

**MISSOURI COURT OF APPEALS
WESTERN DISTRICT**

**STATE OF MISSOURI,
RESPONDENT**

vs.

**DANA M. HINDMAN,
APPELLANT**

DOCKET NUMBER WD76345

DATE: JUNE 17, 2014

Appeal from:

The Circuit Court of Caldwell County, Missouri
The Honorable Daren Lee Adkins, Judge

Appellate Judges:

Division One: Joseph M. Ellis, P.J., Karen King Mitchell, J. and Anthony Rex Gabbert, J.

Attorneys:

Evan J. Buchheim, for Respondent

Kathleen G. Henry, for Appellant

MISSOURI APPELLATE COURT OPINION SUMMARY

**MISSOURI COURT OF APPEALS
WESTERN DISTRICT**

STATE OF MISSOURI, RESPONDENT

v.

DANA M. HINDMAN, APPELLANT

WD76345

Caldwell County, Missouri,

Before Division One Judges: Joseph M. Ellis, P.J., Karen King Mitchell, J. and Anthony Rex Gabbert, J.

Dana Hindman appeals from her conviction in the Circuit Court of Caldwell County of one count of possession of methamphetamine with the intent to distribute, § 195.211. Appellant was a passenger in a car when it was stopped and eventually searched by a deputy sheriff after consent to search was granted by the driver. A large quantity of methamphetamine and some drug paraphernalia was seized during that search. In her sole point on appeal, Appellant contends that the trial court erred in denying her motion to suppress the evidence discovered during the search of the car because she owned the car and had denied the deputy her consent to search the vehicle. She argues that the search was unlawful and violated her Fourth Amendment right to be free from unreasonable search and seizure.

AFFIRMED

Division One holds:

- (1) Consent searches are a valid exception to the warrant requirement of the Fourth and Fourteenth Amendments, and a non-owner driver of a vehicle has sufficient authority to grant valid consent to search the vehicle.
- (2) Even assuming, *arguendo*, that Appellant's alternative argument is correct and that a car owner passenger's express denial of consent to search the car overrides consent granted by a driver with no ownership interest in the vehicle, Appellant's argument presupposes that ownership of the car was conclusively proven. Indeed, ownership of the car was necessary for Appellant to even establish that she had standing to challenge the validity of the search.
- (3) The only evidence presented by Appellant in support of her claim of ownership was her own, self-serving testimony. The trial court was not required to accept that testimony as credible, and this Court must defer to the credibility determinations of the trial court. Viewing the evidence in the light most favorable to the trial court's ruling, the trial court could reasonably have determined that

Appellant failed to prove that she had an ownership interest in the care and that she, therefore, lacked standing to challenge the search and lacked any authority to grant or refuse consent to search the vehicle.

Opinion by Joseph M. Ellis, Judge

Date: June 17, 2014

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