

State v. Tate: Role of the Courts, Criminal Trials, and the Fourth Amendment (Grades 8 and 9)

Overall Learning Target

- In a world of social media and changing technology, what is the role of the court in determining the future of the Fourth Amendment?

Overall Goals: Students will be able to

- answer the above question in written form using evidence derived from experts, statistics, examples, and court cases.
- participate in Socratic Seminar / class discussion in which they respond to the above question orally using evidence derived from experts, statistics, examples, and court cases.

Lesson Name and Overall Questions	Materials	Objective and Standards
<p>Lesson 1: Role of the Judicial Branch in the US</p> <ol style="list-style-type: none"> What are the three branches of government What are checks and balances among these three branches? What is the role of the Judicial Branch of the United States What is the difference between state and federal courts? 	<p>Pass out Student Materials (modify based on what you would like to cover)</p> <p>Share or project the Judicial Branch PowerPoint to discuss the roles of the judicial branch; instruct students to answer questions in Student Materials.</p> <p>Share or project the Checks and Balances PPT to discuss the separation of powers between the three branches of government and the checks the judicial branch has on the other two.</p> <p>Instruct students to read about state and federal courts in the student materials in order to describe the difference between the two court systems</p> <p>If time allows, read the example court case and discuss if that would be tried in a state or federal court</p>	<p>SWBAT explain the purpose of the Judicial Branch</p> <p>D2.Civ.5.6-8. Explain the origins, functions, and structure of government with reference to the U.S. Constitution, state constitutions, and selected other systems of government.</p> <p>D2.Civ.4.6-8. Explain the powers and limits of the three branches of government, public officials, and bureaucracies at different levels in the United States and in other countries.</p>
<p>Lesson 2: How the Court System Works</p> <ol style="list-style-type: none"> What is the difference between criminal and civil law? What is the purpose of an appeals court? What are the steps in a civil trial? 	<p>Pass out Student Materials (modify based on what you would like to cover.)</p> <p>Share the link to the Crash Course Video or watch as a class. Instruct students to answer questions about the video in Student Materials.</p> <p>Give students the link to Your Day in Court, a website that provides step-by-step information about criminal and civil trials. When they are done reading through the information and updating their notes in the Student Materials, instruct students to attempt the Student Challenge at the bottom of the page.</p>	<p>SWBAT define criminal law, and explain the process of a trial.</p> <p>D2.Civ.5.6-8. Explain the origins, functions, and structure of government with reference to the U.S. Constitution, state constitutions, and selected other systems of government.</p>
<p>Lesson 3: How the Supreme Court Works</p> <ol style="list-style-type: none"> How does a case 	<p>Pass out Student Materials (modify based on what you would like to cover.)</p> <p>Share the link to the Crash Course Video or watch as a</p>	<p>SWBAT describe how cases reach the SC and summarize well-known SC cases related to teenagers.</p>

<p>reach the Supreme Court?</p> <ol style="list-style-type: none"> 2. What is a majority and dissenting opinion? 3. What are some important Supreme Court cases related to teens? 	<p>class. Instruct students to answer questions about the video in Student Materials.</p> <p>Share the link to the article, 10 Cases Every Teen Should Know. Assign small groups to each read about a different case and to prepare a short presentation teaching other students about that case. During presentations, students should fill in the informational table in their Student Materials.</p>	<p>D2.Civ.5.6-8. Explain the origins, functions, and structure of government with reference to the U.S. Constitution, state constitutions, and selected other systems of government.</p>
<p>Lesson 4: The Fourth Amendment and Search Warrants</p> <ol style="list-style-type: none"> 1. What rights are guaranteed under the fourth amendment? 2. What is a search warrant and when are they required? 3. What is the exclusionary rule? 	<p>Pass out Student Materials (modify based on what you would like to cover.)</p> <p>Divide students into partners or equally into four groups. Instruct students to read their group’s numbered section of the “Fourth Amendment Jigsaw” activity. After groups have read, have each group give two main ideas from their section of the text while the rest of the groups write those down in the Jigsaw Table.</p> <p>Instruct students to read “Search Warrants and the Exclusionary Rule” in the student materials and respond to the questions.</p> <p>Project or share the link to the Crash Course Video and instruct students to fill out the table in their student materials.</p> <p>EXTENSION: Give students the summaries of Fourth Amendment Supreme court cases. Students can choose or be assigned a case to study online. After about 15 minutes of online research, instruct students to summarize the case and their opinion of the decision in their student materials.</p>	<p>SWBAT define search warrant, Exclusionary rule, and probable cause</p> <p>D2.Civ.12.6-8. Assess specific rules and laws (both actual and proposed) as means of addressing public problems.</p>
<p>Lesson 5: State v. Tate Introduction</p>	<p>Pass out Student Materials (modify based on what you would like to cover.)</p> <p>Either print out the following articles or share the links with students and instruct them to fill out the required information in the table in their student materials.</p> <ul style="list-style-type: none"> ● MJS Article ● Background/Facts of the Case from the WI SC Opinion ● Stingray Video 	<p>SWBAT summarize State v. Tate including information about the original case and appeal</p> <p>D2.Civ.12.6-8. Assess specific rules and laws (both actual and proposed) as means of addressing public problems.</p>
<p>Lesson 6: Appellate Court in the US (tie in Tate appeal)</p>	<p>Guide students through the Court of Appeals Role Play</p> <p>If needed, instruct students to read the Role of Appellate Courts in the United States for more background information</p> <p>Read the Background/Facts of the Case from the WI</p>	<p>SWBAT describe how the appeal process works in the US court system</p> <p>D2.Civ.11.6-8. Differentiate among procedures for making decisions in the classroom, school, civil society, and local, state, and</p>

	<p>SC Opinion as a class or in small groups to determine how Tate appealed his case. Instruct students to fill in the relevant information in the Student Materials under Lesson 5.</p>	<p>national government in terms of how civic purposes are intended.</p>
<p>Lesson 7: State v. Tate and the Fourth Amendment</p>	<p>In order to teach students about <u>State v. Tate</u>, use the following resources</p> <p>Overview of State v. Tate, view from the beginning to 8:30.</p> <ul style="list-style-type: none"> ○ This clip should be viewed together as a class. It provides a great overview of the case in fairly easy to understand language. ○ It is recommended that you show this clip at both the start and the end of the class discussion of <u>State v. Tate</u> <p>State v. Tate, annotated version for students</p> <ul style="list-style-type: none"> ○ Note that there is a case analysis form students can use to help digest the case <p>Oral Arguments for State v. Tate, begin at 13:40. The oral argument is fairly technical and addresses some complexity in the law. It is recommend that you show excerpts of each of the attorney’s presenting their arguments.</p> <ul style="list-style-type: none"> ○ Atty. Byron Lichstein (Tate’s attorney) is the first to make arguments before the court because is the appellant - he is the side asking the court to review the case ○ Atty. Jeff Kassel (from the Wisconsin Department of Justice, represents the state in the appeal) begins at approximately 41:50 ○ Justice Ann Walsh Bradley ask some key questions about the technology at approximately 59:50. 	<p>SWBAT summarize key points of arguments in State v. Tate and describe the key issues of the case as they relate to the fourth amendment</p> <p>D4.4.6-8. Critique arguments for credibility.</p> <p>D2.Civ.12.6-8. Assess specific rules and laws (both actual and proposed) as means of addressing public problems.</p>
<p>Lesson 9: Should Tate go free?</p>	<p>Students should begin preparing for the Philosophical Chairs Discussion for the following question:</p> <p>→ Was it proper for the state to issue an order to locate Tate’s cell phone when the phone wasn’t evidence of a crime? (resource list, students explore, prepare for discussion)</p> <p>Share the following resources with students to introduce the assessment style and format.</p> <p>Philosophical Chairs How To Video</p> <p>Philosophical Chairs in Action (Video)</p> <p>Philosophical Chairs Activity Directions</p> <p>Students will need to reference the Adapted Court Opinion as they prepare their point of view</p>	<p>SWBAT justify their opinion on <i>State v Tate</i> by using evidence to support that opinion</p> <p>D4.4.6-8. Critique arguments for credibility.</p> <p>D4.1.6-8. Construct arguments using claims and evidence from multiple sources, while acknowledging the strengths and limitations of the arguments.</p>
<p>Lesson 10: Should Tate go free?</p>	<p>SWBAT justify their opinion on <i>State v Tate</i> by using evidence to support that opinion</p> <p>Hold the Philosophical Chairs discussion.</p>	<p>D4.1.6-8. Construct arguments using claims and evidence from multiple sources, while</p>

		acknowledging the strengths and limitations of the arguments.
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