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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION SEVEN

THE PEOPLE,

Plaintiff and Respondent,

v.

CHARLES NEWMAN,

Defendant and Appellant.

B265945

(Los Angeles County  
Super. Ct. No. BA429013  
consol. with No. BA431609)

APPEAL from a judgment of the Superior Court of Los Angeles County, Lisa B. Lench, Judge. Affirmed.

Doris M. LeRoy, under appointment by the Court of Appeal, for Defendant and Appellant.

No appearance for Plaintiff and Respondent.

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Following the denial of his motion to suppress in two consolidated cases, Charles Newman pleaded guilty to two counts of driving with a blood alcohol level of .08 percent or greater within 10 years of three or more convictions for driving under the influence. (Veh. Code, §§ 23152, subd. (b), 23550.) The trial court imposed a concurrent low-term sentence of 16 months. We affirm.

### **FACTUAL AND PROCEDURAL BACKGROUND**

Representing himself, Newman filed a motion to suppress evidence (Pen. Code, § 1538.5), arguing that the police officers in the consolidated cases (Los Angeles Superior Court case Nos. BA429013 and BA431609) fabricated the reason for initiating the traffic stop. At the hearing on the motion, the arresting officers and Newman testified.

#### **A. THE EVIDENTIARY HEARING**

##### *1. The August 23, 2014 Arrest (Case No. BA429013)*

Los Angeles Police Officer Ronald Moy testified that on August 23, 2014, he was on patrol monitoring traffic at the intersection of Slauson and Madden Avenues when he noticed Newman behind the wheel of a Chevrolet Cavalier in a nearby convenience store parking lot. Officer Moy saw Newman back his car up at “a very abrupt speed.” Newman then left the parking lot, made “an abrupt” left turn, and failed to stop at the limit line of a stop sign at Slauson Avenue. Officer Moy initiated a traffic stop based on Newman’s driving “bordering on being reckless” in the parking lot and failure to stop at the stop sign. In his testimony, Newman denied being in the store parking lot that night and claimed that he stopped his car before crossing the limit line to turn onto Slauson Avenue.

##### *2. The November 16, 2014 Arrest (Case No. BA431609)*

Los Angeles Police Officer Fernando Lopez testified that he was on patrol on November 16, 2014 and noticed that the passenger in a Chevrolet Cavalier driven by Newman was not wearing a seatbelt. Newman had stopped in the middle of the intersection of Martin Luther King Boulevard and Western Avenue waiting to make a left turn without signaling. Officer Lopez conducted a traffic stop based on these two traffic

violations. Newman testified that his passenger was wearing a seatbelt and that he signaled the left turn by placing his arm out the window because his turn signal was not working properly.

**B. THE RULING ON THE SUPPRESSION MOTION**

Following argument by the prosecutor and Newman, the trial court denied the motion to suppress, finding the officers in both cases had probable cause to conduct the traffic stops. After entering into a plea agreement, Newman timely filed a notice of appeal, challenging the denial of his motion to suppress.

**DISCUSSION**

We appointed counsel to represent Newman on appeal. After examining the record, counsel filed an opening brief that raised no issues. On February 8, 2016, we advised Newman that he had 30 days to submit any contentions or issues he wished us to consider. We have received no response. We have examined the entire record and are satisfied Newman's appellate attorney has fully complied with the responsibilities of counsel and no arguable issues exist. (*Smith v. Robbins* (2000) 528 U.S. 259, 277-284 [120 S.Ct. 746, 145 L.Ed.2d 756]; *People v. Kelly* (2006) 40 Cal.4th 106, 118-119; *People v. Wende* (1979) 25 Cal.3d 436, 441-442.)

**DISPOSITION**

The judgment is affirmed.

BLUMENFELD, J.\*

We concur:

ZELON, Acting P. J.

SEGAL, J.

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\* Judge of the Los Angeles Superior Court, assigned by the Chief Justice pursuant to article VI, section 6 of the California Constitution.