

Problem 4A.

United States v. Edward Robinson

Indictment: On or about 10:45 a.m, March 22, 2016, Edward Robinson while armed with a weapon, did feloniously and willfully enter the Indiana University Federal Credit Union at 410 S. Woodscrest Drive, Bloomington, Indiana, said institution being a federally chartered credit union, and took money in an amount more than \$1000 by force and intimidation, putting employees of the credit union in fear, with no lawful claim to the money, and with the intent to permanently deprive the true owner of its use and value, and did thereby commit the crime of Armed Robbery of a Federal Banking Institution in violation of the United States Code.

During the robbery, the robber wore a hoodie with the drawstring pulled tight around his face and displayed a small revolver. The FBI investigation report contains a summary of the evidence gathered. The report has been turned over to the defense in discovery. Think through the relevancy of the following items and whether any could be objected to by the defense:

- 1 A search of Robinson's apartment turned up a gray hooded sweatshirt similar to the one worn by the robber.
- 2 Shana Scott, a teller at the Credit Union, says she saw Robinson in the bank the morning before the robbery, He withdrew money from his account and they had a pleasant 5-minute conversation.
- 3 Robinson was convicted of bank robbery 8 years ago in Maryland.
- 4 Robinson had been fired in January from his job at a convenience store because the manager said he was suspected of stealing from the cash register, which came up short several days in a row.
- 5 The bouncer at Kilroy's says he had to throw Robinson out twice the weekend before the robbery for fighting.
- 6 Robinson was divorced in 2011 and is \$2400 behind in child support payments. He has two children aged 7 and 9.
- 7 Robinson had not worked since January, appears to have no assets, and has only \$150 in his bank account.
- 8 A search of Robinson's apartment turned up two rifles and ammunition.
- 9 Robinson has two convictions for possession of marijuana in the past 2 years and one arrest for possession of meth that was reduced to disorderly conduct.
- 10 A search of Robinson's cell phone found a large collection of Elvis Presley songs.

Problem 4B.

Fred Turner v. Big Red Liquors

Complaint for personal injury: Fred Turner is a young attorney who uses a motorized wheelchair for mobility. On September 25, 2015, he was crossing east to west across College Avenue on the north side of the intersection with 7th Street, headed for the Justice Building to attend a hearing. The traffic signals were operating and showed green for east-west traffic, and red for north-south traffic. A delivery truck owned by Big Red Liquors and driven by an employee named Jane Arden was going south on College Avenue, failed to stop at the red light, and struck Turner's wheelchair in the cross-walk, causing serious injuries, loss of the wheelchair, and two months' worth of lost income. Turner has sued Big Red Liquors for Arden's negligence on a theory of *respondeat superior*.

Answer: Big Red admits that Arden was driving negligently and was an employee driving a truck owned by Big Red, but denies that she was acting within the scope of her employment at the time of the accident.

- 1) Think through whether evidence that Arden was looking at her cell phone at the time of the accident is relevant.
- 2) Does it matter whether she was looking at Google Maps to find the delivery address, or looking at a Li'l Bub video someone sent her on Facebook?

Problem 4C.

Return to U.S. v. Robinson (Problem 4A).

PART ONE: When the FBI searched Robinson's phone, they found a series of email messages between Robinson and a person who identified herself only as Missy over a period of six weeks up until two weeks before the robbery. In the emails, Robinson says he loves Missy, and Missy says they need to go away somewhere together. Some of Missy's emails contain links to resorts in Mexico. Missy's email address was goldgirl30 at gmail.com. They do not know her identity.

Think through the relevancy of any of this.

PART TWO: The FBI also found an email alert from the IU Credit Union dated three days before the robbery that a check written on his account had been refused for insufficient funds so they were withdrawing a \$35 penalty from his account.

Relevant?

PART THREE: At trial, the prosecutor calls a bank employee, Shana Scott. In the course of her testimony, the following takes place:

- 1 Q: What time did the robbery take place?
A: About 10:45.
- 2 Q: Where were you?
A: At the teller's window, the one he came up to.
- 3 Q: Where had you been before then?
A: On break in the back room, talking to Lisa Davidson. I had just returned to my window when the defendant pulled out his gun
- 4 Q: Oh, one final thing: How did you feel when the robber was standing there with a gun?
A: Scared.

Think through the relevance of items 3 and 4

Problem 4D

State v. Elton Wayne

Charge: Felony possession of methamphetamine with intent to distribute after police found several crystals of methamphetamine in his car following a traffic stop for driving the wrong way down a one-way alley behind People's Park in Bloomington at 6:45 pm on April 12, 2016.

The police report includes the following information:

1. At the time of his arrest, Wayne had no ID and refused to tell the officers his name. The police canvassed the people who were at the park to see if anyone knew who he was. One young woman who gave her name as Jet said she had previously smoked some meth with him but only knew him by his street name "Booger."
2. Version A: The CVS pharmacy surveillance recording shows Wayne purchasing two packages of pseudoephedrine a week before the arrest.

 Version B: A check of the surveillance recordings of all eleven pharmacies in Bloomington shows Wayne purchasing two packages of pseudoephedrine from each.
3. A search of Wayne's apartment found 100 lithium batteries in a closet.

Think through the relevance of any of this.