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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA
SIXTH APPELLATE DISTRICT

THE PEOPLE,

Plaintiff and Respondent,

v.

EMANUEL RODRIGUEZ,

Defendant and Appellant.

H038079

(Santa Cruz County

Super. Ct. No. F20408)

Watsonville Police Officer Brian Fulgoni, who was in full uniform, was stopped at a red light in a marked patrol car talking on his cell phone when he heard a man yelling at him from a Jeep Cherokee nearby. The man said: “Get off your fucking cell phone.” The light turned green, and Fulgoni proceeded. The Jeep’s horn began honking “in rapid succession about five times for no apparent reason.” Fulgoni activated his overhead lights and brought his patrol car up behind the Jeep. Defendant Emanuel Rodriguez was driving the Jeep. Defendant did not pull the Jeep over. Instead, Fulgoni had to pursue the Jeep in his patrol car for about five minutes over more than a mile. During this pursuit through a residential area with a 25 miles per hour speed limit, the Jeep failed to stop at three stop signs and reached a speed of 50 miles per hour.

Eventually, the Jeep pulled over. Defendant and several passengers got out of the Jeep and fled. As defendant was fleeing the Jeep, a duffel bag fell out of the Jeep. A large bag of marijuana was protruding from the top of the duffel bag. More than 12

ounces of marijuana was found in the Jeep. Defendant and three of his passengers were detained nearby. Defendant was found lying on the ground under some bushes in a cemetery. Fulgoni smelled alcohol on defendant's breath. His speech was slurred, and his eyes were watery. A blood sample taken about two hours later showed a blood alcohol level of 0.18. Defendant was overheard telling one of his passengers "that if he talks to the police he'd slit his neck." At the police station, while handcuffed, defendant charged at a police officer.

Defendant was charged by information with evading (Veh. Code, § 2800.2, subd. (a)), transportation of marijuana (Health & Saf. Code, § 11360, subd. (a)), dissuading a witness by threat (Pen. Code, § 136.1, subd. (c)(1)), driving under the influence (Veh. Code, § 23152, subd. (a)), and resisting an officer (Pen. Code, § 148, subd. (a)). Defendant initially entered no contest pleas to all of the charges, but those pleas were withdrawn because the court had erroneously reduced the dissuading count to a misdemeanor. Defendant thereafter pleaded guilty to the evading and driving under the influence counts. Under the plea agreement, the other counts would be dismissed, and he would be granted probation with an 18-month jail term. The court suspended imposition of sentence and placed defendant on probation with various conditions including the promised 18-month jail term. The remaining counts were dismissed. Defendant timely filed a notice of appeal.

Appointed appellate counsel has filed an opening brief which states the case and the facts but raises no issues. Defendant was notified of his right to submit written argument on his own behalf but has failed to avail himself of the opportunity. Pursuant

to *People v. Wende* (1979) 25 Cal.3d 436, we have reviewed the entire record and have concluded that there are no arguable issues on appeal.

The order is affirmed.

Mihara, J.

WE CONCUR:

Premo, Acting P. J.

Márquez, J.