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## Twenty-First Annual Northern Illinois University College of Law Prize Moot Court Competition

Northern Illinois University Law Review

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Twenty-First Annual  
Northern Illinois University  
College of Law  
Prize Moot Court Competition

**T**hirty-four students participated in the Twenty-First Annual Northern Illinois University College of Law Prize Moot Court Competition. Each team of students submitted a brief, and participated in at least two rounds of oral arguments. The field of participants was narrowed through the quarter-final and semi-final rounds to two teams that participated in the final arguments. The finalists for the oral argument portion of the competition were C. Scott Brinkman and Meaghan Ring for the petitioner, and Charlotte LeClercq and Kory A. Atkinson for the respondent. These students advanced to the Final Round based on brief scores and oral scores from the semi-final arguments. The judges of the final argument selected the winning team and a “best oralist” based solely on oral scores.

The winning team was C. Scott Brinkman and Meaghan Ring. The “best oralist” was C. Scott Brinkman.

The briefs were judged separately and the best petitioner’s brief and best respondent’s brief are published in this issue of the NORTHERN ILLINOIS UNIVERSITY LAW REVIEW. The best petitioner’s brief was written by C. Scott Brinkman and Meaghan Ring. The best respondent’s brief was written by Charlotte LeClercq and Kory A. Atkinson.

## MOOT COURT SOCIETY BOARD

## CHIEF JUSTICE

Kimberly R. Shefts

## ASSOCIATE JUSTICES

Ryan J. Dowd

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## FACULTY ADVISOR

Lenny Mandell, Associate Dean

The Moot Court Society Board would like to express its appreciation to Dean Mandell and Barbara Manning for their support throughout the competition. The Board would also like to thank Charles Condon for his assistance during the competition.

The Moot Court Society Board would like to acknowledge and thank the following Moot Court Society members and interested students who served as bailiffs and student ambassadors during the competition: Sid Brubacher, Jerry Byerly, Erik Dahl, Kim Felcyn, Jana Fischer, Tim Hoppa, Mike Huseman, Kenya Jenkins, Marium Khan, Margot Knudson, Steve Langley, Diana Law, Kelly Reissman, Angela Robinson, Nicole Rodriguez, Melinda Rosales, Mike Sue, William Weatherly, and Matt Williams.

The bailiff for the final argument was Steve Langley, a semi-finalist and best brief winner in the 2002 Chicago Bar Association Moot Court Competition and 2002 NIU College Of Law Moot Court Competition Finalist.

THE DISTINGUISHED PANEL OF JUDGES  
FOR THE PRIZE ROUND

HONORABLE WILLIAM J. BAUER

William J. Bauer has been a member of the United States Court of Appeals for the Seventh Circuit since January 3, 1975. He was designated Chief Judge from 1986 to 1993. Previously Judge Bauer served on the District Court for the Northern District of Illinois. Judge Bauer also served as the United States Attorney for the Northern District of Illinois from 1971 to 1975. He was a judge of the 18th Judicial Circuit of the State of Illinois, and State's Attorney of DuPage County, Illinois. He practiced law with the firm of Erlenborn and Bauer, Elmhurst, Illinois, and held the position of adjunct professor at DePaul University College of Law. Judge Bauer is a graduate of Elmhurst College and DePaul University College of Law. He served as an instructor for the National Institute for Trial Advocacy, and is a past president of the DuPage County Bar Association. Judge Bauer is a frequent lecturer on trial and appellate practice and co-author of a book on criminal procedure.

LOREN GOLDEN, ESQUIRE

Loren S. Golden is the 125th president of the Illinois State Bar Association. He also has a solo general law practice in West Dundee and concentrates his practice in plaintiff's personal injury, medical malpractice, workers' compensation and criminal law. Mr. Golden was a partner for two other law firms prior to starting a solo practice, initially in Dixon, then later in Mt. Carroll. A native of Kewanee, he was elected state's attorney for Carroll County in Mt. Carroll and served from 1972 to 1976. A member of the ISBA since 1970, he was elected to its Board of Governors in 1993, was secretary in 1996-1997 and treasurer in 1994-1995. He was elected third vice president in 1999, advancing to second vice president and first vice president each year thereafter. He is also a member of the Illinois Trial Lawyers Association, Kane County Bar Association and Decalogue Society.

Before becoming a lawyer, Golden was a full-time professional jazz pianist, performing at the Playboy Club locations in Chicago and Lake Geneva. Today, he is a member of an 18-piece jazz ensemble at Elgin Community College which performs three concerts a year.

Golden received two degrees from Drake University, in Des Moines, Iowa: a B.A. in 1965 and a J.D. in 1968. Golden resides in West Dundee with his wife, Patricia Piper Golden, an associate judge in Kane County who was appointed to the post in 1996, and their two sons, Zachary, 13, and Joshua, 16. His daughter Julie, 32, is a movie producer and screenwriter who lives in California.

#### DORESSIA L. HUTTON, ESQUIRE

Doressia L. Hutton is a second-year litigation associate at Mayer, Brown, Rowe & Maw, which is the tenth largest law firm in the world. Ms. Hutton received her Juris Doctor summa cum laude from Northern Illinois University College of Law in 2001. She graduated second in her class. While at Northern Illinois University College of Law, Ms. Hutton was named Best Oralist in the final round of the Northern Illinois University College of Law 18th Annual Prize Moot Court Competition. She and her partner, Heather Lloyd, also won First Place in the Prize Moot Court Competition, were awarded Second Best Brief, and were regional semi-finalists in the National Moot Court Competition. Ms. Hutton and Ms. Lloyd were inducted into the NIU Moot Court Hall of Fame. Ms. Hutton was also an assistant editor of the Law Review. Ms. Hutton received her B.A. in English with an emphasis in journalism summa cum laude from Tougaloo College in 1997. Ms. Hutton graduated second in her class from Forest Hill High School where she served as senior class president and was inducted into the Forest Hill Hall of Fame.

Ms. Hutton is a member of Alpha Kappa Alpha Sorority, Inc. She enjoys reading, watching sports, traveling, and spending time with her family. Her personal philosophy is "if you are not part of the solution, you are a part of the problem."

## JUDGES

## PRELIMINARY ROUNDS

Melissa Zickuhr	Lori Hoadley
Azhar Minhas*	Steve Brooks
James Mertes*	Robert Groholski
Kayode Idris	Ron Haskell
Francis Martinez	Erie Johnson
Tim Jagielski	Marilyn Frank-Stromborg
Stacey Mandell*	Thomas Arado
Anna Wilhelmi*	Angela Kilpatrick
Natalie Hammer	Austin Bartlett*
Stephen Klyczek	Emily Chen*
Jackie Lefevre	Scott Pyles*
Lisa Munch	Jaime Ganschow
Michael Cortina	Chuck Rose
Donna Kelly*	Michael Kalland
Michael O'Brien	Greg Brady
Keri Demlow	Regina Harris*
John Kolb*	Keith Grant
Heather Lloyd	Tim Specht
Erik Jacobs	

## QUARTER-FINAL ROUND

David Fish	Jenee Szczap
Lori Hoadley*	Dan Donnelly*
Julie Donnelly*	Anita Kopko
Hon. Joe McGraw	Emily Chen*
Stacey Mandell*	Kimberly Robinson
Jerrold Williams*	

## SEMI-FINAL ROUND

Hon. Peter Grometer	Jeanna Hunter
Stacey Mandell*	Greg Brady
Hon. Susan Hutchinson	

## BRIEF JUDGES

Brenda Carlson	Katrina Kelly-Kuhn
Anita Kopko	Elsa Miller
Greg Preves	Jeanna Hunter
Jim Dvorak	

\* Designates Friends of Moot Court

### PRIZE MOOT COURT COMPETITION PARTICIPANTS

The following students participated in the Twenty-First Annual Northern Illinois University College of Law Prize Moot Court Competition:

Kory A. Atkinson	Charlotte LeClercq
Ramon Barajas	Nancy Nicholson
Kirsten Becker	Brian O'Connor
Melynda Benjamin	Joan Pangilinan-Taylor
Bruce Bonebrake	Randy Paswater
C. Scott Brinkman	Ron Richards
Melissa Burken	Meaghan Ring
Amy Colby-Rybicki	Julie Schuetz
Rebecca Davenport	Patricia Scott
Adam Diamond	Troy Shafer
Keith Doherty	Scott Shuey
James Fagerman	Roxanne Sosnowski
John T. Gibbons	Aaron Szeto
Ryan Hamer	Daniel Teefey
Ryan Howard	Brian Ward
Jennifer Stallings	Kathleen Weck
Thomas Jakeway	Tamorro Wilkins

The following eight teams advanced to the single-elimination quarter-final round based on brief scores and oral scores from two preliminary round arguments:

Melissa Burken	and	Julie Schuetz
Ron Richards	and	Bruce Bonebrake
Rebecca Davenport	and	Daniel Teefey
Kathleen Weck	and	Brian Ward
Charlotte LeClercq	and	Kory A. Atkinson
C. Scott Brinkman	and	Meaghan Ring
Adam Diamond	and	Brian O'Connor
Aaron Szeto	and	Melynda Benjamin

The following four teams advanced to the single-elimination semi-final round based on winning the quarter-final round arguments:

Kathleen Weck	and	Brian Ward
Charlotte LeClercq	and	Kory A. Atkinson
C. Scott Brinkman	and	Meaghan Ring
Adam Diamond	and	Brian O'Connor

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Docket No. 03-0052

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In the  
United States Court of Appeals  
for the Fourteenth Circuit

Spring Term, 2003

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Elizabeth Monroe,  
Petitioner,

Versus

The United States of America  
Respondent.

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On Appeal from the  
District Court for the  
District of Glidden

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## SUMMARY OF THE CASE

Federal agents suspected that Kristine and Cameron Downing were laundering money which had been embezzled from EPRON, Inc. through a shell restaurant venture, Krissie's Place. Krissie's Place, a restaurant specializing in West African cuisine, had suspicious profits and the bookkeeping conflicted with surveillance of the level of customers.

The United States District Court for the District of Glidden issued a search warrant for the Downing residence and the residence was searched by FBI agents. The agents found a number of documents and computer disks; one disk was found in Ms. Downing's purse.

Petitioner, Elizabeth Monroe, was one of two invited guests present when federal agents searched Kristine Downing's apartment. Federal agents were aware of the guests' presence and of the fact that the guests were visitors on the premises.

There were a number of purses in the home because Rachel Carrier, the other guest, had brought them for the other women to view. Ms. Monroe removed some Kleenex from her purse and hung her purse over her coat on a chair. The agents asked the women to leave that room so that it could be searched. The sample purses were empty, but Ms. Monroe's purse had a 9mm handgun for which she was unable to produce a license.

Agents placed Ms. Monroe under arrest for unlawful possession of an unregistered firearm. Further investigation revealed that the weapon resembled other unlicensed handguns seized in connection with a number of recent gang-related arrests. The original source of these handguns had not been determined. Based on this information, the agents obtained a warrant to search Ms. Monroe's apartment.

At the apartment, the agents' search yielded a contact list containing the name and phone number of an arms smuggler named Amir Muhammad, commonly known as "The Gypsy King." When questioned, Ms. Monroe denied knowledge of Gypsy King's smuggling activities.

The next day, FBI agents brought Mr. Muhammad in for questioning and he agreed to continue with a previously planned guns-for-drugs deal with Ms. Monroe at Mandellia Park, where the agents would conduct audio and video surveillance. At the park, Mr. Muhammad received twenty kilograms of cocaine in exchange for giving Ms. Monroe five AK-47 automatic weapons. FBI agents arrested Ms. Monroe, charging her, *inter alia*, with using and carrying a gun during and in relation to a drug transaction in violation of 18 U.S.C. § 924(c), which covers anyone who "during and in relation to any crime of violence or drug trafficking crime...uses or carries a firearm." Violation of this statute results in an additional 5 year consecutive sentence.

Ms. Monroe filed a pre-trial motion to suppress all evidence obtained through, and arising out of, the search of her purse. She argued that the search had been conducted in violation of the Fourth Amendment protection against unreasonable searches and seizures. The district court denied the motion.

Ms. Monroe submitted a memorandum of law addressing the jury instruction she requested for the guns-for-drugs charge to the Federal District Court for the District of Glidden. The requested jury instruction distinguished “receipt” of a gun from “sale” of a gun in the context of a Section 924(c) drug transaction. Ms. Monroe argued that her receipt of a gun did not constitute “use” under the statute. The district judge adopted the government’s proposed jury instructions, which made no distinction between receipt and sale of a gun in exchange for drugs.

Ms. Monroe was convicted by the jury of unlawfully possessing guns in violation of 18 U.S.C. § 922 and unlawfully possessing drugs in violation of 21 U.S.C. § 841; conspiring to distribute fifty or more grams of cocaine in violation of 21 U.S.C. § 841(a)(1); and, using a gun in violation of 18 U.S.C. § 924(c). She was sentenced to a prison term of 29 years.

Ms. Monroe now appeals her conviction to the United States Court of Appeals for the Fourteenth Circuit. She raises two issues on appeal:

1. Whether the Fourth Amendment permits the search of a container belonging to, but not in the physical possession of, a visitor to a residence that is lawfully being searched?

2. Whether receiving a gun in exchange for drugs qualifies as “using” or “carrying” a gun during and in relation to a drug transaction in violation of 18 U.S.C. § 924(c)?

