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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA  
SECOND APPELLATE DISTRICT  
DIVISION SIX

THE PEOPLE,  
  
Plaintiff and Respondent,  
  
v.  
  
ARIEL REYES,  
  
Defendant and Appellant.

2d Crim. No. B295401  
(Super. Ct. No. BA458566)  
(Los Angeles County)

Ariel Reyes appeals his conviction by plea to possession of sale of a controlled substance (Health & Saf. Code, § 11351), entered after the trial court denied his motion to suppress evidence. (Pen. Code, § 1538.5.)<sup>1</sup> Appellant was sentenced to three years felony jail. (§ 1170, subd. (h)(1).) We affirm.

*Facts*

On the afternoon of June 5, 2017, Los Angeles Police Officer Thomas Redshaw detained appellant after he parked a vehicle with tinted windows in a red zone. Officer Redshaw, an experienced gang officer, was concerned because it was the day

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<sup>1</sup> All statutory references are to the Penal Code unless otherwise stated.

before “Hood Day,” the day gangs congregate and celebrate gang tradition. Appellant “sported” East Coast Crip gang tattoos - a “76” on the side of his face, a large “C” on his left shoulder, a New York tattoo, and a Union 76 ball tattoo worn by 76 East Coast gang members. There had been numerous complaints about East Coast Crips drug sales in the area, arrests of gang members with firearms, and a rash of burglaries in which firearms were stolen. Appellant said he was not the registered owner but indicated that the registration papers were in the car.

Officer Redshaw did not see the registration papers in the glove box and opened the center console. Inside the console, in plain view, was a bindle of 11.12 grams of cocaine. Concerned about officer safety, Officer Redshaw looked in the console lower compartment and found a loaded semiautomatic Glock handgun. A surveillance video of the detention was reviewed at the preliminary hearing and by the trial court.

#### *Discussion*

Appellant claims that the search violated the Fourth Amendment but it is settled that an officer may detain a motorist for a traffic infraction and search the vehicle in places where one might reasonably find the vehicle registration. (*People v. Webster* (1991) 54 Cal.3d 411, 431; *In re Arturo* (2002) 27 Cal.4th 60, 71.) The trial court found that once Officer Redshaw saw the bag of cocaine, he was “justified . . . to now search the whole car.” We defer to the trial court’s factual findings which are supported by substantial evidence and exercise our independent judgment in determining whether the search was reasonable. (*People v. Lomax* (2010) 49 Cal.4th 530, 563.)

An officer may stop a motorist for a traffic violation. Appellant parked a car with tinted windows in a red zone, which

was good cause for the investigatory stop. (*People v. Bennett* (2011) 197 Cal.App.4th 907, 916-918 [parking violation]; *People v. Carter* (2010) 182 Cal.App.4th 522, 529 [tinted car windows].) And appellant failed to produce vehicle registration papers as requested. (Veh. Code, § 4462, subd. (a).) In such a situation, the officer may search the vehicle, providing the search is limited to areas where the registration papers reasonably may be expected to be found. (*In re Arturo D.*, *supra*, 27 Cal.4th at p. 65 [officer looked under driver's seat and found a glass pipe and methamphetamine].) Such a search is reasonable under the Fourth Amendment (*id.* at pp. 79-80) and is permitted for officer and public safety. (*People v. Faddler* (1982) 132 Cal.App.3d 607, 610-611; *People v. Hart* (1999) 74 Cal.App.4th 479, 495-496 [officer patted down driver, put driver in patrol car, and opened purse on floorboard looking for identification; methamphetamine, marijuana and glass pipe seized].) Officer Redshaw “had every reason to believe that [appellant], who disclaimed ownership, would not be able to find or produce the registration on [his] own. [Citations.] For his own safety, [the officer] was entitled to search for the papers personally and to remove [appellant] from the car before doing so.” (*Id.* at p. 490.)<sup>2</sup>

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<sup>2</sup> Appellant argues that the officer made a perfunctory, four-fold demand (for the driver's license, car registration, proof of insurance, and whether appellant was the registered owner) without giving appellant a chance to answer or retrieve the paperwork. There is no evidence of that. Officer Redshaw called for other officers and waited until other units arrived before searching the car. That is logical because the officer feared for his safety and looked for the registration papers while appellant stood a few feet away on the curb. Officer Redshaw was a narcotics and gang expert and had been a police officer for 24

Once the bag of cocaine was found, the officer had probable cause to look in the lower center console compartment where the loaded handgun was hidden. (See, e.g., *Wimberly v. Superior Court* (1976) 16 Cal.3d 557, 562 [probable cause to search entire vehicle for additional contraband after officer observed marijuana seeds]; *People v. Chavers* (1983) 33 Cal.3d 462, 468 [same].)

*Disposition*

The judgment (order denying motion to suppress evidence) is affirmed.

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YEGAN, J.

We concur:

GILBERT, P. J.

TANGEMAN, J.

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years. “The lives and safety of police officers weigh heavily in the balance of competing Fourth Amendment considerations” (*People v. Dickey* (1994) 21 Cal.App.4th 952, 957) which do not “require that police officers take unnecessary risks in the performance of their duties.” [Citation.]” (*Pennsylvania v. Mims* (1977) 434 U.S. 106, 110.)

Craig Richman, Judge

Superior Court County of Los Angeles

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Richard B. Lennon, Executive Director, Nancy Gaynor, Staff Attorney, under appointment by the Court of Appeal for Defendant and Appellant.

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