

State Action or Private Action?

2-2. Rowley was taken into police custody on an unrelated matter. He asked his parents to take care of the things in the bed of his pickup truck, parked in front of his parents' home. Rowley's father, concerned about possible weather damage to the heavy items in the bed of the truck, moved it inside the garage. While in the cab of the truck, his father saw a syringe and a porcelain cup both containing an unknown substance in an open cubby hole under the dashboard. Father took these items into the house and showed them to his wife. Mother then searched the bags that were in the back of Rowley's truck and found a digital scale. Father contacted a sheriff's officer, whom Father knew, and informed him of what he and Mother had found in their son's truck. Father followed Officer's instructions and returned the items to where they had been found. When the officer arrived at Father's home, Father invited him into the garage and Officer retrieved the evidence in question from Rowley's truck. The substances were later tested and determined to be methamphetamine.

Did Father's obedience to Officer's order constitute state action, making Officer's seizure of the syringe and cup without a warrant unconstitutional?

Holding available from instructor