

Jones v. Bayview – CASE #3: (Fictional Case)

Jones: 17 years old, Hispanic male.

At Bayview High School there have been some disturbances in the student body and there have been some fights instigated by racial epithets. Many Hispanic students have been targeted. The staff, aware of these hostilities, was alerted to watch for weapons and other dangerous articles in the possession of students.

One Monday at lunch, Ms. Miller announced in the staff dining room that she left her room briefly that morning and when she returned she found that her wallet was missing from her purse. It had credit cards, driver's license and one twenty-dollar bill in it.

After classes ended that afternoon, Jones went into the school store before leaving the building. He carefully took off his sweatshirt, checked the pockets, folded it carefully and placed it on a nearby desk. He nervously proceeded to the counter to purchase some supplies. He produced a twenty-dollar bill as payment. Ms. Burner, the teacher in the school store, noticed his nervousness, the meticulous way he folded his sweatshirt and the \$20 bill; therefore, she became suspicious. She asked another student, that worked in the store, to help Mr. Jones complete his transaction. She then went to the desk while Jones was not looking and felt his sweatshirt pockets; thinking that Ms. Miller's wallet might be there. What she discovered instead was what felt like a knife. She went into his pocket and found a knife. She placed the knife back in the pocket and placed the sweatshirt back in its original position. Then she immediately summoned Mr. Marconi, the dean of discipline.

Mr. Marconi demanded that Jones empty his pockets. When Jones did what was asked, a switchblade was discovered. (*Note: Switch Blades are illegal by State Law in which Jones resides*). Mr. Marconi called in the principal, Mr. Lopez. The switchblade was taken and Jones was informed that he was to leave the building immediately and consider himself suspended, pending a hearing on the matter the next morning with representatives of the school board.

Before the staff left the school, Ms. Burner was asked to visit Mr. Lopez in his office, and he asked her to be a party in the suspension hearing. Ms. Burner explained to Mr. Lopez that she had searched Jones's sweatshirt because she had been suspicious about another matter, not the knife.

The board of education heard the "facts" about Jones and decided to expel him for the remainder of the school year and the switchblade was turned over to the police (switchblades are highly illegal in the entire State). Later, Jones was tried as an adult and convicted with a concealed weapon on school grounds charge, possession of a switch blade and sentenced to two years of probation.

The School District won the appeal at the State Supreme Court.

JONES: You are representing Jones. He has been denied his 4th & 14th Amendment rights. The Search was not conducted with "reasonable suspicion", probable cause or a warrant. Then he was tried as an adult based on the illegally obtained evidence.

BAYVIEW: You are representing Bayview Public High School. Your task is to argue before the judges that his rights have been upheld. The search was reasonable in a school and reasonable suspicion led to the finding of the actual evidence.

Both USE: New Jersey v. T.L.O