**Criminal Law Memorandum of Law Assignment Instructions**

Overview

This assignment requires application of case law related to a pre-trial line up. You will learn how to read decisions of the United States Supreme Court and apply them to a fact pattern designed to simulate a legal issue that would be encountered in a law firm. You will then complete an objective memorandum of law that will answer whether the pre-trial line up in your given scenario will be admissible in court.

Instructions

You will research and read United States v. Wade, 388 U.S. 218 (1967) and Kirby v. Illinois, 406 U.S. 682 (1972) and apply the rule of law from those cases to the following scenario:

You are a paralegal in a law firm and have been assigned to a criminal defense matter. Your client, John Smith, is a 30 year old white male, approximately 5’9’’ tall, and weighs 175 pounds. He has brown hair, brown eyes, and a mustache. According to John, on October 19, 2020, he was just finishing his shift at 2:30 am as a bartender at O’Mally’s Pub located at 123 Circle Street in Lynchburg, Virginia. John usually walks back to his apartment which is located at 145 Prince Street, approximately 3 blocks away from the pub. The United States Post Office is located at 100 Circle Street, and is between the Pub and John’s home. John usually passes the Post Office on his way home after his shifts. John claims that he arrived home around 3:00 am and went to bed. He says that no one was with him. The next day, when John arrived at work, he was surprised to see a police officer in the pub. The police officer asked to speak with him and indicated that John was a suspect in a breaking and entring of the post office the night before. The officer told John that the post office had been broken into around 2:45 am and that someone had forced their way into the building with a pry bar, and had pried upon several post office boxes and taken many pieces of mail. A witness had identified a man running from the scene that met John’s general description.

The witness, Emily Jones, indicated that she observed a white male subject, who was about 180 lbs and about 5’10’’ with brown hair and a mustache run out of the post office after an alarm went off around 2:45am. The man that she saw was wearing a blue jacket, blue jeans and a black hat. He was carrying several pieces of mail. The witness indicated that she believed that she could identify the suspect if she saw him again.

John denied any involvement in the break in and refused to speak further with the officer. The officer then left, and John went back to working his shift. A few hours later, police two police officers arrived back at the pub and told John that they had a warrant for his arrest. They explained that they had obtained a search warrant for John’s Apartment and that upon searching the apartment, they discovered several pieces of mail that were stolen from the post office. John was arrested and taken to the police station where he was subjected to a line-up. John did not have an attorney and he was not advised of any right to counsel for the line-up. The line up was conducted in a standard manner in which John and six other similarly sized individuals were placed in a room facing a one way mirror. They were each wearing blue jeans and white t-shirts. They were told to face the mirror, to turn left and right, and each was called to step forward toward the mirror in turn. John was identified by Emily Jones as the individual who she had seen running from the post office with the mail.

You have been asked by your senior attorney to review United States v. Wade, 388 U.S. 218 (1967) and Kirby v. Illinois, 406 U.S. 682 (1972) and to write a memorandum of law detailing whether the line-up would be admissible in court.

Your memorandum of law must be written in Times New Roman Font, double-spaced and should be approximately 4-5 pages in length. Your memorandum should clearly apply the case law to the fact pattern above. You should cite your both cases (and any other applicable sources) in Bluebook format and follow standard formalities for an objective legal memorandum.

Note: Your assignment will be checked for originality via the Turnitin plagiarism tool.