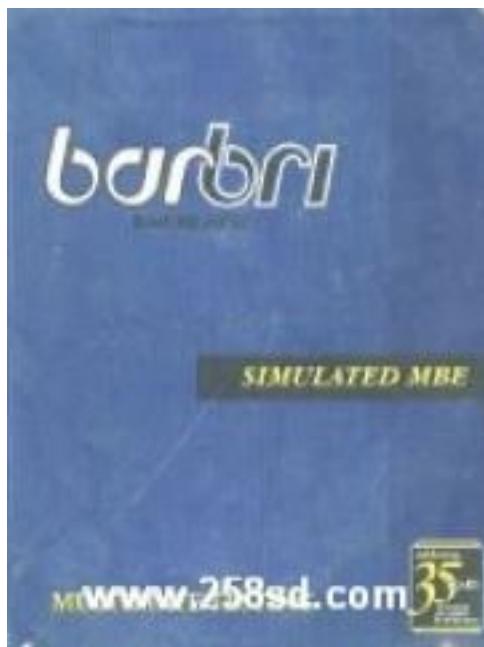


# Simulated MBE Workshop: Multistate Testing



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著者:

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~question 1 Question 2<br> In which of the following fact situations does Responding to growing concern about ciga-<br>~)efendant have the best argument that he was rette smoking by minors and seeking to reduce<br>;he y~ctim of an i~earch or s\_eizu \_re~ the long-term health costs from smoking-relat(<br>~The notice that Defendant s car is diseasesi~% Congress enacted a statute that ad-<br>~i~%<br> weaving police erratically on the highway. The dressed the problem in several ways. One<br> officers pull Defendant over. Defendant provision focused on federal economic develo<br> emerges fi om the car and appears incoher- ment grantsi~% which were awarded to states to<br> ent and disoriented. Defendant is arrested promote and assist small businesses in urban<br> and charged with driving under the influ- areas. Under this provisioni~% the grants would t<br> ence of alcohol or drugs. The police searcl}~

reduced by 10% for any state that fails to requ<sup>re</sup> Defendant's glove compartment and find<sup>for</sup> businesses engaged in the sale of cigarettes to<sup>to</sup> plastic bag containing a large quantity of<sup>of</sup> take specified precautions to avoid sales to<sup>to</sup> minors<sup>including</sup> including checking drivers licenses o<sup>ut</sup><sup>for</sup> arijuana. photo ID cards. The state of Raleigh<sup>which</sup> h<sup>as</sup> a lucrative tobacco industry and receives seve<sup>ral</sup> million dollars under the federal grant program<sup>look</sup> through a window into Defendant's challenged the constitutionality of the provisic<sup>on</sup> barn. The barn is located about 150 feet in federal district court.<sup>from</sup> the fence surrounding his house. The<sup>recently</sup> harvested marijuana within the sion? barn. The agents then go to a magistrate<sup>swear</sup> out a warrant<sup>and</sup> arrest Defendant. (A) No<sup>if</sup> the federal provision affects state<sup>regulation</sup> of businesses that do not operz<sup>(C)</sup> Narcotics officers attached to the State in interstate commerce.<sup>Police</sup> learn from an informant that the<sup>semi-opaque</sup> panes of glass on Defendant's<sup>(B)</sup> No<sup>because</sup> state distribution of econom<sup>greenhouse</sup> adjacent to his house<sup>are</sup> development funds is an integral govern<sup>being</sup> replaced during the night w<sup>th</sup> a/t ment function.<sup>newer</sup> type of glass that lets in m<sup>ore</sup> light<sup>without</sup> an increase in visibility. They fly<sup>(~)</sup> Yes<sup>because</sup> Congress may condition<sup>over</sup> Defendant's greenhouse in a helicop<sup>grants</sup> of money under its spending power<sup>ter</sup> that night. One of the officers focuses<sup>on</sup> the greenhouse with a pair of infrared (D) Yes<sup>because</sup> the provision is substantiall<sup>"night-vision"</sup> binoculars supplied by the related to the important government inter<sup>Department of Defense</sup> and not available to est of restricting minors access to ciga<sup>-</sup> the general public. He determines that rettes.<sup>marijuana</sup> is being grown. The officers then<sup>go</sup> to a magistrate<sup>swear</sup> out a warrant<sup>and</sup> arrest Defendant.<sup>Using</sup> a small plane of the type used for<sup>"N</sup> crop-dusting<sup>county sheriff's</sup> officers take<sup>aerial</sup> photographs of the fields surround<sup>ing</sup> Defendant's fann. The pictures are later<sup>developed</sup> and show that there is marijuana<sup>growing</sup> in Defendant's fields. The sheriff's<sup>officers</sup> go to a magistrate<sup>swear</sup> out a<sup>warrant</sup> and arres<sup>t</sup> Defendant.<sup>Defendant</sup>

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