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Court of Appeal, Second District, Division 6, California.

The PEOPLE, Plaintiff and Respondent,

v.

Jermain Laquan ROBAIR, Defendant and Appellant.

2d Crim. No. B209860.

(Ventura County Super.Ct. No. 2006033339).

July 20, 2010.

[Rebecca S. Riley](#), Judge; Superior Court County of Ventura.

[Robert Franklin Howell](#), under appointment by the Court of Appeal, for Defendant and Appellant.

Edmund G. Brown Jr., Attorney General, [Dane R. Gillette](#), Chief Assistant Attorney General, [Pamela C. Hamanaka](#), Senior Assistant Attorney General, [Paul M. Roadarmel, Jr.](#) Supervising Deputy Attorney General, Daniel C. Chang, Deputy Attorney General, for Plaintiff and Respondent.

[PERREN, J.](#)

*1 Jermain Laquan Robair appeals the judgment entered after a jury convicted him of first degree murder (Pen.Code, §§ 189/187, subd. (a)), carjacking (§ 215, subd. (a)), and second degree robbery (§§ 189/211).^{FN1} The jury also found true allegations that the murder was committed while appellant was engaged in the commission and attempted commission of carjacking (§ 215; § 190.2, subd. (a)(17)(L)) and robbery (§ 211; § 190.2, subd. (a)(17)(A)). In a bifurcated proceeding, the court found true the allegation as to all counts that appellant had suffered a prior serious felony conviction that also qualified as a strike (§§ 667, subds.(a)(1), (c)(1), (e)(1); 1170.12, subd. (c)(1)). He was sentenced to life without the possibility of parole, plus five years. He contends the court erred in denying his motion to exclude his confession on the ground it was involuntary. We shall order the judgment modified to reflect the imposition of a \$20 court security fee as to each count pursuant to section 1465.8, subdivision (a)(1). Otherwise, we affirm.

[FN1](#). All statutory references are to the Penal Code unless stated otherwise.

STATEMENT OF FACTS

At about 12:15 p.m. on May 20, 2006, Oxnard Police Officer Guy Hartson was on patrol when he saw a man, later identified as appellant, walking by the railroad tracks. Appellant was wearing a hat, a jacket, a jersey, and jeans, all of which were black, and black and white shoes. When Officer Hartson asked appellant for his address, he said he was a transient who lived in the “riverbed area .” Appellant continued walking after the officer warned him to stay off the railroad tracks.

At around 6:30 a.m. on May 24, 2006, Oxnard Police Detective Robert Coughlin responded to the construction site where a bridge was being built on Highway 101 over the Santa Clara River. The body of

Steven Knapp was lying on the ground under a blanket with his work boots nearby. The officer observed at least 12 stab wounds to Knapp's chest. Two pools of blood were connected to a blood stain near Knapp's feet.

Stephen Wilcox was the superintendent of the construction site. Wilcox testified that Knapp was a welding inspector who lived out of town and often spent the night sleeping in the driver's seat of his red Toyota 4Runner. Wilcox usually found it difficult to awaken Knapp the following morning because he was a heavy sleeper. When Wilcox arrived to find Knapp's body on the morning of May 24, Knapp's 4Runner was not there.

At about 5:30 p.m. that same day, Deborah Kruse and her father Koby were approaching the driveway at their residence in Oxnard when they saw a suspicious looking red-colored sport utility vehicle (SUV) parked in an alley. Deborah got a "good look" at the man sitting in the driver's seat before she parked in the garage, and Koby retrieved a pencil and paper to write down the SUV's license plate. Although the SUV was gone by the time Koby got out of the car, he noticed several boxes in the alley where the SUV had been parked. Mailing labels on the boxes bore the names of Knapp and his wife. Koby took one of the boxes into the garage. After examining the papers inside the box, Koby determined that they belonged to some sort of inspector.

*2 On the morning of May 26, Koby read about Knapp's murder in the newspaper and told Deborah to call the police. The police arrived and showed Deborah a six-pack photographic lineup containing appellant's photograph. Deborah identified appellant as the man she had seen in the SUV.

That same morning, Oxnard Police Officer Christopher Williams saw a red-colored Toyota 4Runner and thought it might be related to the investigation of Knapp's murder. Officer Williams followed the 4Runner as it pulled into a liquor store parking lot. The driver, later identified as appellant, began to get out of the 4Runner but stopped and remained inside after the officer ordered him to do so. After additional police units arrived, appellant was arrested and transported to the Oxnard police station.

At about 11:20 a.m. that same day, appellant was interviewed by Oxnard Police Detectives Curtis Smith and Terry Burr. A video recording of the interview, which lasted about three-and-a-half hours, was played for the jury. In that interview, appellant confessed to killing Knapp and stealing his 4Runner. He also dictated a note to Detective Smith in which he apologized to Knapp's family.^{FN2}

[FN2](#). The note, which bears appellant's signature, states: "I'm really sorry, for about [sic] what happened, ... I did not plan on hurting him.... I just saw it as a way to try and get a car, ... not realizing the actions that ... I was doing.... If I could go back in time, I would have just walked away from him."

The home of appellant's mother, Evelyn Davis, was searched pursuant to a warrant that evening.^{FN3} In the garage, officers found and seized a black down jacket, a pair of black Levi's jeans, and a pair of black and white athletic shoes. The shoes had red stains along their tops and bottoms, and the jeans were damp and had what appeared to be red stains in the thigh area. The 4Runner was also seized and searched. Blood stains were found throughout the interior and exterior of the vehicle, including on the driver's seat, the interior of the driver's side window and door, the gas and brake pedals, the exterior driver's door panel, and the mud flap behind the driver's side front tire. A three-inch knife blade was found in the center console area, along with Knapp's wallet and checkbook. A "Smart Cook" kitchen knife with an eight-inch blade was found under a box between the floorboard and front passenger's seat. Near the hilt of the knife was a red stain that appeared to be blood.

[FN3](#). Davis's house was less than one-tenth of a mile away from the Kruse's house.

It was determined through DNA testing that Knapp was the contributor of blood found on the exterior portions of both shoes, while appellant was the source of DNA recovered from the interior of the shoes. Appellant also contributed DNA to the sample derived from the exterior portion of the right shoe. Two

DNA profiles were also recovered from the Smart Cook knife. Knapp was found to be the source of one of the DNA profiles, while appellant could not be excluded as the source of the other profile.

A forensic scientist who examined the shoes and the 4Runner for blood spatter evidence testified that the “blood spatter event” began in the driver's seat while the driver's side door was opened. The blood patterns on the shoes indicated the blood had travelled a distance of four to five feet prior to impact, while the amount of blood found on the gas and brake pedals was consistent with someone driving while wearing bloody shoes.

*3 An autopsy revealed that Knapp suffered 15 stab wounds to his chest, 13 stab wounds to his abdomen area, and 2 stab wounds to the back of his right elbow. There were also abrasions or scrapes on the back of his left wrist, and a small scrape on the top of his left foot. The medical examiner who conducted the autopsy testified that all the stab wounds were most likely caused by a single edged knife, and could have been caused by the Smart Cook knife found in the 4Runner. The absence of rigor mortis led the examiner to conclude that Knapp had died within a few hours of his body being found.

DISCUSSION

I.

Motion to Exclude Confession

Appellant contends the court erred in denying his motion to exclude [FN4](#) his confession because it was obtained in violation of his right to remain silent under the Fifth and Fourteenth Amendments to the United States Constitution and article I, section 7 of the California Constitution. He claims the confession was involuntary because it was coerced by police threats, deception, and false promises. Based on our independent review, we conclude the motion was properly denied.

[FN4](#). Appellant labels his motion as a motion to suppress. Technically speaking, a motion to suppress is limited to claims that evidence was obtained in violation of the Fourth Amendment. (§ 1538.5.) Appellant's motion, however, challenges a confession allegedly obtained in violation of the *Fifth* Amendment. Although our Supreme Court often refers to such an evidentiary challenge as a motion to suppress (see, e.g., [People v. Guerra \(2006\) 37 Cal.4th 1067, 1086-1087](#)), it has recognized that the claim is more accurately characterized as a motion to exclude under [Evidence Code section 402 \(People v. Stansbury \(1993\) 4 Cal.4th 1017, 1046](#), overruled on other grounds in [Stansbury v. California \(1994\) 511 U.S. 318](#)).

A.

Background

1. The May 26, 1996 Interview

About an hour after his arrest on May 26, 2006, appellant was transported to an interview room at the Oxnard police station. Shortly thereafter, his handcuffs were removed and he was offered a drink of water. Detective Smith introduced himself and Detective Burr, then advised appellant of his *Miranda* rights.^{[FN5](#)} After appellant indicated that he understood his rights, Detective Smith asked him whether he wanted to tell him how he came to be in possession of the 4Runner. Appellant replied, “I was just driving it.”

[FN5](#). ([Miranda v. Arizona \(1966\) 384 U.S. 436](#).)

Appellant initially denied having seen Knapp before or stealing his 4Runner. He claimed he had received the vehicle the day before from a friend named “Eric,” whose last name he did not know. He described Eric as a white male in his early 20's and gave a general description of where he lived in El Rio.

Appellant told the detectives that he was homeless and denied living with his mother in Oxnard. He also denied ever having been to the Santa Clara river bottom, although he later modified his answer by saying he had not been there within the past two years.

After pointing out the inconsistencies in appellant's story, the detectives showed him a photograph of Knapp. Appellant again claimed he had never seen Knapp before. Approximately 25 minutes then passed while a technician photographed and processed appellant's hands. Appellant was not questioned during that time. He was once again offered water or something else to drink, and was also offered something to eat. Appellant said he was "not very hungry" and declined the detectives' offer. When questioning resumed, appellant told the detectives he had graduated from high school and repeated his claim that he had received the 4Runner from Eric. At that point, Detective Smith engaged in a ruse by telling appellant he had been identified as the person in the alley on the day of the murder and that his fingerprints were found on the boxes he had placed in the alley. Appellant denied throwing away any papers from the 4Runner.

*4 At that point in the interview, Detective Smith stated, "You know, at [a] certain point we expect people not to tell us the truth because the truth sometimes gets you in trouble. But at some point when it's obvious that we know what we're talking about that's when I start getting aggravated because you're not a dumb guy. Don't treat me like I'm a dumb guy. You understand what I'm saying? When I've got eyewitnesses, when I've got your fingerprints, and I've got everything that shows that you're in that alley taking stuff out of the car. I may as well have a movie of it. That's the only thing I don't have. I've got a witness that picked you out of a lineup. I've got your fingerprints on the box. I've got your fingerprints on the paper, your fingerprints. Only one person in the world has that exact fingerprint and that's you. So don't talk to me like I'm stupid. I'm done with it. I don't know who you're used to dealing with, we're not idiots." As the detective was leaving the interview room, he added, "The lying needs to stop right now. I'm done with it, and I'm gonna hang your ass, if you don't start telling the truth."

As Detective Smith was walking out the door, appellant told Detective Burr "[h]e's gonna do that anyway if I do tell the truth." Detective Burr responded, "If you killed a guy, you bet you're gonna be in trouble for it." Appellant replied, "That's what I'm saying ... [i]f I say I did it, then I'm still gonna be in trouble." Detective Burr then proceeded to reiterate what appellant had told them and that the police would eventually discover whether he was lying to them. The detective also continued to question appellant about his involvement in the incident.

While Detective Burr was pressing appellant for more information about Eric, Detective Smith entered the room and said, "Hey, uh, I gotta go down and confirm it, I just got the preliminary call but we got his DNA underneath the victim's fingernails. We just tested the DNA." Appellant replied, "Agh, you got my DNA." Detective Burr asked, "How did that happen?" Appellant responded, "I don't know ." After appellant continued to deny that he knew Knapp and reiterated that he had no idea how his DNA could have gotten under Knapp's fingernails, Detective Burr said, "Well, it's not coincidence. He isn't a bum, he don't [sic] sleep out with you. Things have changed now dramatically, haven't they? Things have really changed.... I'm gonna stand right outside the door here for a few minutes 'cause ... I'm gonna give you a few minutes to think about this 'cause this stuff is dramatically changed. This is almost like a life altering change for you right now, isn't it? All this world of lies and deceit that you've been telling us have now changed.... Is your life getting smaller and smaller now? 'Cause I'm not gonna give you a citation and have you walk out of the station. The family can't have closure because you don't want to be honest about this, you want to just keep on saying no?" As Detective Burr was leaving the room, he said, "Don't touch any of these pens or anything and just sit here. Think about it."

*5 Detective Burr returned to the room a few minutes later, sat down next to appellant, and said, "This is the only way I could think of doing it. Okay? Let's just forget about all this Eric stuff, forget about us talking to you at the beginning of this thing and start over from scratch, okay? Let's do that so I get your story out there and you can tell me the truth about what's going on. Do you wanna do that?" As the detective was asking appellant whether he was going to "stick with" his story, appellant interjected, "Whatever I say, it ain't gonna matter." Detective Burr began questioning about his whereabouts on the night before the murder, then asked, "What happened Wednesday morning?" Appellant responded, "Nothin

I say is gonna matter.” Detective Burr replied, “It is gonna matter to me, Jermaine, you're telling me the truth.”

When the detective continued to ask appellant about the morning of the murder, appellant confessed, “Ah, I killed him and took the truck. I stole the guy's car.” Appellant initially claimed he committed the crime with three other people and that one of them had stabbed Knapp. He later admitted that he acted alone and stabbed Knapp two or three times after demanding that he give him the vehicle. Appellant said that Knapp either fell out of the vehicle or he pushed him out, and that he then threw the knife “somewhere.” When appellant was asked whether he was confessing because he wanted the detectives to stop questioning him, he said, “no.” On further questioning, appellant again admitted stabbing Knapp and demonstrated how he had done so. Appellant said he was drunk to the point of “blacking out” and believed Knapp would survive his wounds. He also admitted being in the alley by the Kruse's house and dropping off some trash there the day after the murder.

At that point, Detective Smith offered appellant something to drink and eat. Appellant requested and was given a can of soda. When asked to describe the weapon he had used to stab Knapp, appellant identified it as a “steak” knife with a brown handle. He could not remember what he had done with the knife, yet thought it was “probably” still inside the 4Runner. Although he claimed to suffer from blackouts, he was able to remember stabbing Knapp before he grabbed his shirt, pulled him out the 4Runner, and dragged him about two feet away. He also acknowledged he may have stabbed Knapp more times than he remembered.

Appellant told the detectives he was sorry for what he had done and that he had been unable to sleep since he committed the crime. At Detective Smith's prompting, he also dictated and signed an apology note to Knapp's family.

2. The May 31, 2006 Interview

On May 31, 2006, an audio recorded interview of appellant was conducted at the Ventura County jail by Detective Coughlin. After appellant waived his *Miranda* rights, he was reminded of the admissions he had made to Detectives Burr and Smith on May 26. When Detective Coughlin asked appellant if he had ever felt threatened during the May 26 interview, appellant gave various responses indicating that he either did, did not, did not remember, or did not know whether he had felt threatened. He consistently stated, however, that he had never been threatened with physical violence. He denied that anyone had ever reached for him, swung at him, or otherwise confronted him in a physically, threatening manner.

*6 Appellant told Detective Coughlin he had not felt physically threatened by Detective Smith's comment, “I'm gonna hang your ass, if you don't start telling the truth.” Rather, he merely felt threatened in the sense it meant they were going to make a case against him regardless of whether or not he told them the truth. When he said he felt threatened by the detectives' other questions, he merely meant he felt pressured by their constant questioning.

Detective Coughlin asked appellant whether he had been truthful during the May 26 interview. Appellant responded, “I don't want to say. They have it on paper.” When asked whether what the detectives had written down regarding his involvement in Knapp's murder was true, appellant replied, “I would say yes.”

3. The Motion to Exclude

Prior to trial, the People filed a brief seeking to admit the statements appellant made during the May 26 interview, and the apology note he dictated and signed at the conclusion of that interview. Appellant filed a motion to exclude the evidence on the ground that his confession was involuntarily obtained through coercive police conduct.

At the hearing on the motion, the court viewed the entire video recording of the May 26 interview and listened to an audio CD of the May 31 interview. ^{ENG} Appellant's mother (Evelyn Davis) testified that appellant lived with her until he was 18 years old, and had developed normally until he was struck by a

motor home at the age of 4. His development “went backwards” after that and he was a slow learner. He was in special education classes from the seventh grade through high school. As he approached the age of 18, he had trouble socializing with people of his own age and was “pretty much flat” emotionally. About a month before his arrest, he was found wandering around Skid Row in Los Angeles. Davis took him to the hospital after noticing spots on his feet and was told he had [syphilis](#). On cross-examination, Davis testified that she had asked appellant to leave her house a few days after Mother's Day due to his strange behavior. He returned a few days later, however, and was staying in her garage at the time of his arrest.

[FN6](#). The May 31 interview was not video recorded.

After noting that appellant had waived his *Miranda* rights just as he had in prior cases, the court stated, “The overall tenor of the interview was courteous. The officers were using a normal tone of voice. Nobody was yelling at him. He was offered food and beverages which he didn't want, but then at the end when he wanted a soda, one was provided to him very promptly. They did accuse him of lying. They urged him very strongly to tell the truth on multiple occasions. They questioned him very persistently, but not in an overbearing manner. Nobody was leaning over him or shaking a fist in his face or anything like that.” The court further found “[t]here was never any offer of leniency. They did tell him that they would take him to see if he could show them where this Eric lived so that they could talk to him and follow up on his story about Eric, and they did suggest that it was getting close to the time when they were going to be doing that and he would have to go show them, but that didn't seem to be an improper threat. It just—except that he might understand that if he wasn't telling the truth that that story was going to fall apart pretty quickly.”

*7 In addressing Detective Smith's comment, “I'm going to hang your ass, if you don't start telling the truth,” the court noted that appellant had essentially admitted he did not view the statement as a physical threat. Rather, he correctly understood it to mean “that he was going to build as solid a case as he could and was not going to do anything to help this defendant. [¶] ... [Detective Smith] wasn't expressing frustration with the defendant trying to remain silent to exercise his right of silence. He was frustrated with ... what he perceived to be untruthful statements.” The court reasoned that appellant's understanding to this effect was further supported by his response, “ ‘Well, he's going to do that anyway.’ “

The court also reasoned that appellant's confession “was not an adoption of facts that had been provided to him by the officers. The confession that he gave them was his own scenario of what happened.” The court concluded, “[B]ased on my review of the totality of the circumstances of this interview and the cases that have been cited by both sides in this case, I do not find that [appellant's] confession was coerced by false promises or threats. So the motion to suppress [*sic*] is denied.”

Later, outside the presence of the jury, the court read a lengthy stipulation between the parties regarding the admissibility of the statements appellant made during the May 26 and May 31 interviews. The stipulation provided, among other things, that appellant “had been incarcerated in the Ventura County Jail eight separate times on nine different criminal cases” and that he had graduated from high school ranked in the 56th percentile of his class. The stipulation also detailed the circumstances surrounding the numerous times when appellant had been arrested and had agreed to answer questions after waiving his *Miranda* rights.

B.

General Legal Principles

“A defendant's statements challenged as involuntary are inadmissible at trial unless the prosecution proves by a preponderance of the evidence that they were voluntary. [Citations.] ‘The due process [voluntariness] test takes into consideration “the totality of all the surrounding circumstances—both the characteristics of the accused and the details of the interrogation.” ‘ [Citations.] This test ‘examines “whether a defendant's will was overborne” by the circumstances surrounding the giving of a confession.’ [Citation.] ... ‘[C]oercive police activity is a necessary predicate to the finding that a confession is not “voluntary” within the meaning of the Due Process Clause of the Fourteenth Amendment.’ [Citations.] Coercive police activity, however, “does not itself compel a finding that a resulting confession is

involuntary.” [Citation.] The statement and the inducement must be causally linked. [Citation.]’ [Citation.]” ([People v. Guerra, supra, 37 Cal.4th at p. 1093.](#))

“We review independently a trial court's determinations as to whether coercive police activity was present and whether the statement was voluntary. [Citation.] We review the trial court's findings as to the circumstances surrounding the confession, including the characteristics of the accused and the details of the interrogation, for substantial evidence. [Citation.] ‘[T]o the extent the facts conflict, we accept the version favorable to the People if supported by substantial evidence.’ [Citation.]” ([People v. Guerra, supra, 37 Cal.4th at p. 1093.](#))

C. *Analysis*

*8 Appellant contends the court erred in denying his motion to exclude the inculpatory statements he made during the May 26 interview, which included a detailed confession and an apology note to the victim's family. He asserts that the character of the accused and the details of the interrogation demonstrate that his confession was involuntary in that it was coerced by threats and implied promises of leniency. We conclude otherwise.

Having reviewed the DVD recordings and transcripts of the May 26 interview, we agree with the trial court's conclusion that appellant's confession was voluntary. As the court noted, appellant was 25 years old at the time of the interview and was no stranger to the interrogation process.^{FN7} He was aware of his right to remain silent and willingly and voluntarily chose to waive that right. Appellant highlights his purported mental deficiencies, yet fails to explain how those deficiencies rendered his confession involuntary. “ ‘Neither a low I.Q. nor any particular age of minority is a proper basis to assume lack of understanding, incompetency, or other inability to voluntarily waive the right to remain silent....’ ” [Citation.]” ([People v. Lewis \(2001\) 26 Cal.4th 334, 384.](#)) His reliance on his claimed [syphilis](#) diagnosis is equally unavailing. Appellant did not mention that he had [syphilis](#) before the interview was conducted. Although he brought it up during the interview, he never claimed the condition was causing his discomfort or was otherwise interfering with his ability to voluntarily answer the questions put to him by the detectives.

[FN7.](#) To the extent appellant claims he did not voluntarily waive his *Miranda* rights, he forfeited his right to challenge his confession on that basis by failing to raise the claim below. (See [People v. Cruz \(2008\) 44 Cal.4th 636, 669](#) [motion to exclude confession based on *Miranda* violation does not preserve claim that confession was also involuntary].) Indeed, the People's opposition to appellant's motion expressly recognized that appellant was *not* challenging his *Miranda* advisement and waiver, and appellant never disputed this characterization. In any event, the court amply supports the trial court's finding that appellant understood and validly waived his *Miranda* rights.

The entire interview lasted approximately three and a half hours, which is not a particularly long period of time considering the circumstances. (See, e.g., [People v. Hill \(1992\) 3 Cal.4th 959, 981](#), overruled on another point in [Price v. Superior Court \(2001\) 25 Cal.4th 1046, 1049, fn. 13](#) [eight-hour interview was not automatically coercive].) The interview was conducted in a room customarily used for that purpose that measures approximately 10 feet by 12 feet. The room also had a table and three chairs, one in which appellant was seated. Shortly after appellant was brought into the room, his handcuffs were removed and he was offered a drink. He was also offered both food and a drink at various times throughout the interview.

The trial court's characterizations of the interview as depicted on the DVD recording are also apt. The detectives were generally courteous to appellant and used a normal tone of voice in speaking to him. As the court put it, “[n]obody was leaning over [appellant] or shaking a fist in his face or anything like that.” Although the detectives were persistent in their questioning, they always stayed within the bounds of legitimate police interrogation. “The business of police detectives is investigation, and they may elicit incriminating information from a suspect by any legal means. ‘[A]lthough adversarial balance, or rough equality, may be the norm that dictates trial procedures, it has never been the norm that dictates the rules of investigation and the gathering of proof.’ [Citation.] ‘The courts have prohibited only those psychological

plays which, under all the circumstances, are so coercive that they tend to produce a statement that is both involuntary and unreliable.’ [Citation.]” ([People v. Jones \(1998\) 17 Cal.4th 279, 297-298.](#))

*9 Here, the prosecution met its burden of proving that appellant was not subjected to improper interrogation. In claiming otherwise, appellant particularly focuses on Detective Smith's comment, “I'm going to hang your ass, if you don't start telling the truth.” As the court noted, however, appellant admitted that he considered the comment to mean that the police would make the strongest case they could against him without or without his help, as opposed to a physical threat.

Appellant also contends his confession was obtained through “implied promises of leniency” in that the police repeatedly told him “he would only be ‘helping himself’ if he gave a full confession....” The law is to the contrary. “[M]ere advice of exhortation by the police that it would be better for the accused to tell the truth when unaccompanied by either a threat or a promise does not render a subsequent confession involuntary. [Citation.] ... ‘[W]hen the benefit pointed out by the police to a suspect is merely that which flows naturally from a truthful and honest course of conduct,’ the subsequent statement will not be considered involuntarily made. [Citation.]” ([People v. Jimenez \(1978\) 21 Cal.3d 595, 611-612](#), overruled on other grounds in [People v. Cahill \(1993\) 5 Cal.4th 478, 510, fn. 17.](#)) The record demonstrates that appellant was merely being offered the opportunity to clear his conscience by telling the truth about what happened. (See, e.g., [People v. Hill \(1967\) 66 Cal.2d 536, 548-549](#) [no improper interrogation where defendant was urged to “help himself”].)

Appellant also takes issue with the detectives' questioning regarding Eric. According to appellant, “[t]he failure of the interrogators to consider the possibility that Eric actually existed and may have been the perpetrator, or at least a joint perpetrator of the homicide was not only unjustified but was exacerbated by the content of the ‘confession’ elicited by them from appellant, which was inconsistent, vague, and plainly unreliable.” Appellant offers no evidence to support the premise that the detectives never considered whether Eric was a real person. On the contrary, the detectives gave appellant the opportunity to take them to Eric's house. In any event, appellant fails to explain how the detectives' subjective beliefs regarding whether Eric actually existed had any tendency whatsoever to render his confession involuntary. Moreover, the record flatly belies appellant's assertion that his confession was “inconsistent, vague, and plainly unreliable.” As the court noted, the confession “was his own scenario of what happened,” rather than “an adoption of facts that had been provided to him by the officers.” Appellant offered details regarding the crime that would only have been known to the perpetrator, and there was nothing vague about his admission that he repeatedly stabbed Knapp before pulling him out of his vehicle and dragging him to the ground.

*10 Appellant also finds fault in the detectives' use of ruses, or deceptive stratagems, to induce his confession. Most notably, Detective Smith falsely told appellant that his DNA had been found under Knapp's fingernails. Appellant was also told (1) that his fingerprints had been lifted from the keys of the laptop computer found in Knapp's 4Runner and the boxes from the 4Runner that were left in the alley; (2) that Knapp was alive and could potentially identify appellant; (3) that the tire tracks on appellant's bicycle matched the tracks found at the crime scene; (4) that the witnesses who saw him leave the boxes in the alley also got the license plate number of appellant's vehicle; and (5) that Detective Smith had actually spoken with Eric. We conclude that these misrepresentations were a legitimate form of police interrogation. “ ‘So long as a police officer's misrepresentations or omissions are not of a kind likely to produce a *false* confession, confessions prompted by deception are admissible in evidence. [Citations.] Police officers are thus at liberty to utilize deceptive stratagems to trick a guilty person into confessing. The cases from California and federal courts validating such tactics are legion. [Citations.]’ [Citation.]” ([People v. Mays \(2009\) 174 Cal.App.4th 156, 165.](#)) None of the employed ruses were of the sort likely to induce a false confession. Indeed, as the People note, the ruse regarding appellant's DNA properly induced appellant to give a *true* confession. Appellant's motion to exclude the confession was properly denied.

II.

Court Security Fee (§ 1465.8, subd. (a)(1))

The People contend the court erred in failing to impose a court security fee as to each count. We agree, and appellant tacitly concedes. Section 1465.8, subdivision (a)(1) requires the court to impose a \$20 security fee on every criminal offense, and the failure to do so may be corrected by the appellate court. ([People v. Schoeb \(2005\) 132 Cal.App.4th 861, 865-866.](#))

DISPOSITION

We direct the trial court to modify the judgment to impose a \$20 security fee on appellant for each of his three convictions (§ 1465.8, subd. (a)(1)), and to forward an amended abstract of judgment to the Department of Corrections and Rehabilitation. As modified, the judgment is affirmed.

We concur: [GILBERT, P.J.](#), and [YEGAN, J.](#)

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