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**IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA
FIFTH APPELLATE DISTRICT**

THE PEOPLE,

Plaintiff and Respondent,

v.

MARTIN GRANADOS, JR.,

Defendant and Appellant.

F064815

(Super. Ct. No. BF137102A)

OPINION

THE COURT*

APPEAL from a judgment of the Superior Court of Kern County. John W. Lua,
Judge.

Allen G. Weinberg, under appointment by the Court of Appeal, for Defendant and
Appellant.

Kamala D. Harris, Attorney General, Dane R. Gillette, Chief Assistant Attorney
General, Michael P. Farrell, Assistant Attorney General, Michael A. Canzoneri and
Charles A. French, Deputy Attorneys General, for Plaintiff and Respondent.

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* Before Levy, Acting P.J., Franson, J., and Peña, J.

Appellant, Martin Granados, Jr., pled no contest to kidnapping (count 2/Pen. Code, § 207, subd. (a))¹ and receiving a stolen vehicle (count 7/§ 496d) and he admitted a personal use of a firearm enhancement in count 2 (§ 12022.53, subd. (b)).

On appeal, Granados contends: 1) the court erred when it denied his motion to suppress; and 2) his abstract of judgment contains a clerical error. We will find merit to this latter contention and modify the judgment accordingly. In all other respects, we affirm.

FACTS

Factual and Procedural History

On June 3, 2011, Jared Von was walking away from a friend's house when Granados approached him, placed a gun to his head, and took him to a nearby garage. After taking some car keys from Von, Granados and three other people warned Von not to contact police, sat him down on a curb, and drove off in the Pontiac Grand Prix Von had been driving. Granados was arrested the following day after he was stopped while driving the stolen Pontiac.

On August 24, 2011, the district attorney filed an information charging Granados with kidnapping to commit robbery (count 1/§ 209, subd. (b)), kidnapping (count 2), robbery (count 3/§ 212.5, subd. (c)), making criminal threats (count 4/§ 422), carjacking (count 5/§ 215, subd. (a)), and receiving a stolen vehicle (count 7). Counts 1 through 5 also alleged that Granados personally used a firearm during the commission of the underlying offense.

On January 23, 2012, defense counsel filed a motion to suppress challenging the traffic stop that resulted in Granados's arrest.

On February 8, 2012, the court heard and denied the motion.

¹ All further statutory references are to the Penal Code.

On March 2, 2012, Granados entered his plea in this matter in exchange for a stipulated term of 13 years 8 months and the dismissal of the remaining counts and enhancements.

On April 4, 2012, the court sentenced Granados to the stipulated term of 13 years 8 months consisting of the lower term of three years on count 2, a 10-year arming enhancement in that count, and a consecutive eight-month term (one-third the middle term of two years) on count 7.

The Suppression Hearing

On February 8, 2012, at a hearing on Granados's suppression motion, Kern County Sheriff's Deputy Manuel Lopez testified that a "hot sheet" is a list of stolen vehicles containing the license plate number and a description of each listed vehicle. The list is given to officers so that they can be on the lookout for the listed vehicles when they are on patrol.

On June 4, 2011, at approximately 1:54 a.m., Deputy Lopez was on patrol when he saw a gray or silver Pontiac Grand Prix driven by Granados traveling in the opposite direction. Deputy Lopez checked his hot sheet and saw the Pontiac listed there. He then made a U-turn and checked the car's registration. Although Deputy Lopez was informed by the communications center that the car had not been reported stolen, he stopped it anyway to investigate why it was listed on his hot sheet as a stolen vehicle.

After hearing argument, the court denied Granados's motion to suppress.

DISCUSSION

The Suppression Motion

“In ruling on a motion to suppress, the trial court must find the historical facts, select the rule of law, and apply it to the facts in order to determine whether the law as applied has been violated. We review the court's resolution of the factual inquiry under the deferential substantial-evidence standard. The ruling on whether the applicable law applies to the

facts is a mixed question of law and fact that is subject to independent review.’ [Citation.]² ...

“The Fourth Amendment protects against unreasonable searches and seizures. [Citations.] “A detention is reasonable under the Fourth Amendment when 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.” [Citation.] Ordinary traffic stops are treated as investigatory detentions for which the officer must be able to articulate specific facts justifying the suspicion that a crime is being committed. [Citations.] [¶] ... [¶] ...’ [Citation.]

“As the United States Supreme Court has stated: ‘The reasonableness of a seizure under the Fourth Amendment is determined “by balancing its intrusion on the individual’s Fourth Amendment interests against its promotion of legitimate government interests.” [Citation.]’ [Citation.] This court has recognized that “[t]he level of intrusion of personal privacy and inconvenience involved in a brief vehicle stop is considerably less than [an] “embarrassing police search” on a public street,’ and that “in light of the pervasive regulation of vehicles capable of traveling on the public highways, individuals generally have a reduced expectation of privacy while driving a vehicle on public thoroughfares.” [Citation.]’ [Citation.]

“Even in a general sense, the reasonable suspicion standard of *Terry v. Ohio* (1968) 392 U.S. 1 [20 L.Ed.2d 889, 88 S.Ct. 1868] is not a particularly demanding one, but is, instead, ‘considerably less than proof of wrongdoing by a preponderance of the evidence.’ [Citation.] ... Further, *as the high court repeatedly has explained, the possibility of innocent explanations for the factors relied upon by a police officer does not necessarily preclude the possibility of a reasonable suspicion of criminal activity.* (*United States v. Arvizu* (2002) 534 U.S. 266, 274 [151 L.Ed.2d 740, 122 S.Ct. 744] (*Arvizu*) [‘Although each of the series of acts [in *Terry*] was “perhaps innocent in itself,” we held that, taken together, they “warranted further investigation.”’]; *Sokolow, supra*, 490 U.S. at p. 9 [holding that factors that by themselves were ‘quite consistent with innocent travel’ collectively gave rise to reasonable suspicion]; see also

² Insertions added by this court are placed in brackets and italicized to distinguish them from the bracketed insertions appearing in the original material.

People v. Glaser (1995) 11 Cal.4th 354, 373, ... [*that a person's conduct is consistent with innocent behavior does not necessarily defeat the existence of reasonable cause to detain. [Citation.] What is required is not the absence of innocent explanation, but the existence of "specific and articulable facts which, taken together with rational inferences from those facts, reasonably warrant that intrusion"*].) In determining whether a search or seizure was supported by a reasonable suspicion of criminal activity, "the relevant inquiry is not whether particular conduct is 'innocent' or 'guilty,' but the degree of suspicion that attaches to particular types of noncriminal acts." [Citation.] Indeed, *the United States Supreme Court has acknowledged that by allowing the police to act based upon conduct that was 'ambiguous and susceptible of an innocent explanation,' the court in Terry 'accept[ed] the risk that officers may stop innocent people.'* [Citations.]; see, e.g., *In re Raymond C.* (2008) 45 Cal.4th 303, 306–308, ... [police officer had reasonable suspicion to conduct a traffic stop on a vehicle displaying no rear license plate or a temporary operating permit in the rear window, despite the circumstances that the vehicle otherwise was being driven in a lawful manner and there was a temporary permit in the front window.]” (*People v. Letner and Tobin* (2010) 50 Cal.4th 99, 145-147, italics added.)

Here, Deputy Lopez had information from the hot sheet indicating that the car Granados was driving was stolen and information from the dispatcher that it had not been reported stolen. This created an ambiguity about the status of the car that Deputy Lopez was duty bound to investigate to determine what information was correct. Although it did not involve Granados's conduct, the possibility of an innocent explanation, i.e., that the car was not stolen, did not relieve Deputy Lopez of the need to determine whether the car was stolen or not. Further, since the reasonable suspicion standard is “not a particularly demanding one” and individuals generally have “a reduced expectation of privacy while driving a vehicle on public thoroughfares,” we conclude that the deputy's traffic stop was constitutionally reasonable to allow him to clear up the ambiguous status of the Pontiac Granados was driving.

Granados contends that the hot sheet did not provide Deputy Lopez with a reasonable suspicion to detain him because the prosecutor did not present any evidence of how or when the hot sheet was prepared or how stale the information might have been.

He also selectively cites from *United States v. Hensley* (1985) 469 U.S. 221 (*Hensley*) to contend that the hot sheet should not be given more weight than an uncorroborated anonymous tip or information from another law enforcement agency that has not been verified. Granados is wrong.

“It is well settled that an officer may reasonably rely on information received through official channels to support an arrest. An officer may rely on information from other officers within his or her own department and from other departments and jurisdictions.” (*People v. Alcorn* (1993) 15 Cal.App.4th 652, 655.)

Deputy Lopez testified that the hot sheet was a list of stolen vehicles that is distributed to officers so they can be on the lookout for stolen vehicles while on patrol. Therefore, since the information on the hot sheet was received through official police channels, Deputy Lopez was entitled to rely on it to detain Granados, notwithstanding that the prosecutor did not present any evidence of how or when it was prepared, which, in any event, Granados did not challenge in the trial court. Further, *Hensley* does not help Granados because in that case the Supreme Court concluded that “if a flyer or bulletin has been issued on the basis of articulable facts supporting a reasonable suspicion that the wanted person has committed an offense, then reliance on that flyer or bulletin justifies a stop to check identification [citation], to pose questions to the person, or to detain the person briefly while attempting to obtain further information.” (*Hensley, supra*, 469 U.S. at p. 232.) Granados does not contend that the hot sheet Deputy Lopez relied on to stop him was issued without probable cause to believe that the listed cars, including the Pontiac Granados was driving, were stolen. Accordingly, we conclude that the court did not abuse its discretion when it denied his motion to suppress.

Granados’s Abstract of Judgment

At his sentencing hearing, the court awarded Granados a total of 351 days of presentence custody credit consisting of 306 days of presentence actual custody credit

and 45 days of presentence conduct credit. However, in item 14 of Granados's abstract of judgment, the box for total credits contains the number 306, the box for presentence actual custody credits contains the number 45, and the box for presentence local conduct credits contains the number 351. Granados contends that the abstract of judgment was prepared incorrectly and must be amended to accurately reflect his award of presentence custody credit. Respondent concedes and we agree.

“It is not open to question that a court has the inherent power to correct clerical errors in its records so as to make these records reflect the true facts. [Citations.] The power exists independently of statute and may be exercised in criminal as well as in civil cases. [Citation.] ... The court may correct such errors on its own motion or upon the application of the parties.’ [Citation.] Courts may correct clerical errors at any time, and appellate courts ... that have properly assumed jurisdiction of cases have ordered correction of abstracts of judgment that did not accurately reflect the oral judgments of sentencing courts.” (*People v. Mitchell* (2001) 26 Cal.4th 181, 185.)

Here, the numbers listed in the boxes for total credits, presentence actual custody credits, and presentence local conduct credits do not correspond to the amounts of these credits the court awarded Granados. Accordingly, we will direct the trial court to issue an amended abstract of judgment that corrects these clerical errors.

DISPOSITION

The trial court is directed to issue an amended abstract of judgment that correctly memorializes Granados's award of presentence custody credit and to forward a certified copy to the Department of Corrections and Rehabilitation. In all other respects, the judgment is affirmed.