

NOT TO BE PUBLISHED IN THE OFFICIAL REPORTS

California Rules of Court, rule 8.1115(a), prohibits courts and parties from citing or relying on opinions not certified for publication or ordered published, except as specified by rule 8.1115(b). This opinion has not been certified for publication or ordered published for purposes of rule 8.1115.

IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION FIVE

THE PEOPLE,

Plaintiff and Respondent,

v.

SUZANN CAMBOU,

Defendant and Appellant.

B298313

(Los Angeles County
Super. Ct. No. LA090142)

APPEAL from order of the Superior Court of Los Angeles County. Gregory A. Dohi, Judge. Dismissed.

Richard L. Fitzer, under appointment by the Court of Appeal, for Defendant and Appellant.

No appearance for Plaintiff and Respondent.

In an information filed on April 26, 2019, defendant and appellant Lisa Meister aka Suzann Cambou aka Lisa

Meisyer aka Lisa Miesyer was charged with one count of identifying information theft with a prior conviction (Pen. Code, § 530.5, subd. (c)(2)¹ [count 1]) and one count of driving or taking a vehicle without consent (Veh. Code, § 10851, subd. (a) [count 2]).

On April 10, 2019, the trial court heard and denied Meister's motion to suppress evidence pursuant to section 1538.5, after hearing the preliminary hearing testimony. On May 14, 2019, Meister moved for reconsideration of the 1538.5 motion, and the trial court again denied the motion to suppress. Meister appeals the trial court's May 14, 2019 ruling.

At the preliminary hearing, one of the arresting officers testified that on March 10, 2019, at approximately 4:10 a.m., they observed Meister sitting in the driver's seat of a parked Kia Optima with paper license plates. It was the officer's understanding that recently enacted Assembly Bill No. 516 required that all vehicles display temporary license plates in compliance with the relevant amended Vehicle Code statutes as of January 1, 2019. The paper license plates displayed on the Kia were non-compliant. Specifically, the front plate was black and included the word "Car" and underneath that word, the words "Motors" and "Star" with a symbol of a star between them. The officers executed a U-turn and pulled up behind the Kia to

¹ All further statutory references are to the Penal Code unless otherwise indicated.

investigate. The back plate was the same. The plates were not plates issued by the DMV.

Meister stepped out of the vehicle of her own accord. The officers then ordered her to step onto the sidewalk and detained her. The other arresting officer asked Meister if she was on probation, and she responded “Yes, for petty theft.”² The officer asked for identification and Meister began to give him a driver’s license from her purse, but then told him it was not hers. She said she planned to use the license to rent a hotel room. The officer recorded the vehicle number and his partner conducted a vehicle check. The officer’s partner told him that the vehicle had been reported stolen, and they arrested Meister.

The officers read Meister her *Miranda* rights. She spoke with them afterward, and explained that she had purchased the driver’s license from a friend. It was later determined that the driver’s license had been stolen.

Meister moved to suppress the evidence as the product of an unlawful search, arguing that the fact that the car she had exited bore paper plates was not sufficient to raise a reasonable suspicion that she was breaking the law. She asserted that Assembly Bill No. 516 excepted vehicles purchased before January 1, 2019, from complying with the license plates requirement for 90 days after the vehicle was purchased. Meister was detained on March 10, 2019, and

² There was no testimony regarding whether the probation had search and seizure conditions and the officers did not arrest Meister on the basis of her probation status.

could have been in compliance with the new legislation if she had purchased the Kia in late December of 2018.

The trial court rejected this argument. Photographic exhibits demonstrated that the paper license plates displayed on Meister's vehicle were "dealer plates." Under the trial court's understanding of Assembly Bill No. 156, the plates were not authorized under the amendments. Citing to *Heien v. North Carolina* (2014) 574 U.S. 54 (*Heien*), the trial court ruled that, even if the officers' interpretation of the new legislation and its own were incorrect, the officers' mistaken understanding of the law was reasonable, such that there was reasonable suspicion to justify the initial detention. After Meister was detained and presented someone else's driver's license, the search and seizure of any other items was valid.

On May 17, 2019, Meister was advised of her constitutional rights and waived them on the record and pleaded no contest to the charge in count 1 of the information, identifying information theft with a prior conviction (§ 530.5, subd. (c)(2)), a felony. The trial court denied probation and sentenced Meister to the lower term of sixteen months. Meister did not obtain a certificate of probable cause to challenge the validity of the plea.

Meister appealed from the denial of her motion to suppress under section 1538.5.³ After examination of the

³ The denial of a motion to suppress evidence under Penal Code section 1538.5 does not require a certificate of probable cause. (Cal. Rules of Court, rule 8.304.)

record, her appointed counsel filed an opening brief raising no issues and asking this court to review the record independently pursuant to *People v. Wende* (1979) 25 Cal.3d 436 (*Wende*). On October 24, 2019, we directed counsel to send the record on this appeal and a copy of the opening brief to Meister immediately, and ordered that Meister may, within 30 days, submit by brief or letter any grounds of appeal contentions or argument that she wishes this court to consider. We have received no response from Meister.⁴

We have examined the record and are satisfied that Meister's counsel has complied with his responsibilities and that no arguable issues for an appeal from the denial of the motion to suppress exist. The trial court based its denial of the motion to suppress under section 1538.5 on the officer's testimony that he believed that the vehicle from which Meister exited from the driver's seat, displayed illegal paper

⁴ On October 24, 2019, appellate counsel filed an affidavit with this court stating that he had sent correspondence to Meister in jail under the name Suzann Cambou, which had never been returned. Meister had been released a few weeks prior to counsel's letter, and during that period counsel had sent correspondence to Meister under the name Suzann Cambou at the address listed in her probation report. Shortly after filing the opening brief, appellate counsel informed the court that he had received information that lead him to believe that Meister had provided a false name and address. As a consequence, he was unable to locate Meister to deliver a copy of the transcripts and opening brief to her. Subsequent efforts to ascertain a valid address for Meister have been to no avail.

license plates in violation of amendments to the Vehicle Code pursuant to Assembly Bill No. 516. The officers' reasonable interpretation of the Vehicle Code is a proper basis for detention, and is supported by substantial evidence. (*Heien, supra*, 574 U.S. 54; *Wende, supra*, 25 Cal.4th at p. 441.)

MOOR, J.

We Concur:

RUBIN, P. J.

BAKER, J.