

MORNING SESSION

Tuesday, February 27, 2018

QUESTION NUMBER 1

(Use bright blue booklet for essay answer)

Defendant, who was 16 years old, drove to a 24-hour convenience store to attempt to purchase an alcoholic beverage. When Clerk would not sell to him, he announced he would just take it. As Defendant attempted to leave with the alcoholic beverage, Clerk blocked the exit doors so that Defendant could not pass. Defendant pushed Clerk to the side and exited with the beverage. Defendant then began driving home.

While Defendant was on his way home, Officer noticed that none of the brake lights on Defendant's car were functional. Officer activated his lights and sirens to initiate a traffic stop. Defendant immediately pulled off the roadway into a designated street parking spot in front a single family home, parked the car properly, turned the car off, got out and locked the doors.

Officer informed Defendant that his brake lights were not functioning. Defendant immediately handed the Officer his Florida identification card, insurance, and registration and stated, "I'm sorry, I know my license is suspended but I was only driving a few blocks, this is my house." Officer confirmed through Defendant's identification card that the house the car was parked in front of was Defendant's residence.

Officer confirmed the suspension and informed Defendant that he was under arrest for Driving While License Suspended with Knowledge (DWLS). He then handcuffed Defendant and placed him in the back of Officer's police car. Officer then took the keys to Defendant's car and searched the car. During the search, Officer found the alcoholic beverage taken by Defendant earlier and a gym bag. Inside the gym bag with the Defendant's photo gym identification, the officer found six capsules that Officer believed to be ecstasy (MDMA), an illegal drug. The officer performed a presumptive test on the capsules, which was positive for MDMA.

Officer brought the capsules over to Defendant, held them out and said, "What are these?" Defendant replied, "They're ecstasy, but I'm only holding them for a friend." Officer arrested Defendant for DWLS and Possession of MDMA.

Question 1 continued on next page

Prepare a memorandum of law that discusses the following:

1. The most serious crime committed at the convenience store;
2. The legality of the encounter with Officer, including the likely outcomes;
and
3. Whether Defendant may be charged as an adult and whether this determination affects the sentencing options available to the court.

END OF QUESTION NUMBER 1

QUESTION NUMBER 2

(Use bright green booklet for essay answer)

A Florida legislator recently introduced a bill that, if passed into law, would implement a wellness program for state employees. The proposed bill states:

AN ACT relating to employee health.

WHEREAS the Legislature has determined that healthy employees are a benefit to the State because they miss less work for illness and make less frequent and less significant insurance claims,

BE IT ENACTED by the Legislature of the State of Florida:

SECTION 1. Each and every state employee, so as to reduce work-related stress, will be entitled to receive an additional hour of vacation time for each week the employee attends a stress management class or a religious service;

SECTION 2. Each and every state employee, so as to be better apprised of personal health, shall receive a free annual health appraisal from the Florida Department of Health, including a mandatory blood draw to determine cholesterol and nicotine levels;

SECTION 3. Each and every state employee, so as to avoid serious household injuries and accidents, shall receive \$100 for each firearm surrendered to the Sheriff of the county of the employee's residence; and,

SECTION 4. Each and every state employee, so as to foster better health, shall receive \$50, if such employee purchases an annual membership to a gym, fitness center, or health spa. All gyms, fitness centers, and health spas that provide discounts or reduced rates for annual memberships purchased by state employees shall be immune from lawsuits by such state employees.

You are an attorney for the Florida Senate's Committee on Health Policy, and the aforementioned bill is scheduled to come before your Committee for review. As part of the Committee's Bill Analysis, you have been asked to draft a memo identifying and analyzing any Florida Constitutional issues presented by the text of this bill.

END OF QUESTION NUMBER 2

QUESTION NUMBER 3

(Use bright orange booklet for essay answer)

Harry and his wife, Wilma, bought a condominium in Broward County, Florida, from Sam. At the time of purchase, the condominium was encumbered by a recorded first mortgage from Sam to FirstBank. Rather than pay off the loan, Sam gave Harry and Wilma a quitclaim deed to the property, and told them to continue making payments to FirstBank until the loan was completely repaid. FirstBank was not aware of the sale of the Broward County condominium from Sam to Harry and Wilma, nor was FirstBank aware of Harry and Wilma's agreement with Sam to pay off the loan.

Shortly after Harry and Wilma bought the condominium from Sam, NewBank bought Sam's loan from FirstBank. NewBank received an assignment of the promissory note and an assignment of the mortgage from Sam to FirstBank, which was recorded in the public records of Broward County, Florida. Unfortunately, NewBank misplaced the original promissory note and mortgage, and believes those documents were discarded by mistake.

Harry and Wilma have been living in the condominium as their primary residence since the closing on the purchase from Sam. Sometime after the purchase and after NewBank bought the loan from FirstBank, Harry borrowed money from MegaBank, and in exchange, Harry gave MegaBank a promissory note and a mortgage on the condominium. Harry's wife, Wilma, was aware that Harry had borrowed the money from MegaBank; however, Wilma did not authorize or join in the execution of the mortgage to MegaBank.

Approximately six months ago, Harry and Wilma stopped making payments to NewBank and to MegaBank. They also stopped paying their condominium association dues and the association filed a lien on the condominium. In addition, five months ago, Harry was sued by Larry and Mike, each of whom had independently loaned money to Harry. Neither of these loans from Larry or Mike was secured by the condominium. Larry obtained a judgment against Harry in the Collier County Circuit Court. Larry's money judgment against Harry, which was duly recorded in the official records of Collier County, Florida, remains unpaid. The lawsuit by Mike against Harry is scheduled for trial next month.

Your client, NewBank, wants to foreclose its lien, and also wants to know what consequences, if any, result from its inability to locate the original note and mortgage that it received from FirstBank when it purchased the loan. Prepare a memo that discusses this question, including who should be named as defendant(s) in the foreclosure action. Also include a discussion of the nature of each party's encumbrance on the property, whether a foreclosure of NewBank's mortgage lien will eliminate that encumbrance, and the likely outcomes of these actions.

END OF QUESTION NUMBER 3

END OF MORNING SESSION