

MORNING SESSION

Tuesday, July 29, 2025

QUESTION NUMBER 1

(Use bright blue booklet for essay answer)

Billy was at home drinking beer with his friends when he received a phone call from his daughter, Sara. Sara told him that her ex-boyfriend, Dylan, arrived at her apartment uninvited and would not leave. Billy told Sara that he would come over and try to reason with Dylan. Before leaving, Billy retrieved a handgun and put it in the glovebox of his car in case he needed to protect Sara or himself.

Billy was intoxicated as he drove to Sara's apartment. He swerved out of his lane several times and nearly struck other vehicles.

Upon arriving, Billy saw Dylan banging on the front door to Sara's apartment, which was on the second floor of the building. As Billy ran up the stairs to the second floor, he heard Dylan yell that he would kick the door down if Sara did not let him in. Billy confronted Dylan and told him to leave, but Dylan refused. Dylan pushed Billy to the ground and told him: "Get out of here or I'll kill you too!"

Billy returned to his car and retrieved his handgun. When Dylan saw Billy return with the handgun, Dylan backed away with his hands up. Billy, enraged by what had transpired, loaded his handgun, and shot Dylan dead.

Billy gave Sara the handgun and told her to throw it in the pond behind the building. Sara complied. Billy dragged Dylan's body to his car, placed it in the trunk, and drove away.

Meanwhile, Deputy Blake was conducting a routine patrol in a nearby neighborhood known for illegal drug sales. Deputy Blake was looking for drivers that committed traffic violations in order to search their cars for drugs. Deputy Blake saw Billy's car fail to come to a complete stop at a stop sign, and conducted a traffic stop.

Upon making contact with Billy, Deputy Blake noticed Billy to be visibly intoxicated, with an odor of alcohol on his breath and bloodshot eyes. Deputy Blake also observed a razor blade in the vehicle's cup holder with white residue, which Deputy Blake suspected was cocaine. Deputy Blake asked Billy whether there was anything in the car that Deputy Blake should know about. Billy responded, "He deserved what he got, I was just protecting my family."

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Unsure what Billy meant, Deputy Blake told Billy to step out of the car. Once Billy was outside the car, Deputy Blake searched the entire car, including the trunk. Deputy Blake found Dylan's body in the trunk. Deputy Blake placed Billy in handcuffs and into the back of his police cruiser. Still shocked by what he saw, Deputy Blake failed to read Billy his Miranda rights before asking Billy why there was a body in his trunk. Billy stated that Sara was just following his instructions and the gun was in the pond at Sara's apartment. Deputies recovered the handgun from the pond based on Billy's statement.

You work in the State Attorney's Office, and your supervisor asks you to prepare a memo addressing the following:

- A. Discuss whether the facts support convicting Billy of murder, and evaluate any defenses Billy may raise against a murder charge.
- B. Discuss whether the facts support convicting Sara as an accessory.
- C. Discuss the legality of the traffic stop and search conducted by Deputy Blake.
- D. Discuss whether the statements made by Billy to Deputy Blake, and Billy's handgun, are admissible in a criminal trial.

END OF QUESTION NUMBER 1

QUESTION NUMBER 2

(Use bright green booklet for essay answer)

Oscar owned two parcels of property overlooking a river. Oscar built a home on one parcel and sold the second parcel (the "Property") to Perry with a restriction that no structure more than 15 feet tall be built on the Property within 20 feet of the river. The deed recited that the height restriction was "for the benefit of Grantor's property." Oscar also included in the deed a provision granting his neighbor, Nancy, the right to use a 10-foot-wide strip of land along the south side of the Property to access the river. The provision stated that the right to use the south side of the Property was "personal to Nancy." Oscar signed the deed in front of two witnesses, who signed the deed in Oscar's and each other's presence. A third witness initialed the deed the following day outside the presence of the other witnesses. The deed was recorded in the county records.

Perry built a house on the Property before selling the Property to John, who made the Property his homestead. After he purchased the Property, John married Betsy. A year later, John died without a will, survived by Betsy and John's 25-year-old daughter, Dawn. During the estate proceedings, Betsy did not elect to take the Property as a tenant in common with Dawn. Betsy continued to live on the Property after John died.

Two years ago, Betsy built a garage on the Property that encroached into the strip of the Property that Nancy had used to access the river. The garage made it more difficult for Nancy to reach the river. Once the garage was in place, Nancy seldom walked across the Property to the river. In the last year, Nancy did not walk across the Property at all.

Earlier this year, Betsy decided to develop the Property further. She commissioned plans to build a 20-foot-tall guest house within 20 feet of the river. Dawn saw the plans and told Betsy that the guest house would fundamentally change the Property because Betsy would have to remove 15 large trees from the Property to build the house. Dawn also told Betsy that the structure was an eyesore and would diminish the Property's value. Betsy dismissed Dawn's opinion, and said, "It's my land. I'll do what I want with it."

After Betsy informed Oscar of the plans, Oscar objected because the guest house would obstruct his view. Betsy responded that she was unaware of any height restriction on the Property. Betsy also told Nancy that Nancy was no longer allowed to walk across the Property to access the river. Nancy objected as well.

Betsy asks you to represent her. A conflict check shows that another lawyer who works at your firm represented Oscar on a DUI charge two years ago.

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Prepare a memorandum that addresses the following:

- A. Discuss the claims that Oscar, Nancy, and Dawn each could bring against Betsy. You should discuss the property right on which each plaintiff's claim is based and any arguments that Betsy may raise in response.
- B. Discuss any ethical issues raised by the proposed representation.

END OF QUESTION NUMBER 2

QUESTION NUMBER 3
(Use bright orange booklet for essay answer)

The City of Tallahassee (the “City”) started a program to revitalize downtown Tallahassee. The program allows the City to award grants to businesses and nonprofit organizations to conduct their operations in the downtown area. When it announced the program, the City stated that it intended to offer similar grant programs in the future for other areas in Tallahassee.

The City’s grant application states that any for-profit or non-profit business entity is eligible to apply, so long as the entity meets two criteria:

- Religious Organizations. No church or religious organization is eligible to apply for a grant. No entity owned by, or affiliated with, a church or religious organization is eligible to apply for a grant.
- U.S. Citizenship. All directors, members, or partners of the entity applying for the grant must be citizens of the United States.

Approximately one month before the deadline to submit grant applications, Lawyer received calls from two people who sought legal advice about the eligibility criteria. The first person, Pauline, emigrated from Canada as a child and has lawfully resided in the United States for 25 years. Pauline, however, never became a U.S. citizen. Pauline is the sole member of an LLC that has operated a successful coffee shop in Tallahassee for the last 10 years. Pauline recently drafted a business plan to open a second location in the downtown area. She was disappointed to learn that she was ineligible to apply.

The second person, Reverend Ray, is the pastor of a church in Ohio. Reverend Ray read about the Tallahassee program online and was offended that churches and religious organizations were ineligible. Reverend Ray explained to Lawyer that he had family in Tallahassee and hoped to move there someday. Reverend Ray is interested in pursuing a lawsuit because he may want to apply for a grant to open a church if he became a Tallahassee resident.

Lawyer ran a conflict check, which showed that Smith, an attorney at the firm, previously worked in the Tallahassee City Attorney’s office. Smith provided legal advice to the Tallahassee City Commission as it was developing the grant program.

Lawyer asks you, an associate at the law firm, to prepare a memorandum as follows:

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- A. Discuss whether Pauline and Reverend Ray each individually can satisfy the case-or-controversy requirement under the U.S. Constitution.
- B. Evaluate the constitutionality of the grant program's eligibility criteria under the U.S. Constitution.
- C. Evaluate the constitutionality of the grant program's eligibility criteria under the Florida Constitution.
- D. Discuss any ethical issues raised by Lawyer's representation of Pauline and Reverend Ray.

END OF QUESTION NUMBER 3

END OF MORNING SESSION