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

THE PEOPLE,

Plaintiff and Respondent,

v.

RUDOLPH EDWARDS,

Defendant and Appellant.

B235932

(Los Angeles County
Super. Ct. No. BA380031)

APPEAL from a judgment of the Superior Court of Los Angeles County, Gail R. Feuer, Judge. Affirmed.

Jonathan B. Steiner, California Appellate Project Executive Director, and Richard B. Lennon, under appointment by the Court of Appeal, for Defendant and Appellant.

Kamala D. Harris, Attorney General, Dane R. Gillette, Chief Assistant Attorney General, Lance E. Winters, Assistant Attorney General, Steven D. Matthews and Peggy Z. Huang, Deputy Attorneys General, for Plaintiff and Respondent.

Following the denial of his suppression motion (Pen. Code, § 1538.5),¹ defendant Rudolph Edwards pled no contest to being a felon in possession of a firearm and admitted he had suffered a prior serious felony conviction within the meaning of the “Three Strikes” law. (§§ 12021, subd. (a), 1170.12, subds. (a)-(d), 667, subds. (b)-(i).) He was sentenced to four years in state prison, consisting of the middle term of two years doubled. On appeal, he challenges the denial of his suppression motion. We affirm.

EVIDENCE PRESENTED AT THE SUPPRESSION MOTION

On January 12, 2011, Los Angeles Police Department Officer Abel Estopin was on patrol with his partner, Officer Brian Peel. At approximately 5:45 p.m., the officers received a radio call concerning a man with a gun creating a disturbance at a gas station at Florence and Crenshaw. The call noted that a male Black wearing a brown shirt and tan pants brandished a handgun and left the location in a tan Neon with the partial license plate number of 146. Earlier that day at roll call, Estopin was told by homicide detectives that a tan Neon was a suspect vehicle in a shooting in Inglewood, which is directly west of Estopin’s division. Believing that the tan Neon at the gas station might also be the vehicle involved in the Inglewood shooting, the officers drove to the gas station.

When they arrived, Estopin saw “bystanders there, customers there, and they were all kind of like looking startled. And as soon as [the officers] drove up, several of them pointed in a direction westward onto Florence.” Estopin spoke to the person who had called the police and other witnesses, who confirmed what the officer had heard on the radio call. Estopin received a communication that the suspect vehicle was last seen westbound on Florence.

Knowing that the general vicinity where the Neon had been seen was Rollin 60’s gang territory, the officers drove to an area where they knew members congregated. As

¹ All further statutory references are to the Penal Code.

they approached an apartment building known to be a gang hangout,² Estopin observed defendant, who is African-American. Dressed in a white t-shirt and jeans, he was walking away from a tan Neon with a partial plate number of 461.³ Defendant moved toward a group of males who were standing in front of the building. The officers saw a female sitting in the passenger seat of the Neon. The officers thought the witnesses at the gas station transposed the license plate numbers they had observed. Estopin called for backup, believing the suspect in the gas station disturbance was at the location.

After backup units arrived, Officer Peel asked the female to exit the Neon. She told the officers that she and defendant had just arrived at the location. Defendant was driving and pulled over because he recognized some of the males in front of the apartment building. The female said the car belonged to one of her relatives.

After being supplied with this new information, Estopin told his partner that one of them had to check the Neon. Peel looked inside and found a loaded revolver between the driver's seat and the center console.⁴

During argument on the motion, defense counsel pointed to the discrepancies between the information received by the officers and the true circumstances and argued that there was insufficient corroboration of the witnesses' tip to justify a search of the Neon. The prosecution disagreed, noting the color and model of the cars were the same, the license plate numbers were very close, and the searched car was located within a few blocks of the incident, shortly after its occurrence.

The trial court determined the officers had probable cause to search the Neon, finding the totality of the circumstances demonstrated that the information they had received was sufficiently corroborated.

² This location was three and a half blocks from the gas station.

³ Later, Estopin was asked if the numbers on the license plate were 416, and he said, "Correct."

⁴ Estopin returned to the gas station and viewed a video of the events that occurred at approximately 5:45 p.m. The video showed defendant holding what appeared to be a gun in his waistband.

DISCUSSION

“In reviewing a suppression ruling, ‘we defer to the superior court’s express and implied factual findings if they are supported by substantial evidence, [but] we exercise our independent judgment in determining the legality of a search on the facts so found. [Citations.]’ [Citation.]” (*People v. Lomax* (2010) 49 Cal.4th 530, 563.)

If there was probable cause to believe the Neon contained evidence related to a crime, the officers were justified in searching any area within the car where that evidence might be found. (*People v. Little* (2012) 206 Cal.App.4th 1364, 1371.) “To determine the existence of probable cause, we consider whether under the totality of the circumstances, ‘there is a fair probability that contraband or evidence of a crime will be found in a particular place.’ [Citation.] Put another way, ‘probable cause to search [exists] where the known facts and circumstances are sufficient to warrant a man of reasonable prudence in the belief that contraband or evidence of a crime will be found [citations].’ [Citation.]” (*Id.* at pp. 1371-1372.)

As he did in the trial court, defendant argues that the officers lacked probable cause to search the Neon because the information upon which they relied was fraught with inconsistencies. As a result, he claims, “the only similarity between [defendant] and his car and the man with the gun was that both were Black men, and that the car being driven was a tan Neon.” We disagree.

Initially, we observe that certain information provided by the witnesses turned out to be incorrect. The clothing they described did not match what defendant was wearing and the partial license plate number given was not in the correct sequence. The witnesses also made no mention of a female in the car.⁵ Now let us consider the facts that were consistent with what the witnesses told the officers: (1) the vehicle was a tan Neon; (2) the license plate numbers were 1, 4, and 6, albeit in a different order; (3) the Neon

⁵ It is not clear from the record whether the female was with defendant at the gas station.

was located west of the gas station, the direction in which the witnesses last saw the vehicle traveling; (4) the Neon was found a short time after the incident, three and a half blocks from the gas station; and (5) the driver was African-American. In addition, the officers were aware that homicide detectives were looking for a tan Neon in connection with a recent shooting in the area.

We have little difficulty concluding that these facts would cause a person of reasonable prudence to believe that a firearm was in the Neon. Standing alone, the fact that the car at the gas station and the scene of the search were the same make and color and had the same numbers on the license plate comes close to establishing that there was a fair probability the officers would find a gun in the searched vehicle. When we add the proximity of the search to the gas station, both in time and location, the connection between the two vehicles becomes more compelling. Finally, the officers could reasonably believe that the tan Neon they searched was the vehicle involved in the earlier shooting in the area described by the homicide detectives. Based on the totality of the circumstances, it would have been difficult for the officers to justify not searching the vehicle.

The trial court properly denied the suppression motion.

DISPOSITION

The judgment is affirmed.

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SUZUKAWA, J.

We concur:

WILLHITE, Acting P. J.

MANELLA, J.