

Theories for Construing State Constitutions

06 - Differently worded provisions &

State court rulings that address both federal and state bases for decision

State v. Scottize Danyelle Brown

930 N.W.2d 840 (Iowa 2019)

**State court rulings that address
both federal and state bases for
decision**

Ohio v. Robinette

653 N.E.2d 695 (Ohio 1995)

519 U.S. 33 (1996)

685 N.E.2d 762 (Ohio 1997)

Important Precedent:

Michigan v. Long

463 U.S. 1032 (1982)

Compare & Contrast

Racing Association of Central Iowa v. Fitzgerald

675 N.W.2d 1 (Iowa 2004)

Ohio v. Robinette

685 N.E.2d 762 (Ohio 1997)

Sequencing

In what order should a state court resolve state and federal constitutional claims?

1. “Primacy” approach
2. “Dual sovereignty” approach
3. “Interstitial” or “Secondary” approach

Recap of state court interpretation of state constitutions

Sitz v. Department of State Police

506 N.W.2d 209 (Mich. 1993)

State v. Hemptele

576 A.2d 793 (N.J. 1990)

State v. Wright

961 N.W.2d 396 (Iowa 2021)

Blum v. Merrell Dow Pharmaceuticals Inc.

626 A.2d 537 (Penn. 1993)

Racing Association of Central Iowa v. Fitzgerald

675 N.W.2d 1 (Iowa 2004)

State v. Jordan

156 P.3d 893 (Wash. 2007)

State v. Mixton

478 P.3d 1227 (Ariz. 2021)

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In-Class Exercise