



**Phi Alpha Delta
Corliss Chapter**

**2025 Trial Team
Audition Problem**

Introduction

This problem centers on the charge of Felony Possession of a Controlled Substance against the defendant, Jamie Lee Collins. On the night of October 14, 2024, Officer Alex Ramirez of the Minot Police Department observed Mr. Collins parked near a closed convenience store. During a casual encounter, Officer Ramirez reported detecting a faint odor of marijuana coming from the vehicle. This observation led him to search the car, where he discovered a small bag containing a white powder that later tested positive for cocaine. The powder, weighing approximately 5 grams, was in the vehicle's center console, partially hidden under loose papers. Officer Ramirez also found a glass pipe in the glove compartment, though it showed no detectable residue of controlled substances.

Mr. Collins denies any knowledge of the cocaine in his vehicle, claiming that a friend who borrowed the car recently may have left it behind. The defendant's behavior during the encounter, described as nervous, is cited in the officer's report, but no marijuana was ultimately found in the vehicle.

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Problem created by Leon Walter & Madison Schoenberg.

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Table of Contents

INTRODUCTION1

INSTRUCTIONS3

POLICE REPORT4

INFORMATION6

NORTH DAKOTA STATE CRIME LABORATORY REPORT7

CLIENT INTERVIEW8

EXAMPLE OPENING STATEMENT ERROR! BOOKMARK NOT DEFINED.

CROSS EXAMINATION TIPS ERROR! BOOKMARK NOT DEFINED.

Instructions

Each candidate will have 10 minutes to present an opening statement and a cross-examination of the arresting officer, Officer Alex Ramirez. It is recommended to spend about 4-5 minutes on the opening statement. You may assume Officer Ramirez's testimony on direct examination is consistent with his police report. Focus on addressing the following procedural context and the key issues presented:

Procedural Context:

Prior to trial, the defense filed motions to suppress the evidence obtained during the search. The defense argued that the evidence was the result of an unlawful seizure and an unlawful extension of that seizure, contending that the faint odor of marijuana and nervous behavior did not provide sufficient probable cause to justify the search.

The court denied these motions, ruling that Officer Ramirez's search did not violate the defendant's rights under the Fourth Amendment. Thus, all evidence obtained from the search is admissible at trial.

Key Issues for Trial:

The prosecution must prove beyond a reasonable doubt that Mr. Collins knowingly and intentionally possessed the cocaine found in his vehicle.

The defense may challenge the reliability of the search's justification and raise reasonable doubt regarding Mr. Collins' knowledge of the cocaine's presence in the car.

Consider how to raise questions around the probable cause for the search, any gaps in the evidence, and alternative explanations for the presence of the cocaine.

Each candidate's opening statement should frame these issues clearly and set the stage for the defense's key arguments. The cross-examination of Officer Ramirez should focus on challenging the basis of his probable cause, the thoroughness of the search, and potential alternative explanations for the items found.

Use this opportunity to show your ability to craft a compelling narrative, raise doubt, and highlight any weaknesses in the prosecution's case.

POLICE REPORT
Minot Police Department

Report #: MPD-24-24578
Date of Report: October 15, 2024

Defendant: Jamie Lee Collins
Charge: Felony Possession of a Controlled Substance
Location: Dakota Avenue, Minot, North Dakota
Arresting Officer: Officer Alex Ramirez, Badge #2691
Date and Time of Incident: October 14, 2024, 8:35 PM
Location of Incident: 1200 Block of Dakota Avenue, Minot, ND

Narrative Summary:

On October 14, 2024, at approximately 8:35 PM, I, Officer Alex Ramirez, was patrolling the 1200 block of Dakota Avenue in Minot, ND, in a marked police vehicle. I observed a red 2005 Honda Civic (license plate #KLM 533) parked in a dimly lit area near a closed convenience store. Noticing that the car's interior light was on and seeing a single occupant in the driver's seat, I approached the vehicle to perform a welfare check.

Upon approaching, I knocked on the driver's window to get the occupant's attention. The driver, later identified as **Jamie Lee Collins**, DOB 07/21/1992, residing at 3045 Willow Street, Minot, ND, appeared startled and rolled down the window after a moment's hesitation.

As the window rolled down, I detected a faint odor that I believed to be marijuana coming from the vehicle. I noted that this odor was not strong and seemed to dissipate quickly. Based on my training, I proceeded to ask Mr. Collins a few questions regarding his activities and inquired if he had consumed any marijuana or possessed any illegal substances in the vehicle. Mr. Collins appeared nervous, but he responded that he had "just been hanging out."

Due to the faint smell and nervous behavior, I requested backup to conduct a search of the vehicle based on what I believed to be reasonable suspicion. Officer Samantha Lee (Badge #1456) arrived to assist.

I requested that Mr. Collins exit the vehicle so I could perform a search. During the search, I located a small plastic bag in the center console containing a white, powdery substance. However, this bag was not clearly visible or easily accessible; it was tucked underneath some loose papers and an old fast-food receipt. I also found a glass pipe in the glove compartment, but the pipe appeared clean, with no visible residue or burnt material. Mr. Collins was cooperative and did not resist or attempt to prevent the search.

Upon questioning Mr. Collins, he stated he did not know how the bag got into the center console and suggested that it may have belonged to a friend who had borrowed the car earlier in the week. Mr. Collins was placed under arrest at 8:55 PM, and I read him his Miranda rights. He requested an attorney and did not make any further statements regarding the bag.

At the police station, a field test was conducted on the white powder in the bag, but the test results were inconclusive, showing only a weak indication for cocaine. A secondary test is pending in the forensic lab, and results are expected within two weeks. The glass pipe was retained for further examination, though it appears unused.

All items collected were logged and placed in the evidence locker at the Minot Police Department, labeled under file #MPD-24-24578.

Jamie Lee Collins was booked at the Minot Police Department and initially charged with **Felony Possession of a Controlled Substance** under North Dakota Century Code § 19-03.7(a), pending confirmation from lab results.

STATE OF NORTH DAKOTA

IN DISTRICT COURT

COUNTY OF CASS

EAST CENTRAL JUDICIAL DISTRICT

State of North Dakota,)
)
 Plaintiff,)
)
 Jamie Lee Collins,)
)
 Defendant.)
 _____)

INFORMATION

09-2024-CR-05323

SA# 24-PC-04932

09-2024-CR-05323

The Ward County State's Attorney charges that the above-named defendant committed the following offense in Ward County, North Dakota:

Count 1: POSSESSION OF A CONTROLLED SUBSTANCE in violation of N.D.C.C. § 19-03.7(a) in that on or about October 14, 2024, in the 1200 Block of Dakota Avenue, Minot, Ward County, North Dakota, the defendant, Jamie Lee Collins, did knowingly and intentionally, as defined in N.D.C.C. § 12.1-02-02, possess a controlled substance without valid authorization, to wit: the defendant was found in possession of approximately 5 grams of cocaine, a Schedule II controlled substance, in violation of N.D.C.C. § 19-03.7(a).

Against the peace and dignity of the State of North Dakota.

State's Witnesses:
Officer Alex Ramirez, Minot PD

Dated: October 15, 2024

Penalty Section
Count 1: 19-03.1-23(1)(c)
Class C Felony

/s/Bruce Quick
Bruce Quick, NDID: 55555
Ward County State's Attorney
325 2nd St SE
Minot, ND 58701
Phone: (701) 555-1212

North Dakota State Crime Laboratory Report

Case Information

- **Case Number:** MPD-24-24578
 - **Submitted By:** Officer Alex Ramirez, Badge #2691, Minot Police Department
 - **Date Submitted:** October 15, 2024
 - **Lab Report Date:** October 20, 2024
-

Examination Details

Evidence Submitted:

- **Item #1:** Small plastic bag containing a white powdery substance, retrieved from the center console of the vehicle.
- **Item #2:** Glass pipe with no visible residue, retrieved from the glove compartment of the vehicle.

Requested Analysis:

- Identification and confirmation of the white powdery substance in Item #1.
 - Residue examination on the glass pipe in Item #2.
-

Analysis Results

1. Item #1: White Powder

- **Test Performed:** Gas Chromatography-Mass Spectrometry (GC-MS)
- **Result:** Positive for Cocaine
- **Weight:** 5.02 grams (± 0.01 g)
- **Purity Level:** Approximately 85% pure cocaine hydrochloride

2. Item #2: Glass Pipe

- **Test Performed:** Visual and microscopic examination for trace residue
 - **Result:** No detectable controlled substance residue found in/on the pipe
-

Summary of Findings

The analysis confirms that the white powder contained in the plastic bag submitted as Item #1 is cocaine, weighing approximately 5.02 grams. The purity of the cocaine is approximately 85%. No detectable controlled substances were found on the glass pipe submitted as Item #2.

Analyst Name: Dr. Emily Chen
Position: Senior Forensic Chemist
Signature: Emily Chen
Date of Completion: October 20, 2024

North Dakota State Crime Laboratory
123 Justice Drive
Bismarck, ND 58504
Phone: (701) 555-1234

CLIENT INTERVIEW – OCTOBER 25, 2024

Defense Attorney (DA): Jamie, thanks for coming in today. I want to make sure we understand everything that happened on the night of your arrest. Just answer as honestly and accurately as you can, and if you're not sure about something, that's fine too. Let's start with why you were in that area on October 14th.

Jamie Lee Collins (JC): Sure. I was just sitting in my car, finishing up some texts. I was waiting to pick up my friend Josh who lives a few blocks away. He was supposed to meet me, but he was running late, so I parked near the old convenience store to wait.

DA: Okay. Now, when Officer Ramirez approached your car, did you notice him right away?

JC: No, not at first. I was on my phone, and then I saw him coming up to my window. I was a little startled, to be honest—I wasn't doing anything wrong.

DA: Understandable. Did you immediately roll down your window, or did the officer ask you to?

JC: He knocked on the window, and I rolled it down because I thought he just wanted to talk. I wasn't really expecting anything, you know?

DA: Right. When you rolled down the window, he says in his report that he noticed a faint smell of marijuana. Did you have any marijuana on you or in the car that night?

JC: No, I didn't. I mean, I'd smoked a joint with friends a few days earlier, but not in my car. There shouldn't have been any smell by then. I don't know where he got that from.

DA: Interesting. Now, Officer Ramirez reports that you seemed nervous when he asked about your activities. How were you feeling at that moment?

JC: Well, I was definitely nervous. It's not every day a cop comes up to your window at night. But I wasn't doing anything illegal.

DA: That's understandable. Now, the officer asked you to step out of the car and conducted a search. Did he explain why he was searching?

JC: He didn't really explain much. He just said he smelled marijuana and that he wanted to take a look around. I didn't argue or anything; I just got out and let him do it. I didn't think he'd find anything.

DA: And then he found a bag of white powder in the center console. Did you know that was in there?

JC: No! I was shocked when he pulled that out. I didn't put it there, and I honestly don't know how it got there.

DA: You mentioned before that someone else had used your car recently. Can you tell me more about that?

JC: Yeah, my friend Josh, the one I was waiting for that night, borrowed my car a few days earlier. He was moving some stuff and needed extra space. He had it for maybe an hour or two. But I didn't know he left anything behind.

DA: Have you spoken with Josh since the arrest? Does he know about the bag that was found?

JC: No, I haven't really had the chance. I wanted to check with you first to see if that was a good idea.

DA: We'll handle that carefully. Let's talk about the glass pipe. Officer Ramirez found it in your glove compartment. Was that pipe yours?

JC: No, and that's why I don't get this whole thing. I don't even use that stuff. I don't know if it was Josh's or if he picked up something weird when he borrowed my car, but it's not mine.

DA: Got it. Now, in terms of the police report, Officer Ramirez states he conducted a field test on the powder, but the initial test was inconclusive. He later sent it to a lab, and it came back positive for cocaine. Do you have any history with cocaine, Jamie?

JC: No. I've never touched the stuff. I didn't even know that bag was in my car, so hearing it's cocaine was a shock.

DA: All right. One more thing—at any point, did Officer Ramirez explain your rights to you, or tell you that you could refuse to answer questions or request an attorney?

JC: He didn't say anything about my rights until after he found the bag. That's when he told me I had the right to remain silent and all that. Before that, he was just asking questions, and I was answering because I didn't think I was in trouble.

DA: Okay, Jamie, I think we have a lot to work with. We're going to argue that the officer lacked probable cause for the search and that the evidence doesn't clearly connect you to the drugs found in the car. It's possible the prosecution will try to imply ownership, but with Josh borrowing the car, we can create reasonable doubt. I'll look into contacting Josh in a way that works with our defense.

JC: Thank you. I just want to get this cleared up. I didn't do anything wrong, and it's stressful having all this happen out of nowhere.

DA: I understand, Jamie. We'll prepare you for any questions they might throw at you, and we'll work to keep the focus on the facts. We'll stay in touch, and if you remember anything else, call me right away.

JC: Will do. Thanks again.