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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA  
THIRD APPELLATE DISTRICT  
(Calaveras)

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THE PEOPLE,

Plaintiff and Respondent,

v.

JOHN RAYMOND SCHUGART,

Defendant and Appellant.

C070521

(Super. Ct. No. 11F5149)

After his motion to suppress the evidence was denied and in exchange for no state prison at the outset and dismissal of the remaining counts, defendant John Raymond Schugart entered a no contest plea to carrying a loaded firearm in a vehicle and possessing drug paraphernalia.

Granted probation, defendant appeals. His sole contention is that the trial court erroneously denied his suppression motion. We will affirm.

**FACTS**

On May 12, 2011, California Department of Fish and Game Warden Gary Densford stopped defendant, suspecting he was driving on a suspended license.

Defendant admitted his license was suspended. He was found to be in possession of a loaded .22-caliber revolver, concealed on his person, and smoking pipes.

## **DISCUSSION**

Defendant contends the trial court erroneously denied his suppression motion because Warden Densford did not have a reasonable suspicion to detain him. We reject his contention.

### **Background**

At the suppression hearing, Warden Densford testified that he is a state peace officer employed by the Department of Fish and Game. At 9:40 a.m. on May 12, 2011, Warden Densford, in uniform and on patrol in a marked patrol car on Railroad Flat Road, observed defendant driving a vehicle in the opposite direction. The warden recognized defendant and the vehicle from a previous encounter at defendant's residence on April 13, 2011.

On April 13, 2011, Warden Densford contacted defendant and asked him for his driver's license to verify his identity, and defendant responded that his driver's license had been suspended. At that time, Warden Densford ran defendant's name and date of birth through dispatch and learned that defendant's driver's license had been suspended for a driving under the influence (DUI) conviction. Defendant confirmed that his license had been suspended for two DUI convictions and stated that he was unsure when he would get his license back.

Seeing defendant driving on May 12, 2011, Warden Densford stopped him. The warden's first question to defendant was "did you get your his license yet." Defendant answered in the negative. The warden then had defendant get out of the car.

Defense counsel argued that the warden did not have specific articulable facts to justify defendant's detention because the warden did not know on May 12 whether defendant's license was still suspended. The prosecutor responded that the warden knew defendant's license had been suspended for two DUI convictions and that defendant was

unsure when he would get his license back. The court found that the warden knew from personal contact less than a month earlier that defendant's driving privilege had been suspended and thereafter saw defendant driving. In denying the motion, the court determined that the warden articulated facts to justify defendant's detention for driving on a suspended license.

### **Analysis**

Defendant renews his argument on appeal. We conclude that the trial court properly upheld defendant's detention.

In reviewing a ruling on a motion to suppress, we defer to the trial court's factual findings, express or implied, when supported by substantial evidence and, based thereon, determine independently whether the search or seizure was reasonable under the Fourth Amendment to the United States Constitution. (*People v. Saunders* (2006) 38 Cal.4th 1129, 1133-1134; *People v. Glaser* (1995) 11 Cal.4th 354, 362.)

“The Fourth Amendment's protection against unreasonable searches and seizures dictates that traffic stops must be supported by articulable facts giving rise to a reasonable suspicion that the driver or a passenger has violated the Vehicle Code or some other law. [Citation.]” (*People v. Durazo* (2004) 124 Cal.App.4th 728, 731.) “A traffic stop is lawful at its inception if it is based on a reasonable suspicion that *any* traffic violation has occurred, even if it is ultimately determined that no violation did occur. [Citations.]” (*Brierton v. Department of Motor Vehicles* (2005) 130 Cal.App.4th 499, 510.) Reasonable suspicion requires only that “the detaining officer can point to specific articulable facts that, considered in light of the totality of the circumstances, provide some objective manifestation that the person detained may be involved in criminal activity.” (*People v. Souza* (1994) 9 Cal.4th 224, 231.) Further, “‘[t]he possibility of an innocent explanation does not deprive the officer of the capacity to entertain a reasonable suspicion of criminal conduct.’ [Citation.]” (*Kodani v. Snyder* (1999) 75 Cal.App.4th 471, 476-477.) “[T]he reasonableness of an officer's stopping a vehicle is judged against

an objective standard: would the facts available to the officer at the moment of the stop ‘ ‘warrant a man of reasonable caution in the belief’ that the action taken was appropriate[?]’ ” (*People v. Rodriguez* (2006) 143 Cal.App.4th 1137, 1148.)

Here, the warden stated specific articulable facts for conducting a traffic stop of defendant on May 12, 2011, for driving on a still-suspended license. On April 13, 2011, the warden contacted defendant, learned his license had been suspended for DUI, and confirmed the same with dispatch; at that time, defendant stated that his license had been suspended for two DUIs and that he had no idea when his driver’s license would no longer be suspended. On May 12, 2011, the warden entertained a reasonable suspicion that defendant was driving on a still-suspended license, a violation of the Vehicle Code. (See Veh. Code, § 14601 et seq.) A person of reasonable caution would believe the same and take the same action. The trial court properly denied defendant’s suppression motion.

**DISPOSITION**

The judgment is affirmed.

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RAYE, P. J.

We concur:

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BLEASE, J.

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HULL, J.