

The Constitution and Bill of Rights: Due Process and California v. Greenwood: A U.S. Supreme Court Case

Overview

This PowerPoint lesson contains two presentations: ***The Constitution and the Bill of Rights: Due Process*** and ***California v. Greenwood: A Supreme Court Case***. The lesson begins with *The Constitution and Bill of Rights: Due Process* presentation to introduce and provide background on the concept of due process. Using animated graphics, this presentation provides a visual medium to accompany the presenter's oral narrative. It is designed to provide flexibility for presenters to focus on key concepts most appropriate for their courses and students.

The PowerPoint lesson also includes a moot court activity, *California v. Greenwood: A Supreme Court Case*. In this activity, students apply their knowledge about due process as they prepare for and present a mini-moot court case. The *California v. Greenwood* PowerPoint presentation provides graphics and sound effects. The talking points for this presentation provide teaching teams with procedures for conducting the activity using the slides as cues for the students.

Time Estimations

Part I: The Constitution and the Bill of Rights: Due Process	7 -10 minutes
Part II: <i>California v. Greenwood</i> PowerPoint introduction	7 -10 minutes
Part III: Moot Court activity	20 minutes
Part IV: Share the Court's decision	<u>5 minutes</u>
	45 minutes

Suggested Presentation Strategy

1. Preview the two presentations: *The Constitution and the Bill of Rights: Due Process* and *California v. Greenwood: A Supreme Court Case* and review the talking points for each.
2. Prepare to narrate *The Constitution and the Bill of Rights: Due Process*. You may want to provide additional depth on specific topics, depending on what you predict the students will be most interested in. Possible questions and facts you might use with your group are included in the "Talking Points" which are provided in the PowerPoint presentation using the "Notes Page" command in "View."
3. Following the presentation, explain to students that they are going to have a chance to participate as attorneys and justices in a Supreme Court case.
4. Using PowerPoint, guide students through the activity, *California v. Greenwood*. Step-by-step procedures are included in the "Talking Points" which can be viewed using the "Notes Page" command in "View." Below you will find questions and analyses you

might consider **prior** to your visit in preparing to work with the student attorney/justice groups as well as a set of “prompts” you might use **during** your visit to help students begin to develop their arguments and questions.

Tips for Conducting a Moot Court Activity

The quickest and easiest method for assigning roles is to leave the students seated where they are and divide the room into three sections, with the students sitting in each section taking one of the roles: justices, attorneys for the appellant, attorneys for the respondent.

Counting off by 3s is another quick method, but the students will have to physically regroup.

Students work with others within their attorney/justice groups to prepare for the case. A few minutes before the moot court is to start, each group is asked to select a team of attorneys and justices to present the case in front of the class. After the presentation and decision, the facilitator asks the other student attorneys what arguments they might have included, and the other justices how they might have decided the case differently.

Possible Questions to Assist Student Attorney and Justice Groups

California v. Greenwood

- I. **Prior** to teaching the lesson consider the following questions and how you might use these analyses to focus discussions among the students in the attorney and justice groups.
 - A. There is an expectation that a garbage collector will pick up garbage left for collection. Most people do not know how the garbage is processed afterwards or what specifically happens to it. Therefore, how much weight should the Court give to the fact that Officers Stracner and Rahaeuser asked the neighborhood’s regular trash collector to pick up the plastic bags that Greenwood had left on the curb in front of his house and to turn the bags over to them? Should the result in this case turn on this fact? Would it have been just as proper for the officers to pick up the garbage bags themselves?
 - B. Greenwood left his garbage bags “on the curb in front of his house.” Should the result in this case depend on where the garbage bags were left? For example, if the garbage bags were left on Greenwood’s porch, would the officers still be justified in searching and seizing the garbage bags? What about if the bags had been placed off the curb in the street?
 - C. Greenwood claims that he had a reasonable expectation that his garbage would not be subject to a search because he placed it in sealed opaque garbage bags so no one could see what was inside. Does this really matter? Is there a greater expectation of privacy in sealed opaque garbage bags as compared to transparent ones? What if the garbage bags broke or tore when they were being picked up

and their contents spilled out of the garbage bag, would there still be a reasonable expectation of privacy? What if the officers seized a suitcase that was located “on the curb in front of [Greenwood’s] house,” not garbage bags, would the result be different in that situation? Is the pivotal point, not the type of container that was used, but the fact that the container was left unattended?

II. **During** the Moot Court activity, you might use the following questions to help the student groups get started:

Greenwood Attorneys:

How could you convince the justices that ...

- people have a right to expect that their trash will not be gone through by anyone, including the police.
- the police had no right to search Greenwood’s trash bags.
- even trash bags that are on the curb contain private property.
- people use trash bags you can’t see through for a reason.

California Attorneys:

How could you convince the justices that...

- once trash bags are set on the public curb, they are no longer private property.
- the police did have a right to search Greenwood’s trash bags.
- even if people use trash bags you can’t see through, once they leave your house, you can’t expect no one to look inside.

Justices:

What questions might you ask to help you decide...

- if Greenwood should have been able to expect that his trash was private property.
- if Greenwood should NOT have expected that his trash was private property.
- when private property becomes public?