

Calif. Appeals Court Overturns Steven Spriggs' Conviction For Using iPhone Map App

The California Court of Appeal has overturned the conviction of Steven R. Spriggs for using his hand-held iPhone's map application while driving. The Court ruled California's law prohibiting talking on a hand-held wireless phone while driving doesn't apply to using a map application.

On January 5, 2012 Spriggs was driving in Fresno, California when he encountered road construction. He activated his Apple iPhone 4's map application to see if there was a route around the traffic jam. Spriggs heard a siren and saw a California Highway Patrol motorcycle officer was motioning him to pull over. Spriggs told the officer he wasn't talking, and showed him his iPhone that had its map application open. The officer told Spriggs that when driving he couldn't use his wireless phone for any purpose. Spriggs was cited for looking at a map on his hand-held wireless phone while driving.

Spriggs, 58, who was working as professional development officer at Fresno State University, was a law school graduate. He contested the ticket and during his hearing in April 2012 he demonstrated that trying to



Steven R. Spriggs
(Robin Abcarian, LA
Times)

The judge rejected his arguments and found him guilty of violating California Vehicle Code §23123(a). He was fined \$165.

Spriggs appealed, and representing himself he filed a brief that argued the statute only prohibited "listening and talking" on a hand-held wireless phone while driving. The State of California did not file a brief opposing Spriggs arguments. In March 2013 a three-judge panel of the Appellate Division of the Fresno County Superior Court affirmed Spriggs' conviction based on their interpretation the statute prohibited using a hand-held wireless phone for any purpose while driving. [Their ruling stated:](#) "Because it is undisputed that appellant used his wireless telephone while holding it in his hand as he drove his vehicle, his conduct violated Vehicle Code section 23123, subdivision (a)."

Spriggs appealed that ruling to the Court of Appeals. He argued his conduct didn't violate the statute that specifically only prohib-

its using a hand-held wireless phone to converse while driving. Perhaps realizing the potential implications if Spriggs prevailed, the California Attorney General's Office assigned *five assistant and deputy attorney generals* to support the State's position the statute *banned any* use of a hand-held wireless phone while driving.

The California Court of Appeals overturned Spriggs' conviction in its unanimous 18-page opinion issued on February 27, 2014. [The Court recognized](#) the State's interpretation of the statute "would lead to absurd results," and stated:

"Based on the statute's language, its legislative history, and subsequent legislative enactments, we conclude that the statute means what it says – it prohibits a driver only from holding a wireless telephone while conversing on it. Consequently, we reverse his conviction."

[Click here to read the ruling](#) in *The People v. Steven R. Spriggs*, No. F066927 (CA Ct. of Appeals, 5th Dist, 2-27-14).

Sources:

[The People v. Steven R. Spriggs](#), No. F066927 (CA Ct. of Appeals, 5th Dist, 2-27-14)

[The People v. Steven R. Spriggs](#), No. 0002345 (Fresno County Superior Ct., Appellate Div., 3-21-13)

[Fresno driver can't be ticketed](#) for using phone's map app, court rules, *The Fresno Bee*, February 27, 2014



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care for very well. ... I have a brother who has been in the pen for a very long time so I know what it is like to have a brother taken from me. ... I am giving this statement now because I want to clear my conscience."

Based on the new evidence of Rush's statement Brock filed a third PRP. During an [evidentiary hearing](#) on November 10, 2014 Rush, 31, testified at length about her recantation. The prosecution argued her statement and testimony wasn't credible and she only came forward because she was bothered by the length of Brock's sentence. At the conclusion of the hearing Thurston County Superior Court Judge Erik Price announced his ruling that he was granting Brock a new trial.

Ten days later, on November 20, Judge Price issued his written ruling granting a new trial in which he rejected the prosecution's arguments about Rush's motivation

for recanting her trial testimony, by noting she didn't know Brock was still in prison when she came forward in 2012. [The judge wrote:](#) "Ms. Rush testified that she realized just how wrong it is to make such serious false accusations. ... The Court concludes that Ms. Rush's recantation was not motivated by anything other than her stated desire to tell the truth." Judge Price then set conditions for Brock's release. Brock, 55, was freed after 19 years and 4 months in custody, and his brother Tommy was present to take him to his home in Tacoma.

Brock didn't speak to reporters, but his public defender Patrick O'Connor [said:](#) "He's a very gentle guy. He doesn't seem to have any animosity or anger, anything like that." Until he was transferred to the Thurston County Jail for the evidentiary hearing, Brock had been serving his sentence at Clallam Bay Corrections Center, where he served as a minister.

Judge Price ordered Brock's retrial for February 10, 2015, but without Rush's testimo-

ny there is no evidence a crime occurred, so it is likely that the State will move to dismiss the charges.

Source:

[Man gets new trial in Thurston County](#) after woman recants molestation charge, *The Olympian* (Olympia, WA), November 10, 2014.

[Man in Prison 19 Years Freed](#) After Claim Recanted, *The Olympian* (Olympia, Wash.), November 20, 2014.



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