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 $1500, Second Prize is $1000.

**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 University at Buffalo’s coordinator of selection and submission is Elizabeth Colucci, Coordinator of Nationally Competitive Fellowships and Scholarships. All application materials must be submitted by January 4, 2016 to be considered.

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**

<table>
<thead>
<tr>
<th>Event</th>
<th>Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>UB Internal Deadline</td>
<td>January 4, 2016</td>
</tr>
<tr>
<td>Deadline for entries</td>
<td>January 29, 2016</td>
</tr>
<tr>
<td>Winner(s) selected</td>
<td>March 1, 2016</td>
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</tbody>
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APPLICATION COVER SHEET FOR 2016

Submit this form to be nominated. Note that there may only be three submissions per campus.

1. Campus
   _____________________________________________

2. Student’s Name
   _____________________________________________

   Address (for correspondence)
   _____________________________________________
   _____________________________________________
   _____________________________________________

   E-mail
   _____________________________________________

3. Cell Phone
   _____________________________________________

4. UB Person #
   _____________________________________________
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 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 essay submissions. Thank you for being a part of a great award opportunity.

Best regards,

Elizabeth Droz, PhD  
Assistant Vice Chancellor for Student Affairs  
State University of New York  
Elizabeth.Droz@suny.edu
Benjamin and David Scharps Memorial Legal Essay Competition

Essay Fact Pattern and Legal Questions:

A Constitutional Conundrum: Search Drones and the Fourth Amendment

Don Smith and Joe Sanders are both juniors at College U. They share a rented flat with four other students in Dome View Suites, a private residential building located adjacent to campus. Don and Joe’s flat faces east on the fourth floor of the Dome View building. Directly across two-lane Boeheim Street sits Brown Hall, a three-story College U building that houses various administrative offices.

On the night of April 20, 2015, the Dean was working late in his third floor office in Brown Hall, which faces west toward Boeheim Street, when he noticed an odd purplish light emanating from the top floor of Dome View. Every few minutes, as he gazed out of his window, he thought he saw smoke blowing out of the open window directly across from his office. The purplish light made the smoke stand out against the dark night. Concerned that there could be a fire, the Dean opened his window to get a better view. Right away, he was sure that he detected a faint scent of marijuana, which he recognized well from his days as a Resident Assistant in college. Although he hoped that no College U students were involved in illegal activity, he nevertheless called University Police to report what he’d seen and smelled.

Lieutenant C of the College University Police force arrived five minutes later, and observed the smoke, but by then the wind had shifted and she could not smell anything untoward. Using a digital camera with a powerful lens, Lt. C surveyed Dome View, but she could not see much inside the fourth floor windows because of the height disparity between the two buildings. She then walked down the sidewalk on Boeheim Street, just outside Dome View. Lt. C could see some smoke and hear voices and the occasional cough over the loud music that emanated from the window, but still couldn’t get a good look inside. She knocked on the door and rang the doorbell for several of the fourth floor units, hoping to get consent to investigate, but nobody answered. Finally, she called her boss, Chief D.

Chief D told Lt. C to wait right there—he had an idea. Several minutes later, Detective B showed up with what looked like a mini helicopter with three blades. Mounted to the bottom of the device was a small camera. Wasting no time to try out this new investigative tool, Det. B remotely flew the drone into the sky and maneuvered outside the open window of Don’s room, the window where the smoke had been observed. Det. B positioned the drone level with the 4th floor window and about 20–30 feet from the outer wall of the building (above the...
approximate middle of Boeheim Street). The camera on the device—which was high definition, but did not have a telescopic function—captured clear footage of Don and Joe smoking a green substance out of a large tie-dye bong, and relayed the footage back to Chief D’s office computer within seconds.

Just as Chief D was about to call Judge J and request a search warrant for the flat, he saw what appeared to be Joe exchanging money for a small plastic baggie with white powder with a man in a red shirt who came to the door of Don’s room. Concerned that valuable evidence of illegal drug use and dealing could be lost if they didn’t act fast, Chief D ordered Lt. C and Det. B to enter Dome View and execute a search of the flat immediately.

Inside the flat, the police found a disoriented Joe and Don sitting in a smoke-filled room. They searched the room, but found nothing illegal. However, upon searching Joe’s room, one door down from Don’s room, they found a bong that was warm to the touch, and a little over a pound of marijuana under the bed.

Officer H, who had just arrived on the scene, was walking up to the back of the Dome View building when Mark, wearing a red shirt, came running out of a fire exit. Mark lives in an on-campus residence hall two blocks away from Dome View. Recalling Chief D’s description of the suspected buyer of the white substance he saw on the drone video, Officer H apprehended Mark. A search of Mark’s person uncovered a bag containing 2 grams of cocaine.

Don and Joe have now been charged with Criminal Sale of Marijuana in the First Degree, a Class C felony. Mark has been charged with Criminal Possession of a Controlled Substance in the Fourth degree, a Class C felony.

At their trials before Judge Z, the three defendants each make a motion to suppress the drug evidence. Don and Joe argue that the evidence obtained during the search of their rooms in the Dome View flat was a violation of their Fourth Amendment rights. Similarly, Mark argues that the search of his person by Officer H was a violation of his Fourth Amendment rights.

All the defendants argue that the College U Police had no right to monitor or survey Don’s room or the flat using the unmanned aerial drone, and that any evidence obtained by that method could not be used to provide probable cause for the subsequent searches of the flat and Mark’s person. Therefore, they argue, any evidence obtained after use of the drone was illegally obtained and must be excluded from trial as “fruit of the poisonous tree.”
Legal Essay Assignment
You are Judge Z's's law clerk. Drawing only from the authorities provided, draft a memo advising her on how to rule on each of the three motions.

Authorities
U.S. Constitution, Amendment IV