

13-09 - Case Law Decision People v. Pellecer-12020(a)(4) P.C. (Currently 21310 P.C.)

Los Angeles County Sheriff's Department

NEWSLETTER

Field Operations Support Services, (323) 890-5411



CASE LAW DECISION PEOPLE v. PELLECECER

12020(a)(4) P.C. (Currently 21310 P.C.)

The California Second Appellate District Court of Appeal recently overturned a conviction of a defendant who was found guilty of carrying a concealed dirk or dagger on his person, Violation of former Penal Code section 12020 (a)(4) (currently section 21310).

The case took place in Los Angeles in 2011 where two officers found Pellecer crouching in a park's enclosed patio area while leaning on a closed backpack. Pellecer approached the officers as ordered. The officers found three identical shuriken throwing knives in the backpack. He was arrested for carrying a concealed weapon (dirk/dagger) upon his person.

Pellecer was convicted of the offense at a jury trial. He later appealed the case arguing there was insufficient evidence to support the conviction because the knives were inside the backpack he was leaning on and not on his person.

The Appellate court's decision applied to this particular case and circumstances. The intent of this newsletter is simply to inform deputy personnel of this decision. In the event you detain someone where these specific circumstances exist, you should be aware of the particulars in this case. Refer to the attached appellate court decision.

Questions regarding the contents of this newsletter may be directed to Field Operations Support Services at foss@lasd.org.

Reference:

<http://www.courts.ca.gov/opinions/archive/B238949.PDF>
