

**FILED**  
SUPERIOR COURT OF CALIFORNIA  
COUNTY OF LOS ANGELES

MAY 24 2011

John A. Clarke, Executive Officer/Clerk  
By *[Signature]* Deputy  
CONNIE L. HUDSON

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APPELLATE DIVISION OF THE SUPERIOR COURT  
STATE OF CALIFORNIA, COUNTY OF LOS ANGELES

PEOPLE OF THE STATE OF CALIFORNIA,	)	BR 048611
Plaintiff and Respondent,	)	Lancaster Trial Court
v.	)	No. LC18300
<b>[REDACTED]</b> FIELDS,	)	
Defendant and Appellant.	)	<b>OPINION</b>

Defendant **[REDACTED]** Fields appeals from her conviction for violating Vehicle Code section 21453, subdivision (c), failure to stop for a red arrow signal light.<sup>1</sup>

FACTUAL AND PROCEDURAL BACKGROUND

On April 14, 2010, Los Angeles County Sheriff Deputy Jonathan White issued a citation to defendant for the above-mentioned violation pursuant to the automated traffic

<sup>1</sup>Vehicle Code 21453, subdivision (c) provides: "A driver facing a steady red arrow signal shall not enter the intersection to make the movement indicated by the arrow and unless entering the intersection to make a movement permitted by another signal, shall stop at a clearly marked limit line, but if none, before entering the crosswalk on the near side of the intersection, or if none, then before entering the intersection, and shall remain stopped until an indication permitting movement is shown."

All further statutory references are to the Vehicle Code unless otherwise indicated.

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1 enforcement system statutes. (§§ 21455.5-21455.7.) The citation alleged that on April  
2 14, 2010, defendant violated section 21453, subdivision (c) by failing to stop for a red  
3 arrow signal at West Avenue L and West 20th Street in the City of Lancaster. The  
4 matter proceeded to trial on August 13, 2010.

5 Deputy White testified that he was assigned to the Lancaster traffic detail where  
6 his job duties included reviewing evidence obtained from the Redflex automated  
7 enforcement system and issuing citations. He had been involved in the coordination of  
8 the photo enforcement program since the spring of 2006 and had attended a 24-hour  
9 Redflex training class.<sup>2</sup> Deputy White testified as to the operation of the camera and its  
10 activation, the synchronization of the date and time stamps, as well as the process  
11 involved in downloading the photos and video, and the processing of the photographs  
12 and issuance of citations. Deputy White testified regarding the accuracy of the  
13 machines and their maintenance. He stated that he reviewed the photos obtained from  
14 the system installed at the subject intersection on April 15, 2010. The information  
15 imprinted thereon indicated that the light had been red for 0.79 seconds when a vehicle  
16 driven by defendant drove through the intersection at approximately 33 miles per hour.  
17 Deputy White stated that he had reviewed the video images and verified that the vehicle  
18 in the photograph matched the vehicle description on the citation prior to issuing the  
19 citation.

20 Deputy White then compared the “DMV/Cal-Photo” images to defendant, and  
21 identified her as the driver of the vehicle. The deputy presented a “Court-Pack,”  
22 consisting of photographs, video and other documents which was admitted into  
23 evidence. Defendant objected to the documents created by the Redflex system on  
24 hearsay, confrontation clause and foundational grounds. The court overruled  
25 defendant’s objections.

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28 <sup>2</sup>Redflex was the photo enforcement program vendor.

1 Defendant testified that the light was yellow as she drove through the  
2 intersection. Defendant introduced into evidence the contract between Redflex and the  
3 City of Lancaster, photographs of the signage at the intersection, and the Orange County  
4 Superior Court appellate division opinion in *People v. Khaled*.<sup>3</sup>

5 DISCUSSION

6 Defendant contends the following: (1) the contract between the City of Lancaster  
7 and Redflex was illegal as it contained language in violation of section 21455.5,  
8 subdivision (g)(1); (2) the location of the signs at the intersection violated section  
9 21455.5, subdivision (a)(1); (3) the City failed to issue warning notices for 30 days prior  
10 to using the automated traffic enforcement system, in violation of section 21455.5,  
11 subdivision (b); and (4) the People did not provide an adequate foundation for the  
12 admission of Deputy White's testimony and the documents created by the Redflex  
13 system, and their admission was in violation of the confrontation clause of the federal  
14 constitution.

15 *Compliance with notice requirement*

16 We first address defendant's contention that the City failed to comply with the  
17 warning notice requirements of section 21455.5 subdivision (b). We find this  
18 contention has merit and accordingly reverse.<sup>4</sup>

19 Section 21455.5, subdivision (b) states, "Prior to issuing citations under this  
20 section, a local jurisdiction utilizing an automated traffic enforcement system shall  
21 commence a program to issue only warning notices for 30 days. The local jurisdiction  
22 shall also make a public announcement of the automated traffic enforcement system at  
23 least 30 days prior to the commencement of the enforcement program." The record  
24 contains the entirety of Deputy White's testimony regarding the issuance of the citation  
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26 <sup>3</sup>*People v. Khaled* (2010) 186 Cal.App.4th Supp.1.

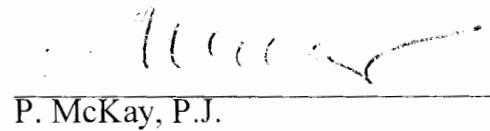
27 <sup>4</sup>As we reverse on the grounds stated, we need not address defendant's remaining  
28 contentions.

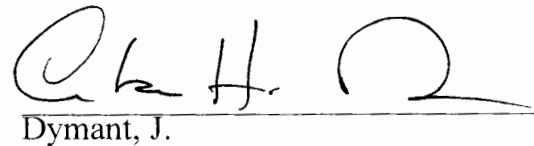
1 and the workings of the Redflex system. Yet the record contains no evidence that the  
2 City complied with the 30-day warning notice period before issuing the citation in this  
3 case. Furthermore, we do not know when the automated traffic enforcement system was  
4 put into effect at this particular intersection. Accordingly, we find that the City has not  
5 proved it was authorized to issue citations pursuant to section 21455.5, subdivision (b).

6 The judgment is reversed.<sup>5</sup>

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Keosian, J.

10 We concur.

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P. McKay, P.J.

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Dymant, J.

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<sup>5</sup>Retrial is barred by the double jeopardy clause of the Fifth Amendment. (*Burks v. United States* (1978) 437 U.S. 1, 11.)