

**NATIONAL HIGH SCHOOL MOOT COURT PROBLEM**

**2025-2026**



**MARSHALL-BRENNAN  
CONSTITUTIONAL LITERACY PROJECT**

## **Moot Court Problem Issue: The Fourth Amendment of the U.S. Constitution**

From digital privacy to campus security, the protections of the Fourth Amendment are continuously tested in our modern society. In an era where technology intersects with traditional constitutional principles, it is essential to examine the balance between individual privacy rights and institutional safety concerns.

This year's moot court problem focuses on a ***Fourth Amendment*** issue arising from the intersection of student privacy rights, school safety policies, and law enforcement authority in public schools and public charter schools. Set in a fictitious state, the fact pattern is designed to explore complex constitutional issues without endorsing or opposing any particular school security or privacy policy. Examining student rights within educational institutions provides an opportunity to foster thoughtful legal reasoning among scholars and communities, promoting analytical and critical thinking skills that extend far beyond the classroom.

Our commitment is to create an environment of thoughtful inquiry while respecting the fundamental constitutional protections guaranteed to all. Our dedication to constitutional principles extends beyond mere academic discussion to developing a deep understanding of how these rights apply in real-world scenarios. Discussions involving privacy rights, law enforcement authority, and school safety may evoke strong reactions among students. It is important to approach these topics with care and empathy, ensuring a respectful environment where all legal perspectives will be considered. Scholars and teachers alike should remain mindful of students who may be personally affected by these issues and provide appropriate support.

This fact pattern raises questions about the limits of institutional authority and the scope of individual rights. Participants are expected to practice careful constitutional reasoning, applying doctrine to determine whether a student's Fourth Amendment right to be free from unreasonable searches and seizures has been upheld or violated.

This year's moot court problem seeks to:

- (1) Equip scholars to persuasively advocate for their client's constitutional position,
- (2) Strengthen the ability to analyze complex constitutional issues involving competing interests, and
- (3) Deepen understanding of how constitutional protections operate within public schools.

We encourage scholars and teachers to work collaboratively toward these goals while upholding the highest standards of legal reasoning, constitutional analysis, and mutual respect.

## TABLE OF CONTENTS

<b>Question Presented.....</b>	<b>3</b>
<b>Constitutional Provision.....</b>	<b>3</b>
<b>Fact Pattern.....</b>	<b>4</b>
Katz v. United States.....	6
Schneckloth v. Bustamonte.....	8
New Jersey v. T.L.O.....	9
Riley v. California.....	11
Jackson v. McCurry.....	12
Safford Unified School District v. Redding.....	14
GC v. Owensboro Public Schools.....	15
<b>Outline of Arguments.....</b>	<b>16</b>
<b>Exhibits:.....</b>	<b>17</b>
EXHIBIT: Zero Tolerance Policy.....	18
EXHIBIT: Vaultkeep App Settings.....	21
EXHIBIT: Social Media Posts.....	22
EXHIBIT: Suspension Email.....	23

**PUBLISHED**

SUPREME COURT OF MILLBROOK

---

**No. 111-2025**

---

JAYME WINTERS,  
Petitioner

v.

RIVERSIDE HIGH SCHOOL, et. al  
Respondent

On appeal from the Appellate Court of Millbrook

### **Question Presented**

Whether Riverside High School and SRO Davis violated Jayme Winters' Fourth Amendment right to be free from unreasonable searches and seizures when conducting the search of her cell phone?

**\*\*Students should NOT argue any First or Fifth Amendment claims or issues.\*\***

**\*\*\*Qualified Immunity should NOT be argued\*\*\***

### **Constitutional Provision**

#### **Fourth Amendment**

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 Millbrook state constitution's provision regarding search and seizure is identical to the Fourth Amendment and the Millbrook State Supreme Court generally follows the U.S. Supreme Court precedent in interpreting its analog to the Fourth Amendment.

## **Fact Pattern**

Riverside High School sits in the heart of Riverside, a small town in the State of Millbrook known for its historic Civil War heritage and vibrant downtown district. Riverside High School recently implemented a "zero tolerance" policy for cyberbullying and threats following several incidents at neighboring schools. Under this policy, any student found to have made a "threat"—whether online or offline—faces immediate suspension and exclusion from all extracurricular activities and special events.

On October 15th, 2023, vandals struck two beloved community landmarks. First, a local independent bookstore, Pages & Protest, known for carrying books that had been challenged or banned in other districts, was vandalized. The bookstore's windows were smashed and the building spray-painted with threatening messages. Hours later, the historic Freedom Bridge—a Civil War-era crossing that became a symbol of the civil rights movement in the 1960s—was similarly vandalized with graffiti reading, "SCHOOLS ARE NEXT."

The community was shaken. Parents flooded the school board with concerns, and Riverside HS Principal Martinez immediately contacted the police and School Resource Officer (SRO) Davis. SRO Davis is a 6'4", 260-pound former military police officer who has developed a reputation among students for what they call his "interrogation style" questioning. In the previous school year, he arrested three students on campus for minor infractions that other schools would have handled the situation through detention - including arresting a student for "disorderly conduct" after she refused to immediately comply with his demand to empty her backpack. Students have nicknamed him "Detective Davis" and warn each other to "stay off his radar." As a result, students generally avoided SRO Davis whenever they could.

Three days after the vandalism, students Huda, Amaya, and Olandria approached SRO Davis with information. They reported overhearing Jayme Winters, a petite 17-year-old junior known around school for reading tarot cards and claiming to have "psychic visions," talking with her friend Ace about "knowing things before they happen" and making cryptic comments about "changes coming to boring places like Riverside." The students were convinced Jayme was behind a mysterious Instagram account called "@midnight\_truths\_mlbrk" that had been posting strange, cryptic content about the town.

Even though he didn't know them or how credible they were, based on what Huda, Amaya, and Olandria shared, SRO Davis decided to investigate. During the lunch period on October 19th, he approached Jayme in the cafeteria and asked to speak with her privately. Jayme was sitting alone at a table in the corner of the cafeteria, as she did every day. When Jayme seemed nervous, SRO Davis told her he would like to search her phone as part of an ongoing investigation into the recent vandalism. Jayme protested, saying she hadn't done anything wrong and that her phone was private. SRO Davis responded that as a school official, he had the authority to search her

belongings for school safety. Jayme thought about it and reluctantly unlocked her phone and handed it over.

SRO Davis found a hidden app called "VaultKeep" on Jayme's phone. He got into VaultKeep by trying Jayme's year of birth as the passcode. Inside, he discovered the Instagram account "@midnight\_truths\_mlbrk." The account's bio read: "Seeing what others miss  Shared by the enlightened few." SRO Davis scrolled through the posts and found:

1. A photo posted on October 14th (the day before the vandalism) showing the outside of Pages & Protest with the caption: "Some places collect dangerous ideas. Wonder what happens when people get tired of it? "
2. A photo of Freedom Bridge posted on October 15th at 2:47 AM with the caption: "History has a way of repeating itself. Bridges burn, but the fire spreads. Schools tomorrow? 
3. Various other posts featuring local landmarks with cryptic, foreboding messages.

The account appeared to be managed by multiple users, as posts came from different devices and at different times. When questioned by SRO Davis and Principal Martinez, Jayme provided verifiable alibis (she was out of town with family) on October 15th when the vandalism incidents occurred.

Based on the content found on Jayme's phone, Principal Martinez immediately suspended her for five days. Under the school's zero-tolerance policy, Jayme was also prohibited from participating in any school activities, including the senior college tour to Millbrook State University—an event she had spent months organizing as the Student Council's College Prep Committee chair.

Jayme's suspension devastated her. She had been looking forward to the college tour as an opportunity to meet with the university's parapsychology research program, one of only three such programs in the country. Missing this tour significantly impacted her college application timeline and her chances of admission to her dream program.

SRO Davis contacted the local district attorney, who decided not to file charges against Jayme. Jayme and her parents filed a civil rights lawsuit against Riverside High School, Principal Martinez, and SRO Davis, alleging that SRO Davis's search of Jayme's cell phone violated her Fourth Amendment right to be free from unreasonable search and seizure. The District Court of Millbrook agreed, finding that Riverside High School and SRO Davis violated Jayme's Fourth Amendment rights.

Riverside High School appealed the District Court's ruling. The Appellate Court of Millbrook reversed the lower court's ruling, finding that Jayme had no expectation of privacy in her phone at school, and, even if she did, she validly consented to SRO Davis's search of her phone. Both parties are now in front of the Supreme Court of Millbrook to argue their respective perspectives.

## **Case Appendix**

*Katz v. United States*  
389 U.S. 347 (1967)

**Facts:** The FBI suspected that Charles Katz was transmitting gambling information over the phone to clients in other states. They attached a listening device to the outside of a public phone booth used by Katz and recorded his end of the conversation. During trial, the government introduced evidence of the defendant's end of the conversations, which were overheard using the device, over the defendant's objection. Based on these recordings, Katz was convicted under a federal statute for the illegal transmission of wagering information. On appeal, Katz challenged his conviction arguing that the recordings could not be used as evidence against him. The Court of Appeals rejected this point, because the FBI did not physically intrude or trespass into the phone booth. Katz appealed again and the United States Supreme Court granted certiorari.

**Issue:** Does the Fourth Amendment protection against unreasonable searches and seizures require the police to obtain a search warrant in order to wiretap a public pay phone if there is no physical trespass into the area being searched?

**Rule:** Under the Fourth Amendment, a warrant is required to wiretap a public phone booth. The Fourth Amendment protects people, not places, and governs not only the seizure of tangible items but also the recording of oral statements. A warrant is a constitutional precondition for electronic surveillance unless a specific exception applies.

**Holding and Reasoning:** What a person knowingly exposes to the public is not a subject of Fourth Amendment protection; Katz's presence in the phone booth was not protected because it could be observed with the naked eye. But what a person seeks to preserve as private, even in a place that is accessible to the public, may be constitutionally protected. Katz had no reason to expect that what he said in the phone booth would be overheard and recorded, and intended that the conversation be private. The absence of physical intrusion into the telephone booth was deemed irrelevant, as the Fourth Amendment's protections extend beyond physical trespass. "The Fourth Amendment protects people, not places." Therefore, the wiretapping of the phonebooth without a warrant was unconstitutional. The judgment was reversed.

In a concurring opinion, Justice Harlan introduced the idea of a "reasonable expectation of privacy," which has a twofold requirement: (1) that a person must exhibit an actual (subjective) expectation of privacy and (2) that the expectation be one that society is prepared to recognize as objectively 'reasonable.'

*Schneckloth v. Bustamonte*

412 U.S. 218 (1972)

**Facts:** On a regular patrol, a police officer pulled over a car that had a burned out license plate light and headlight. Robert Clyde Bustamonte was among six men in the car, only one of whom was able to produce identification. One man, Alcala, claimed the car belonged to his brother, and the police officer asked Alcala if he could search the car. Alcala said, “Sure, go ahead.” The officer found stolen checks inside the car. Those checks were admitted into evidence at Bustamonte’s trial for possessing checks with the intent to defraud. A jury convicted Bustamonte and he appealed. The U.S. Court of Appeals for the Ninth Circuit reversed, holding that the prosecution had not proved that Alcaca was uncoerced, and that he knew he had the right to refuse the search. The United States Supreme Court granted certiorari.

**Issue:** Does the Fourth Amendment require that in order for a search to be voluntary, a suspect must know that they can refuse consent?

**Rule:** A search conducted without a warrant is *per se* unreasonable under the Fourth Amendment, subject to exceptions such as consent. The Fourth Amendment requires that the prosecution demonstrates that the consent was voluntarily given, and not the result of duress or coercion, express or implied. Voluntariness is a question of fact to be determined from the totality of the circumstances. The subject's knowledge of a right to refuse is a factor to be taken into account, but the prosecution is not required to demonstrate such knowledge as a prerequisite to establishing a voluntary consent.

**Holding and Reasoning:** There is no all-encompassing definition of “voluntariness” to be found in case law, and the assessment of “voluntariness” does not turn on one criteria. In determining whether a defendant was coerced in a particular case, the Court has assessed the totality of all the surrounding circumstances—both the characteristics of the accused and the details of the interrogation. Some of the factors taken into account have included the age or intelligence of the accused, the lack of any advice to the accused of constitutional rights, the length of detention, the repeated and prolonged nature of the questioning, and the use of physical punishment. In previous cases, the Court determined the factual circumstances surrounding the confession, assessed the psychological impact on the accused, and evaluated the legal significance of how the accused reacted. In the totality of the circumstances of Bustamonte’s case, Alcala not knowing that he could refuse the search did not amount to a coerced or involuntary consent to search.

*New Jersey v. T.L.O.*  
469 U.S. 325 (1985)

**Facts:** T.L.O., a 14-year-old high-school freshman, was caught by a teacher smoking in the girls bathroom at her high school with a friend. Assistant Vice Principal Theodore Choplick questioned T.L.O. about the smoking, which T.L.O. denied. Choplick searched T.L.O.'s purse and found a package of cigarettes and cigarette rolling papers, which are often used to smoke marijuana. Suspicious that T.L.O. might have more contraband, Choplick continued searching her purse and discovered a small amount of marijuana, a pipe, a substantial number of one-dollar bills, a list of students, and two letters that indicated T.L.O. was dealing marijuana. She was referred to police for criminal prosecution.

T.L.O. moved to suppress the evidence found in the purse, claiming that the search violated her rights under the Fourth Amendment. The court held that the school district did not violate the Fourth Amendment. The United States Supreme Court granted certiorari.

**Issue:** Under the Fourth Amendment, is a school official permitted to search a student if there are reasonable grounds for suspecting that the search will result in evidence of the student's violation of law or school rules?

**Rule:** Under the Fourth Amendment, a school official is permitted to search a student if there are reasonable grounds for suspecting that the search will result in evidence of the student's violation of law or school rules.

**Holding and Reasoning:** The standard that officials must meet to conduct a constitutionally valid search under the Fourth Amendment is reasonableness which takes into account the context within which a search takes place. In the school setting, there is a substantial need for teachers and administrators to maintain order. Therefore, although the Fourth Amendment generally requires state officials to obtain a search warrant before searching an individual, a school official's search of a student is permissible under the Fourth Amendment if the search is reasonable under all the circumstances. The reasonableness of the search is determined based on the initial reason for the search and the scope of the search. A search may be initiated if there are reasonable grounds for suspecting that the search will result in evidence of the student's violation of law or school rules. The search's scope will be permissible if it is reasonably related to the objectives of the search and not excessively intrusive. In this case, Choplick was justified in believing that T.L.O. might have possessed evidence of a violation of a school rule in her purse because T.L.O. was caught smoking in the bathroom. Further, Choplick was justified in continuing to search T.L.O.'s things after finding the rolling papers, because rolling papers are commonly used for drugs. Therefore, the Court held that the search did not violate T.L.O.'s Fourth Amendment rights. The judgment of the New Jersey Supreme Court was reversed.

*Riley v. California*  
573 U.S. 373 (2014)

**Facts:** David Riley was stopped for driving with expired tags. The officer discovered that Riley's license was suspended and impounded the car. The police searched the car and arrested Riley for illegal possession of firearms that they found in the car. An officer searching Riley incident to the arrest seized a cell phone from Riley's pants pocket. The officer accessed information on the phone and noticed repeated uses of terms that were associated with gangs such as the Bloods and the Crips. Hours later, a detective specializing in gangs further examined the phone's digital contents. The detective found photos of Riley in front of a car that they suspected had been involved in a shooting a few weeks earlier. The State charged Riley in connection with the shooting. Riley moved to suppress all evidence that the police had obtained from his cell phone. The trial court denied the motion, and Riley was convicted. The California Court of Appeal, Fourth District, Division 1, affirmed. The Supreme Court granted certiorari.

**Issue:** Was the evidence admitted at trial from Riley's cell phone discovered through a search that violated the Fourth Amendment?

**Rule:** The Fourth Amendment requires the search of a digital device acquired incident to arrest without a warrant requires that the search be conducted for officer safety or to preserve evidence or under exigent circumstances.

**Holding and Reasoning:** In general, when an officer arrests a suspect, they may conduct a search of the person incident to that arrest. There are two purposes of the search. The first is to make sure that the person does not have any weapons or otherwise dangerous items that could harm the officer. The second is to ensure that the suspect is not carrying any evidence of the crime that they could potentially destroy. Cell phones are not weapons that are dangerous for the officer, so the Court cannot justify permitting warrantless searches for that reason. Additionally, since cell phones can be turned off or put in places where they have no signal, destruction of evidence is not a justification for conducting a warrantless search of a cell phone. Therefore, the ability of police officers to conduct warrantless searches of cell-phones incident to arrest does not extend to cell phones. However, there may be case-specific exceptions to the warrantless search requirement where exigent circumstances make the needs of law enforcement so compelling as to make the search reasonable under the Fourth Amendment. There were no exigent circumstances in Riley's case, so the judgment of the California Court of Appeal, Fourth District, Division 1 was reversed.

***Jackson v. McCurry***  
**762 F. App'x 919 (11th Cir. 2019)**

**Facts:** E.D.J. was a twelfth-grade student at Chattahoochee County Middle/High School, who reported that another student, M, had threatened her. The school's handbook contains policies that prohibit both bullying and rude or disrespectful behavior towards other students. The school administrator, Josh Kemp, interviewed M and other students about the situation. M told Kemp that E.D.J. mocked her for not making the volleyball team. Two other students, A and B, told Kemp that E.D.J. had sent text messages to them and to other students making fun of M. The administrator then interviewed E.D.J. to hear her side of the story. Principal Oates was present during this interview. Kemp and Principal Oates questioned E.D.J., but she denied that she was sending texts about M to other students.

Principal Oates told E.D.J. to unlock and surrender her cell phone so that he could see if she had been sending the alleged text messages. E.D.J. refused to give permission to search her phone. This did not stop Principal Oates. The principal had E.D.J. identify some of her text recipients who were not listed under their real names but were instead identified by nicknames or emojis. Principal Oates reviewed E.D.J.'s messages with those recipients, as well as messages between E.D.J. and her family members, best friend, and ex-boyfriend. After examining the contents of the texts, Principal Oates determined that E.D.J. hadn't done anything wrong and returned the phone to her.

E.D.J. 's parents filed a civil rights claim against Principal Oates for searching E.D.J.'s cell phone, alleging he violated her Fourth Amendment rights. After discovery, the school officials moved for summary judgment and the district court granted their motion. The district court concluded that none of Jackson's claims stated a violation of federal law, and that even if they did, the officials were shielded by qualified immunity because there was no clearly established law telling Oates that his search of E.D.J.'s cell phone violated the Fourth Amendment. The plaintiffs appealed.

**Issue:** Does the warrantless search of E.D.J.'s cell phone by school officials violate the Fourth Amendment, and are those officials shielded from liability under the doctrine of qualified immunity

**Rule:** Qualified immunity protects government officials from liability for civil damages unless their conduct violates clearly established constitutional rights of which a reasonable person would have known. As of 2019, no precedent clearly establishes that school officials are prohibited from searching a student's cell phone without a warrant in certain circumstances. Under the Fourth Amendment, searches of students' persons or property by public-school officials are judged by a standard of reasonableness, which is less demanding than probable

cause. The reasonableness inquiry requires a two-step analysis: (1) whether the search was justified at its inception, and (2) whether the scope of the search was reasonably related to the circumstances that justified the interference in the first place.

**Holding and Reasoning:** Under the standard set by *T.L.O.* it was not apparent that Principal Oates searched the phone unlawfully. The Court explained that "[u]nder ordinary circumstances, a search of a student by a teacher or other school official will be 'justified at its inception' when there are reasonable grounds for suspecting that the search will turn up evidence that the student has violated or is violating either the law or the rules of the school. Principal Oates searched E.D.J.'s cell phone based on M's accusation that E.D.J. had made fun of her in text messages, and this allegation was corroborated by the reports of two other students, *A* and *B*. It is undisputed that E.D.J. labeled many contacts in her phone with emojis and nicknames. This supported the district court's finding that "[Principal Oates knew that E.D.J. could label her contacts in any manner she chose" and thus "could reasonably assume that E.D.J. could disguise her contacts and any messages from them." Consequently, a reasonable school official could conclude that expanding the search of her text messages was "reasonably related to the objectives of the search," namely investigating alleged bullying—a violation of school policy.

Although *Riley v. California* held that the search-incident-to-arrest exception does not extend to the digital contents of cell phones, *T.L.O.* governs searches in the school context, requiring only reasonable grounds rather than a warrant. Given the absence of precedent clearly applying *Riley* to school searches, and because Principal Oates had reasonable grounds to believe that searching E.D.J. 's phone would yield evidence of bullying, there is no clearly established law mandating the conclusion that the search was unlawful. Accordingly, Principal Oates and the other officials are entitled to qualified immunity.

**Safford Unified School District v. Redding**  
557 U.S. 364 (2009)

**Facts:** Vice Principal Kerry Wilson discovered that students in the school were passing out prescription-strength ibuprofen and over-the-counter naproxen. These pills were common pain relievers that were equivalent to one Aleve pill. Wilson found some pills on one student, who stated that she received the pills from Savanna Redding. Mr. Wilson confronted Redding, and Redding denied having any knowledge of the pills. Wilson searched Redding's backpack and did not find any pills. Wilson then had a female school official take Redding into the school nurse's office and perform a strip search. Redding was directed to undress down to her underwear and then pull out her bra and panties and shake them. Redding described this as embarrassing, frightening, and humiliating. No pills were discovered. Redding sued the school district and several school officials for violating the Fourth Amendment. The United States Supreme Court granted certiorari.

**Issue:** Under the Fourth Amendment, can a school official strip-search a student without a specific suspicion that the student is hiding evidence in intimate places?

**Holding and Reasoning:** No. Under the Fourth Amendment, a school official cannot strip search a student without a specific suspicion that the student is hiding evidence in intimate places. Under *New Jersey v. T.L.O.*, a school official's warrantless search of a student must be reasonably related in scope to the circumstances that justified the search. The search cannot be excessively intrusive in light of the age and sex of the student and the nature of the infraction. In this case, Wilson did not have any specific suspicion that Redding was hiding pills in intimate places. Additionally, the pills Wilson found on the student who identified Redding as the supplier were simple pain relievers. In other words, Wilson did not have any indication of danger to the students from the power of the pills or their quantity. Additionally, Wilson did not have any reason to believe Redding was hiding pills in her underwear. Therefore, the search exceeded the permissible scope and violated the Fourth Amendment.

*GC v. Owensboro Public Schools*  
711 F.3d 623 (6th Cir. 2013)

**Facts:** G.C., a high school student, struggled with disciplinary problems. During his time in high school, he was disciplined several times for using profanity in the classroom, leaving school grounds without permission, excessive tardiness, and fighting. G.C. had disclosed to school officials that he had used drugs and was prone to anger and depression. On one occasion he told a school official that he was very upset and planned to take his life. One day G.C. violated the school cell-phone policy by texting in class. The teacher confiscated G.C.'s phone and turned it over to Assistant Principal Brown, who proceeded to read the text messages. Brown stated she read the messages to check that G.C. was not planning to hurt himself or someone else and if there was an issue he was discussing in the messages that she could help C.G. work through. C.G. was subsequently expelled from school because of the texting incident and the other disciplinary issues. C.G. filed a lawsuit against the school alleging that the search of his phone amounted to a constitutional rights violation because Assistant Principal Brown did not possess the needed reasonable suspicion to conduct the search.

**Rule:** The search of cell phone content is not needed to establish the violation of the school rule prohibiting cell phone use during class. Because there was no imminent threat to school safety, accessing the content of a student's cell phone was not reasonably necessary to establish that GC violated the school rule prohibiting cell phone use during class.

**Holding:** The U.S. Court of Appeals for the Sixth Circuit held that the search of G.C.'s cell phone violated the Fourth Amendment due to a lack of reasonable suspicion. A student has a reasonable expectation of privacy in the content contained on a cell phone and will require school administrators to articulate a specific factual basis for examining phone content. Search of the phone content was reasonable on one occasion where the school had specific information that the phone might contain information that the student intended to harm himself, but found that on a second occasion, the school was not justified in searching the content of the phone just because the same student was texting during class time in violation of school rules. Mere use of the cell phone during class time in violation of school rules is insufficient to support a conclusion that the search of the phone's content would "reveal evidence of criminal activity, impending contravention of school rules, or potential harm to anyone in the school."

## **Outline of Arguments**

### **Argument for Jayme Winters (Petitioner):**

1. Jayme had a reasonable expectation of privacy in her phone.
2. Jayme's consent was invalid because she felt coerced by SRO Davis. Any apparent consent under these circumstances was invalid.
3. The search of Jayme's phone violated her Fourth Amendment right to be free from unreasonable search and seizure because officers did not have probable cause - or reasonable suspicion - to search her phone.
4. Even if the initial search was justified, SRO Davis exceeded reasonable scope of the consent by accessing a password-protected hidden application and conducting an extensive review of social media content unrelated to any specific criminal activity.

### **Argument for Riverside High School (Respondent)**

1. Jayme did not have a reasonable expectation of privacy in her phone at school.
2. Even if the court finds she did have a reasonable expectation of privacy in her phone, SRO Davis did have reasonable suspicion to conduct the seizure and search.
3. Even if SRO Davis did not have reasonable suspicion, the totality of the circumstances indicate that Jayme offered voluntary consent for the seizure and search.

**Exhibits:**

1. Zero-tolerance Policy
2. VaultKeep app settings
3. Social media posts
4. Suspension letter from the principal to Jayme's parents

## **EXHIBIT I: Zero Tolerance Policy**

### **RIVERSIDE HIGH SCHOOL STUDENT HANDBOOK ZERO TOLERANCE POLICY FOR THREATS AND CYBERBULLYING POLICY STATEMENT**

Riverside High School is committed to maintaining a safe, secure, and supportive learning environment for all students, staff, and community members. In response to recent incidents at neighboring schools and community concerns, the school has adopted a zero-tolerance policy regarding threats, cyberbullying, and conduct that creates a reasonable fear of harm or disruption to the educational environment.

#### **DEFINITIONS**

**Threat:** Any written, verbal, electronic, or implied communication that reasonably causes another person to fear for their safety or the safety of others. This includes but is not limited to:

- Direct statements of intent to harm person(s) or property
- Veiled or cryptic messages that reasonably suggest future harmful actions
- Statements that create fear or anxiety about potential violence
- Communications that reference weapons, explosions, or other dangerous acts in connection with school or community locations

**Cyberbullying:** The use of electronic communication to bully, harass, intimidate, or threaten another person, including but not limited to:

- Repeated hostile communications via social media, text, email, or other digital platforms
- Sharing embarrassing, private, or false information about another person online
- Creating fake accounts to harass or impersonate others
- Encouraging others to engage in harassment or exclusion of an individual

This policy applies to all conduct that has a reasonable connection to the school environment, including:

- Conduct occurring on school grounds or at school-sponsored events
- Conduct occurring off school grounds that reasonably disrupts or threatens to disrupt the school environment
- Electronic communications that target school community members or reference school facilities

#### **PROHIBITED CONDUCT**

The following behaviors are strictly prohibited and will result in immediate disciplinary action:

1. Making any threat, whether serious or in jest, toward any person or property
2. Posting, sharing, or distributing threatening content on any platform or medium
3. Creating or maintaining anonymous accounts used to threaten, intimidate, or harass others
4. Engaging in cyberbullying as defined above
5. Encouraging, soliciting, or facilitating any of the above behaviors

## **CONSEQUENCES**

### **Immediate Actions:**

- Immediate removal from the educational environment pending investigation
- Notification of parents/guardians
- Referral to law enforcement when appropriate
- Mandatory threat assessment evaluation

### **Disciplinary Measures:**

- **First Offense:** Minimum 5-day suspension from school
- **Subsequent Offenses:** Minimum 10-day suspension, with recommendation for expulsion
- **Severe Threats:** Immediate recommendation for expulsion proceedings

### **Additional Consequences:**

- Exclusion from ALL extracurricular activities, including but not limited to:
  - Sports teams and athletic events
  - Academic clubs and competitions
  - Student government positions
  - School-sponsored trips and special events
  - Graduation ceremonies and related activities
- Prohibition from attending school-sponsored social events
- Removal from leadership positions
- Mandatory counseling or intervention programs as determined appropriate

## **INVESTIGATION PROCEDURES**

1. **Reporting:** Any student, staff member, or community member may report suspected violations to administration or the School Resource Officer
2. **Initial Response:** Administration will immediately assess the credibility and severity of the reported threat
3. **Evidence Collection:** School officials and/or law enforcement may:
  - Interview witnesses and involved parties
  - Review electronic communications and social media
  - Examine student devices and belongings as permitted by law
  - Coordinate with law enforcement agencies

4. **Due Process:** Students will receive appropriate due process as required by law and district policy

## **SEARCH AND SEIZURE PROTOCOLS**

School officials and the School Resource Officer have the authority to search student belongings, including electronic devices, when:

- There is reasonable suspicion that the search will reveal evidence of a policy violation
- The search is reasonably related in scope to the circumstances justifying the search
- Student safety or the integrity of the investigation requires immediate action

Students are expected to cooperate with authorized searches. Refusal to cooperate may result in additional disciplinary consequences.

## **APPEALS PROCESS**

Students subject to disciplinary action under this policy may appeal through the district's established grievance procedures. However, safety-related exclusions will remain in effect during the appeals process.

## **SUPPORT SERVICES**

Riverside High School recognizes that some behavioral issues may stem from underlying challenges. The school will:

- Provide counseling resources for students experiencing difficulties
- Offer conflict resolution and peer mediation services
- Connect families with community mental health resources when appropriate
- Implement restorative justice practices where suitable and safe

## **REPORTING RESOURCES**

Students who feel threatened or bullied are encouraged to report immediately to:

- Any trusted teacher or staff member
- School counselors
- Principal Martinez (555-0100)
- School Resource Officer Davis (555-0150)
- Anonymous tip line: (555-SAFE-TIP)

## **ANNUAL REVIEW**

This policy will be reviewed annually by the school board in consultation with law enforcement, legal counsel, and community stakeholders to ensure its continued effectiveness and appropriateness.

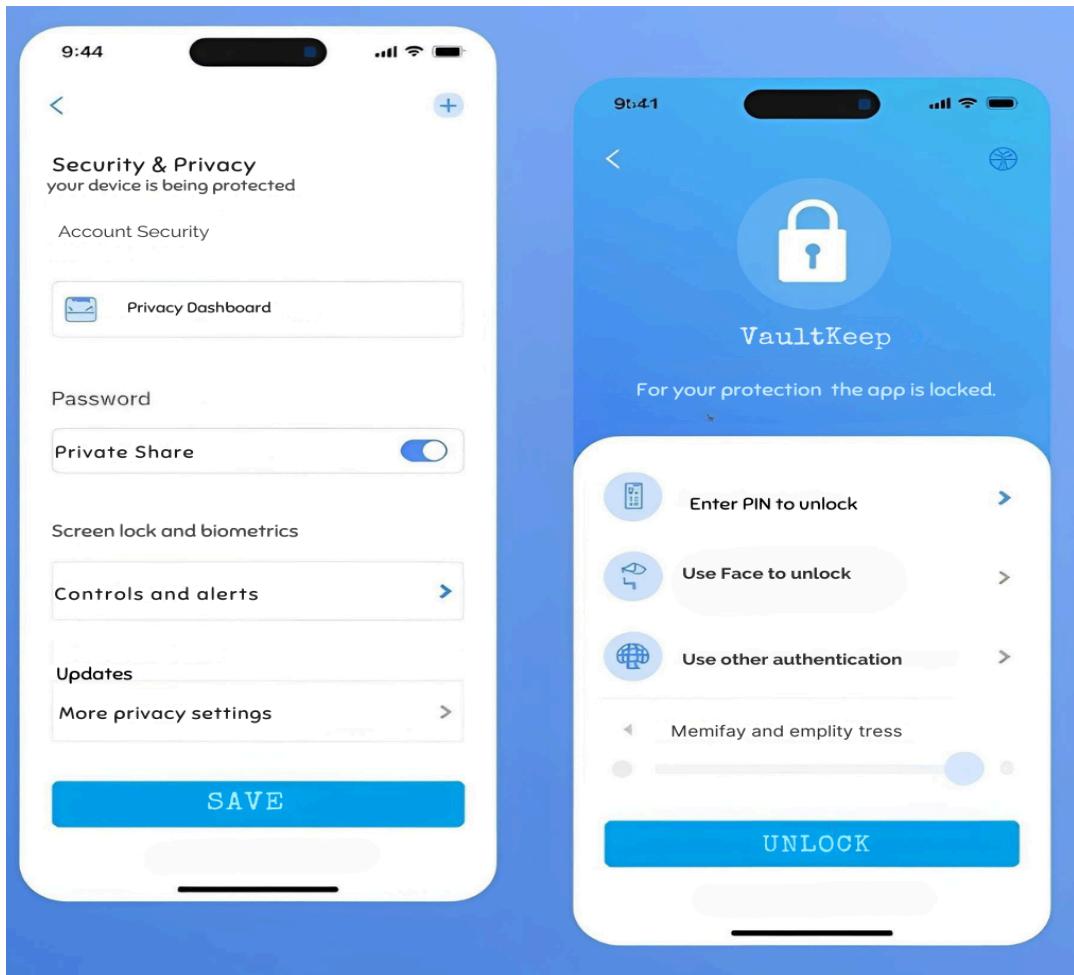
---

**Effective Date:** August 15, 2023

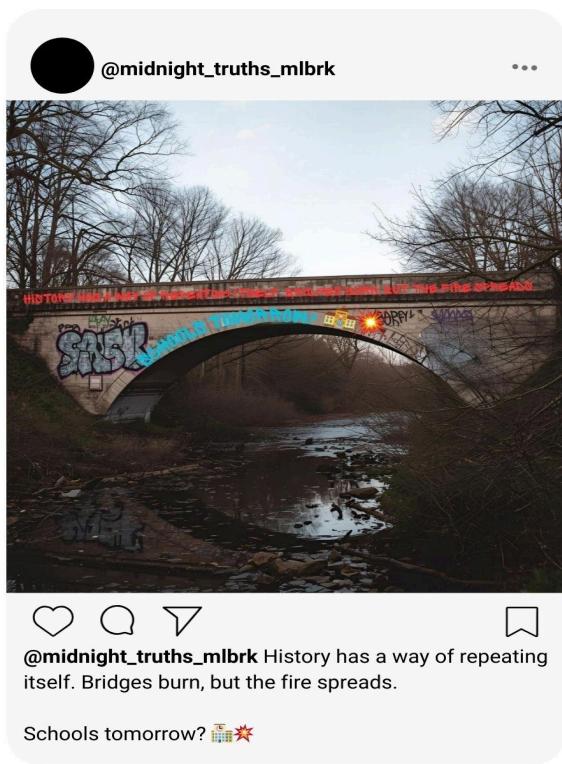
**School Board Approval:** July 31, 2023

**Next Review:** August 2024

## EXHIBIT II: Vaultkeep App Settings



### EXHIBIT III: Social Media Posts



## **EXHIBIT IV: Suspension Email**

**From:** Principal Maria Martinez mmartinez@riversidehigh.edu  
**To:** [Parent Email Addresses]  
**CC:** Assistant Principal Johnson jjohnsonson@riversidehigh.edu; School Counselor Williams awilliams@riversidehigh.edu  
**Subject:** URGENT: Disciplinary Action - Jayme Winters - Immediate Suspension  
**Date:** October 19, 2023 - 3:47 PM

---

Dear Mr. and Mrs. Winters,

I am writing to inform you of a serious disciplinary matter involving your daughter, Jayme Winters (Student ID: 24789), that requires immediate action under our school's Zero Tolerance Policy for Threats and Cyberbullying.

### **INCIDENT SUMMARY**

Earlier today, October 19, 2023, School Resource Officer Davis conducted an investigation related to recent vandalism incidents in our community that occurred on October 15th. During this investigation, Officer Davis discovered evidence on Jayme's personal cell phone that violates our Zero Tolerance Policy.

Specifically, Jayme was found to be associated with an Instagram account (@midnight\_truths\_mlbrk) that posted content our administration has determined constitutes threatening communications under school policy. The posts in question include:

- Content posted prior to the October 15th vandalism incidents that appeared to reference local businesses and community landmarks
- A post referencing "Schools tomorrow?  with imagery that school officials have assessed as threatening in nature
- Additional cryptic messages that have created concern among students, staff, and community members

### **DISCIPLINARY ACTION**

Effective immediately, Jayme is suspended from school for **five (5) school days** under our Zero Tolerance Policy. The suspension period will run from **October 19, 2023, through October 25, 2023**. Jayme may return to classes on **October 26, 2023**, pending completion of the requirements outlined below.

Additionally, pursuant to our Zero Tolerance Policy, Jayme is prohibited from participating in ALL extracurricular activities and special events during her suspension period and for the remainder of this semester. This includes, but is not limited to:

- The Senior College Tour to Millbrook State University scheduled for October 21, 2023
- All Student Council activities and meetings
- Any school-sponsored trips, events, or activities
- Athletic events and competitions (as spectator or participant)

### **IMMEDIATE REQUIREMENTS**

1. **Parent Conference:** You are required to schedule a meeting with myself and Assistant Principal Johnson before Jayme may return to school. Please contact my office at (555) 847-2100 to schedule this conference.
2. **Threat Assessment:** Jayme must complete a threat assessment evaluation with our school psychologist, Dr. Sarah Chen, before returning to classes.
3. **Academic Work:** Jayme will receive assignments from her teachers and is expected to complete all work during her suspension. Materials can be picked up from the main office starting tomorrow morning.

## INVESTIGATION DETAILS

This disciplinary action follows a thorough investigation conducted in cooperation with law enforcement. Officer Davis obtained authorization to examine electronic evidence, and our administration has reviewed all relevant materials in accordance with our established policies.

We understand this news may come as a shock, but please know that student and community safety is our paramount concern. The recent vandalism in our community has created significant anxiety among students, staff, and families. When content appears to reference potential threats to schools, we must take immediate and decisive action.

## SUPPORT SERVICES

We recognize this is a challenging time for your family. The following support services are available:

- **School Counseling:** Ms. Williams is available to discuss resources and support for Jayme
- **Academic Support:** We will ensure Jayme does not fall behind academically during her suspension
- **Community Resources:** We can provide information about counseling and mental health services in our area

## NEXT STEPS

Please contact my office by **10:00 AM tomorrow, October 20, 2023**, to acknowledge receipt of this notification and to schedule your required conference. You may reach me directly at (555) 847-2100 or via email at [mmartinez@riversidehigh.edu](mailto:mmartinez@riversidehigh.edu).

## APPEAL RIGHTS

You have the right to appeal this disciplinary decision through the Millbrook School District's established grievance procedures. Please note that the suspension and activity restrictions remain in effect during any appeals process.

I understand this situation is difficult for your family. Please know that our goal is to ensure the safety of all students while providing Jayme with the support she needs to learn from this experience and continue her education successfully.

If you have any questions or concerns, please do not hesitate to contact me immediately.

Sincerely,

**Maria Martinez**  
Principal  
Riverside High School  
Phone: (555) 847-2100  
Email: [mmartinez@riversidehigh.edu](mailto:mmartinez@riversidehigh.edu)