

**SECOND DIVISION
DOYLE, P. J.,
DAVIS and WHITAKER, JJ.**

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October 5, 2026

In the Court of Appeals of Georgia

A26A0996. HARPER v. THE STATE.

DOYLE, Presiding Judge.

Following a stipulated bench trial, Zachary Harper was convicted of trafficking in methamphetamine and possession of drug related objects.¹ He now appeals, challenging the denial of his motion to suppress evidence found in a small furniture chest in a camper he lived in. Specifically, Zachary² contends that the trial court erred because Candace Miller, the sole occupant present at the time of the search, lacked authority to consent to a search inside a locked box contained in the chest. For the reasons that follow, we affirm.

¹ A count of possession of methamphetamine with intent to distribute merged.

² Due to some redundancies in surnames, we use first names as appropriate.

When [an appellate court] reviews a trial court's ruling on a motion to suppress, we generally review a trial court's factual findings and credibility determinations for clear error and apply the law de novo. In cases where some or all of the material facts are undisputed, we properly may take notice of the undisputed facts — even if the trial court did not — without interfering with the prerogative of the trial court to resolve disputes of material fact. Such undisputed facts include, among other things, those which definitively can be ascertained exclusively by reference to evidence that is uncontradicted and presents no questions of credibility. Audio or video evidence may match that description.

Jones v. State, 324 Ga. 532, 535(2) (931 SE2d 141) (2026) (cleaned up).

So viewed, the record shows that on September 14, 2023, detectives from the Catoosa County Sheriff's Office, assisting the East Ridge Tennessee Police Department, went to a residence in search of Zachary Harper and Ricky Miller, who were subject to Tennessee arrest warrants for narcotics violations. Upon arriving on the scene, the officers encountered a single family home with multiple sheds, out-buildings, a camper, and a mobile home on the property.

After Ricky was identified in the house and arrested, he told officers that Zachary was staying in a camper on the lot. Police walked to the camper and opened

the door, finding a woman, the sole occupant, who asked what was going on. With permission, an officer briefly entered the camper to see if Zachary was inside; he was not, and the officer exited. The officer informed the woman that they were serving a warrant, “not for you. ... Unless you got a warrant. You got a warrant?” The woman replied, “no,” and the officer asked for her name, which the woman initially gave as “Candace Harper.” As Candace stood alone inside the camper, the officer asked her for her birth date, which she gave. The officer then asked her if she was on probation or parole, and she replied that she was on probation. As the officer radioed her name and birth date to dispatch, Candace interrupted and said, “probably under Miller,” which the officer also relayed to dispatch.

The officer then asked Candace if she had “anything in here you’re not supposed to have,” and she replied “no.” The officer then asked to search the camper, and Candace consented but seconds later explained, “This is not my house. This is a friend Ricky’s house.” She was wearing only socks, so she asked if she could to retrieve her shoes, and the officer agreed. While Candace put on her shoes, she told the officer that her probation was related to car theft.

Once Candace exited the camper, the officer re-entered and scanned the interior. The camper was extremely messy and filled with articles of daily living, clothing, and stored items such that it was difficult to walk through. Near the entrance to the camper, within an arm's reach of the spot where Candace had been sitting, was a small, free-standing wooden chest. Its compartments were partially open, displaying jewelry hanging from hooks in plain view. The officer began opening the chest's drawers and soon discovered a bag of suspected methamphetamine. He stepped outside and placed handcuffs on Candace, who repeated multiple times, "I don't live here."

The officer then returned to the chest and opened a bottom cabinet below the drawers, where he found two containers. The first was a black lockbox with a key already seated in its keyhole. He removed the box, turned the key, and found a digital scale and drug paraphernalia inside. The second box was secured by a combination lock and decorated on its exterior with hand-drawn four-leaf clovers and lettering. The officer pried the box open with a pair of needlenose pliers he had found in the other box and discovered a trafficking amount of suspected methamphetamine and

associated drug equipment. When showing the other officer the open container, he remarked: “That does not look like a boy’s container.”

After opening both boxes, the searching officer continued to look beyond the chest and located Candace’s wallet and driver’s license as well as Zachary’s credit cards, stored elsewhere in the camper. Candace continued to proclaim that she did not live there, prompting the officer to reply: “She don’t live here, but her driver’s license and his ID are in the same place the dope is.”

After the officer completed his search and informed Candace that she was under arrest, she again denied possession and was subsequently Mirandized. See *Miranda v. Arizona*, 384 US 436 (1966). In the ensuing interview, Candace stated that she and Zachary were not married but had been in a relationship for fifteen years with a recent seven-month separation, after which she visited only sporadically. Though she had spent the past couple of days residing with Zachary in the camper, she otherwise lived with her mother. Candace admitted to drawing on the locked combination box that contained the majority of the methamphetamine but maintained that she was unaware of the suspected contraband stored inside, which later tested positive for methamphetamine.

Based on these events, Zachary was charged with trafficking in methamphetamine, OCGA § 16-13-31(e), possession of methamphetamine with intent to distribute, OCGA § 16-13-30(b), and possession of drug related objects, OCGA § 16-13-32.2. He moved to suppress the drugs found in the chest and locked box, arguing that Candace lacked authority to consent to the search of the contents of the chest. Following a hearing at which the investigating officers testified, the trial court denied the motion on the grounds that (1) Candace had apparent authority to consent to a search of the camper, including the contents of the chest; and (2) Candace was subject to a Fourth Amendment waiver as part of her probation. This appeal followed.

1. Zachary contends that the trial court erred by ruling that Candace's apparent authority to consent to a search of the camper extended to the closed drawers and locked boxes inside the chest. We disagree.

A search and seizure is reasonable if it is conducted pursuant to a valid search warrant or with consent from (1) the individual whose property is searched; (2) a third party who has common authority over the property; or (3) if a police officer could have reasonably believed that a third party had common authority over the property.

Massey v. State, 350 Ga. App. 427, 431(2)(b) (827 SE2d 921) (2019) (cleaned up) (citing *Illinois v. Rodriguez*, 497 US 177, 181(II) (1990); *Gomillion v. State*, 298 Ga. 505, 508(3) (783 SE2d 103) (2016)). Common authority justifying third-party consent rests

on mutual use of the property by persons generally having joint access or control for most purposes, so that it is reasonable to recognize that any of the co-inhabitants has the right to permit the inspection in his own right and that the others have assumed the risk that one of their number might permit the common area to be searched.

Niles v. State, 325 Ga. App. 621, 622-23 (754 SE2d 406) (2014) (punctuation omitted).

“In some circumstances, a third party who purports to consent to a search lacks the actual authority to do so, but law enforcement may rely on that individual’s *apparent authority* to give consent, if such reliance is reasonable.” *Massey*, 350 Ga. App. at 431(2)(b)(cleaned up; emphasis in original) (citing *Rodriguez*, 497 US at 181(II); *United States v. Matlock*, 415 US 164, 171(II), n.7 (1974); *Gomillion*, 298 Ga. at 508(3)).

Further, the State has the burden of establishing that the consenting third party had such common authority. *Niles*, 325 Ga. App. at 623. And

[a]s with other factual determinations bearing upon search and seizure, determination of consent to search must be judged against an objective standard: would the facts available to the officer at the moment warrant

a person of reasonable caution in the belief that the consenting party had authority over the property? If not, then [a] warrantless search without further inquiry is unlawful unless authority actually exists. But if so, the search is valid.

Massey, 350 Ga. App. at 431(2)(b) (punctuation omitted).

Here, at the time the officer asked Candace for her consent to search the camper, he had discovered her alone inside, holding a beverage can, wearing socks and no shoes, and sitting near a roll of toilet paper and other miscellany on a sofa next to the small wooden chest with jewelry and other items in plain view. The top of the chest was waist high, and its lid was wide open, with a mirror on the underside, revealing a heart-shaped, velvet-lined box and other items sitting in the top tray. The chest also had hinged sides, one of which was swung out, openly displaying necklaces and bracelets. Based on this appearance, it was reasonable to conclude that the chest contained some of Candace's belongings.

Combined with this, Candace had initially identified herself as having the same last name as Zachary, whom the officer had been told was living in the camper. Thus, it was reasonable for the officer to conclude that Candace was related to Zachary, romantically or otherwise, and based on her appearance and lone presence inside the

camper, she was staying in the camper for some period of time and had access to the chest. The first bag of methamphetamine found in the drawer was unsecured and available to anyone living in the camper. With respect to the containers inside the bottom cabinet of the chest, they were mixed among the other everyday items which appeared to be open to regular access.

Based on the totality of these circumstances, the record supported the trial court's determination that the facts available to the officer at the time of the search warranted a reasonable belief that Candace had apparent authority to consent to a search of the camper, including the contents of the partially open chest sitting next to her in a common area to which she had access. This was not fatally belied by Candace's plain and prompt assertion that "This is not my house. This is a friend, Ricky's house." The officers already knew that the camper was in the back yard of the single family home occupied by Ricky Miller, so Candace's apparent occupancy of (as opposed to mere presence in)³ the camper was not inconsistent with Ricky's ownership of the camper. And it was not unreasonable for the officer to observe the

³ Compare, e.g., *State v. Yearwood-Cabbel*, 370 Ga. App. 471, 477(1) (897 SE2d 876) (2024) (discussing the relative Fourth Amendment interests held by regular overnight guests versus people merely present in a place).

situation and conclude that Candace was more than a mere bystander in the camper, despite her assertion otherwise.

These circumstances distinguish this case from *State v. Parrish*, 302 Ga. App. 838 (691 SE2d 888) (2010), relied upon by Zachary. In that case, police visited Parrish's home while he was absent and obtained consent from his wife to search the house. See *id.* at 839. The wife told officers that Parrish had a locked gun cabinet where he stored guns. See *id.* The wife "did not give any indication that she had ever gone into the cabinet," but she nevertheless helped officers break the lock on the gun cabinet to open it and discover a rifle, empty holster, and ammunition for a different gun. *Id.* at 839. This Court held that it was not reasonable to believe that the wife had authority to consent to a search of the gun cabinet because she told officers that it belonged to Parrish, it was locked, and he maintained possession of the only key. See *id.* at 840-41. Thus, she did not have common access that would give her authority to consent to a search of it. See *id.*

Here, by contrast, the locked boxes were in a partially-open chest to which Candace had apparent access — she made no statements about her access to the chest or the ownership of its containers. One box had the key already in it, available to any

occupant of the camper, and based on the proximity and contents of the chest, it was reasonable for the officer to conclude that Candace had shared access to the chest. Cf. *Frazier v. Cupp*, 394 US 731, 740(III) (1969) (declining to engage in “metaphysical subtleties” by distinguishing between different compartments of a duffel bag). Thus, unlike in *Parrish*, there was nothing to indicate that Candace did not have authority over and access to the chest and boxes, and the officer reasonably believed that Candace’s consent to search was valid as to the combination box.

2. Based on our holding in Division 1, we need not address the State’s additional argument regarding the effect of Candace’s Fourth Amendment waiver as a probationer.

Judgment affirmed. Davis and Whitaker, JJ., concur.