

LWR Fall 2021 Week 9

This handout contains the facts from the vehicular burglary assignment and from two exercises we will work on in class.

Vehicular Burglary Assignment

Local celebrity “Smash” Grabberson has been trying to make a name for himself as a rising social media star. A few weeks ago he was walking down Garnet Ave. in Pacific Beach, recording a live video on Instagram. He saw a parked car with its windows rolled down two inches and a brand new iPhone 13 in a box in the passenger seat. Knowing that he could resell the phone for a pretty penny, and that an act of mischief would resonate with his adoring fans, Smash decided to “do it for the ‘gram” and shattered the passenger window. He reached in, took the iPhone, and went on his way. A law-abiding viewer notified the police and Smash was promptly arrested.

We’re charging Smash with vehicular burglary. Can we prove that the car was locked to meet the requirements of California Penal Code §459?

Exercise 1

You work for a firm that specializes in representing startups. One of your clients wants to be the next Uber and is developing a ride-hailing app that will capture users’ GPS location data that it plans to launch by the end of 2021. The company has been developing the app to comply with existing California law governing a business’s obligation to inform consumers that it is collecting and using their data but is concerned about changes to the law that were approved in a recent ballot initiative.

Your supervising attorney has asked you to locate both the current statute and the new statute for comparison and to find out when the new statute will become operative.

Exercise 2

First year law student John discovered that a member of his study group, Tamicka, did better than him on their civ pro midterm. John became obsessed with getting a higher class rank than Tamicka at the end of their 1L year. When Tamicka wouldn’t tell him about her grades after finals in the fall, John submitted a request to the registrar for a transcript and signed it in Tamicka’s name. The administration caught John and wants to know whether they should report him to the police for committing forgery under California Penal Code section 470.

Are there any cases discussing whether falsifying a request for a transcript can be forgery in California and if so, are those cases still good law?