

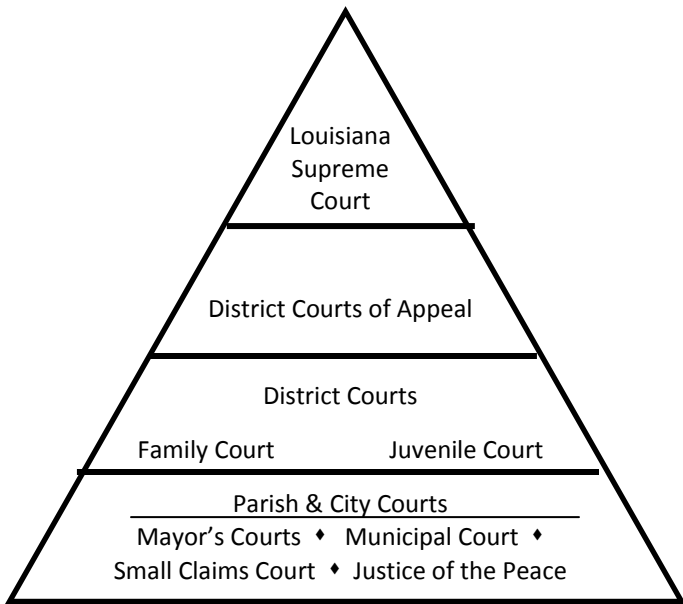


**Presenter Information
(Handout #2)**

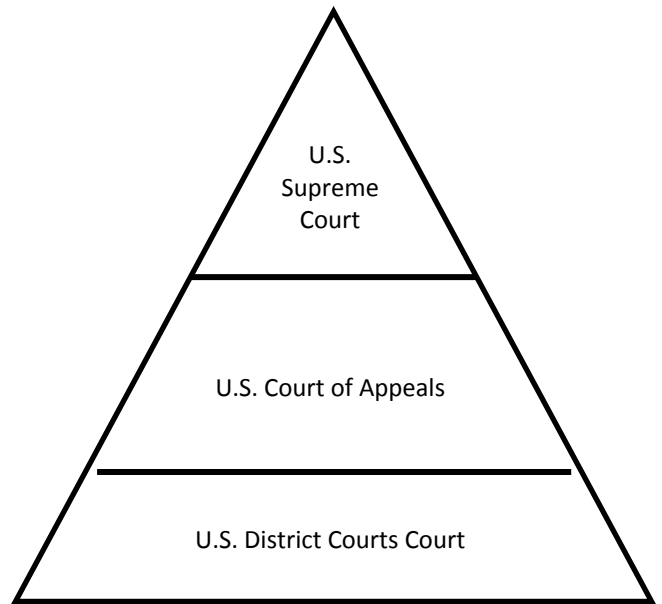
STEPS OF A TRIAL

1. Bailiff/Clerk opens the court session.
2. Judge enters courtroom and provides introductory remarks to jury.
3. Prosecution's attorney makes an opening statement.
4. Defendant's attorney makes an opening statement.
5. Prosecution's attorney calls first witness and asks questions (direct examination).
6. Defendant's attorney cross examines witness for the prosecution.
 - Note: Prosecution may have multiple witnesses. For each witness the attorney for the prosecution will question the witness and the defendant's attorney will immediately follow with the cross examination.
7. Defendant's attorney calls first witness and asks questions (direct examination).
8. Prosecution's attorney cross examines witness for the defense.
 - Note: Defendant may have multiple witnesses. For each witness the attorney for the defendant will question the witness and the prosecution's attorney will immediately follow with the cross examination.
9. Judge provides specific jury instructions.
10. Prosecution's attorney gives closing argument.
11. Defendant's attorney gives closing argument.
12. Prosecution's attorney gives rebuttal (optional).
13. Jury deliberates and determines verdict.
14. Decision is announced.

State Courts (J.L)



Federal Courts (Hazelwood)



CASE FILE:

J.L. v. Florida The Anonymous Tip

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 who were with him. Officer Anderson, a 14-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 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. and charged him with carrying a concealed firearm 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 Eleventh Circuit. 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 circuit court judge agreed with J.L.'s attorney.

The State of Florida appealed the circuit court's decision to the Third District Court of Appeal. The district court disagreed with the circuit court. The district court 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 district court's decision to the Florida Supreme Court.

Question before the Court:

Is an anonymous tip sufficient to stop and frisk a person when the police have been told (anonymously) the person has a gun?

Decision of the Florida Supreme Court and Beyond:

The Florida Supreme Court reversed the appellate court's decision and suppressed the evidence.

The State of Florida appealed the case to the U.S. Supreme Court (Florida v. J.L.)

The U.S. Supreme Court affirmed the decision of the Florida Supreme Court in a unanimous decision (9-0). An anonymous tip alone is not sufficient to allow police to stop and frisk a person on the street. Read links included for full decision and highlights.

CASE FILE:

Hazelwood Sch. Dist. v. Kuhlmeier The Case of the School Newspaper

The Spectrum, a school-sponsored newspaper at Hazelwood East High School, was written and edited by students as part of a journalism class on campus. In May 1983, Robert E. Reynolds, the school principal, received the page proofs for the May 13 issue. The principal found two of the articles in the issue to be inappropriate, and ordered that the pages on which the articles appeared be removed from the publication. The articles dealt with teen pregnancy and the impact of divorce. Both articles also included interviews with students on campus. The principal was concerned that the pregnant girls might be identified by other students, resulting in problems on campus. The principal was also concerned that the newspaper article did not seek comments from the parent of the student who was interviewed about divorce. Students challenged the principal's actions and brought the case to court.

The U.S. District Court concluded that the deletion of the students' articles was not a violation of their rights under the First Amendment.

The students appealed to the U.S. Court of Appeals for the Eighth Circuit, which reversed the ruling, stating that the students' rights had been violated.

The school appealed to the U.S. Supreme Court.

Question before the Court:

Did the principal's deletion of the articles violate the students' rights under the First Amendment?

Decision of the U.S. Supreme Court:

The U.S. Supreme Court reversed the decision of the Eighth Circuit Court of Appeals. In a 5-3 decision, the U.S. Supreme Court held that the First Amendment did not require schools to affirmatively promote certain types of student speech. The school did not have to sponsor speech that was "inconsistent with 'the shared values of a civilized social order.'"