

This question requires you to compare a Supreme Court case you studied in class with one you have not studied in class. A summary of the Supreme Court case you did not study in class is presented below and provides all of the information you need to know about this case to answer the prompt.

*Timbs v. Indiana* (2019)

3. In November of 2013, Tyson Timbs was arrested after selling illegal drugs to an undercover police officer. Timbs pleaded guilty to the charges and was sentenced to a year of house arrest, five years probation, and a \$1,200 fine.

In addition, the state sought to seize Timbs's Land Rover, which Timbs used to transport the illegal drugs. The Land Rover was previously purchased for \$42,000. Timbs argued that the vehicle seizure constituted an excessive fine, which was a violation of the Eighth Amendment. The maximum fine for Timbs's crime was \$10,000, which was considerably less than the price Timbs paid for the Land Rover.

In the resulting case, *Timbs v. Indiana* (2019), the Supreme Court unanimously ruled in favor of Timbs. The opinion of the Court, authored by Justice Ruth Bader Ginsburg, stated that the excessive fines clause is a provision that applies to the states. The Court found that the protection against excessive fines is "fundamental to our scheme of ordered liberty" and "deeply rooted in this Nation's history and tradition."

- A. Identify the legal doctrine that is common in both *Timbs v. Indiana* (2019) and *McDonald v. Chicago* (2010).
- B. Explain how the holding in *McDonald* was similar to the holding in *Timbs*.
- C. Explain how the decision in *Timbs* affects the reserve powers of the states.

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Begin your response to this question at the top of a new page in the separate Free Response booklet and fill in the appropriate circle at the top of each page to indicate the question number.

4. There is debate over the use of the Senate filibuster in the national legislative process. Take a position on whether the filibuster is beneficial or detrimental to policy making in the United States Congress.

Use at least one piece of evidence from one of the following foundational documents:

- Article I of the United States Constitution
- *The Federalist* 10
- *The Federalist* 51

In your response you should do the following:

- ✓ Respond to the prompt with a defensible claim or thesis that establishes a line of reasoning.
- ✓ Support your claim with at least TWO pieces of specific and relevant evidence.
  - One piece of evidence must come from one of the foundational documents listed above.
  - A second piece of evidence can come from any other foundational document not used as your first piece of evidence, or it may be from your knowledge of course concepts.
- ✓ Use reasoning to explain why your evidence supports your claim or thesis.
- ✓ Respond to an opposing or alternate perspective using refutation, concession, or rebuttal.

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### Question 3: SCOTUS Comparison

4 points

- A. Identify the legal doctrine that is common in both *Timbs v. Indiana* (2019) and *McDonald v. Chicago* (2010). **1 point**

- The legal doctrine common in both cases is selective incorporation.

- B. Explain how the holding in *McDonald* was similar to the holding in *Timbs*.

**Acceptable responses include:**

**One point for describing** relevant information about the holding in the required Supreme Court case. **1 point**

- In *McDonald*, the court held that the Second Amendment applied to states.
- *McDonald* incorporated the Second Amendment right to keep and bear arms for the purpose of self-defense to the states.

**OR**

**OR**

**Two points for correctly explaining** how the holding in *McDonald* was similar to the holding in *Timbs*. **2 points**

- In *McDonald*, the court held that the Second Amendment applied to the states. In *Timbs*, the court held that the excessive fines clause of the Eighth Amendment applied to the states. Both cases involved the incorporation of civil liberties from the Bill of Rights to the states.

- C. Explain how the decision in *Timbs* affects the reserve powers of the states. **1 point**

**Acceptable explanations include the following:**

- The decision in *Timbs* incorporated the Eighth Amendment to the states and will limit states' powers related to sentencing and punishments. States will not be able to pass laws that provide for punishments exceeding the constitutional protections against excessive fines.

**Total for question 3 4 points**