

## Arguments Made in Lower Courts

Take a look at the arguments each side made in the lower courts. This could help you think about arguments and questions you might use.

### Attorneys for California:

- Police did not conduct a “search” as defined by law. A search is a governmental intrusion into something in which a person has **a reasonable expectation of privacy**.
- Greenwood had thrown away the evidence. He had no reasonable expectation of privacy in trash bags left on the curb for the trash collector.
- Therefore the police did not conduct a search.

### Attorneys for Greenwood:

- Greenwood did have a reasonable expectation of privacy of these bags.
- Therefore the police did conduct a search, which they had no right to do.

## Questions Before the Court:

1. Was it a search?
2. Did Greenwood have a reasonable expectation that his trash would remain private?

## To Prepare for the Case:

**Attorneys for Greenwood:** Create arguments to convince the justices that Greenwood had a reasonable expectation of privacy. The trash bags should not have been searched.

**Attorneys for the state of California:** Create arguments that Greenwood had no reasonable expectation of privacy. The trash bags could be searched legally.

**Justices of the U.S. Supreme Court:** Create at least three questions to ask each side to help you determine the case.

## Rules of Oral Argument

1. Attorneys for the state of California will present first.
2. Attorneys for Greenwood will present second.
3. Justices will ask questions of both sides during the arguments.

## The Justices’ Decision

1. After oral arguments, the justices meet and discuss the case.
2. Then they vote.
3. The justices will explain the reasons for the decision.

