# Agenda template (A).jpg

Scharps Memorial Legal Essay Competition

#### **About the Essay Competition**

The **Benjamin and David Scharps Memorial Award** was established in the will of Hannah S. Hirschhorn in honor of her brothers, Benjamin and David Scharps who were attorneys. The gift for the award was accepted by the SUNY Board of Trustees in 1974. The funds have been used to award juniors or seniors who are prelaw or have an interest in legal studies. As per the bequest, the prize is awarded to a student who writes the best legal essay on the subject determined by the Chancellor or designee. First Prize is $1,500, Second Prize is $1,000.

#### **Eligibility**

Competition for the prize is open to SUNY students in their Junior or Senior year.

#### **Campus Instructions for Essay Submissions**

Award applicants will submit a 2,000 word essay that is responsive to the chosen topic. Submission is to be sent in standard essay format. End notes and footnotes are acceptable. No pictures or illustrations are to be included. Preferred essay format is described below.

Essays written by students are submitted to a campus point of contact, who may submit a maximum of three essays for their campus. The Campus president appoints a single faculty or staff coordinator who will endorse each essay submitted indicating the he or she has read the essay and considers it of high quality and representative of the best of that campus. This is done by letter sent to SUNY University Life.

The essay will be submitted to SUNY Office of University Life by the campus faculty or staff coordinator. Please send all to the attention of Candi Griffin-Jenkins at Candi.Griffin-Jenkins@suny.edu.

The SUNY Office of University Life in consultation with the Selection Committee will make final recommendation to the Provost for approval. The winner of the competition will be announced in early spring.

**Timeline**

Announcement to all SUNY Campuses March 23, 2021

Deadline for entries April 23, 2021

Winner(s) selected Early May 2021



Benjamin and David Scharps Memorial Legal Essay Competition

**Application Cover Sheet for 2021**

*Submit this form for each nomination. Note that there may only be three submissions per campus.*

1. Campus Stony Brook University

2. Student’s Name \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

 Address (for correspondence) \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

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 \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

 E-mail \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

3. Name and Title of Campus Coordinator

 Karen Kernan, Director, URECA

 Address Stony Brook Union, Suite 111-06, Stony Brook University

 E-mail karen.kernan@stonybrook.edu

Phone 631.632.7114

4. Campus coordinator’s signature, indicating support of the submission and judgment that it is of high quality and representative of the campus.

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5. Date submitted to System Administration \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

*Note: A copy of the application (this cover sheet & essay) should be sent via email to:* Candi Griffin-Jenkins, Candi.Griffin-Jenkins@suny.edu (preferred) *or by mail to* Candi Griffin-Jenkins*, Director of EOP Operations, Office of Opportunity Programs-University Life*, *State University of New York, State University Plaza, 353 Broadway, Albany, New York 12246, and must be received on or before* **April 23, 2021.**

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**Specific Instructions for Essay Participants**

**Essay Parameters**

This is a closed-universe essay question, meaning that only the facts as they are written, and the authorities provided, should be considered when you prepare a response to the essay question posed.

The facts presented should be considered as undisputed. In your analysis, you must accept the facts as-is, meaning you must take them exactly as they are written. You are not permitted to make up any facts that are not provided in the record, or make any assumptions based on the facts as they are presented.

While completing this essay task, you should refrain from looking to any other sources for information. Additional outside research may interfere with completing the task as instructed, which is to analyze and evaluate the issues presented and to draw a legal conclusion using only the sources cited in the authority. Additionally, you are not permitted to cite from any authority other than the law and cases provided in the ‘Authorities’ sections. This means you cannot use or rely on newspaper articles, law review articles, or any other sources which you believe are be relevant to the question presented. The purpose of prohibiting other sources in your analysis is to see how effectively you are able to craft a legal argument using only the sources of information provided to you.

Additionally, outside sources may lead you believe there is a right or wrong answer. However, for purposes of this essay, there is no right or wrong conclusion to each of the questions posed, and your essay will not be evaluated based on the conclusion you reach. Instead, your essay will be evaluated based upon your analysis that leads to your conclusion in each of the three issues. Therefore, you should attempt to compare the facts of the cases provided in the authority to the facts of the instant case as a persuasive tool to reason why the court should decide one way or another.

Your essay should be 2,000 words or less.

**Evaluation Methodology**

Your essay will be judged based upon how effectively you’ve articulated the law and court cases, and applied them to the fact pattern provided to reach a conclusion. You will be evaluated based upon how well you articulate the law, and the reasoning you offer to support your conclusions for each issue. Please be sure to include any proper citations when citing a law or a case, as you will be evaluated on your ability to attribute a particular law or reasoning to a source.

We look forward to reviewing your essay submissions. Thank you for being a part of a great award opportunity.

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**Incorrect Criminal Suspect & Ensuing Chase**

In the late evening on June 31, 2020, three Coolidge County Sheriff’s Department deputies were watching an apartment complex in Taft City, as part of their attempt to serve an arrest warrant on a woman named Cassidy Buchannan, who resided at the apartment complex.

In the back corner of the apartment’s parking lot, Shoshanna Clark, a 24 year old Wilson State College student, was dropping off an order of Sack-Lunch burgers through the door delivery app, Amaitu.

Deputies T.C. Topps, Mitch Bryant, and Robert Palins were all undercover, wearing tactical vests and dark, marked clothing, but Clark was unable to read the markings on the clothing and was unaware that the two individuals approaching her were law enforcement officials. Deputy Topps was circling the lot on his police-issued bicycle, but his view was partially obscured by a sycamore tree. Deputy Topps mistook Clark for Buchannan, and ordered Bryant to stand at Clark’s window, and Palins at the front passenger side tire of her car. The deputies claim they shouted at Clark to open her car door; however, Clark claims she was unable to hear or understand what the deputies were saying.

Clark was delivering a limited availability chicken sandwich, and believed she was the victim of an attempted food robbery, so she drove forward, which prompted Deputy Palins to deploy pepper spray through Clark’s open passenger window. However, the pepper spray did not hit Clark, and landed on the lukewarm chicken sandwich on her passenger seat. Being distracted by the spray allowed Deputy Bryant to tap her on the shoulder through the open driver’s side window, and both actions distracted Clark, causing her to scrape an adjacent car she was passing. Both deputies later filed reports stating that they believed Clark was going to hit them with her car, although neither officer was in front of the vehicle at the time Clark accelerated.

When Clark would not stop her car, both deputies fired their weapons at Clark as she drove through the parking lot, striking her twice in the back just as her car went over the speed bump separating the lot from Dresden Boulevard. Dazed by the situation, and despite hearing shouts from the deputies and seeing them running toward her in the rear view mirror, Clark drove forward until she left the parking lot. Clark drove approximately 50 feet before making a U-turn in the middle of Dresden Boulevard. As she completed the turn, Deputy Topps pedaled up, and his bicycle collided with the front bumper of her car before Clark sped off. Deputies Bryant and Palins pursued her on foot for two city blocks, but ultimately Clark fled past Taft City limits, and received emergency surgery at Hoover Memorial Hospital that night.

After recuperating from her gunshot wounds, Clark wants to file a lawsuit against the deputies, alleging a violation of the Fourth Amendment. You are an associate attorney at the law firm of Bart, Harley, and Jarvis, LLP. A senior partner has requested a memorandum on whether Clark’s claim will succeed or fail, based on the case law available in the firm’s law library.

Fourth Amendment to the U.S. Constitution; <https://www.law.cornell.edu/constitution/fourth_amendment>

Atkinson v. City of Mountain View, 709 F.3d 1201 (8th Cir. 2013); <https://casetext.com/case/atkinson-v-city-of-mountain-view>

Brooks v. Gaenzle, 614 F.3d 1213 (10th Cir. 2010); <https://casetext.com/case/brooks-v-gaenzle-2>

Brower v. County of Inyo, 489 U.S. 593 (US Supreme Court 1989); <https://casetext.com/case/brower-v-county-of-inyo>

California v. Hodari D, 499 U.S. 621 (US Supreme Court, 1991); <https://supreme.justia.com/cases/federal/us/499/621/#tab-opinion-1958591>

Carr v. Tatangelo, 338 F.3d 1259 (11th Cir. 2003); <https://casetext.com/case/carr-v-tatangelo>

Childress v. City of Arapaho 210 F.3d 1154 (10th Cir. 2000); <https://casetext.com/case/childress-v-city-of-arapaho>

Farrell v. Montoya, 878 F.3d 933 (10th Cir. 2017); <https://casetext.com/case/farrell-v-montoya-1>

Henson v. U.S., 55 A.3d 859 (D.C. 2012); <https://casetext.com/case/henson-v-united-states-9>

Jones v. Norton, 809 F.3d 564 (10th Cir. 2015); <https://casetext.com/case/debra-jones-arden-c-post-v-norton-2>

Ludwig v. Anderson, 54 F.3d 465 (8th Cir. 1995); <https://casetext.com/case/ludwig-v-anderson>

Mullenix v. Luna, 136 S. Ct. 305 (US Supreme Court 2015); <https://casetext.com/case/mullenix-v-luna>

Nelson v. City of Davis, 685 F.3d 867 (9th Cir. 2012); <https://casetext.com/case/nelson-v-city-of-davis-8>

U.S. v. Beamon, 576 F. App'x 753 (10th Cir. 2014); <https://casetext.com/case/united-states-v-beamon-1>

U.S. v. Brown, 448 F.3d 239 (3d Cir. 2006); <https://casetext.com/case/us-v-brown-417>