

**Texas Criminal Procedure**  
LW8350  
Spring 2003 - Midterm  
Instructor: Gerald S. Reamey

Exam Number: \_\_\_\_\_

**ESSAY EXAMINATION INSTRUCTIONS:**

1. This portion of the examination contains one question. You will have 20 minutes to answer this question. No additional time will be given, so watch your time carefully.
2. You may not ask any questions during the examination period unless the question deals exclusively with administrative matters and is asked of the proctor.
3. **NO EXAMINATION OR EXAMINATION ANSWER MAY BE REMOVED FROM THE ASSIGNED TESTING ROOM FOR ANY REASON.**
4. You must use the Blue Books provided. Place your examination number on the cover of each book used. **Do not place your name or other identifying mark anywhere on the examination answer.**
5. This is an "open-book" test. You may use any written materials you have brought with you. You may not ask for or receive information, directly or indirectly, from any other person, or from materials brought to the examination by another person. Assume that any facts described in a question take place in Texas unless the question specifically states otherwise.
6. You must turn in to the proctor all copies of the examination along with your answers. You may leave as soon as you complete the examination. If you leave early, please be quiet so you don't disturb your classmates.
7. Read the fact situation and questions carefully. Answer only what is asked, and write your answers legibly.
8. Good luck!

**ESSAY QUESTION**  
**(20 minutes)**

Willy Witan agreed to drive his law school roommate to the airport after their last class before spring break. As they approached the San Antonio airport, Willy noticed a new sign posted in the “Departures” lane: “WARNING: All cars entering this lane are subject to random search.” Up ahead, he could see airport police officers stopping cars, so Willy pulled out of the lane in an effort to pull into the short-term parking garage. An officer saw him and signaled for Willy to stop. When he did so, the officer demanded identification and asked, “Why were you trying to avoid me, sir?” Willy explained that he was in a bit of a hurry because his roommate’s flight to Cancun was leaving shortly, but the officer seemed unimpressed. He told Willy he would need to check his car and asked if Willy could open the trunk. Willy handed his key to the officer, who opened the trunk and found (what else?) a brown paper bag. When the officer looked inside the bag, he found a very small quantity of marijuana and some cigarette papers. The officer then asked Willy to put his hands on the car. Willy said, “Look, officer, I’m a law student. They won’t let me take the bar if I have a conviction. Can’t you cut me some slack?” The officer replied, “Sure. How about if I leave a little slack in these handcuffs?” Willy was cuffed and placed in the back of the patrol car while another officer searched the passenger compartment of Willy’s car. In the locked glove compartment, the officer found a switchblade knife marked “Souvenir of Matamoras.” He also found a current registration form confirming that Willy was enrolled at St. Mary’s Law School, just as he had said.

You have been retained to represent Willy, and you decide to file a suppression motion. What will you ask to be suppressed, and why? What will be the prosecutor’s response? How

should the court rule, and why? What will you do if the court denies your motion, and when will you do it?