

[[Appellate judge's decision, People v. Anna V., from highwayrobbery.net]]

FILED
SUPERIOR COURT OF CALIFORNIA
COUNTY OF ORANGE
CENTRAL JUSTICE CENTER

AUG 28 2008

ALAN SLATER, Clerk of the Court

Heather G. Potter
BY H. POTTER

APPELLATE DIVISION

SUPERIOR COURT OF CALIFORNIA

COUNTY OF ORANGE

PEOPLE OF THE STATE OF CALIFORNIA,

Plaintiff and Respondent,

vs.

Defendant and Appellant.

JUDGMENT ON APPEAL from the SUPERIOR COURT of ORANGE COUNTY CENTRAL JUSTICE CENTER

HON. GLENN MONDO COMMISSIONER

The record in this case discloses that the City of Santa Ana mistakenly sought to comply with Vehicle Code § 21455.5(b) by issuing warning notices only for the first photographic enforcement cameras installed in the City. The trial court's determination that the City complied with § 21455.5(b) appears to be inconsistent with the structure and purpose of the statute as a whole. Because § 21455.5(a) provides that "the intersection" may be equipped with an automated enforcement system, "automated enforcement system" in § 21455.5(b) cannot refer to a municipality's overall automated enforcement plan, but must instead refer to each individual automated system operated at an intersection within the municipal jurisdiction. The "dictionary" definition of the word "system" does not comport with the trial court's analysis and conclusion, in the absence of any evidence that the various sets of equipment located at intersections

1 throughout the City are somehow interactive with, or dependent
2 upon, each other - if such systemic interaction were necessary,
3 operation of automated enforcement equipment at a lone
4 intersection would be impossible. The Legislature in 2003
5 rejected an amendment to SB 780 which would have expressly
6 provided for the warning period of § 21455.5(b) to occur "during
7 the first 30 days after the first recording unit is installed,"
8 and the omission of this language from the amendments enacted in
9 that year reflects a legislative intention to avoid linkage of
10 the 30-day warning period with a municipality's initial
11 installation of automated enforcement equipment. (See City of
12 Santa Cruz v. Municipal Court (1989) 49 Cal.3d 74, 88-89.) Nor
13 would it make sense, from the perspective of the motorists for
14 whom the statutory requirements were intended to provide
15 protection, for the geographic scope of the 30-day warning period
16 to depend arbitrarily upon the size of the municipal jurisdiction
17 in question.

18 The judgment is reversed, with direction that the charge be
19 dismissed.

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23 MARY FINGAL SCHULTE, Judge

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