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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. RAUL MARTINEZ, Defendant and Appellant.	B284947 (Los Angeles County Super. Ct. No. MA071353)

APPEAL from a judgment of the Superior Court of Los Angeles County, Christopher Estes, Judge. Affirmed.

R.E. Scott, under appointment by the Court of Appeal, for Defendant and Appellant.

Xavier Becerra, Attorney General, Gerald A. Engler, Chief Assistant Attorney General, Lance E. Winters, Senior Assistant Attorney General, Steven E. Mercer and Corey J. Robins, Deputy Attorneys General, for Plaintiff and Respondent.

Raul Martinez appeals his conviction for misdemeanor indecent exposure (Pen. Code, § 314), claiming that the evidence was insufficient to support the conviction. We affirm.

FACTUAL AND PROCEDURAL BACKGROUND

On May 26, 2017, Victoria D. was in her home when she heard Martinez calling out behind her house. Victoria D. saw Martinez handling multiple locked screen doors and attempting to enter the house. As Martinez circled the house trying to gain entry, Victoria D. ran around her home shutting and locking the windows and doors. Martinez said "Hello" and "Help" multiple times. His tone was nonchalant, and he was not loud. Victoria D. could see that Martinez was wearing a shirt and work boots, but no pants. Victoria D. observed that he was partially naked, but she did not notice whether his penis was erect.

Victoria D. telephoned her boyfriend David Watkins and another friend, telling them to come quickly because a naked man was trying to get into the house. The two men arrived quickly and detained Martinez. As they restrained Martinez, Martinez was "screaming that his wife was in the bushes" and calling out the name "Karen." He said that someone had robbed him and stolen his wallet and his pants, and that "they" were after his wife, who was hiding in the bushes. He said that he needed help, but what he was saying was not believable. Watkins observed that Martinez's eyes were very glossy.

The police arrived, arrested Martinez, covered his exposed areas with a towel, and placed him in the back of a patrol car. The officer who handcuffed Martinez recalled that Martinez said he was not doing anything wrong, that his wife was down the road, and that he was not wearing pants because he had

defecated in them. He seemed "desperate to convey his innocence," and was physically calm and compliant but upset. He said he was at the house trying to get help, and that someone was in the bushes. He also said he had been coming or going from work.

The officer who advised Martinez of his rights observed that Martinez seemed excited and nervous. He asked Martinez why he was at the house, and Martinez said that he was there to get help. When the officer asked what kind of help he needed, Martinez said he did not need to know. Martinez also said something about the government coming after him. When asked why he was not wearing pants, Martinez first said that he had defecated in them and then, a few minutes later, said that he had urinated in them. He did not claim to have been robbed. He refused to take a urine test.

Martinez's car was found parked strangely, in a position that would have made it difficult to see the car from the house; its license plates could not be seen from the home. His underwear and pants were found in his car. Victoria D. and Watkins saw no sign that the garments were soiled. Watkins also noticed four or five driver's licenses in the car, all belonging to women. Martinez said that he had found a driver's license recovered from his vehicle on the street.

While Martinez sat in the patrol car, Watkins saw him gyrating and thrusting his hips while looking at and talking to Victoria D. Martinez made eye contact with all of the people standing around the patrol car. Watkins walked away after 15 to 20 seconds, not wanting to watch Martinez's movements.

Following a jury trial, Martinez was convicted of indecent exposure; the jury found him not guilty of burglary (§ 459),

attempted burglary (§ 459, 664), and aggravated trespassing (§ 602.5, subd. (b)). The court sentenced him to 180 days in county jail and ordered him to register as a sex offender.

DISCUSSION

To convict a defendant of indecent exposure, the jury must find that his conduct was sexually motivated: he must have not only intended to expose himself but to have "intended by his conduct to direct public attention to his genitals for purposes of sexual arousal, gratification, or affront." (*In re Smith* (1972) 7 Cal.3d 362, 366.) Martinez argues that there was insufficient evidence to support such a finding.

"'When considering a challenge to the sufficiency of the evidence to support a conviction, we review the entire record in the light most favorable to the judgment to determine whether it contains substantial evidence—that is, evidence that is reasonable, credible, and of solid value—from which a reasonable trier of fact could find the defendant guilty beyond a reasonable doubt.' [Citation.] We determine 'whether, after viewing the evidence in the light most favorable to the prosecution, any rational trier of fact could have found the essential elements of the crime beyond a reasonable doubt.' [Citation.] In so doing, a reviewing court 'presumes in support of the judgment the existence of every fact the trier could reasonably deduce from the evidence.' [Citation.]" (*People v. Edwards* (2013) 57 Cal.4th 658, 715.)

We conclude that the evidence was sufficient to support Martinez's conviction. Evidence was presented from which the jury could have inferred that Martinez's intent in displaying his penis to Victoria D. was sexual: he parked at Victoria D.'s home

in a position where the car could not easily be seen from the house, and he removed his boots, pants, and underwear, then put his work boots back on.[1] He attempted to get Victoria D.'s attention by calling out to her while trying to enter her home. He claimed to have been seeking help, but he refused to tell the police what he needed. He gave inconsistent and obviously false accounts of having had his pants and underwear stolen from him, having soiled his clothes and having a wife hiding in the bushes. He had a collection of women's driver's licenses in his car. Finally, once in the patrol car, Martinez gyrated and thrusted his hips while looking at Victoria D. and speaking in her direction. A reasonable jury could have concluded on this evidence that Martinez's conduct in displaying his penis to Victoria D. was sexually motivated.

Martinez, however, contends that the only "clear evidence" of what happened was that he was unclothed, and that there was "absolutely no evidence of what his intent was" in displaying his genitals. He claims his statements "were all over the map and provide absolutely no help" in determining his intent, and that they were so "internally and externally inconsistent" that they had no evidentiary value. He also argues that "it is more reasonable that appellant was truly seeking just what he said—'Help'" than that he targeted a woman home alone. Ultimately, he argues, taking all the evidence together, any inference as to his intent "can only find its genesis in rampant speculation." The circumstantial evidence, he posits, tended "more to support a finding that appellant was hallucinating or in some altered state of mind" than that he was acting with a sexual motivation.

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[1] Watkins testified that it would not be possible to remove one's pants without removing one's work boots.

Therefore, Martinez argues, the case is similar to cases involving nude sunbathing or "mooning," where private parts are exposed but the necessary element of sexual motivation is absent. (See, e.g., *In re Dallas W.* (2000) 85 Cal.App.4th 937 [not indecent exposure to display one's buttocks without lewd sexual intent].) These arguments are essentially an invitation to reweigh the evidence, which this court cannot do. We neither reweigh the evidence nor reevaluate the credibility of witnesses. (*People v. Lindberg* (2008) 45 Cal.4th 1, 27.) If the circumstances reasonably justify the findings made by the trier of fact, reversal of the judgment is not warranted simply because the circumstances might also reasonably be reconciled with a contrary finding. (*Ibid.*)

DISPOSITION

The judgment is affirmed.

ZELON, J.

We concur:

PERLUSS, P. J.

FEUER, J.