

ASSIGNMENT #6

Detective Crowley acknowledges that Cruz was “woozy” and “confused” when he made his photographic identification. After Cruz is discharged from the hospital, Crowley asks him to come to the 44th precinct. While there, Cruz views photographs of men who fit his description of the shooter on the police computer. Cruz makes no identification. Randolph’s photo was not displayed in this procedure. Cruz also saw the wanted poster in the precinct. He had no reaction to the poster. Later, Cruz accompanies Crowley on a canvas of the original pickup area. Again, Cruz makes no identification.

Crowley learns Randolph’s address from his parole officer. He is living on Gerard Avenue with his girlfriend and their nine-year-old daughter. Based on the original photo identification, Crowley obtains a search warrant for this apartment. The subsequent search of this apartment uncovers no evidence linking Randolph to the crime. No weapon is found in the apartment.

Eventually, on Crowley’s orders, the police arrest Randolph. At the 44th precinct, Crowley conducts a lineup. He assembles the fillers and then calls Cruz. Crowley asks Cruz to come and view a lineup since he had picked up a suspect. When he arrives at the precinct, Cruz again sees the wanted poster in this case. At the lineup, Cruz identifies Randolph as the man who shot him.

Afterwards, Crowley attempts to interrogate Randolph. He, however, immediately asserts his right to counsel and the interrogation ceases. After Crowley processes Randolph, he closes the case and turns it over to the DA. The police investigation of this incident is now over.

As the prosecutor, you first have to decide whether to prosecute Randolph. If so, you must then determine what to charge Randolph with at the grand jury. What witnesses do you call at the grand jury? What charges do you bring against him? Be specific.

You are to prepare your closing argument to the grand jury. You must recommend specific charges to the grand jury. You must explain the law to the grand jury. You must also explain how the evidence that you presented establishes each of the elements for each of the requested charges.

If you secure an indictment, what bail do you request?

1



3540

2



3740

3



3440

4



Randolph

5



3440

6



3640

Peoples 4B
EU ID
EAD