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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

FOURTH APPELLATE DISTRICT

DIVISION TWO

THE PEOPLE,

Plaintiff and Respondent,

v.

PAULA SUSAN PERUGINI,

Defendant and Appellant.

E055896

(Super.Ct.No. SWF1100019)

OPINION

APPEAL from the Superior Court of Riverside County. Albert J. Wojcik and Dennis A. McConaghy, Judges. Affirmed.

H. Reed Webb, under appointment by the Court of Appeal, for Defendant and Appellant.

No appearance by Plaintiff and Respondent.

INTRODUCTION

An information charged defendant and appellant Paula Susan Perugini with transportation of methamphetamine under Health and Safety Code section 11379 (count 1); possession of paraphernalia under Health and Safety Code section 11364 (count 2);

and being under the influence of a controlled substance under Health and Safety Code section 11550 (count 3). The trial court denied defendant's pretrial motion to suppress under Penal Code section 1538.5 and also denied a subsequent attempt to renew the motion on different grounds.

On January 30, 2012, defendant entered a guilty plea to the information as charged. Sentencing proceedings were suspended, and defendant was placed on probation for three years. She was found eligible for a diversion program for substance abuse under Penal Code section 1210.1 and was directed to complete the program as a condition of probation.

On March 16, 2012, defendant filed a notice of appeal with a request for a certificate of probable cause. When the court denied defendant's request for a certificate of probable cause, defendant filed a second notice of appeal on March 26, 2012, based upon the denial of her original motion to suppress under Penal Code section 1538.5.

STATEMENT OF FACTS

At the hearing on the motion to suppress, the prosecution called City of Hemet Police Officer David Purcell. Officer Purcell testified that on August 13, 2010, he heard a radio broadcast from Hemet Police Department Detective Michael Mouat; the detective asked any officer in the area to make a traffic stop of a red Kia traveling westbound on Stetson Avenue, if a traffic code violation was observed. Officer Purcell spotted the car while he was traveling in the opposite direction; he made a U-turn and began to follow it. Although the driver did not commit any driving violations, the officer noticed that a

passenger in the left rear seat did not appear to have her seatbelt on. The officer pulled the car over for this violation.

Detective Mouat, who had been following the Kia at the time he initiated the radio broadcast, arrived at the location of the traffic stop. There were four occupants inside the car. He approached the driver's side and spoke to defendant, who was seated behind the wheel. The detective asked defendant to identify herself and then asked her to step outside the car after he noticed signs that she was under the influence of a drug. Defendant was placed under arrest and put in the back seat of the detective's car. She consented to the detective's request to search her vehicle. Methamphetamine was found inside defendant's purse.

Deputy Public Defender Robert Semnar was appointed to represent defendant shortly after her arraignment. He made a motion to suppress the evidence found inside the car on the sole basis that the traffic stop was unlawful under the authority of *People v. Hunt* (1990) 225 Cal.App.3d 498. *Hunt* interpreted Vehicle Code section 27315, subdivision (k), which prohibited traffic stops based solely on a passenger not wearing a seatbelt. In 1995, however, the Legislature deleted this prohibition. (Stats. 1995, ch. 365, § 1, p. 1912.) Therefore, the trial court denied defendant's motion.

Subsequently, Defense Counsel Semnar asked to be relieved as defense counsel due to a conflict of interest that had developed. Conflict attorney Elizabeth Bowman was appointed as new defense counsel. Bowman filed a renewed motion to suppress, based on the ground that the officer's traffic stop was unlawful because it was a mere pretext.

Bowman included a declaration asserting as additional ground that defendant did not consent to the search of her vehicle and/or her purse.

The trial court refused to hear the motion because of an insufficient showing that there had been a change of circumstances to justify a second search and seizure motion.

ANALYSIS

After defendant appealed, and upon her request, this court appointed counsel to represent her. Counsel has filed a brief under the authority of *People v. Wende* (1979) 25 Cal.3d 436 and *Anders v. California* (1967) 386 U.S. 738 setting forth a statement of the case, a summary of the facts, and potential arguable issues and requesting this court to undertake a review of the entire record.

We offered defendant an opportunity to file a personal supplemental brief, but she has not done so. Pursuant to the mandate of *People v. Kelly* (2006) 40 Cal.4th 106, we have conducted an independent review of the record and find no arguable issues.

DISPOSITION

The judgment is affirmed.

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MCKINSTER
Acting P. J.

We concur:

MILLER
J.

CODRINGTON
J.