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Case 1

P v. District (D)

What Argument Can Paloma (P) make in Support of her First and Fourteenth Amendment Claim. Dist

• P's claim of Constitutional violation under the First and Fourteenth Amendments, therefore P must establish that she has standing before the Court can hear her claim of Constitutional violation.

STANDING

Under the US Constitution P must show that there is case or controversy affecting her individual rights violated by the District via its adopted rule for all high school students:

"No student shall wear any label, insignias, words, colors, signs or symbols that reflect gang related activities. Student violation the policy will be immediately ^{suspended or} expelled from school."

District rule for band attempting to reduce gang violence in District high school lead to P's 10 days suspension after she refused to either wear long sleeves or cover her tattoos or have it removed.

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Here, P can satisfy standing b/c Dis rule is affecting her ability to attend school like any other student, the is issue is real and can be redressed by abolishing the rule ~~for~~ entirely, or modify it.

Therefore P can show that she has standing because she has been suspended for 10 ~~yr~~ days for no good reason.

Freedom of Speech & Expression

The first Amendment as applied to the states prohibits the making laws/rule, which abridge the freedom of speech and expression. It requires government actions:

Speech can be spoken or symbolic as in the present case.

Government Actions (GA)

Here, District has formulated rule affecting P's ability to have non-gov related talker - a symbolic speech.

Therefore, GA is strictly free of conf.

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Pis Arguments

Overbreadth - Unconstitutional

Under the US Constitution, an overbreadth law or rule is a rule or law which punishes both legal and symbolic speech.

DC's adopted rule punishes [any] label, insignia, marks, colors, -- gang related activities". P's father is a OT dove on one of her worst her "self expression" as a peaceful person" Dove is generally known as a symbol of peace.

Moreover, P has never been associated with any gang, including Westsides and Eastsides.

Therefore P has a viable argument for the Court to consider the DC's Rule as an overbreadth rule and P prevails over the District.

Vagueness - Unconstitutional

Under the US Constitution a law that is vague is subject to different interpretations making it difficult for a reasonable person to interpret the

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vale as here.

Here, because the rule use the word any to forbid the wearing of symbols w/o specifying which symbols are associated with gang activities, the Court would strike it down as Vague.

P. Prevails on this matter.

Unfettered Discretion —

Under the Unfettered Discretion Doctrine, a law or rule as here which leaves decision making in the hands of person or body (law enforcement) is unconstitutional b/c it subject to abuse.

Here, D described P's tattoo to local law enforcement officers and who stated "it sounds like a Westsiders gang" symbols, which includes birds. But the officers never bothered to check P's history of gang-related activities. P was suspended for 10 days and given the option to cover the tattoo or remove it.

Therefore P wins as the law enforcement officers have full power to determine who is a gang member or not.

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Prior Restraint (PR)

Under the PR doctrine, Speeches are stopped before they are made such as in gag order which is unconstitutional.

Here, P and others cannot wear any symbols b/c the District 'do not wish them to express symbols or otherwise'.

This rule is unconstitutional.

Call II

Will either of both District's Argument in Support of his motion to Dismiss P's lawsuit be successful?

Mootness

A case is moot when there is no live dispute. Contrarily, unless the case is capable of review yet evading review such as pregnancy Argument.

Because P is no longer in High School.

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The fact states that P is attending College of her choice.

As mentioned above, There is no Case or Controversy when the issue no longer exist.

Be the issue is no longer alive and moot. The motion to be dismiss may be granted.

District has now redefined "gang-related activities" in its rule in a manner consistent w/ State X Criminal Code. Similar to the argument above, the issue has been reversed by modified rule in compliance with the State's Criminal Code.

Therefore the Court is likely to not hear the claims or rather grant the motion for the D. because the case is moot.

Conclusion. Court should grant the motion to dismiss for mootness.