

Teacher Name: K.Dwyer

Lesson Plan

Topic: Judicial Branch/Fourth Amendment

Estimated Length of Lesson: 1-2 class periods

MLR Standard: Students draw on concepts from civics and government to understand political systems, power, authority, governance, civic ideals and practices, and the role of citizens in the community, Maine, the United States, and the world.

Materials: class presentation slides & presentation medium, fourth amendment handout, student opinion handouts, writing utensils, 1:1 laptops with internet access, Google Classroom access

Learning Objectives (Students will...): Students will be able to identify the key elements of the fourth amendment. Students will be able to apply case law as precedent in making hypothetical legal arguments.

Hook: “Today you will be Supreme Court justices hearing the case *Carter v. New York*. This case started with what seemed like a simple drug conviction. However, the accused in this case, Shawn Carter, contests that his fourth amendment rights were violated at the onset of the case, and that these facts were ignored by the lower courts. It is up to you to review the case and determine whether or not Carter’s conviction should stand.”

Teaching/Learning Sequence for Lesson

<u>What You Will Be Doing:</u>	<u>What the Students Will Be Doing:</u>
<ul style="list-style-type: none">● Read hook● Go over <i>Carter v. New York</i> case detail slides.● Put students in groups.● Provide printed copies of case details, copy of the fourth amendment, and opinion form to each group.● As groups are working, circulate to answer questions, guide students, and keep groups on task.● When groups are finished (or at end of set work time, could also be next class	<ul style="list-style-type: none">● Listen to hook.● Observe and take notes on slides.● Work together in groups to review the case information and conduct supporting research to draw conclusions.● Complete opinion sheets (one per student), prepare to participate in discussion.● With group members, present judicial opinion on the case to the class.● Participate in class discussion.

<p>period), invite groups to present their decisions and reasons to the rest of the class.</p> <ul style="list-style-type: none"> ● Facilitate a class discussion about the decisions. 	
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Discussion Points-use as needed to guide/correct students:

Refer to Mason (2012) Jay-Z’s 99 problems, verse 2: A close reading with fourth amendment guidance for cops & perps.

- Submitting to a show of authority allows you to preserve 4th amendment claims.
- Profiling is of questionable validity for the sole basis for a traffic stop, but in the past some states have had profiling programs for drug couriers, etc. If the driver fits the profile of a drug courier via observable facts, they can be pulled over.
- Pretext (professed purpose, excuse) is not a basis for 4th amendment suppression if there is objective probable cause. A pretextual stop would be pulling someone over because they were black. But because of the “profiling program”, this would be negated.
- The officer was within the law to pull Carter over for speeding, even though it was just 1 MPH over.
- A driver does not have the right to refuse an order/request to leave the vehicle during a traffic stop (*Pennsylvania v. Mimms*).
- Terry v. Ohio allows for a weapons pat down anytime legitimate police activity puts an officer in close proximity to someone (*Terry v. Ohio*).
- There is no warrant requirement for car searches-the Supreme Court has ruled that since cars are mobile, it is reasonable for police to search them with probable cause. Locking the trunk, glove box, etc. is irrelevant and does not exclude them from search.
- Dogs can provide probable cause.
 - Traffic stops can’t be prolonged for longer than reasonably necessary to complete required activity such as writing the ticket-suspect can’t be forced to wait for K-9 if there isn’t already probable cause.

Modifications/Accommodations:

- Ed tech support as needed.

Differentiated Instruction:

- Google Classroom access to the student handouts.

Assessment:

- Student opinion handout
- Class discussion

Carter v. New York Student Handout
Grade 7 Social Studies

The Fourth Amendment (U.S. 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.

Suggested websites for research and understanding to help you form your opinion (this doc will also be posted to the classroom, so you can click links from the doc there). You are not limited to just these websites, you may also do your own research providing the resource is reliable.

- Previous fourth amendment cases (precedent!!):
<https://www.oyez.org/issues/227>
- <https://www.uscourts.gov/about-federal-courts/educational-resources/about-educational-outreach/activity-resources/what-does-0#:~:text=The%20Constitution%2C%20through%20the%20Fourth,deemed%20unreasonable%20under%20the%20law.>
- https://www.law.cornell.edu/constitution/fourth_amendment

c. Write a final decision on the case (1 paragraph minimum):