



Judges in the Classroom

California Landmark Case: Riley v California

Source:

Adapted by Deborah Genzer and Cynthia Miranda from the lesson *Judicial Decision Making and the Constitution* developed by [Justice Teaching](#), founded by former Florida Chief Justice Fred Lewis. For more information, visit the California Courts website or contact JudicialOutreach@jud.ca.gov

Objectives:

Students will be able to:

1. Analyze the Fourth Amendment;
2. Apply the Fourth Amendment and case precedent to specific case studies;
3. Weigh issues of public safety/security with individual rights from a constitutional framework; and
4. Determine the flow of a case throughout the state courts.

Grade Level:

Grades 9-12

Time:

One class period (approximately 50 minutes)

Materials:

- PowerPoint Presentation - Riley v California (separate file)
- Three branches of government (Handout 1)
- Riley v California Background (Handout 2)
- Riley v California You be the Judge (Handout 3)

Procedures

1. **Introductions and Role of Judges (approx. 7 min):** Introduce yourself to the class and explain that today they will be learning about the judicial branch. Through an engaging activity, they will be learning about the role of the judicial

branch and how judges make decisions. Review of three branches and judicial branch – high school version – locate yourself on the branch.

Using the PowerPoint ask participants what knowledge, skills, and qualities they think judges should have. Discuss their answers. Distinguish judges from other elected officials by explaining that other elected officials make decisions based on the needs/desires of their constituents/voters, their own beliefs, their political party's agenda, and other outside influences. In contrast, judges make decisions based on the law (statutes, Constitution) and case precedent, not their own feelings or other outside pressures. Continue with the PowerPoint to emphasize the judicial decision-making process and how judges make important decisions.

- 2. The Fourth Amendment (approx. 7 min.)** Explain to students that they will be looking at a case and using what they have learned about how judges make decisions to decide a Fourth Amendment case. Dissect the Fourth Amendment with students. Using the PowerPoint have a student read a section of the Fourth Amendment (dissected into sections by different colors). Discuss each section and ask questions to generate interest.

Amendment IV. 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.

Example of discussion: "The right of the people to be secure in their persons, houses, papers, and effects..."

STOP – ask students:

- Is an apartment covered?
- How about a hotel room?
- Do the police have the right to search your trash?
- How about your urine – is that covered?
- Can a school require a football player to submit to a urine test before playing on the high school football team?

"...against unreasonable searches and seizures..."

STOP – ask students:

- How would you define the term unreasonable?
- Who decides what is "unreasonable"?
- What is a seizure?

“...shall not be violated, and no warrants shall issue, but upon probable cause...”

STOP – ask students:

- What is a warrant?
- Do you always need a warrant?
- What is probable cause?

“...supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.”

STOP – ask students:

- What does a warrant need to include?
- Who signs a warrant?
- Who serves a warrant?
- What branches of government are involved in issuing a warrant?

3. Distribute Handout: (approx. 10 min.)

Have students read the facts of the case individually and instruct them to circle/underline/highlight any important facts. Ask participants to raise their hands and share a fact from the materials provided. Keep going until all facts have been highlighted. Now ask what will happen to Riley. Discuss that Riley's attorneys asked for the cell phone data to be suppressed as evidence because they argued the search was unlawfully conducted in violation of the Fourth Amendment.

Highlight the structure of California's Courts

Using the PowerPoint and Handout 1, explain the structure of California state courts. Have students review the facts to discuss how the case moved through the courts on the following slides. Beginning with the trial court, discuss the motion to suppress hearing and how the case progressed through the appellate courts. Ask students what else a judge might consider in addition to the Fourth Amendment and the facts in this case. Highlight case precedent and the role it plays in judicial decision-making.

4. Review the case precedent (approx. 5 min.)

Review the case precedent. Ask students to identify key arguments in Riley v California, taking into account precedent and the fourth amendment. Discuss the trial court decision in Riley as well as the Court of Appeal and Supreme Court decision not to review the case sequentially. DO NOT announce the decision of the U.S. Supreme Court. Ask participants individually and without discussion to determine how they would rule on the case and to list three reasons. Show the question before the Court for the students to answer.

5. `Group Activity (approx. 10-15 min.)

Divide participants into groups of five to simulate a Supreme Court conference. In this

Supreme Court conference activity, each group should:

- Select a Chief Justice in each group to maintain order and lead discussions.

Remaining participants are associate justices.

- Discuss in each group why the search was constitutional or unconstitutional based on participants' knowledge of the Fourth Amendment and precedent. Different opinions will surface. Each person in the group should be allowed to speak once before anyone speaks twice.

- The Chief Justice will poll the justices to determine the final decision of the Court. This will be discussed to try and reach a unanimous court decision.

6. Debrief the Activity (approx. 5-10 min).

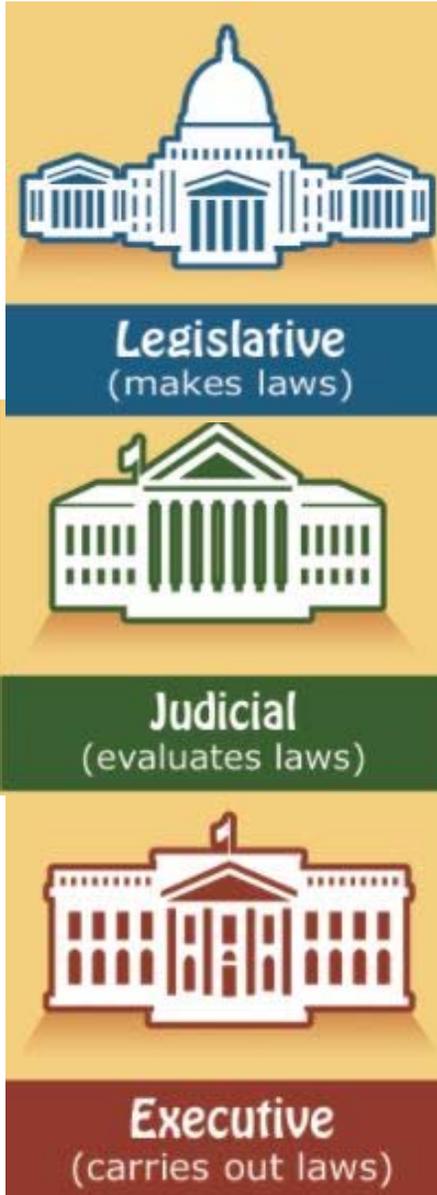
Have each group's Chief Justice come to the front and present the decision of their court. Tally responses. If you run out of time – use show of hands to see who decided on warrant or no warrant. Provide the actual U.S. Supreme Court decision, provided in the PowerPoint. Debrief. Questions? Thank you.

The Three Branches of Government

Constitutions establish checks and balances; separation of powers

Federal Government

- U.S. Congress is made of 2 houses: U.S House of Representatives and the U.S. Senate
- The U.S. Senate has 100 members, based on 2 Senators from each state
- The U.S. House of Representatives has 435 members of Congress, based on state population
- 93 district courts (trial courts) throughout the U.S., 13 circuit courts (Courts of Appeal) and 1 Supreme Court with 9 justices
- Judges are appointed by the president and approved by Congress
- President of the United States
- Signs or vetoes laws
- Appoints federal judges
- Elected every 4 years



California Government

- The CA Legislature is made of 2 houses: The CA Assembly and the CA Senate
- The state Assembly has 80 members
- The state Senate has 40 members
- 58 Superior Courts (trial courts) throughout CA with 1 per CA county, 6 Courts of Appeal, and 1 Supreme Court with 7 justices
- Justices in the supreme and court of are appointed by the state Governor and approved the Commission on Judicial Appointments
- Governor of CA
- Signs or vetoes laws
- Appoints state judges
- Elected every 4 years

The Three Branches of Government: *Focus on Judicial Branch*

Federal

U.S. Supreme Court



State

California Supreme Court



The Judicial Branch

- Resolves disputes arising under the law.
- Interprets and applies the law consistently, impartially, and independently.
- Upholds the constitution, and protects the rights and liberties guaranteed therein.

U.S. Courts of Appeals

- 13 Circuit Courts (Courts of Appeals)
- Reviews the decisions of the federal and state trial and appellate courts

U.S. District Courts

- 94 Judicial Districts across U.S.
- Courts hear civil and criminal cases
- Specialized courts include bankruptcy, and international trade courts

California Court of Appeal

- 6 Appellate Districts
- Review the decision of the superior courts

California Superior Courts

- 58 Superior/Trial Courts (1 per county)
- Courts hear civil and criminal cases
- Specialized courts include juvenile and family courts

Handout 2

Riley vs. California (2014) Background

The Case:

The petitioner Riley was stopped for a traffic violation, which eventually led to his arrest on weapons charges. An officer searching Riley incident to the arrest seized a cell phone from Riley's pants pocket. The officer accessed information on the phone and noticed the repeated use of a term associated with a street gang. At the police station two hours later, a detective specializing in gangs further examined the phone's digital contents. Based in part on photographs and videos that the detective found, the State charged Riley in connection with a shooting that had occurred a few weeks earlier and sought an enhanced sentence based on Riley's gang membership. Riley moved to suppress all evidence that the police had obtained from his cell phone. The trial court denied the motion, and Riley was convicted.

The California Court of Appeal affirmed. California Supreme Court declined to review the case. Riley took his case to the U.S. Supreme Court, and the court heard the case. The case relates to the Fourth Amendment of the U.S. Constitution, which gives us the right to "be secure in our persons" and protects against "unreasonable searches and seizures."

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.

Precedent

*A prior reported opinion of an appeals court which establishes the **legal** rule (authority) in the future on the same **legal** question decided in the prior judgment*

Chimel v. California, 395 U. S. 752 , a case from 1969, related to the Fourth Amendment, found that a warrantless search incident to arrest should be

- limited to the area within the arrestee's immediate control,*
- where it is justified by the interests in officer safety and*
- in preventing evidence destruction.*

Handout 3

Riley vs. California (2014)

You be the judge

Your decision: Should evidence be discounted if obtained from Riley's cell phone without a warrant?

Instructions:

- **Each student (justice) reviews the arguments and forms an initial opinion**
- **Chief Justice – makes sure everyone speaks and tries to help the justices reach a majority decision.**

Arguments against warrantless search of a cell phone

- Officer is in no immediate danger from a cell phone; it can't be used as a weapon
- The cell phone can be confiscated by police, so that the arrestee can't change any evidence on it and there is time then for the police to get a warrant
- the nature of the cell phone itself

Arguments for warrantless search of a cell phone

- (ii) The United States and California raise concerns about the destruction of evidence, arguing that, even if the cell phone is physically secure, information on the cell phone remains vulnerable to remote wiping and data encryption.
- a search of cell phone data might warn officers of an impending danger, e.g., that the arrestee's confederates are headed to the scene
- Inspecting the contents of an arrestee's pockets works no substantial additional intrusion on privacy beyond the arrest itself

Your decision:

___ For Riley

___ For California

Explain your reasons: