No. 18-1466

In the Supreme Court of the United States

THE COUNTY OF SONOMA, ET AL,

Petitioners,

v.

RAFAEL MATEOS SANDOVAL,

Respondent.

On Petition for a Writ of Certiorari to the United States Court of Appeals for the Ninth Circuit

BRIEF IN OPPOSITION

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RELATED CASES

Rafael Mateos-Sandoval and Simeon Avendano Ruiz v. County of Sonoma, Sonoma County Sheriff's Department, Steve Freitas, City of Santa Rosa, Santa Rosa Police Department, Tom Schwedhelm, U.S.D.C. No. CV-11-5817 TEH (NC) (United States District Court, Northern District of California); judgment entered May 27, 2017.

Rafael Mateos-Sandoval and Simeon Avendano Ruiz v. County of Sonoma, et al., Ninth Circuit No. 16-16132; judgment entered December 21, 2018.

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STATEMENT

California Vehicle Code Section 14602.6, subsection (a)(1), states a vehicle operated by a driver "without ever having been issued a driver's license," is subject to a 30-day impoundment. California defines "driver's license" to include a license issued by any jurisdiction, domestic or foreign.

A Sonoma County sheriff's deputy stopped Respondent Rafael Sandoval for a minor traffic infraction as he was driving his truck. Pet. App. 5.[1] At that time Respondent had a valid Mexican driver's license, and a clean driving record. The deputy impounded Respondent's truck for 30 days, invoking § 14602.6(a)(1), because Respondent had never been issued a *California* license. Respondent repeatedly sought his truck's release. Despite knowing Respondent had been issued a Mexican driver's license, Petitioners refused to release Sandoval's truck for 30 days, claiming it was subject to the § 14602.6(a)(1) mandatory 30-day impound. At the conclusion of the 30-day impoundment, to retrieve his truck Sandoval paid about $2,000 in storage fees. Pet. App. 44-45.

The 30-day impound was pursuant to Petitioners' policy of interpreting § 14602.6(a)(1) to impound persons' vehicles under that section if the driver, although issued a driver's license by a foreign

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[1] Petitioners are incorrect in claiming that Simeon Avendano Ruiz, Respondent Sandoval's co-plaintiff in the courts below, is a respondent in this Court. Mr. Ruiz's claims were against the City of Santa Rosa and its police department only. Pet. App. 2, 57. The Santa Rosa defendants do not seek review of the lower courts' rulings.

jurisdiction, had never been issued a *California* driver's license. Pet. App. 39-40.

The courts below held that Petitioners violated Sandoval's Fourth Amendment rights by refusing to release his truck.[2] The courts concluded that even though the truck's initial warrantless seizure may have been justified by community caretaking, that justification ceased once Sandoval had arranged to safely retrieve his truck with a licensed driver. Pet. App. 10-13 (court of appeals); 41-45 (district court).

Review is unwarranted. To begin with, the decision is correct. It comports with *Manuel v. City of Jolliet*, 137 S.Ct. 911 (2017), which holds that the Fourth Amendment applies throughout the seizure and before judicial review. It is also compelled by *Rodriguez v. United States*, 135 S.Ct. 1609, 1612 (2015), which confirms that a lawfully initiated warrantless seizure must end when the basis for the exception to the warrant requirement terminates. Petitioners' claim of a conflict among the circuits is unpersuasive, moreover, since virtually all their cases pre-date *Manuel* and *Rodriguez*. The circuit courts can be expected to implement *Manuel* and *Rodriguez* without further intervention by this Court.

Nor is review warranted to address whether the courts below erred in declining to find warrantless 30-day impounds of the vehicles owned by persons

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[2] There are only two Petitioners, the County of Sonoma and its Sheriff's Department. Mark Essick, Sonoma's current sheriff whom the petition names as a petitioner, was never a party. Sandoval sued Essick's predecessor, then-Sheriff Steve Freitas, but Freitas was dismissed on qualified immunity grounds. Freitas is no longer a party and is not a party before this Court.

like Sandoval are categorically reasonable, where there was no particular benefit to public safety or community caretaking. The courts did not err and Petitioners cite no case law establishing otherwise, or any circuit split.

Finally, review is also not warranted to address the courts' finding that Petitioners were liable for this Fourth Amendment violation under *Monell v. New York City Dept. of Soc. Servs.*, 436 U.S. 658 (1978). Petitioners conceded their policy directed that Sandoval's truck be impounded for 30 days, a policy that was contrary to the plain requirements of § 14602.6 and companion provisions of California's vehicle code. There is no error and no circuit split as to whether such a policy warrants liability under *Monell*.

A. Legal Background.

California Vehicle Code Section 14602.6(a)(1) provides that, if a vehicle is operated by a person who is "driving without ever having been issued a driver's license," a "peace officer may . . . cause the removal and seizure of that vehicle." "A vehicle so impounded shall be impounded for 30 days." *Id.*

The California Vehicle Code defines "driver's license" as including a driver's license issued by a foreign jurisdiction. California Vehicle Code § 310; *see also* California Vehicle Code § 100 (holding this interpretation governs unless otherwise stated).

Thus, per the statute a driver who has previously been issued a driver's license in a foreign jurisdiction does not qualify as a "never been licensed driver" as defined by § 14602.6(a)(1).

B. Statement of Facts.

Respondent is an individual who had been issued a Mexican driver's license but whose vehicle the Sonoma County Sheriff's office impounded for 30 days under § 14602.6, on grounds he had never been issued a California driver's license.

On January 27, 2011, a Sonoma sheriff's deputy stopped Sandoval for a minor traffic infraction as he was driving his truck. Though Respondent has never been issued a California license, he had been issued a Mexican driver's license. Because Respondent had never been licensed in California, pursuant to Sonoma Sheriff's Department policy the deputy impounded Sandoval's truck. The deputy rejected Respondent's offer that his friend, a licensed California driver, take possession of the truck. Sonoma sheriff's supervisors who reviewed the impound, upheld it as valid and in accordance with Petitioners' policy. Pet. App. 5-6 (court of appeal); 39-40, 76 (district court).

C. Proceedings Below.

Under 42 U.S.C. § 1983, Sandoval sued Sonoma County, its Sheriff's Department and then-Sheriff Steve Freitas (later dismissed on qualified immunity grounds). On Sandoval's summary adjudication motions, the district court held (a) the 30-day impound of Sandoval's truck was an unreasonable seizure in violation of Fourth Amendment, Pet. App. 42-45; and (b) the seizure was pursuant to Sonoma defendants' policy, *id*. At 39-41. Following the parties' stipulation on damages, the court entered final judgment in Sandoval's favor. Pet. App. 39-40, 45, 56.

On Petitioners' appeal to the Ninth Circuit, that court affirmed. The court of appeals held that impounding Respondent's truck for 30 days was a warrantless Fourth Amendment seizure that Petitioners could not justify, following its earlier decision in *Brewster v. Beck*, 859 F.3d 1194 (9th Cir. 2017), *cert. denied sub nom. Los Angeles, Cal. v. Brewster*, 138 S.Ct. 1284 (2018). The court further held the seizure was pursuant to Petitioners' policy in that (a) Petitioners' decision to effect a § 14602.6 impound was discretionary under state law, and (b) in exercising that discretion, Petitioners – in contravention of California law -- wrongly interpreted § 14602.6(a)(1)'s "without ever having been issued a driver's license" to mean *only* a *California-issued* driver's license. Pet. App. 12-15.

REASONS FOR DENYING THE PETITION

The petition should be denied. The decision below is correct and was mandated by this Court's decisions -- when the initial basis for a warrantless seizure dissipates, officers must justify the seizure by means of either a warrant or another exception from the warrant requirement. There is no conflict among the circuits requiring immediate review, especially since the lower courts have had little opportunity to implement *Manuel v. City of Joliet* in cases such as this one.

Nor is review needed to address whether a court should hold as categorically reasonable a 30-day vehicle impound because the vehicle's driver had never been issued a California license. Petitioners cite *no* decision establishing a conflict among the circuits over whether a prolonged warrantless seizure of property is *per se* reasonable where there

is *no* evidence establishing community caretaking, and *no* evidence of particular benefit to public safety.

Lastly, review is also unnecessary to address the court of appeals' conclusion that Petitioners were liable under *Monell* for the Fourth Amendment violation. Petitioners' policy expressly ignored the issuance of a driver's foreign license when Petitioners' imposed 30-day impounds under § 14602.6(a)(1). *Monell* liability is thus mandated when such a policy causes a constitutional violation. Petitioners offer no split in circuit authorities on this issue.

I. The Decision Below Comports With This Court's Case Law

The Petition's primary ground for review is that the Fourth Amendment is irrelevant after a lawful initial seizure of property. Pet. 14-24. But the lower court's application of the Fourth Amendment to the unreasonable 30-day impoundment of Sandoval's truck reflects the law as decided by this Court.

In *Manuel v. City of Joliet*, 137 S. Ct. 911 (2017), this Court held that an individual's entire 48-day period of incarceration was governed by the Fourth Amendment—not just his initial seizure. The Court explained "the Fourth Amendment governs a claim for unlawful pretrial detention even beyond the start of legal process." *Id.* at 920; s*ee also id*. at 919 ("Manuel stated a Fourth Amendment claim when he sought relief not merely for his (pre-legal-process) arrest, but also for his (post-legal-process) pretrial detention.").[3]

Manuel's holding that the Fourth Amendment governs throughout "pretrial detention" is incompatible with Petitioners' essential argument—"once a seizure fully satisfies the Fourth Amendment" it "implicates only due process rights." Pet. 18. Indeed, Petitioners' contention is exactly the argument that the Seventh Circuit had adopted in

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[3] By contrast, the dissent -- as Petitioners argue here -- would have held that the "seizure" against which the Fourth Amendment is judged is "a single event" and "not a continuing condition." *Manuel*, 137 S. Ct. at 927 (Alito, J., dissenting). The dissent thus disagreed with what it understood to be the majority's holding: "that every moment in pretrial detention constitutes a 'seizure.' " *Id.* at 926.

Manuel, before being overturned: "When, after the arrest or seizure, a person is not let go when he should be, the Fourth Amendment gives way to the due process clause as a basis for challenging his detention." *Manuel v. City of Joliet*, 590 F. App'x 641, 643 (7th Cir. 2015), *rev'd* 137 S. Ct. 911 (2017).

Petitioners' contention that *Manuel* is limited to circumstances in which only the initial seizure lacks probable cause, Pet. 21, is meritless. Nothing in the text of that decision—nor logic—suggests such a limitation. To the contrary, this Court made plain that the Fourth Amendment protections continue until there is a trial protected by due process: ("[O]nce a trial has occurred, the Fourth Amendment drops out."). *Manuel*, 137 S. Ct. at 920 n.8. Nothing of the sort took place here, as Judge Watford underscored in his concurrence. Pet. App. 26.

Nor is there merit to Petitioners' claim that *Manuel* concerned a person and not property. The Fourth Amendment applies to "seizures" of "persons, houses, papers, and effects" (U.S. Const. amend. IV); *Payton v. New York*, 445 U.S. 573, 585 (1980) ("The simple language of the Amendment applies equally to seizures of persons and to seizures of property.").

Rodriguez v. United States, 135 S.Ct. 1609 (2015), further supports this conclusion. There, this Court concluded that "a police stop exceeding the time needed to handle the matter for which the stop was made violates the Constitution's shield against unreasonable seizures." *Id.* at 1612. In *Rodriguez*, the stop was initially justified by a traffic violation. But when the traffic violation no longer justified the stop, this Court held that the Fourth Amendment requires some additional basis for police to continue the same seizure: "A seizure justified only by a

police-observed traffic violation, therefore, 'becomes unlawful if it is prolonged beyond the time reasonably required to complete th[e] mission' of issuing a ticket for the violation." *Id.*; *see also Illinois v. Caballes*, 543 U.S. 405, 407 (2005).

This Court has also held that a warrantless seizure initially justified becomes unreasonable if unduly prolonged. In *United States v. Place*, 462 U.S. 696 (1983), "the Court held that while the initial seizure of luggage for the purpose of subjecting it to a 'dog sniff' test was reasonable, the seizure became unreasonable because its length unduly intruded upon constitutionally protected interests." *United States v. Jacobsen*, 466 U.S. 109, 124 n.25 (1984) (discussing *Place*).

Petitioners' attempts to avoid the import of these cases are unavailing. *Thompson v. Whitman*, 85 U.S. 457 (1874) which Petitioners cite in support of their argument, concerned an issue of statutory construction as it related to a court's jurisdiction. This 19th Century decision said nothing on the reach of the Fourth Amendment. [4]

California v. Hodari D., 499 U.S. 621, 624 (1991) offers no better support. Petitioners contend *Hodari D.* limited the Fourth Amendment to the point of an initial justification. Pet. 16. But *Hodari* D. merely addressed when a seizure begins—not the application of the Fourth Amendment *after* the initial justification dissipates. Moreover, Petitioners

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[4] Petitioners state *Thompson* addressed itself to a seizure "under the Fourth Amendment." Pet. 16 n. 6. But *Thompson* stated that it was addressing New Jersey law. *Thompson*, 85 U.S. at 469–70.

are advancing an argument the *Manuel* majority rejected. 137 S.Ct. at 919-20.

II. There Is No Conflict Among The Circuits.

Petitioners' assertion of a circuit conflict (Pet. 15-23) is unavailing, in part because lower courts have not had sufficient opportunity to implement *Manuel* and *Rodriguez*.

There is no reason for this Court to return to this issue before the circuits apply *Manuel* and *Rodriguez*. This benefits both this Court and lower courts. For example, the Sixth Circuit, interpreting Fourth Amendment jurisprudence in light of *Manuel* and *Rodriguez*, concluded the Fourth Amendment permits a claim where a seizure was initially justified but became unreasonable. *Miller v. Maddox*, 866 F.3d 386, 393–94 (6th Cir. 2017). Hence, in *Miller* the Sixth Circuit effectively overruled its earlier decision in *Fox v. Van Oosterum*, 176 F.3d 342 (6th Cir. 1999), a case Petitioners cited for their argument that circuit conflict demands review now. Pet. 15, 23.[5]

The Eleventh Circuit's experience is similar. Petitioners cite *Case v. Eslinger*, 555 F.3d 1317 (11th Cir. 2009), decided before *Manuel*. But after *Manuel*, the Eleventh Circuit brought its jurisprudence in line with *Manuel* and held that a continued detention of a plaintiff violated the Fourth Amendment. *Alcocer v. Mills*, 906 F.3d 944, 952–53 (11th Cir. 2018).

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[5] In *Fox*, the court surmised that only the initial seizure matters. 176 F.3d at 350 ("the courts have yet to define the breadth of the Fourth Amendment's protection of property").

With one exception, other cases Petitioners discuss were, besides being distinguishable, were decided before *Manuel* and *Rodriguez*.

United States v. Jakobetz, 955 F.2d 786, 802 (2d Cir. 1992) concerned photographs which were never seized to begin with, after a court inadvertently failed to issue an order that would have allowed Jakobetz to access photographs in his case files. 955 F.2d at 802. In passing and in relation to an admissibility determination, the court stated there had never been any seizure which could violate the Fourth Amendment. *Id.*

Shaul v. Cherry Valley-Springfield Cent. Sch. Dist., 363 F.3d 177 (2d Cir. 2004), predates *Manuel* and involved, at most, "negligence" (363 F.3d at 187) which does not implicate the Fourth Amendment.

The Second Circuit's *Ahlers v. Rabinowitz*, 684 F.3d 53 (2d Cir. 2012), was decided before *Manuel* or *Rodriguez* and only addressed briefly, in dictum, the claim of Fourth Amendment pretrial deprivations. Meanwhile, in other decisions the Second Circuit has held that a prolonged vehicle impoundment beyond the justification for the initial seizure without a warrant, violates the Fourth Amendment. *Jones v. Kelly*, 378 F.3d 198, 199 (2nd Cir. 2004) ("*Krimstock II*"); *Krimstock* v. *Kelly*, 464 F.3d 246, 251 (2d Cir. 2006) ("*Krimstock III*").

Petitioners fare no better with the Seventh Circuit. *Lee v. City of Chicago*, 330 F.3d 456 (7th Cir. 2003) differs factually and rests on the faulty foundation that *Manuel* has since repudiated. In *Lee*, the police seized Lee's car as evidence of a crime for which Lee did not challenge. What Lee challenged was that the police wanted him to pay the storage

fees that accrued while the police held the car, or for Lee to request a hearing. 330 F.3d at 469. The *Lee* majority found no Fourth Amendment issue.[6] As the court put it, "[c]onditioning a car's release upon payment of towing and storage fees does not equate to a 'seizure' within the meaning of the Fourth Amendment." 330 F.3d at 471. That is, the majority found that Lee could have obtained his car—he need only pay the fees. This case is quite different; Respondent tried to pay the storage fee, yet Petitioners refused to release his truck.

To the extent that *Lee* could be read to reach beyond its facts, it rests on a premise rejected by *Manuel*. The court stated that once a seizure is "complete" and "justified by probable cause, that seizure is reasonable." *Lee*, 330 F3d at 466. But, as indicated above, *Manuel's* reasoning rejects this contention that the Fourth Amendment is satisfied based on an initial lawful seizure no matter what happens after.

In *Bell v. City of Chicago*, 835 F.3d 736, 741 (7th Cir. 2016), another pre-*Manuel* decision, the plaintiff alleged that defendants' *procedures* facially violated the Fourth Amendment, by not including neutral officers from a judicial branch as arbiters of a hearing. But following *Manuel*, the Seventh Circuit has suggested a pretrial claim for wrongful prolonged detention is made under the Fourth

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[6] In her concurrence, Judge Wood found that Lee had raised a Fourth Amendment claim based on the vehicle's prolonged seizure. Given the balancing of interests – the police's lawful vehicle seizure for evidentiary purposes and the allocating of the expense incurred in storing the vehicle – Judge Wood concluded the prolonged seizure was reasonable. 330 F.3d at 472-74 (Wood, J., concurring).

Amendment and *cannot* be based instead on due process. *Lewis v. City of Chicago*, 914 F.3d 472, 475 (7th Cir. 2019) (citing *Manuel*). That, of course, is a rejection of Petitioners' proposition.

III. Review Is Not Warranted To Determine If Punishment Without Any Judicial Review Is *Per Se R*easonable.

Petitioners argue that review is necessary to hold, for the first time, that no particular threat to public safety is required for a warrantless seizure; that the purported value of punishment and deterrence that might come from a prolonged warrantless seizure, is justified under the "community caretaking" doctrine. Pet. 24–28.

First, Petitioners cite no case, from this Court or any circuit, suggesting that there is any divergence of opinion, or that the court of appeals here erred in any way. Pet. 26–28. There is simply no support for the categorical approach that Petitioners ask this Court to create.

Second, the community caretaking exception does not permit a warrantless seizure where the property poses no particular threat or impediment to the community, in order to punish the property's owner. Exceptions to the rule that a seizure normally requires a warrant, or some form of judicial process are, of course, narrow. *E.g. Minnesota v. Dickerson*, 508 U.S. 366, 372 (1993) ("Time and again, this Court has observed that searches and seizures 'conducted outside the judicial process, without prior approval by judge or magistrate, are *per se* unreasonable under the Fourth Amendment—subject only to a few specifically established and well delineated exceptions.' ").

Petitioners' view of "community caretaking" to permit prolonged warrantless seizures absent any particular danger or impediment to society, is inconsistent with the limited exceptions, and contrary to basic propositions underlying our theory of government. *Cady v. Dombrowski*, 413 U.S. 433, 441 (1973) (underscoring that the community caretaking exception is "totally divorced from the detection, investigation, or acquisition of evidence").

The 30-day impound of Respondent's truck was punishment. Pet. 29 (Petitioners state the impound was an "administrative penalty" imposed to "deter unlawful driving."[7]) The decision to impound was also a discretionary one the deputy made. Pet. App. 16 (California law holds that a § 14602.6 impound is at the officer's discretion, see *California Highway Patrol v. Superior Court*, 162 Cal.App.4th 1144, 1148 (2008)[8]). But *sua sponte* punishment by a police officer is not consistent with our system of government. *Nelson v. Colorado*, 137 S.Ct. 1249, 1255-56 (2017) (The State "may not presume a person, adjudged guilty of no crime, nonetheless guilty enough for monetary exactions. . . [U]nder the Due Process Clause, [an individual] who has not been adjudged guilty of any crime may not be punished."); *Wong Wing v. United States*, 163 U.S.

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[7] *Kokesh v. Securities and Exchange Commission*, 137 S.Ct. 1635, 1643 (2017) (Deterrence is punishment); *United States v. Bajakajian*, 524 U.S. 321, 329 (1998) (same).

[8] The officer's choice is between § 14602.6(a)(1) and Cal. Veh. Code § 22651. Both permit the officer to remove the vehicle from the street. But unlike § 14602.6(a)(1), § 22651(p) permits the vehicle's owner to immediately reclaim his vehicle. *Mateos-Sandoval v. County of Sonoma*, 942 F.Supp.2d 890, 907 (N.D. Cal. 2013).

228, 237 (1896) (*Sua sponte* punishment of individuals by executive branch in the absence of judicial review held unconstitutional because "not consistent with the theory of our government . . ").

IV. The Court Of Appeal's Finding Of Petitioners' Liability Under *Monell* Raises No Issue Requiring Review.

In asserting that the lower courts erred in finding that Petitioners, municipal entities, were liable under *Monell v. New York City Dept. of Soc. Servs.*, 436 U.S. 658 (1978) for the § 1983 violation, Petitioners make *no* claim of circuit conflict. The Petition is devoid of even a single opinion from any court purportedly stating or implying that a municipal entity's "mistaken interpretation" of a state law (here § 14602.6(a)(1)) is insufficient to subject the municipality to § 1983 liability. Pet. 36-40. Nor has the Petition shown that this is "an important question of federal law that has not been, but should be, settled by this Court." These factors alone cut strongly against granting review. S.Ct. Rule 10(a) & (c).

A prime purpose in granting review is to bring about uniformity of decisions on important questions of federal law. *E.g., Thompson v. Keohane*, 516 U.S. 99, 106 (1995). Yet Petitioners implicitly concede their Issue III (Pet. 36) does *not* serve that purpose. Rather, Petitioners beg this Court to correct what Petitioners claim was an error below.

In addition, Petitioners' premise for their argument of lower court error – that they were obedient servants of the state in discharging duties to "effectuat[e] the policy of the *State of California* to deter and punish unlicensed drivers" – is not

supported by the facts. As the lower courts found, state law made it *discretionary* for Petitioners to invoke § 14602.6; it was within Petitioners' discretion to remove and store Respondent's Sandoval's truck without any fixed or mandatory impound period. Pet. App. 16 (Ninth Circuit cites California law holding a municipality has discretion to impose 30-day vehicle impounds); *Brewster v. Beck*, 859 F.3d 1194, 1197-98 (9th Cir. 2017) (noting that in lieu of § 14602.6, agencies are permitted to seize and remove vehicles from the street under Cal. Veh. Code § 22651(p)).

Moreover, the record shows that in contravention of California law defining driver's license to include a license from *any* jurisdiction, domestic or foreign, Petitioners wrongly construed § 14602.6(a)(1)'s reference to "driver's license," to mean only a *California-issued* license. Pet. App. 15.[9]

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[9] The Ninth Circuit found:

> The City argues at great length that section 14602.6 applies to any driver who has never been issued a California driver's license. But the City's arguments cannot overcome the plain language of section 310, which includes licenses by a foreign jurisdiction. *See People v. Watson*, 171 P.3d 1101, 1104 (Cal. 2007) ("We begin with the plain language of the statute, affording the words of the provision their ordinary and usual meaning and viewing them in their statutory context, because the language employed in the Legislature's enactment generally is the most reliable indicator of legislative intent"). Moreover, conspicuously absent from the City's briefs are any California court decisions applying its definition, which would change our analysis. . . .
>
> Given the plain meaning of section 14602.6, the County's argument that state law caused the violation

Thus, this is *not* a case where the record establishes the municipal entity dutifully discharged duties imposed on it by the state, duties about which the municipality had no choice but to do what the state mandated it do. Rather, this is a case where the municipality knowingly acted in contravention of state law.

Nor does this Court's decision in *Heien v. North Carolina*, 574 U.S. 54, 135 S.Ct. 530 (2014), support review. First, that case arose from a misunderstanding of state law by an individual, a police officer forced to make his decision in the field without the benefit of hindsight or legal advice. 135 S.Ct. at 539. That is not the case here. The decision to ignore California's definition of "driver's license" was made by municipal entities. The entities acted at their leisure, with the benefit of counsel and resources far beyond that of an officer forced to make a split second decision in the field.

Second, the officer's mistake in *Heien* was reasonable. North Carolina's law actually required only one working stop light on a vehicle, rather than two as one would ordinarily expect. Here, nothing in § 14602.6 indicates its phrase "without ever having been issued a driver's license," meant only a *California* license. Meanwhile, as is typical in statutory schemes, California's vehicle code defined its key terms, which includes "driver's license." And that definition states a "driver's license" includes a license issued by a foreign jurisdiction. Cal. Veh. Code § 310. Finally, there is the complete absence of any California legal authority – the most populous state in the union and probably the most litigious – suggesting or implying that "driver's license" as used

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of Sandoval's rights is without merit. . . .

in § 14602.6, meant a *California license only* and not a license issued by as foreign jurisdiction.[10]

CONCLUSION

The petition for a writ of certiorari should be denied.

Respectfully submitted.

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[10] Respondent submits the fact that other California police agencies also indulged in Petitioners' tortured and unsupported reading of the vehicle code, does not make Petitioners' wrongheaded interpretation of plain law reasonable.