

California Peace Officers Legal Sourcebook

BULLETIN

April 12, 2022

Dear Subscriber:

When the courts release too few decisions that impact chapters in the *Sourcebook*, we issue a BULLETIN in lieu of a Revision Packet. We will not be publishing a March Revision Packet. Please insert this BULLETIN in the front of your binder until you receive Revision No. 216.

People v. Rorabaugh (2022) 74 Cal.App.5th 296 (Third District Court of Appeal)

- Petition for Review filed 3/7/22
- Letter Requesting Depublication filed 3/23/22

Facts: The victim's beaten and strangled body was found in an irrigation canal in San Joaquin County. After codefendant confessed that he had assisted in the assault and helped load the victim into the trunk of defendant's car, Stanislaus Sheriff's deputies obtained warrants to search defendant's home and vehicles. Defendant's father directed the deputies to a nearby ranch where defendant had parked the car used in the kidnap-murder. The deputies found the car in an open field over 200 yards from the neighbor's residence and towed it to be stored until they obtained an additional search warrant.

Held: Entry onto the neighbor's property was a trespass, which invalidated the seizure of the car. Neither the automobile exception nor the instrumentality of a crime exception permitted the seizure, even in an open field. The court allowed the defendant to challenge the entry onto his neighbor's property based solely on his privacy interest in his car. (Note: This case is not aligned with U.S. Supreme Court precedent, and it violates the vicarious standing rule in California. The Attorney General has petitioned the California Supreme Court for Review, and the California District Attorneys Association has requested depublication.)

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