**The Questions Before the U.S. Supreme Court:**

Student Handout

*Greenwood*

Did the police conduct a search when they looked through Greenwoods trash? Did Greenwood have a reasonable expectation that his trash would remain private?

**To Prepare for the Case...**

**Attorneys for California:** Create arguments that Greenwood had no reasonable expectation of privacy. The trash bags could be searched legally.

**Attorneys for Greenwood:** Create arguments to convince the justices that Greenwood had a reasonable expectation of privacy. The trash bags should not have been searched.

**Justices of the U.S. Supreme Court:** Create at least three questions to ask each side to help you determine whether California violated Greenwood’s Fourth Amendment right to be free of unreasonable search and seizures.

**Rules for the Oral Argument**

1. Attorneys representing the state of California appealed the case to the Supreme Court, they are *appellants*. They will present first.
2. Attorneys representing Greenwood are responding to the appeal, they are *respondents*. They will present second.
3. Justices will ask questions of both sides during the arguments.
4. After hearing both sides, justices deliberate out loud. Attorneys listen but do not interrupt.

* Justices, deliberate by discussing the arguments you heard. Share with each other the most persuasive and least persuasive arguments you heard.
* Justices, provide reasons why you thought arguments were most persuasive or least persuasive.
* After deliberating, vote whether your court rules in favor of the State of California or Greenwood.

**The Arguments of the State of California (Appellant)**

Attorneys representing the State of California argued the state did not violate Greenwoods rights under the Fourth Amendment. To support their position they argued:

1. Police did not conduct a “search” as defined by law. A search is a governmental intrusion into something in which a person has **a reasonable expectation of privacy**.
2. Greenwood had thrown away the evidence. He had no reasonable expectation of privacy in trash bags left on the curb for the trash collector.
3. Therefore the police did not conduct a search.

**The Arguments of Greenwood (Respondent):**

Attorneys representing Greenwood argued the State of California did violate Greenwoods rights under the Fourth Amendment. To support his position he argued:

1. People have a right to expect that their trash will not be gone through by anyone, including the police.
2. Even trash bags left at the curb contain private property.
3. The trash was left specifically for the trash collector to mix the trash with other trash.
4. The trash was in an opaque trash bag, not in a clear trash bag that anyone could see inside.
5. Therefore the police did conduct a search, which they had no right to do.