

Vehicular Burglary Assignment Review & Research Practice

Reference Librarian

*Please log in to Westlaw and Lexis—
we will be using both in today's class.*



The 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?

Lexis; Westlaw

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 personal information 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.

Use [Lexis](#) or [Westlaw](#).

Cal Civ Code § 1798.100

Copy Citation

Deering's California Codes are current through Chapter 1-100, 102, 103, 105-112, 114, 115, 117-123, 125-142, 145-160, 164, 173, 174, 177, 180-184, 276, 294, and 307 of the 2021 Regular Session, including all urgency legislation effective July 22, 2021 or earlier.

Heading

Notice

This section has more than one version with varying effective dates.

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West's Annotated California Codes

Effective: January 1, 2020 to December 31, 2022

West's Ann.Cal.Civ.Code § 1798.100

§ 1798.100. Consumer rights regarding personal information collection by businesses; disclosure; information requests; retention of personal information collected for single, one-time use transaction

Currentness

<Section operative until Jan. 1, 2023. See, also, § 1798.100 operative Jan. 1, 2023.>

- California Consumer Privacy Act of 2018, Cal. Civ. Code §§ 1798.100 – 1798.199.100.
- Effective until December 31, 2022.

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Cal Civ Code § 1798.110

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Deering's California Codes Annotated

Title 1.81.5 California Consumer Privacy Act of 2018

§ 1798.100. Notice and disclosure of personal information collected; Single transaction exception [Effective until January 1, 2023]

§ 1798.100. Notice and disclosure of personal information collected [Operative January 1, 2023]

§ 1798.105. Deletion of personal information collected; Exceptions [Effective until January 1, 2023]

§ 1798.105. Deletion of personal information collected; Exceptions [Operative January 1, 2023]

§ 1798.106 Right to correct inaccurate personal information [Operative January 1, 2023]

§ 1798.110. Disclosure requirements [Effective until January 1, 2023]

§ 1798.110. Disclosure requirements [Operative January 1, 2023]

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Cal Civ Code § 1798.110

Deering's California Codes are current through the 2021 Regular Session, including all bills that have become law.

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Deering's California Codes Annotated

CIVIL CODE (§§ 1 – 7021)

Division 3 Obligations

Part 4 Obligations Arising from Particular Transactions

Title 1.81.5 California Consumer Privacy Act of 2018

– 1798.199.100

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§ 1798.100. General Duties of Businesses that Collect Personal Information [FN 1]
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West's Annotated California Codes
Civil Code
 Division 3. Obligations
 Part 4. Obligations Arising from Particular Transactions
 Title 1.81.5. California Consumer Privacy Act of 2018

- Amended by Prop 24 (passed Nov, 2020).
- Operative January 1, 2023

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

Use [Lexis](#) or [Westlaw](#).

People v. Russel, 214 Cal. App. 2d 445 (Cal. Ct. App. 1963).

Request for transcript of college record and receipt for transcript of college record were written instruments which could be subject of crime of forgery.

KeyCite:  Shepards: 

- Disagreement recognized by People v. Gaul-Alexander, 32 Cal. App. 4th 735 (Cal. Ct. App. 1995).
- Distinguished by Lewis v. Superior Court, 217 Cal. App. 3d 379 (Cal Ct. App. 1990).
- The negative treatment in Lewis (as recognized by Gaul-Alexander) addressed dicta in Russel that wasn't central to holding.