

CALIFORNIA COURT OF APPEAL, SIXTH APPELLATE DISTRICT

People v. Perez

People v. Perez · No. H053314 · Decided March 19, 2026

SUMMARY

The California Court of Appeal, Sixth Appellate District, holds that police may not impound a vehicle solely to prevent a driver with a suspended license from continuing to drive when the impoundment is not reasonably supported by a community caretaking function. Because the prosecution failed to establish a lawful impoundment, the resulting inventory search violated the Fourth Amendment. The court reverses the judgment and remands to permit the defendant to withdraw his no contest pleas and for further proceedings.

CASE DETAILS

COURT	California Court of Appeal, Sixth Appellate District
WRITING FOR THE COURT	Danner, J.; Greenwood, P. J.; Bromberg, J.
JURISDICTION	California Court of Appeal, Sixth Appellate District
DECIDED	March 19, 2026
DOCKET	H053314
DISPOSITION	reversed_and_remanded
PROCEDURAL POSTURE	Appeal from the denial of a Penal Code section 1538.5 suppression motion following a preliminary hearing and renewed suppression motion under Penal Code section 1538.5, subdivision (i). Perez entered no contest pleas after the suppression motions were denied and appealed the denial of suppression.
STANDARD OF REVIEW	The appellate court directly reviews the magistrate's factual determination, accepting factual findings supported by substantial evidence, and independently applies Fourth Amendment law de novo. The court may affirm a suppression ruling on any legally correct theory.
PRECEDENTIAL VALUE	Published and precedential California Court of Appeal opinion
PARTIES	Eric Jaime Perez v. The People

TOPICS

search and seizure

fourth amendment

suppression of evidence

exclusionary rule

appellate procedure

PRACTICE AREAS

criminal procedure

constitutional law

evidence

appellate procedure

QUESTIONS PRESENTED

1. Whether impounding Perez's legally parked minivan solely to prevent him from continuing to drive with a suspended or revoked license served a Fourth Amendment community caretaking function.
2. Whether the impoundment and resulting inventory search were constitutionally reasonable despite statutory authorization and the absence of an investigative motive.
3. Whether the court needed to decide whether opening a closed container during the inventory search complied with a standardized police procedure.

HOLDINGS

1. A vehicle impoundment authorized by the Vehicle Code is not constitutionally reasonable merely because the driver has a suspended or revoked license or because impoundment may deter future illegal driving. The prosecution must additionally show that removing the particular vehicle was specifically justified by a community caretaking function based on circumstances concerning the vehicle, such as a present threat to public safety or traffic, theft or vandalism risk, or another need to remove it. The prosecution failed to make that showing here.
2. Because the impoundment was not justified by a community caretaking function, the resulting inventory search violated the Fourth Amendment.

KEY QUOTATIONS

“Clearly, Bertine does not validate any impoundment that falls within Vehicle Code section 22651. The impoundment must still serve a community caretaking function.” (at 18)

“That Perez had a suspended or revoked license without more does not qualify impoundment of his vehicle as a community caretaking function.” (at 19)

“The judgment is reversed and the matter is remanded with directions for the trial court to permit Perez to withdraw his no contest pleas.” (at 23)

FACTUAL BACKGROUND

A Milpitas police officer stopped Perez after observing him drive across a sidewalk traversing a driveway without stopping. The officer learned that Perez's license had been suspended or revoked since 1993, handcuffed him, and intended to cite and release him rather than arrest him. Perez's minivan was legally parked, was not blocking traffic, was intact, and was not shown to be at risk of theft, vandalism, or other present danger, but the officer impounded it under his general practice of towing vehicles driven by persons with suspended licenses to prevent further illegal driving. An inventory search uncovered drugs and other items, and information from that search led to a warrant search of a hotel room that uncovered a firearm and additional drugs.

PROCEDURAL HISTORY

The magistrate denied Perez's suppression motion at the combined preliminary-hearing and suppression hearing and held him to answer. The superior court denied Perez's motion to set aside the information and renewed suppression motion. Perez then pleaded no contest to possession of a firearm by a felon and possession of a controlled substance for sale under a negotiated agreement. The Court of Appeal reversed and remanded with conditional directions permitting Perez to withdraw his pleas and, if he did so, requiring the trial court to grant the suppression motion and conduct further proceedings.

DISPOSITION

reversed_and_remanded

REMAND INSTRUCTIONS

The trial court must permit Perez to withdraw his no contest pleas. If he withdraws them, the court must vacate its order denying the suppression motion, grant the motion, and conduct further proceedings consistent with the opinion. If Perez elects not to withdraw his pleas, the judgment will be reinstated.

CASES CITED

- People v. Romeo, 240 Cal.App.4th 931, 941-942
- People v. McWilliams, 14 Cal.5th 429, 437 fn. 2
- People v. Hall, 57 Cal.App.5th 946, 952
- Miranda v. City of Cornelius, 429 F.3d 858, 862, 864, 866
- People v. Rogers, 46 Cal.4th 1136, 1156
- People v. Johnson, 38 Cal.4th 717, 723
- South Dakota v. Opperman, 428 U.S. 364, 368-369, 372-373
- Cady v. Dombrowski, 413 U.S. 433, 441
- People v. Lee, 40 Cal.App.5th 853, 867, 869
- Colorado v. Bertine, 479 U.S. 367, 371, 374-376
- Halajian v. D & B Towing, 209 Cal.App.4th 1, 16
- People v. Williams, 145 Cal.App.4th 756, 761-763
- People v. Duong, 10 Cal.5th 36, 52
- People v. Auer, 1 Cal.App.4th 1664, 1669
- People v. Green, 46 Cal.App.4th 367, 372-375
- People v. Benites, 9 Cal.App.4th 309, 327-328
- People v. Steeley, 210 Cal.App.3d 887, 892
- People v. Burch, 188 Cal.App.3d 172, 176
- Blakes v. Superior Court, 72 Cal.App.5th 904, 914
- People v. Torres, 188 Cal.App.4th 775, 792

- People v. Shafrir, 183 Cal.App.4th 1238, 1247-1248
- People v. Armstrong, 232 Cal.App.3d 228, 232 fn. 2
- People v. Brown, 415 P.3d 815, 817, 819-821
- Coalition on Homelessness v. City and County of San Francisco, 93 Cal.App.5th 928, 941-945
- United States v. Caseres, 533 F.3d 1064, 1075
- United States v. Cervantes, 703 F.3d 1135, 1142-1143
- Florida v. Wells, 495 U.S. 1, 4-5
- Illinois v. Lafayette, 462 U.S. 640
- Hicks v. State, 348 A.3d 565, 580

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