

SUPREME COURT OF GEORGIA

Tidwell v. State, 285 Ga. 103

674 S.E.2d 272 (2009) · No. No. S08A1783 · Decided March 9, 2009

SUMMARY

The Supreme Court of Georgia reversed Jerry Tidwell's convictions for drug offenses because investigators unlawfully searched a wooden locker associated with his workplace sleeping quarters without a warrant. The court held that Tidwell had a reasonable expectation of privacy in the locker and that a coworker lacked common authority to consent to its search. The court did not reach the constitutional challenge to Georgia's drug-related-objects statute.

CASE DETAILS

COURT	Supreme Court of Georgia
WRITING FOR THE COURT	Melton, Justice
JURISDICTION	Georgia
DECIDED	March 9, 2009
DOCKET	No. S08A1783
DISPOSITION	reversed
PROCEDURAL POSTURE	Following a jury trial and convictions for possession of methamphetamine with intent to distribute, possession of marijuana, and possession of drug-related objects, Tidwell appealed the denial of his motion to suppress and the trial court's determination that OCGA § 16-13-32.2 was constitutional.
STANDARD OF REVIEW	The Supreme Court reviewed the denial of the motion to suppress, including the determination whether the search violated a reasonable expectation of privacy and whether the third party possessed authority to consent. Credibility determinations were left to the trial court.
PRECEDENTIAL VALUE	Published opinion of the Supreme Court of Georgia; binding precedent in Georgia.
PARTIES	Jerry Tidwell v. The State

TOPICS

- suppression of evidence
- fourth amendment
- search and seizure
- warrant requirement
- criminal procedure

PRACTICE AREAS

criminal law

constitutional law

evidence

QUESTIONS PRESENTED

1. Whether the warrantless search of Tidwell's wooden workplace locker violated his reasonable expectation of privacy under the Fourth Amendment.
2. Whether Moore had common authority or another sufficient relationship to authorize the warrantless search of Tidwell's locker.
3. Whether OCGA § 16-13-32.2, prohibiting possession of drug-related objects, was constitutional; the court declined to reach this issue.

HOLDINGS

1. Tidwell had a reasonable expectation of privacy in the wooden locker used in connection with his workplace sleeping quarters, so the Fourth Amendment warrant requirement applied to the search.
2. Moore did not possess common authority over Tidwell's locker, and his alleged consent did not eliminate the need for a search warrant.

KEY QUOTATIONS

"Based on this evidence, "we conclude that the search of [Tidwell's locker] at work invaded a reasonable expectation of privacy and, therefore, that the warrant requirement applied."" (285 Ga. 104)

"Because Moore did not share common authority over the wooden locker, Moore's alleged consent to the search of the locker did not eliminate the need for a search warrant." (285 Ga. 105)

FACTUAL BACKGROUND

Investigators went to a livestock auction facility to serve an arrest warrant on another person and obtained consent from an employee, Darryl Moore, to search the premises. They searched a wooden locker located beside Tidwell's workplace sleeping quarters, although Tidwell had built the locker, used the sleeping quarters four days each week, and possessed the only key to the lock. The search uncovered drug-related objects, marijuana, and methamphetamine, after which Tidwell admitted that a duffle bag containing some of the contraband belonged to him.

PROCEDURAL HISTORY

Tidwell was convicted following a jury trial. The trial court denied his constitutional challenge to OCGA § 16-13-32.2 on March 27, 2007, and denied his motion to suppress on October 2, 2007. The Supreme Court of Georgia reversed because the warrantless search of Tidwell's workplace locker violated his reasonable expectation of privacy and was not authorized by valid third-party consent.

DISPOSITION

reversed

CASES CITED

- O'Connor v. Ortega, 480 U.S. 709, 715-19 (1987)
- Harper v. State, 283 Ga. 102, 106-107(2), 657 S.E.2d 213 (2008)
- United States v. Matlock, 415 U.S. 164, 171 & n.7, 94 S.Ct. 988, 39 L.Ed.2d 242 (1974)
- Chapman v. United States, 365 U.S. 610, 81 S.Ct. 776, 5 L.Ed.2d 828 (1961)
- Hughes v. State, 269 Ga. 258, 497 S.E.2d 790 (1998)
- Vansant v. State, 264 Ga. 319(1), 443 S.E.2d 474 (1994)