seized the boots. Which of the below statements is true regarding this scenario?

- A. Sam's arrest was justified but the entry into Sam's home and the seizure of the boots was not.
- B. Sam's arrest was justified, as was entry into Sam's home, but the seizure of the boots was not justified.
- C. Sam's arrest was justified as was the entry of his home and the seizure of the boots.
- D. Sam's arrest, the entry into the home and the seizure of the boots were not justified.

34. Officer Kirk pursued a vehicle Luis was driving after he made a prohibited left turn. The officer followed Luis as he made several turns and then stopped, parked, and exited his vehicle in the middle of the road. As Luis moved toward the enclosed front porch of his home, Officer Kirk pursued. When the officer asked Luis to stop, he refused to do so, and became verbally abusive to the officer. When Officer Kirk again told Luis to stop, Luis made a movement toward the storm door of the porch in an attempt to enter the residence. The officer placed Luis under arrest and advised him of his Miranda rights. Officer Kirk then escorted Luis, unhandcuffed, back to the patrol car, conducted a pat down search, and told him not to move. Immediately thereafter, Luis moved away from the patrol car and entered his home's enclosed front porch. Officer Kirk entered the porch and physically removed him. Luis was taken to the police station, where he was charged with the unlawful turn, obstructing the administration of law, resisting arrest, and drunk driving. Which of the below statements is true regarding this scenario?

- A. The officer's warrantless, hot-pursuit home entry to effect an arrest for a minor offense is unconstitutional.
- B. The officer was justified in his actions. Once Luis was placed under lawful arrest, Officer Kirk had the right to follow him wherever he chose to go.
- C. The officer entered Luis' enclosed porch to regain custody of an arrestee was unreasonable under the circumstances.
- D. Because Luis was not handcuffed, he was not considered arrested, and the officer would have needed an arrest warrant to enter the porch for the purpose of arresting Luis.

35. A confidential informant alerted police that a potentially armed and dangerous parolee, wanted on a felony arrest warrant, was observed at a home. The officers were aware that Angel Mendez lived in a shack in the backyard of the property with Jennifer Garcia. Mendez had built the shack, which had a blanket as a door, and he and Garcia had lived inside for about 10 months. When officers reached the residence, three of them approached and ultimately entered and searched the main house, while two other officers walked to the rear of the property. The officers pulled back the blanket to the door of the shack. At the time, Mendez and Garcia were inside napping on a futon. Mendez then stood up holding a BB gun, which was pointing somewhat at one of the officers. The officers immediately opened fire, discharging a total of 15 rounds. Mendez and Garcia were shot multiple times and suffered severe injuries. Which of the below statements is true regarding this scenario?

- A. The officers executed an unreasonable search by entering the shack without a warrant.
- B. The officers effected an unreasonable seizure by deploying excessive force in opening fire after entering the shack.
- C. Both above statements are correct.
- D. Neither of the above statements are correct.

36. While Ed was driving his car, he observed Vicki driving her car in the opposite direction in his lane and flashed his high beams. Vicky continued coming towards him and Ed had to pull his car onto the shoulder to avoid a head-on collision. Vicky continued to drive on. Ed turned his car around and started following her and called the police to report Vicky's erratic driving. Ed followed Vicki all the way to her house and showed the police the driveway her car had entered. Officer Jones arrived at Vicky's house less than a minute after she pulled into her driveway. As he approached, he saw Vicki standing at the entrance to her garage with the garage door open. He told Vicky the police had received a report she had almost hit another car head-on. She denied being on the road where the reported incident occurred but admitted she had been driving the car. While Vicky was speaking, the officer was able to smell the odor of alcohol emanating from her breath and observed that her eyes were bloodshot and watery. In response to his question, Vicky told the officer that she had two drinks earlier that evening. After Vicky failed to recite the alphabet correctly, Jones asked for her driving credentials. Vicky walked to her car inside the garage to retrieve those documents, and the officer followed her. Vicky had difficulty getting her license out of her purse and her other driving credentials out of the glove compartment of the car. Officer Jones attempted to administer additional field sobriety tests to Vicky, but she was unable to do them properly. When Vicky almost fell down, Jones discontinued the tests and placed Vicky under arrest. Which of the below statements is true regarding this scenario?

- A. Officer Jones did not have probable cause to believe Vicky had been operating her car while under the influence of alcohol before the officer entered her garage therefore her arrest was unconstitutional.
- B. The warrantless entry into Vicky's garage violated her rights under the Fourth Amendment and Article I, paragraph 7 of the New Jersey Constitution.
- C. The offense Vicky committed is considered a minor offense held insufficient to establish exigent circumstances justifying a warrantless home entry.
- D. None of the above statements are true.

37. Two officers responded to Mary's home in response to a noise complaint and were allowed entry. During the encounter, Mary knelt to pray thereby interfering with their investigation. Mary later complained to Sergeant Cass that one of the officers ordered her to stop praying. Which of the below statements is true?

- A. Mary's First Amendment rights were violated.
- B. Mary's Fourth Amendment rights were violated.
- C. Mary's Fourteenth Amendment rights were violated.
- D. None of Mary's constitutional rights were violated.

38. A concerned citizen called the police to report people arguing and selling drugs and a possible gunshot in the area, gave a license plate to a red Grand Am and described a black male. Officers responded to the area but did not find anything. A computer check indicated that the Grand Am was registered to Tiffanie Morrison and obtained an address. Within minutes, two sergeants and the other officers arrived at that address and saw the red Grand Am parked in the street. The address in question was a multi-family dwelling. A solid wood exterior door and a storm door were in the front, opening into a common hallway, with apartments on each of two floors and the basement. The door was kept locked, and only the tenants and landlord had access to the common hallway. A stairway led to the second-floor apartment, where Riley Jefferson and his family lived. As the officers approached the entrance, they saw Riley's head and shoulder at the front door peering out. One of the sergeant's ordered Riley to show his hands as all five officers approached the front door. Riley showed the officers his hands around the door, but they were still unable to see his waist area. One sergeant continued toward the door, and as Riley took a step back, the door began to open. The sergeant wedged herself into the opening. Riley attempted to close the door, and the two began to struggle. When the other officers saw the door strike the sergeant, they pushed it open and entered the hallway. After a brief but loud and violent struggle, the police subdued and arrested Riley for the assault. They patted his clothing and did not find a firearm or any other weapon. Riley was placed in a police car, and, after being advised of his *Miranda* rights, he was questioned about the Grand Am and Tiffanie Morrison. He identified her as his wife and told the police she was in the second-floor apartment. Riley was taken to police headquarters, and when searched, two bags of crack cocaine were found on his person. Which of the below statements is true regarding this scenario?

- A. The police entered Riley's home when the sergeant placed her body in the doorway. They needed either a warrant or an exception from the Fourth Amendment's warrant requirement to do so.
- B. The police did not have probable cause to arrest Riley as they approached his front door.
- C. Riley did not have a right to resist the police physically, even if they were violating his constitutional rights. The police had probable cause to arrest and charge Riley with assaulting the sergeant when he slammed the door on her.
- D. All the above are true statements.

39. During a Terry stop, Justin sought to get his identification by entering his apartment, which Officer Jones permitted on the condition that the officer accompany him. While in his apartment, Justin attempted to conceal the sweatshirt he was wearing which contained a firearm, but he was thwarted by the officer. Which of the below statements is true regarding this scenario?
- A. The officer was justified because Justin may have been able to retrieve a weapon to be used against the officer.
  - B. Because officers are limited to taking self-protective measures during investigatory stops, the New Jersey courts do not support warrantless entries into detainees' homes.
  - C. If the officer had reasonable suspicion to make an arrest, but had not yet arrested Justin, the officer was justified in following Justin into his apartment.
  - D. Officer safety is paramount, and the courts will generally allow certain actions taken by policy in self-preservation.
40. An officer observed Benny, a college student, leave a dormitory carrying a bottle of gin. Because Benny appeared to be under 21, the officer stopped him and asked for identification. After Benny requested to retrieve his identification from his dormitory room, the officer accompanied him there and, while remaining in the open doorway watching Benny, the officer noticed what he believed to be cocaine on a desk in the room. The officer then entered the room, confirmed that the powder was cocaine and informed Benny of his *Miranda* rights. Benny waived his rights. After the officer asked Benny if there were any other drugs in the room, Benny said "Yes," and gave the officer a box containing more cocaine and cash. Benny then signed a consent to search form and a search of the room yielded even more cocaine. Benny was arrested. Was the officer justified in following Benny to his dorm room?
- A. No. The evidence seized would be suppressed at trial.
  - B. Yes, however he was not justified to enter the room and seize the narcotics. They would be suppressed.
  - C. Yes. The contraband found in plain view also justified his entry to seize the drugs.
  - D. Yes. He was also justified in seizing the contraband found in plain view however a search warrant should have been sought in order to conduct any ensuing search.

41. Officer Sheila Hanson noticed a vehicle containing Lester Collier, enter the parking lot close to where the officer was parked. The officer recognized Collier from previous encounters and recalled that there was an outstanding warrant for his arrest although she could not recall the nature of the offenses underlying the issuance of the warrant. As the officer approached Collier, he fled to the front of an apartment building. She chased Collier into the building and up the stairs to the third floor, where she observed him enter an apartment. The officer followed him into the apartment where she observed assorted narcotics paraphernalia on the kitchen table. She also noticed evidence relating to a prior, unsolved burglary, and a crowbar on the floor. Collier was placed under arrest, advised of his *Miranda* rights, and transported to headquarters, where he gave a statement implicating himself in several crimes. Which of the below statements is true regarding this scenario?

- A. The officer was justified in all her actions. The arrest, entry and seizure of evidence was lawful.
- B. Because Officer Hanson lacked knowledge of the nature of the outstanding arrest warrant, it creates a presumption that the warrant is for a minor offense.
- C. The hot pursuit home entry is unlawful, and the in-home execution of an arrest warrant issued for a minor offense is also unlawful.
- D. Aware of the warrant for Collier's arrest, the officer had both the right and the duty to follow him into the apartment to make the arrest however the seizure of the evidence was unlawful.

42. Two investigators set out to execute an arrest warrant for Corey Lovett. Prior to executing the arrest warrant, the investigators examined Lovett's identification card, which described him as a six-foot-tall, 160 pound, twenty-year-old black man with a dark complexion who resided at 724 Tulip Street. Upon arrival at the Tulip Street address, the investigators noticed an individual matching Lovett's description standing directly in front of the porch to the house. One of the investigators got out of the car and identified himself. At this point, the person who looked like Lovett ran into the house at 724 Tulip Street, locking two doors behind him. The investigator pursued the suspect into the house, kicked the locked doors open and chased him up a flight of stairs. When the investigator caught him, the man discarded a bag containing ninety small plastic vials with cocaine inside them. After the investigators brought him back to headquarters, they determined that he was Homer Green, rather than Lovett. Green's appearance was dramatically similar to Lovett's description on the warrant identification card. Which of the below statements is true regarding this scenario?

- A. The arrest was invalid because the officers failed to obtain a photograph of Lovett to reduce the risk of arresting the wrong person.
- B. The warrant was valid, and Green's arrest was a result of his dramatically similar appearance to Lovett. The investigators acted reasonable however there is no good faith exception in New Jersey and all evidence will be suppressed.
- C. The evidence seized pursuant to this warrantless arrest without probable will cause the evidence to be suppressed even if the police relied on the initial arrest warrant.
- D. The investigators' actions were a reasonable response to the situation facing them at the time based on the good faith exception to the exclusionary rule.

43. After stopping Mr. Fisher, for various motor vehicle violations, Officer Smith placed him under arrest for drunk driving. At the station, the officer issued Mr. Fisher three traffic summonses charging him with failure to signal, failure to keep right, and driving while intoxicated. On all three tickets, Smith documented all the proper information except he failed to sign the DWI ticket. Which of the below statements is true regarding this scenario?

- A. If the municipal court does not remedy the error within 30 days, the DWI charge must be dismissed.
- B. The ticket provided Mr. Fisher with adequate notice of the nature of the alleged offense and of the date, time, and location of his required court appearance. The absence of Officer Smith's signature was an amendable defect under court rules.
- C. All the traffic offenses must be dismissed. There is no "good faith" exception to prosecutions in New Jersey.
- D. The absence of the signature on the DWI ticket at the time of its issuance renders the ticket invalid.

44. Miller was wanted for parole violation. Parole officers unsuccessfully tried to arrest him several times at 52 Sanhican Drive, the address listed on the parole warrant. At that address, the officers were told by Miller's aunt that he did not live with her, and that she was uncertain as to where he could be found. A closer examination of Miller's file revealed that he spent a great deal of time with Sandra Champion, who, according to the notes in the file, resided at 58 Colonial Avenue. When the officers responded to that address, they were told by Champion's mother that Miller did not live there but lived with her daughter and the couple's children at 263 Spring Street and were there at the time. The officers immediately proceeded to 263 Spring Street and informed Champion he had spoken with her mother and was going to call for police back-up if she did not let them into the apartment and she would be arrested. Champion asked to see a warrant and put her hands up to stop them from entering but the officers walked in past her. Miller was found in a bedroom lying face down on the floor, dressed only in his underwear. The officers placed Miller under arrest and handcuffed him. At the officers' request, Miller selected some attire to wear from clothes scattered on the floor. The officers first searched the items Miller had selected, and found marijuana contained in two small bags. The officers then searched the area surrounding Miller. In the nightstand beside the bed, they found a large zip-lock bag containing marijuana. Ultimately it was determined that Miller did not live at 263 Sanhican Avenue. Which of the below statements is true regarding this scenario?

- A. The arresting officers had reason to believe Miller was a resident of Champion's home. There were no violation of rights and the officers acted properly.
- B. Although the officers entered without a search warrant, they had exigent circumstances that Miller might flee. The officers acted properly.
- C. The officers did not have consent, exigent circumstances, nor a search warrant for Miller and were not justified to enter Champion's home. The evidence will be suppressed.
- D. Miller's arrest warrant carried with it the authority to enter any dwelling in which he is reasonably believed to be. The officers acted properly.



45. In which of the below scenarios would the execution of an arrest warrant be valid when officers have reason to believe the wanted person lives at the location?
- A. Police officers believed that 123 Main Street was Kevin's home despite driver's license records indicating his address was 246 First Avenue, based on the police officers' prior observation of Kevin at the Main Street residence, Kevin's prior admission to the police officers that, although he resided at Main Street, he used his parents' address on his license.
  - B. Arresting officers believed Mike lived in the residence with his mother based upon the arresting officers' knowledge from a variety of sources that Mike had been living with his mother, including Mike's own statements in the past, and the fact that Mike was otherwise known to be young, unemployed, and transient.
  - C. Police officers had a belief that Doris resided at her boyfriend's home based on her statement to police officers that she was staying with him and that they could contact her there, information obtained from a confidential informant that Doris was living with her boyfriend, and two successful attempts by police officers to contact her at the boyfriend's home.
  - D. All of the above.

46. Detective Daniels was assigned to execute a warrant (in connection with a shooting) for James Craft's arrest. The detective learned that James was residing with family members in a second-floor apartment. The detective and several other officers went to the address and found the front door to the three-family residence was wide open, and he proceeded to the second floor with other officers. Daniels knocked on apartment door, and James' mother, Michelle, opened the door. Daniels asked whether the officers could enter the apartment to speak with Ms. Craft regarding her son. Ms. Craft allowed the officers to enter her apartment. Once inside, Daniels advised Ms. Craft that they had a warrant for James' arrest. Ms. Craft said her son wasn't there, but she offered to call him on the phone. When Ms. Craft made the call, a cell phone in a bedroom began ringing. Daniels believed that James' phone was ringing, and that James would probably be by his phone. Therefore, Daniels immediately went to the room, opened the door, and observed James going out the window. As James was climbing out the window, he dropped a black handgun on the floor. The officers recovered the handgun and five vials of cocaine, in plain view, from the bedroom. James was caught and arrested. Which of the below statements is true regarding this scenario?

- A. The police violated James' constitutional rights when they entered the bedroom in his mother's apartment without a search warrant. All evidence seized will be suppressed at trial.
- B. Under these circumstances, there was a no compelling need for immediate action to apprehend James. The police should have obtained a search warrant.
- C. Their entry into the bedroom was objectively reasonable, and the items seized were in plain view. All evidence will be admitted at trial.
- D. The police were justified in conducting a full search of the apartment based on his mother's consent for them to enter. The evidence will be admitted.

47. Officer Thorton went to an apartment to investigate a tip from a confidential informant that he had walked by the window of a ground-floor apartment and had seen people putting a white powder into bags. The officer looked in the same window through a gap in the closed blind and observed the bagging operation for several minutes. Shortly thereafter, Monty Carter and Jim Johns left the apartment, driving off in a Cadillac, which was subsequently stopped by the police. As the officers opened the door of the car to let Johns out, they observed a handgun on the vehicle's floor. Carter and Johns were arrested, and a later search of the vehicle the next day discovered pagers, a scale, and 47 grams of cocaine in plastic sandwich bags. A search of the apartment, under the authority of a search warrant, uncovered cocaine residue and drug paraphernalia. Officer Thorton identified Carter, Johns, and Vivian Thompson as the three people he had observed bagging the cocaine. He later learned that while Thompson was the lessee of the apartment, Carter and Johns lived in Chicago and had come to the apartment for the sole purpose of packaging the cocaine. Carter and Johns had never been to the apartment before and were only in the apartment for approximately 2 1/2 hours. In return for the use of the apartment, Carter and Johns had given Thompson one-eighth of an ounce of the cocaine. Carter and Johns moved to suppress all evidence obtained from the apartment and the Cadillac, as well as their post-arrest incriminating statements. Which of the below statements is true regarding this scenario?

- A. Officer Thorton's initial observation of the drug packaging activities was an unreasonable search in violation of the Fourth Amendment.
- B. The police action in this case was proper and justified. All evidence would be admissible.
- C. Carter and Johns had the right to bring about a Fourth Amendment action against the State as they were entitled to privacy in the apartment.
- D. The initial observation of the drug packaging activities was justified however the vehicle stop was not justified. All evidence would be inadmissible.

48. Officer Montgomery received a tip from a confidential informant that Steve was staying with a woman, later identified as Ebony Brown, at the Sterling Inn. At the time, there was an outstanding parole arrest warrant, relating to Steve's involvement in a shooting. Montgomery understood from the informant that Brown was the room's legal tenant. The informant also related that Steve had been selling drugs at the Inn and was in possession of a gun. The Inn was a haven for drug dealers, and the officer had encountered Steve there in the past. Montgomery and several other officers proceeded to the Sterling Inn to execute the arrest warrant. Once inside the building, the officers headed towards Room 304, the door to which was ajar. Without pushing the door open further, Officer Montgomery looked into the room through the five or six-inch opening and observed Steve and female sleeping in a bed. Officers entered the room, identified themselves, informed Steve of the warrant, and placed him under arrest. On a dresser, Montgomery observed in plain view, a marijuana blunt, a number of razor blades, and several plastic baggies. After observing these items, Montgomery informed Brown that she was under arrest, too. He then asked Brown for permission to conduct a search of the room, informing her that she could refuse permission. Brown consented to the search. Montgomery noticed a toy ball lying on top of the dresser. He looked inside the toy and discovered what was eventually determined to be cocaine and heroin. Which of the below statements is true regarding this scenario?

- A. Steve and Ebony were entitled to privacy in the hotel room. The officers' actions violated that expectation and their constitutional right to be free from unlawful search of the room.
- B. The door to the motel room had been left open, anyone who walked through the hallway was able to see inside. The officers' actions were proper and justified.
- C. The officers' warrantless entry into the room constituted an illegal search and seizure.
- D. Steve's arrest was justified under the exigent circumstances doctrine because of the risk Steve, who might be armed, would flee and present a serious threat to the community. The officers' actions were proper and justified.

49. Officers responded to a 911 call reporting that a woman was hacking a tree with a kitchen knife. Officer Andrews and Garcia responded to the call. As they approached the area, the person who had called 911 flagged down the officers, gave them a description of the woman, and told them the woman had been acting erratically. Garcia spotted another woman, Sharon, standing next to a car in the driveway of a nearby house. A chain-link fence with a locked gate separated Sharon from the officers. The officers then saw another woman, Amy, emerge from the house carrying a large knife at her side. Amy matched the description of the woman who had been seen hacking a tree. Amy walked toward Sharon and stopped no more than six feet from her. The officers ordered Amy to drop the knife. Sharon then said, “take it easy” to both Amy and the officers. Amy appeared calm, but she did not acknowledge the officers’ presence or drop the knife. Officer Andrews dropped to the ground and shot Amy through the fence. Then the officers jumped the fence, handcuffed Amy, and called paramedics. There she was treated for non-life-threatening injuries. Less than a minute had transpired from the moment the officers saw Sharon to the moment Andrews fired shots. After the shooting, the officers learned that Sharon and Amy were roommates, that Amy had a history of mental illness, and that Amy had been upset with Sharon over a \$20 debt. Sharon said that a few minutes before the shooting her boyfriend had told her Amy was threatening to kill Sharon’s dog. When Sharon came home, she found Amy somewhat distressed and holding the dog in one hand and a kitchen knife in the other. Amy asked Sharon if she wanted her to use the knife on the dog. The officers knew none of this, though. Sharon had gone outside to get \$20 from her car, which is when the officers first saw her. How did the U.S. Supreme Court decide this case regarding Officer Andrews?

- A. Officer Andrews violated Amy’s Fourth Amendment rights. Amy posed no danger to anyone at the time she was shot.
- B. In light of *Tennessee v. Garner*, Officer Andrews violated Amy and Sharon’s Fourth Amendment rights by not properly assessing the scenario.
- C. Officer Andrews did not violate Amy’s Fourth Amendment rights and was justified in his actions.
- D. The Court did not decide whether Officer Andrews violated the Fourth Amendment although it granted Andrews qualified immunity.

50. Lieutenant Josephs pulled over a white Honda Accord because the car had only one operating headlight. Donald Rickard was the driver of the Accord, and Kelly Allen was in the passenger seat. Josephs noticed an indentation, roughly the size of a head in the windshield of the car. Josephs also noticed glass shavings on the dashboard of Rickard's car, a sign that the windshield had been broken recently and thought that someone had possibly been struck by that vehicle. Josephs asked Rickard if he had been drinking, and Rickard responded that he had not. Because Rickard failed to produce his driver's license upon request and appeared nervous, Josephs asked him to step out of the car, instead Rickard sped away. Josephs gave chase and was soon joined by other officers. The officers pursued Rickard east on Interstate 40 toward Memphis, Tennessee. While on I-40, they attempted to stop Rickard using a rolling roadblock, but they were unsuccessful. The vehicles were swerving through traffic at high speeds—over 100 miles per hour. Rickard eventually exited I-40 in Memphis, and shortly afterward he made a quick right turn, struck an officer's vehicle, spun out in a parking lot and collided with another officer's cruiser. Rickard put his car into reverse as the officers got out of their vehicles and approached Rickard's car. One officer pounded on the passenger-side window. At that point, Rickard's car made contact with yet another police cruiser. Rickard's tires started spinning, and his car was rocking back and forth, using the accelerator even though his bumper was flush against a police cruiser. At that point, one officer fired three shots into Rickard's car. Rickard then reversed and maneuvered onto another street, forcing an officer to step aside to avoid the vehicle. As Rickard continued fleeing down that street, two other officers fired 12 shots toward Rickard's car. Rickard then lost control of the car and crashed into a building. Rickard and Allen both died from a combination of gunshot wounds and injuries suffered in the crash that ended the chase. Which of the below statements is true regarding this scenario?

- A. The Fourth Amendment did not prohibit the officers from using the deadly force that they employed to terminate the dangerous car chase.
- B. The presence of Kelly Allen in the front seat of the car enhanced the danger to an innocent party and the officers were unreasonable in their use of force.
- C. The Fourth Amendment did not allow the officers to use deadly force to terminate the chase.
- D. The officers were permitted to fire their weapons however they were excessive when they fired as many rounds as they did.

51. Teresa Sheehan, a woman suffering from a schizoaffective disorder, lived in a private room in a group home for people dealing with mental illness. Heath Hodge, a social worker, attempted to visit Sheehan to conduct a welfare check. Hodge was concerned because Sheehan had stopped taking her medication, no longer spoke with her psychiatrist, and reportedly was no longer changing her clothes or eating. Hodge knocked on Sheehan's door and after receiving no answer used a key to enter her room. He found Sheehan on her bed and, initially, she would not respond to questions. She then sprang up, reportedly yelling, "Get out of here! I have a knife, and I'll kill you if I have to." Hodge left the room. Hodge then called the police and asked for help to take Sheehan to a secure facility. Officer Holder and Sergeant Reynolds responded to the scene. The three went to Sheehan's room, knocked on her door, announced who they were, and told Sheehan that they were there to help her. When Sheehan did not answer, the officers used Hodge's key to enter the room. Sheehan grabbed a kitchen knife and began approaching the officers, yelling "I am going to kill you. I don't need help. Get out." The officers retreated and Sheehan closed the door. The officers ultimately decided that they would reenter and use pepper spray on Sheehan. When Sheehan, knife in hand, saw them, she again yelled for them to leave. Reynolds began pepper-spraying Sheehan in the face, but Sheehan would not drop the knife. When Sheehan was only a few feet away, the officers fired multiple shots. Which of the below statements is true regarding this scenario?

- A. The officers violated Sheehan's Fourth Amendment rights by the unlawful use of deadly force.
- B. The officers violated Sheehan's Fourth Amendment rights by not taking steps designed to minimize the risk of violence when dealing with the mentally ill.
- C. The officers did not violate Sheehan's rights when they opened her door the first time and, upon entering her room the second time, their use of force was reasonable.
- D. The officers violated Sheehan's rights when they opened her door the first time however their use of force was reasonable after they entered the room the second time.

52. Sgt Baker followed Israel Leija, Jr., to a drive-in restaurant, with a warrant for his arrest. When Baker approached Leija's car and informed him that he was under arrest, Leija sped off, headed for Interstate 27. Baker gave chase and was quickly joined by Trooper Gabriel Rodriguez. Leija entered the interstate and led the officers on an 18-minute chase at speeds between 85 and 110 miles per hour. Twice during the chase, Leija called the police dispatcher, claiming to have a gun and threatening to shoot at police officers if they did not abandon their pursuit. The dispatcher relayed Leija's threats, together with a report that Leija might be intoxicated, to all concerned officers. During the pursuit, other officers set up tire spikes at three locations. Officer Ducheneaux manned the spike strip at the first location Leija was expected to reach, beneath the overpass at Cemetery Road. Trooper Mullenix also responded. He drove to the Cemetery Road overpass, initially intending to set up a spike strip there. Upon learning of the other spike strip positions, however, Mullenix began to consider another tactic: shooting at Leija's car in order to disable it and radioed the idea to Rodriguez. Rodriguez responded affirmatively, gave Mullenix his position, and said that Leija had slowed to 85 miles per hour. Mullenix then asked the dispatcher to inform his supervisor, Sergeant Byrd, of his plan. Before receiving Byrd's response, Mullenix exited his vehicle and armed with his service rifle, took a shooting position on the overpass, 20 feet above I-27. Approximately three minutes after Mullenix took up his shooting position, he spotted Leija's vehicle, with Rodriguez in pursuit. As Leija approached the overpass, Mullenix fired six shots. Leija's car continued forward beneath the overpass, where it engaged a spike strip set up below, hit the median, and rolled two and a half times. It was later determined that Leija had been killed by Mullenix's shots, four of which struck his upper body. Would Officer Mullenix be granted qualified immunity for damages resulting from his actions?

- A. No. Any motor vehicle pursuit generates a potential of danger to the public and the use of deadly force must be a consideration as a last resort.
- B. Yes. The availability of spike strips as an alternative means of terminating the chase must have been given an opportunity to do so prior to the use of deadly force.
- C. Yes. The officer reasonably understood Leija to be a fugitive fleeing arrest, at speeds over 100 miles per hour, who was armed and possibly intoxicated, who had threatened to kill any officer he saw if the police did not abandon their pursuit.
- D. No. The officer violated the Fourth Amendment by using excessive force against Leija.



53. Anytown police were investigating a series of armed robberies. Three had occurred at fast food restaurants in Anytown, and a fourth had occurred in Somewhere Town. Anytown officers received a tip that Gadsden was involved in the robberies and were informed by Somewhere police that a black Cadillac had been used in the Somewhere armed robbery. Armed with this information, Anytown police officers went to Gadsden's residence in neighboring There City. The officers spotted a black Cadillac outside the residence, ran a motor-vehicle check on its license plate and learned that the vehicle belonged to Gadsden. The Anytown officers informed the Somewhere police officials of what they had learned. Later that same day, a photograph of Gadsden was shown to three of the victims of the Anytown armed robberies. When Gadsden was positively identified by one of the victims, a warrant for his arrest was obtained from the Anytown Municipal Court. Thereafter, several Anytown officers traveled to Gadsden's home in There City and arrested him. He was taken to the Anytown Police Department, where he was charged with the armed robberies. Gadsden's car was later seized and impounded. While in custody, Gadsden gave oral and written statements to the Anytown police implicating himself and Vernon Harris in the Anytown armed robberies. The next day, he gave oral and written statements to the Somewhere police implicating himself and Harris in the Somewhere robbery. Which of the below statements is incorrect regarding this scenario?

- A. The Anytown police were in violation of N.J.S. 40A:14-152, which limits police jurisdiction to the boundaries of their own municipality.
- B. The evidence would be suppressed because the Anytown police did not enlist the assistance of the There City police.
- C. There were no constitutional violations therefore evidence seized would be admitted.
- D. A technical violation of a procedural law, as committed here, does not automatically render a search and seizure unreasonable.

54. Officers of the Orange Police Department were conducting an investigation of a burglary and theft from a premise located in Orange. The investigation resulted in the arrest of Eugene Baxter who provided the authorities with a statement naming White as an individual who purchased some of the stolen goods. Baxter gave the officers White's address and directions to his residence in Newark. The Orange officers traveled to White's address in Newark, where, at the door, they identified themselves as police officers to White's mother. At the time, the Orange officers were not accompanied by any other agency officers. At the officers' request, White's mother consented to a search of her residence and signed a form captioned "ORANGE POLICE DEPARTMENT" and "CONSENT TO SEARCH." The search of the residence resulted in the discovery and seizure of several items believed to have been stolen in the Orange burglary. Which of the below statements is correct?
- A. The City of Orange police officers did not have statutory authority to investigate and seize property outside their jurisdiction.
  - B. The form that White's mother signed was a territorial specific form which was not for the jurisdiction the officers were in. This action would cause the evidence seized to be suppressed.
  - C. When investigating outside their own jurisdictions, it is advisable police procedure for investigating officers to be accompanied by a representative of the police department in the jurisdiction in which the investigation is taking place.
  - D. None of the above statements are correct.
55. As a general matter, a superior court judge has the authority to issue writs and processes (including search warrants and arrest warrants), which may be directed anywhere within the jurisdiction of this State. In the event of the disqualification or inability for any reason of a judge to hear any pending matter, including applications for search warrants, another judge will be temporarily assigned to hear the matters. Which of the below situations would it be proper to assume that a judge is not able to hear a pending matter?
- A. The judge is on vacation
  - B. The judge is home for lunch
  - C. Both of the above
  - D. None of the above

56. Chester Oliver was charged with and convicted of bookmaking. At trial, undercover Officer Decker testified to Oliver's bookmaking activities which took place at a tavern. The officer made no reference to an informant. On cross-examination, the defense elicited the fact that on all occasions the officer was in the company of an informant. The informant did not place any bets but simply accompanied Decker because the informant was a familiar figure at the bar and his presence shielded the undercover officer from suspicion. Which of the below statements is true regarding this scenario and ones like it?

- A. The identity of the informant should have been disclosed because he was a witness to the criminal event.
- B. The informer's testimony was critical for a fair determination of the issues in the case.
- C. The informer is a vital part of society's defensive arsenal and, whatever his motive, requires protection against retaliation.
- D. By disclosure and testimony of the informant, the defense may determine if there are any discrepancies as to the officer's testimony thereby properly requesting an acquittal.

57. Narcotics investigators were assigned to purchase narcotics from Gerry, or his brother, Alfred, while working with a confidential informant. The plan called for the informant to introduce one of the investigators to the brothers. Thereafter, the informant made the arrangements for the drug transaction and played a pivotal role in negotiating with Gerry the purchase of a quarter ounce of cocaine. At the time the transaction took place, the informant, in the presence of an undercover investigator, obtained the bags of cocaine from one of the brothers and then handed the bags to the investigator. After examining the cocaine, the investigator gave the informant the money and the informant, in turn, gave the money to the seller. The investigator's report in this case did not indicate the existence of the confidential informant or the role played by him in the transaction. In fact, there was no mention of the confidential informant in any of the reports generated by the undercover investigation. The existence of the confidential informant did come to light, however, at a pre-trial hearing, when defense counsel was able to draw it out on cross-examination. Which of the below statements is true regarding this scenario?

- A. The officers were justified in keeping the informant's existence from the reports due to possible retaliation from the brothers.
- B. Officers are permitted to hide the fact that a confidential informant was involved in a transaction giving rise to the charges against a defendant.
- C. When a person who may be a confidential informant is involved in an illicit transaction, the police must report the fact of that participation without identifying the individual.
- D. Disclosure the involvement of a confidential informant denies a defendant a realistic and adequate opportunity to protect his fair trial interests.

58. A "surveillance location" qualifies as official information that becomes privileged, in the absence of a defendant's demonstration of need, if the State can show that disclosure would be harmful to the interests of the public. Failure to protect the confidential locations from which police have witnessed criminal activity would harm several important public interests. Which of the below is one of those interests?

- A. Non-disclosure avoids compromising ongoing surveillances.
- B. The privilege protects police officers and private citizens from reprisal.
- C. The privilege encourages citizens to cooperate with police.
- D. All of the above

59. Police received in the mail an anonymous handwritten letter which read as follows:

You have a couple in your town who strictly make their living on selling drugs. They are Sue and Lance Gates, they live on Greenway, off Bloomingdale Rd. in the condominiums. Most of their buys are done in Florida. Sue, his wife, drives their car to Florida, where she leaves it to be loaded up with drugs, then Lance flies down and drives it back. Sue flies back after she drops the car off in Florida. May 3 she is driving down there again and Lance will be flying down in a few days to drive it back. When Lance drives the car back he has the trunk loaded with drugs. Presently they have over \$100,000.00 worth of drugs in their basement. They brag about the fact they never have to work, and make their entire living on pushers. I guarantee if you watch them carefully you will make a big catch. They are friends with some big drug dealers, who visit their house often.

Following up on the tip, Detective Mader discovered that a driver's license had been issued to Lance Gates. The detective also ascertained Gates' address and learned from an officer assigned to the Newark Airport that "L. Gates" had made a reservation on a flight to West Palm Beach, Florida, scheduled to depart from Newark on May 5 at 4:15 p.m. Detective Mader requested the DEA conduct a surveillance of the May 5<sup>th</sup> flight. The agent later reported to Mader that Gates had boarded the flight, and that federal agents in Florida had observed him arrive in West Palm Beach and take a taxi to the nearby Holiday Inn. Gates went to a room registered to Susan Gates and that, at 7:00 a.m. the next morning, Gates and an unidentified woman left the motel in a Mercury bearing NJ license plates and drove northbound on an interstate frequently used by travelers to the New Jersey area. The license plate number on the Mercury was registered to Lance Gates. The officer's independent investigation uncovering facts that substantially corroborate the detailed anonymous tip in the letter, provided probable cause for the issuance of a search warrant for:

- A. the car but not the home.
- B. the home but not the car.
- C. both the car and the home.
- D. neither the car nor the home.

60. Ermina Rose Tocci was found murdered in her mobile home at 51 Poe Road. At the time, Richard Chippero resided next door at 49 Poe Road. Two days after the homicide, a neighbor, Kevin McMenemy contacted the police to inform them that on the day that Tocci was murdered, he was waiting nearby to pick up his stepdaughter at 45 Poe Road. When he arrived at about 2:30 p.m., he observed a white male run from the victim's mobile home into the mobile home next door, which was Richard's residence. McMenemy described the man as stocky, about 5'8" tall, with sandy or dirty blond hair and a mustache wearing a gray short-sleeved tee shirt and darker colored shorts. McMenemy noticed that the man appeared sweaty, his clothing appeared to be clammy, wet and sticking to him as if from some sort of exertion. He appeared anxious to get out of his shirt, pulling at it to get it off of him as he entered the home. A short time later, he saw the same man wearing different clothing and riding a bicycle. Although the police did not know who McMenemy had seen going into 49 Poe Road from the vicinity of Tocci's home, they knew that 23-year-old Richard lived there with his 11-year-old brother, his mother, his stepfather, and his grandmother. At this point police have probable cause for the issuance of a/n:

- A. arrest warrant for Richard Chippero.
- B. search warrant for 49 Poe Road.
- C. Both A & B
- D. Neither A nor B

61. Officer Jones is considering using hearsay information in his application for a search warrant. Which of the below statements is/are true regarding this matter?

- A. Hearsay does not need to reflect the direct personal observations of the affiant as long as there is underlying circumstances' supporting the affiant's conclusions and his belief that the informant is credible and reliable.
- B. Hearsay alone can provide a sufficient basis for the warrant as long as the officer's affidavit provides the warrant-issuing judge a substantial basis for crediting the hearsay.
- C. Hearsay is an adequate basis for finding probable cause and the issuance of a warrant, so long as there are facts which give the statement an appearance of trustworthiness.
- D. All of the above

62. Officer Smith completed a search warrant application and included the below in it:

*The facts tending to establish grounds for issuance of a Search Warrant are as follows: I received information from an informant who has proven reliable in several investigations that 'Otto', above description, is engaged in the illegal sales of cocaine and marijuana. My informant stated that Otto usually keeps the drugs in his gas station at above location. He (informant) also stated that he witnessed 'Otto' dealing drugs from his gas station. I, along with Det. Macchio, conducted a surveillance of subject and his station on Thurs., June 2, between the hours of 3:00 PM and 7:00 PM, and observed Otto meeting with several persons, after leaving his station and making what we believed to be drug transactions. During the surveillance, we observed one person making a transaction with Otto and checked on his vehicle and called the narcotics squad to inquire on his relationship with drugs. They told us that said person has been arrested for cocaine and other violations and they felt that Otto and the other person are involved in drug activity. From the information received from our informant and from our observations, we do feel that a search of Otto's gas station should be conducted for illegal contraband. We checked on ownership of the station and it belongs to Otto who we have presently in headquarters on this investigation. Otto was advised of his rights and refused a search of his station but appeared to be very nervous.*

Is probable cause established based on this affidavit for a search of Otto's gas station?

- A. Yes. It reveals that a reliable informant concluded Otto is a drug dealer is enough to show that Otto was distributing narcotics from the gas station.
- B. No. One critical deficiency is that the affidavit furnishes no information whatsoever as to when the informant allegedly witnessed the drug sales.
- C. Yes. The surveillance conducted along with verification of known drug offenders conclusively corroborated the informant's reliability.
- D. No. Although the informant's allegations that Otto keeps the drugs in the gas station and that he witnessed Otto dealing drugs were supported by his reliability in the past, the officer did not specify any of his expertise and training in narcotics investigations to conclude the transactions he observed were drug transactions.

63. Acting on an informant's tip that Darryl Jones and Kenneth Powell were selling cocaine from a single-family home, the police sought to confirm the veracity of that information and conducted three controlled purchases on three different dates. In accordance with the standard police procedure applied to a controlled buy, the informant was always searched before making the purchase and carried with him only the marked bills provided by the police. Each time he returned, the informant handed to the police what appeared to be rock cocaine. The officers surveilled the informant at all times during the purchases. The police did not field-test the substances the informant bought to determine if it was cocaine. The police performed criminal background checks on Darryl Jones and Powell which revealed that both Jones and Powell had been arrested for several drug-related offenses over a six-year period and that Powell had been convicted twice of cocaine distribution, his most recent conviction occurring just three years earlier. Which of the below statements is false if the officers decide to request a search warrant for the home?

- A. The failure to include any test results that the substance purchased was cocaine undermines the determination of probable cause.
- B. There was no question that the substance produced by the informant during each of the three controlled buys originated from the single-family dwelling.
- C. The three drug buys are themselves persuasive evidence that the informant's tip was reliable and bolstered the tip's credibility.
- D. Jones' and Powell's prior arrests and convictions will be factors justifying the conclusion that the police had probable cause to search the residence.

64. An individual does have a constitutional right of privacy in his or her cell-phone location information. In order to access such information, police must generally obtain a:

- A. court order (grand jury or trial subpoena)
- B. grand jury subpoena only
- C. search warrant
- D. pen register



65. William Evers assumed the screen name, “BTE324” exclusively for interactions with adult and child pornography Internet sites. By downloading photographs onto his computer hard drive of the computer he was able to assemble a pornographic library, including several hundred pornographic images of nude ten- to fifteen-year-old girls engaged in sexual activities. William’s activities came to the attention of Deputy Sheriff DiMatteo of the San Bernardino County Sheriff’s Department in California, who was investigating the use of child pornography on the Internet. William had unwittingly sent DiMatteo images of a nude female child in a sexually provocative position, using his screen name “BTE324.” DiMatteo also discovered that William had sent the same images to fifty other screen names as well. With this information, DiMatteo obtained a search warrant from the Superior Court of San Bernardino County, and thereafter mailed it to AOL’s corporate headquarters in Dulles, Virginia. AOL provided DiMatteo with the information demanded in the warrant. Upon learning that the billing account for screen name “BTE324” was the Evers’ residence in Nutley, New Jersey, DiMatteo forwarded the results of his investigation to the Nutley Police Department. Thereafter, Nutley Police Sergeant Meehan applied for and obtained a warrant to search the Evers’ residence for any and all computers, computer programs, hard and soft drives, disks, or diskettes, or any computer related equipment, plus any and all information which may lead to the identity of the individuals using the screen name “BTE324.” During the search, the Nutley police seized the hard drive of William’s computer. William, who was home at the time, was arrested and made a full confession concerning his use of the computer to acquire and trade in child pornography. Which of the below statements is true regarding this scenario?

- A. Once Sheriff DiMatteo learned that Evers was a New Jersey resident, the investigation should have been jointly conducted by officers in both states. The New Jersey search warrant is invalid.
- B. AOL should not have released information demanded by the California search warrant. Sheriff DiMatteo was constitutionally obligated to obtain assistance from a Virginia law enforcement officer or prosecutor to obtain such information. The California search warrant is invalid as is the New Jersey warrant based on the California investigation.
- C. Even though no New Jersey official engaged or participated in any unlawful conduct in the acquisition of Evers’ subscriber information in Virginia, the use of that evidence in this New Jersey will not offend the integrity of the judicial process. The New Jersey search warrant was valid.
- D. The affidavit in support of the New Jersey search warrant contained information acquired by Sheriff DiMatteo was a violation of Evers’ reasonable expectations of privacy.