Directions: Choose Option One or Option Two. Answer completely, identifying each section of your answer.

Save two electronic copies of your answer (one with your ID number assigned to you, the other with your ID number and name). Email both copies to Cybele Hinson ch56@txstate.edu Print and turn in a hard copy as well with both your ID number and name on it.

(1) Recently, the Court of Criminal Appeals for Texas ruled that a police officer could not search a cell phone of a suspect without a warrant. There are several similar cases in front of the Supreme Court at this time. Your answer should lay out the arguments for or against allowing such warrantless searches using case precedents and your knowledge of recent Supreme Court cases (remember an argument “for” a particular holding should also present and refute contrary arguments). After you have done this, then defend your holding using two of the following:
   a. Natural law
   b. Positivism
   c. Legal realism

   Now moving from law to ethics, consider that a Texas police officer has just caught a suspect who is believed to have kidnapped a small child. You believe he has crime partners who are holding the child and you want to use his cellphone to find them and use their numbers to track where the child is being held. You also know that a warrant will take at least 4 hours. Using two of the ethical systems below, explain what the right thing to do is. Make sure you fully describe the ethical system before applying it:
   a. Utilitarianism
   b. Ethical formalism (Kant)
   c. Aristotilian virtue theory
   d. Ethics of care

(2) The Supreme Court will be deciding a case this term regarding whether Florida’s use of a cut-off score regarding legal culpability for the mentally challenged violates the Constitution. Explain why using an IQ score to automatically consider an individual as culpable or not and eligible for the death penalty would be legally challenged. Propose what you think the Supreme Court will hold based on precedent. Now explain whether your proposed holding is consistent or inconsistent with two of the legal philosophies (your choice which two).
   a. Natural law
   b. Positivism
   c. Legal realism

   Argue whether we should hold those who are mentally challenged legally culpable for their actions and punish them with the death penalty using two of the ethical systems below:
   a. Social contract
   b. Utilitarianism
   c. Ethical formalism (Kant)
   d. Aristotilian virtue theory
   e. Ethics of care