

NEW JERSEY STATE BAR FOUNDATION

# *Mock Trial* EXERCISES

FOR GRADES 7-8



Featuring winning cases from the  
New Jersey State Bar Foundation's  
Law Adventure 2016 Competition

# PREFACE

In 1995–96 the New Jersey State Bar Foundation launched a unique, law-related education program for middle school students—the Law Adventure Competition.

Students in grades seven and eight and their teachers are invited to create original mock trial cases. Each year the Foundation provides themes for cases. The cases are judged on the basis of originality and educational value in teaching students about their legal rights and responsibilities. Winners are selected in each grade level. The trials are then conducted before student audiences at special Law Adventure programs in the spring. The seventh- and eighth-grade audiences serve as juries.

Following are the winning cases from the Law Adventure 2016 Competition. The theme for the 2016 contest was the Bill of Rights.

The cases may be used as a guide to prepare a submission to the Law Adventure Competition or as a classroom exercise. Please note that some of the cases may contain “laws” created by the students for the purpose of this competition, which may not necessarily be actual laws. Since these mock trials were written by children, the content should not be considered technically accurate.

*These exercises were created by children and are intended for school use only. Any resemblances to characters, names, events and circumstances are intended only for the purpose of education, and all characters, names, events and circumstances described herein are fictitious.*

This project is made possible by funding from the IOLTA Fund of the Bar of New Jersey.

Law Adventure has won recognition in the Associations Advance America Awards program, a national competition sponsored by the American Society of Association Executives in Washington, D.C. This prestigious award recognized innovative projects that advance American society in education, skills training, community service and citizenship.

If you would like to participate in the Law Adventure Competition, please call 732-937-7519 or e-mail [sboro@njsbf.org](mailto:sboro@njsbf.org).

*For information about other free, law-related education services available from the New Jersey State Bar Foundation, visit us online at [www.njsbf.org](http://www.njsbf.org).*

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# SEIZED BUT NOT PLEASED

## SCHOOL

Harrington Park  
Harrington Park  
Grade 7, First Place

## TEACHER

Joan Dever

## STUDENTS

Elias Cho  
Will DiMartini  
Jeffrey Fales  
Jayan Fibiger  
Taso Gallos  
Steven Hatano  
Jackson Kim  
Graydon Scherer

## FACTS

At 7 p.m. on October 29, 2015, four students from Bentley Middle School were planning a mischief night event in a group chat. In this group chat, they planned to use eggs, toilet paper, and spray paint to vandalize the school. One of the boys, Tom Cortez, was feeling uncomfortable about the plan, so he left the group chat. The conversation continued without Tom.

The next day at school, Tom went to the principal, Mr. Johnson, to tell him about the situation. Mr. Johnson did not listen to Tom's full explanation and confiscated Tom's phone. He searched through all of Tom's messages and past history and quickly suspended Tom for taking part in the plan. Tom tried to reason with Mr. Johnson and explain that he took himself out of the chat and came forward with the threat.

Tom's father, Mr. Jack Cortez, is now suing the Bentley School Board of Education for the violation of his son's Fourth Amendment rights. Tom's phone was taken and searched for an offense he was not part of. Mr. Cortez states that his child was threatened into giving up his phone and that the conversation the principal was seeking took place in the privacy of his home.

## ISSUE

Were Tom Cortez's Fourth Amendment rights violated when Principal Johnson took possession of his phone and searched it?

## WITNESSES

### ***For the Plaintiff***

Tom Cortez

Jack Cortez

### ***For the Defendant***

Principal George Johnson III

Dr. Norman Lee

## WITNESS STATEMENTS

### ***Testimony of Tom Cortez***

My name is Tom Cortez and I am an eighth-grade student at Bentley Middle School. On the evening of October 29, 2015, my friends included me in a group chat. I was ecstatic about being included, but that feeling didn't last long when I realized what the subject was. After participating in the chat for several minutes, it became apparent that my three friends were planning to vandalize the school on mischief night. I was uneasy about this, so I tried to talk them out of it. Instead of backing out, they actually became more upset with me. My friends told me to stop being a wimp, and promised we wouldn't get caught. I couldn't believe what I was hearing. My instincts told me to withdraw myself from the chat, and that's exactly what I did.

The next day, I notified the principal about the situation. But, when I told him about a plan to vandalize the school, he quickly became enraged. He wouldn't let me explain, and he confiscated my phone. He demanded the password, and when I argued that there was no reason for that, he threatened to expel me. I was reluctant, but I gave him my password. He searched my phone, and when he saw that I was in the chat, he proceeded to suspend me for being part of the group. I protested, telling him

that he was being unreasonable. He demanded that I leave his office.

My parents were contacted and told to come and pick me up as I was suspended. My parents tried to explain that I had nothing to do with the plan and had the courage to come forward with the information.

When the school refused to lift the suspension, my parents sued for violation of my Fourth Amendment rights. Mr. Johnson seized my phone, searched it under protest and suspended me. I did not do anything wrong and should not be treated the same as those who did do something wrong.

### ***Testimony of Jack Cortez***

My name is Jack Cortez. I am Tom's father. On October 30, at the end of the school day, Principal Johnson contacted me and informed me that my son had been suspended. He told me that my son was plotting to vandalize Bentley Middle School. I was very surprised because Tom is usually a good kid. My wife and I are very proud of him since he is an honor student at school and does community service frequently. Deeply disappointed, my wife and I headed to the school to pick up our son.

Tom was very agitated and upset so we put aside our disappointment and listened to him. He said that after school, he went to the principal and informed him that he and his friends were in a phone group chat, but he left the chat when he started to feel uncomfortable as Tom realized his friends were planning to vandalize the school. The principal, with his

judgment clouded with anger, would not listen to the details of the story. He unjustly ignored the fact that our son did not want any part in this and that after all, he was the one who informed him about the plotted vandalism. If our son did not come forward, the school would be covered in eggs, spray paint, and toilet paper.

Tom was mistreated. He came forward with information and Mr. Johnson had no grounds for searching his phone. The school violated his Fourth Amendment rights.

### ***Testimony of***

#### ***Principal George Johnson III***

My name is George Johnson. I am the principal of Bentley Middle School. As principal, I have many responsibilities, but the most important one is the safety of my students. On the afternoon of October 30, 2015, I was in my office when Tom Cortez knocked on my door. He began telling me a story of how he and his friends were planning to vandalize the school! I was shocked by the news, and concerned about safety. I expressed my disappointment and told him that I needed to know every detail of what was planned.

I needed to see for myself what had been shared in the group chat and Tom willingly gave me his phone. I saw that he had a password and Tom was reluctant to give it to me. I emphasized the importance of the safety of the school and he gave me his passcode. I never threatened Tom, but I did explain that as principal I had the right to search his phone.

I read through his texts and found the chat.

Based on the nature and severity of the plan, I had no choice but to suspend him right there, so that is exactly what I did. Tom's individual rights cannot interfere with the safety of this building or the students who trust us to keep them safe. Anyone in my position would have done the same thing. Tom was part of the chat and he was my first line of defense in securing the school building. I needed the information on his phone. The fact that the chat took place in the privacy of his home was not significant.

### ***Testimony of Dr. Norman Lee***

I am Dr. Norman Lee. I am the superintendent of the Bentley School District. On the morning of October 31, 2015, I had just came back from Starbucks with my pumpkin spice latte. I walked into my office, sat down, and was reading my emails when I saw an email from George Johnson. The subject said "urgent," so I opened it. My eyes widened as I started to read through it. It stated that four boys were "planning to vandalize the school." As I read this, completely flabbergasted, I got a call from Mr. Johnson. When I picked up, he explained how the meeting with Tom Cortez unfolded. He explained that due to the severity of the threat, he had no other option than to search Tom's phone.

Vandalizing school property is a very serious offense. I too would have searched Tom's phone. Granted, the texting had not taken place on school grounds, but because it comes back to the destruction of our property, the school had every right to do whatever is necessary to provide a safe and secure environment.

## INSTRUCTIONS

The plaintiff, Jack Cortez, must show by a preponderance of the evidence that his son's Fourth Amendment rights were violated when Principal Johnson took possession of his phone and searched it.

## SUB-ISSUES

1. Was it necessary for Mr. Johnson to look through all of Tom's messages including past history?
2. Did Tom have any disciplinary issues in the past that would have led Mr. Johnson to be suspicious of him?
3. Even though the rights of the student body supercede the rights of the individual, can the school still search a phone for conversations that took place when school was not in session?
4. Did Tom Cortez have a legitimate expectation of privacy?

## CONCEPTS

1. Fourth Amendment rights: protection from unreasonable search and seizure.
2. Preponderance of evidence in a civil case.
3. Credibility of the witnesses.
4. Right to privacy.
5. Rights of the individual in a school setting.

## LAW

The Fourth Amendment of the U.S.

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."

## RESOURCES

[https://www.law.cornell.edu/wex/fourth\\_amendment](https://www.law.cornell.edu/wex/fourth_amendment)

# JACKAL V. LOPEZ

## SCHOOL

Clinton Township  
Middle  
Clinton Township  
Grade 7, Second Place

## TEACHER

Diane Cormican

## STUDENTS

Andrew Fielding  
Mia Kemp  
Carrie Lotito  
Brendan Mahaney  
Adarsh Narayanan  
Akasha Raddalgoda  
Sean Reed  
Andrew Shore

## FACTS

On October 19, 2015, Bubba Lopez, age 45, had been visiting his brother in New Jersey. They went out for dinner at the the Jersey Fine Diner where they watched a football game together. Bubba drives a 2001 Ford F-150. The truck is white, has a closed cover with windows on the rear bed, and has five bumper stickers supporting gun rights.

Mason Jackal and Wayde Johanson, two teenaged boys, were also at the Jersey Fine Diner watching the game. Mason left the game at the beginning of the fourth quarter. Wayde stayed until the game was finished.

Based on security camera footage, Mason exited the diner through the side door and walked around back to his chained bike near a large dumpster. He appeared to pause and examine the stickers on Bubba Lopez’s truck, also parked next to the dumpster. Mason proceeded to approach the truck, and looked in the back windows. He stood up and appeared to look around, and then the back hatch opened up. The camera’s footage was slightly obstructed by the dumpster, and it was also dark outside. Therefore, it cannot be confirmed as to whether or not Mason forced entry into the truck, or what, if anything, was taken. Mason was seen closing the back hatch and biking away from the scene.

After his visit to his New Jersey relatives, Bubba Lopez drove home to Pennsylvania without any knowledge of the theft. However, on October 22, when he went to his truck to retrieve one of his guns, he realized the Nighthawk Falcon 9 mm handgun was missing from his locked gun box in the bed of his truck. He reported the theft to the local police,



and explained that he had been in New Jersey a few days prior. The local police filed reports in both Pennsylvania and New Jersey.

On October 23, Mason Jackal met his friend Wayde Johanson at Rogers River and showed him the gun. Wayde asked Mason where he got the gun, and Mason allegedly claimed that he had found it “in the bed of a truck, just laying there!” Not familiar with guns, the boys tried to figure out if there was a safety lock and if the gun was loaded. The friends started tampering with the gun, and the gun discharged. The bullet hit Mason in the stomach, and he began to bleed out. Wayde called 911 and the police and an ambulance showed up in about three minutes. By the time they arrived, Mason was already dead.

Wayde Johanson was brought down to the police station for questioning. There was an investigation into the possibility that Wayde had been Mason’s killer, either on accident or on purpose. After evidence was presented, Wayde was cleared and the death was ruled as an accident.

His parents, and the parents of Mason, were notified of the accident. The police officers took the weapon to forensics, where they found Bubba’s fingerprints as well as those of both boys. They discovered the police report that documented the stolen gun.

Bubba was called in for questioning. He was asked to recall all the places he went on the days before his gun had been stolen. It was discovered that the parking lot of the diner was the common location, and must have been where the alleged theft took place.

Upon examination of Bubba’s truck, it was found that the rear cover lock was in working order, though the lock had recently been replaced. The truck’s gun box was locked at the time of inspection, and there was one hunting rifle and several boxes of ammunition inside the box. The lock on the gun box was also brand new.

The parents of Mason Jackal are suing Bubba Lopez for endangerment of a minor, and for the careless and unlawful transportation of a weapon. They claim that the owner of the weapons is liable for their son’s death due to his actions, and are suing for \$2 million.

## ISSUE

This case is being brought before the court because Bubba Lopez was allegedly carelessly and illegally transporting a weapon, which led to the death of Mason Jackal.

## WITNESSES

### ***For the Plaintiff***

Wayde Johanson

Frank B. Iannucci

### ***For the Defendant***

Bubba Lopez

Captain Sanders Goodall

## WITNESS STATEMENTS

### ***Testimony of Wayde Johanson***

My name is Wayde Johanson, and I live at 59 Oak Street with my parents. I am 18 years old and a senior at Trenton High School. I met Mason two years ago when we played football

at a local field. We became friends right away and would hang out often. He seemed like a real straight up guy.

On October 19, we went to the diner for burgers and the Giants game. Mason left at the beginning of the fourth quarter, because he thought it was a blowout. He rode his bike home, which was parked out back near the dumpster and locked to a pipe. I said that I was going to stay for the end of the game, then walk home. That's the last I saw of him for a couple days, which wasn't out of the ordinary. He wasn't at school, but that was also not unusual. He texted me on Friday afternoon, and wrote: "Come to Rodgers River as soon as possible have something important to show you."

After school I went to Rogers River, about a mile from my house. When I arrived, he pulled out a gun, wrapped in a cloth and slowly uncovered it. Instantly, I had a million questions. He said, "Dude, it was in the bed of a truck, just laying there!" Neither one of us had ever held a real gun before, and it was exciting and a little scary.

Mason started horsing around with the gun. He was wearing a fleece jacket, and it had an inner pocket. He put the gun in the pocket, and he was gonna pull it out, all like 007 style, and when he took it out, the gun discharged. The bullet hit my best friend Mason in the stomach. Everything about him seemed to deflate. There was terror in his eyes. It was surreal. There was blood everywhere! I tried to put pressure on the wound to stop the bleeding. I called 911 on my cell, but... by the time they got there, Mason was gone.

When the cops pulled up, they at first tried to help the EMS people. They were checking for a pulse and putting him on a stretcher, but they quickly realized they were too late. I was just standing a few feet away, eyes wide, realizing that my best friend had just died. The ambulance was just pulling out, and an officer was coming over to me. After what I had just witnessed, I was very sensitive and vulnerable, and I don't know what I expected from the cop, maybe a word of sorrow or kindness, or an offer to drive me home. What I didn't expect was the officer to yell at me, or cuff me. Both of these things happened.

I was forced to my feet and cuffed. My rights were read to me, and I was frog-marched to a cop car and shoved in. I was scared, and I broke down in tears in the backseat.

They took me to the station house and questioned me for what seemed like hours. I just kept answering their questions, but they didn't believe me. I eventually realized that I was a suspect, and stopped talking until my parents and our attorney arrived. They were accusing me of killing my best friend. I was shocked and upset, and the tears came back in the middle of the interview.

When my mom and dad finally arrived, the police released me into house arrest, in the custody of my parents. I had to present evidence to prove that I didn't shoot my best friend. Those few days were the most stressful and traumatic of my life.

I don't know where he got this gun. Mason was a great friend, and I have never known him to steal. He was kind of fearless. So, they say he

took the gun. He was only seventeen! Everyone makes bad choices! Why was the gun in the truck, anyway? It is pretty careless for anyone to leave a loaded gun in their truck, in plain view! It's Mr. Lopez's fault for being so careless! Whatever the case, if Mr. Lopez caused the death of my best friend, and I think he did, then he shouldn't still be a free man.

### ***Testimony of Frank B. Iannucci***

My name is Frank Iannucci and I am an agent with the Bureau of Alcohol & Firearms, or the ATF. I live in Warren, New Jersey. I have 33 years experience with the ATF, and am a firearms expert.

I was called in by the Jackal Family's lawyer to give my professional opinion on the matter at hand. The weapon in question is a Nighthawk 9mm that was altered from its original make. The default trigger pull of the 9mm is 3.5 lbs. but it was modified to a 2.5 trigger pull. Now this modification is a popular choice among gun owners to change the trigger pull of a self defense firearm, especially among senior citizens and people with medical issues such as cerebral palsy and arthritis. Trigger pull modification wouldn't affect the case much if the discharge was intentional.

But my personal opinion that this was an unintentional discharge. Now the facts are ambiguous; Mason's fingerprint was on the trigger, but that only tells us that he touched it at some point. So, it is undecided if he was trying to pull the trigger or not.

The laws for transporting a firearm clearly state that all guns have to be locked in a box

and out of reach from the passengers in the automobile. Additionally, the ammunition for said firearms must be in a different area from the firearm itself. This federal law applies to all states.

Mr. Lopez is from Pennsylvania, and the gun laws there are substantially different from those in New Jersey. I've looked through Bubba's gun owner's permit, which is up to date, and it seems that he has a Pennsylvania issued concealed carry permit, though that concealed carry permit doesn't extend to New Jersey. This is an additional permit for a citizen and quite hard to receive in the State of New Jersey. He also owns a .22 caliber hunting rifle and a civilian version of the AR-15, which is used by the DEA (Drug Enforcement Agency).

Bubba Lopez may be a bit of a gun fanatic, but he has no suspicious habits or prior insults to the law that are out of the norm. What is of concern to me is why a middle-aged man would need such a light trigger pull on his 9mm. The modification made this gun much more easily discharged, and therefore more dangerous. Bubba Lopez does not seem to be frail or arthritic, so it makes me wonder about the change.

### ***Testimony of Bubba Lopez***

My name is Bubba Lopez. I am 45 years old and I live at 12 Lakewood Drive in Poconos, Pennsylvania. I am a heavy equipment operator at Pocono Excavating. I am an NRA and Americans for Gun Rights member. I hunt and fish, and own several firearms, which are all registered in Pennsylvania.

On October 19 last year, I was visiting my brother Larry in Rockaway, New Jersey. We met up at a diner near his home that has some great burgers to watch the Giants game.

A couple days after I returned home, I noticed my gun box inside my truck was open. It was very strange, because I am very careful about keeping it locked. I looked inside and I discovered that my Nighthawk Falcon 9mm handgun was missing. I looked for it in my gun cabinet and also in the house, in places that I may have put it, but couldn't find it anywhere. I asked my boys, who are both grown, if they had my handgun, but they did not. I feared that it may have been stolen, so I notified the police and reported it missing and gave a description of my gun. They asked me a lot of questions about where and how I kept my guns; it's all in the report.

If my truck was broken into, I would need to replace the lock, so I did that. While I was at it, I got a new lock for the gun box in the back of my truck. I am a responsible gun owner, and I take my Second Amendment rights and responsibilities seriously.

Three days after I reported the gun missing, a New Jersey cop, Officer Clark, called me, and he asked me to come to the police station in Rockaway, NJ, to claim my gun. He informed me that a kid got my gun and he shot himself and later died. Officer Clark then asked me again if my gun was definitely locked and I told him it was. When I transport it, see, I follow the law. It is unloaded, in a locked box in the cab of my truck, which I also keep locked. This whole thing completely shocked me. How could my gun kill someone?

The kid's parents and his lawyer have claimed that my truck and gun box were open. This is crazy and untrue. I always lock my truck and my gun box and always have my ammo at home. I would not be surprised if this kid broke into my truck and stole my gun. The lock was broken into before. This boy brought this upon himself if he stole my gun. This is a case of theft, and I am the victim. They say he was just a kid and didn't know better. By the time I was 17 I was engaged to be married. Seventeen is no kid. I am deeply sorry that this happened, but there is no way it's my fault, and there is no way that they can prove it!

### ***Testimony of Captain Sanders Goodall***

My name is Sanders Goodall and I live in Greene Township, Pennsylvania, on 17 Evergreen Lane, near Alpacaback Mountain. I am 55 years old and I work for the Greene Township Police Force. I have been a law enforcement official for 32 years. I am a member of the NRA, and also the president of the Pocono Gun Club. Bubba Lopez, whom I have known for over 20 years, is also part of the club.

Bubba is a responsible gun owner, as we have gone on many hunting trips together and I have seen that he follows the gun safety laws to the T. We are both members of the National Rifle Association, and despite what people outside the association think, gun safety is discussed frequently. Also, as captain in the police force, I have been a part of many gun safety seminars and lectures. Bubba is no bleeding heart liberal, but he believes in smart gun laws, background checks, and clear

guidelines for gun owners. Based upon my familiarity with Bubba and his gun safety habits, I can state beyond any doubt that he would never let his truck and firearm be in a place that could be reached or leave the back door open.

Mason definitely broke into the truck to take the gun. Despite the unclear security footage, we can tell that the back hatch was opened by Mason. The footage shows that Mason was in Bubba's truck. Kids nowadays don't know a thing about responsibility or consequences, let alone boundaries, and do whatever they want.

I believe that this is not about gun laws, but theft. As a officer I know that many teenagers make wrong decisions, as Mason did, even if it was an accident, and suffered the consequences for it. All I can say is Bubba Lopez shouldn't be at fault for this incident. After all, it is Mason who took the gun. Bubba should not be punished for Mason's act.

## INSTRUCTIONS

The plaintiff must prove, by a preponderance of evidence, that Bubba Lopez failed to keep his guns in accordance with safety laws, and is responsible for the death of Mason Jackal.

## SUB-ISSUES

1. Was the handgun in the gun box when Mason took it?
2. Does Mr. Lopez have any priors regarding gun rights and responsibilities?
3. Was the gun loaded when being transported in the truck?
4. When was the truck cover lock broken, and had it been recently fixed?
5. Who was holding the gun when it discharged?
6. Do the difference between NJ and PA gun laws factor into this case?
7. Did Bubba make the alterations on the gun?
8. Was Bubba trying to cover something up by getting a new locks on his truck and gun box?

## CONCEPTS

1. Gun rights and owner responsibilities.
2. Liability.
3. Credibility of witnesses.

## LAWS

### ***The Second Amendment to the United States Constitution***

A well regulated Militia, being necessary to the security of a free State, the right of the people to keep and bear Arms, shall not be infringed.

### ***PA 926A. Interstate Transportation of Firearms***

Any person who is not otherwise prohibited... shall be entitled to transport a firearm for any lawful purpose from any place where he may lawfully possess and carry such firearm to any other place where he may lawfully possess and carry such firearm. During such transportation the firearm is unloaded, and neither the firearm nor any ammunition being transported is readily accessible or is directly accessible from the passenger compartment of such transporting vehicle: Provided, That in the case of a vehicle without a compartment separate

from the driver's compartment the firearm or ammunition shall be contained in a locked container other than the glove compartment or console.

New Jersey laws governing firearms permits, purchaser identification cards, registration and licenses do not apply to a person who is transporting the firearm through this State if that person is transporting the firearm in a manner permitted by federal law, 18 U.S.C.A. 926A. II. This federal law permitting interstate transportation of a firearm applies only if all of the following requirements are met. All Firearms Transported Through the State of New Jersey: The following guidelines are provided in order to assist law enforcement officers in applying New Jersey's firearms laws to persons who are transporting firearms through the State of New Jersey.

I. New Jersey laws governing firearms permits, purchaser identification cards, registration and licenses do not apply to a person who is transporting the firearm through this State if that person is transporting the firearm in a manner permitted by federal law, 18 U.S.C.A. 926A.

Federal Code 18 U.S. Code § 926A–Interstate transportation of firearms.

## RESOURCES

<http://www.handgunlaw.us/>  
<https://www.law.cornell.edu>

# RELIGION OR REBELLION AT VIOLET CLOTHING?

## FACTS

Talia Rose, a 17-year-old girl from Greenwood, New Jersey, was hired to work at a trendy store for teenage girls called Violet Clothing. The store was pleased with her application and well-written resume, so they decided to interview her. Talia was hired by the head of the Human Resources Department and completed the recommended staff training. She was assigned to work at the store closest to her home.

On her first few weeks on the job, Talia wore the clothing sold by the Violet Clothing chain. As time progressed, the manager took note of a gradual change in her attire. Talia dyed her hair jet black and started wearing dark, gothic style clothing. These changes were tied to Talia's deepening conversion to the Wicca religion. The store manager was not aware of this recent conversion.

Eventually, Talia showed up to work at Violet Clothing with body piercings and decently sized tattoos, all exposed by her new clothing choices that the store didn't approve of. After several weeks, Talia noticed that her hours had been cut and she had been moved from the front end to the stockroom. While working in the back, the store's manager, Diane Carter, approached Talia and kindly told her that if she didn't cover her tattoos, remove her piercings, and wear the clothes that the store recommended, she would have to be fired. Talia refused to comply with this ultimatum as her attire was an expression of her Wiccan religion.

As promised, Talia was fired for inappropriate attire in the workplace. She is now suing Violet Clothing for violation of her First Amendment rights. Expression of her religious

## SCHOOL

Harrington Park  
Harrington Park  
Grade 7  
Honorable Mention

## TEACHER

Joan Dever

## STUDENTS

Mary Flahive  
Sophia Gatti  
Rebecca Gross  
Bridget Kennedy  
Anne Pabst  
Caroline Rutigliano  
Melissa Silva  
Vilelmini Zlatis

beliefs led to her being fired and she is asking for monetary compensation and to be reinstated to her position with the company.

## ISSUE

Were Talia Rose's First Amendment rights violated when she was fired from the Violet Clothing chain for dressing in a manner that aligned with her religious beliefs?

## WITNESSES

### ***For the Plaintiff***

Talia Rose  
Mia Cadwell

### ***For the Defendant***

Diane Carter  
Thea Quinn

## WITNESS STATEMENTS

### ***Testimony of Talia Rose***

My name is Talia Rose and I am a former worker at Violet Clothing. I wanted to work at Violet because I love fashion and want to become a fashion designer someday. When I was told that I got the job at Violet Clothing, I was thrilled. I came to work in the attire they requested and tried to be as friendly and helpful as I could. I honestly didn't feel comfortable or like myself in the clothes that the store suggested I wear, but I tried my best to follow the rules.

After a few weeks, I felt that I would be a better employee if I was on the floor as myself, not some image of what Violet wanted me to be. So I started to incorporate my preferred

clothing, clothing that allowed me to express my religious affiliation. I added pieces of jewelry and wore a lot of black clothing. I felt much more comfortable and relaxed speaking with the customers. I wasn't this generic sales person that wore the store's clothes, I was me. I also put in my ear piercings and let my tattoos show.

I thought the changes weren't affecting the customers or myself, but I did notice my manager began treating me differently. With each passing week, I was given less work hours and my assignments changed. By the end of the month, I was working in the back stockroom.

Eventually, my manager, Diane Carter, came and spoke to me. She told me if I didn't change my appearance, I would be fired. I felt the request was unfair as I was expressing my beliefs and the clothes Violet recommended made me feel uncomfortable. I explained to Diane that my attire had no impact on customers or my coworkers. Diane didn't appear to understand my reasoning and fired me anyway.

Violet Clothing violated my First Amendment rights. I have the right to freely express my religion and that expression should not be controlled by an employer. I am suing Violet Clothing for monetary compensation and I want to be reinstated to my position.

### ***Testimony of Mia Cadwell***

My name is Mia Cadwell and I am 19 years old. I have been working at Violet for two years. I remember meeting Talia Rose when



she came in on her first day at Violet. She seemed to be quite nice, and honestly a hard worker. After multiple days working alongside her, I realized she really lit up the place, and she was always happy and efficient at her job. As the weeks passed, I noticed some changes in her wardrobe. It did not in any way affect me and certainly didn't seem to affect the customers, even our most loyal ones. Her tattoos showed and piercings were added, and she still seemed to be her bubbly, dependable self. However, I did notice that other coworkers and the manager began treating her differently. Talia started leaving earlier than the rest of us and even moved to the back stockroom. It was a shame they had her working the back as she was so good with customers. Though this sudden change piqued my interest, I decided not to interfere.

A few more weeks passed and I realized Talia wasn't coming to work at all anymore. When I went to the manager to ask what had happened, she explained the Talia had been fired from her position at Violet. I was in shock, and when told the reason, I must admit I was furious.

Eventually, Talia shared with me that she was becoming more deeply involved in her Wiccan religion. I fully supported her, and understood that was the reason for her wardrobe change. I'm not sure what upper management knew about Talia's religious beliefs, but they did not have grounds to fire her. She was a great employee. Her religion and the customs that come with that, should not have created an issue.

### ***Testimony of Diane Carter***

My name is Diane Carter and I am a manager at Violet Clothing. Talia Rose started out as an employee with a lot of potential. She was reliable, energetic and great with the customers. As a young woman in her first job, I thought she was a superior employee.

When Talia began working at the store I manage, she dressed in the attire outlined in the employee handbook. However, within a few weeks, I began to notice some changes. At first, the differences weren't too noticeable, but later on the change became more drastic.

The fact that Talia began her job wearing the proper clothing, speaks to the fact that she clearly understood our store policy regarding wardrobe. Her gothic style clothing, jet black hair and body piercings did not reflect the image we wanted to provide for our customers. One of the requirements of working at Violet is to obey the dress code, but Talia failed to follow our guidelines. Talia was fairly warned and was told that she could keep her job if she wore the proper attire. She refused, and in that refusal she never once used the term "religion." All this talk of religion came after the fact. How was I to know what was considered an expression of her religion when she never brought it up? So I had no other choice but to fire her. Though it was difficult to lose such a dependable girl so soon, it had to be done.

### ***Testimony of Thea Quinn***

My name is Thea Quinn and I am the head of the Human Resources Department at Violet Clothing. The Human Resources Department

interviews and trains potential employees.

After a candidate passes the interview process, we put them through careful training sessions and review all expectations and customer relations guidelines. When training is complete, I assign employees to our various stores in the area. We take pride in our company commitment to find and prepare the best candidates for Violet Clothing.

Talia passed the interview process with flying colors, and I saw great potential in her. Talia completed all of our training, which included a specific dress code. In observing Talia during training, I assumed that she understood all of our rules, including dress code, as Talia attended the training sessions about the attire outlined in our handbook.

All of our employees sign off on these guidelines before being placed at a Violet store. Talia showed great potential; however, I think now she is a bit of a rebel. We were never informed whether her clothing choices were based on a fashion statement, a cult following or religion, but it was against rules and unacceptable. How were we to know of her sudden devotion to her religion when she never discussed it?

## INSTRUCTIONS

The plaintiff, Talia Rose, must show by a preponderance of the evidence that her First Amendment rights to religious expression were violated when she was fired from Violet Clothing.

## SUB-ISSUES

1. Did Talia Rose make it clear to her employers that her change in attire was tied to a religious affiliation?
2. Should the managers at Violet Clothing have given Talia more opportunity to explain the changes they were witnessing?
3. Does a privately owned clothing chain have the right to set a dress code?
4. Did Talia's attire affect customers or impact her ability to do her job?
5. If Talia was good employee, should her attire have come into question?
5. Did Talia conceal her religious affiliation in the interview process, knowing it could be problematic?

## CONCEPTS

1. Burden of proof: preponderance of the evidence.
2. Freedom to express religious beliefs.
3. Credibility of the witnesses.

## LAW

### ***First Amendment to the U.S. Constitution***

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press, or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.

# ANGIE TATED V. SERGEANT PEPPER AND THE PARKVILLE POLICE DEPARTMENT

## FACTS

On Monday, June 29, 2015, at 4:37 p.m., Angie Tated was driving her eight-year-old autistic son Ira home from aftercare. Ira was screaming and trying to remove his seatbelt, so she pulled over to the side of the road. A woman who was walking nearby called the police because she was concerned about the welfare of the child. Sergeant Pepper, a Parkville police officer, arrived at the scene and approached Angie’s van. The dash cam in the officer’s car shows him walking up to the van. While it is clear from their body language that Sergeant Pepper and Ms. Tated were arguing, there is no audio to prove what was said by either of them. After several minutes, the video shows the officer reach in and pull Ms. Tated out of the vehicle. He can then be seen placing her under arrest.

According to the sergeant, he was responding to a situation where an adult was possibly abusing a child. He claims he made repeated requests that Ms. Tated exit the van. Instead, she yelled at him and refused his request. When he saw a bruise on the side of the child’s face, he felt he had no choice but to place Ms. Tated under arrest.

Ms. Tated says that she was attempting to calm her child, but the officer’s loud voice made Ira even more upset. She states that she was trying to explain the situation to the officer, but he refused to listen.

Ms. Tated is suing Sergeant Pepper and the Parkville Police Department for false arrest in violation of her Fourth Amendment rights.

## SCHOOL

Bloomfield Middle  
Bloomfield  
Grade 7  
Honorable Mention

## TEACHER

John Shanagher

## STUDENTS

Zachary Andruchowitz  
Julie Caro  
Aedan Coulter  
Josette Cruz  
Gianna Feliciano  
Brandon Levine  
Eric Pabon  
Alexandra Reyes  
Iraina Sabella-Mills  
Lusnieris Santana  
Raveena Seepaul  
Sylvia Vasquez

## ISSUE

Was Angie Tated’s Fourth Amendment protection against unreasonable seizure of her person violated by Sergeant Pepper?

## WITNESSES

### ***For the Plaintiff***

Angie Tated

Bob Stander

### ***For the Defendant***

Sergeant Pepper

Ellen Mentry

## WITNESS STATEMENTS

### ***Testimony of Angie Tated***

My son Ira has been diagnosed with autism spectrum disorder. He can become very upset when exposed to loud noises or when confined in any way. On June 29, 2015, I pulled over because he was attempting to unlock his seatbelt. It was late in the afternoon and the rush hour traffic was especially bad. I got out of the van and rushed around to the passenger side to open the sliding door. There was a lot of traffic, and if my child had run out of the van and into the street, he would have surely been struck by a car. He was extremely agitated so it was difficult to re-attach the belt.

Suddenly, a police officer came up behind me and began yelling. My son became even more upset and the situation spiraled out of control. On one hand, I could hear the officer yelling but could not understand what he was saying. On the other hand, my son was fighting to escape the van and screaming. Suddenly, the officer grabbed me from behind and pulled me

out of the van. Fortunately, I had just pushed the seatbelt in place because otherwise my son would certainly have run into traffic. The officer put me in handcuffs and said he was arresting me for child abuse.

I am a loving and devoted mother. I would never do anything to harm my child. The bruise on Ira’s face was caused by an earlier attempt to get of the car when he banged his head against the door in frustration because he could not escape. Instead of helping my son, Sergeant Pepper made the situation worse. If he had listened to me, the incident would have ended quickly. Instead, his loud voice and aggressive manner further upset my son. Sergeant Pepper needs to be trained on how to deal more effectively with emergencies, instead of overreacting. I was humiliated in front of my son for no reason other than Sergeant Pepper’s inexperience and incompetence. He had no legal reason to place me under arrest. The charges against me should be dropped and the record of my arrest erased.

### ***Testimony of Bob Stander***

On the afternoon of June 29, 2015, I was walking on Main Street when I observed a woman pull to the side of the road and rush around to the passenger side of her van. I could hear a very upset child yelling. After a few minutes, a police car arrived and an officer walked over to the van. He began to yell at the woman in a very loud voice. I could hear the woman saying that she would step away from the van as soon as her son was safe. The officer ignored her and kept yelling for her to get out of the van.

Suddenly, the officer reached into the van, grabbed the woman, and roughly placed her in handcuffs. The child was hysterically screaming in the van and the woman was sobbing. She repeatedly begged the officer to release her so that she could care for her son. From what I could see and hear, the mother was doing everything possible to care for her child. Instead of helping, the officer made the situation worse.

### ***Testimony of Sergeant Pepper***

I was patrolling Main Street on June 29, 2015, when I received a call that a woman and a child appeared to be involved in some sort of altercation several blocks away. I hurried to the location just in time to see a woman apparently fighting with a young child in a van. I got out of my car and asked the woman to step out of the van. The woman ignored me and continued fighting with her son. After several requests that she exit the van, I leaned in and saw a bruise on the child's face. I ordered the woman out of the van and, when she refused, I placed her under arrest.

During this entire time, Ms. Tated was yelling and using abusive language to me and the child. My job is to protect those who cannot protect themselves. In my opinion, based on my fourteen years' experience as a police officer, Ms. Tated was completely out of control. She posed a danger to her child and herself. I had no choice but to place her under arrest.

### ***Testimony of Ellen Mentry***

I work as a kindergarten teacher at Main Street Elementary School. On June 29, 2015, I was

walking to my car when I saw a police car pull up behind a van parked on the side of the road. I could hear raised voices coming from the van. The loudest voice seemed to belong to a woman. The officer walked up to the van and asked the woman to step outside. I heard her scream at him to go away. It was difficult to understand exactly what the officer was saying because his voice was calm as opposed to that of the screaming woman. I could also hear a child crying. This went on for several minutes.

I saw the officer look into the van and then order the woman to step aside immediately. After maybe thirty seconds, he pulled her away from the van and handcuffed her. The woman was struggling with the officer and calling him names that I am not comfortable repeating here. At no point did the officer seem angry or violent. I'm happy to live in a community where the police department trains its officers to behave in such a professional manner.

## **INSTRUCTIONS**

The plaintiff must prove by a preponderance of the evidence that Sergeant Pepper placed the plaintiff under arrest with insufficient cause in violation of the Fourth Amendment.

## **SUB-ISSUES**

1. Was either witness close enough to the van to accurately report what occurred?
2. Was the officer predisposed to believe that Ms. Tated was abusing her child based on the description Ms. Mentry gave when she called the police?
3. Did the officer follow normal police procedures when dealing with Ms. Tated?

## CONCEPTS

1. Burden of Proof: preponderance of the evidence.
2. Credibility of the witnesses.
3. False arrest: A TORT (a civil wrong) that consists of an unlawful restraint of an individual's personal liberty or freedom of movement by another purporting to act according to the law. *West's Encyclopedia of American Law, edition 2. Copyright 2008 The Gale Group, Inc. All rights reserved*

## LAW

### ***The Fourth Amendment to the Constitution of the United States***

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.

# THE CASE OF THE ABSENT ACTRESS

## ING V. ENDOWMENT SCHOOL DISTRICT

### FACTS

Missy Ing is a freshman student who attends Up Stage High School in the town of Endowment, NJ. She practices a recently formed religion titled Sumani which has a very small and sporadic following. Sumanis are committed to giving back to the community and to peace on earth. Being a Sumani, Missy believes in reincarnation and unity and the idea of a balanced lifestyle. She celebrates the Sumani declared holidays including Grayla, the Sumani New Year celebrated in January, and Zola, the birthday of their founder celebrated on March 2. This is not practiced by many, and the school district Missy resides in does not recognize these holidays as a day off from school.

At the start of the school semester, Missy chose drama for her exploratory arts elective. Ms. Cheng, the drama teacher, puts on an annual production with her exploratory arts students and requires all of them to sign a class contract. This contract firmly states that all students shall attend dress rehearsals and other practices with no exceptions. Students who fail to follow this contract may lose their role in the production and/or be replaced by their understudy. Since drama students are assessed based on participation and effort, failure to follow the class contract impacts their grade.

The production this year, *A Sinking Sailboat*, was scheduled for March 4 and March 5. The technical dress rehearsal was to take place on March 1. However, on that day a blizzard hit the town of Endowment, forcing the rehearsal to be pushed to the next day, March 2. On that day, Missy notified Ms. Cheng after school that she wouldn't be able to attend

### SCHOOL

Glen Rock Middle  
Glen Rock  
Grade 7  
Honorable Mention

### TEACHER

Mary Morrow

### STUDENTS

Ana Bilbao  
Matthew Bloomfield  
Tomas Collado  
Connor Cunningham  
Grace Gothelf  
Ethan Hegyi  
Lily Renga  
Carson Schraer  
Bryce Siggers  
Daniel Zislis

the technical rehearsal because she would be celebrating the Sumani holiday of Zola with her family beginning at sundown. Ms. Cheng said that Missy then had to be replaced in her lead role by her understudy. She reminded Missy of the class contract and told Missy that she should have given her advance warning about any potential conflicts. Ms. Cheng also told Missy that her class grade would suffer because she was not contributing the full participation required for her class.

Missy's family was upset by the news that she was held from the play and that her grade suffered as a consequence. They believe that her freedom of religion stated in the First Amendment was violated. They noted that the rehearsal was not originally scheduled for March 2 and a make-up date was not listed in the class contract. Therefore, Missy had no reason to anticipate the conflict. Furthermore, the Ings are upset that the rehearsal was scheduled for this day. They have been very vocal to the school board about the need to recognize and respect all their students' religious days, not just those of the most prevalent and popular practices. Mrs. Ing is suing the school for violation of her daughter's First Amendment right to freedom of religion. She is demanding that her daughter's grade be restored to the "A" that it was before the conflict began and that the school recognize the Sumani holidays within their school calendar.

## ISSUE

Did Ms. Cheng violate Missy's freedom of religion by penalizing her for missing the play to celebrate her religious holiday?

## WITNESSES

### ***For the Plaintiff***

Missy Ing

Sue Ing

### ***For the Defendant***

Brian Noser

Ms. Cheng

## WITNESS STATEMENTS

### ***Testimony of Missy Ing***

I am Missy Ing. I am here because my family believes my right to freedom of religion was violated when I was replaced in my lead role in our play, *A Sinking Sailboat*. As a result, I received a very bad and unfair grade for my drama class. The poor grade had nothing to do with my contributions to class up until that point, or with my abilities. It was solely because I had a religious conflict. This conflict didn't exist when I first signed up for the class.

I needed to honor my religion on the day of the play. My religion is a very important to my family and to me, and the day of Zola is one of our most significant religious holidays. I didn't anticipate that I would need to let Ms. Cheng know of that date because a potential conflict was never included in the class contract. It was a completely last minute change. How could I have known a blizzard would hit our town on March 1?

My participation in class and my performance in that role were exemplary up until that day. I could have easily done an outstanding job in that role without attending the technical rehearsal. Overall, the fact that I was thrown



out of a play was solely because I was honoring my religion. My religion should not have been considered a detriment to my class or this production.

### ***Testimony of Sue Ing***

As Missy's mother I have seen her commitment to her studies and to this play. She is an exemplary student and has given the same effort and dedication to her drama class. I have seen her study her lines for hours. There is no question that she was well prepared for this production. Her performance would not have suffered over missing one rehearsal. It was wrong to tell her that because of her dedication to her religion, she would not be allowed to perform in something she has put so many hours into.

It is unjust to take away the freedom of religion of anyone in the 21st century. Freedom of religion is a privilege given to us in the Constitution, not a disadvantage that gets in the way of my daughter's grades. The religion we practice believes in peace and equality, and the director is not giving Missy a fair and equal chance to be in this play as her peers who practice other more popular religions.

### ***Testimony of Brian Noser***

I am a student at the Up Stage High School in Endowment. I also am a part of the drama production of *A Sinking Sailboat*. I specifically recall Ms. Cheng speaking about the class contract several times and emphasizing that if there were any conflicts with any of the dates to immediately warn her. She's a very thorough director and she hates last minute changes.

She has made us very aware of how disruptive a single person's changes or absence can be to the entire production and cast. Ms. Cheng has given many examples of how last minute and unexpected changes can cause unnecessary and additional stress on the production and the actors. We have learned throughout the semester how intertwined every role within the production is.

Technical rehearsal was our first chance to run the production on stage together with all of the crew. Without Missy there in the lead role, it would have been impossible for us to figure out the staging. Everyone involved in the production would have struggled with her absence and we would not have been ready for opening night. Missy would have been great in that role, but the show had to go on. We needed to replace her.

### ***Testimony of Ms. Cheng***

Missy was one of my top students and I admired her effort and contributions throughout the class. She has a bright personality and many talents ideally suited for the drama elective class. I have come to the conclusion that Missy might have been too eager to begin the class to review the class contract thoroughly before signing it. Therefore, she failed to forewarn me about her religious events that would take place the week of production. This was critical since she was one of the most vital characters in the play.

Since Missy Ing held such an important part in the play, it would have been a major issue if the rest of the cast and crew had to rehearse

with her missing. It is not possible for a lead to perform opening night without having participated in a full technical rehearsal. It wouldn't have been fair to the rest of the class who worked all semester for a perfect performance.

Missy wasn't removed from the role because of her religious celebration. She was removed due to her failure to follow the class contract, which she signed. Had she forewarned me of any potential conflicts and not notified me of her absence on the day of the rehearsal, the outcome might have been very different. I could not make exceptions to the class contract for Missy.

## INSTRUCTIONS

The plaintiff must prove by a preponderance of evidence that Up Stage High School violated her freedom of religion by treating her absence for a religious holiday as unexcused.

## SUB-ISSUES

1. Should the school make accommodations for a religious holiday that is not included on the NJ State Board of Education's list of religious holidays?
2. Should Missy be held accountable for notifying Ms. Cheng of a conflict with a date not listed in the class contract?

## CONCEPTS

1. Burden of proof; preponderance of evidence.
2. Freedom of religion.
3. Unexcused absence.

## LAWS

1. First Amendment to the Constitution of the United States: "Congress shall make no law respecting an establishment of religion or prohibiting the free exercise thereof..."
2. N.J.S.A. 18A:36-14 through 16  
WHEREAS the law provides that:
  1. Students who miss a test or examination because of absence on a religious holiday must be given the right to take an alternate test or examination.
  3. To be entitled to the privileges set forth above, the student must present a written excuse signed by a parent or person standing in place of a parent.
3. *Scheidt v. Tri-Creek School Corporation*, 2005  
The court ruled that the school's policy which provides that missing more than one day of school for religious worship results in an unexcused absence and subjects the students to sanctions, is a violation of the plaintiff's rights to freely exercise their religion.
4. *Church of God (Worldwide, Texas Region) v. Amarillo Ind. Sch. Dist.*, 1981  
The Court concludes that the school district's policy imposes a real and substantial burden on the Plaintiffs' right to the free exercise of their religion as guaranteed by the First and Fourteenth Amendments.

# WHAT'S IN A NAME?

## FACTS

On September 11, 2015, a young couple named Miranda and Jonathan Shooter gave birth to twins at St. Barnabas Hospital in Louisville County, Kentucky. They named their daughter Isil and their son Al-Qaeda. When the father completed filling out the birth certificate forms, he submitted them to the County Clerk's office whose job it was to record the births. The clerk refused to record the names, stating that these names violate the Kentucky statute on what is acceptable for naming your child. The Shooters are suing the County of Louisville for violating their First Amendment right to freedom of speech.

## ISSUE

Did the County Clerk of Louisville County, Kentucky's rejection of Miranda and Jonathan Shooter's birth certificate applications violate their freedom of speech as guaranteed by the First Amendment?

## WITNESSES

### ***For the Plaintiff***

Miranda Shooter  
Ricky Bob Dylan

### ***For the Defendant***

Betty Lou Richardson  
Bubba Jones

## SCHOOL

Bloomfield Middle  
Bloomfield  
Grade 7  
Honorable Mention

## TEACHER

John M. Shanagher

## STUDENTS

Matthew Amante  
Elqanah Awkward  
Connor Charles  
Ryan Diaz  
Nisha Doshi  
Jason Martinez  
Marvin Monge  
Octavio Morales  
Sarah Orellana  
Arianna Petty  
Aiden Shea

## WITNESS STATEMENTS

### ***Testimony of Miranda Shooter***

On September 11, 2015, I gave birth to my twins in Louisville, Kentucky. My husband and I chose their names to be Isil and Al-Qaeda, and we have a perfect right to choose whatever names we wish. I've never heard of the state deciding what a child should or should not be named. The fact that some people may not approve of the choices Jonathan and I made doesn't mean that they get to determine our babies' names.

I don't need to explain to anyone why my husband and I chose these names, but now that the clerk has made such a big deal out of it, I guess I should. Events in the Middle East have dominated the news for the past decade. We want our children to have names that relate to the world in which they were born. What names are more relevant to the early 21st century than Isil and Al-Qaeda? You may not think much of our decision, but in the same way that we do not have the right to choose the names of your children, you do not have the right to choose the names of ours.

The Louisville County statute which governs the naming of one's children says that the names may not be obscene, may not be numeric, and may not harm the children. These names do not automatically do any of those three things. While some people in the future might wish to harm the twins based on their names, is that a sufficient reason to deny us the right to name them what we choose? Was the name Adolf banned following World War II? If the Krueger family

wanted to name their son Freddy, would the law forbid it?

Who a person becomes is based on what they accomplish in life, not on what they are named. As citizens of the United States, we have chosen to exercise our First Amendment right to freedom of speech. You are free to disagree with us, but you do not have the right to take away that choice.

### ***Testimony of Ricky Bob Dylan***

My job as assistant registrar of vital statistics for the County of Louisville is to assist the public in recording important events such as births, deaths and marriages. On September 12, 2015, a man named Jonathan Shooter submitted paperwork to obtain birth certificates for his newborn twins. I was really surprised to see he had chosen the names Isil and Al Qaeda for his children. I thought it might have actually been a joke, but he assured me that he was serious. I took the application to the county registrar who said that under no circumstances should I accept the application. When Mr. Shooter insisted on speaking to him, the registrar came out and told Mr. Shooter that he had to choose different names or the county would choose names for him. Mr. Shooter left in an angry mood.

I asked the registrar what right we had to deprive parents of the ability to choose names for their children. He reminded me that Kentucky law forbids names which might be harmful to the child in the future. I reminded him that just the week before I had registered a little boy's first name as Sue and that there

was a great chance that little boy was going to be bullied because he was given a girl's name. We have also recorded the name Osama as well as Hussein, Bubba, and Nutella, without giving their parents an argument. He said that he was offended by their choice to name their children after terrorists.

I believe, however, that even though I might disagree with a particular name, the law doesn't allow me to decide for a parent. The names are not obscene, numeric, and there is no way to know how the children will be treated in the future. Therefore, based on the past practice of our office, I do not believe we have the right to stop the Shooters from naming their children Isil and Al-Qaeda.

### ***Testimony of Betty Lou Richardson***

My stepdaughter Miranda wants to name my grandchildren Isil and Al-Qaeda, two incredibly stupid names. I cannot believe that she is capable of making such an irresponsible choice. I know that she is interested in terrorist groups and reads about these groups constantly. I don't really care about her political views, but now those views may be responsible for my grandchildren growing up to be the targets of humiliation and scorn.

She claims that the First Amendment gives her the right to name her children anything she wants, but the laws of Kentucky say otherwise. How can it not be harmful to a child to be named after terrorist groups who have murdered thousands of innocent Americans? The other children in school will call them names and accuse them of being enemies of our country. They will suffer prejudice every

time they apply for college or for a job. Who is going to hire employees named Isil and Al-Qaeda? Would you? Unless the court stops her, my grandchildren will grow up hated and despised by society. Please do not allow her to ruin her children's future.

### ***Testimony of Bubba Jones***

My office is responsible for recording the vital statistics of Louisville County. We are also responsible for obeying the law. Our county has established laws which place some minor limitations on what names parents may assign to their children. The law forbids naming children something considered an obscenity, or numeric names such as Charley 8, or any name which may cause the child injury. I realize that "...may cause a child injury" is something that is difficult to define. Therefore, up until last September, I have never invoked that particular portion of the law. But this situation is exactly what our lawmakers had in mind when they forbid names which may cause a child harm. I don't believe I am exaggerating when I say that Isil and Al-Qaeda are among the most hated words in the world. These organizations spread death and destruction wherever they exist. So when my assistant clerk informed me that the Shooters wanted to name their children after these groups, I knew that it would be morally and legally wrong to record those names.

I attempted to reason with Mr. Shooter but he became verbally abusive and told me to mind my own business. I then sent Mr. and Mrs. Shooter a registered letter which explained the law and requested that they choose alternate names for their children. Their response was

again rude and abusive. The children must have names. Unless the Shooters choose legally compliant names, the county will be forced to petition the court to give the children names.

## INSTRUCTIONS

The plaintiffs must prove by a preponderance of the evidence that the County of Louisville violated their First Amendment right to freedom of speech by refusing to record their children's names as Isil and Al-Qaeda.

## SUB-ISSUES

1. Is it possible to know how a child will be treated in the future based on his/her name?
2. Is Bubba Jones' decision based on law or personal opinion?
3. Should the state have the power to decide what a parent names their child?
4. What process is followed to determine the legal names of the children if the verdict is in favor of the county?

## CONCEPTS

1. Credibility of the witnesses.
2. Burden of proof: by a preponderance of the evidence.
3. Parental rights.

## LAW

***State of Kentucky—Statute 10b.302  
Bureau of Vital Statistics guidelines.  
Subsection D***

...no name shall be recorded on a county birth certificate which: uses words commonly

considered obscenities, employs numeric values, or may result in potential harm to the child.

### ***First Amendment to the Constitution of the United States***

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press, or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.

## CHECHEN-IN OR CHECHEN-OUT?

# THE STATE OF NEBRASKA V. THE UNITED STATES OF AMERICA

*All characters, names, events and circumstances described herein are fictitious.*

### FACTS

War has broken out in Chechnya. Russian troops are combatting terrorist groups in Chechnya as well as at home. Refugees are fleeing their country in order to escape the war and chaos. The Chechen terrorists have a violent reputation based on their frequent attacks on civilians throughout the world. Many of the citizens of Chechnya are attempting to flee to the United States in hopes of sanctuary. Attacks throughout Russia, including Moscow, Dagestan, and other cities, have resulted in major loss of life. An attack in Nebraska, where a bombing by Chechen terrorists at a Cornhuskers football game in Lincoln killed 38 people and wounded 322, has caused serious concerns for many Americans. Despite the reservations of many of his citizens, the President has offered a safe haven to 5,000 Chechen refugees who will be distributed among the various states.

Nebraskan officials argued against the federal decision to allow 50 refugees to settle in their state. Fearing for the safety of the citizens of Nebraska, the Governor announced that while he could not stop the President from settling Chechen refugees in Nebraska, he would be denying any benefits funded through the state, including education and health care, to all Chechen refugees sent to Nebraska by the United States government. He believes that the President does not have the right under the Constitution to require Nebraska to support refugees sent to his state. According to

### SCHOOL

Bloomfield Middle  
Bloomfield  
Grade 8, First Place

### TEACHER

John M. Shanagher

### STUDENTS

Jennifer Cardona  
Aidan Carroll  
Vincenzo Di Giano  
Taina Durand  
Jack Fernandez  
Andrew Geraci  
Faith Guerron  
Jasra Habibul  
Delyse Howard  
John Joseph  
Tennessee Morrison  
Valerie Napolitano  
Thien Nguyen  
Mia Ornegri  
Ravi Patel  
Jaden Referente  
Anthony Rizzi  
Jay Seput

the Governor, since there is no requirement for an individual state to support refugees, the Tenth Amendment leaves that decision to the states themselves. Nebraska is suing the federal government for funds necessary to support the services utilized by the Chechen refugees. Until that funding is forthcoming, all state-funded benefits will be denied to the refugees.

## ISSUE

Does the Tenth Amendment to the Constitution of the United States permit the Governor of Nebraska to deny state-funded services to refugees who have been sent to his state by the federal government?

## WITNESSES

### ***For the Plaintiff***

Governor Dan Nye  
Omar Haas

### ***For the Defendant***

Benny Fitz  
Alik Umarov

## WITNESS STATEMENTS

### ***Testimony of Governor Dan Nye***

I am the proud Governor of Nebraska. Recently the President issued an Executive Order resettling Chechen refugees throughout the United States. Like all American citizens, I have great sympathy for the people of Chechnya. In a perfect world, the people of my state would be willing to do almost anything to help others in need. However, the present circumstances cause us great concern.

Last year, Chechen terrorists placed a bomb at Memorial Stadium in Lincoln, which resulted in the deaths of 38 people and left hundreds injured. There have also been numerous terrorist attacks around the world.

Tens of thousands of refugees have poured out of Chechnya. Many of these refugees left without any form of identification or documentation. There is no way for the government of the United States to guarantee that terrorists and criminals are not mixed in with innocent refugees. My primary role as Governor of Nebraska is to protect the people of my state. While the President has the right to set immigration policy, he does not have the right to place my people in danger. Until such time that the government can guarantee that every refugee sent to Nebraska has no history of radical activity, I have to do everything possible to discourage these people from staying in Nebraska.

The Tenth Amendment to the Constitution of the United States says that powers not specifically given to the federal government belong to the states. I do not see any reference to education or health care in the Constitution. The President may have the right to decide who is and is not allowed to settle in the United States, but he does not have the right to order Nebraska to supply them with state services. I will respect the Constitution and not block the settlement of these refugees, but if the President wants them to live here, then it is up to him to provide the funds for their maintenance. As the elected representative of the Nebraskan people, it is my sworn duty to protect my state and I will do so with whatever means are placed at my disposal.



### ***Testimony of Omar Haas***

I am very concerned about the proposal to settle Chechen refugees in my state. My concern is not based on race, religion or nationality. It is based on common sense and on the language of the Constitution. I feel very badly for these people who have been forced to leave their homes due to the chaos in Chechnya. But there seems to be no way to prove who is and who is not a terrorist. Many of these people left home with no documentation. We have no way to prove whether or not they were innocent victims or actually working with the terrorists. We suffered a terrible tragedy here when terrorists attacked a sporting event in Lincoln, resulting in numerous deaths and injuries. This proves how dangerous the world has become.

Now we have thousands of people, many of them lacking any sort of documentation, moving to our country from a place where terrorism flourishes. But the President has made his decision. My concern is that he is sending them here against our will and expecting us to pay for the privilege. From where does he get that right? He says that the Constitution gives him the power to direct issues related to immigration. Where does it say that he can order the people of a state to pay for foreign refugees to settle in their state? The President is responsible for foreign policy decisions, but this is a domestic issue and one that is specific to Nebraska. Our Governor was elected to represent us and while he cannot forbid these refugees to settle here, he can refuse to pay for their upkeep.

### ***Testimony of Benny Fitz***

My job as a homeland security officer is to make sure that our nation is secure and safe

from terrorism. If I thought these particular Chechens were a threat to our nation, I would do everything in my power to stop them from moving here. But my department has been working night and day to ensure that these men, women and children are indeed refugees, not terrorists. There is an exhaustive process in place which demands multiple steps before a refugee is accepted for settlement in our country.

No one can offer a 100 percent assurance that every one of these refugees is an opponent of terrorism, but it is important to remember that native-born American citizens have been convicted of terrorism. Timothy McVeigh was born here but he planned the terrible bombing of the federal building in Oklahoma City. Just as the vast majority of Americans condemn the actions of Timothy McVeigh, the overwhelming number of Chechens condemn the actions of the terrorists.

Our departments have to do our best to weed out the terrorists from the deserving refugees who have asked for our help. Once these refugees have been accepted as legal immigrants, they need to live somewhere. The President has set up a plan to settle them in various states across the nation. The Governor of Nebraska has announced that he will be denying these refugees any services which require payment by the State of Nebraska. Is this the American way? If thousands of Canadians were to pour across the border due to some sort of national disaster, would the Governor of Nebraska deny them shelter and assistance? I think not. Therefore, he needs to treat these poor souls from Chechnya the same way that countless refugees from around the

world have been treated by the United States...with a smile and a helping hand.

### ***Testimony of Alik Umarov***

My wife and I are the parents of three beautiful children. We are not terrorists. In fact, we moved here to escape terrorism. Chechnya is a living nightmare. I do not want my children's memories to be explosions, struggle, pain and destruction. Because of this, we were so excited when the President of the United States said that he would allow Chechen refugees to settle in America. We had heard great things about America, so we immediately applied to be one of those families. Homeland security looked into every part of our lives. They interviewed my wife and me as well as our children. They examined our documents and interviewed our friends. Finally after many months, we were informed that we would be settled in Nebraska. Our kids used the Internet to find out everything they could about Nebraska. But when it came time to move, everything fell apart. Suddenly, the Governor made it clear that we were not welcome in his state. When the President ordered him to allow us to move to Nebraska, the Governor announced that while he could not keep us out, the State of Nebraska would not help us in any way.

America is supposed to be the land of the free. How can it be legal for Nebraska to allow some children to attend school, receive healthcare and other services while denying those things to my children? We may not be citizens yet, but we are people. Nebraska has welcomed immigrants from all over the world. With the exception of its Native American population,

everyone in Nebraska is descended from an immigrant. It cannot be legal to treat one group differently from all the others.

Your Constitution and Declaration of Independence are two of the most important documents written in the history of the world. Perhaps the Governor should not limit his reading to one particular amendment, but instead open up his heart and mind to what was intended when these documents were written.

## **INSTRUCTIONS**

The plaintiff must prove by a preponderance of the evidence that the federal government, not the State of Nebraska, is financially obligated to supply assistance to refugees sent to Nebraska.

## **SUB-ISSUES**

1. Does the Tenth Amendment apply in this case?
2. Has the federal government done an acceptable job screening the refugees?
3. Does the ethnicity and religion of the refugees have any impact on the Governor's decision?

## **CONCEPTS**

1. Credibility of the witnesses.
2. Burden of proof: by a preponderance of the evidence.
3. States' rights.

## LAW

### ***The Tenth Amendment to the Constitution of the United States***

The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the states respectively, or to the people.

# THE PHONE CASE

## KICKETT V. MONET AND WYNNE

### SCHOOL

St. John Vianney  
Colonia  
Grade 8, Second Place

### TEACHER

Maureen Jorgensen

### STUDENTS

Brooke Belmonte  
Kristine Carroll  
William Doyle  
Taylor Eccles  
Emily Filippini  
Nicolas Galette  
Megan Lavelle  
Rafi Nached

### FACTS

On May 5, 2015, Chrysta Kickett was in school at Andrew Johnson High School and was texting during art class. In keeping with school policy, her teacher, Mrs. Monet, confiscated her phone to give it to the vice principal, Mr. O'Halloran. On Mrs. Monet's way to the office, Chrysta's phone received a text. Mrs. Monet opened the message, which included a picture of Chrysta at a party the previous weekend. There was clearly underage drinking going on in the photo, but Chrysta was not seen drinking.

On her way to the office, Mrs. Monet stopped at the athletic office and showed the picture to Coach Wynne, Chrysta's soccer coach. The coach and the art teacher took the phone to the vice principal's office, and Chrysta received detention the following day for having her phone on in school. Coach Wynne took the additional step of removing Chrysta from the soccer team, claiming that she had violated the Health, Safety and Behavior Contract of the team by attending a party where underage drinking was going on.

### ISSUE

Did Mrs. Monet violate Chrysta Kickett's constitutional protection against illegal search and seizure when she looked at her phone message without consent?

## WITNESSES

### ***For the Plaintiff***

Chrysta Kickett

Guinness McKnightly

### ***For the Defendant***

Mary Monet

Coach Betta Wynne

## WITNESS STATEMENTS

### ***Testimony of Chrysta Kickett***

I was like just sitting in art class, painting a picture of like a pineapple type of thing. Then my phone just went off, because I am just so like totally popular. Then Mrs. Monet just totally put a downer on my painting party. She asked for my phone and I was like “whatever” and handed her my totally new and fashionable phone. It has like the cutest phone case I’ve ever seen with a soccer ball and a purple background on it. She took my phone and she said that she was definitely gonna take it to the principal’s office. That’s all I knew at that point.

Then, later my soccer coach came up to me and was like “I saw that picture of you from the party, and I saw there was underage drinking.” I then was like “Wait, what...who told you that?” I was totally mad at Mrs. Monet, assuming it was her who showed my coach the pic. Like what on earth does that have to do with soccer? Suddenly Coach Wynne told me “You are OFF the team!! You violated your Health, Safety and Behavior Contract.” But like I really didn’t actually read it. I mean yes, I was at the party, but I wasn’t drinking. Why would I damage my body, and my totally awesome soccer skills?

Seriously I got super mad skills. I mean why would I like ruin my chance to like get a scholarship to like the best school in the country for like soccer? My teacher had like absolutely no right to look at my phone, and she like totally violated my personal privacy. I mean like my phone is my life.

Mrs. Monet made assumptions about me, based on info that was like totally out of context. If she saw a picture of me at Thanksgiving and my grandma was holding a glass of wine, would I get kicked off the team? It’s the same thing. She had no right to look at my phone, and that is why I am suing her.

### ***Testimony of Guinness McKnightly***

So I had like a few of my friends over while my ma and pa were out of town. I was talking to some of my friends, Anne and Chrysta. Then after talking for barely even like five minutes, Chrysta just walked away. I started talking to my friend Link, who told me that someone had brought Guinness. While trying to get rid of the stout because we were underage, I noticed that some of the drunk teens were taking selfies of them drinking. It just so happens Chrysta was dragged into one of the pics not knowing that there was some beer in the picture.

The next day, I wasn’t in school because I came down with a flu. So I decided to send out some the pics I saw on Facebook. I thought that her phone was off so I thought it would be cool to send it. Even if Chrysta’s phone was on, no teacher had the right to look at her personal communication. I’m here for my friend, because even though we are kids, we have rights.

### ***Testimony of Mary Monet***

On the 5th of May, I was teaching my junior art class at Andrew Johnson High School. In the middle of class, I noticed that Chrysta Kickett wasn't paying attention. I stopped my lesson on the beauty of proper oil painting and, after I casually walked behind her, I saw that Chrysta had her cell phone out. Following the school's procedure, I immediately confiscated it, saddened that one of my students would rather be on her device than expressing herself in the arts. I encourage them to find themselves, but there's a time and place for that.

On my way up to the office, I noticed that her phone was unlocked, on, and that she had received a text. I saw that the text was a picture that looked suspicious. I opened it and saw that it was a picture of her at a party where there was clearly underage drinking. The picture showed a big group of her peers holding beer bottles and dancing around Chrysta.

Since Chrysta is on Coach Wynne's soccer team, and I know that Coach Wynne made them sign a Health, Safety and Behavior Contract, I decided to show it to Coach Wynne first and bring the phone to the office later. I'm not exactly sure of the specifics of the Health, Safety and Behavior Contract, but I'm sure Coach Wynne will explain that to you in her statement. After I showed the text to Coach Wynne, I brought it to the vice principal, Mr. O'Halloran. He gave her detention the following day.

I didn't do anything unjust. When Chrysta had her cell phone out and turned on, she was not only violating school rules, she was also giving

up any expectation of privacy. In addition, I take my responsibilities as a teacher very seriously. I feel that it is important to bring dangerous situations to the attention of proper authorities in order to keep my students safe. Those are the reasons I reported this hazardous and illegal situation to Coach Wynne and Mr. O'Halloran.

### ***Testimony of Coach Betta Wynne***

On May 5, I was on my computer when Mrs. Monet came into my office. She told me that one of my players, Chrysta Kickett, was using a cell phone in class. A text showed up on her phone that clearly showed a picture of underage drinking. I have a Health, Safety and Behavior Contract which all my athletes sign. It says that if any player does anything that can make our school or team look bad, she can have the possibility of getting kicked off of the team. Based on the contract, I was forced to take her off of the team. We don't take slackers that use their phones in art class, and we DEFINITELY don't take players who drink alcohol as minors.

When I called her into my office to tell her the news, she was very upset and argued, but in the end I had made up my mind to take her off of the team. Chrysta is, or was, my star player. But there is no "I" in team and there is no special treatment on my team. Taking her off of my team can ruin potential scholarship offers for her or make my team have less of a chance of winning, but what Chrysta did was serious enough for her to be taken off the team. If I didn't kick her off the team, it would look bad and my girls have worked too hard to get to their level. She should learn that actions

have consequences. She is a great example for my players that, no matter who you are, you will be penalized for your actions. My team is my top priority, and I need good, respectful players to keep it number one.

## INSTRUCTIONS

The plaintiff must prove by a preponderance of the evidence that her constitutional protection against illegal search and seizure was violated when Mrs. Monet confiscated her phone and when Coach Wynne used information from that phone to remove her from the soccer team.

## SUB-ISSUES

1. Did Mrs. Monet have the right to take Chrysta's phone?
2. Did Chrysta forfeit her right to protection from illegal search and seizure when she violated school rules by using her phone in class?
3. Did Mrs. Monet have a legal right to look at information on Chrysta's phone?
4. Did Coach Wynne have a legal right to act on information obtained from that phone?

## CONCEPTS

1. Burden of proof.
2. Preponderance of evidence.
3. Right to privacy.
4. Constitutional protection against illegal search and seizure.

## LAW

### **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.

The United States Supreme Court has consistently held that confiscating and searching a student's cell phone does not constitute a violation of the student's right to privacy. The basis of these decisions is that a teacher has a need to maintain order and control over his or her classroom, and therefore must be able to discipline a student if he or she has a reasonable suspicion that the school's cell phone policy is being violated.

In *New Jersey v. T.L.O.* 469 U.S. 325 (1985), the Court ruled that the search of student property is justified when there exist "reasonable grounds for believing that the search will turn up evidence that the student has violated or is violating either the law or the rules of the school."

In *J.W. v. DeSoto County School District* 2010, a Federal District Court in Mississippi identified no Fourth Amendment violation when a teacher and administrator seized a student's phone and viewed photos and text messages contained therein. The Court ruled that "Upon witnessing a student improperly using a cell phone at school, it strikes this court as being reasonable for a school official to seek to determine to what end the student was improperly using that phone. For example, it may well be that the student was engaged in some form of cheating, such as by viewing information improperly stored in the cell phone."

# THE SHIRT OF MANY COLORS

## VOICE V. JEFFERSON SCHOOL DISTRICT

### SCHOOL

Saint Leo the Great  
Lincroft  
Grade 8  
Honorable Mention

### TEACHER

Jeanmarie Tommolino

### STUDENTS

Kyle Boggio  
Riley Dinnell  
Sophia Gana  
Erin Horbacz  
Victoria Leibrock  
Isabella Mansour  
Caroline Meany  
Michael Rue  
Christopher Sparber  
James Sullivan  
Maggie Ward

### FACTS

During the third semester of school, Victor Voice, an eighth-grade student at Jefferson Middle School, prepared a written essay and an oral report for his social studies class. His teacher, Ms. Faith Freedom, was giving a lesson to the class on the Holocaust. She assigned a current event project on the topic of religious persecution to enhance the curriculum. The students were assigned a written essay about a current event involving religious persecution, including a discussion about what every person can do to help end prejudice. The students were also required to make an oral presentation to the class about their current event.

Victor researched the topic and decided to write his current event essay about two Catholic priests who were on trial in another country for spreading the Christian faith, and if convicted, could be sentenced to death. He also thought long and hard about what people today can do to help end prejudice. He decided the best way to help end all prejudice would be to practice his Christian faith, try to act as Jesus would and to be tolerant of people regardless of creed or ethnicity.

On Friday, March 7, 2014, it was Victor’s turn to do his presentation. He wore a multicolored tie-dyed shirt with large lettering that stated, “What Would Jesus Do?” to enhance the effect of his presentation. He liked the colors of his shirt because he felt it would make his presentation more eye-catching and the message expressed how he felt about religious persecution and prejudice. Victor explained that as a Christian, he was taught to be kind and tolerant of people from all walks of life, and that the message “What Would



Jesus Do?” represented how he felt about two Catholic priests that were on trial in another country for spreading their faith.

After the presentation, Victor answered questions about his current event from the class. One student, Judy Justice, verbalized her dismay that the shirt was allowed for the presentation. Ms. Faith Freedom replied that the shirt was fine as it was considered a prop for the presentation.

Later that day, Victor attended a regular meeting of the school’s International Club. Some of the other students in the club complimented Victor on his shirt. Victor explained to the group about his social studies assignment and why he had worn the shirt. The students in the club believed it was a great idea and decided they would all purchase a “What Would Jesus Do?” shirt and wear it to school every Friday in an effort to encourage world peace and tolerance.

Victor was really excited about the idea and started spreading the word to other friends on his InstaSnap account. He posted information about the plans of the club, as well as a link to purchase the T-shirt.

The very next Friday, 12 students wore the colorful “What Would Jesus Do?” shirt to school. As more students became aware of the club’s idea, they began to purchase and wear the shirts. The following Friday, March 21, 18 students wore the shirt to school.

These students started sitting together in the cafeteria and many other students began to notice their shirts. Victor was proud that his

idea was really catching on at school and was embraced by the other students.

Three days later, on Monday, March 24, Judy Justice appeared in Principal James Jackson’s office to complain about the shirts. She told Principal Jackson that the shirts were starting to make her feel uncomfortable and that they were distracting. She commented that the statement on the shirt offended her and some of her friends because they are not Christian. She felt that it was intimidating for so many kids to be wearing the shirts with the religious statement on them.

The Jefferson Middle School Dress Code states as follows:

1. Any clothing, jewelry or accessories with decorations, patches, lettering, advertisements, etc., that may be considered obscene or offensive are not to be worn to school.
2. Students whose religious beliefs require wearing attire that does not conform to the dress code and whose membership or affiliation with the denomination or sect can be verified may be granted a waiver.

Later that day, several other students went to see Principal James Jackson with similar objections. As a result of the complaints, and because he feared allowing the students to wear the shirts had the potential to cause a disturbance at school, Principal Jackson told Victor and the other students that they were no longer allowed to wear the shirts in school. Victor Voice was very upset and felt that he was being treated unfairly. Many students of other religions are permitted to wear attire or accessories that demonstrate their faith and

Victor felt it was wrong for the school to ban the “What Would Jesus Do?” shirts. Vito Voice, Victor’s father, filed suit on behalf of Victor seeking a declaratory judgement to allow Victor and the other students to wear the shirts in school.

## ISSUE

Did Principal Jackson and the Jefferson School District violate Victor Voice’s First Amendment rights to freedom of expression and freedom of religion by refusing to allow him to wear his “What Would Jesus Do?” T-shirt to school?

## WITNESSES

### ***For the Plaintiff***

Victor Voice

Faith Freedom

### ***For the Defendant***

Principal James Jackson

Judy Justice

## WITNESS STATEMENTS

### ***Testimony of Victor Voice***

My name is Victor Voice and I am a 13-year-old student at Jefferson Middle School. I am a conscientious student and I have an exemplary record.

During the third semester of the school year, I was learning about the Holocaust in social studies class. My teacher, Faith Freedom, gave a lesson on the importance of religious freedom, and talked about how people should not be killed or hurt because of the religion they choose to practice.

After the lesson, she assigned a current event project on religious persecution. Each student was supposed to research the topic, write an essay and then do an oral presentation to the class. Part of the project was also to suggest ways people can help to end prejudice.

That evening I did some research for the project and I found an interesting article about two priests in another country who were being persecuted for their religion. They were on trial and if found guilty, would be put to death. I could not believe something like this would be happening in this day and age. I started thinking about what each person can do to help end prejudice. I reflected on my own faith as a Christian and about the teachings of Jesus. I felt that if everyone in the world acted in the way that Jesus did, we would all live in a much better place and people would not hurt each other just because they had differing beliefs.

On Friday, March 7, 2014, I wore a multicolored tie-dyed shirt stating “What Would Jesus Do?” to school when I gave my oral presentation because it emphasized the message I was trying to convey in my current event essay. I am proud of my shirt and I was excited to wear it as part of my presentation.

During the oral report, I explained to the students in my social studies class that the message on my shirt was a reminder to me and others that we all have a moral duty to act in a way that would be reflective of how Jesus would act. During the group discussion of my report, Judy Justice commented that the shirt I wore should not be allowed in school because it was promoting a particular religion. My social studies teacher, Ms. Faith Freedom, told

Judy that the shirt was considered a prop for the presentation.

After school, I was at an International Club meeting where I proposed the idea of wearing the shirt every Friday to support the idea of religious freedom around the world. The other students agreed that it was a good idea, so we decided to go through with the plan.

That night, I decided to spread the word to other friends on social media to get people interested in joining our message of peace. I posted the information about the shirt and what the International Club was planning to do in my InstaSnap account.

The next Friday, eleven of my classmates and I wore the shirt to school. Then it really started to catch on. The following week, even more students wore the shirt. It was really great that the idea was catching on. The shirts were so bright and colorful, boys and girls alike wanted to buy one.

I was shocked when I was called into Principal Jackson's office. He told me that I had to stop trying to get other kids to wear the shirt, and that I was no longer allowed to wear the shirt to school because it had a religious message and some kids found it offensive. It's really not fair. Lots of kids are allowed to wear accessories that reflect their faith.

### ***Testimony of Faith Freedom***

My name is Faith Freedom and I am the eighth-grade social studies teacher at Jefferson Middle School. I have been teaching at Jefferson Middle School for the past 15 years.

During the week of March 3, 2014, I was presenting a lesson to the eighth grade on the Holocaust. To enhance the curriculum, I assigned a current event on religious persecution. The students were to research and write about a current example of religious persecution. They were also to discuss in their essays ways every person can help to end prejudice. The current event was to be presented orally in class, followed by a group discussion.

When I asked Victor to give his oral report, he came up to the podium and talked about the prosecution of two Catholic priests in another country. The priests were on trial for spreading their Christian faith. Victor did a very good job presenting his topic and he wore a very colorful T-shirt that bore the message "What Would Jesus Do?" Victor talked about how, in his opinion, if people tried to act more like Jesus did, they would treat each other a lot better and there would be no prejudice.

After his presentation, the class had an interesting discussion on the report and asked questions about the Christian faith. I was surprised when Judy Justice commented, "Are you allowed to wear that shirt to school? I thought it was against the rule book to wear graphic T-shirts." I told Judy I considered the T-shirt a prop for Victor's presentation and it was fine with me if he wore it.

### ***Testimony of Principal James Jackson***

My name is James Jackson and I am the principal of Jefferson Middle School. I have been the principal at Jefferson Middle School for 10 years.

On March 21, 2014, Judy Justice came to see me in my office to complain about something that was going on in school. She told me that several students seemed to be wearing the same shirts every Friday, and the shirts bore the phrase, “What Would Jesus Do?” She commented that the statement on the shirt offended her and some of her friends because they are not Christian. She felt that it was intimidating for so many of the kids to be wearing the shirts with the religious statement on them.

Later that day, several other students came to my office with similar objections. I realized that some of the kids were feeling offended and intimidated. I feared that allowing the students to wear the shirts had the potential to cause a disturbance at school. After hearing what the students had to say, I believed that the shirts violated the school dress code policy, which states the following:

The Jefferson Middle School Dress Code states as follows:

1. Any clothing, jewelry or accessories with decorations, patches, lettering, advertisements, etc., that may be considered obscene or offensive are not to be worn to school.
2. Students whose religious beliefs require wearing attire that does not conform to the dress code and whose membership or affiliation with the denomination or sect can be verified may be granted a waiver.

I called Victor Voice into my office and told him that he and the other students were no longer allowed to wear the multicolored shirts to school. Victor was very upset and felt that

he was being treated unfairly. He explained to me that the idea of the shirts was to promote world peace and tolerance, and that there was no reason for the other students to be offended. Regardless, I stuck to my decision and reiterated that the shirts were no longer allowed. I told him that anyone who did not follow my instructions would receive detention or other serious discipline.

### ***Testimony of Judy Justice***

My name is Judy Justice and I am an eighth-grade student at Jefferson Middle School. My parents are atheists. In social studies class on Friday, March 7, 2014, I noticed that Victor Voice was wearing a brightly colored, tie-dyed T-shirt that said “What Would Jesus Do?” It made me a little uncomfortable since I am not Christian, so I asked Victor and my teacher whether Victor was allowed to wear that shirt to school. Ms. Freedom stated that it was fine because it was a prop for Victor’s current event presentation.

The following Friday, I noticed that a bunch of kids were wearing the same shirt that Victor wore to school when he did his current event presentation on religious persecution. I thought it was strange that so many kids were wearing the same shirt, but I did not say anything to anyone about it.

The next week on Friday, I saw that even more kids were wearing the shirt. I counted 18 kids. It was easy to count them because they were all sitting together in the cafeteria that day.

Two days later, I was on InstaSnap and I saw that Victor Voice posted a picture with a link to

purchase the multicolored “What Would Jesus Do?” T-shirts. He was encouraging more kids to buy the shirts.

On Monday, March 24, I went to Principal Jackson’s office and told him that the wearing of the “What Would Jesus Do?” T-shirts was getting out of hand and it was making me uncomfortable. I was offended because I am not Christian and I felt as though I was being intimidated into believing in a certain religion.

## INSTRUCTIONS

Plaintiff must prove by a preponderance of the evidence that Principal Jackson violated Victor Voice’s constitutional rights by banning him from wearing his “What Would Jesus Do?” T-shirt to school.

## SUB-ISSUES

1. Did Victor Voice’s T-shirt violate the school dress code policy?
2. Can the message on Victor Voice’s T-shirt be considered “offensive”?
3. Is the school dress code unconstitutional?
4. Is Victor Voice being treated differently than other students who were permitted to wear religious accessories?

## CONCEPTS

1. Preponderance of the evidence.
2. Freedom of expression.
3. Freedom of religion.
4. Constitutional rights of students.

## LAW

### ***First Amendment to the United States Constitution***

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press, or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.

*Application to Public Schools:* Students in public schools are entitled to First Amendment protection provided that the speech does not materially and substantially interfere with the requirements of appropriate discipline in the operation of the school, create material substantial disorder or invade the rights of others. Educators can exercise editorial control over style and content of student speech in school-sponsored activities so long as their actions are reasonably related to legitimate educational concerns.

## INSIDE THE HIVE

# BLOGGER V. HILLSBOROUGH SCHOOL DISTRICT

### SCHOOL

Saint Leo the Great  
Lincroft  
Grade 8  
Honorable Mention

### TEACHER

Jeanmarie Tommolino

### STUDENTS

Olivia Almeida  
Grace Hanlon  
Sydney Koopman  
Charlize Lam  
Michael Landolfi  
Carolyn Litwin  
Matthew Ruzich  
Hailey Scarantino  
David Sprague  
Arianna Thomson

### FACTS

As the first quarter at Hillsborough High School was coming to a close, Bianca Blogger, a senior at Hillsborough High who was in the process of applying to college to study communication, became concerned when her English grade dropped to a B+. She thought this would ruin her chances to get into Communications College, one of the best schools in the county. On October 15, 2015, in an effort to boost her GPA, she approached her teacher, Mrs. Elaine English, and asked if she could do an extra credit assignment so that she could make high honors.

Mrs. English agreed and offered Bianca, as well as all of the other students in the class, the option to complete an extra credit project, provided that the assignment reflected the school and school activities in a positive light. Mrs. English stated that the students could pick any medium, including an essay, a video, a website, a blog or other online format.

Bianca was very excited about the assignment and decided to build a blog where she could write positive stories and post videos about what was going on in school. Bianca called the blog “Inside the Hive.” She started filming her blog right away and began writing stories about what was going on in school. Many of the kids at school started looking at the blog and reading the stories at night after school. They began talking about it in school and the project became an immediate success. “Inside the Hive” became the new buzz at school. Bianca was very happy with how the blog was being received and she became very popular as a result of its success.

On November 20, Bianca attended a school football game in which the Hillsborough Hornets were playing the Smithville Scorpions. She filmed all the exciting plays that happened during the game. Toward the end of the game, while Bianca was recording, the star quarterback for the Hornets, Tommy Touchdown, threw an interception which caused the Hornets to lose the game. Bianca later uploaded the video to her blog, with the title, “Good try Hornets—we will get them next game.”

The video received many views that night and several students began to post comments. Some students started commenting that the game loss was completely Tommy’s fault. The discussion began to get mean, with some students calling Tommy “a loser” and a “bumbling bee.” Tommy found out about this and he was very upset. He found Bianca’s blog and read all of the comments that were being posted.

At the next game, Tommy had trouble concentrating because he saw Bianca on the sidelines filming the game. Tommy played poorly and the Hornets ended up losing the game. Bianca wrote a story about the game that night and posted it on her blog. The negative comments began again, this time criticizing the entire team. The “Hive” was quickly becoming a hornet’s nest.

Tommy and the other players were very upset and started to talk in the locker room about quitting the team. Coach Champion overheard them and immediately went to Principal Walter Wasp demanding that the blog be shut down. Principal Walter Wasp agreed and told Bianca

to take down the blog within 24 hours. Due to her newfound popularity, Bianca did not want to take the blog down. She continued to write stories and upload videos to her blog.

When Principal Wasp discovered that Bianca did not shut down the blog, he suspended her for four days. Bianca’s mother, Betty Blogger, and father, Ben Blogger, were not pleased that Bianca was suspended from school and forced to take down her website. They felt she worked hard on the project and she should not have to take it down. They also felt that the suspension would reflect poorly on Bianca’s record and prevent her from getting into Communications College. Ben and Betty Blogger are now suing Hillsborough High School for violating Bianca’s First Amendment right of freedom of speech and seeking an injunction to remove the suspension from Bianca’s record.

## ISSUE

Did Principal Wasp and the Hillsborough School District violate Bianca Blogger’s First Amendment rights by forcing her to take down her blog and by suspending her for four days?

## WITNESSES

### ***For the Plaintiff***

Bianca Blogger  
Betty Blogger

### ***For the Defendant***

Walter Wasp  
Tommy Touchdown

## WITNESS STATEMENTS

### ***Testimony of Bianca Blogger***

My name is Bianca Blogger and I am 17 years old. I am a senior at Hillsborough High School. On October 15, I approached my English teacher, Mrs. Elaine English, for an extra credit assignment because I need to boost my English grade from a B+ to an A to qualify as a candidate for my dream school, Communications College.

Mrs. English offered me, as well as all the students in the class, the option to complete an extra credit project that reflected the school and school activities in a positive way. Mrs. English said that we could do an essay, video, website, blog, or other online format. The project I selected was to create a blog and write stories about all of the great things going on in school. I also decided to video the activities and post them to the blog. I named the blog “Inside the Hive” since our school mascot is the Hillsborough Hornet.

I was so excited about this project. It took me several days to build the blog and set up the right format. I purchased the domain name “Inside the Hive” and I began posting school events. I wrote about the school pep rally and the band concert. It was really fun filming these activities and interviewing other students for comments that I could post to the blog. It was great seeing kids looking at the blog and commenting on my articles and videos. At school, many students were talking about the blog and, to my surprise, they invited me to several activities so I could write about them.

On October 20, I attended the varsity football game. I videotaped parts of the game to post

on the blog. Unfortunately, Tommy Touchdown threw an interception and the Hornets ended up losing the game. After the game, I posted the videos on my blog and I entitled the post, “Good try Hornets—we’ll get them next game!” That night, the post received lots of hits and several comments.

At the next game, I videotaped more footage for “Inside the Hive.” Although our Hornets did not play well and lost the game, I posted my videos and wrote a story about how we should be proud of our Hornets even though they lost. The story got a lot of traction that night and there were at least 50 comments.

Two days later, I was called to the office of Principal Walter Wasp who instructed me to take down my blog immediately. Principal Wasp told me that the students were bullying the quarterback and the team about the way they played their last two important games. I told him that this assignment was extra credit and I desperately needed the assignment to improve my English grade. I also had no control over the comments made by the other students. I really thought it was unfair for Principal Wasp to ask me to shut down the blog because I should not be held responsible for things other people commented on the blog. All of my stories and posts reflected positive activities at the school.

### ***Testimony of Betty Blogger***

My name is Betty Blogger and I am Bianca Blogger’s mom. Bianca is a very conscientious student and she has good grades in every class except for English. Ever since she was a young girl she has shown an interest in photography



and she really wants to go to Communications College. She feels that this will help her with her dream of pursuing a career in photojournalism.

Bianca was worried that her grade in English would prevent her from being accepted to Communications College. I told her to talk to her teacher and ask if she could do an extra project to help her boost her grade to an A.

Bianca was really excited when her teacher agreed. She worked really hard at building a blog and making it interesting for the school community to read and view. It was right up her alley. She started to post videos and write stories on the blog about what was going on in school. The blog became a huge hit and she told me that many other students were talking about it in school. I saw that many kids were commenting on her posts so I knew they were reading her material.

Bianca had never been happier. She is a very shy girl and she finds it difficult to make friends. This project gave her so much confidence. Kids from school started calling her and inviting her to events and parties. This is probably the most important thing she has ever done in her life.

I was devastated when I found out Principal Wasp suspended Bianca from school. She has always been an excellent student and this will dramatically affect her good record. It is very unfair for Principal Wasp to make Bianca shut down the blog. She followed her teacher's instructions and did a project that showed the school in a positive light.

Bianca should not be held responsible for what other people say and she has a right to freely express her thoughts. Bianca was writing and posting about public events outside of school and after the school day was over. She did nothing wrong.

### ***Testimony of Walter Wasp***

My name is Walter Wasp and I am the principal of Hillsborough High School. On October 27, Coach Charlie Champion, the coach of the Hillsborough Hornets football team, informed me of a big problem with the team. He told me that our star quarterback and some of the other players were threatening to quit the team because of some videos that were posted on a blog run by a student at the school.

I pulled the video up on my computer and discovered the blog was run by one of our students, Bianca Blogger. I read the posts about the last two games and reviewed the comments. They were horrible! I could not believe what some of our students were saying about the team and about Tommy. Some of the comments were very mean and derogatory, and I could understand why the players were very upset.

I called Bianca to my office and told her to shut down the blog due to the problems it was causing. Bianca tried to tell me that the blog was an extra credit project for her English class and it was beneficial for the entire school. She also said that the comments of other students were beyond her control.

Nonetheless, I told her she must shut it down due to the problems it was causing with our

football team. The football program is very important to me and the school district. Hillsborough is a football town. The whole town shuts down for the Friday night games. About 5,000 fans pack the stadium to watch our Hornets play and cheer them on. We are one of the top teams in the state, with more than 700 wins, 20 state championships and about a dozen players going to the NFL after college. The district spent \$1 million on upgrades to the stadium this year alone. On game days, the town is covered with yellow and black, from the store fronts to the front porches. And every year, we have a big parade before the playoffs. Only this year, we did not make it to the playoffs.

Two days after my discussion with Bianca, I went online to make sure that she had taken down the blog. To my dismay, it was still live. I was very upset that she had ignored my instructions. I had no choice but to suspend Bianca and I believe a four-day suspension was appropriate.

### ***Testimony of Tommy Touchdown***

My name is Tommy Touchdown. I am 16 years old and I am a junior at Hillsborough High School. I am the quarterback on the Hillsborough Hornets football team. I have been playing with the team since my freshman year and we have a great record. We won the high school state championships every year with the exception of this year. Hillsborough has a great football team and I am proud to be the quarterback—until the events of this year.

We were having a good season until our second to last game before the playoffs. We

were playing against the second ranked team in the state and at the end of the fourth quarter, the Hornets were up by three points. I threw the ball to our wide receiver, and unfortunately the ball was caught by a member of the other team. He was able to run the field and make a touchdown in the last seconds of the game. We ended up losing the game. I was so upset that I had let my team down, but I knew we still had a chance at the playoffs if we won the next game, which was the last game of the season.

Later that night, a friend called me and told me to look at the new “Inside the Hive” school blog. I saw that a video of me throwing the interception had been posted on the blog. There were some really awful comments posted to the video by some other students. One called me a “loser.” Another one called me a “bumbling bee.” I was shocked.

When I went to school the next day, I felt like kids were talking about me behind my back. I could tell they were blaming me for the loss of the game. Some kids were laughing at me when I walked by. I could also hear them making a buzzing noise. I was really embarrassed and upset.

At the last game, I was playing well until I saw Bianca on the sidelines filming the game. Seeing Bianca really got into my head and I could not concentrate at all. I ended up having a terrible game and we lost. Because of the two losses, we did not make it to the playoffs for the high school championship.

That night I saw that another story had been posted on the blog along with some video

footage. There were so many negative and mean-spirited comments about me and the team. This just added to my previous embarrassment.

The next day, while cleaning out my locker for the season, a bunch of other players and I began talking about how we ended this season. We were all very upset about the comments posted on the “Inside the Hive” blog and how we were being ridiculed. We talked about quitting the team if it did not stop. The Hillsborough Hornets have a tremendous amount of support from our school and our community, and this blog is ruining our reputation.

## INSTRUCTIONS

The plaintiff must prove by a preponderance of the evidence that Principal Walter Wasp and the Hillsborough School District violated Bianca Blogger’s First Amendment rights by forcing her to shut down her blog and by suspending her.

## SUB-ISSUES

1. Did Bianca’s blogging cause a material and substantial disruption of school education activities?
2. Can the football program be considered an educational activity?
3. Did Bianca’s blogging interfere with the rights of the football players?
4. Can Bianca’s blog be considered a “school-sponsored activity”?
5. Should Bianca be held responsible for the comments made by other students?

## CONCEPTS

1. Preponderance of the evidence.
2. Credibility of witnesses.
3. Freedom of expression.
4. Constitutional rights of students.

## LAW

### ***First Amendment to the United States Constitution***

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press, or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.

*Application to Public Schools:* Students in public schools are entitled to First Amendment protection provided that the speech does not materially and substantially interfere with the requirements of appropriate discipline in the operation of the school, create material substantial disorder or invade the rights of others. Educators can exercise editorial control over style and content of student speech in school-sponsored activities so long as their actions are reasonably related to legitimate educational concerns.

# TROUBLE IN THE HOOD

## BAY HOOD TOWN RESIDENTS V. STATE OF NJ

### SCHOOL

Bay Head  
Bay Head  
Grade 8  
Honorable Mention

### TEACHER

Thomas Kennedy

### STUDENTS

Abigail Antognoli  
Chloe Brenna  
Connor Brenna  
Megan Brown  
Erica Cornell  
Sarah Hazuka  
Ethan Hinds  
Colin Jacobs  
Beatrice Karron  
Claire Kenny  
Gabriella Raffetto  
Ashley Santos

### FACTS

After Superstorm Sandy, many beach towns on the coast of New Jersey were negatively affected, destroying the houses and in some cases, lives. Everyone in the area was affected by the storm. One major factor contributing to the destruction was how easily the ocean came over the dunes and destroyed the town. The government decided to come into towns, such as Bay Hood, to extend the beaches and make the dunes larger. In order to do this, the government said the beach homeowners would be required to give their land to the government.

When Bay Hood homeowners heard this, no one agreed to sign over their land for the easement. For many houses on the beachfront, half of their land would be taken and payment would be at the discretion of the government.

The homeowners claim that because the government will now own this land, they will be able to use the beaches for commercial use in the future. When the homeowners refused to let the government take their land, the government said they could use eminent domain.

The beach homeowners are suing the government to stop eminent domain proceedings in lieu of letting the beachfront homeowners replenish the land themselves.

When other Bay Hood homeowners heard the easements were not being signed, they became angry. These people live west of the beach and many had severe damage to their homes due to Superstorm Sandy. They thought that it was

selfish of the beachfront homeowners not to allow the government to come in and extend the beaches and build the dunes. They believe that the beachfront homeowners were not thinking of all the other people in town who had been negatively affected by the ocean during the storm.

The townspeople want protection for their homes and feel like they aren't getting it due to the beachfront homeowners. They want the government to use eminent domain to solve the problem.

## ISSUE

Can the United States government, at the state level, use eminent domain to take property from Bay Hood beachfront homeowners and establish a barrier by extending the beachfront and using dunes to protect the town from the ocean?

## WITNESSES

### ***For the Plaintiff***

Oprah Dramatique  
Maya Pinyon

### ***For the Defendant***

Sandy Storms  
Ed Ucate

## WITNESS STATEMENTS

### ***Testimony of Oprah Dramatique***

I am an employee of the Army Corps of Engineers from the Philadelphia branch. The majority of my colleagues are on board with the idea of using eminent domain to preserve

the beaches. A large percentage of my coworkers are delighted by this idea. I however, am not. I believe that stripping those who rightfully own their land of bits and pieces of their property is morally wrong. Contrary to Trisha Tristie's belief that these homeowners are selfish, as she previously stated, I believe that the homeowners have sufficient motive as to why they would not want the dunes.

First, the cost alone is tremendous. The massive price tag of \$150 million that comes along with this construction project is too much for the homeowners to bear. In Tristie's words, the homeowner will not get, and I quote, "enough bang for their buck." With such a small population, surely taxes will need to increase to cover the cost. If they are concerned about their homes being affected without the dunes, they should consider this aspect of the project.

Secondly, the homeowners will be offered much less for their property than what it is clearly worth. For example in the case of *Margate, New Jersey v. The State of New Jersey*, the town of Margate was offered a mere \$29,000 for nine beachfront estates. This offer was rejected and I can clearly see why. Why should the homeowners give up their property in the first place and then to be offered such a small sum of money as compensation is just a slap in the face.

I am also part of the Bay Hood community and a member of the Clean Ocean Action Program. Some of the houses that will be destroyed in order to build the dunes are in a historic part of the town. The homes have been passed down through generations and they would be

irreplaceable if they were torn down. Another fact to consider is the construction that will take place. If the construction will extend into the summer, the residents will not be able to use the beach. This means less revenue for the town. If the beaches are under construction, the houses that are up for rent in the summer will not be occupied. After all, most people come to Bay Hood to use the beaches. As we all know, there is a big difference between government projects and private enterprise and when all is said and done, we don't know if the government will be able to deliver on its promise.

As a member of the Clean Ocean Action Program, we are involved in building dunes along the coast. We know that dunes prevent flooding, but there are many additional risks of having the dunes built by the government. The government gets the money by raising the homeowners' taxes. Keep our tax money in the schools, roads and hospitals and the people will take care of the beaches.

### ***Testimony of Maya Pinyon***

My name is Maya Pinyon. I am a taxpayer in Bay Hood with a home on the beachfront. I have lived here all my life, as have my parents. I plan on continuing to raise my children here, and my family has created a lifetime of memories. My house was damaged from the storm, but we can repair it. Just because it is damaged doesn't mean that the government can come in and take away our home and have the right to possibly turn it into a boardwalk. I fully support schools, hospitals, roads, libraries and other public buildings, but not this travesty. The Fifth Amendment states, "No

person shall... be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use without just compensation." The problem is that once the government steps in, they own the land and can use it any way they see fit. I do believe that in the future, the government will use the land in a manner unacceptable to the current owners of the land. I will not have my house made into a lot for revenue and entertainment, for the benefit of the government. I have raised a family here and I will not let my property become a boardwalk.

My house is right on the beach, where many people want to be, and I understand that. But my family opened the 6th Avenue Chocolate Shoppe in 1952 and worked very hard to buy this land. I have kept my family's business thriving and I intend to keep my home. I do not think it's fair that I will be forced to give up my land just so someone can have a nicer view.

Taking people's homes is not the only solution. I know that many people here would be glad to rebuild the dunes out of their own pockets. I know we could build them better than the government, and our homes won't be damaged by water if another "storm of the century" occurs. There are thousands of people who enjoy the beach, and I don't want to take that gift away from them. Other people whose homes were not damaged are willing to make private donations to help us rebuild our beach. Eminent domain should be used as a last resort, and there are still other ways that don't involve the government taking our land.

My home is worth \$1.5 million, but 15 years ago it was worth \$3 million. The real estate

market has fallen, but will rise again. The government wants to put a price on my home based on today's figures. The government can't put a price on my family's dreams.

### ***Testimony of Sandy Storms***

My name is Sandy Storms and I live on Park Avenue, in Bay Hood, New Jersey. My house was damaged in Superstorm Sandy back in 2012. I had to do repairs in my house because of water damage, which cost me a lot of money. When FEMA came, they only gave me \$1,000. That wasn't enough to fix all my kitchen appliances, let alone repair all of the water damage. Now because of insurance regulations, I have to lift my house.

Because of the storm, I have to pay more for my insurance, and my taxes have increased. I think we should build the dunes. My house will be protected, and so will everybody else's in my neighborhood. I'm not concerned just about the homeowners living on the beach.

Paying to use the beach is included in my property taxes. My property taxes go for the upkeep of the beach. The federal, state and local governments will share the cost of the dunes. So the question is what costs more, a small increase in my taxes or rebuilding the town again?

My child's memories will be affected more than many others if Bay Hood is damaged again. I feel as if the beach homeowners are being selfish. You may think I'm selfish, but I am defending the hundreds of people who don't live on the beach. In conclusion, I have lived in Bay Hood since I was five, and I believe I speak

for the people. Build the dunes, and protect Bay Hood, a beautiful and family friendly town.

### ***Testimony of Ed Ucate***

I am Ed Ucate, the commander of the Army Corps of Engineers. At my job, we promote and use environmental sustainability that is, "protecting the environment for the citizens," as our guiding principal. Our corps team is working diligently to strengthen our nation's security. In this particular case, we would like to protect the people along the coast from any further damage caused by natural disasters with power equivalent to Superstorm Sandy. With our plan to build a new massive dune and extend the beach, we believe we are fulfilling our duty to protect the people living near the coast.

The Governor of New Jersey, Trisha Tristie, recently stated, "Bay Hood's beach is in danger of eroding, and storms such as Sandy magnify that possibility. It was estimated that in 50 years, erosion would eradicate the beaches of Bay Hood if we don't make a change. By using eminent domain, I was planning on extending the beach, building a wall, and helping to protect our community from destructive storms." And that is a direct quote from the Governor's web page.

We, the Army Corps of Engineers, agree with Tristie's opinion on building a barrier along Bay Hood's beach. Our theory is, by using the knowledge, modern technology, science, and basic common sense engineering, we could drastically reduce the amount of damage done to the people's homes, businesses and families.

We will help structure the wall and extend the beachfront so that people coming to the Hood can still enjoy the beauty of the ocean.

use, without just compensation.

2. *Margate v. The State of New Jersey*.
3. *Kelo v. City of New London*.

## INSTRUCTIONS

Plaintiff must prove by a preponderance of evidence that the townspeople are violating the spirit of the Fifth Amendment, specifically the use of eminent domain.

## SUB-ISSUES

1. If eminent domain is used, can the government use the property for commercial use?
2. Is the compensation fair and equal?
3. Will the dunes provide safety?
4. If eminent domain is not used, who will be responsible for the cost of rebuilding in the future?
5. Who owns the beach?

## CONCEPTS

1. Burden of proof: preponderance of evidence.
2. Rights of townspeople v. ownership of personal property.
3. Reasonableness of actions taken by the government.
4. Expectation of privacy.

## LAW

1. The Fifth Amendment of the United States Constitution  
...nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public



# BABY GOES BOOM BOOM

## FACTS

On January 10, 2015 Snuckerfeit High School Cafeteria Aide Cathy Teria was cleaning tables after the junior lunch period when she heard a suspicious ticking noise coming from an abandoned backpack. Mrs. Teria immediately informed the principal. Principal Ima Principal pulled the fire alarm and quickly evacuated the whole school in accordance with school anti-violence protocol and called the police to investigate the ticking backpack. After careful investigation, the police soon determined that it was a cell phone app that was emitting the ticking sound. After completing a thorough search of the rest of the school, local law enforcement notified Ms. Principal that no explosive device was found. At that point, the students were allowed back into the school building to resume their classes, while the police investigated what they considered to be a “hoax bomb.”

Snuckerfeit High School Junior Iona App was called to the main office when her name was found on the backpack in question. Ms. App readily identified her belongings and after further questioning by the police, in conjunction with school authorities, she demonstrated the cell phone app responsible for the ticking noise. Iona explained that she had downloaded the virtual baby app for an extra credit assignment for her health class. The ticking was the countdown on the app for diaper changings and feeding times for the virtual baby, which vibrated when the needs of the “baby” were unfulfilled.

Questioning continued for several hours to determine Ms. App’s intention in leaving her backpack unattended. Throughout the two hours of questioning, Iona App continued to deny any intent to create a “hoax bomb”and

## SCHOOL

Wanaque Elementary  
Wanaque  
Grade 8  
Honorable Mention

## TEACHER

Paula Basedow

## STUDENTS

Samantha Ascenzo  
Lainey Burns  
Isabella Fajardo  
Katelyn Hauser  
Amanda Miele  
Katrina Minnett  
Joanna Shultz  
Anallely Vargas  
Julianne Zmuda

insisted that she had simply left the backpack behind while using the restroom facilities. Under state law, it is illegal to possess a “hoax bomb” with an intent to “make another believe that the hoax bomb is an explosive or incendiary device” or to “cause [an] alarm or reaction of any type by an official of a public safety agency or volunteer agency organized to deal with emergencies.” Eventually, Iona was allowed to return to class in time for the dismissal bell, and no charges were filed as local law enforcement determined that she had no malicious intent.

Iona App is now suing the Snuckerfeit School District, claiming that the school district did not safeguard Iona’s Fifth Amendment rights in accusing her of placing a “hoax bomb” and then questioning her without reading her her Miranda rights and offering her a lawyer. Mr. and Mrs. App further state that the school had no right in allowing their daughter to be questioned by the police without their knowledge, let alone their presence. They further claim that Iona has experienced extreme anxiety and is under a psychologist’s care. She is unable to return to school after the disturbing way her reputation was slandered by the press and school community over a simple misunderstanding. In their lawsuit, the Apps are asking for \$ 550,000 for the emotional damage caused by the blatant disregard of Iona’s Fifth Amendment rights.

## ISSUE

Did the Snuckerfeit School District violate Iona App’s Fifth Amendment rights when they allowed her to be questioned by the police without reading her her Miranda rights,

notifying her parents or offering the counsel of a lawyer?

## WITNESSES

### ***For the Plaintiff***

Janet Heart

Iona App

### ***For the Defendant***

Cathy Teria

Ima Principal

## WITNESS STATEMENTS

### ***Testimony of Janet Heart***

My name is Janet Heart and I want to say that in all my years of teaching the same junior health course, I have never seen a student take my challenges so seriously. One unit for the junior class is a responsibility test, or as some students call it, “the baby project.” This lesson changes over the years due to new technology and such. For the past two years, I have been challenging my students to get an application on their smart phones that features a virtual baby. This app has been approved by the principal and superintendent. The app is also completely innocent. It was tested by the first class as a class project to get a grade, but over the years there have been difficulties like some students not having the same smart phones or having none at all.

On the morning of January 2, I assigned this family simulator project. Iona App was very excited to begin this project and took it solemnly and responsibly. Seeing her like this delighted me. Iona has had academic difficulties in school so seeing her with such

commitment towards schoolwork showed how much progress she had made academically. I believe it to be unfair that Iona was accused of something so dramatic. It breaks my heart to see an innocent young lady who is trying to change her ways be liable for such a terrible misunderstanding.

### ***Testimony of Iona App***

My name is Iona App. The sunny morning of January 10, 2015 was going incredibly well for me. A week earlier we had been challenged by our health teacher to buy a baby simulator on our phones and, if we could last a month with the virtual baby remaining healthy and happy, we would receive 25 extra credit points. I decided to do chores every day in order to buy the app. My health teacher, Janet Heart, was astounded by my success with the activity, because I wasn't the best of students, but I was really excited to put my all into this challenge.

In fact, I was so excited about it that I showed all my friends before school the morning of January 10. I showed them how to feed it, and how to change its diaper, and how it sends me messages and little ticking sounds when it needs to be fed or when it needs its diaper changed.

Later that day at lunch, I went to the restroom, forgetting my backpack under the table. When I finished using the restroom, I heard the fire alarm going off so I went right outside thinking it was a fire drill. I later found out it was a bomb threat and that they were blaming me for a fake bomb. In my haste to use the girl's room before the bell rang, I completely forgot my stuff and my virtual baby in the lunchroom.

After the drill was over, I heard my name being called to Ms. Principal's office so I went straight there where a couple of officers began interrogating me about causing a bomb threat. After answering several questions, I asked if I could call my parents, and they said no and continued questioning me. I still can't believe how they treated me—like a criminal! They didn't stop questioning me until they called Ms. Heart to verify my virtual baby assignment.

When I went back to my classroom, everyone was staring and whispering as though I wouldn't notice and this embarrassing treatment continued for the next several days until I couldn't handle it any more. I am now tutored at home and see a psychologist weekly. I wish I could go back to my old life, but that is never to be and all because of a simple app. I am now suing Snuckerfeit School District for putting me through all of this. How am I supposed to get a job or be accepted into a good college now that my reputation is shattered?

### ***Testimony of Cathy Teria***

My name is Cathy Teria and I have been working as a cafeteria aide at Snuckerfeit High School for 20 years. I have experienced everything from food fights, drawing on the table with ketchup, and fist fights ending with students being suspended. But never—I repeat never—have I ever experienced a bomb threat. I see the students everyday and it brings me joy to see them having fun at lunch. They're like my own children and I've seen many of them grow up. All of them are usually well behaved and they don't cause trouble. The

worst thing they have done was having a harmless food fight, but placing a bomb in the cafeteria? I couldn't believe it.

I was just cleaning up the tables and throwing out the garbage after the junior lunch at Snuckerfeit High School when I discovered a backpack. To my utter shock, a ticking noise was emitting from it. I immediately came to the conclusion that it was a bomb. I mean it sounded exactly like it, so I quickly called Ms. Principal's office. Before I knew it, the fire alarm went off and everyone was rushed out of the building. I just didn't want any of my poor children getting hurt.

### ***Testimony of Ima Principal***

I have been a principal at Snuckerfeit High School for over 25 years. On January 10, 2015, I was sitting in the office reading reports and getting caught up on my paperwork when Cathy Teria called my office to tell me about a ticking backpack in the cafeteria. I was immediately concerned by the tone of her voice and lost no time pulling the fire alarm. Being a principal of a school in a safe suburban area, you wouldn't expect to ever have to experience this. I knew getting everyone safely out of the building had to be my first concern. I certainly didn't want anyone getting hurt.

After safely evacuating the students, as was required by state law, I immediately called the police and fire department to have them check the school. In about 30 minutes the police notified me that the school was safe to enter. They told me that the suspicious noise was just a cell phone in a backpack. My very reputation was at stake here and although I was utterly

embarrassed I was relieved that it really wasn't a bomb.

It took no time to find that the backpack belonged to Iona App. I brought her into my office along with the police officers and stayed with Iona while the police began questioning her. At one point, Iona requested we call her parents, but we denied the request because we needed answers quickly so we could determine if this was an accidental scare or an intentionally orchestrated hoax. Besides, these questions were just that. Iona wasn't actually being accused of anything at that point. However, if I felt we were headed in that direction, I would most assuredly have called her parents even though Iona was 18 years old at the time.

Fortunately, I did not need to take things that far as after a couple of hours of interrogation, the police were convinced of Ms. App's innocence and allowed her to leave without any charges being leveled against her. I felt the situation was resolved, proper procedures had been followed and the issue was dropped. A few months later I was shocked to receive official notice that Iona is now suing the Snuckerfeit School District over the matter.

## **INSTRUCTIONS**

The plaintiff must prove by a preponderance of the evidence that the Snuckerfeit School District violated Iona App's Fifth Amendment rights when they allowed her to be questioned by the police without benefit of an attorney or her parents and without knowledge of her Miranda rights.

## SUB-ISSUES

1. Should Ima Principal have given Iona App the benefit of the doubt when the police accused her of creating a “hoax bomb”?
2. Did Iona App violate school cell phone policy by not having her phone on vibrate?
3. Did Ima Principal and the Snuckerfeit School District do everything in their power to ensure Iona App’s privacy?
4. Did Ima Principal follow proper procedure by calling in a bomb threat to the Snuckerfeit Police Department?
5. Did Snuckerfeit High School administrators and the police overreact when they discovered the cause of the suspicious ticking?

life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation.

\*Note: *Miranda v. Arizona* ruling—The Supreme Court has also included in the Fifth Amendment that any time that law enforcement takes a suspect into custody, law enforcement must make the suspect aware of all rights. Known as Miranda rights, these rights include the right to remain silent, the right to have an attorney present during questioning, and the right to have a government-appointed attorney if the suspect cannot afford one.

## CONCEPTS

1. Burden of proof: preponderance of the evidence.
2. Credibility of witnesses.
3. Circumstantial evidence versus direct proof.
4. Reasonableness of actions taken.

## LAW

### ***Fifth Amendment to the Constitution***

No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a Grand Jury, except in cases arising in the land or naval forces, or in the Militia, when in actual service in time of War or public danger; nor shall any person be subject for the same offense to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself\*, nor be deprived of



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