

NOT TO BE PUBLISHED IN THE OFFICIAL REPORTS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 This opinion has not been certified for publication or ordered published for purposes of rule 8.1115.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 SIX

THE PEOPLE,

Plaintiff and Respondent,

v.

RUDY ANTHONY CAMACHO,

Defendant and Appellant.

2d Crim. No. B237508
(Super. Ct. No. 2010037345)
(Ventura County)

Rudy Anthony Camacho appeals a judgment following his guilty plea to possession of cocaine base for sale (Health & Saf. Code, § 11351.5), following the denial of his motion to suppress evidence. (Pen. Code, § 1538.5.) Police found cocaine base after they entered Camacho's home without a warrant. We conclude the entry was lawful. The police were in hot pursuit of Camacho after he disobeyed a lawful command to stop. We affirm.

FACTS

In the evening of October 18, 2010, Camacho and another man were standing in the middle of the street. Police Officers Joseph Bentley and Raymund Mosones were in their patrol car driving down that street. They had to abruptly swerve their vehicle to avoid oncoming traffic that had entered their traffic lane to avoid Camacho and the other man.

Bentley told Camacho to "get out of the roadway." Camacho "turned away . . . and began walking towards a vehicle." He got in the car, drove away, and committed a traffic violation by making a right turn into his driveway without signaling.

Bentley activated his "emergency lights," made a traffic stop and ordered Camacho "to remain inside the vehicle." Camacho did not obey. He got out of the car, reached in the direction of the "front, left tire of his vehicle." Bentley saw him run toward "the front door of his residence." Bentley pursued him and ordered him "to stop." Camacho reached toward his waistband. Bentley believed he "might have a weapon," When Camacho reached the front door of his residence, he went in and "slammed [the door] behind him."

Bentley "lowered [his] shoulder" and "busted the lock away from the jam." As he pursued Camacho into the house, he saw him reach down with his left hand. Bentley believed he was reaching for something that could be dangerous. He grabbed Camacho's hand and pushed him down.

Mosones testified he saw Camacho moving "very briskly toward his front door." Comacho "walked and then sped up." He did not "run or take off in a full sprint."

While in Camacho's residence, police saw and seized cocaine base. They arrested Camacho. Camacho filed a motion to suppress (Pen. Code, § 1538.5) the "drugs" police seized.

The trial court denied the motion. It found: 1) the police conduct was "appropriate," 2) Camacho "ignored clear commands" by the police officer, 3) he "went into the house quickly," and 4) he violated Penal Code section 148 by fleeing from the police.

DISCUSSION

The Validity of the Warrantless Entry Into Camacho's Residence

Camacho contends the trial court erred by denying his motion to suppress evidence because the police unlawfully entered his residence without a warrant. We disagree.

"When reviewing the grant or denial of a motion to suppress, an appellate court must uphold the trial court's express or implied findings of fact if the facts are supported by substantial evidence." (*People v. Lim* (2000) 85 Cal.App.4th 1289, 1296.)

There are exceptions to the warrant requirement for "exigent circumstances," which include police officers in "hot pursuit" of a suspect. (*People v. Lloyd* (1989) 216 Cal.App.3d 1425, 1429.) "One type of exigent circumstances has been recognized where an arrest or detention based on probable cause is begun in a public place, but the suspect retreats into a private place in an attempt to thwart the arrest." (*Id.* at p. 1428.)

In *Lloyd*, the appellate court held that a motorist may not "resist" a "lawful detention" after a traffic stop by walking away from the officers, refusing to provide identification and then entering his home. (*People v. Lloyd, supra*, 216 Cal.App.3d at p. 1429.) When that occurs, the officers have probable cause to make an arrest and pursue the fleeing suspect. Consequently, "the officer's 'hot pursuit' into the house to prevent the suspect from frustrating the arrest which had been set in motion in a public place constitutes a proper exception to the warrant requirement." (*Ibid.*) In *Lloyd*, the traffic violations that led to the traffic stop involved driving through a red light and a stop sign.

This case is similar to *Lloyd*. Camacho resisted a lawful detention after a traffic stop for a traffic violation by violating the police officer's orders to stay in his vehicle. He then fled to his house.

Camacho claims the hot pursuit exception only applies to serious offenses and he "committed no grave offense." But "[s]everal California cases hold that the minor nature of an offense does not preclude a finding of exigent circumstances in a situation such as the present one." (*In re Lavoyne M.* (1990) 221 Cal.App.3d 154, 159; see also *People v. Lloyd, supra*, 216 Cal.App.3d at p. 1429 ["We find no merit in appellant's argument that the minor nature of Calvin's offense precludes our finding of exigent circumstances"]; *People v. Abes* (1985) 174 Cal.App.3d 796, 807 [rejecting the

argument]; *People v. Hampton* (1985) 164 Cal.App.3d 27, 34.) Moreover, the police were not merely pursuing Camacho for a traffic violation. He resisted a lawful detention.

The People claim the abstract of judgment must be corrected to include a court security fee (Pen. Code, § 1465.8) and a criminal conviction assessment fee (Gov. Code, § 70373). But there is no need to amend because it includes these fees.

The judgment is affirmed.

NOT TO BE PUBLISHED.

GILBERT, P.J.

We concur:

YEGAN, J.

PERREN, J.

Bruce A. Young, David M. Hirsch, Judges

Superior Court County of Ventura

Stephen P. Lipson, Public Defender, Paul Drevenstedt, Deputy Public Defender, for Defendant and Appellant.

Kamala D. Harris, Attorney General, Dane R. Gillette, Chief Assistant Attorney General, Lance E. Winters, Senior Assistant Attorney General, Margaret E. Maxwell, Supervising Deputy Attorney General, Yun K. Lee, Deputy Attorney General, for Plaintiff and Respondent.