

QUESTION 11 THE ANSWER TO THIS QUESTION SHOULD GO IN BLUEBOOK IV

"Neighbor-watchers," a local "crime-stoppers" organization in Bigville, Michigan, received an anonymous tip identifying four students at the Bigville public high school as drug dealers. The tipster claimed she had observed all four students selling drugs while on school grounds and was able to provide identifying information about each of these "big sellers" in varying detail.

The tipster identified one of the "big sellers" as her former friend, Buddy Weeden. According to the tipster, Weeden was a senior from whom the tipster and her boyfriend used to purchase the illegal drug Ecstasy in the school parking lot after school. Additionally, the tipster suspected Weeden of selling marijuana to a freshman and believed that Weeden kept a machete in the glove box of his blue Chevy Tahoe. The tipster identified the second "big seller" as John McCracken, a senior that the tipster had seen selling cocaine in the school parking lot out of his black Ford F-150. The third "big seller" was Mark Highland, a student the tipster described as a junior whom she had observed selling Ecstasy at school. The tipster never saw Highland with his own vehicle, however. The fourth "big seller" was Sean Grassmeyer. The tipster described Grassmeyer as a male Caucasian in the junior class. The tipster claimed to have seen Grassmeyer selling marijuana "from the school, his truck and the Bigville City Park."

"Neighbor-watchers" forwarded the tip to the school liaison-police officer, who verified that Weeden, McCracken, and Grassmeyer drove the vehicles described in the tip and also discovered that Highland did not have a vehicle registered with the school. The officer then forwarded this information to the high school principal. The principal was disturbed, but not surprised, since he had previously heard from a counselor at the local junior high school that Grassmeyer was associated with drug activity there. Also, the principal already knew that Grassmeyer drove a truck. Deciding to take action, the principal first searched Weeden's Tahoe, but much to his chagrin, no drugs were found. Undeterred, the principal decided to search Grassmeyer's truck and invited Grassmeyer and the liaison officer to accompany him during the search. Through the truck's passenger window, the principal noticed a plastic bag behind a seat, although he could not determine what was inside the bag. Without Grassmeyer's consent, and with the officer looking on, the principal proceeded to search the truck where he found marijuana and drug-trafficking supplies inside the plastic bag. Grassmeyer was promptly arrested and charged with possession with intent to deliver marijuana.

Grassmeyer's attorney has filed a motion to suppress the marijuana and drug trafficking supplies as "fruit of an unconstitutional search" under the United States and Michigan Constitutions.

How should the circuit court rule on the motion? Explain your answer. (For purposes of this question, you should assume the Bigville public schools do not have a contractual "implied consent" policy permitting school officials to search a student's property while that student's belongings are on school property.)

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