

ESSAY QUESTION
(20 minutes)

Warren Pease and his friend, Uta Mann, had been to the San Antonio Stock Show & Rodeo, and were on their way to the Pig Stand for a late-night snack when Warren's pickup truck started making clanking noises. Warren eased into the parking lot of the Stop 'N Rob to check under the hood. As he was gazing at the maze of wires and mysterious components, a police officer who had been drinking coffee in the convenience store came over and asked what the problem was. Warren told him the truck was making a noise, but he thought it would be OK to drive. He thanked the officer, said good night, and got into the truck to drive off.

As he started to leave, the officer yelled, "Hey buddy, hang on just a minute. What's this you got back here in the bed?" Warren turned off the truck and got out to see what the problem was. The officer was peering into the truck bed at a box full of glassware. "Is this dope paraphernalia yours?", he asked. Warren said, "That stuff is mine, but it's just lab glassware for the chemistry class I teach. "Yeah, right," replied the officer. "You can tell that story to the judge. Put your hands on the truck."

Warren was handcuffed and placed in the patrol car. His truck was searched, and a pistol was found under the front seat. He was charged with possession of drug paraphernalia and unlawfully carrying a weapon. You have been retained to represent him. What arguments will you make; when, and in what form will you make them; what do you expect the prosecutor to argue in response; how do you expect the court to rule; and why.