*For this activity, you will be writing a short case brief. In almost all aspects of law, you will face case briefs, so it is important to understand their purpose. Choose one of the following court cases below to write a case brief. Make sure to write the information below, which explains the information that is required in your brief.*

*Gideon v. Wainwright, 372 U.S. 335 (1963)*

*Duncan v. Louisiana, 391 U.S. 145 (1968)*

*Escobedo v. Illinois, 378 U.S. 478 (1964)*

*Mapp v. Ohio, 367 U.S. 643 (1961)*

*Miranda v. Arizona, 384 U.S. 436 (1966)*

*Terry v. Ohio, 392 U.S. 1 (1968)*

*Tinker v. Des Moines Independent Community School District, 393 U.S. 503 (1969)*

*Brief Guidelines (for each of the above-cited items):*

*#1.  Case citation (example): Hudson v. Palmer, 468 U.S. 517 (1984) [ensure to italicize the parties name, citing the plaintiff's name first, then the defendant)*

*#2.  Facts of the Case: You should judge how much information to include in this section, but provide enough for a person who has not read the case to be able to understand it. Decide what is important and what is not. Identify the classification of the case (i.e., State tort, Section 1983, Habeas Corpus, Class Action, etc.), and what Amendment (s) are applicable. Clearly articulate the claim (s) the plaintiff is asserting.*

*#3.  Issue/Issues: This section is where the question of law should be identified. Assessing the case you should be able to determine the argument (s). Frequently, cases will have more than one issue. This is for you to determine. The guiding principle is, can the case be boiled down to one issue or would two or more issues be best? You must identify what Amendment (s) applies to the case!! The issue must be structured in a question form. Be sure your issue is neither too narrow nor too broad, such that it becomes useless. Follow the example below:*

*Does a prisoner have a reasonable expectation of privacy in his cell entitling him to the protection of the Fourth Amendment against unreasonable searches and seizures? No*

*As you will notice the above example is characteristic of: (1) phrased in a question format; (2) underscores the applicable Amendment pertinent to the issue of the case; (3) provides a response to the question, and (4) is contained in one sentence—not several. The response comes from the final decision of the court. Structuring the issue (s) in a question format gets to the heart of the matter and forms how an allegation is argued. It also provides a glance at what the court examined in the case. Determining how the court decides a case or what the question of law is not always an easy task but is the most important part. Everything hangs on how the issue is framed. A hint is to review the holding of the court and simply turn it into a question. Pay attention to phrases the court may state, like: "the question is/or before us," "the sole question we address is," "we hold," or "we decide."*

*#4. Court Decision/Rationale (opinion & rationale of the court): the court decision answers the question posed in the issue section (#3 above). You must determine in this section whether the Court affirmed, reversed, or modified the decision of a lower court. When dealing with a lower court, identify how the court decided the case and how the question was answered from the issue section (#2 above). Use your own words and do not just recite the decision back. You must provide a comprehensive response here and explain the court's rationale for the decision.*

*In this section, be sure to capture the essence of the majority opinion. Do not simply quote what the court states. In your own words describe what the court is saying and provide a short discussion of why the court decided the way it did. You may want to include a procedural history for future reference. Do not provide editorial comments on whether you agree or disagree with the court. This is a brief, not an "op-ed" piece. A significant portion of your grade is weighted in this section.*

*#5.  Dissenting or Concurring Opinions (if applicable): Many of the cases will have dissenting and concurring opinions. In your own words state the dissent and concurrence, emphasizing how they differ from one another. Capture the essence of the concurring or dissenting opinion instead of merely quoting the Court. When there is no dissenting opinion, simply state so.*

*#6.  Comments/Case Significance (analysis): In this section include a THOROUGH application of the case by including the following: (1) evaluate the importance/significance of the case, (2) describe how this case relates to other cases; (3) assess the impact of the case to the specific component of the criminal justice system; (4) evaluate the quality of the opinions and why it is important (5) discuss how the decision impacts liability for the agency, officer (s), and/or administrators, and (6) describe any policy, training, hiring, practices, etc., which may be relevant. This section is designed for you to demonstrate your level of comprehension of the case and its application and impact. Again, do not provide editorials and fully support your responses in this section. A significant percentage of the brief grade is associated with this section.*

*Do not respond by discussing whether you agree or disagree with the Court's decision. While this may be interesting, it is not what I am seeking in this section. Your task here is to apply the utility of the case and provide a complete response to the above six factors. The more specific, thorough, and complete your response in this section, the higher your grade will be.*

*#7. Standard/Test Developed (principle of law): Frequently, a standard of review is developed as a result of the Court's decision, or the Court will provide further definition or application of a standard already established. Specifically, identify the actual standard or test the court relies on or develops. Standards and tests developed by the Court are used to evaluate future claims in similar cases. A standard also guides practitioners in the performance of their sworn duties. The standard or test should be stated in brief, clear, and precise language. In some cases, you may find it in the decision itself, or towards, the end of the case decision.*