



**UNIVERSITY OF UTAH  
COLLEGE OF LAW  
EXAMINATION COVER SHEET**

**Student Examination Number:** \_\_\_\_\_

**Law XXXX - X  
CRIME VICTIMS' RIGHTS  
PROFESSOR PAUL CASSELL**

**SPRING 2009**

**EXAM DATE & TIME**

⌚ **Time Allowed: 3 HOURS**

**Authorized Materials: The casebook (Beloof et al., *Victims in Criminal Procedure*); any materials distributed during the class; any student-prepared outlines.**

**Special Instructions:**

This examination begins at 8:30 a.m. It is designed to be a two-hour examination with two questions of one hour each. Each of the three questions will be given equal weight in determining the final grade. You are given an extra hour to allocate as you see fit. You must turn in your examination by 11:30 a.m.

This is essentially an open-book examination. You may have the following materials with you: your textbook, any supplemental materials distributed during the course, and any outline that you may have prepared by yourself or with other students. You may not have the following materials: any commercial publications, hornbooks, or the like, in either printed or electronic form.

In accordance with standard law school procedure, do not write your name (or any other information that could be used to identify you) anywhere on your exam. Write your exam number on your exam. This permits evaluation without knowledge of your identity.

As discussed in class, there is no specific page limit or word count limit. Nonetheless, I would appreciate it if you could avoid Afilibustering@ me. As a rough guide, I would expect answers to fit within about two bluebooks (one side of each page, every other line) or about nine double-spaced typed pages.

**GENERAL INSTRUCTIONS FOR ALL EXAMS:**

- 1. Exams do not leave the exam room! Write your exam number on your copy of the examination questions, and return it to the proctor at the end of the exam.**
- 2. Students may NOT take any bluebooks or scratch paper from the examination room, whether blank or used. Return to proctor.**
- 3. If you are using a bluebook print your exam number, the title of the course and the instructor's name on the front of each bluebook.**
- 4. Number each bluebook (1 of 3, 2 of 3, 3 of 3, etc.) and place all bluebooks and examination questions inside the first numbered bluebook.**
- 5. If the examination utilizes a computer answer sheet (Scantron):**
  - You must use BLACK or BLUE INK only; no pencils**
  - You may use CORRECTION TAPE only; no liquid paper**
  - Print your examination number in the box found in the lower left-hand section of the form. Write the number in the first 4 spaces, and zero-fill any remaining spaces.**

**For example, if your examination number is 2983:**

**IDENTIFICATION NUMBER**

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**Fill in the bubbles corresponding to the numbers written.**

## Question I (one hour)

On January 1, 2009, Vanessa Victim was shot and killed by Mark Murderer, a juvenile. The police quickly responded to the scene and, in an ensuing gun battle, Murderer also died. The police then began to investigate how Murderer obtained the murder weapon and discovered that it was sold to him illegally in violation of applicable firearms laws by Dave Defendant six months before the shooting.

Dave Defendant has been taken in custody and criminally charged with illegal sale of a firearm to a minor with knowledge that it would be used in a crime. Victim's parents, Ken and Sue Smith, wish to exercise their rights under the jurisdiction's crime victims' rights statute and state constitutional amendment, which are similar to those found across the country.

In particular, the Smiths wish to:

1. Object to the plea bargain that the state has reached with Defendant, which calls for him to plead guilty to a lesser included offense (illegal sale of a firearm to a minor *without* knowledge that it would be used in a crime) and pay only a \$100 fine;
2. Object to Defendant's release on bail pending sentencing; and
3. Object to the trial judge's decision to have the proceedings moved to a courthouse far from the where the crime was committed (and where the Smiths reside) to a courthouse located in Defendant's home town.

The Smiths also want to see information in the files of the government prosecutor that they believe will show that Defendant and Murderer had planned the shooting of Victim during the fall of 2008.

The Smiths also wish to make a "victim impact statement" and sentencing, asking for Defendant to receive a 10-year prison sentence, the maximum allowed for the offense with which Defendant was originally charged. The Smiths also want their attorney to "blast the judge in media" for what they believe are biased decisions in the case. The judge, however, has entered a "gag order" in case barring any attorneys from discussing the case in the media.

Discuss the legal issues involving crime victims' rights that arise under these facts.

## Question II

Some have suggested that victims of crime should have a "veto" power over any plea bargain that the prosecutor and the defense attorney might reach. From a public policy perspective, discuss the desirable and undesirable features of such a proposal, including any ways in which the proposal could be expanded, limited, or modified to make it more desirable.