2024-2025

Moot Court Judge Guide

NCFCA
CHRISTIAN SPEECH & DEBATE

Contents

Special Acknowledgements

NCFCA Christian Speech & Debate would like to thank the all-volunteer team led by Maria Gerber with the help of her co-author, Nicolas Cathcart and assistants, Jacob Galofre and Tristyn Rampersad for writing this year's case. We are also grateful for reviews and feedback from Dr. Michael Farris, Lewis Ringel, Anthony Severin, Tracy Bock, Howard Clayton, and Henry Chen, as well as our editing team, Jessica Crone and Grace Doi.

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Overview of Moot Court Protocols

Orientation Video

If you are new to judging Moot Court, you may want to watch our ten-minute Moot Court Judge Training video

General

- Teams of two competitors function as advocates, who present legal arguments before a panel of justices.
- The team that represents the petitioner is appealing to overturn the lower court's decision.
- The team that represents the respondent must argue to uphold the lower court's decision.
- Over the course of the tournament, teams are required to represent both the petitioner and the respondent.
- The advocates are expected to focus on refuting or defending the lower court's decision rather than on addressing arguments from the opposing team.
- At the beginning of the competition season, the NCFCA publishes a Case Packet which includes the lower court's decision and a set of related materials. Competitors may not use research outside of the case packet in the round. A **Bench Brief** (summary) of the case is available below along with **Sample Questions** for judges to ask of the competitors.
- The substance of the case is divided into two distinct legal issues.
- Advocates will address only one of the issues and their partner will address the other.
- The advocate who gives the petitioner's rebuttal will be responsible for responding to both issues, but only during the rebuttal.

Flow of the Round

- The round will proceed according to a script which includes lines that clerk, justices, and competitors are expected to recite.
- The two advocates representing the petitioner will present oral arguments first, followed by the two advocates representing the respondent.
- Each team is allowed a total of twenty minutes speaking time.

- The advocates for the Petitioner have the option to reserve up to four minutes of their total speaking time for a rebuttal after the advocates for the respondent conclude their oral arguments.
- Any time reserved for a rebuttal is subtracted from the twenty-minute total allotted for oral arguments, and the remaining time is divided equally between the two advocates.
- The team representing the respondent will not have a rebuttal, so each advocate will have ten minutes to present an oral argument.
- For all speeches, the competitors will time themselves.

Questioning the Competitors

- The first minute of each oral argument is protected, and the advocates should be allowed to present without interruption. **At the end of one minute, the clerk will clap loudly to indicate that justices are free to begin interrupting the advocate to ask questions.**
- The rebuttal speech has no protected time, so the justices may begin questioning the advocate immediately.
- **The interaction between students and judges represents a critical part of Moot Court competition.** Justices are strongly encouraged to engage the advocates during the round, interrupting with questions and challenging arguments. Lists of **Sample Questions** for each constitutional issue are provided below.
- As the advocates are speaking, feel free to take notes, but keep in mind that the advocates are eager for your active participation, so **please ask questions that challenge their knowledge and reasoning**. When an advocate's time expires, you have discretion to allow extra time for the advocate to briefly finish a thought.

Completing the Ballot

- Please rate the advocates based on their performance, not based on the case itself or your agreement with their side of the argument. It's important to remember that advocates must argue from both sides over the course of the tournament.
- Be sure to indicate the advocate sequence, selecting Petitioner 1 for the first speaker, Petitioner 2 for the second speaker, and so on.
- Using the Ballot Point Scoring Guide, rate each advocate on the included criteria.

- Our system will calculate speaker point totals for you.
- If two advocates earn the same point total, please break the tie using the speaker rank.
- The point totals will allow our system to determine the winning team.
- We ask that you enter relevant feedback and comments for the competitors in the boxes below their name
- Please record the primary reasons for your decision in the section for overall comments.
- If time allows before the ballot deadline, please feel free to add any additional comments and include your opinion or prior knowledge as a point of information so that the advocates may learn from you.

Rules

Rules are set forth in the 2023-2024 Moot Court Guide for Competitors and Parents. Judges are welcome to consult the rules, but judges are not responsible for knowing or enforcing the rules.

Competitors will know their correct speaking order, keep track of their own time limits, and hold one another accountable for following rules.

Moot Court Speeches	Time
Petitioner 1	Up to 10 minutes, as reserved
Petitioner 2	Up to 10 minutes, as reserved
Respondent 1	10 minutes
Respondent 2	10 minutes
Rebuttal from either Petitioner 1 or 2	Up to 4 minutes, as reserved

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Bench Brief

Introduction

Today, you will be asked to pretend to be a justice on the Supreme Court of the United States. You will interrupt the students to probe their knowledge and provoke discussion. When you are done, you will submit a ballot evaluating the performance of the student advocates.

Your decision is based on the performance of the advocates: how well did they do with the arguments they were given in the case packet? It must be stressed here: *Your decision should not be based on which interpretation of the Constitution you think is correct*. It will only be dependent on the performance of the students.

As an aside: this Bench Brief attempts to summarize the arguments presented in the official packet. If there are any inconsistencies, the packet should be followed over this brief, which is meant only to be a primer for judges.

In this fictional world, the U.S. Supreme Court has agreed to hear the appeal of Tarun Bellator, a 20-year-old college student who resides in the state of Frankfurt. Tarun has been convicted of two charges and is petitioning this Court to overturn both convictions.

First, Bellator was convicted of the misdemeanor of "breaching the peace/disorderly conduct," pursuant to section 867.03 of Frankfurt law. He was charged with this crime for chanting a controversial "political" slogan at a rally on his college campus, which led to a major riot breaking out. This leads to the question: is this chant/slogan protected by the First Amendment's right to Free Speech?

Second, he was convicted of possessing an illegal firearm and fake ID, pursuant to section 422.63 of Frankfurt law. The officers found these items in the wake of arresting him for the above offense (breaching the peace) in his dormitory room. However, they never obtained a warrant for their search and seizure, although there are exceptions that allow for a warrantless search of one's home. The question is: did the officers violate the Fourth Amendment by performing a warrantless search or was there a recognized exception that allowed such a warrantless search?

In listening to the competitors' arguments, take note that the Supreme Court is bound by a principle called *stare decisis*—literally "standing by things decided." In other words, Justices cannot simply "disagree" with past Supreme Court cases without having serious grounds for doing so. That does not mean you cannot press students to explain the reasoning of past cases, but it does mean that these cases must be generally adhered to.

This requirement does not extend to what are called "concurring opinions," "dissenting opinions," or anything from the lower courts (State Supreme Courts, Federal Circuit Courts, etc.). When students cite anything from these sources, it is called "persuasive precedent:" it may be used to persuade the Court, but is not "binding" on the Court. The Court should certainly listen but is not required to follow anything but its own past holdings.

Competitors are limited to the material contained within the competition packet and may not quote or cite anything beyond what is given in the packet and case law. Because this bench brief is designed to provide an overview of the case problem for judges, students may not specifically cite this bench brief. A copy of the competition case packet is available at ncfca.org/judge/moot-court under Resources. It is highly recommended that judges not only read this bench brief but also the official case.

Issue 1

Whether the Petitioner's disorderly conduct conviction violates the Petitioner's First Amendment rights?

"Congress shall make no law … abridging the freedom of speech…" (Amendment I)

Background: Atlantis and Olympia

The island of Olympia is home to two people groups: the Atlanteans and the Olympians. The Olympians have complete control and jurisdiction over the entire island but allow the Atlanteans to live in a semi-autonomous region on the island, taking up 30% of the land mass.

In September of 2023, Atlantean militant groups attacked an Olympian carnival festival, killing hundreds. The Olympian government responded by declaring war on Atlantis, launching intermittent attacks in the Atlantean region.

Many protests have begun around the world, including at Frankfurt State University (FSU), where Tarun Bellator is a student.

Background: Tarun Bellator and the May 2024 Riot

Bellator is a first-generation Atlantean-American. He is the President of FSU's Students for Atlantis Solidarity organization, abbreviated "SAS." On May 1, 2024, Bellator organized a "Ceasefire Now" rally at his school, which was attended by both his own supporters (pro-Atlantean protestors) and opponents (pro-Olympian counter-protestors).

The rally began at 4pm. While protestors and counter-protestors were chanting and insulting each other, Bellator was reported saying to his supporters (privately): "We need to make these genocidal murderers feel the violence they inflicted upon us" and "Death to the murderers." Shortly after he was reported to have said this, Bellator then grabbed a megaphone and began chanting the following phrase: "From sea to sea, Atlantis shall be free." After a few minutes of hearing this chant, violence broke out from both sides. Both pro-Atlantean protestors and pro-Olympian counter-protestors began throwing bricks and debris at each other and even lit police vehicles and dumpsters on fire. Bellator himself never engaged in any activities but continued to chant the same message throughout the violence.

The chant is controversial. Originally, it was intended to express Atlantean disdain for the Olympian state—that the entire state should be wiped out from the island. Today, Atlantean protestors claim that they mean it only to express the freedom of their own state—not a commentary on the destruction of Olympia.

Legal Analysis: Is Petitioner's Speech Protected?

As with almost all constitutional rights, there are limitations. One cannot just say whatever he or she desires under the auspices of "free speech." However, the Court tends to protect speech where possible. In other words, it is not an equal balance; free speech is generally presumed unless the government rules that the speech is unprotected.

What are these categories? Some you may know well: obscenity (sexually explicit material) and libel (speaking falsely of someone in print), for instance. But there are others. In this case, the Respondent will have the opportunity to choose from three categories in order to prove that Bellator's speech is unprotected. They may choose to run one, two, or all three of these arguments. It's important that you understand the "test"—or definition—of each of these arguments. The students should not make sweeping generalizations about the arguments but should show particularly how Bellator's speech either does or does not meet the test of whichever argument they choose.

Fighting Words

To prove whether or not Bellator's speech qualifies as fighting words, the state must prove the chant, "From sea to sea, Atlantis shall be free" is by definition, fighting words. This is sometimes called the fighting words "test:" if one's speech fits under the test, it is fighting words and therefore is not protected speech. If not, it is protected speech and the government may not prosecute you under "fighting words." The case of Cohen v. California defined fighting words as "those personally abusive epithets which, when addressed to the ordinary citizen, are, as a matter of common knowledge, inherently likely to provoke violent reaction."

The Respondent may argue that Bellator's words were personally abusive epithets because they called for the destruction of the Olympians' homeland. They may argue that the ordinary citizen would likely react violently if told that their homeland was going to be destroyed.

The Petitioner may argue in response that this test sets a very high bar that Bellator's speech does not meet. His speech was not "personally abusive" since it was not directed to anyone in particular. Simply because he said something that

someone took offense to does not mean that his speech was "personally abusive." They may also argue that the ordinary citizen would likely *be offended* but not act violently if told that someone disliked their homeland enough to desire its destruction.

True Threats

The true threats test has two components, according to the Supreme Court's latest true threats case of *Counterman v. Colorado*. First, it must be a threat to "the person on the other end" (*Elonis v. United States*, cited in *Counterman v. Colorado*). Second, the person delivering the threat must have "consciously disregarded the substantial and unjustifiable risk" that his speech will be a threat to the other person. That's also called "recklessness" in the legal world.

The Petitioner may argue that the statement "From sea to sea, Atlantis shall be free" is not threatening and therefore does not pass the first prong—that the person on the other end takes it as a threat. They may also argue that there is no affirmative proof that Bellator thought about the possibility that his slogan would be interpreted as a threat—the facts of the record do not say that he thought about this ahead of time.

The Respondent may argue that while the technical meaning of the slogan is not a threat, it is still reasonably interpreted as a threat, especially in the context of a heated rally. They may also argue that there's no way that Bellator had "no idea" that his statement could be a threat—clearly, he knew, because he told his supporters before the rally that he wanted the opposition to "feel the violence they've inflicted on us."

Incitement

There are two iterations of the incitement test. The first is the Supreme Court's iteration in *Brandenburg v. Ohio*, where the Supreme Court said that one cannot make speech that is (1) directed to and (2) likely to incite or produce imminent lawless action. Most of the time, this sort of incitement references a speaker provoking or rallying his own supporters to do lawless action. Since there is an

intent requirement here (the speaker must mean for his words to be directed to lawlessness), provoking another side to lawlessness won't typically qualify under incitement unless that was the speaker's goal. Most of the time, the speaker does not intend for his opposition to do lawless action; he may *not mind* that they do, but incitement requires that the speaker *intends* for his hearers to commit lawless action. Most of the time, this happens when the speaker *intends* for his supporters to commit that action.

The other iteration of this test is an interpretation of the test by the Sixth Circuit Court of Appeals in the case of *Bible Believers v. Wayne County*. The Sixth Circuit noted that "directed to" must also include an additional requirement: that the *speech itself* urged violent or lawless action. In other words, it is not only the speaker's intent that lawless action happen, but also his words which urge lawless action.

The Petitioner may argue that Bellator did not (1) direct his speech toward violent action, since he told the police that he did not intend for violence to break out, and he never himself engaged in violent action. They may also argue that violence was (2) not likely at the time that Bellator spoke those words, since there was no indication that those words were specifically triggersome. They may also argue, using *Bible Believers*, that the speech itself did not call for violent or lawless action, but only for freedom.

Issue 1: Questions to ask the Petitioner

- How should the Court interpret what Mr. Bellator meant, when he said "we need to make these genocidal murderers feel the violence they inflicted on us?"
- Could there be some other exception to First Amendment protections, such as removing a speaker for his own safety?
- Are you arguing that a person can cause a riot and his speech still be protected?
- Would it change anything if Mr. Bellator had used swear words?
- Would it change anything if Mr. Bellator had made eye contact with the protestors?
- Would it change anything if Mr. Bellator had himself engaged in violence?
- Fighting Words:
    - What do you think about the Chaplinsky test (words which "inflict injury" are fighting words)? Couldn't you say that a speech that tells

the other side that their government should be destroyed is inflicting (non-physical) injury?

- Incitement:
  - How do you interpret Brandenburg's phrase that the speech must be "directed to" inciting lawless action?
  - Can you explain how the Respondent is supposed to prove intent if the speaker will never admit that he had "intent"?
  - Since a riot broke out, isn't that proof that Mr. Bellator's words were likely to cause violence?
  - Shouldn't Mr. Bellator have known that his speech would cause violence since there have been other protests on campus that have devolved into violence?
- True Threats:
  - Since recklessness is a fairly easy threshold to meet, how can you say that Mr. Bellator did not even act recklessly?
  - Isn't it possible that if a person says something about his country defeating or annihilating another country, the people in that country may feel threatened? Isn't that a real possibility?

Issue 1: Questions to ask the Respondent

- Can you point to any cases wherein the speaker lost his case at the Supreme Court level because his speech was unprotected?
- Would it change anything if Mr. Bellator had not been overheard saying those two phrases ("death to the murderers" and "we need to make these genocidal murderers feel the violence…") to his supporters?
- Would it change anything if Mr. Bellator had simply said "Freedom for Atlantis" and the same riot broke out?
- Would it change anything if Mr. Bellator had said to his supporters "remain peaceful" and continued to chant the same slogan?
- Fighting words:
  - *Cohen* requires that the words be "personally abusive." How can these words be personally abusive if they don't mention any of the protestors at all?
  - *Cohen* also requires that the words be "epithets," which are descriptions or qualities of a person. How can this be an epithet if it didn't describe the protestors at all?
- True threats:
  - How can you prove that Mr. Bellator *thought* of the possibility that his speech would be taken as a threat?
  - How can this be a threat if the words don't mention death or harm specifically to any Olympians?
  - How can this be a threat if none of the protestors ran away in fear?
  - How can Mr. Bellator be said to have acted recklessly if there was no substantial risk that his speech would be interpreted as a threat? Isn't it very unlikely that saying "my country shall be free" would be interpreted as a threat?

- Incitement:
  - How does the actual text of the speech constitute incitement when it just calls for freedom?
  - How can you prove intent without speculating on Mr. Bellator's mindset?
  - How can you prove intent when Mr. Bellator specifically said he didn't intend to evoke violence, and he didn't cause any violence himself?
  - How can you prove that the speech was likely to cause violent action when we have nothing from the record that says that Mr. Bellator's slogan was particularly dangerous/incendiary?
  - How can you prove the speech was likely to cause violent action when only some of the previous protests had turned violent? Isn't that less than 50%, i.e., *not* likely?

Issue 2

Whether the search of Petitioner's dorm room and subsequent seizure of the Petitioner's firearm and unlawful ID violate Petitioner's Fourth Amendment rights?

> *"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." (Amendment IV)*

Background: The Search of Petitioner's Room

The Fourth Amendment issue centers around the fact that the officers seized the Petitioner's firearm and illegal ID without first obtaining a warrant.

The officers pursued Bellator on two occasions: once after he attempted—successfully—to escape their arrest attempt during the riot and a second time when the officers later headed to his dormitory and saw someone, who they believed to be Bellator, running inside. The second time, they successfully chased him into his room. His roommate, Edward Trace, opened the door and allowed the officers entry into the suite-style, four-room-two-bathroom complex. When the officers asked Trace if Bellator was in his room, Trace said "you can check." The officers walked over to Bellator's door and heard what

sounded like a window opening. They then entered his room, arrested Bellator, and then transported him to the county jail.

While Bellator was en route to the jail, one of the officers remained behind. He scanned the room and noticed what looked like a gun in Bellator's desk drawer. He then took a photo, took the gun, and opened the bag, which revealed a fake ID. He remembered that Bellator was underage and could not legally possess a firearm, which caused him to officially seize the evidence.

Background: Warrants

According to the Supreme Court's interpretation of the Fourth Amendment, there is a strong preference that the police obtain a search warrant before searching a suspect's home. The process of obtaining a warrant involves the officer who requests the warrant submitting a sworn statement (affidavit) to a local magistrate or judge which describes (1) who or what he or she expects to find and seize and (2) the probable cause that makes him or her believe that those items/the suspect is should be arrested or seized. Warrants take anywhere between a few hours and a few days to process because the officers must submit their affidavit to an impartial judge. The judge has the ability to deny or accept the warrant based on whether the officers sufficiently demonstrated probable cause.

Legal Analysis: Is there an applicable exception to the warrant requirement?

As mentioned prior, while officers are typically expected to obtain a warrant to search a suspect's home, it is not always required. There are four major exceptions, though only three are discussed in the case packet. Each of these is an exception because the Supreme Court has declared it one. In other words, the police may act without a warrant; however, the courts will determine whether a valid exception is recognized. If the court rules that no exception applies, the evidence, or fruit, seized during the unconstitutional search will be ruled inadmissible in court, which often leads to a criminal case being dropped by the prosecutorial body.

The exception that is not discussed in the case packet is the "incident" to an arrest exception which refers to an exception that allows the police to search a suspect and the immediate area during an arrest in the interest of safety. The facts in the record do not support this argument, and the case law provided is not directly on point, thus, this argument should not be raised.

The three arguments provided in the record include exigency, consent, and plain view. We will discuss each of them, including some of their tests.

Exigency

The word "exigent" means "urgent" or "pressing." So in order to meet this test, the Respondent (defending the police officers) may argue that the officers could not take the time to obtain a warrant because they had a pressing need to arrest the suspect immediately or that securing a warrant was not possible. Thus, the Respondent may argue that the officers were required to remain on campus to quell the violence rather than secure a warrant. The Court has outlined a few definite exigencies and generally is opposed to creating new ones. Those include: preventing the suspect from destroying evidence, hotly pursuing a suspect where there is a significant need to make an arrest, protecting the public from further harm, etc.

The Petitioner may argue that the police had no pressing need to arrest Bellator. The officers were arresting him for breaching the peace, so there was no concern relating to safety or the destruction of evidence. The crime for which he was pursued was only a misdemeanor, so there is no significant need to hotly pursue him and arrest him, all things considered. And the public was not in danger, especially considering that Bellator did not personally behave violently. The Petitioner may also concede the point that the officers had the authority to enter Bellator's room to arrest him and only contest the search and seizure of the gun and ID, arguing that there was no exigency. This is a legitimate argument, since the Fourth Amendment issue relates to the seizure of the gun and false ID, not directly to the arrest of Bellator.

The Respondent may argue that the crime Bellator was accused of was a significant crime (since it caused a lot of property damage and personal injury) and therefore hot pursuit was justified. They may also find other Court-recognized exigencies and defend those.

Consent

The consent doctrine allows officers to bypass the warrant requirement by obtaining consent of an occupant who has common authority over the premises. *Key to the consent doctrine is that the consent they obtain need not be objectively "correct."* As in, the person may pretend to have common authority but does not; the person may give consent even though he/she does not actually have common authority. So the question on consent is always: were the officers reasonable in believing that the person who gave consent was an occupant who had common authority? That's because the law cannot require the officers to be all-knowing; it can only require the officers to be reasonable.

The Petitioner may argue that the officers were not reasonable in relying on the consent because Trace was not an occupant of Bellator's personal dorm room. They may argue that the officers should have known that since they were campus police officers and must have been familiar with the room's arrangement as it relates to common and personal space. Alternatively, they may concede (as above with exigency) that the entry into Bellator's room to arrest him was valid under consent, but steadfastly contest that the seizure was not justified under consent, since there was no consent to search the bag. Although nothing in this brief should be interpreted to require any concessions be made by either Party.

The Respondent may argue that the officers reasonably relied on the consent because Trace, although he did not reside in Bellator's specific room, was a co-occupant of the space, and thus, was qualified to give consent. They may also argue that the officers need not be objectively correct, in presuming consent was valid, but it need only be reasonable to make such a presumption.

Plain View

This argument is at the center of the discussion. Both of the above options *could* allow warrantless seizure in some limited cases but are primarily used to justify entry. The plain view doctrine, in contrast, cannot be used to justify entry, but only to justify seizures. Since the question this year is about seizures, this is an important argument. Not all seizures under plain view are justified. Each seizure must meet the criteria that the Court has set out.

The Plain View doctrine requires three things, aside from the item that is seized being in plain view. (1) The officers must have legally entered the premises. (2) They must have probable cause to seize the items (also described as "the items must be immediately incriminating"). (3) They are not allowed to break into anything in order to seize the items. This last element is mainly uncontested. So the main argument is whether the officers legally entered and had probable cause.

The Petitioner may argue that the officers did not legally enter the premises because they did not have exigency or consent (notice how the first two exceptions are related to plain view). They may also concede that point and simply argue that the officers did not have probable cause. Since the officer did not recollect that Bellator was underage until *after* he searched the gun (picked it up), he did not have the probable cause that is required.

The Respondent may argue that the officers legally entered the premises on either consent or exigency. They may also argue that the officer had probable cause, even if he was not actively searching for evidence of illegal firearm possession based on the Petitioner's age. The officer was aware of Bellator's age even if he did not recall this information until later. They may argue that the timeline is a technicality which may or may not be relevant.

Issue 2: Questions to ask the Petitioner

- Shouldn't we generally defer to police officers who have to make split-second decisions in the field?
- Exigency:
    - Should a person be able to escape arrest simply by running into their own home? Don't we want to disincentivize this practice by allowing officers to pursue suspects into their own home?
    - How do you explain *Santana*, which justified the police arresting a person on her own doorstep?
    - There isn't a specific bright line test for the amount of time that must not pass before exigency may be found correct? In other words, this Court has not ruled that after a specific number of minutes or hours exigency evaporates, right? So, without such a bright line, why should this Court find exigency in the instant case when several hours had passed between the alleged criminal behavior and the actual arrest?
    - Do you think there should be a bright "timeline"?
- Consent:
    - What is the requirement for consent? Do the officers need to be correct or just be reasonable—even if they're wrong?
    - Isn't it reasonable to think that Mr. Trace might be good friends with Mr. Bellator and, therefore, has the ability to let the officers into Mr. Bellator's room?
    - When Mr. Trace allowed the officers into the quad space, didn't that allow them to search anywhere in the quad space, including Mr. Bellator's room?
    - Didn't the Court in both *Rodriguez* and *Fernandez* decide that consent was correctly given, even if the person giving consent was not the owner of the property?
- Plain view:
    - Probable cause is required to seize a gun, right?
        - How can you argue that Officer McCloud didn't have probable cause when he clearly recalled that Mr. Bellator was underage?
    - Is it important for the officer to believe he/she has probable cause or actually have probable cause?
    - If the officers had no justification for entering the Petitioner's room, can there ever be a justifiable exception for the search and seizure of the firearm and false ID?

Issue 2: Questions to ask the Respondent

- Didn't the officers have the ability to obtain a warrant? Doesn't that automatically invalidate warrantless searches?
- Why couldn't the officers have gone and gotten a warrant while other officers quelled the riot?
- What is the importance of the fake ID? Is its seizure evaluated differently from the seizure of an illegal firearm?

- Exigency:
  - Didn't the police create the exigency by showing up at his door instead of obtaining a warrant?
  - Isn't the search automatically invalid since the police did not knock and announce themselves before they entered Mr. Bellator's dorm room?
  - What would be the real danger in just getting a warrant and coming a day later to Mr. Bellator's room to arrest him?
  - Mr. Bellator didn't act dangerously at the rally, right? Without any violent behavior on the part of the Petitioner, can the Respondent really argue exigency?
  - How can this be a case of hot pursuit if the officers stopped chasing Mr. Bellator after originally moving to arrest him and only picked up the chase hours later?
- Consent:
  - Isn't it true that Mr. Trace did not have authority over Mr. Bellator's room?
    - Aren't these officers familiar with the campus and therefore would already know this?
  - Isn't it the officers' fault for not asking more questions to determine common authority? They didn't ask any questions about his relationship with Mr. Bellator, right?
  - Mr. Trace didn't say "you can seize things," did he? How can you use that consent to seize things?
- Plain View:
  - Isn't it problematic that the officer stayed behind after Mr. Bellator had left and looked around the room?
  - How do you respond to *Arizona v. Hicks*, since in that case the police were critiqued for not having probable cause? Isn't that the same in this case?
  - Didn't the police not have probable cause until *after* searching the bag? Isn't the timeline important?
  - Would the Plain View doctrine cover the ID, since the ID wasn't in plain view?
  - Is there any importance to the gun being in a bag? Does that mean that the officers should not be able to access it since it's the Petitioner's bag?

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Scoring Guide

This guide may be useful to assist you in assigning competitor points on the ballot. Please rate the competitors based on their performance, not based on the case itself or on your agreement with their side of the argument.

Organization	• Introduces the central issue(s) succinctly • Provides and follows a clear outline of argument • Transitions smoothly and uses time prudently • Concludes with an appropriate request for relief
Knowledge	• Demonstrates thorough knowledge of the record • Assesses related constitutional issues • Applies relevant legal tests • Cites the record and legal cases accurately
Argumentation	• Identifies and emphasizes the central issue(s) • Presents well-reasoned arguments • Supports arguments with key facts in the record • Applies legal authority and analogous case law
Response	• Demonstrates proper deference to the judges • Answers questions directly and succinctly • Weaves answers into the overall argument • Addresses opposing arguments in the rebuttal
Delivery	• Demonstrates proper courtroom etiquette • Manages tone, volume, articulation, and pronunciation • Remains poised, professional, courteous, and confident • Maintains eye contact through limited use of notes

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Moot Court Round Script

The Courtroom Clerk will not begin to read the script aloud until all judges for the round are present. Once all judges are present, the Courtroom Clerk will confirm the Chief Justice. When the Chief Justice confirms the judges are all ready, the Courtroom Clerk begins the script below.

Bringing the Round to Order

Courtroom Clerk: **Oyez, oyez, oyez.** (O-yea)**. The Supreme Court of the United States is now in session, the Honorable Chief Justice _____ presiding. All those having cause to be before this honorable Court draw nigh and pay heed. God save the United States, and God save this honorable Court.**

Chief Justice: **The only case on the docket today is Cobi Mendax, Petitioner vs. The State of Palidosa, Respondent. Is the Petitioner ready?**

Petitioners: [First advocate says:] **The Petitioner is ready, your Honor.**

Chief Justice: **Is the Respondent ready?**

Respondents: [First advocate says:] **The Respondent is ready, your Honor.**

Chief Justice: **You may proceed.** [First Petitioner should wait until receiving some indication, such as a nod, from the Chief Justice that the Court is ready to proceed.]

Opening Statements for Advocate Speeches

Petitioner 1: **Mr./Madame Chief Justice, may it please the Court.**
[start timer]
My name is _____. My co-Counsel, _____, and I represent _____, the Petitioner in this case. At this time, I would like to reserve _____ minutes for rebuttal. My co-Counsel will be addressing the issue of _____, and I will be addressing the _____ issue. [Give a brief introductory sentence or two about the first issue here.] **This Court should reverse the decision of the Supreme Court of Frankfurt because _____.** [Proceed with argument.]
Justices may interrupt after the first minute, indicated by clapping of the Clerk.

[After the first Petitioner is finished, the second advocate for the Petitioner should then wait until receiving some indication from the Chief Justice that the Court is ready to proceed.]

Petitioner 2: **Mr./Madame Chief Justice, may it please the Court. [start timer]**
My name is _____, and I will address the issue of _____. [Proceed with argument.]
Justices may interrupt after the first minute, indicated by clapping of the Clerk.

[When the second Petitioner is finished, the first Respondent should wait until receiving some indication from the Chief Justice that the Court is ready to proceed.]

Respondent 1: **Mr./Madame Chief Justice, may it please the Court. [start timer]**
My name is _____. My co-Counsel, _____, and I represent _____, the Respondent in this case. My co-Counsel will be addressing the issue of _____, but first I will be addressing the _____ issue. [Give a brief introductory sentence or two about the first issue here.] **This Court should affirm the decision of the Supreme Court of Frankfurt because _____.** [Proceed with argument.]
Justices may interrupt after the first minute, indicated by clapping of the Clerk.

[After the first Respondent is finished, the second advocate for Respondent should wait until receiving some indication from the Chief Justice that the Court is ready to proceed.]

Respondent 2: **Mr./Madame Chief Justice, may it please the Court. [start timer]**
My name is _____, and I will address the issue of _____. [Proceed with argument.]
Justices may interrupt after the first minute, indicated by clapping of the Clerk.

[After the second Respondent is finished, whichever member of the Petitioner's team will give the rebuttal should wait for an indication from the Chief Justice that the Court is ready to proceed.]

Petitioner 1 or 2: **[start timer]**
Your Honors, [briefly state in one sentence the main rebuttal point(s).]

Justices may interrupt at any point during the rebuttal speech.

Requesting Additional Time to Complete an Argument or Answer a Question

- If an advocate's time expires before completion of the argument, the advocate may request additional time from the Chief Justice with the following question:

  Advocate: **Mr./Madame Chief Justice, I see that my time has expired. May I have a moment to conclude?** [BRIEFLY conclude.]

- If a question is pending or the advocate is in the middle of answering a question, the advocate may request additional time with the following question:

  Advocate: **Mr./Madame Chief Justice, I see that my time has expired. May I have a moment to answer the question and briefly conclude?** [BRIEFLY finish answering and BRIEFLY conclude.]

- In either case, it is up to the Chief Justice's discretion whether to allow additional time. The advocate need not request additional time to finish his sentence, though—he can simply finish his sentence and say thank you.

Adjourning the Round

Courtroom Clerk: **The Honorable Court is now adjourned.**

[The justices should exit the virtual room by clicking on the exit button in the upper right corner of the screen.]