



# Boot Camp

UNT Moot Court, 2022-23

# The Executives

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The image features a full-page camouflage pattern in shades of olive green, brown, and tan. In the center, there is a solid black rectangular box. Inside this box, the words "Your Turn!" are written in a white, serif, slightly distressed font. The text is centered horizontally and vertically within the black box.

Your Turn!



# BASIC TRAINING

Eligibility, Tryout Expectations, Lingo

# Eligibility

- Undergraduate, first Bachelor's degree
- Good academic standing
- NO age restrictions
- NO experience necessary
- NO major requirements
- NO pre-law requirement
- NO fees, dues, or financial requirements (other than purchasing a suit)

# Tryout Expectations

- Tryout Process:
  - Sign up for a slot and fill out the tryout form
  - "Interview" to verify eligibility
  - 8-minute argument
- Only one issue and one side for tryouts
- All in-person
- Do your best, and don't stress!

# Lingo

- **Issue** - the legal problem to be addressed (Fourth Amendment or Eighth Amendment)
- **Side** - the opposing parties in the legal battle (petitioner or respondent)
- **Case Problem** - the hypothetical case that we will spend the year arguing about at competitions
- **Case Law** - the real cases to be used as evidence in your argument; listed in the back of the case problem
- **Precedent** - previous holdings of the Court that set the standard or the rules that new cases must follow
- **Lower Court** - for this problem, any court other than the Supreme Court

# Lingo Cont.

- **Certiorari** - a writ or order by which a higher court reviews a decision of a lower court
- **Appeal** - apply to a higher court for a reversal of the decision of the lower court
- **Stare decisis** - Let the decision stand; decisions are based on precedent from previous cases
- **Dicta** - Statements made in a judicial opinion that are not essential to the decision of the case
- **Majority opinion** - a statement that presents the views of the majority of Supreme Court Justices regarding a case
- **Plurality opinion** - a court opinion that is joined by the largest number of the judges or justices hearing the case but less than half of the total number

# Lingo Cont.

- **Concurring opinion** - an opinion that agrees with the majority in a Supreme Court ruling but differs on the reasoning
- **Dissenting opinion** - a statement written by a justice who disagrees with the majority opinion, presenting his or her opinion
- **En banc** - the term used when the full panel of judges on the appellate court hears a case
- **Summary judgement** - dispose of case without trial
- **Remand** - to send a case back to a lower court to be tried again

# Lingo Cont.

- **Petitioner** - the party that initiates a lawsuit
- **Respondent** - the party that a suit is brought against
- **De Novo** - a trial de novo is a completely new trial; appellate review de novo implies no deference to the trial judge's ruling
- **Facial challenge** - a broad legal argument that the challenged law or policy can never operate in compliance with the constitution
- **As applied challenge** - contends that even if the statute can be constitutionally applied in some cases, it was not constitutional to apply it to the complaining in this particular instance

# Kahoot

First Issue, Case Problem

Note: You may be asked to create a free account to view the Kahoot.

# Issue 1

1) Whether the warrantless use of a drone equipped with optical sensors violated the fourth amendment of the United States Constitution



# Case Law

First Issue

## Katz vs. United States (1967)

- FA: Federal agents were suspicious that Katz was giving gambling information over the phone to clients in other states. In order to prove their suspicions, they attached an eavesdropping device to the outside of a public phone booth that Katz was using. Based on their recordings, Katz was charged and convicted.
- IS: Does the 4th Amendment require the police to obtain a search warrant in order to wiretap a public pay phone?

# Yes, it does.

- H0: The 7-1 holding for Katz affirmed that "the Fourth Amendment protects people, not places." In Justice Harlan's concurring opinion, he created the Katz Test, also known as the test of reasonableness to decide whether an individual had a reasonable expectation of privacy protected by the Fourth Amendment and whether society is willing to recognize it as reasonable.

## California vs. Carney (1985)

- FA: Carney was living in his motor home as a living space, but it had registration and was not residing in an area that is normally residential. The Court utilizes the Vehicle exception test where the mobility of the truck is needed to exempt it, alongside its connection to utilities.
- IS: Does the warrantless search of a motor home violate the Fourth Amendment?

# No, it does not...

- H0: In a 6-3 decision, the court found that the search of motor vehicle is less prone to protection. The manner that vehicles can be moved and transported makes them affects receiving a warrant. As a result, vehicles do not have constitutional protection as a residence.

## California vs. Ciraolo (1986)

- FA: Santa Clara police received an anonymous tip that Ciraolo had been growing marijuana in his backyard, but they were unable to see it from the ground due to the height of the fence. The police used a private plane to fly over the property and confirmed he was growing it. After obtaining a warrant, they arrested Ciraolo who pleaded guilty. The California Court of Appeals found the fly over to be illegal and reversed his conviction.
- IS: Did the warrantless flyover of Ciraolo's back yard from an altitude of 1,000 feet constitute an illegal search?

# No, it did not.

- H0: In a 5-4 decision for California, the court decided the fly-over did not violate constitutional protections. Fourth amendment protections are not absolute, and they were naked-eye observations. Using the Katz test, the court reasoned Ciraolo's expectations of privacy were unreasonable. Police observations also took place in public navigable airspace.

## California vs. Greenwood (1988)

- FA: Billy Greenwood was suspected of dealing drugs, but the amount of evidence was not sufficient to obtain a warrant. The police searched the garbage bags that were put out. The police found evidence of drug use, which then allowed for a warrant to be delivered.
- IS: Did the warrantless search and seizure of Greenwood's garbage violate the Fourth Amendment's search and seizure guarantee?

# No, it does not...

- H0: The 6-2 decision dissented and held that curbside garbage is not protected by the Fourth Amendment because trash is accessible to the public. Thus, there is not a reasonable expectation of privacy. In addition, the court stated police should not ignore criminal activity if it is observed by the public.

## Florida vs. Riley (1989)

- FA: Riley lived in a mobile home on five acres of land in Florida. He owned a greenhouse behind his home, but the inside was not visible because of the greenhouse walls and the trees outside. After receiving an anonymous tip that Riley was growing marijuana, an investigating officer circled over the property twice in a helicopter at 400 feet and made naked eye observations that he was growing marijuana. After getting a warrant and searching the property, Riley was charged with possession. The trial court granted his motion to suppress the evidence.
- IS: Did the officer violate the Riley's reasonable expectation of privacy by observing his property from a helicopter with the naked eye?

# No, they did not.

- H0: In a 5-4 decision for Florida, the court concluded that the 4th amendment does not require the police traveling in public airways to obtain a warrant to observe what is visible to the naked eye. Riley also did not have a reasonable expectation of privacy, as the contents were not protected from public inspection of the air. The case also mentions the Federal Aviation Administration's limits of navigable airspace, though it did not affect their decision.

## Minnesota vs. Carter (1998)

- FA: After police officers observed individuals packing bags of cocaine in Kimberly Thompson's apartment, she and Wayne Thomas Carter, and Melvin Jones were all arrested. Carter and the other defendants, argued that their was an unreasonable search and seizure because they were looking through their window.
- IS: Do household visitors have the same protection against unreasonable searches and seizures as do residents or overnight social guests?

# No, they do not...

- H0: The court, in a 6-3 decision, held people who are visiting someone else's home are not afforded the same protection as an overnight guest. Also, the commercial transaction is not protected by the Fourth Amendment because it is a short term visit.

## Kyllo vs. United States (2001)

- FA: A Department of the Interior agent was suspicious that Kyllo was growing marijuana in his home. The agent used a thermal-imaging device to detect the amount of heat emanating from his triplex, which was the same as those of high-intensity grow lamps. A judge issued a warrant to search Kyllo's home and found him growing marijuana. He was indicted on a federal drug charge. The Court of Appeals argued he did not have a reasonable expectation of privacy.
- IS: Does the use of a thermal-imaging device to detect relative amounts of heat emanating from a private home constitute an unconstitutional search?

# Yes, it does.

- H0: In a 5-4 decision for *Kyllo*, the court decided the government used a device that is not in general public use to explore private details of a house "unknowable without physical intrusion." Using the *Katz* test, the court affirmed *Kyllo* had a reasonable expectation of privacy.

## Florida vs. Jardines (2013)

- FA: After a tip revealed that Joelis Jardines' residency was being used for the growing of marijuana. A detective then brought the dog on to the patio of the house and allowed it to detect the scent of narcotics. The police were able to obtain a warrant and they arrest Jardines. The Lower courts had found there was a government intrusion.
- IS: Is a dog sniff at the front door of a suspected grow house by a trained narcotics detection dog a Fourth Amendment search requiring probable cause?

# Yes, it is.

- H0: A Split 5-4 court affirmed the Florida Supreme Court's finding. The allowance of entering into a person's porch for the purpose of conducting a search is an unlawful search and in violation with the Fourth Amendment.
- C0: The expectation of privacy that people have with their homes is in violation because they are utilizing a device(the dog)that is not in public use.
- DS: The dissent argued that visitors can not be limited depending on their specific reason for approaching the door, so police should be able to approach a home.

## Long Lake Township vs. Todd Maxon (2021) N.W. 2d

- FA: In 2018, Long Lake Township filed civil action against Maxon saying he had been collecting junk cars and junk material kept on their property constituting an illegal junk yard. Using aerial photographs taken by drones, Maxon argued such evidence constituted a search. The trial court denied Maxon's motion to suppress the evidence.
- IS: Was the use of a drone to take images of the defendant's property without permission or legal authorization a unconstitutional search?

## Yes, it was.

- H0: The Michigan Court of Appeals reversed the trial's court decision denying Maxon's motion to suppress evidence. The court ruled defendant had a reasonable expectation of privacy, and the use of low-altitude, unmanned, specifically-targeted drone surveillance is different from human-operated aircraft fly-overs. Additionally, any reasonable person would have expected a low-altitude drone overflight to be trespassory and exceptional



# Questions?

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