

Bond Case Briefs

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MUNICIPAL ORDINANCE - CALIFORNIA

People v. Campuzano

Appellate Division, Superior Court, San Diego County - June 5, 2015 - Cal.Rptr.3d - 2015 WL 3529738

Defendant stopped for riding on a bicycle in a business district filed motion to suppress, claiming he did not violate city ordinance. The Superior Court denied the motion, and defendant appealed. The Appellate Division of the Superior Court reversed and remanded. The Court of Appeal remanded the matter with directions to vacate.

The Appellate Division of the Superior Court held that:

- City ordinance prohibiting operating a bicycle on a “sidewalk fronting” a business does not apply to the entire block, but
- Police officers’ misinterpretation of ordinance provided them with probable cause to arrest defendant under Fourth Amendment.

City ordinance defining the offense of operating “a bicycle upon any sidewalk fronting any commercial business establishment” prohibits only bicycle operation on that portion of the sidewalk fronting commercial business establishments or places that are open for the trading of commodities or services.