

COURT OF APPEALS OF GEORGIA

The State v. West

No. A25A1819 (Ga. Ct. App. Jan. 9, 2026) · No. A25A1819 · Decided January 9, 2026

SUMMARY

The Georgia Court of Appeals affirmed the grant of James Willie West’s motion to suppress evidence seized from his apartment. The court held that the warrantless use of a drug-sniffing dog to sniff the seal of West’s apartment door violated his reasonable expectation of privacy and that, without the dog alert, the search-warrant evidence was insufficient to establish probable cause. The court also noted deficiencies in the State’s appellate brief but considered the substance of the asserted error.

CASE DETAILS

COURT	Court of Appeals of Georgia
WRITING FOR THE COURT	Brown, Chief Judge; Brown, C. J.; Barnes, P. J.; Watkins, J.
JURISDICTION	Court of Appeals of Georgia
DECIDED	January 9, 2026
DOCKET	A25A1819
DISPOSITION	affirmed
PROCEDURAL POSTURE	The State appealed the trial court's order granting West's motion to suppress evidence seized under a search warrant.
STANDARD OF REVIEW	On a motion to suppress, the trial judge acts as the trier of fact; factual findings supported by any evidence and credibility determinations are generally accepted unless clearly erroneous, with the evidence construed most favorably to uphold the trial court's judgment. The appellate court reviews de novo the trial court's application of law to undisputed facts.
PRECEDENTIAL VALUE	published
PARTIES	The State v. James Willie West

TOPICS

- fourth amendment
- search and seizure
- warrant requirement
- probable cause
- suppression of evidence

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether the warrantless use of a drug-sniffing dog to sniff the entire seal of West's apartment door violated the Fourth Amendment.
2. Whether, without the dog-sniff evidence, the affidavit and testimony presented to the issuing judge established probable cause for the search warrant.
3. Whether the Court of Appeals could consider the substance of the State's asserted error despite the State's failure to comply with appellate briefing requirements.

HOLDINGS

1. Although residents generally do not have a reasonable expectation of privacy in the common breezeway of the apartment complex, West had a reasonable expectation of privacy in his home, and the warrantless use of a drug-sniffing dog to sniff the entire seal of his apartment door violated that expectation.
2. The affidavit and testimony presented to the issuing judge were insufficient to establish probable cause for the search warrant when the unlawful dog alert was not considered.
3. When the substance of an asserted enumeration of error can be perceived, the Court of Appeals may consider it despite the State's failure to comply fully with appellate briefing requirements.

KEY QUOTATIONS

“The trial court made the opposite ruling, finding that the sniff test conducted in the common area/breezeway outside of West's apartment was not a violation of the Fourth Amendment because residents generally do not have a reasonable expectation of privacy in those areas.” (at 4-6)

“Because the trial court correctly concluded that West had a reasonable expectation of privacy in his home; that the dog sniff around the seal of his apartment door violated that expectation of privacy; and that the evidence presented to the issuing judge was insufficient to establish probable cause, we affirm its order granting West's motion to suppress.” (at 6)

FACTUAL BACKGROUND

Law enforcement investigated West after receiving information that he might be involved in drug-cartel-related money courier activity and observed him participate in two transactions that agents believed involved narcotics or bulk currency. With apartment management's permission, officers conducted an open-air dog sniff in the common breezeway of West's gated apartment complex, placing the dog within one foot of his front door and having it sniff the entire door seal; the dog alerted. Officers then obtained a search warrant based partly on the alert, but the supporting affidavit and testimony did not establish that the confidential informant had provided information about illegal narcotics, and the search uncovered guns and illegal drugs.

PROCEDURAL HISTORY

West was charged with trafficking in cocaine, possession of marijuana with intent to distribute, and multiple firearm-related offenses. The trial court granted his motion to suppress, ruling that the warrantless drug-dog sniff of the seal of his apartment door violated his reasonable expectation of privacy and that the remaining evidence did not establish probable cause for the search warrant. The State appealed, and the Court of Appeals affirmed.

DISPOSITION

affirmed

CASES CITED

- State v. Newsome, 352 Ga. App. 546, 547 (835 S.E.2d 329) (2019)
- State v. Yearwood-Cabbel, 370 Ga. App. 471, 476 (897 S.E.2d 876) (2024)
- State v. McKinney, 366 Ga. App. 251, 253 (1) (881 S.E.2d 699) (2022)
- Henry v. State, 364 Ga. App. 307, 312 (b) (874 S.E.2d 852) (2022)
- Baker v. State, 328 Ga. App. 53, 54 (761 S.E.2d 477) (2014)
- Strickland v. State, 165 Ga. App. 197, 199 (2) (300 S.E.2d 537) (1983)
- Katz v. United States, 389 U.S. 347, 358-359 (1967)
- Florida v. Jardines, 569 U.S. 1, 10-12 (2013)
- Kyllo v. United States, 533 U.S. 27, 40 (2001)
- State v. Arroyo, 362 Ga. App. 207 (867 S.E.2d 607) (2022)
- State v. Arroyo, 367 Ga. App. 774 (888 S.E.2d 617) (2023)
- Earl v. State, 309 So. 3d 641, 649 (Ala. Crim. App. 2020)