



Slide One Courts and the Constitution

Introduce self/ let students know that today they will take on the role of a judge. You will give them a real case and learn how a justice does their job.

Slide Two

Ask students if they were responsible for selecting all of the judges in the state of Florida, what would they look for....what skills, qualities, knowledge

Slide Three

Ask students how judges are different from legislators or other elected officials...(you want to make sure to emphasize that legislators make the laws and judges interpret them. Also legislators represent the people who elect them. Judges make decisions based on the law.)

Slide Four

Ask the questions on the screen and get student responses.

Slide Five

Review what judges base their decisions on...checks on judges

Slide Six

Emphasize that judges do not make decisions based on how they feel or how the public feels....they must base their decisions on the law...

Slide Seven

Tell students today they will become a justice

Slide Eight

So they will need to have some knowledge to decide this case...so first we will look at the language of the Fourth Amendment

Slide Nine

Have a student begin reading....stop at the end of the color section and start asking questions. For instance after the first section in red ask....what about a car, is it covered under the fourth amendment ? What about your trash....can the government require you to give a urine sample before you play sports on a school team.. all the questions above will just begin to stimulate their interest...all are based on real cases.

Do for each section highlighted. Ask what unreasonable means and who determines what is unreasonable. Define words like warrant.....also ask do you always need a warrant. When would you not need a warrant.

Define probable cause.....it is a good reason.

Continue until you finish the entire amendment.



Then ask students what happens if a police officer violates the Fourth Amendment and searches someone illegally. (Evidence is excluded at trial)

NOW SHOW VIDEO CLIP.. on the web site from the Bill of Rights Institute. This is a five minute clip that shows a dictatorship and how searches are done compared to our democracy. It also explains the exclusionary rule.

Slide 10

Now ask students to read the JL case. Make copies for the students to read silently. Make sure each student has one. Ask them to highlight any important fact in the case so you can discuss together. Draw out each important aspect.

Slide 11

What will happen to JL

Slide 12

Show the trial court and emphasize that JL will appear in circuit court before one judge.

Slide 13

Explain what a motion to suppress hearing is. Who will be present. Choose students to be the lawyers for JL and for the State.

Slide 14

Ask students what else a judge might want to know. They already know the 4th Amendment. But what about other cases that might be similar and have already been decided by a judge.

Slide 15

Explain the facts in Terry v. Ohio. How is this similar or different to the JL case...(behavior of suspects, etc) Apply to this case.

Slide 16

Now take the 4th amendment and the Terry case as well as the facts of this JL case and have students give arguments to YOU as the judge in trial court as to whether or not the search is a good search or a bad search (reasonable or unreasonable) and why.

Slide 17

In the real case the judge suppressed the gun and ruled in favor of JL....what happens next

Slide 18

Ask students what is an appeal

Slide 19

The next highest level of court that the state can appeal to is the district court of appeals.....they sit in 3 judge panels. In this case all three of the judges ruled in favor of the state and reversed the trial court's decision...now where does it go



Slide 20

Florida Supreme Court....

Slide 21

Six justices hear the case and in a 4-2 decision, they ruled it was an unreasonable search.

Slide 22

What is next.....

Slide 23

Instruct students that now they are on the US Supreme Court and they must apply the law and determine how they would rule on this case.

Slide 24

Here is the question. Based upon the case before you that we have just discussed, you must decide individually

Is an anonymous call that a person is carrying a gun...is that enough to justify a police officer being able to stop and frisk someone.

Slide 25

Have students answer yes or no and give their legal reasoning in writing on the handout.

Slide 26

If yes....they are deciding in favor of the State and they have determined that the anonymous tip is sufficient and the search is reasonable.

If no....they are deciding for JL and they have determined that the anonymous tip is not enough and the search is unreasonable.

Slide 27

Repeat the question and ask students to write down their answers on the sheet of paper they have with the question on it.

Slide 28

Assign students to groups of five. Provide instructions to select a Chief, poll all justices, and then try to come to a unanimous decision (everyone must agree) if possible. Give at least 10- 15 minutes to come to a group decision.

Slide 29

Bring all students that were Chief Justices to the front of the room. Give opinions for the majority and minority. Announce their decisions of their courts.

Slide 30

Announce that the US Supreme Court said No, an anonymous tip by itself was not enough in this case to justify a police officer stopping and frisking a person.



What else could the police have done.. they could have gone up and asked questions to the persons....they could have waited and observed the persons to see if they were able to see the gun....etc

Anonymous tips are very useful and can be used in addition to other means of investigation.

Ask students what would happen if the person that called was not anonymous and perhaps was JL's mother...would the outcome be different.....there was a similar case in the Florida Supreme Court where the mother called and said her son was on the way to school with a gun in his backpack. Yes that was different.

Questions etc...