**How to read the case:**

**Page i-v** – the rules and procedures of the moot court competition.

**Page 1** – the case – Troy Baker is suing the United States of America’s Appellee Court to overturn the decision of the U.S. District Court for the Southern District of Fordham

28 U.S.C. section 1291 – it is illegal to have unregistered firearms

Interstate commerce – trade/business across the nation (face book is technically an interstate business) and you cannot “transmit in interstate or foreign commerce (trade) any communication containing any threat to kidnap any person or any threat to injure the person of another” – threatening someone in this medium is not protected by the First Amendment’s freedom of speech.

**Opinion for the court** – one person writes the majority (concurring) opinion -- why the judges ruled the way it did

**Dissent** – judge who disagreed with the majority opinion of the court (the minority opinion)

**Page 2 top:**

**First sentence** – why Baker appealed (the Constitutional grounds – reasons) his guilty verdict from his criminal trial.

**De novo** – as if hearing for the first time

The court will uphold (support) the jury verdict (ruling of the trial court) unless it was clearly, decidedly, or overwhelmingly against the weight of the evidence.” – Baker must prove one of these three.

**Underlined cases** are referencing precedent (past) cases to help the court make its decision.

**Page 2-7** – facts of the case

**Page 7-8** Procedural Background – the legal background

**Subjective vs. objective –**

**Subjective** – intent -- did the person intend for it to be threatening

**Objective** – a reasonable person viewing the situation and knowing the context of it.

Issue #1 – the Issue of “True Threats”

A – 8-11 – Background of what is a legally viewed as a “true threat”

B – 11-16 Discussion on how this case should view true threats

Issue #2 – the issue of the Consented Search

A - 16-18 – Background of what is legally viewed as a “consent to search”

B – 18-21 -- Discussion of how this case should view “consent to search”

Ruling: pg. 21 – The Appellate Court affirms (supports the ruling of the lower court) to deny Baker’s motion to suppress (not use) the evidence and upholds (affirms) his conviction.

Dissenting Opinion (disagreeing opinion):

Pgs. 21-29

Pg. 30 – writ of certiorari (approval from the Supreme Court) to hear the case of Troy Baker v. United States of America over the two issues listed.

Page 31 – follow link <http://www.jrcnyc.org/wordpress/?page_id=148> to help complete the chart for the cases.