Legal Analysis Memorandum Academic Level : Bachelor Paper details Instructions No directly quoted material may be used in this project paper. Resources should be summarized or paraphrased with appropriate in-text and Resource page citations. Legal Analysis Memorandum: Pretend you are a new associate attorney at a criminal law firm in Annapolis, Maryland. Using the criminal statutes and specific case links provided below, submit a three to five page internal memorandum to your supervising attorney identifying and evaluating the legal issues raised in the factual scenario and applying any applicable law set forth in those cases. For purposes of the assignment, you should assume the statutes provided apply. In addition to the materials provided and your class materials, include at least one secondary source to support your explanation of the issues of this fact pattern or to support your legal opinion. No other material should be used for this assignment. The memorandum should address the following questions: (1) Is the evidence seized within the residence and on the client and other occupants admissible against our client in the pending criminal trial; and (2) Is the evidence sufficient to convict him of distribution of a controlled dangerous substance, possession of a controlled dangerous substance and/or wearing, carrying and/or transporting a handgun. (use of firearm in connection with drug trafficking crime). Structure the body of your memo to the supervising attorney using the IRAC method: I. Facts – Summarize the material facts as set forth in the memorandum from the supervising attorney II. Issue: State the specific legal questions to be addressed in the memorandum III. Rule: Using the cases provided and your class materials, identify and explain any legal standards, rules and procedures applicable to resolving the issues raised. IV. Analysis: Evaluate the legal issues raised by applying the identified legal standards, rules and procedures to the specific facts of the scenario. V. Conclusion: Restate your legal opinion. Case Law Supplied by the Firm's Law Librarian Mapp v. Ohio 367 U.S. 643 (1961) http://www.law.cornell.edu/supct/html/historics/USSC\_CR\_0367\_0643\_ZO.html Minnesota v. Carter 525 U.S. 83 (1998) http://www.law.cornell.edu/supct/html/97-1147.ZO.html Florida v. Jardines, 569 U.S. \_\_\_ (2013) Rawlings v. Kentucky 448 U.S. 98 (1980) https://www.supremecourt.gov/opinions/12pdf/11-564\_5426.pdf Rawlings v. Kentucky 448 U.S. 98 (1980) https://caselaw.findlaw.com/us-supreme-court/448/98.html Criminal Statutes provided by the Firm's Law Librarian (Use ONLY the elements of the crime as described below.) §5–602. – Distributing, possessing with intent to distribute, or dispensing controlled dangerous substance Except as otherwise provided in this title, a person may not: (1) distribute or dispense a controlled dangerous substance; or (2) possess a controlled dangerous substance in sufficient quantity reasonably to indicate under all circumstances an intent to distribute or dispense a controlled dangerous substance. §5–607. Penalties – Certain Crimes (a) Except as provided in §§ 5–608 and 5–609 of this subtitle, a person who violates a provision of §§ 5–602 through 5–606 of this subtitle is guilty of a felony and on conviction is subject to imprisonment not exceeding 5 years or a fine not exceeding $15,000 or both. § 5-601. Possessing or administering controlled dangerous substance. MD Crim Law Code § 5-601 (2017) https://law.justia.com/codes/maryland/2017/criminal-law/title-5/subtitle-6/part-i/section-5-601/ (a) In general. -- Except as otherwise provided in this title, a person may not: (1) possess or administer to another a controlled dangerous substance, unless obtained directly or by prescription or order from an authorized provider acting in the course of professional practice; or (c) Penalty; mitigating factors; substance abuse programs. -- (1) Except as provided in paragraphs (2), (3), and (4) of this subsection, a person who violates this section is guilty of a misdemeanor and on conviction is subject to: (i) for a first conviction, imprisonment not exceeding 1 year or a fine not exceeding $ 5,000 or both; (ii) for a second or third conviction, imprisonment not exceeding 18 months or a fine not exceeding $ 5,000 or both; or (iii) for a fourth or subsequent conviction, imprisonment not exceeding 2 years or a fine not exceeding $ 5,000 or both. (2) (i) Except as provided in subparagraph (ii) of this paragraph, a person whose violation of this section involves the use or possession of marijuana is guilty of a misdemeanor of possession of marijuana and is subject to imprisonment not exceeding 6 months or a fine not exceeding $ 1,000 or both. (ii) 1. A first finding of guilt under this section involving the use or possession of less than 10 grams of marijuana is a civil offense punishable by a fine not exceeding $ 100. §5–621. Use of weapon as separate crime a) (1) In this section the following words have the meanings indicated. (2) “Drug trafficking crime” means a felony or a conspiracy to commit a felony involving the possession, distribution, manufacture, or importation of a controlled dangerous substance under §§ 5–602 through 5–609 and 5–614 of this subtitle. (3) “Forfeiting authority” means the office or person designated by agreement between the State’s Attorney for a county and the chief executive officer of the governing body that has jurisdiction over the assets subject to forfeiture. (b) During and in relation to a drug trafficking crime, a person may not: (1) possess a firearm under sufficient circumstances to constitute a nexus to the drug trafficking crime; or (2) use, wear, carry, or transport a firearm.

(c) (1) In addition to the sentence provided for the drug trafficking crime, a person who violates subsection (b) of this section is guilty of a felony and on conviction is subject to: (i) for a first violation, imprisonment for not less than 5 years and not exceeding 20 years; or (ii) for each subsequent violation, imprisonment for not less than 10 years and not exceeding 20 years. (2) (i) The court shall impose a minimum sentence of 5 years under paragraph (1)(i) of this subsection. (ii) The court shall impose a minimum sentence of 10 years under paragraph (1)(ii) of this subsection. (3) (i) A court may not suspend any part of a mandatory minimum sentence. § 4-203. Wearing, carrying, or transporting handgun MD Crim Law Code § 4-203 (2017) https://law.justia.com/codes/maryland/2017/criminal-law/title-4/subtitle-2/section-4-203/ (a) Prohibited. -- (1) Except as provided in subsection (b) of this section, a person may not: (i) wear, carry, or transport a handgun, whether concealed or open, on or about the person; (2) There is a rebuttable presumption that a person who transports a handgun under paragraph (1)(ii) of this subsection transports the handgun knowingly. (c) Penalty. -- (1) A person who violates this section is guilty of a misdemeanor and on conviction is subject to the penalties provided in this subsection. (2) If the person has not previously been convicted … the person is subject to imprisonment for not less than 30 days and not exceeding 3 years or a fine of not less than $ 250 and not exceeding $ 2,500 or both Fact Pattern supplied by your Supervisor (#1) Memorandum To: Junior Associate From: Supervising Attorney Re: State of MD v. Brown Mr. Jonathan Brown, a new client of the firm, recently requested our legal services in a criminal matter. Mr. Brown was recently arrested for distribution and possession of a controlled substance and weapon offenses by the Anne Arundel County, MD police department. According to Mr. Brown, the facts are as follows: Julio Manga and his wife are the co-owners of a residence at 123 10th St. Annapolis, MD. Jonathan Brown was at the Manga's house on Sunday, February 10, 2018, watching the Super Bowl. A concerned citizen contacted 911 and reported that the occupants of the home were selling drugs out of the home and were presently smoking marijuana and that one individual identified as “Brown” had a handgun in his waistband as he entered the residence. Based on the 911 call, Officers responded to the residence. The Manga’s' home has a very large living room window and while walking up to the front door, officers observed through the window Mr. Brown and two other guests sitting on the couch watching television and smoking something. They also detected a distinct odor coming from the residence and observed Mr. Brown hand a very large baggie of greenish-brown matter next to someone standing near the couch. Based on the officers’ training, knowledge and experience, the particular smoking device being used and the distinct odor they detected, the officers reasonably believed the substance the occupants were smoking and contained within the large baggie was marijuana. Officers then knocked on the door. After hiding the drugs, Mr. Manga opened the door and granted the officers access. When the officers came inside, they informed Mr. Brown and his friends that they had witnessed the transfer of a baggie of marijuana between Mr. Brown and another gentleman and that everyone in the room had been observed smoking marijuana through the living room window. Police then observed what looked like a handgun sandwiched between the cushions of the couch near Mr. Brown and upon further inspection discovered three additional handguns underneath the same couch. The officers then conducted pat-downs of Mr. Brown and everyone else in the room. On Mr. Brown’s person, the officers recovered two digital scales and $1,541 in cash. On the person to whom Mr. Brown had handed the large baggie of greenish-brown matter, officers recovered a large baggie of marijuana. Mr. Brown was then charged with distribution of a controlled dangerous substance, possession of a controlled dangerous substance and four counts of wear, carry and/or transport of a handgun. None of the guns are properly registered and none of the occupants have valid permits to carry any firearms. The ownership of the handguns is in dispute. Format Requirements Paper should be three pages (750 words) Double space, 12 pt. font, 1" margins, Use APA citations for all sources, Include APA reference page (not included in word count) Additionally: Create a cover page for your assignment (not included in page count) Include your name Course title and number