

12-7822 FERNANDEZ V. CALIFORNIA

DECISION BELOW: 208 Cal.App.4th 100

LOWER COURT CASE NUMBER: B232277

QUESTION PRESENTED:

Proper interpretation of *Georgia v. Randolph*, 547 U.S. 103, 126 S.Ct. 1515, 164 L.Ed.2d 208 (2006), specifically whether a defendant must be personally present and objecting when police officers ask a co-tenant for consent to conduct a warrantless search or whether a defendant's previously-stated objection, while physically present, to a warrantless search is a continuing assertion of 4th Amendment rights which cannot be overridden by a co-tenant.

CERT. GRANTED 5/20/2013