

No. 13-1009

IN THE
SUPREME COURT OF THE BUCKEYE STATES

FALL TERM, 2013

PAULA PETITIONER,

Petitioner,

v.

RONALD RESPONDENT,

Respondent.

ON WRIT OF CERTIORARI TO THE [LAST COURT ISSUING AN OPINION]

Brief for Petitioner

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I. State the first argument (e.g. "An invitee in a residence has a legitimate and reasonable expectation of privacy under the Fourth Amendment and has a protection from all unwarranted searches and seizures while demonstrating an expectation of privacy from public institutions")7

A. Subheadings can be used to provide the "because" statements to the argument listed above (e.g. "A person has demonstrated his expectation of privacy when he takes action to protect himself from public observation").7

II. State the second argument 7

A. Subheadings can be used to provide the "because" statements to the argument listed above.7

CONCLUSION 8

TABLE OF AUTHORITIES

[In this section list every authority that is cited in the brief, and give the page number(s) on which the authority is cited. Remember, students can ONLY use case law that has been provided in the case materials.]

CASES

Plaintiff v. Defendant, 556 U.S. 332 (2009) 7, 8
Plaintiff v. Defendant, 395 U.S. 752 (1969) 7

STATUTES

B.R.C. 000.00 § 000(a) (2014) 13
B.R.C. 000.00 § 000(h) (2014) 13

CONSTITUTIONAL PROVISIONS

U.S. Const. amend. IV. 5, 8, 14, 15

QUESTIONS PRESENTED

1. First question presented, worded in a way that is not argumentative, but is favorable to the position of the petitioner/respondent.
2. Second question presented, worded in a way that is not argumentative, but is favorable to the position of the petitioner/respondent.

IN THE SUPREME COURT OF THE BUCKEYE STATES

No. 13 – 1234

PAULA PETITIONER,

Petitioner,

v.

RONALD RESPONDENT,

Respondent.

ON WRIT OF CERTIORARI TO THE [LAST COURT ISSUING AN OPINION].

BRIEF FOR THE PETITIONER

CONSTITUTIONAL PROVISION INVOLVED

[In this section, students should list the specific provision of the Constitution that is being used in the arguments.]

The Fourth Amendment to the United States Constitution provides:

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.

STATEMENT OF THE CASE AND FACTS

[In this section, the writers should lay out the procedural history of the case and any relevant facts of the case. Although the case materials may include a wealth of facts, students should be prepared to consider whether or not all of these facts are material to the consideration of the questions presented. This section should be somewhat objective (However, it is permissible to state facts in a way that benefits your side) without introducing elements of argumentation. The section should end with the student telling the Court what action they want the Court to take (e.g. “reverse the decision of the Franklin Court of Appeals”).]

[BELOW IS A SAMPLE STATEMENT OF THE CASE]

“This case involves a claim by petitioner Paula Petitioner, challenging, under the Fourth Amendment, the constitutionality of the [insert problem here]. This issue arose when [insert police practice here].

On May 24, 2012, Officer Kalgreen of the Bliss Police Department received information from an unidentified source that [insert informant information here]. Officer Kalgreen then proceeded to the [scene of alleged activity here]. At the scene, he engaged in [insert contested police practice here].

At trial, the Petitioner pleaded not guilty, and challenged [insert police action here] as [reason why it was problematic]. The District Court ruled against Petitioner’s motion holding [summary of the lower court’s holding]

On appeal Petitioner contends [summarize how/why the lower court was incorrect and briefly state what the Court should do in its decision].

ARGUMENT

[Here, the writer will fully explain each of the legal arguments in support of a resolution of the Questions Presented, applying all relevant law to the facts, and citing all authorities in support of each argument. To keep this section organized and easy to follow, students should remember to focus the discussion to only the argument they are currently addressing.]

I. First Argument Heading (should match what was listed in the table of contents).

a. If the argument has a subheading, provide it here

II. Second Argument Heading (should match what was listed in the table of contents).

a. If the argument has a subheading, provide it here

[Here, the writer will fully explain their second legal argument and provide citations to any authorities in support of this argument.]

Although the moot court case materials state that two questions are presented, it is likely that more than one argument can be made in support of each question presented. Students can and should make as many arguments as are necessary to support their position. Students may use as many argument headings are necessary to address each question presented.

CONCLUSION

[The Conclusion section should be relatively straightforward. Here, students will tell the Court what relief they are seeking. This section should not go on much longer than a paragraph or two at most.]

[BELOW IS A SAMPLE CONCLUSION]

Because the Fourth Amendment protects all people who, like Petitioners, demonstrate a legitimate expectation of privacy to be free from unwarranted search and seizure while invited guests in a host's home, and because officers, as in this case, may not intrude into the curtilage of a privately protected area without a warrant, this Court should reverse the decision of the Supreme Court of Buckeye denying Petitioners' motion to suppress evidence collected against them in an unwarranted search.

Respectfully submitted,

Attorney xxxxxxxx
Counselor for Petitioner

Attorney xxxxxxxx
Counselor for Petitioner