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1a) Delia's First Statement: "I have a set of 'hot' Roman coins for sale that need to go to a discreet collector. I will call you had 9:00pm tonight."

The issue is whether Delia's Fourth Amendment rights were violated when Detective Fong followed her and walked past her as she said "I have a set of 'hot' Roman coins for sale that need to go to a discreet collector. I will call you had 9:00pm tonight."

Delia's Arguments

The Fourth Amendment is triggered when there is government conduct. If there is government conduct the courts must examine whether the individual had a reasonable expectation of privacy (REP). An individual has a REP in their own home and their property, an individual does not have a REP in another person's home or property, or in public. When in a public space, an individual has a REP if the other person

Here, there has been a government conduct because Detective Fong is an officer that works for the government. Delia may raise that her REP was violated when Detective Fong saw her using a payphone in a public alley and walked passed her as she said "I have a set of 'hot' Roman coins for sale that need to go to a discreet collector. I will call you had 9:00pm tonight." Delia would argue that when making a phone call she had a REP because she did not intend for anyone else to hear this conversation. However, this argument is likely going to fail.

Delia could also argue that Detective Fong needed a warrant to listen in onto her conversation, but again this argument would fail.

Prosecutor's Arguments

The prosecutor would argue that because Delia phone call was in a public alley and not in a phone booth, she had no reasonable expectation of privacy. Any other person could have walked down the public alley way and hear her say the same thing. The prosecutor would also argue that this is unlike a wire tapping situation where an individual's reasonable expectation of privacy is more likely to be violated.

1a - Conclusion

The court should rule that Delia's Fourth Amendment Rights were not violated with respect to first statement she made: "I have a set of 'hot' Roman coins for sale that need to go to a discreet collector. I will call you had 9:00pm tonight" and deny her motion to suppress.

1b) Delia's second statement: "Fine, call your buyer and let me know if we have a deal for the hot coins."

The issue is whether Delia's Fourth Amendment rights were violated when Detective Fong bought a "Bird Song Microphone" from a pet store to listen to Delia's 9:00pm phone call.

An individual has a REP in their own home and their property, an individual does not have a REP in another person's home or property, or in public. An individual has a REP with any conversations that are made privately in the home. Additionally, if officers use a thermal imager to detective activity in a home and the thermal imager is not accessible to the public, the officer may not do so and it violates the individual's REP. Any products that are accessible to the public may be used by the police to gather information for a case.

Delia's Arguments

Here, Delia would argue that Detective Fong violated her REP by using the "Bird Song Microphone" that promises to enable a listener to hear the chirping of birds from a distance of 150 feet. She would argue that the fact that he went to Nell's house and lied to Nell saying that he needed to go on the deck because he was investigating a terrorist plot and "lives are at stake" constitutes bad faith in gathering information for a warrant. Delia would also argue that this is like an officer using a thermal imager to detect illegal activity. However, although her arguments here are stronger, the court would not likely suppress this statement.

Prosecutor's Arguments

The Prosecutor would argue that the "Bird Song Microphone" was bought from a pet store. This piece of equipment is accessible for purchase by anyone in the public and anyone could have used the microphone to listen onto Delia's conversation. The prosecutor could further argue that a robber or a neighborhood crime watch civilian could have performed the same act of buying the microphone from the store to listen into Delia's conversation. The prosecutor would argue that this is unlike the use of a thermal imager as those are not easily accessible by the public. With regards to lying to Nell, the prosecutor would argue that Detective Fong was executing his discretion to obtain information and following up on a lead that he received.

1b - Conclusion

Therefore, the court deny Delia's motion to suppress her second statement "[f]ine, call your buyer and let me know if we have a deal for the hot coins" and admit the statement.

1c) Roman Coins

The issue is whether Delia's Fourth Amendment rights were violated when Detective Fong obtained a warrant and searched Delia's house to recover the coins.

When there has been a government conduct, and there is a reasonable expectation in the location/property searched, the next question is whether there was a valid warrant. A valid warrant must be based on probable cause and reasonable particularity of the places to be searched and the things to be seized. Probable cause can arise from an anonymous tip so long as the officer takes steps to confirm the tip. A warrant must be executed by a neutral magistrate, without any bias. If a warrant is properly obtained, the court must ensure the warrant was properly executed.

Delia's Arguments

Here, Delia would argue that Detective Fong did not have probable cause to execute a warrant. She would argue that Detective Fong merely received an anonymous email that stated "Your robber is Delia, and is trying to sell the stolen coins." She would argue that based on this email Detective Fong did not corroborate the tip and did not try to find out who the email was sent from, whether the email was true, and instead chose to follow her and listen into her private conversation. She could attempt to argue that he cannot follow her, but there are no laws against an officer following a person whether by foot or car. Her arguments would likely fail. Delia would argue that the warrant was improperly obtained therefore, he could not have gone into her house and searched for the coins.

Prosecutor's Arguments

The Prosecutor would argue that Detective Fong properly executed the warrant based on probable cause and particularity. Fong investigated the anonymous tip, properly overheard Delia talking on the phone in a public alley that was not in a phone booth, and heard her say the first statement. Fong then used a microphone that is accessible to the public and used it to listen onto Delia's 9pm phone call from the same booth and hearing the second statement. It was then that Fong used the information he gathered, put it into an affidavit for a search warrant for Delia's house, and obtained a signed warrant from a judge to search Delia's house and recover the coins. There are no facts to show that Detective Fong illegally or in bad faith obtained the judge's signature, and there are no facts to show that the warrant did not state the place to be searched (Delia's house) and the thing(s) to be seized (coins).

1c - Conclusion

Therefore, the court should deny Delia's motion to suppress and admit the Roman coins that were found by Detective Fong, who properly executed the search warrant.

2) The issue is whether Delia is guilty of Robbery.

Robbery is the taking and carrying of another person's property, by force or threat, creating an imminent harm, with the intent to permanently deprive at the time of taking.

Here, a robbery occurred when Delia entered a coin shop, pulled out the toy gun that appeared to be a real gun, and pointed it at Oscar, the coin shop owner. Delia took the Roman coins and fled. Delia took and carried away the owner's Roman coins. Delia created a threat and imminent harm by taking the toy gun out and pointing it at Oscar. Although neither party said a word, Delia's act of taking the toy gun out created the threat of imminent harm required for robbery. There are no facts to suggest that Delia did not intend to permanently deprive the Oscar at the time of taking as the facts later tell us that she intended to sell the coins. It is irrelevant whether the gun was real or fact as the toy gun, which appeared to be real, is enough for a reasonable person to believe that the gun was real and would cause them harm.

Therefore, Delia is guilty of Robbery.

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