

CALIFORNIA COURT OF APPEAL, SIXTH APPELLATE DISTRICT

People v. Porter

H052404 (Cal. Ct. App. June 3, 2025) · No. H052404 · Decided June 4, 2025

SUMMARY

The California Court of Appeal, Sixth Appellate District, considered whether viewing a mapping application on a handheld wireless telephone while driving constituted “operating” the telephone under Vehicle Code section 23123.5, subdivision (a). The court held that operating prohibits all use of a handheld phone’s functions while driving, including viewing an application, and ordered the defendant’s traffic conviction reinstated.

CASE DETAILS

COURT	California Court of Appeal, Sixth Appellate District
WRITING FOR THE COURT	Greenwood, P. J.; Danner, J.; Bromberg, J.
JURISDICTION	California Court of Appeal, Sixth Appellate District
DECIDED	June 4, 2025
DOCKET	H052404
DISPOSITION	reversed
PROCEDURAL POSTURE	Porter appealed a traffic-infraction conviction to the appellate division of the Santa Clara County Superior Court. That court reversed and dismissed the conviction. The Court of Appeal transferred the matter on its own motion to secure uniformity of decision and settle an important question of law.
STANDARD OF REVIEW	De novo review of the statutory-interpretation issue and the constitutional vagueness issue, both presented as questions of law.
PRECEDENTIAL VALUE	Published and certified for publication
PARTIES	Nathaniel Gabriel Porter v. The People

TOPICS

- statutory interpretation
- legislative history
- appellate procedure
- due process
- void for vagueness

PRACTICE AREAS

- statutory interpretation
- constitutional law
- traffic law
- appellate procedure

QUESTIONS PRESENTED

1. Whether a driver who holds a handheld wireless telephone while driving is operating the telephone within the meaning of Vehicle Code section 23123.5, subdivision (a), by viewing a mapping application on its screen.
2. Whether Vehicle Code section 23123.5, subdivision (a), is unconstitutionally vague because the term operating allegedly requires active manipulation and does not provide adequate notice of prohibited conduct.

HOLDINGS

1. Operating a handheld wireless telephone under Vehicle Code section 23123.5, subdivision (a), prohibits all use of the telephone's functions while driving, including viewing a mapping application, when the driver is holding the telephone.
2. Vehicle Code section 23123.5 is not unconstitutionally vague because the term operating can be given a reasonable and practical construction in light of the statutory language, legislative history, statutory purpose, and judicial construction.

KEY QUOTATIONS

“We conclude, pursuant to the rules of statutory interpretation, the term “operating” under section 23123.5 prohibits all use of a handheld phone’s functions while driving, including looking at an application on the phone.” (3)

“Based on the legislative history of section 23123.5 and public policy, we conclude “operating” under section 23123.5(a) prohibits all uses of a handheld wireless telephone’s functions while driving, including observing a mapping application.” (16)

“Based on this analysis, we conclude the Legislature’s purpose is not vague: its intent is to prohibit drivers from holding and using a phone’s functions in any manner while driving. We conclude that section 23123.5 is not unconstitutionally vague.” (18-19)

FACTUAL BACKGROUND

A police officer cited Porter for violating Vehicle Code section 23123.5, subdivision (a). At trial, Porter and the officer agreed that Porter was holding his cellular telephone in his left hand while driving and looking at a mapping application on its screen. The traffic commissioner found him guilty and imposed a \$158 fine.

PROCEDURAL HISTORY

A Santa Clara County Superior Court traffic commissioner found Porter guilty of violating Vehicle Code section 23123.5, subdivision (a), and imposed a \$158 fine after he was observed holding a cellular telephone and viewing a mapping application while driving. The superior court appellate division reversed and dismissed the conviction, holding that operating required active use or manipulation and that merely observing GPS directions was insufficient. The Court of Appeal reversed the appellate division and ordered Porter's conviction reinstated.

DISPOSITION

reversed

REMAND INSTRUCTIONS

The judgment of the appellate division was reversed, and Porter's traffic conviction was ordered reinstated.

CASES CITED

- *Niedermeyer v. FCA US LLC*, 15 Cal. 5th 792 (2024)
- *People v. Spriggs*, 224 Cal. App. 4th 150 (2014)
- *City of San Jose v. Superior Court*, 2 Cal. 5th 608 (2017)
- *People v. Canty*, 32 Cal. 4th 1266 (2004)
- *Committee to Save the Beverly Highlands Homes Ass'n v. Beverly Highlands Homes Ass'n*, 92 Cal. App. 4th 1247 (2001)
- *Playboy Enterprises, Inc. v. Superior Court*, 154 Cal. App. 3d 14 (1984)
- *People v. Walker*, 16 Cal. 5th 1024 (2024)
- *Mercer v. Department of Motor Vehicles*, 53 Cal. 3d 753 (1991)
- *People v. Nelson*, 200 Cal. App. 4th 1083 (2011)
- *People v. Sanchez*, 62 Cal. App. 4th 460 (1998)
- *Souza v. Corti*, 22 Cal. 2d 454 (1943)
- *People v. Superior Court (Chagolla)*, 102 Cal. App. 5th 499 (2024)
- *Klein v. United States of America*, 50 Cal. 4th 68 (2010)
- *Allen v. Sully-Miller Contracting Co.*, 28 Cal. 4th 222 (2002)
- *People v. Rodriguez*, 55 Cal. 4th 1125 (2012)
- *Mejia v. Reed*, 31 Cal. 4th 657 (2003)
- *Bruce v. Gregory*, 65 Cal. 2d 666 (1967)
- *Mendoza v. Nordstrom, Inc.*, 2 Cal. 5th 1074 (2017)
- *In re Sheena K.*, 40 Cal. 4th 875 (2007)
- *People ex rel. Gallo v. Acuna*, 14 Cal. 4th 1090 (1997)
- *Walker v. Superior Court*, 47 Cal. 3d 112 (1988)
- *Nisei Farmers League v. Labor & Workforce Development Agency*, 30 Cal. App. 5th 997 (2019)
- *Bowland v. Municipal Court for Santa Cruz County Judicial District*, 18 Cal. 3d 479 (1976)
- *Jones v. Ayers*, 212 Cal. App. 2d 646 (1963)