

# **The Juvenile Curfew**



## **First Amendment United States Constitution**

“Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.”

# The Juvenile Curfew



## Dylan Kwent v. State of Florida

The City of Lakewood decided to pass a juvenile curfew law that stated: “Anyone, under the age of 18, in a public place after 11PM or before 6AM will face monetary fines and arrest.” The law was passed so that juvenile crime rates in Lakewood would go down.

Dylan Kwent, a sixteen year old Lakewood High School student, left his house at midnight to meet his friends outside the library. While the group was planning where to go to study, he was stopped by Officer Allan. Officer Allan asked Dylan how old he was and asked Dylan if he knew that there was a city law that said that he could not be out after 11PM. Dylan said that he did know about the law, but his parents did not care if he was out studying late anyhow. The officer could not reach Dylan’s parents.

Officer Allan took Dylan into custody for breaking the law by being out after 11PM. Dylan and his parents filed a lawsuit against the city. They claimed that the juvenile curfew law violated Dylan’s First Amendment right to assemble.

The circuit court (trial court) disagreed with Dylan, and he was found guilty of breaking the juvenile curfew law. Dylan and his parents appealed the case to the Second District Court of Appeal. The district court agreed with the trial court’s decision and found that the law did not violate Dylan’s First Amendment rights. Dylan and his parents appealed the case to the Florida Supreme Court, which will hear oral arguments in the case.

# The Juvenile Curfew



## 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. Reason/Evaluation:

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VII. Mock Supreme Court Conference Decision:

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VIII. Actual Decision of the Court:

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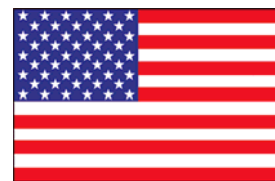
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# The Juvenile Curfew



## Constitutional Question

Does the Lakewood juvenile curfew law violate the  
First Amendment?



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## Petitioner Arguments

**MAY IT PLEASE THE COURT. MY NAME IS \_\_\_\_\_ AND I REPRESENT THE PETITIONER, DYLAN KWENT, WHO ARGUES THAT THE CURFEW DOES VIOLATE THE FIRST AMENDMENT.**

**Dylan's Arguments (*against* the curfew) include:**

1. The juvenile curfew law isn't fair because it punishes even the good children who aren't hurting anybody.
2. The law is too tough because it doesn't allow for emergencies or school events that can run late.
3. Juveniles should have the same constitutional rights as adults, including the right to hang out when and where they want to--- as long as they don't cause trouble.
4. If parents want to raise their children with rules like not going out late at night, they can still do that. Parents do not need the law to do their jobs for them.
5. The government does not need to be involved in babysitting children. Parents should be responsible for setting curfews, not the government.

**Try to think of other arguments against the juvenile curfew.**

**Write these arguments on the note pad at your seat.**



# The Juvenile Curfew



## Respondent Arguments

**MAY IT PLEASE THE COURT. MY NAME IS \_\_\_\_\_ AND I REPRESENT THE RESPONDENT, THE STATE OF FLORIDA, WHO ARGUES THAT THE CURFEW DID NOT VIOLATE THE FIRST AMENDMENT.**

**State's Arguments (*for* the curfew) include:**

1. The State has a responsibility to help juvenile crime rates go down.
2. Safer streets and cities are more important than allowing kids to assemble late at night.
3. Juveniles do not have the same rights as others. For example, they have to go to school, they cannot drink alcohol, and they cannot drive until a certain age.
4. Most juveniles have no business being away from home late at night.
5. Some parents do not keep up with what their children are doing, so the government has to step in to make sure that everybody stays safe.

**Try to think of other arguments in favor of the juvenile curfew.**

**Write these arguments on the note pad at your seat.**

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## Sample Questions for Justices

### Questions to ask the Petitioner (Dylan Kwent):

1. Why shouldn't the government be allowed to do anything it needs to stop juvenile crime and keep people safe?
2. Why should children have the same rights as adults?
3. Don't children have to obey laws that adults don't have to, for their own safety, like going to school or not driving until they are 16 years old?
4. Why shouldn't we allow laws that help parents do their job better?

**Try to think of other questions for the attorneys who are against the juvenile curfew. Write these arguments on the note pad at your seat.**

### Questions to ask the Respondent (State of Florida):

1. What is the reason for this curfew law?
2. Are there other ways to stop juvenile crime besides having a curfew?
3. Don't the First Amendment rights apply to juveniles as well as adults?
4. Why does the government need to be involved in setting curfews?

**Try to think of other questions for the attorneys who are in favor of the juvenile curfew. Write these arguments on the note pad at your seat.**



# **The Juvenile Curfew**



## **Marshal's Script**

(You must call Court to order in a very **loud** voice.)

**All rise.**

**Hear ye! Hear ye! Hear ye!**

**The Supreme Court of Florida is now in session.**

**All who have cause to plea, draw near, give attention, and you shall be heard.**

**God save these United States, this great State of Florida, and this honorable Court.**

**Ladies and gentlemen, the Florida Supreme Court.**

**Please be seated.**

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## Chief Justice's Script

The Court is ready to hear the case of Dylan Kwent v. State of Florida.

**Are the attorneys ready to proceed?**

**Attorneys for the Petitioner may begin.**

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*[When the Marshal calls time, tell the petitioner's attorneys that their time is up. If the attorneys are in the middle of an answer when time is called then you can tell them that they may briefly finish their answer.]*

**Attorneys for the Respondent may begin.**

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*[When the Marshal calls time, tell the respondent's attorneys that their time is up. If the attorneys are in the middle of an answer when time is called then you can tell them that they may briefly finish their answer.]*

**Attorneys for the Petitioner may present rebuttal.**

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*[When the Marshal calls time, tell the petitioner's attorneys that their time is up. If the attorneys are in the middle of an answer when time is called then you can tell them that they may briefly finish their answer.]*

**Attorneys, thank you for your arguments. The Court will announce its decision shortly.**

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## Clerk

**(Place on Clerk's desk)**

After the arguments, the Justices will vote on the case. Count the votes for the Petitioner (Dylan) and Respondent (State of Florida).

***READ:***

The Florida Supreme Court has reached a decision in this case. By a vote of \_\_\_\_\_ to \_\_\_\_\_ the Court rules in favor of the \_\_\_\_\_.

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## Vote Sheet

Votes:

Chief Justice Lewis

\_\_\_\_\_      \_\_\_\_\_  
Petitioner/Dylan      Respondent/State

Justice Wells

\_\_\_\_\_      \_\_\_\_\_  
Petitioner/Dylan      Respondent/State

Justice Anstead

\_\_\_\_\_      \_\_\_\_\_  
Petitioner/Dylan      Respondent/State

Justice Pariente

\_\_\_\_\_      \_\_\_\_\_  
Petitioner/Dylan      Respondent/State

Justice Quince

\_\_\_\_\_      \_\_\_\_\_  
Petitioner/Dylan      Respondent/State

Justice Cantero

\_\_\_\_\_      \_\_\_\_\_  
Petitioner/Dylan      Respondent/State

Justice Bell

\_\_\_\_\_      \_\_\_\_\_  
Petitioner/Dylan      Respondent/State

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## Court Decisions

### **T.M. v. State of Florida**

<http://www.floridasupremecourt.org/decisions/2005/sc02-2288.pdf>

In a similar case, the city of Pinellas Park established a curfew for juveniles of 11PM on week nights and 12AM on weekends. Any juvenile found in a public place during those hours could be subject to arrest and a fine. There were multiple exceptions to the ordinance.

A student identified in court records as T.M. was charged with violating the curfew. T.M. and his attorney filed a motion in the trial court to have the charges dismissed. T.M.'s attorney argued that the curfew violated T.M.'s First Amendment rights. The trial court agreed and dismissed the charges against T.M. The city appealed the case to the Second District Court of Appeal. On appeal, the district court decided that the curfew was constitutional.

The Florida Supreme Court received the case on appeal and decided that the curfew was unconstitutional. The Court ruled that while Pinellas Park did have a compelling governmental interest in decreasing juvenile crime, the curfew was not narrowly tailored to meet that goal. Therefore, the juvenile curfew law was unconstitutional.