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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION SIX

In re A.W., a Person Coming  
Under the Juvenile Court Law.

2d Juv. No. B297391  
(Super. Ct. No. TJ23227)  
(Los Angeles County)

THE PEOPLE,

Plaintiff and Respondent,

v.

A.W.,

Defendant and Appellant.

A.W. appeals the juvenile court's order sustaining a wardship petition alleging possession of a firearm by a minor (Pen. Code, § 29610) and possession of live ammunition by a minor (*id.*, § 29650; Welf. & Inst. Code, § 602). The court declared appellant a ward of the court and ordered him home on probation with various terms and conditions. Appellant contends the court erred in denying his motion to suppress his confession

to the charges under Welfare and Institutions Code section § 700.1. We affirm.

### **STATEMENT OF FACTS**

On the night of February 12, 2019, Los Angeles County Deputy Sheriff Jaime Juarez and his partner were in an unmarked patrol car on El Segundo Boulevard when they saw a silver Hyundai with only one operable headlight run a stop sign. As Deputy Juarez made a u-turn to conduct a traffic stop, the Hyundai turned southbound onto Santa Fe Avenue. The deputy activated his lights and siren and pursued the Hyundai as it turned left onto Carlin Avenue.

Deputy Juarez and his partner continued pursuing the Hyundai on Carlin Avenue until it crashed into a parked vehicle. The driver of the Hyundai and two passengers, one of whom was appellant, got out of the vehicle and began running away while a fourth passenger stayed in the vehicle. Appellant and the driver of the Hyundai held their waistbands as they ran, which led Deputy Juarez to believe they may be armed. Deputy Juarez ordered appellant and his companions to stop but none of them complied. Appellant and his companions' flight also led the deputy to believe the Hyundai may have been stolen.

Appellant was apprehended a short time later hiding under a car. After a patdown search indicated he was unarmed, he was handcuffed and placed in a patrol car. In the meantime, Deputy Juarez asked "assisting units to canvass the path of travel of the [Hyundai] just in case they tossed any weapons." In the deputy's experience, "it is common for people to throw stuff from moving vehicles, especially when they're running from a car."

Within five minutes of appellant's detention, a loaded firearm was recovered, next to a curb, near the corner of El Segundo Boulevard and Santa Fe Avenue. Appellant was

transported to the police station and advised of his *Miranda*<sup>1</sup> rights. He subsequently wrote and signed a document entitled “Admonition and Waiver of *Miranda* Rights” in which he acknowledged he had “seen cops and tossed gun out the window. I had had [*sic*] protection.”

## DISCUSSION

Appellant contends the juvenile court erred in denying his motion to suppress his confession as the fruit of an unlawful detention and arrest. We are not persuaded.

“The standard of review of a trial court’s ruling on a motion to suppress is well established and is equally applicable to juvenile court proceedings.” (*In re Lennies H.* (2005) 126 Cal.App.4th 1232, 1236.) “On appeal from the denial of a suppression motion, the court reviews the evidence in a light favorable to the trial court’s ruling. [Citation.] We must uphold those express or implied findings of fact by the trial court which are supported by substantial evidence and independently determine whether the facts support the court’s legal conclusions.’ [Citation.]” (*In re William V.* (2003) 111 Cal.App.4th 1464, 1468.)

“‘[D]etentions’” for Fourth Amendment purposes are seizures of an individual which are “strictly limited in duration, scope and purpose” and which “may be undertaken by police ‘if there is an articulable suspicion that a person has committed or is about to commit a crime.’” (*Wilson v. Superior Court* (1983) 34 Cal.3d 777, 784, quoting *Florida v. Royer* (1983) 460 U.S. 491, 498 [75 L.Ed.2d 229].) “Because an investigative detention allows the police to ascertain whether suspicious conduct is criminal activity, such a detention ‘must be temporary and last

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<sup>1</sup> *Miranda v. Arizona* (1966) 384 U.S. 436 [16 L.Ed.2d 694] (*Miranda*).

no longer than is necessary to effectuate the purpose of the stop.’ [Citation.]” (*People v. Celis* (2004) 33 Cal.4th 667, 674 (*Celis*).)

However, “courts have long recognized that an investigative detention may, at some point, become so overly intrusive that it can no longer be characterized as a minimal intrusion designed to confirm quickly or dispel the suspicions which justified the initial stop. [Citation.] When the detention exceeds the boundaries of a permissible investigative stop, the detention becomes a de facto arrest requiring probable cause.” (*In re Carlos M.* (1990) 220 Cal.App.3d 372, 384.) “Even if the police do not formally arrest a suspect, that suspect may nevertheless be under actual arrest if the restraint employed by the police goes beyond that which is reasonably necessary for a detention.” (*People v. Campbell* (1981) 118 Cal.App.3d 588, 595-596.)

There is no “hard and fast line to distinguish permissible investigative detentions from impermissible de facto arrests. Instead the issue is decided on the facts of each case, with focus on whether the police diligently pursued a means of investigation reasonably designed to dispel or confirm their suspicions quickly, using the least intrusive means reasonably available under the circumstances.’ [Citations.]” (*Celis, supra*, 33 Cal.4th at pp. 674–675.)

Appellant concedes that his initial detention and patdown search were lawful because Deputy Juarez had a reasonable suspicion that appellant was in possession of a firearm. He claims that once this suspicion was dispelled by the discovery that he was not carrying a firearm, his detention transformed into a de facto arrest requiring probable cause.

The lawfulness of appellant’s initial detention and search, however, was not so limited. Appellant was the passenger in a vehicle that Deputy Juarez was attempting to stop for Vehicle

Code violations. Instead of stopping, the driver of the vehicle kept going until he crashed into another car. Appellant fled the vehicle, ignoring the deputy's orders to stop. At that point, there was probable cause to arrest appellant for resisting a peace officer in the discharge of his or her duties. (Pen. Code, § 148, subd. (a)(1).)

Deputy Juarez also sufficiently articulated a reasonable suspicion that appellant or one of his companions had discarded a weapon or other contraband during the vehicle pursuit. Moreover, Deputy Juarez “diligently pursued a means of investigation reasonably designed to dispel or confirm [his] suspicions quickly, using the least intrusive means reasonably available under the circumstances.’ [Citations.]” (*Celis, supra*, 33 Cal.4th at p. 675.) Appellant was handcuffed and placed in a patrol car for approximately five minutes while the area was searched. This brief prolonging of appellant's detention did not convert the detention into a de facto arrest. (See *United States v. Sharpe* (1985) 470 U.S. 675, 686, [84 L.Ed.2d 605] [20-minute detention reasonable where the agent conducted a diligent investigation].) Contrary to appellant's claim, the totality of the circumstances also gave rise to a reasonable belief that appellant would attempt to flee again were he not handcuffed. (See *In re Antonio B.* (2008) 166 Cal.App.4th 435, 441-442.)

Once the discarded firearm was found, Deputy Juarez had probable cause to arrest appellant for possessing the weapon. “Probable cause exists when the facts known to the arresting officer would persuade someone of ‘reasonable caution’ that the person to be arrested has committed a crime. [Citation.] ‘[P]robable cause is a fluid concept—turning on the assessment of probabilities in particular factual contexts . . . .’ [Citation.] It is incapable of precise definition. [Citation.] “The substance of all the definitions of probable cause is a reasonable ground for belief

of guilt,” and that belief must be ‘particularized with respect to the person to be . . . seized.’ [Citation.]” (*Celis, supra*, 33 Cal.4th at p. 673.)

Based on the totality of the circumstances, and in light of his training and experience, Deputy Juarez had a reasonable ground for believing that appellant had actually or constructively possessed the firearm before it was discarded along the path of the vehicle pursuit. (*In re Daniel G.* (2004) 120 Cal.App.4th 824, 831; compare *In re Dung T.* (1984) 160 Cal.App.3d 697, 713 [no probable cause to arrest occupants of a vehicle believed to have been involved in a prior robbery where “[t]he police had no detailed descriptions of the robbers other than their ages and nationalities” and “[t]here were eight people occupying the car when it was stopped, but only six people were involved in the robbery”].) Because there was probable cause to arrest appellant when he was transported to the police station, and he was subsequently given and waived his *Miranda* rights, his motion to suppress his confession as the fruit of an unlawful detention and arrest was properly denied.

#### **DISPOSITION**

The judgment is affirmed.

NOT TO BE PUBLISHED.

PERREN, J.

We concur:

GILBERT, P. J.

TANGEMAN, J.

Catherine J. Pratt, Judge  
Superior Court County of Los Angeles

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