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Superior Court of California
County of Los Angeles

MAY 29 2014

Sherri R. Carter, Executive Officer/Clerk
By ________, Deputy

SUPERIOR COURT OF THE STATE OF CALIFORNIA

COUNTY OF LOS ANGELES

PEOPLE OF THE STATE OF CALIFORNIA, Plaintiff, vs. WALTER MORALES Defendant	Case No.: 4MP00831 **THE PEOPLES OPPOSITION TO DEFENDANT'S MOTION TO DISMISS BECAUSE OF MULTIPLE PROSECUTIONS; MEMORANDUM OF POINTS AND AUTHORITIES.** DATE: June 2, 2014 TIME: 8:30 am, DIV: Dept. 74

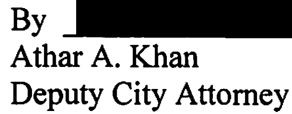
TO DEFENDANT AND HIS ATTORNEY OF RECORD:

PLEASE TAKE NOTICE that on June 2, 2014 at 8:30 a.m., or as soon thereafter as the matter may be heard, in Department Dept. 74 of the Metropolitan Courthouse, at 1945 South Hill Street, Los Angeles, California 90007, the People will ask the court to hear this Motion.

This motion is based on the Opposition, the attached Memorandum of Points and Authorities, and such additional evidence and argument as may be presented at the hearing of this motion.

DATE: May 29, 2014

Respectfully submitted,
MICHAEL FEUER, City Attorney
ELLEN SARMIENTO, Assistant City Attorney

By 
Athar A. Khan
Deputy City Attorney

Attorneys for Plaintiff
PEOPLE OF THE STATE OF CALIFORNIA

MEMORANDUM OF POINTS AND AUTHORITIES

I.

MEMORANDUM OF POINTS AND AUTHORITIES

I.

SUMMARY OF ARGUMENT

It is wholly appropriate, in view of a proper application of *Kellett v. Superior Court*, (1966) 63 Cal.2d 822 and its progeny, and Penal Code § 654, to conduct separate prosecutions for driving under the influence in violation of Vehicle Code §§ 23152 (a) and (b), and for the Vehicle Code infractions.

Specifically, the present prosecution should be allowed to proceed because (1) the prosecution was not involved with the proceedings for the infractions, (2) there is no evidence in the record that the prosecution seeks to intentionally harass Defendant with the filing of the misdemeanor charges for driving under the influence, (3) the evidence needed to prove the infractions does not supply proof of driving under the influence of alcohol, (4) the infractions and driving under the influence are not included within each other, (5) the evidentiary pictures which have to be painted for the infractions and driving under the influence are sufficiently distinct, (6) the infractions and driving under the influence are not interrelated, (7) any potential harassment faced by the defendant is minimal when compared to the state's substantial interest in maintaining the summary nature of minor vehicle code proceedings, and, (8) the disparity in gravity between the infractions and driving under the influence also supports the successive prosecution.

II.

STATEMENT OF FACTS

On November 6, 2013, at approximately 2:50 a.m., the defendant, later identified by his valid California driver's license as Walter Morales ("Defendant"), was driving a black sedan northbound on the I-110 freeway in the County of Los Angeles when he was pulled over for driving at a speed of 88 MPH, 23 miles over the speed limit of 65 MPH, by Officers R. Bell and B. Kinsey of the California Highway Patrol ("CHP").

Defendant exited the freeway at El Segundo Boulevard and stopped his vehicle west of Figueroa Street. Officer Kinsey contacted the Defendant through an open driver side window and explained the reason for the stop. Defendant initially claimed that he was speeding to a hospital where his sister was

having a baby. Subsequently however, Defendant revised his account and stated that he needed to pick up his brother before going to the hospital.

Both Officer Kinsey, and his partner Officer Bell, smelled the odor of an alcoholic beverage emitting from Defendant's vehicle. When asked, Defendant denied consuming any alcohol himself, stating instead that that his passenger had done so. Officer Bell instructed Defendant to exit the vehicle, and Officer Kinsey asked Defendant a series of pre-field sobriety test questions. While speaking with Defendant, Officer Kinsey continued to smell a strong odor of an alcoholic beverage from Defendant's breath and person, and observed Defendant's eyes to be watery. When Officer Kinsey repeated his question regarding consuming alcoholic beverages, Defendant revised his account and admitted to drinking two beers with dinner.

Officer Kinsey explained and demonstrated a series of field sobriety tests, which Defendant acknowledged he understood. However, Defendant was unable to perform the field sobriety tests as explained and demonstrated.

Based upon his observations of Defendant's driving, objective signs and symptoms of alcohol intoxication, performance on the field sobriety tests, and admission to drinking alcohol and then driving, Officer Kinsey formed the opinion that Defendant was driving under the influence of alcohol in violation of California Vehicle Code § 23152 (a).

Officer Kinsey placed Defendant under arrest at 3:25 a.m., and advised him of implied consent. Defendant did not choose a test. Defendant was then transported from the scene to the CHP South Los Angeles Area Office where he refused to submit to any alcohol testing. Defendant was then transported to, and booked at, LASD IRC station.

Officer Bell also issued Defendant Traffic Citation No. 54593SB for three Vehicle Code infractions, to wit, violations of Vehicle Code §§ 22349 (a), 16028 (a), and 26708 (a)(1), for exceeding 65 MPH, for not having proof of insurance, and, for having tinted front windows, respectively. Officer Kinsey also wrote Police Report No. 201303554 detailing the facts of his investigation of Defendant, including his observations of Defendant.

On April 11, 2014, The Los Angeles City Attorney's Office filed a misdemeanor complaint against the defendant, alleging violations of Vehicle Code §§ 23152 (a) and 23152 (b). Defendant was

arraigned on the matter on April 11, 2014. Currently, the trial date is set as June 10, 2014 in Department 74.

On May 12, 2014, Mr. Geoffrey Ojo, counsel for Defendant, filed this Motion to Dismiss Multiple Prosecutions. In its motion, the defense argues that, pursuant to Penal Code § 654, and *Kellett v. Superior Court*, (1966) 63 Cal.2d 822, the payment of a fine of $639, for Traffic Citation No. 54593SB for the speeding violation (Vehicle Code § 22349 (a)), bars prosecution on the present misdemeanor prosecution in case 4MP00831.

III.

PENAL CODE § 654 AND THE RULE OF KELLETT V. SUPERIOR COURT (1966) 63 CAL.2d 822

The defense bases its arguments upon Penal Code § 654 and *Kellett v. Superior Court*, (1966) 63 Cal.2d 822, and contends that, because the same course of conduct played a significant part in all the offenses, and because the prosecution should have been aware of all the offenses, the prosecution's alleged failure to unite all the offenses results in a bar to the subject misdemeanor prosecution.

The defense's reliance on Penal Code § 654 and *Kellett* is misplaced because it misinterprets the *Kellett* court's ruling, and because it ignores subsequent case law.

A. KELLETT'S PROSCRIPTION AGAINST SUCCESSIVE PROSECUTIONS IS NOT APPLICABLE BECAUSE THE PROSECUTION WAS NOT AWARE OF THE TRAFFIC PROCEEDING

In *Kellett*, the defendant was arrested while brandishing a pistol on a public sidewalk. On that same day, the defendant was charged with exhibiting a firearm in a threatening manner, a misdemeanor. A month later, in a second proceeding, dating from the same disturbance and involving the same firearm, the defendant was charged with felony possession of a firearm.

The defendant pleaded guilty to the misdemeanor charge, and brought a motion to dismiss the felony weapons charge as barred by Penal Code § 654. The trial court denied the motion and the defendant sought a writ of prohibition to prevent trial on the felony charge. The defendant contended that because exhibiting and possessing the pistol constituted a single act, his felony prosecution for possession of a firearm was barred by the misdemeanor conviction for exhibiting a firearm in a threatening manner.

The *Kellett* court, in view of Penal Code § 654, held that a misdemeanor conviction will generally bar a felony prosecution based on the same act or course of conduct even when the crimes are prosecuted by different public law offices. Specifically, the *Kellett* court stated that "[w]hen, as here, the prosecution is or should be aware of more than one offense in which the same act or course of conduct plays a significant part, all such offenses must be prosecuted in a single proceeding unless joinder is prohibited or severance permitted for good cause." (*Kellett, supra,* 63 Cal.2d at p. 827.)

"The reference in *Kellett* to situations in which 'the prosecution is . . . aware of more than one offense' applies, however, only to <u>intentional harassment</u>, i.e., to cases in which a <u>particular prosecutor</u> has timely knowledge of two offenses but allows the multiple prosecution to proceed. For example, in *In re Benny G.* (1972) 24 Cal.App.3d 371 [101 Cal.Rptr. 28], a probation officer filed a robbery charge against a juvenile. When the allegations were found untrue, the <u>same officer</u> charged that the juvenile had been an accessory to the robbery. The Court of Appeal held that the latter allegation was barred by the minor's exoneration on the robbery charge." (*In re Dennis B.*, (1976) 18 Cal.3d 687, 693)(emphasis added).)

In *Kellett*, it was significant and undisputed that the <u>same prosecutor</u> had knowledge of both proceedings, and was in fact present, when the defendant entered his plea on the misdemeanor offense. "In contrast, in the present case there is no evidence that a particular prosecutor actually knew of both offenses in time to prevent a multiplicity of proceedings." (*Id.*)

In examining the prosecution's involvement in the traffic case, the *Dennis B.* court stated that "[o]ur task then is to ascertain whether the prosecution [knew or] should have known of the two offenses. . . ." (*Id.* at p. 694.) The prosecution "played a limited role in the prosecution of routine traffic offenses . . ." (*Id*. at p. 693.) "[T]he police officer who issued the citation conducted the necessary investigation, arranged for witnesses to appear, and testified . . . . no [prosecutor] appeared for the People." (*Id*. at p. 694.) The prosecutor for the People merely issued subpoenas as requested by the officer and signed wholesale stipulations accepting judges pro tempore. (*Id*.) On those facts, the *Dennis B.* court held the proscription against successive prosecutions to be inapplicable because the circumstances were not such that the prosecution was aware or should have been aware of the traffic proceeding. (*Id.* at pp. 692-693, 696.)

The facts in the present case are more analogous to *Dennis B.* than to *Kellett* in that the prosecution did not press charges for the infractions, the prosecution was not aware of the proceedings for the infractions, and indeed no prosecutor appeared for the People when Defendant paid the fine of $639 for Traffic Citation No. 54593SB. Because, on those facts, it can be concluded that the prosecution did not perpetrate any "intentional harassment," the prosecution is not barred from prosecuting Defendant for driving under the influence of alcohol.

B. KELLETT'S PROSCRIPTION AGAINST SUCCESSIVE PROSECUTIONS IS NOT APPLICABLE BECAUSE ONE OF THE OFFENSES IS AN INFRACTION

In *People v. Battle,* 50 Cal.App.3d Supp. 1, the defendant pled guilty to a violation of Vehicle Code 26453, an infraction, which was based on a vehicular accident that killed three people. The defendant was subsequently charged with three misdemeanor violations of Penal Code §192 (3) (b). The charges were dismissed by the trial court for a violation of double jeopardy. The Appellate Department reversed the decision holding that the rule protecting a defendant from successive prosecutions for "closely related crimes" was not applicable to preclude defendant's misdemeanor prosecution, where, at the time defendant pleaded to the infraction charge he, as well as the court, were aware of the prosecutor's intention to investigate the possibility of bringing manslaughter charges.

The *Battle* court found that the *Kellett* rule was not applicable where an infraction as opposed to a misdemeanor or felony was one of the offenses involved." (*Battle, supra,* 50 Cal.App.3d Supp. at p. 5.) As explained by the *Dennis B.* court, "the state's substantial interest in maintaining the summary nature of minor motor vehicle violation proceedings would be impaired by requiring the prosecution to ascertain for each infraction the possibility of further criminal proceedings. The chief reason for classifying some prohibited acts as infractions is to facilitate their swift disposition." (*In re Dennis B.* 18 Cal.3d 687 at 695 (citing *Battle, supra,* 50 Cal.App.3d Supp. at p. 7.).)

Kellett was concerned with the protection of defendant from successive prosecution for closely related crimes. It was concerned not with infractions and misdemeanors, but with felonies and misdemeanors. (*Kellett, supra,* 63 Cal.2d at p. 828.) In holding that a plea to an infraction should not bar prosecution for manslaughter, the Appellate Department in *Battle* stated that "[t]o do otherwise would fly in the face of the legislative adjuration to construe statutory provisions 'according to the fair

import of their terms, with a view to effect its objects and to promote justice.'" (*Battle*, *supra,* 50 Cal.App.3d Supp. at p. 7.)

To permit the defendant in the instant matter to be prosecuted only for a Vehicle Code infraction rather than a misdemeanor would operate with gross unfairness to the state. The minimal potential for harassment and waste caused by present prosecution is outweighed by the state's interests in preserving the summary nature of traffic proceedings, and, insuring that a defendant charged with a misdemeanor does not evade appropriate disposition.

C. KELLETT'S PROSCRIPTION AGAINST SUCCESSIVE PROSECUTIONS IS NOT APPLICABLE BECAUSE THE EVIDENCE NEEDED TO PROVE THE VEHICLE CODE INFRACTIONS DOES NOT NECESSARITY SUPPLY PROOF OF DRIVING UNDER THE INFLUENCE OF ALCOHOL

In *People v. Flint* (1975) 51 Cal.App.3d 333, the court attempted to give practical meaning to the interpretation of Penal Code § 654 as set forth in *Kellett*. *Flint* established an evidentiary test as a guide to determining whether the *Kellett* criterion (whether the same act or course of conduct plays a significant part with respect to each crime) is met.

Flint stated that "[w]hat matters . . . is the totality of the facts, examined in light of the legislative goals of sections 654 and 954, as explained in *Kellett*." (*Flint, supra,* 51 Cal.App.3d at p. 336.) "More specifically, if the evidence needed to prove one offense necessarily supplies proof of the other, we concluded that the two offenses must be prosecuted together, in the interests of preventing needless harassment and waste of public funds." (*People v. Hurtado*, (1977) 67 Cal.App.3d 633, 636 (quoting *Flint*, *supra*, 51 Cal.App.3d at pp. 336, 338.).)

Here, the evidence needed to prove (1) that Defendant drove at a speed in excess of 65 MPH in violation of Vehicle Code § 22349 (a), (2) that Defendant did not have proof of insurance in violation of Vehicle Code 16028 (a), or (3) that the windows of Defendants car were tinted in violation of Vehicle Code § 26708 (a) (1), clearly does not supply proof that the Defendant was driving while under the driving under the influence of alcohol in violation of Vehicle Code §§ 23152 (a) and 23152 (b).

D. KELLETT'S PROSCRIPTION AGAINST SUCCESSIVE PROSECUTIONS IS NOT APPLICABLE BECAUSE THE VEHICLE CODE INFRACTIONS AND DRIVING UNDER THE INFLUENCE ARE SEPARATE OFFENSES WHICH ARE NOT NECESSARILY INCLUDED WITHIN EACH OTHER

In *In re Dennis B.*, a minor who struck a motorcyclist was convicted in a juvenile court proceeding of an unsafe lane change and was fined $10. Three weeks later, he was charged with vehicular manslaughter based on the same conduct. The court rejected the minor's argument that the manslaughter prosecution violated *Kellett* and Penal Code § 654, even though the prior traffic infraction arose from the same incident. Specifically, the *Dennis B.* court stated that "[a]pplying this standard to the facts presented herein, we conclude that the double jeopardy prohibition has not been violated. The traffic violation and the vehicular manslaughter are separate offenses not necessarily included within each other: obviously one may violate Vehicle Code section 21658 without committing vehicular manslaughter, and vice versa." (*In re Dennis B., supra,* 18 Cal.3d at p. 692.)

Indeed, it is obvious (1) that one may drive at a speed in excess of 65 MPH in violation of Vehicle Code § 22349 (a), (2) that one may not have proof of insurance in violation of Vehicle Code 16028 (a), and (3) that the windows of one's car may be tinted in violation of Vehicle Code § 26708 (a) (1), without driving under the influence of alcohol in violation of Vehicle Code §§ 23152 (a) and 23152 (b), and vice versa.

E. KELLETT'S PROSCRIPTION AGAINST SUCCESSIVE PROSECUTIONS IS NOT APPLICABLE BECAUSE THE EVIDENTIARY PICTURES WHICH HAVE TO BE PAINTED TO PROVE THE THREE VEHICLE CODE INFRACTIONS AND DRIVING UNDER THE INFLUENCE ARE SUFFICIENTLY DISTINCT

In *Hurtado*, the defendant was stopped for drunk driving and failed the field sobriety tests. As defendant was being handcuffed, the officer noticed that he took an object from his jacket and placed it between his legs. The object was a cigarette package containing 20 balloons filled with heroin. Two prosecutions were initiated: one for drunk driving and the other for possession of heroin. Defendant pleaded guilty to the drunk driving offense and was sentenced, and the trial court denied his motion to dismiss the heroin charge based on *Kellett*. (*Hurtado, supra, 67 Cal.App.3d.* at pp. 635-636.)

The *Hurtado* court held that the defendant was not subject to multiple prosecutions pursuant to *Kellett* and Penal Code § 654: "Examining this case in light of *Flint* we find that the evidentiary pictures which had to be painted to prove the drunk driving and narcotics offenses were sufficiently distinct so as to permit separate prosecutions of the two offenses. Proof of the drunk driving charge was supplied primarily by the observations of the highway patrol officers made after defendant was stopped and given certain sobriety tests. Proof of the heroin charges hinged upon the discovery of the cigarette package filled with heroin, which occurred after the arrest for drunk driving had been made. Evidence in the two cases, was for the most part mutually exclusive, the only common ground being the fact that defendant was in the moving automobile in possession of the heroin at the same time that he was under the influence of alcohol. Such a trivial overlap of the evidence, however, under *Kellett* and *Flint* does not mandate the joinder of these cases." (*Hurtado, supra,* 67 Cal.App.3d at pp. 636-637.)

Just as in *Hurtado,* proof of the drunk driving charge was supplied primarily by the observations made by California Highway Patrol Officers Kinsey and Bell after Defendant was stopped and given three field sobriety tests, to wit, the Horizontal Gaze Nystagmus test, the Rhomberg test, and the One Leg Stand test. Both Officers smelled an odor of alcohol emanating from Defendant's vehicle. Further, there was only a "trivial overlap" between the evidence of the three infractions and driving under the influence, with the only common ground being the fact that defendant was in the moving automobile at the same time that he was under the influence of alcohol.

Thus, because joinder of the cases was not mandated by *Kellett* and *Flint*, the present prosecution for driving under the influence of alcohol is not proscribed by *Kellett*, and should be allowed to proceed.

F. KELLETT'S PROSCRIPTION AGAINST SUCCESSIVE PROSECUTIONS IS NOT APPLICABLE BECAUSE THE THREE VEHICLE CODE INFRACTIONS AND DRIVING UNDER THE INFLUENCE ARE NOT INTERRELATED

In *Stackhouse v. Municipal Court,* (1976) 63 Cal.App.3d 243, the Court denied the defendant's motion under Penal Code § 654 finding that a defendant arrested for hit and run and possession of marijuana could be separately prosecuted for both the marijuana citation and the misdemeanor hit and run. The court in *Stackhouse* observed that the arrest report should have alerted the People to the possibility of both complaints. The *Stackhouse* court nevertheless concluded that multiple prosecutions

were not improper because “[t]he elements of the Vehicle Code and marijuana offenses were not interrelated.” (*Stackhouse, supra,* 63 Cal.App. at 247.)

The *Stackhouse* court, citing *Kellett,* went on to state that “the rule against multiple prosecutions is inapplicable where, as here, such prosecutions occur because of the lack of a common prosecutor and the risk of waste and harassment of multiple prosecutions is outweighed by the risk that a defendant guilty of a felony will escape proper punishment.” (*Id*.)

Here, the elements of the Vehicle Code infractions and the misdemeanor offense of driving under the influence are not interrelated. *Kellett’s* proscription against successive prosecutions is therefore inapplicable, and the present prosecution should be allowed to proceed.

G. KELLETT’S PROSCRIPTION AGAINST SUCCESSIVE PROSECUTIONS IS NOT APPLICABLE BECAUSE THE POTENTIAL HARASSMENT AND EXPENSE FACED BY DEFENDANT IS MINIMAL

As amply demonstrated by the foregoing, the Vehicle Code infractions are separate and distinct from the misdemeanor of driving under the influence of alcohol. However, even if the Court should find a single one course of conduct within the meaning of Penal Code § 654, that finding standing alone, would not compel dismissal, unless the outcome of the balancing test establishes that dismissal would promote the dual purpose of Penal Code § 654 — to prevent harassment and to save both parties time and resources.

The *Dennis B.* court recognized that one act resulted in both the usage lane change and the vehicular manslaughter. The Court found that this fact was susceptible of discovery in time to avoid a multiplicity problem. The fact that the prosecutor could have known of the multiplicity issue, however, did not lead to the conclusion that it did know or should have known. The Court did not dismiss the manslaughter charge after the defendant entered a plea to the unsafe lane change. The Court weighed the potential harassment and expense faced by defendant against the state’s interest in prosecuting the more serious case.

Justice Mosk, writing for the unanimous *Dennis B.* court, explained that "[t]he state's substantial interest in maintaining the summary nature of minor motor vehicle proceedings would be impaired by requiring the prosecution to ascertain for each infraction the possibility of further criminal proceedings. . ." (*Dennis B., supra,* 18 Cal.3d at p. 695.) Justice Mosk noted the various procedural innovations that

had been implemented to further the interest in expedited proceedings, pointing in particular to "the use of highway patrol officers ... to perform certain tasks for which deputy district or city attorneys are usually required," and concluded that "[t]his type of flexibility benefits all parties: defendants gain a swift and inexpensive disposition of their cases without risk of major penalties; and the prosecution, the court system and ultimately the public benefit because judicial and law enforcement resources are freed to concentrate on serious criminal behavior." (*Id.*)

In analyzing harassment to the defendant, the California Supreme Court has examined the gravity between the two charged offenses. "When both offenses are serious crimes, the potential for harassment and waste is sufficiently strong that section 654 imposes on prosecutors an administrative duty to insure that the charges are joined." (*Id.*) Penal Code § 654 was designed to prevent harassment and save litigation costs. A person faced with consecutive major criminal trials for the same alleged act is likely to suffer unnecessary anxiety and expense whether his plight is caused by intentional harassment or by an inadvertent failure to coordinate prosecutorial efforts

"However, when as in the present case, the original charge is merely a motor vehicle infraction, the balance substantially shifts. The potential harassment and expense faced by a defendant so charged is minimal: an infraction is not punishable by confinement (Pen. Code, § 19c), and generally no stigma is attached thereto . . . Whatever anxiety a defendant charged consecutively with a minor traffic offense and a felony or serious misdemeanor is likely to experience will result solely from the latter charge, not from the multiplicity of prosecutions." (*Id. at* pp. 694-955.)

IV.
CONCLUSION

Based on foregoing, it is wholly appropriate, in view of a proper application of *Kellett* and Penal Code § 654, to conduct separate prosecutions for driving under the influence in violations of Vehicle Code §§ 23152 (a) and (b), and for the Vehicle Code infractions.

The prosecution was not involved with the proceedings for the infractions, there is no evidence in the record that the prosecution seeks to intentionally harass Defendant with the filing of the misdemeanor charges for driving under the influence, the evidence needed to prove the infractions does not supply proof of driving under the influence of alcohol, the infractions and driving under the

influence are not included within each other, the evidentiary pictures which have to be painted for the infractions and driving under the influence are sufficiently distinct, the infractions and driving under the influence are not interrelated, any potential harassment faced by the defendant is minimal when compared to the state's substantial interest in maintaining the summary nature of minor vehicle code proceedings, and, the disparity in gravity between the infractions and driving under the influence also supports the successive prosecution.

Based on the foregoing, Defendant's *Kellett* claim is without merit, and therefore, Defendant's motion to dismiss should be denied.

DATE: May 27, 2014

Respectfully submitted,
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By
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PEOPLE OF THE STATE OF CALIFORNIA

PROOF OF SERVICE BY FAX

STATE OF CALIFORNIA) PEOPLE v. **WALTER MORALES**
) Case No. 4MP00831
COUNTY OF LOS ANGELES)

I, the undersigned, say: I am a citizen of the United States and a resident of the County of Los Angeles. I am over the age of eighteen (18) years old and not a party to the within action or proceeding. My business address is 1945 South Hill Street, Room 501, Los Angeles, CA 90007.

On May 29, 2014, I served the within

THE PEOPLES OPPOSITION TO DEFENDANT'S MOTION TO DISMISS BECAUSE OF MULTIPLE PROSECUTIONS; MEMORANDUM OF POINTS AND AUTHORITIES.

On the person indicated below by transmitting a true copy thereof by fax at Los Angeles, California, addressed as follows:

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I declare under penalty of perjury that the foregoing is true and correct.

Executed on May 29, 2014 at Los Angeles, California.

CATHERINE RODELO