

The ID Stop



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.”

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Case Study Sheet

I. What are the Facts?

II. State the Issue to be Decided:

III. Arguments for Petitioner:

IV. Arguments for Respondent:

V. What Would You Decide?

VI. Reasons/Evaluation:

VII. Mock Supreme Court Conference Decision:

VIII. Actual Decision of the Court:

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Jimmy Holden v. State of Florida

Jimmy Holden and a group of his friends were standing on a street corner when they were approached by a police car. Officer Santos got out of the police car. Some of Jimmy's friends left the corner and began walking away from Officer Santos, but Jimmy and a couple of others stayed. Officer Santos asked Jimmy if he had a driver's license.

Jimmy said that he had a driver's license, and he handed it to Officer Santos. Officer Santos ran a background check to see if there were any warrants out for Jimmy's arrest. While Officer Santos waited for the results, Jimmy told the officer that there was a warrant out for his arrest. When the results of the background check showed that Jimmy did have an open warrant, Officer Santos placed Jimmy under arrest. While arresting Jimmy, Officer Santos found 3 grams of cocaine in Jimmy's pant pocket.

In the circuit court, where Jimmy's case went to trial, Jimmy's attorney filed a motion to suppress the evidence to keep the cocaine from being used to convict Jimmy. Jimmy's attorney argued that Jimmy was unlawfully seized because Officer Santos had no reason to stop Jimmy in the first place. The State argued that Jimmy agreed to give his driver's license to Officer Santos and chose not to leave the area, but Jimmy's attorney argued that once the officer asked for Jimmy's driver's license, Jimmy was no longer free to walk away.

The circuit court denied the motion to keep the cocaine from being used against Jimmy at trial. When Jimmy appealed the trial court's decision, the District Court of Appeal agreed that it was okay to use the cocaine as evidence because Jimmy willingly gave Officer Santos his license, and Jimmy was free to walk away any time he wanted to. Jimmy appealed his case to the Florida Supreme Court, and the Court is ready to hear oral argument.

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Constitutional Question

Did Officer Santos violate the Fourth Amendment by unreasonably seizing Jimmy when he retained Jimmy's driver's license to run the warrant check without suspicion that he committed a crime?

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Petitioner Arguments

**MAY IT PLEASE THE COURT. MY NAME IS _____
AND I REPRESENT THE PETITIONER, JIMMY, WHO
ARGUES THAT THE ID STOP DID VIOLATE JIMMY'S
FOURTH AMENDMENT RIGHTS.**

Jimmy's Arguments (*against* the ID stop) include:

1. The Fourth Amendment protects people from unreasonable searches and seizures.
2. Jimmy was not acting suspiciously when Officer Santos came up to him. There was no reason for the officer to stop him for a background check.
3. When Officer Santos approached Jimmy, Jimmy could not have walked away or else the officer would have been suspicious of him.
4. After Officer Santos took Jimmy's driver's license, Jimmy did not believe that he could ask for it back and then leave.
5. Jimmy could not leave without getting his driver's license back.

**Try to think of other arguments against the ID stop.
Write these arguments on the note pad at your seat.**

The ID Stop



Respondent Arguments

MAY IT PLEASE THE COURT. MY NAME IS _____ AND I REPRESENT THE RESPONDENT, THE STATE OF FLORIDA, WHO ARGUES THAT THE ID STOP DID NOT VIOLATE JIMMY'S FOURTH AMENDMENT RIGHTS.

The State of Florida's Arguments (*for the ID stop*) include:

1. Jimmy could have just walked away before Officer Santos made contact with him.
2. Officer Santos did not act as though he was arresting Jimmy and his friends or act as though he figured that they were doing something wrong.
3. Jimmy willingly gave up his driver's license. Jimmy was not forced to give Officer Santos his driver's license.
4. At any time, Jimmy could have asked for his driver's license back and gone about his business. Since he didn't, it's obvious that he agreed to be stopped.

**Try to think of other arguments in favor of the ID stop.
Write these arguments on the note pad at your seat.**

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Sample Questions for Justices

Questions to ask the Petitioner (Jimmy Holden):

1. Could Jimmy have simply asked for his driver's license back?
2. If Jimmy freely gave up his driver's license, how did Officer Santos wrongly seize Jimmy?
3. When Officer Santos arrived, were there other people who left the place where Jimmy was standing?
4. Don't police have the right to come up to people and talk to them?

Try to think of other questions for the attorneys who are against ID stops. Write these questions on the note pad at your seat.

Questions to ask the Respondent (State of Florida):

1. Would you agree that an officer is a very intimidating person to come into contact with?
2. Isn't it possible that Jimmy did not know that he could ask for his driver's license back?
3. Does giving the police your driver's license mean that you agree that the police can run a background check?
4. Did Officer Santos tell Jimmy that he was free to leave?
5. Why should police be able to stop someone if they don't think that the person is doing anything wrong?

Try to think of other questions for the attorneys who are in favor of ID stops. Write these questions on the note pad at your seat.

The ID Stop



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.

The ID Stop



Chief Justice's Script

The Court is ready to hear the case of Jimmy Holden v. State of Florida.

Are the attorneys ready to proceed?

Attorneys for the Petitioner may begin.

[When the Clerk calls time, you 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.

[When the Clerk calls time, you 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.

[When the Clerk calls time, you 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.

The ID Stop



Vote Sheet

Votes:

Chief Justice Lewis

Petitioner/Jimmy Respondent/State

Justice Wells

Petitioner/Jimmy Respondent/State

Justice Anstead

Petitioner/Jimmy Respondent/State

Justice Pariente

Petitioner/Jimmy Respondent/State

Justice Quince

Petitioner/Jimmy Respondent/State

Justice Cantero

Petitioner/Jimmy Respondent/State

Justice Bell

Petitioner/Jimmy Respondent/State

The ID Stop



Clerk

(place on Clerk's desk)

After the arguments, the Justices will vote on the case. Count the votes for the Petitioner (Jimmy) 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 _____.

The ID Stop



Court Decisions

Golphin v. State of Florida (2005)

Available at www.floridasupremecourt.org/education/cybercourt/2005/html

In this case, Lorenzo Golphin was standing with a group of approximately five men on a public sidewalk in front of an apartment building in Daytona Beach. A patrol car approached the sidewalk and stopped near the men. As the officers approached, some of the men walked away. One of the officers asked Golphin for his identification.

While the officer was running a background check, Golphin told the officer that he had a criminal record and probably an open warrant. When the background check showed that Golphin did have an open warrant, Golphin was arrested. At the time of Golphin's arrest, a search revealed that he was carrying drugs and drug paraphernalia.

In circuit court, Golphin's attorney filed a motion to suppress the evidence obtained from Golphin's arrest and argued that the police illegally detained Golphin. The circuit court denied the motion and, on appeal, the Fifth District Court of Appeal affirmed (agreed with) the circuit court's decision.

The Florida Supreme Court has heard oral arguments on this issue and has not yet delivered an opinion.