

Step-by-Step Breakdown of the Maria Protest (free speech) Prompts:

Test Case

During a peaceful protest in front of the city hall, Maria holds up a sign criticizing government officials for alleged corruption. The police order Maria to put down her sign and leave, claiming she is causing a disturbance. Maria refuses, and she is arrested and charged with “disrupting public order.” Maria argues that her rights have been violated.

1. Read the Prompt Carefully

- First pass: understand events — peaceful protest, sign with political message, police order to disperse, refusal, arrest, and charge.
- Second pass: look for hidden legal triggers — protected expression, government action, arrest, possible lack of probable cause, and whether there was a warrant.

2. Identify Key Facts

- Peaceful protest in front of city hall (traditional public forum).
- Political speech — criticizing government officials.
- Police intervene, claiming “disturbance.”
- Arrested after refusing to disperse.
- Charged with “disrupting public order.”
- No facts in prompt suggesting the police had an arrest warrant — implies possible warrantless arrest scenario.

3. Spot Legal Relationships

- Maria (private citizen exercising constitutional rights) vs. police (government actors bound by constitutional limits).
- Rights implicated: freedom of speech, peaceable assembly, due process, security of person.
- Criminal law/procedure element: validity of arrest and warrantless arrest issues.

4. Highlight “Buzz Words”/Red Flags and Issue Triggers

- “*Peaceful protest*” → (Article III, Sec. 4) — free speech & assembly protection
- “*City hall*” → public forum doctrine.

- *“Criticizing government officials”* → political speech = highest protection/strict scrutiny.
- *“Police order... leave”* → time/place/manner restriction or unlawful suppression of speech, intermediate level scrutiny.
- *“Arrested”* → triggers criminal procedure analysis.
- No mention of a warrant → possible warrantless arrest issue.
- *“Disrupting public order”* → vague/overbroad statute; could affect probable cause.

5. Frame Issues as Legal Questions

- Was Maria’s freedom of speech violated?
- Was her right to peaceably assemble violated?
- Was the “disrupting public order” law unconstitutionally vague or overbroad?
- Was the police order to disperse a valid time/place/manner restriction?
- Was Maria’s arrest lawful under rules on warrantless arrests?
 - Did the situation fall under any exceptions that allow arrest without a warrant
 - Did the police have probable cause and comply with constitutional safeguards?

6. If the arrest was unlawful, what are the remedies and consequences (e.g., suppression of evidence, civil rights claim, dismissal of charges)?

7. Apply IRAC

(For example , on Warrant/Warrantless Arrest Issue, you may proceed as follows:

- Issue: Was Maria’s warrantless arrest lawful?
- Rule : Article III, Sec. 2 of the Constitution and Rule 113, Sec. 5 of the Rules of Criminal Procedure require a warrant for arrests, except when:
 - In flagrante delicto — suspect is caught in the act of committing an offense.
 - Hot pursuit — offense has been committed and police have personal knowledge of facts indicating the suspect committed it.
 - Escapee — person has escaped from custody.
- Application:
 - Police observed Maria holding a protest sign — not inherently a crime.
 - The only justification given was “causing a disturbance,” but facts show protest was peaceful, so probable cause is questionable.
 - If “disrupting public order” is defined too broadly or is unconstitutional, the in flagrante delicto exception fails.

- No evidence of hot pursuit or escape from custody.
- Conclusion:

If no valid exception applies, the arrest is invalid for lack of a warrant, violating due process and constitutional safeguards. This could lead to dismissal of the charge and possible liability for the arresting officers.

1. Check for Additional Issues and Counterarguments

- Police Argument: She committed an offense in their presence (in flagrante delicto) ⇒ justify warrantless arrest.
- Maria's Rebuttal: Peaceful protest is not a crime; law is overbroad; no disturbance occurred.
- Procedural Safeguards: Even if an offense occurred, police must meet all requirements for lawful warrantless arrests.