



JUDICIAL DECISION-MAKING AND THE CONSTITUTION

FLORIDA V. J.L.

Overview: The goal of this activity is to understand how judges make decisions through the interpretation and application of law. In this lesson, students will apply the Constitution and case precedent to a real case scenario. The balancing of security/order with individual rights/liberty will be explored.

Objectives: Students will be able to:

- Analyze the Fourth Amendment;
- Apply the Fourth Amendment and case precedent to specific case studies;
- Weigh issues of public safety/security with individual rights from a constitutional framework; and
- Determine the flow of a case throughout the state courts.

Materials:

- Florida v. J.L. Judicial Decision-Making PowerPoint
- Handout A: Fourth Amendment to the U.S. Constitution (*optional*)
- Handout B: Facts of the Case
- Presenter Notes: Case Precedent
- Computer
- Projector

Time: 50-60 minutes; presentation can be adapted to fit the time allotted

Next Generation Sunshine State Standards:

- SS.7.C.2.4 Evaluate rights contained in the Bill of Rights and other amendments to the Constitution.
- SS.7.C.2.5 Distinguish how the Constitution safeguards and limits individual rights.
- SS.7.C.3.6 Evaluate constitutional rights and their impact on individuals and society.
- SS.7.C.3.8 Analyze the structure, functions, and processes of the...judicial branch.
- SS.7.C.3.11 Diagram the levels, functions, and powers of courts at the state and federal levels.

Presentation Guide

Introductions Introduce yourself to the class and explain that today they will be learning about the judicial branch. Through an engaging activity, they will be learning about the role of the judicial branch and how judges make decisions.

Using the PowerPoint ask participants what knowledge, skills, and qualities they think judges should have. Discuss their answers. Distinguish judges from other elected officials by explaining that other elected officials make decisions based on the needs/desires of their constituents/voters, their own beliefs, their

political party's agenda, and other outside influences. In contrast, judges make decisions based on the law (statutes, Constitution) and case precedent, not their own feelings or other outside pressures. Continue with the PowerPoint to emphasize the judicial decision-making process and how judges make important decisions.

The Fourth Amendment Explain to students that they will be looking at a case and using what they have learned about how judges make decisions to decide a Fourth Amendment case. Dissect the Fourth Amendment with students. Using the PowerPoint (*optional: Distribute Handout A*), have a student read a section of the Fourth Amendment (dissected into sections by different colors). Discuss each section and ask questions to generate interest.

Amendment IV. The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

Example of discussion:

"The right of the people to be secure in their persons, houses, papers, and effects..."

STOP – ask students:

- Is an apartment covered?
- How about a hotel room?
- Do the police have the right to search your trash?
- How about your urine – is that covered?
- Can a school require a football player to submit to a urine test before playing on the high school football team?

"...against unreasonable searches and seizures..."

STOP – ask students:

- How would you define the term *unreasonable*?
- Who decides what is "unreasonable"?
- What is a seizure?

"...shall not be violated, and no warrants shall issue, but upon probable cause..."

STOP – ask students:

- What is a warrant?
- Do you always need a warrant?
- What is probable cause?

"...supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized."

STOP – ask students:

- What does a warrant need to include?
- Who signs a warrant?
- Who serves a warrant?
- What branches of government are involved in issuing a warrant?

Distribute Handout B: Facts of the Case Have students read the facts of the case individually and instruct them to circle/underline/highlight any important facts. Ask participants to raise their hands and share a fact from the materials provided. Keep going until all facts have been highlighted. Now ask what will happen to J.L. Discuss that J.L.'s attorneys asked for the gun to be suppressed as evidence because they argued the search was unlawfully conducted in violation of the Fourth Amendment.

Highlight the structure of Florida's Courts Using the PowerPoint, explain the structure of Florida's state courts. Have students review the facts to discuss how the case moved through the courts on the following slides. Beginning with the trial court, discuss the motion to suppress hearing and how the case progressed through the appellate courts. Ask students what else a judge might consider in addition to the Fourth Amendment and the facts in this case. Highlight case precedent and the role it plays in judicial decision-making. Demonstrate the case precedent highlighted in your presenter notes **Ask students to identify** key facts in these cases that support the different sides in Florida v. J.L. Discuss the trial court decision in JL as well as the DCA and Florida Supreme Court decisions sequentially. **DO NOT** announce the decision of the U.S. Supreme Court. Ask participants individually and without discussion to determine how they would rule on the case and to list three reasons. Show the question before the Court for the students to answer.

Group Activity Divide participants into groups of five to simulate a Supreme Court conference. In this Supreme Court conference activity, each group should:

- Select a Chief Justice in each group to maintain order and lead discussions. Remaining participants are associate justices.
- Discuss in each group why the search was constitutional or unconstitutional based on participants' knowledge of the Fourth Amendment. Different opinions will surface. Each person in the group should be allowed to speak once before anyone speaks twice.
- The Chief Justice will poll the justices to determine the final decision of the Court. This will be discussed to try and reach a unanimous court decision. Give at least 10-15 minutes.

Debrief the Activity Have each group's Chief Justice come to the front and present the decision of their court. Tally responses. Debrief with the actual U.S. Supreme Court decision, provided in the PowerPoint presentation.



THE FOURTH AMENDMENT TO THE U.S. CONSTITUTION

The right of the people to be secure in their persons, houses, papers, and effects,
against unreasonable searches and seizures,
shall not be violated, and no Warrants shall issue, but upon probable cause,
supported by Oath or affirmation, and particularly describing the places to be searched, and the persons or things to be seized.



FLORIDA V. J.L.

FACTS OF THE CASE

One day, an anonymous person called the Miami-Dade Police Department with a tip. The caller said that a young black man wearing a plaid shirt was standing at a specific bus stop by a pawn shop. The caller also said that the young man was carrying a gun. The caller described the young man as well as two other young men that were with him. Officer Anderson, a fourteen-year veteran and her partner went to check out the anonymous tip. When they arrived at the bus stop six minutes later, the officers saw three young black men. Just like the caller said, one of the young men was wearing a plaid shirt.

The officers did not see a gun. While the three young men were hanging out by the bus stop, Officer Anderson and her partner approached them and frisked all three men. The young man in the plaid shirt, J.L., had a gun in his pocket. The other young men were not carrying any weapons. The police arrested J.L.

J.L., who was almost 16 when he was arrested, was charged with breaking two Florida laws. First, J.L. was charged with carrying a concealed weapon without a license. Second, he was charged with possessing a firearm while under the age of 18. J.L.'s trial took place in the circuit court. During a motion to suppress hearing, his attorney argued that the search was unreasonable and violated the Fourth Amendment because it was based on an anonymous tip. He argued that the gun taken from J.L. during the search should not be used as evidence against J.L. The trial judge in the Eleventh Circuit granted the motion and the gun was not allowed into evidence. The state appealed to the Third District Court of Appeal where the decision of the circuit court was reversed. J.L. petitioned for review to the Florida Supreme Court, where they reversed the decision of the District Court of Appeal. The state then petitioned for certiorari to the U.S. Supreme Court.

Question before the court:

Is an anonymous tip that a person is carrying a gun enough to justify a police officer stopping and frisking a person?



CASE PRECEDENT

TERRY V. OHIO (1967)

Facts of the Case

Terry and two other men were observed by a plain clothes policeman in what the officer believed to be “casing a job, a stick-up.” The officer stopped and frisked the three men, and found weapons on two of them. Terry was convicted of carrying a concealed weapon and sentenced to three years in jail.

Question before the court:

Was the search and seizure of Terry and the other men in violation of the Fourth Amendment?

Conclusion

In an 8-to-1 decision, the Court held that the search undertaken by the officer was reasonable under the Fourth Amendment and that the weapons seized could be introduced into evidence against Terry. Attempting to focus narrowly on the facts of this particular case, the Court found that the officer acted on more than a “hunch” and that “a reasonably prudent man would have been warranted in believing [Terry] was armed and thus presented a threat to the officer’s safety while he was investigating his suspicious behavior.” The Court found that the searches undertaken were limited in scope and designed to protect the officer’s safety incident to the investigation.

ALABAMA V. WHITE (1990)

Facts of the Case

Police received an anonymous telephone tip that respondent White would be leaving a particular apartment at a particular time in a particular vehicle, that she would be going to a particular motel, and that she would be in possession of cocaine. They immediately proceeded to the apartment building, saw a vehicle matching the caller’s description, observed White as she left the building and entered the vehicle, and followed her along the most direct route to the motel, stopping her vehicle just short of the motel. A consensual search of the vehicle revealed marijuana and, after White was arrested, cocaine was found in her purse.

The Court of Criminal Appeals of Alabama reversed her conviction on possession charges, holding that the trial court should have suppressed the marijuana and cocaine because the officers did not have the reasonable suspicion necessary under Terry v. Ohio, to justify the investigatory stop of the vehicle.

Question before the Court:

Did the officers have the reasonable suspicion necessary under Terry v. Ohio, based on the anonymous tip received, to justify the investigatory stop of respondent’s car?

Conclusion

In a 6-to-3 decision the court held that the anonymous tip, as corroborated by independent police work, exhibited sufficient indicia of reliability to provide reasonable suspicion to make the investigatory stop.

The court stated that “the totality of the circumstances demonstrates that significant aspects of the informant’s story were sufficiently corroborated by the police to furnish reasonable suspicion.”

DO NOT ANNOUNCE US SUPREME COURT DECISION UNTIL END OF ACTIVITY

Court decisions in Florida v. J.L.

The trial court granted J.L.’s motion to suppress the gun as it was obtained through an unlawful search. The court said the gun could not be used as evidence.

The Third District Court of Appeal reversed the trial court’s decision and determined that the search was legal.

The Florida Supreme Court disagreed with the appellate court’s ruling and agreed with the trial court.

DO NOT ANNOUNCE UNTIL CONCLUSION OF THE ACTIVITY:

The U.S. Supreme Court held that an anonymous tip that a person is carrying a gun is not, without more, sufficient to justify a police officer’s stop and frisk of that person.

(Florida v. J.L. was argued February 29, 2000 and decided March 28, 2000. 529 U.S. 266, 120 S.Ct. 1375, 2000 U.S. LEXIS 2345)

Presentation Tips:

- Be neutral in the presentation of materials. Challenge students to consider both sides of the case.
- Engage the audience. Ask questions of the students and encourage them to provide answers based on facts/materials provided.
- Encourage discussion and give validity to all responses.