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SUPERIOR COURT OF CALIFORNIA, COUNTY OF KERN
METROPOLITAN DIVISION

THE PEOPLE OF THE STATE OF
CALIFORNIA, PLAINTIFF AND
RESPONDANT

CASE NO.: AP002410A

OPINION

vs.

BLAIR ANDRE KNOD, DEFENDANT
AND APPELLANT

Appeal from a judgment of the Kern County Superior Court, Mojave
Division, the Honorable John D. Oglesby, presiding.

In evaluating the legality of a traffic stop and search of a car, we are governed by
federal constitutional law. (People v. White (2003) 107 Cal. App. 4th 636, 642.)
"Reasonable suspicion" to conduct an investigatory traffic stop requires specific,
articulable facts which, together with objective and reasonable inferences, form a basis
for suspecting that a particular person is engaged in criminal conduct. (White, at p.
641.)

Suspicion based on a mistake of law cannot be the reasonable suspicion required
for a traffic stop because it is not objectively grounded. There is no good faith
exception to the exclusionary rule for police who enforce a legal standard that does not
exist. (White, at p. 643-644.)

In this case, the officer justified the vehicle stop on two bases. The first basis,
failure to yield to an approaching emergency vehicle, was found by the trial court not to

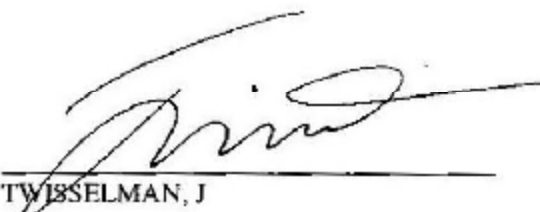
1 be a violation of the law under the factual circumstances. The second basis, making an
2 unnecessarily wide turn, was also found by the trial judge not to be a violation of the law
3 under the factual circumstances.

4 This is not a case involving an officer's mistaken factual belief, which can provide
5 reasonable suspicion for a traffic stop, if held reasonably and in good faith. (White, at p. 644.)

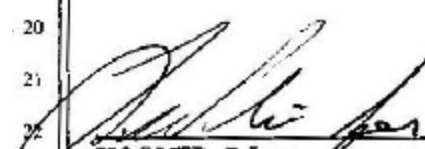
6 We conclude that the only two bases for the officer's justification of the traffic stop are
7 each insufficient, and defendant's motion to suppress the evidence as a result of an illegal stop
8 should have been granted.

9 The trial court's ruling is reversed, and the trial court is directed to grant defendant's
10 motion to suppress evidence.

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12 DATED: January 30, 2006

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TWISSELMAN, J

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19 We concur:

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22 HOOVER, P.J. Signed Pursuant to
23 J. P. FELICE, JUDGE C.C.P. §635

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25 
26 MCNUTT, J.

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28 KCT:rma