

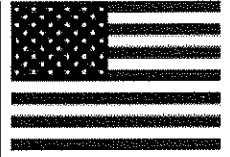
## The Anonymous Tip



# 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 persons or things to be seized.”

# The Anonymous Tip



## Case Study Sheet

I. What are the Facts?

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II. State the Issue to be Decided:

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III. Arguments for Petitioner:

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IV. Arguments for Respondent:

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V. What Would You Decide?

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VI. Reasons/Evaluation:

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VII. Mock Supreme Court Conference Decision:

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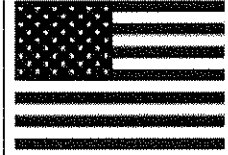
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VIII. Actual Decision of the Court:

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# The Anonymous Tip



## J.L. v. State of Florida

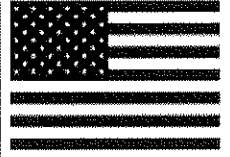
One day, an anonymous person called the Miami-Dade Police Department with a tip. The caller said that a young black man wearing a plaid shirt was standing at a specific bus stop by a pawn shop. The caller also said that the young man was carrying a gun. The caller described the young man as well as two 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 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.

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. 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 circuit court agreed with J.L.'s attorney. The State of Florida appealed the circuit court's decision to the 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. The Court has agreed to hear this case and is now ready to hear arguments from both sides.

# The Anonymous Tip



## Constitutional Question

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

# The Anonymous Tip



## Petitioner Arguments

**MAY IT PLEASE THE COURT. MY NAME IS \_\_\_\_\_ AND I REPRESENT THE PETITIONER, 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.**

# The Anonymous Tip



## Respondent Arguments

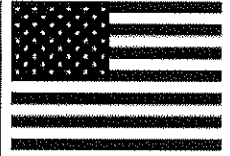
**MAY IT PLEASE THE COURT. MY NAME IS \_\_\_\_\_ AND I REPRESENT THE RESPONDENT, THE STATE, WHO ARGUES THAT THE SEARCH WAS REASONABLE AND DID NOT VIOLATE J.L.'S FOURTH AMENDMENT RIGHTS.**

**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.**

# The Anonymous Tip



## Sample Questions for Justices

### Questions to ask the Petitioner (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 attorneys who are against anonymous searches. Write these questions on the note pad at your seat.**

### Questions to ask the Respondent (the 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 attorneys who are in favor of anonymous searches. Write these questions on the note pad at your seat.**