

4.1 GUN

This is an unlawful possession of a concealed weapon prosecution. A police officer, Frank Smith, arrested the defendant, Earl Jones, following a search that produced a revolver from his coat pocket.

Officer Smith recorded the following information about the seized revolver in his report: a .38 caliber Smith and Wesson revolver, 2" barrel, stainless steel with wood handle.

Before giving the weapon to the police department's evidence section, Officer Smith placed his initials and date on the revolver: "2/8/[-1] — FRS."

1. For the prosecution, get the gun in evidence. (Prepare and bring an appropriate exhibit to class.)
2. Assume that this is an armed robbery prosecution. Officer Smith has testified to the seizure of the gun from Jones. The victim, Sandy Wilson, is now testifying. He identifies the defendant as the man who took his wallet at gun point on February 6, [-1]. The victim describes the defendant's gun as a "shiny revolver with a short barrel" but can only say that the exhibit "looks similar to" the one used by the defendant during the robbery. For the prosecution, get the gun in evidence during Wilson's testimony.
3. For the defense, oppose the offers.

