

SUPREME COURT COPY

IN THE SUPREME COURT OF THE

STATE OF CALIFORNIA

PEOPLE OF THE STATE OF
CALIFORNIA,

Plaintiff and respondent,

v.

GEORGE LEE HERNANDEZ,

Defendant and appellant.

) No. S150038
)
) Court of Appeal
) No. C051224
) No. C051602
)
)
)
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SUPREME COURT
FILED

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Frederick K. Ohnrich ~~Clark~~

DEPUTY

APPELLANT'S ANSWER BRIEF ON THE MERITS

Appeal From The Judgment Of The Superior Court
Of The State Of California, County Of Sacramento
Nos. 05F00765, 03F04161

Honorable Michael A Savage, Judge

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appellant George Hernandez

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v.)	
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Issue Presented

If a police officer sees that a motor vehicle lacks a rear or both license plates, may the officer make a traffic stop to determine if the vehicle has a temporary operating permit or if a displayed temporary permit is a valid one?

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Argument

- I. The Fourth Amendment Does Not Permit The Police To Stop A Person Lawfully Driving A Vehicle With A Temporary Operating Permit Issued In Lieu Of License Plates Unless The Police Have A Specific Reason To Believe That This Particular Temporary Permit Is Invalid Or Counterfeit.

- A. Summary Of Argument.

Under the Fourth Amendment, a police officer may not stop a motorist unless the officer has at least a “reasonable suspicion” that the motorist is violating the Vehicle Code or is otherwise engaged in criminal activity. (*Delaware v. Prouse* (1979) 440 U.S. 648, 663.) A “reasonable suspicion” requires “a particularized and objective basis for suspecting the particular person stopped” is engaged in criminal activity. (*United States v. Cortez* (1981) 449 U.S. 411, 417-418.) The police may not stop a motorist driving with a temporary operating permit in lieu of license plates based solely on the belief that temporary permits are sometimes forged and placed on stolen cars. To hold otherwise would give the police unbridled discretion to stop any person driving with a temporary permit in lieu of license plates.

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B. The Undisputed Facts.

Deputy Anthony Paonessa, 14 months on the job, was driving a patrol car on the afternoon of January 25, 2005. (RT 1:38.) He saw Mr. Hernandez's truck pull out of a gas station and into the roadway ahead of him. Deputy Paonessa noticed that the truck had no license plates, but a temporary operating permit was displayed in the rear window. (RT 1:51-52.) Deputy Paonessa knew that the Department of Motor Vehicles ("DMV") issues temporary operating permits to show that the appropriate fees have been paid by the vehicle owner. The deputy knew that a temporary operating permit may be used until the replacement license plates are issued. (RT 1:52.) Deputy Paonessa saw nothing about the temporary permit that suggested it was invalid. (RT 1:52.) And, although he believed that "temporary operating permits are very often forged" and then placed on stolen vehicles whose license plates have been removed to avoid identification, the deputy had no reason to believe that the operating permit on Mr. Hernandez's truck had been forged. (RT 1:74-76.)

It is undisputed that Mr. Hernandez was stopped solely because of the deputy's speculation that the truck may have been stolen. Mr. Hernandez had not committed any Vehicle Code violation, nor was there

specific reason to believe that he was engaged in any criminal activity. (RT 1:52, 1:76.) Once Deputy Paonessa turned on his overhead lights to make the stop, Mr. Hernandez immediately pulled his truck to the side of the road and stopped. (RT 1:40.) The deputy told Hernandez he stopped him because he had no license plates. (RT 1:57.) Hernandez replied he had a temporary permit in the window. (RT 1:57.) Hernandez then furnished the deputy with his driver's license and proof of insurance. (RT 1:58-59.)

Deputy Paonessa did not use this information to determine if Mr. Hernandez was the rightful owner of the truck. Instead, he probed Hernandez in other areas; he asked if Hernandez was on parole or probation. Hernandez replied he was on probation. (RT 1:61.)¹ The deputy believed that Mr. Hernandez appeared to be nervous and possibly under the influence of drugs or alcohol; he ordered him out of the truck. (RT 1:63.)

¹ The Deputy never suggested that he was aware that Mr. Hernandez was on probation before he stopped the car. (See *In re Jaime P.* (2006) 40 Cal.4th 128, 139 (juvenile's probationary search condition does not justify an otherwise illegal search and seizure when officer conducting the search was unaware the juvenile was on probation and subject to a search condition); *People v. Sanders* (2003) 31 Cal.4th 318 (illegal search of adult parolee may not be justified by search condition of which the officer was unaware).)

Hernandez moved to suppress all evidence obtained after the stop on the ground that the stop violated the Fourth Amendment. (RT 1:77.) The court denied the motion. The court ruled that even though Mr. Hernandez had a proper operating permit displayed, the deputy was entitled to “stop and investigate briefly and find out whether the motorist is driving a validly registered car.” (RT 1:79.)

C. Standard of Review.

“The standard of appellate review of a trial court’s ruling on a motion to suppress is well established. We defer to the trial court’s factual findings, express or implied, where supported by substantial evidence. In determining whether, on the facts so found, the search or seizure was reasonable under the Fourth Amendment, we exercise our independent judgment.” (*People v. Glaser* (1995) 11 Cal.4th 354, 362.)

D. The Stop Violated The Fourth Amendment.

Federal constitutional law controls this case.² The Fourth Amendment “applies to all seizures of the person, including seizures that

² The enactment of California Constitution, article I, section 28, subd. (d) (Proposition 8) requires the Court to apply federal constitutional law to determine whether evidence should be excluded. (*In re Lance W.* (1985) 37 Cal.3d 873, 886.)

involve only a brief detention short of arrest.” (*Brown v. Texas* (1979) 443 U.S. 47, 50.) “[S]topping an automobile and detaining its occupants constitutes a ‘seizure’ within the meaning of the [Fourth and Fourteenth] amendments, even though the purpose of the stop is limited and the resulting detention quite brief.” (*Delaware v. Prouse* (1979) 440 U.S. 648, 653.) “[P]ersons in automobiles on public roadways may not for that reason alone have their travel and privacy interfered with at the unbridled discretion of police officers.” (*Id.* at p. 663.)

A vehicle stop violates the Fourth Amendment unless the police have an “articulable and reasonable suspicion that a motorist is unlicensed or that an automobile is not registered, or that either the vehicle or an occupant is otherwise subject to seizure for violation of law” (*Ibid.*) “[T]he detaining officers must have a particularized and objective basis for suspecting the particular person stopped of criminal activity.” (*United States v. Cortez* (1981) 449 U.S. 411, 417-418.) “This demand for specificity in the information upon which police action is predicated is the central teaching of this Court’s Fourth Amendment jurisprudence.” (*Terry v. Ohio* (1968) 392 U.S. 1, 21, fn.18.)

Here, the police lacked a specific and particularized suspicion that

Mr. Hernandez was driving a stolen car. The sole basis for the stop was the deputy's belief, based on limited experience, that "temporary operating permits are very often forged." (RT 1:74-76.) Although an officer's training and experience may be taken into account in determining whether there is reasonable suspicion that a crime has been committed (*Terry v. Ohio, supra*, 392 U.S. at p. 27), Deputy Paonessa's vague assertion that temporary permits are "very often" forged fell far short of furnishing a specific basis to believe that the permit on Mr. Hernandez's truck was forged. In this regard, the Court of Appeal below stated:

"We have no way of discerning the meaning of the statement, 'very often,' because Deputy Paonessa did not say how many times he had stopped a car with a temporary operating permit or how many times the permit was valid or invalid. Absent either additional facts justifying a reasonable suspicion of criminal activity, or specific experience Deputy Paonessa had to justify a suspicion that the particular operating permit displayed on defendant's truck was invalid, we cannot say the stop was reasonable. We are unwilling to conclude it is always reasonable to stop a car that does not have any license plates but has a temporary operating permit, because that would effectively mean it is always reasonable to suspect that a temporary operating permit is invalid."

(Slip Opinion at pp. 3-4.)

The present case is similar to *Delaware v. Prouse, supra*, 440 U.S. 648. In that case, the officer stopped a vehicle to check the driver's license

and registration. Before stopping the vehicle, the officer had observed neither traffic or equipment violations nor any suspicious activity. He made the stop only in order to investigate whether the driver was licensed and the vehicle was registered. (440 U.S. at pp. 650-651.) The Court ruled the State's interest in promoting public safety upon the roadway did not "justify subjecting every vehicle on the roads to a seizure – limited in magnitude compared to other intrusions but nonetheless constitutionally cognizable – at the unbridled discretion of law enforcement officials." (440 U.S. at p. 661.)

Here, too, the deputy did not observe any vehicle code violations or suspicious activity. He stopped Mr. Hernandez solely because he believed that temporary permits are sometimes forged, and although he had no reason to believe that this permit was forged, it was *possible* that it was. This is not enough. An officer must be able to articulate something more than an "inchoate and unparticularized suspicion or hunch." (*Terry v. Ohio, supra*, 392 U.S. at p. 27.)

Two California cases, *People v. Butler* (1988) 202 Cal.App.3d 602 and *People v. Nabong* (2004) 115 Cal.App.4th Supp. 1, are also similar to the case at bench. In *Butler*, an officer stopped a vehicle because the

vehicle's windows were tinted. The State acknowledged that tinting is not illegal if it meets certain requirements, but argued that the mere "observation of tinted glass justifies an inquiry about its legality." (*People v. Butler, supra*, 202 Cal.App.3d at p. 606.) The Court of Appeal rejected that argument. The Court held that the mere observation of tinted windows does not raise "a reasonable suspicion of illegality such that a reasonable inquiry is justified." (*Id.* at p. 607.) "Without additional articulable facts suggesting that the tinted glass is illegal, the detention rests upon the type of speculation which may not properly support an investigative stop." (*Ibid.*)

In *Nabong*, the registration sticker on the defendant's license plate was expired. However, the vehicle bore a temporary registration in the rear window which was valid on its face. Nevertheless, the police officer stopped the car based on his "limited experience" (1 ½ years as a police officer) that half of the temporary registration permits are invalid. (*Id.* at p. 2.) Other than this belief, the officer had no reason to stop the car. (*Ibid.*) The court ruled the officer lacked reasonable suspicion to stop the car. (*Id.* at p. 4.) The court reasoned that the officer had no "particularized belief" that the defendant's car was not validly registered. The court held that

“based on a record that appellant did everything required of him to operate his vehicle lawfully in the highway,” the stop was an unlawful detention.

(*Id* at pp. 4-5.)³

Other jurisdictions have ruled that a vehicle being operated with a temporary permit does not furnish reasonable grounds to stop the vehicle, even though the validity of the temporary permit cannot be determined without a stop. In *United States v. Wilson* (4th Cir. 2000)(en banc) 206 F.3d 720, a police officer noticed that defendant’s car had a temporary North Carolina tag and he followed it in order to get a closer look and read the expiration date on the tag. He was unable to read the expiration date and stopped the vehicle. “The officer admitted that he never saw anything illegal about the tag or the operation of the car. There was no evidence that the tag was concealed, improperly displayed, smudged, or faded by age.” (*Id.* at p. 722.) The Court held that “upholding a stop on these facts

³ The Court also noted that the officer could have, and under the facts of that case, should have checked the vehicle’s registration by radio call. There was no evidence presented as to whether the officer did nor did not check the registration before stopping the car. (*People v. Nabong, supra*, 115 Cal.App.4th Supp. at p.4-5, fn.8.) In that respect *Nabong* is different from the instant case. Here, the officer could not check the registration because there was no license plate on the truck.

would permit the police to make a random, suspicionless stop of any car with a temporary tag. The Fourth Amendment does not afford the police such unbridled discretion.” (*United States v. Wilson, supra*, 205 F.3d at p. 724.) The Court held expressly that “[t]he Fourth Amendment does not allow a policeman to stop a car just because it has temporary tags.” (*Ibid.*)

Similarly, in *State v. Butler* (2000) 343 S.C. 198, 539 S.E. 2d 414, the South Carolina Court of Appeals held that the mere presence of a temporary tag on the back of a car, without more, does not provide reasonable suspicion that the driver is violating the vehicle code or otherwise involved in criminal activity. At the suppression hearing, the officer testified that he stopped the defendant’s vehicle because it “had a temporary tag on it, and that in his experience, cars bearing these tags could be unregistered, uninsured, or stolen.” (*State v. Butler, supra*, 539 S.E.2d at 415.) There was no other indication of a vehicle code violation or criminal activity. The Court ruled the stop violated the Fourth Amendment. The Court stated, “We cannot sanction the random stop of any and every car bearing a temporary tag, leaving in the hands of law enforcement officers the freedom to detain whomever they desire without having to justify why they chose to stop one motorist over another.” (*Id.* at

p. 417.)

Under similar facts, the Nebraska Supreme Court ruled that the police could not stop a vehicle bearing a temporary permit in order to check the validity of the permit. (*State v. Childs* (1993) 242 Neb. 426, 495 N.W.2d 475.) The Court held that under *Delaware v. Prouse, supra*, a “[r]easonable suspicion, as a prerequisite for a constitutional investigatory stop, cannot be based only on a police officer’s desire to verify compliance with motor vehicle registration statutes.” (*State v. Childs, supra*, 495 N.W.2d at p. 480.) The Court noted that “[w]ithout a reasonable standard for stopping motorists to check the validity of [temporary permits], a distinct and perhaps substantial segment of the motoring public is left to random and roving stops by police in the unfettered discretion of officers in the field.” (*Id.* at p. 481 (quoting *Brown v. Texas* (1979) 443 U.S. 47).)

Both Ohio and Oregon have reached the same conclusion on similar facts. In *State v. Chatton* (1984) 11 Ohio St.3d 59, 63, 463 N.E.2d 1237, 1240, *cert. denied* 469 U.S. 856, the Court held, “[O]nce the police officer herein observed the temporary tags, appellee could no longer be reasonably suspected of operating an unlicensed or unregistered vehicle.” In *State v. Farley* (1989) 308 Or. 91, 94, 775 P.2d 835, 836, the Court

ruled: "Upon seeing the temporary permit, the justification of any investigation was vitiated. Plain and simple, the officer had no statutory authority to proceed further. That authority ended with the officer's discovery that the traffic infraction he was investigating had not actually occurred."

Here, it is undisputed that Mr. Hernandez was legally operating his truck without license plates under a temporary operating permit which he obtained from the DMV. It is undisputed that the temporary operating permit was properly displayed in the rear window of the truck. It is undisputed that the temporary operating permit was valid on its face. It is undisputed that Deputy Paonessa saw the temporary operating permit before he stopped Mr. Hernandez and had no reason to believe that this particular permit was invalid or counterfeit. It is undisputed that Mr. Hernandez had done everything required of him to operate his truck lawfully. Accordingly, there was no justifiable reason to stop him. The ruling of the Court of Appeal should be affirmed.

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II. Respondent's Arguments Are Meritless.

Respondent offers several reasons why the Court of Appeal erred in holding that the stop violated the Fourth Amendment. The arguments are without merit.

A. Respondent's Claim That It is Unlawful To Operate A Vehicle Without License Plates Even With A Temporary Operating Permit Is Absurd.

Respondent claims the stop was reasonable because Mr. Hernandez was driving his truck without license plates, which is a violation of the Vehicle Code. (Respondent's Opening Brief on the Merits ("ROB") at 5-6.) Although the DMV issued Mr. Hernandez a temporary operating permit, respondent claims Hernandez could not rely upon this because "[a] temporary operating permit does not exempt vehicle owners from the application of Vehicle Code section 5200." (ROB at 8.) According to respondent, Vehicle Code section 4156, which authorizes the DMV to issue "a temporary permit to operate a vehicle," does not "purport to exempt vehicle owners from any other provision of the Vehicle Code, including Vehicle Code section 5200, which requires a vehicle to display front and rear license plates if they have been issued." (ROB at 8.)

According to respondent, a person who has a license plate stolen, or

lost or damaged in an accident, may dutifully go to the DMV office, shuffle through the interminable line, surrender the plates or the remaining plate, pay the required fees to obtain a temporary operating permit, and carefully place the temporary permit in the proper spot but – surprise! – it’s all for naught because Vehicle Code section 5200 requires the motorist to display the plates *he no longer has*.

Respondent’s reading of the Vehicle Code is absurd. The purpose of a temporary operating permit is to allow the motorist to operate his or vehicle without license plates (which may have been stolen, lost or damaged and rendered illegible) until the DMV furnishes the replacement plates. The Vehicle Code expressly authorizes the DMV to “issue a temporary permit to operate a vehicle when a payment of fees has been accepted in an amount to be determined by, and paid to the department, by the owner or other person in lawful possession of such vehicle. The permit shall be subject to such terms and conditions and shall be valid for such period of time as the department shall deem appropriate under the circumstances.” (Veh. Code, § 4156.) Further, “[s]pecial permits issued in lieu plate shall be attached and displayed on the vehicle for which

issued during the period of their validity.” (Veh. Code, § 5202.)⁴

Respondent’s claim that a motorist must display the license plates he no longer has “contravene[s] the settled rule of statutory construction that ‘statutes must be given a reasonable and common sense construction in accordance with the apparent purpose of the lawmakers – one that is practical rather than technical, and that will lead to a wise policy rather than to mischief or absurdity.’” (*People v. Aston* (1985) 39 Cal.3d 481, 492, quoting *People v. Clark* (1966) 241 Cal.App.2d 775, 780.)

Respondent’s reading of the Vehicle Code is contradicted by the plain language of the code, and flies in the face of the obvious purpose of the temporary permit procedure. If a temporary permit cannot be used in lieu of a license plate, then a motorist who has a plate stolen or damaged

⁴ If one or both license plates is stolen or lost, or becomes illegible, the vehicle owner must apply for a replacement plate. According to the website of the Department of Motor Vehicles, in order to obtain replacement plates, the owner must surrender *both plates*, even if only one plate has been damaged, lost, or stolen. Appendix A to this brief contains pages from the DMV website on the procedure for obtaining replacement plates. (See the website of the California Department of Motor Vehicles at www.dmv.ca.gov.) Hernandez requests the Court to take judicial notice of this published procedure under Evidence Code section 452, subd. (f), which permits the Court to take notice of “[f]acts and propositions that are not reasonably subject to dispute and are capable of immediate and accurate determination by resort to sources of reasonably indisputable accuracy.”

cannot operate his or her vehicle lawfully until the DMV furnishes replacement plates, which may take up to eight weeks. During that time, the motorist may be stopped repeatedly by the police. This makes no sense. The only reasonable construction of the Vehicle Code is that it allows the DMV to issue temporary permits so that motorists can operate their cars lawfully in the event one or both license plates is lost, stolen, or damaged.

B. *People v. Saunders* Is Distinguishable.

Respondent argues that this case is controlled by *People v. Saunders, supra*, 38 Cal.4th 1129. Respondent criticizes the Court of Appeal for failing “to address why” *Saunders* “is not controlling.” (ROB at 8-9.) In fact, the Court of Appeal *did* explain why *Saunders* is inapposite, and did it so well that its explanation is repeated here:

“In deciding *Saunders*, the California Supreme Court specifically did not decide ‘whether an officer may stop a vehicle that has an expired registration tab but also displays a temporary operating permit.’ [Citations.] The court did not have to decide that issue because the officer noted the car did not have a front license plate. [Citations.] In *Saunders*, the temporary operating permit explained the expired registration tab but not the missing front license plate, so the officer was justified in pulling the car over to investigate the missing plate. [Citations.]”

“Here, the facts are more analogous to the case the *Saunders* court

specifically did not decide because defendant did not have any license plates but had a temporary operating permit. Therefore, the *Saunders* decision is of little assistance here because this case presents a different question.”

(Slip Opinion at p. 3.)

Indeed, *Saunders* noted that the Court had not yet decided “whether an officer may stop a vehicle that has an expired registration tab but also displays a temporary operating permit . . . [but] [w]e need not decide the issue . . . because [the officer] also noted that the pickup’s front license plate was missing.” (*People v. Saunders, supra*, 38 Cal.4th at pp. 1135-1136.) Presumably, the Court ordered review here in order to decide the issue left undecided in *Saunders*.

It should be noted that the police might well be justified in stopping a car that has one license plate and a temporary operating permit. In that situation, the temporary permit could *not* have been issued in lieu of the missing plates because the DMV would not have issued a temporary permit unless the motorist surrendered the remaining plate. Here, Deputy Paonessa saw that Hernandez’s truck was missing *both* plates. (RT 1:51-52.)

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C. The Court Of Appeal Did Not Ignore Critical Facts That Demonstrated The Reasonableness Of The Deputy's Conduct.

Respondent claims the Court of Appeal “did not address the import of the fact appellant was driving an older pickup truck, which presumably would have [] already been issued license plates, and that the absence of any plates prevented the officer from being able to verify by radio whether registration of the vehicle was in progress.” (ROB at 9-10.)

Respondent seems blind to the possibility that one or both license plates may be stolen, lost, or damaged to the point of illegibility in an accident. Indeed, there is no question in this case that Mr. Hernandez's license plates had been stolen from his old truck and that he was properly issued a temporary permit to be used in lieu of the missing plates. The age of the vehicle does not give the officer any reason to believe that a temporary operating permit is counterfeit.

Nor does the fact that the officer cannot verify the vehicle's registration make a stop reasonable. The mere possibility that a vehicle is unregistered or stolen does not justify a traffic stop. (*Delaware v. Prouse, supra*, 440 U.S. 648, 663.) The police cannot stop a car to determine if a crime has occurred; there must be a reasonable basis to believe that a crime

has occurred before the stop is made. (*Ibid.*)

It is true that the temporary permits issued by the DMV offer no means for an officer to check the registration without stopping the motorist in situations where the temporary permit stands in place of license plates. However, the remedy is not to abandon the Fourth Amendment but rather to use the legislative process to direct the DMV to issue more informative permits. There is no evidence before the Court that the use of counterfeit temporary permits is such a substantial problem that an exception to the “reasonable suspicion” standard must be carved into Fourth Amendment jurisprudence. Taken to its logical end, respondent’s reasoning would justify the police in seizing persons to investigate whether a crime occurred in many situations where experience suggests that a crime may be occurring, such as people driving away from a bar at 2 a.m., or people driving car models that are frequently stolen. The Fourth Amendment requires more than a hunch based on probabilities; it requires a particularized suspicion based on specific facts relating to the person being stopped.

The judgment of the Court of Appeal should be affirmed.

Conclusion

For the reasons stated above, the judgment of the Court of Appeal should be affirmed.

Dated: June 15, 2007

Respectfully submitted,



Robert Derham

Attorney for defendant and appellant
George Lee Hernandez

WORD COUNT CERTIFICATE

I certify that this Answer Brief on the Merits is computer generated in 14 point font Times New Roman and contains 4,281 words.



Robert Derham

Appendix A



MOTOR VEHICLES

Online Services



Obtain Duplicate or Substitute License Plates and Stickers

When Must I Replace My License Plates?

License plates and stickers must be replaced immediately when they are lost, stolen, mutilated, or have become illegible.

What Is the Difference Between Duplicate and Substitute License Plates?

Substitute license plates are issued to replace regular series or special interest license plates that are not personalized.

Duplicates are made to replace personalized plates and some special plates. If both personalized plates are lost or stolen, duplicates with the same configuration cannot be issued. You must apply for another configuration or you may apply for regular series replacement license plates.

To obtain replacement plates:

In person:

- Visit your local DMV; make an appointment for faster service.
- Present a valid California driver license or identification card.
or
Out-of-state or out-of-country driver license or identification card and one of the following secondary photo identifications:
 - A valid passport
 - Military identification card
 - Identification card issued by a state or United States government agency
 - Student identification card issued by a college or university
 - Identification card issued by a California-based employer
- Surrender the remaining plate(s)
- If your current address is different from the address on DMV's records, you must also provide:
 - Proof of ownership (a copy of your title or registration card)
 - Police report, if your plate(s) was stolen
 - A vehicle verification completed by the California Highway Patrol, if replacement plates were issued within the last 90 days
- Complete an application for replacement plates. Refer to the chart below to determine the appropriate form.
- Pay the required duplicate or substitute fee:
 - Regular series fee
 - Permanent Trailer Identification fee
 - Disabled Person and Disabled Veteran fees
 - Special, Special Interest, and Special Equipment fees
 - Off-Highway Vehicle fee
 - Moped fee



Form	Plate
Application For Replacement Plates, Stickers, Documents (REG 156)	Auto Commercial Trailer Motorcycle Permanent Trailer Identification Disabled Person Disabled Veteran Exempt Foreign Organization Off-Highway Vehicle Identification
Special Interest License Plate Application (REG 17)	Arts Coastal (Whale Tail) Collegiate Firefighter Environmental Ex-Prisoner of War Kids

	Lake Tahoe Livery Memorial Olympic Training Center Veterans Yosemite
Special License Plate Application (REG 17A)	Amateur Radio Antique Motorcycle Congressional Medal of Honor Historical Vehicle Honorary Consul Horseless Carriage Legion of Valor Pearl Harbor Survivor Press Photographer Purple Heart Recipient
Application for Special Equipment Identification Plate (REG 88)	Special Equipment Identification
Motorized Bicycle Instructions/Application (REG 230)	Motorized Bicycle

By mail:

- You must be the registered owner of the vehicle.
- Your current address must be the same as the address on the DMV's record.
- Mail in the remaining plate(s).
- Complete an application for replacement plates. Refer to the chart above to determine the appropriate form.
- Pay the required duplicate or substitute fee:
 - Regular series fee
 - Permanent Trailer Identification fee
 - Disabled Person and Disabled Veteran fees
 - Special, Special Interest, and Special Equipment fees
 - Off-Highway Vehicle fee
 - Moped fee
- Mail the application, required fee, and remaining plate(s) to the address on the form. If there is no address on the form, mail the application to:

Department of Motor Vehicles
PO Box 942869
Sacramento, CA 94269-0001

If my vehicle was stolen and recovered without my personalized license plates, can I still get duplicate license plates?

No. If your vehicle was stolen and then recovered without both license plates that were attached to the vehicle at the time of the theft, you cannot get duplicate license plates. You must apply for another configuration or you may apply for regular series replacement license plates.

How do I get a replacement sticker for my license plate?

If the year sticker for your currently registered vehicle has been lost, stolen, mutilated, or is illegible, you must request a replacement sticker and pay a substitute fee. Complete an Application for Replacement Plates, Stickers, Documents (REG 156) and submit it with the required fee to your local DMV; make an appointment for faster service; or you may mail the application to:

Department of Motor Vehicles
PO Box 942869
Sacramento, CA 94269-0001

You may obtain a replacement month sticker at no cost from your local DMV; make an appointment for faster service.

Can I obtain replacement license plates or stickers if my vehicle registration has expired?

No. Replacement license plates and stickers cannot be issued to vehicles that are not currently registered. You may obtain replacement license plates at the time you pay renewal fees.

What should I do if I have not received my license plates and/or stickers?

Renewal Stickers— If you have not received your stickers and registration card within eight weeks of mailing your renewal fees, please call DMV at 1-800-777-0133 between 8 a.m. and 5 p.m. Monday through Friday to verify issuance. If you mailed your renewal fees with a postmark on or before the date of expiration shown on your current registration card, no penalties will be due. You may legally operate your vehicle until you receive your new registration and stickers from the department (Vehicle Code §4606). CHP and other law enforcement agencies provide a grace period for receipt of stickers when the registration renewal has been mailed. Follow the procedures above to obtain a replacement sticker. There is no charge for replacement stickers when the original ones were mailed and not received.

License Plates—If you have not received your license plates and/or stickers and registration card within eight weeks of submitting an application, please call DMV at 1-800-777-0133 between 8 a.m. and 5 p.m. Monday through Friday to verify issuance. If the plates were mailed and you did not receive them, follow the procedures above to obtain replacement plates. There is no charge for replacement plates when the original ones were mailed and not received.

For additional information click on the following:

[Replacement Disabled Person Parking Placard](#)

[Replacement Clean Air Vehicle Stickers](#)

[Replacement Zero Emission Vehicle Parking Decal](#)

IMPORTANT: California Vehicle Code §5200 requires two license plates be attached, one to the front and one to the back of all automobiles and light-duty trucks.

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APPLICATION FOR REPLACEMENT PLATES, STICKERS, DOCUMENTS

Complete all sections of this form and submit it by mail or to the nearest Department of Motor Vehicles office.

NOTE: There is a fee to replace most items.

DMV USE ONLY			
CA DL/ID NUMBER			
CA DL/ID NUMBER (IF RDPD)			
OL NUMBER			
NUMBER OF PLATES TAKEN UP			
OFFICE	DATE	ID #	TECHS INITIALS

VEHICLE LICENSE PLATE/CF NUMBER	VEHICLE ID NUMBER/HULL ID NUMBER	MAKE
DISABLED PERSON PLACARD NUMBER	BIRTH DATE, IF DP PLACARD	

SECTION A PRINTED NAME(S) OF REGISTERED OWNER OF RECORD	TRUE FULL NAME (LAST, FIRST, MIDDLE)	DRIVER LICENSE/ID CARD NUMBER
	TRUE FULL NAME (LAST, FIRST, MIDDLE)	DRIVER LICENSE/ID CARD NUMBER
	RESIDENCE OR BUSINESS ADDRESS	APT/SPACE NUMBER
	CITY	STATE ZIP CODE
	MAILING ADDRESS (IF DIFFERENT FROM ABOVE)	APT/SPACE NUMBER
	CITY	STATE ZIP CODE

SECTION B PLATES STICKERS DOCUMENTS REQUEST	I am requesting replacement of <i>(Check appropriate box(es):</i>		
	<input type="checkbox"/> License Plates	<input type="checkbox"/> Disabled Person Placard	<input type="checkbox"/> Disabled Person ID Card
	<input type="checkbox"/> License Sticker	<input type="checkbox"/> Vessel Sticker	<input type="checkbox"/> CVRA Weight Decal
	<input type="checkbox"/> Registration Card	<input type="checkbox"/> Vessel Certificate of Number	<input type="checkbox"/> CVRA Year Sticker

SECTION C PLATES STICKERS DOCUMENTS INFORMATION	NOTE: If your address is different from that which appears in the records of the department, you must appear in person at the nearest Department of Motor Vehicles office to complete an application for replacement license plates.	
	The item requested was:	
	<i>(Check appropriate box(es))</i>	<i>(Check appropriate box(es))</i>
	<input type="checkbox"/> Lost	<input type="checkbox"/> One license plate was lost or stolen. The remaining plate must be surrendered to DMV.
	<input type="checkbox"/> Stolen	<input type="checkbox"/> Two license plates were lost or stolen. Was it reported to the police or sheriff's department? <input type="checkbox"/> Yes <input type="checkbox"/> No
	Complete the following information.	
	LAW ENFORCEMENT AGENCY	CASE NUMBER DATE REPORTED
	You may be required to provide copy of the police report, if one or two plates were stolen.	
<input type="checkbox"/> Destroyed/Mutilated	Any remnants (remains) of the mutilated or destroyed plate must be surrendered to DMV.	
<input type="checkbox"/> Surrendered to DMV	Number of plates surrendered <input type="checkbox"/> One <input type="checkbox"/> Two	
<input type="checkbox"/> ELP Retained by Owner	Personalized license plates were retained by the owner.	
<input type="checkbox"/> Not Received	Please allow 30 days before reapplying.	
<input type="checkbox"/> Per CVC 4467	Number of plates surrendered <input type="checkbox"/> One <input type="checkbox"/> Two	

SECTION D CERTIFICATION	The registered owner mailing address is valid, existing, and an accurate mailing address. I consent to receive service of process at this mailing address pursuant to Vehicle Code Section 1808.21, Code of Civil Procedure Sections 415.21, subdivision (b), 415.30, subdivision (a), and 416.90.	
	I certify (or declare) under penalty of perjury under the laws of the State of California that the foregoing is true and correct.	
	PRINTED NAME	DAYTIME TELEPHONE NUMBER
SIGNATURE OF REGISTERED OWNER	DATE	

CERTIFICATE OF SERVICE

I, Tanya Herrera, am over 18 years of age. I am not a party to this action. My business address is 1010 B Street, San Rafael, CA 94901. On June ____, 2007, I served the **Answer Brief on Merits** upon the parties and persons listed below by depositing a true copy in a United States mailbox in San Rafael, CA, in a sealed envelope, postage prepaid, and addressed as follows:

Office of the Attorney General
P.O. Box 944255
Sacramento, CA 94244-2550

Court of Appeal
Third Appellate District
900 N St
Sacramento CA 95814

Central California Appellate Program
2407 J Street, Suite 301
Sacramento, CA 95816

Mr. George L Hernandez
5501 Sky Pkwy
Sacramento CA 95823-2265

Superior Court of Sacramento
720 Ninth Street
Sacramento, CA 95814-1398

Office of the District Attorney
901 G Street
Sacramento, CA 95814-1858

I declare under penalty of perjury under the law of California that this statement is true and correct. Executed at San Rafael, California, on June ____, 2007

Tanya Herrera