



The Mock Oral Argument Experience

The Anonymous Tip

Fourth Amendment United States 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 place to be searched, and the persons or things to be seized.”

J. L. V. State of Georgia

One day, an anonymous person called the Atlanta Police Department with a tip. The caller said that a young African-American male 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 who were with him. Officer Anderson, a fourteen-year veteran, and her partner went to check out the anonymous tip. When they got to the bus stop six minutes later, the officers saw three young, African-American 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 Georgia 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 Superior Court. There, his attorney argued that the search of J.L. was unreasonable and that it violated the Fourth Amendment because it was based on an anonymous tip. The attorney argued that because the search was unreasonable, the gun taken from J.L. during the search should not be used as evidence against J. L. The trial court agreed with J.L.'s attorney. The State of Georgia appealed the superior court's decision to the Georgia Court of Appeals. The Court of Appeals disagreed with the superior court. The Court of Appeals ruled that the search of J.L. was reasonable and that the gun could be used as evidence against J.L.

J. L. appealed the Court of Appeals' decision to the Georgia Supreme Court. The Court has agreed to hear this case and is now ready to hear arguments from both sides.

Constitutional Question:

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

Case Study Sheet

I. What are the Facts?

II. State the Issue to be Decided:

III. Arguments for Appellant, J.L. :

IV. Arguments for Appellee, State of Georgia:

V. What Would You Decide?

VI. Reason/Evaluation?

VII. Mock Supreme Court Tentative Decision:

Deputy Clerk's Script

(When door opens and Justices begin to enter)

- Bang gavel twice
- Announce in a loud voice: **“ALL RISE! THE HONORABLE SUPREME COURT OF GEORGIA IS NOW IN SESSION.”**
- Wait until the Justices are standing behind their chairs, then:
- Bang gavel twice
- Announce in a loud voice: **“YOU MAY BE SEATED.”**

(When Chief Justice rises to leave)

- Bang gavel twice
- Announce in a loud voice: **“ALL RISE!”**
- Once the last Justice exits the magic door, bang the gavel once (indicating everyone is free to leave)

Chief Justice's Script

The Court is ready to hear the case of J. L. V. State of Georgia.

Are the attorneys ready to proceed?

Attorney for the Appellant (J.L.) may begin.

[When the Deputy Clerk calls time, tell the appellant's attorney that his/her time is up. If the attorney is in the middle of an answer when time is called then you can tell him/her that he/she may briefly finish his/her answer.]

Attorneys for the Appellee (State) may begin.

[When the Deputy Clerk calls time, tell the appellee's attorney that his/her time is up. If the attorney is in the middle of an answer when time is called then you can tell him/her that he/she may briefly finish his/her answer.]

Attorneys for the Appellant may present rebuttal.

[When the Deputy Clerk calls time, tell the appellant's attorney that his/her time is up. If the attorney is in the middle of an answer when time is called then you can tell him/her that he/she may briefly finish his/her answer.]

Attorneys, thank you for your arguments. The Court will announce its decision shortly. (Chief Justice stands and leaves.)

Appellant (J.L.) Arguments

MAY IT PLEASE THE COURT. MY NAME IS _____ AND I REPRESENT THE APPELLANT, J.L., WHO ARGUES THAT THE SEARCH WAS UNREASONABLE AND THAT IT VIOLATED J.L.'S FOURTH AMENDMENT RIGHTS.

J.L.'s Arguments (*against* the search) include:

1. The police did not have a “reasonable suspicion,” or enough evidence to think that J.L. was involved in criminal activity. The anonymous tip was not enough to allow the police to stop and frisk J.L.
2. The details given by the caller, such as a plaid shirt and a certain bus stop, were innocent details and actions that could have been provided by anyone on the street.
3. Young people should not be stopped, frisked and harassed by the police unless the police have a reason to think that they committed a crime.
4. Anonymous tips cannot be trusted. For example, an anonymous tip can be used to get revenge on an innocent person.

Try to think of other arguments against searches based on anonymous tips. Write these arguments on the note pad at your seat.

Appellee (The State) Arguments

MAY IT PLEASE THE COURT. MY NAME IS _____ AND I REPRESENT THE APPELLEE, THE STATE OF GEORGIA, WHO ARGUES THAT THE SEARCH WAS REASONABLE AND DID NOT VIOLATE J.L.'S FOURTH AMENDMENT RIGHTS.

The State's Arguments (for *allowing* the search) include:

1. Police have a duty to protect the public. They must look into all tips, even anonymous ones.
2. Public safety is more important than briefly invading someone's privacy with a "stop and frisk."
3. Anonymous tips are an important way for the police to learn information about dangerous people and situations and help keep the public safe.
4. If people cannot give anonymous tips, many people will decide not to talk to the police. This will keep police from being able to investigate possible crimes.
5. Police checked out the specific information given by the anonymous caller, including clothing and location.

Try to think of other arguments for allowing searches based on anonymous tips. Write these arguments on the note pad at your seat.

Sample Questions for Justices

(Each Justice may ask one question)

Questions to ask the Appellant (J.L.):

1. Isn't gun violence among young people a major concern?
2. Why is it wrong for a police officer to stop someone and search that person for a weapon?
3. Why shouldn't the police be allowed to use anonymous tips to learn information about dangerous people?
4. Is it fair to make police check out all of the information in an anonymous tip before searching someone?
5. What else could the police have done rather than search J.L.?

Try to think of other questions for the attorney who is against anonymous searches. Write these questions on the note pad at your seat.

Questions to ask the Appellee (State):

1. Shouldn't every American have a right to privacy and not have to worry about being stopped on the street and searched by the police?
2. If an anonymous tip might be false, why should the police be allowed to act on it?
3. Isn't there a chance that the police might stop the wrong person? Why is this okay?
4. Why is it a good idea for police to use anonymous tips?

Try to think of other questions for the attorney who favors tips.

Clerk's Script

(place vote sheet on Clerk's desk)

After the arguments, the Justices will vote on the case. Count the votes for the Appellant (J.L.) and Appellee (State).

READ:

The Georgia Supreme Court has reached a decision in this case. By a vote of _____ to _____ the Court rules in favor of the _____.

Vote Sheet

Votes:

Chief Justice Hines

Appellant/J. L.

Appellee/State

Presiding Justice Melton

Appellant/J. L.

Appellee/State

Justice Benham

Appellant/J. L.

Appellee/State

Justice Hunstein

Appellant/J. L.

Appellee/State

Justice Nahmias

Appellant/J. L.

Appellee/State

Justice Blackwell

Appellant/J. L.

Appellee/State

Justice Boggs

Appellant/J. L.

Appellee/State

Justice Peterson

Appellant/J. L.

Appellee/State

Justice Grant

Appellant/J. L.

Appellee/State