

FILED
LOS ANGELES SUPERIOR COURT

AUG 12 2010

JOHN A. CLARKE, CLERK
John A. Clarke
BY T. KIMBROUGH, DEPUTY

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**SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF LOS ANGELES**

THE PEOPLE of the STATE of
CALIFORNIA,

Plaintiff,

v.

[REDACTED]

Fields

Defendant.

Case No. LC 18300

**ORDER OVERRULING
OBJECTIONS TO ADMISSIBILITY
OF DOCUMENTARY EVIDENCE**
[VC §21455.5; Ev. C. §§1271, 1280]

This case is a prosecution under Vehicle Code, §21453 C in which Defendant allegedly failed to properly stop in the face of a red traffic signal. The People's evidence consists of documents generated from what is commonly known as "automated enforcement". This is, according to the testimony of Deputy White, a complex system of machinery consisting of computers, electrical and electronic detection devices, digital photographic and video image-acquiring machines and lighting devices using stroboscopic flash to illuminate the Defendant's vehicle.

Deputy White has testified and the defense has objected to the admissibility of People's Exhibit 1 on the bases of hearsay and denial of confrontation, raising the issues which discussed in the opinion of the Orange County Appellate Division in *People v. Khaled* (2010) ___ Cal.App.4th Supp, ___, discussed below.

1 The issue raised in trial by Defendant's objections is whether the documents comprising
2 People's Exhibit 1 may be properly admitted into evidence. Defendant has objected on the
3 bases of hearsay and lack of confrontation and has argued the Orange County Appellate
4 Division opinion in *Khaled supra*. The court has carefully studied that opinion, although it is
5 not binding on this court. Both objections are overruled.

6 I. HEARSAY OBJECTION

7 Defendant objects to admissibility of People's 1 on the basis of hearsay in that it is
8 written verbal expression which was produced before this action was filed and which is
9 proffered to prove the truth of the matters stated therein and that it was prepared in
10 contemplation of litigation. Deputy White has testified that it is his opinion that the
11 information is true; therefore, even though the photographs themselves are not hearsay, nor is
12 the information in the databars hearsay because the information was automatically generated
13 by the computers and other machinery in the mechanism of the automatic traffic enforcement
14 system, the exhibit is hearsay because it is a complex of photographs, written factual material
15 contained in the data bars on each photograph and contains a declaration of an employee of
16 the Redflex® company attesting to compliance with statutory mandates by Redflex®. An
17 inquiry is therefore necessary to decide whether there exists an exception to the rule which
18 would allow admission. The court, as is stated below, does find such an exception contained
19 in Vehicle Code, sections 210, 21455.5 and 21455.6.

20 II. CONFRONTATION OBJECTION

21 Defendant, further, objects on the grounds that he is unable to cross-examine an
22 automated machine or someone intimately familiar with such machine so as to explore its
23 inner workings. This objection is overruled in that the Vehicle Code sections adequately
24 provide for reliability of the evidence proffered.

25 III. DISCUSSION

26 A. Hearsay

27 The hearsay rule is a common law concept adopted in 1850 which has been codified in
28 Evidence Code, Section 1200, enacted in 1965 and amended and supplemented over the

1 years, including by the initiative, Proposition 115 of 1990, 1997 and anti-street gang statute
2 and sections involving video and child witness testimony and 1975 legislation expanding the
3 exception for church and family records and 1999 legislation involving threats involving
4 elder abuse. Expansion as to the authentication of records was done by amended provisions
5 recognizing the fact that reliable duplication technology developed after 1965, eg. Ev. Code
6 §1550, *et. seq.*, see, especially, Ev. Code §1552 regarding authentication of computer-
7 generated information

8 The Vehicle Code automated enforcement statute and legislative pronouncements
9 accompanying its enactment show that the legislature intended that automated enforcement
10 systems which comport with statutory requirements shall produce admissible evidence
11 despite its being hearsay.

12 Analysis of *Khaled, supra*, points out that the problem in that case was a lack of
13 foundation for the exhibits. Exhibit 1 is comprised of several documents including the
14 declaration of the Redflex® employee, whose declaration is vital to proof of compliance with
15 the automated enforcement statutory requirements. The court, here, finds that the foundation
16 laid by Deputy White is sufficient to authenticate the documents as well as prove the
17 requisite exercise of law enforcement discretion in the issuance of this particular citation.

18 In 1994, implementation of rail transit through heavily populated areas of Southern
19 California apparently motivated the legislature to enact Vehicle Code, section 210, providing
20 for automated enforcement of rail crossings. The following year, the legislature enacted
21 Vehicle Code, sections 21455.5 and 21455.6 relating to ordinary intersection signals.

22 1. 1994 Legislation

23 "TEXT:

The people of the State of California do enact as follows:

24 [*1] SECTION 1. This act shall be known and may be cited as the "Rail Traffic
Safety Enforcement Act."

25 [*2] SECTION 2. The Legislature hereby finds and declares the following:

26 (a) The expansion of rail transit systems in California increases the need for rail
transit traffic safety programs.

27 (b) Most rail-related traffic accidents are caused by motorists ignoring crossing
gates and other warning signals and driving into the path of oncoming trains. An
28 analysis of accidents related to the metropolitan blue line in Los Angeles found
that 79 percent of those accidents were caused by motorists driving around closed

1 crossing gates or making illegal turns against warning lights in front of oncoming
2 trains.

3 (c) Automated rail crossing enforcement systems that photographically record
4 violations occurring at rail crossing signals and rail crossing gates are a significant
5 deterrent to these violations where motorists are aware of the presence of the
6 automated systems. Grade crossing violations were reduced 65 percent in a
7 demonstration project in Los Angeles using these systems. Similar results have
8 been seen in Europe and other parts of the United States.

9 [*3] SECTION 3. Section 210 is added to the Vehicle Code, to read:
10 § 210.

11 An "automated rail crossing enforcement system" is any system operated by a
12 governmental agency, in cooperation with a law enforcement agency, that
13 photographically records a driver's responses to a rail or rail transit signal or
14 crossing gate, or both, and is designed to obtain a clear photograph of a vehicle's
15 license plate and the driver of the vehicle.

16 [*4] SECTION 4. Section 21362.5 is added to the Vehicle Code, to read:
17 § 21362.5.

18 (a) Railroad and rail transit grade crossings may be equipped with an automated
19 rail crossing enforcement system if the system is identified by signs clearly
20 indicating the system's presence and visible to traffic approaching from each
21 direction.

22 Only a governmental agency, in cooperation with a law enforcement agency,
23 may operate an automated rail crossing enforcement system.

24 (b) Notwithstanding Section 6253 of the Government Code, or any other
25 provision of law, photographic records made by an automated rail crossing
26 enforcement system shall be confidential, and shall be made available only to
27 governmental agencies and law enforcement agencies for the purposes of this
28 section.

[*5] SECTION 5. Section 22451 of the Vehicle Code is amended to read:
§ 22451.

(a) The driver of any vehicle approaching a railroad [A> OR RAIL TRANSIT
<A] grade crossing shall stop not less than 15 feet from the nearest rail and shall
not proceed until he [A> OR SHE <A] can do so safely, whenever the following
conditions exist:

(1) A clearly visible electric or mechanical signal device or a flagman gives
warning of the approach or passage of a train or car.

(2) An approaching train or car is plainly visible or is emitting an audible signal
and, by reason of its speed or nearness, is an immediate hazard.

(b) No driver shall proceed through, around, or under any railroad [A> OR
RAIL TRANSIT <A] crossing gate while [A> THE <A] gate is closed.

[A> (C) WHENEVER A RAILROAD OR RAIL TRANSIT CROSSING IS
EQUIPPED WITH AN AUTOMATED RAIL CROSSING ENFORCEMENT
SYSTEM, A NOTICE OF A VIOLATION OF THIS SECTION IS SUBJECT TO
THE PROCEDURES PROVIDED IN <A] Section 40518.

.....

2. 1995 Legislation

"DIGEST: SB 833, Kopp. Vehicles: crimes: enforcement: license plates.

(1) Existing law authorizes the equipping, by governmental agencies, in cooperation
with law enforcement agencies, of automated rail crossing enforcement systems, as
defined, provides a special written, mailed notice to appear procedure in connection with
certain alleged violations recorded by an automated rail crossing enforcement system,

1 and limits the availability of photographic records to the purposes of the law.

2 This bill would expressly apply the above and its related and revised procedures to all
3 places where a driver is required to respond to an official traffic control signal showing
4 different colored lights. The bill would rename the automated rail crossing enforcement
5 system the automated enforcement system. These changes would be in effect only until
6 January 1, 1999, and as of that date would be repealed.

7 **SYNOPSIS:** An act to amend Sections 14602.6, 14604, and 40000.11 of, to amend,
8 repeal, and add Sections 210, 22451, and 40518 of, and to add and repeal Section
9 21455.5 of the Vehicle Code, relating to vehicles.”

10 **TEXT:** The people of the State of California do enact as follows:

11 [*1] SECTION 1. Section 210 of the Vehicle Code is amended to read:

12 § 210.

13 An [A] "AUTOMATED ENFORCEMENT SYSTEM" <A] is any system operated by
14 a governmental agency, in cooperation with a law enforcement agency, that
15 photographically records a driver's responses to a rail or [A] RAIL TRANSIT SIGNAL
16 OR CROSSING GATE, OR BOTH, OR TO AN OFFICIAL TRAFFIC CONTROL
17 SIGNAL DESCRIBED IN SECTION 21450, AND IS DESIGNED TO OBTAIN A
18 CLEAR PHOTOGRAPH OF A VEHICLE'S <A] license plate and the driver of the
19 vehicle.

20 [A] THIS SECTION SHALL REMAIN IN EFFECT ONLY UNTIL JANUARY 1,
21 1999, AND AS OF THAT DATE IS REPEALED, UNLESS A LATER ENACTED
22 STATUTE, WHICH IS ENACTED BEFORE JANUARY 1, 1999, DELETES OR
23 EXTENDS THAT DATE. <A]

24 [*2] SECTION 2. Section 210 is added to the Vehicle Code, to read:

25 § 210.

26 An "automated rail crossing enforcement system" is any system operated by a
27 governmental agency, in cooperation with a law enforcement agency, that
28 photographically records a driver's responses to a rail or rail transit signal or crossing
gate, or both, and is designed to obtain a clear photograph of a vehicle's license plate
and the driver of the vehicle.

This section shall become operative on January 1, 1999.”

[*4] SECTION 4. Section 21455.5 is added to the Vehicle Code, to read:

§ 21455.5.

(a) The limit line, the intersection, or other places designated in Section 21455 where a
driver is required to stop may be equipped with an automated enforcement system if the
system is identified by signs, clearly indicating the system's presence, visible to traffic
approaching from all directions, or if signs are posted at all major entrances to the city,
including, at a minimum, freeways, bridges, and state highway routes.

Any city utilizing an automated traffic enforcement system at intersections shall, prior
to issuing citations, commence a program to issue only warning notices for 30 days. The
local jurisdiction shall also make a public announcement of the automated traffic
enforcement system at least 30 days prior to the commencement of the enforcement
program.

Only a governmental agency, in cooperation with a law enforcement agency, may
operate an automated enforcement system.

(b) Notwithstanding Section 6253 of the Government Code, or any other provision of
law, photographic records made by an automated enforcement system shall be
confidential, and shall be made available only to governmental agencies and law
enforcement agencies for the purposes of this article.

1 (c) Notwithstanding subdivision (b), the registered owner or any individual identified
2 by the registered owner as the driver of the vehicle at the time of the alleged violation
3 shall be permitted to review the photographic evidence of the alleged violation.

(d) This section shall remain in effect only until January 1, 1999, and as of that date is
4 repealed, unless a later enacted statute, which is enacted before January 1, 1999, deletes
5 or extends that date.

[*5] SECTION 5. Section 22451 of the Vehicle Code is amended to read:
6 § 22451.

(a) The driver of any vehicle approaching a railroad or rail transit grade crossing shall
7 stop not less than 15 feet from the nearest rail and shall not proceed until he or she can
8 do so safely, whenever the following conditions exist:

(1) A clearly visible electric or mechanical signal device or a flagman gives warning of
9 the approach or passage of a train or car.

(2) An approaching train or car is plainly visible or is emitting an audible signal and,
10 by reason of its speed or nearness, is an immediate hazard.

(b) No driver shall proceed through, around, or under any railroad or rail transit
11 crossing gate while the gate is closed.

(c) Whenever a railroad or rail transit crossing is equipped with an automated * * *
12 enforcement system, a notice of a violation of this section is subject to the procedures
13 provided in Section 40518.

[A> (D) THIS SECTION SHALL REMAIN IN EFFECT ONLY UNTIL JANUARY
14 1, 1999, AND AS OF THAT DATE IS REPEALED, UNLESS A LATER ENACTED
15 STATUTE, WHICH IS ENACTED BEFORE JANUARY 1, 1999, DELETES OR
16 EXTENDS THAT DATE. <A]

[*6] SECTION 6. Section 22451 is added to the Vehicle Code, to read:
17 § 22451.

(a) The driver of any vehicle approaching a railroad or rail transit grade crossing shall
18 stop not less than 15 feet from the nearest rail and shall not proceed until he or she can
19 do so safely, whenever the following conditions exist:

(1) A clearly visible electric or mechanical signal device or a flagman gives warning of
20 the approach or passage of a train or car.

(2) An approaching train or car is plainly visible or is emitting an audible signal and,
21 by reason of its speed or nearness, is an immediate hazard.

(b) No driver shall proceed through, around, or under any railroad or rail transit
22 crossing gate while the gate is closed.

(c) Whenever a railroad or rail transit crossing is equipped with an automated rail
23 crossing enforcement system, a notice of a violation of this section is subject to the
24 procedures provided in Section 40518.

(d) This section shall become operative on January 1, 1999.”
25

[*8] SECTION 8. Section 40518 of the Vehicle Code is amended to read:
26 § 40518.

(a) Whenever a written notice to appear has been issued by a peace officer or by a
27 qualified employee of a law enforcement agency on a form approved by the Judicial
28 Council for an alleged violation of Section 22451, or, [A> BASED ON AN ALLEGED
VIOLATION OF SECTION 21453, 21455, OR 22101 RECORDED BY AN
AUTOMATED ENFORCEMENT SYSTEM PURSUANT TO SECTION 21455.5 OR
22451, AND DELIVERED BY MAIL WITHIN 15 <A] days of the alleged violation to
the current address of the registered owner of the vehicle on file with the department,
with a certificate of mailing obtained as evidence of service, an exact and legible
duplicate copy of the notice when filed with the magistrate shall constitute a complaint
to which the defendant may enter a plea. Preparation and delivery of a notice to appear
pursuant to this section is not an arrest.

(b) A notice to appear shall contain the name and address of the person, the license

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1 plate number of the person's vehicle, the[A> VIOLATION CHARGED, INCLUDING A
2 DESCRIPTION OF THE OFFENSE <A] , and the time and place when, and where, the
3 person may appear in court or before a person authorized to receive a deposit of bail. The
4 time specified shall be at least 10 days after the notice to appear is delivered.

5 [A> (C) THIS SECTION SHALL REMAIN IN EFFECT ONLY UNTIL JANUARY
6 1, 1999, AND AS OF THAT DATE IS REPEALED, UNLESS A LATER ENACTED
7 STATUTE, WHICH IS ENACTED BEFORE JANUARY 1, 1999, DELETES OR
8 EXTENDS THAT DATE. <A]

9 [*9] SECTION 9. Section 40518 is added to the Vehicle Code, to read:
10 § 40518.

11 (a) Whenever a written notice to appear has been issued by a peace officer or by a
12 qualified employee of a law enforcement agency on a form approved by the Judicial Council for an
13 alleged violation of Section 22451, or, with respect to a rail crossing, of Section 21453 or 22101
14 based on an alleged violation recorded by an automated rail crossing enforcement system, and
15 delivered by mail within 30 days of the alleged violation to the current address of the registered
16 owner of the vehicle on file with the department, with a certificate of mailing obtained as evidence of
17 service, an exact and legible duplicate copy of the notice when filed with the magistrate shall
18 constitute a complaint to which the defendant may enter a plea. Preparation and delivery of a notice
19 to appear pursuant to this section is not an arrest.

20 (b) A notice to appear shall contain the name and address of the person, the license
21 plate number of the person's vehicle, the offense charged, and the time and place when,
22 and where, the person may appear in court or before a person authorized to receive a
23 deposit of bail. The time specified shall be at least 10 days after the notice to appear is
24 delivered.

25 (c) This section shall become operative on January 1, 1999.

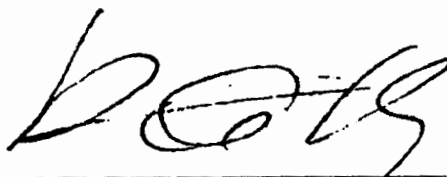
26 Review of this large amount of material demonstrates that the legislature carefully, and
27 with public safety and fairness to motorists in its mind, enacted the automated enforcement
28 provisions applying to rail crossings as well as ordinary urban intersections. This statutory
scheme is certainly "comprehensive" and contains numerous safeguards designed to ensure
factual accuracy of the information generated and to provide fairness and due process to any
persons photographed. *Khaled, supra*, does not discuss the text of Vehicle Code, section
21455.5, *et. seq.*, the history of the statutes, and applies traditional common law criminal
evidence concepts in invalidating what are, obviously, very carefully considered acts of the
legislature. This court finds that the foundation has been actually well-laid for the
admissibility of Exhibit 1. Review of the legislative declarations shows that the legislature
was mindful of the concerns raised by the hearsay rule and confrontation rights and that it
adequately accommodated them. The court finds that these statutes provide a statutory
hearsay exception which provides for the admissibility of Exhibit 1 and gives foundation for
the several documents contained in Exhibit 1.

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IV. RULING

The objections are OVERRULED.

Dated: 8/13/10



ROBERT A. McSORLEY, Commissioner

20C 9/10/10 DBH

CR-142 Notice of Appeal and Record of Oral Proceedings (Infraction)

Clerk stamps date here when form is filed.
FILED
LOS ANGELES SUPERIOR COURT
SEP 10 2010
JOHN A. CLARKE, CLERK
BY T. COATS, DEPUTY

Instructions

- This form is only for appealing in an **infraction** case, such as a case about a traffic ticket. You can get other forms for appealing in a civil or misdemeanor case at any courthouse or county law library or online at www.courtinfo.ca.gov/forms.
- Before you fill out this form, read *Information on Appeal Procedures for Infractions* (form CR-141-INFO) to know your rights and responsibilities. You can get form CR-141-INFO at any courthouse or county law library or online at www.courtinfo.ca.gov/forms.
- You must file this form **no later than 30 days after the trial court issued the judgment or order you are appealing** (see rule 8.902(b) of the California Rules of Court for very limited exceptions). **If your notice of appeal is late, the court will not take your appeal.**
- Fill out this form and make a copy of the completed form for your records.
- Take or mail the completed form to the clerk's office for the same trial court that issued the judgment or order you are appealing. It is a good idea to take or mail an extra copy to the clerk and ask the clerk to stamp it to show that the original has been filed.

You fill in the name and street address of the court that issued the judgment or order you are appealing:

Superior Court of California, County of Los Angeles
L.A.S.C.-Antelope Valley Court
42011 4th St West
Lancaster, CA 93534

You fill in the number and name of the trial court case in which you are appealing the judgment or order:

Trial Court Case Number:
LC18300
Trial Court Case Name:
The People of the State of California
v. [redacted] Fields

The clerk will fill in the number below:
Appellate Division Case Number:

1 Your Information

a. Appellant (the party who is filing this appeal):

Name: [redacted] Fields

Street address: [redacted] Street [redacted] City CA [redacted] Zip [redacted]

Mailing address (if different): _____ Street _____ City _____ State _____ Zip _____

Phone: [redacted] E-mail (optional): [redacted]

b. Appellant's lawyer (skip this if the appellant is filling out this form):

The lawyer filling out this form (check (1) or (2)):

(1) was the appellant's lawyer in the trial court. (2) is the appellant's lawyer for this appeal.

Name: _____ State Bar number: _____

Street address: _____ Street _____ City _____ State _____ Zip _____

Mailing address (if different): _____ Street _____ City _____ State _____ Zip _____

Phone: () _____ E-mail (optional): _____

Fax (optional): () _____

13

Trial Court Case Name: [redacted] Fields

2 Judgment or Order You Are Appealing

I am/My client is appealing (check a, b, or c):

- a. [checked] the final judgment of conviction in the case (Penal Code section 1466(2)(A)). The trial court issued (rendered) this judgment on (fill in the date): 8/11/2010
b. [] an order made by the trial court after judgment that affects an important (substantial) right of mine/my client (Penal Code section 1466 (2)(B)). The trial court issued this order on (fill in the date):
c. [] other (describe the action you are appealing and indicate the date the trial court took the action):

Record of the Oral Proceedings

You do not have to provide the appellate division with a record of what was said in the trial court (this is called a record of the "oral proceedings"). But if you do not, the appellate division will not be able to consider what was said during those proceedings in determining whether an error was made in the trial court proceedings.

3 I elect (choose)/My client elects to proceed (check a or b):

- a. [] WITHOUT a record of the oral proceedings in the trial court (skip item 4); sign and date this form). I understand that if I proceed without a record of the oral proceedings, the appellate division will not be able to consider what was said during those proceedings in deciding whether a legal error was made.

(Write initials here):

- b. [checked] WITH a record of the oral proceedings in the trial court (complete item 4 below). I understand that, if I elect (choose) to proceed WITH a record of the oral proceedings in the trial court, I have to choose the record I want and take the actions described below to make sure this record is provided to the appellate division. I understand that if I do not take the actions described below and the appellate division does not receive this record, I am not likely to succeed in my appeal.

(Write initials here): [redacted]

4 I want to use the following record of what was said in the trial court proceedings in my case (check and complete only one—a, b, c, or d):

- a. [] Statement on Appeal. A statement on appeal is a summary of the trial court proceedings approved by the trial court. See form CR-141-INFO for information about preparing a proposed statement. (Check (1) or (2)):

Trial Court Case Name [REDACTED] Fields

④ a. (continued)

- (1) I have attached my proposed statement on appeal to this notice of appeal. *(If you are not represented by an attorney in this appeal, you must use Proposed Statement on Appeal (Infraction) (form CR-143) to prepare and file this proposed statement. You can get form CR-143 at any courthouse or county law library or online at www.courtinfo.ca.gov/forms.)*
- (2) I have NOT attached my proposed statement. I understand that I must serve and file this proposed statement in the trial court within 20 days of the date I file this notice of appeal and that if I do not file the proposed statement on time, the court may dismiss my appeal.

OR

b. **Transcript From Official Electronic Recording.** *This option is available only if an official electronic recording was made of what was said in the trial court. Check with the trial court to see if an official electronic recording was made in your case before choosing this option. (Check (1) or (2)):*

- (1) I will pay the trial court clerk's office for this transcript myself. I understand that if I do not pay for this transcript, it will not be prepared and provided to the appellate division.
- (2) I am asking that this transcript be prepared at no cost to me because I cannot afford to pay this cost. I have completed and attached *Defendant's Financial Statement on Eligibility for Appointment of Counsel and Reimbursement and Record on Appeal at Public Expense* (form MC-210). *(You can get form MC-210 at any courthouse or county law library or online at www.courtinfo.ca.gov/forms. The court will review this form to decide if you are eligible for a free transcript.)*

OR

c. **Copy of Official Electronic Recording.** *This option is available only if an official electronic recording was made of what was said in the trial court, the court has a local rule for the appellate division permitting the use of the official electronic recording itself as the record of the proceedings, and you and the respondent (the prosecuting agency) have agreed (stipulated) that you want to use the official electronic recording itself as the record of what was said in your case. Check with the trial court to see if an official electronic recording was made in your case before choosing this option. You must attach a copy of the agreement (stipulation) between you and the respondent to this notice. (Check (1) or (2)):*

- (1) I will pay the trial court clerk's office for this official electronic recording myself. I understand that if I do not pay for this recording, it will not be provided to the appellate division.
- (2) I am asking that this official electronic recording be provided at no cost to me because I cannot afford to pay this cost. I have completed and attached *Defendant's Financial Statement on Eligibility for Appointment of Counsel and Reimbursement and Record on Appeal at Public Expense* (form MC-210). *(You can get form MC-210 at any courthouse or county law library or online at www.courtinfo.ca.gov/forms. The court will review this form to decide if you are eligible for a free copy of the official electronic recording.)*

Trial Court Case Name [redacted] Fields

4 (continued)

OR

d. **Reporter's transcript.** *This option is available only if there was a court reporter in the trial court who made a record of what was said in court. Check with the trial court to see if there was a court reporter in your case before choosing this option. (Check (1) or (2)):*

(1) I will pay the trial court clerk's office for this transcript myself when I receive the court reporter's estimate of the cost of the transcript. I understand that if I do not pay for this transcript, it will not be prepared and provided to the appellate division.

(2) I am asking that this transcript be prepared at no cost to me because I cannot afford to pay the cost. I have completed and attached *Defendant's Financial Statement on Eligibility for Appointment of Counsel and Reimbursement and Record on Appeal at Public Expense* (form MC-210). (You can get form MC-210 at any courthouse or county law library or online at www.courtinfo.ca.gov/forms. The court will review this form to decide if you are eligible for a free reporter's transcript.)

REMINDER: Except in the very limited circumstances listed in rule 8.902(b), you must file this form no later than 30 days after the trial court issued the judgment or order you are appealing in your case. If your notice of appeal is late, the court will not take your appeal.

Date: 9/10/2010

[redacted] Fields
Type or print your name

[redacted signature]
Signature of appellant or attorney

16

CR-143

Proposed Statement on Appeal (Infraction)

Instructions

- This form is only for preparing a statement on appeal in an **infraction** case, such as a case about a traffic ticket.
- Before you fill out this form, read *Information on Appeal Procedures for Infractions* (form CR-141-INFO) to know your rights and responsibilities. You can get form CR-141-INFO at any courthouse or county law library or online at www.courtinfo.ca.gov/forms.
- This form can be filed at the same time as your notice of appeal. If it is not filed with your notice of appeal, this form must be filed **no later than 20 days after you file your notice of appeal**. If you have chosen to use a statement on appeal and do not file this form on time, the court may dismiss your appeal.
- Fill out this form and make a copy of the completed form for your records and for each of the other parties.
- You must serve a copy of the completed form on each of the other parties in the case and keep proof of this service. You can get information about how to serve court papers and proof of service from *What Is Proof of Service?* (form APP-109-INFO) and on the California Courts Online Self-Help Center at www.courtinfo.ca.gov/selfhelp/lowcost/getready.htm#serving.
- Take or mail the completed form and proof of service on each of the other parties to the clerk's office for the same trial court that issued the judgment or order you are appealing. It is a good idea to take or mail an extra copy to the clerk and ask the clerk to stamp it to show that the original has been filed.

Clerk stamps date here when form is filed.

FILED
 LOS ANGELES SUPERIOR COURT

SEP 30 2010
 JOHN A. CLARKE, CLERK
 BY T. COATS, DEPUTY

You fill in the name and street address of the court that issued the judgment or order you are appealing:

Superior Court of California, County of Los Angeles
 L.A.S.C.-Antelope Valley Court
 42011 4th St West
 Lancaster, CA 93534

You fill in the number and name of the trial court case in which you are appealing the judgment or order:

Trial Court Case Number:
 LC18300

Trial Court Case Name:
 The People of the State of California
 v. [Redacted] Fields

You fill in the appellate division case number (if you know it):

Appellate Division Case Number:

1 Your Information

a. Appellant (the party who is filing this appeal):

Name: [Redacted] Fields

Street address: [Redacted] Street [Redacted] City CA [Redacted] Zip

Mailing address (if different): _____ Street _____ City _____ State _____ Zip

Phone: [Redacted] E-mail (optional): [Redacted]

b. Appellant's lawyer (skip this if the appellant is filling out this form):

The lawyer filling out this form (check (1) or (2)):

(1) was the appellant's lawyer in the trial court. (2) is the appellant's lawyer for this appeal.

Name: _____ State Bar number: _____

Street address: _____ Street _____ City _____ State _____ Zip

Mailing address (if different): _____ Street _____ City _____ State _____ Zip

Phone: () _____ E-mail (optional): _____

Fax (optional): () _____

19

Information About Your Appeal

② On (fill in the date): 9/10/2010, I/my client filed a *Notice of Appeal and Record of Oral Proceedings (Infraction)*, choosing to use a statement on appeal as the record of what was said in this case.

Proposed Statement

③ **The Charges Against Me/My Client**

- a. If the charges against you/your client are based on a citation (ticket) you received, provide the citation number (fill in the citation number from your ticket): _____
- b. The charges against me/my client were (list all of the charges indicated on the citation or complaint filed by the prosecutor with the court): VC21453c

c. I/My client (check (1), (2), or (3))

- (1) pleaded not guilty to all of the charges.
- (2) pleaded guilty to only the following charges: _____
- (3) pleaded guilty to all of the charges.

④ **Summary of Any Motions**

- a. Were any motions (requests for the trial court to issue an order) made in this case?
 Yes (fill out b) No (go to item ⑤)
- b. In the spaces below, describe any motions (requests for orders) made in the trial court. Write a complete and accurate summary of what was said at any hearings on these motions and indicate how the trial court ruled on these motions:

(1) I/My client made the following requests (motions) in the trial court (check all that apply):

(a) To submit a photograph or photographs as evidence (describe the photographs):

Photographs showing that the signs posted after the intersection, instead of ahead of it, are not clearly visible to approaching traffic in violation of Vehicle Code section 21455.5(a)(1)

There was was not a hearing on this motion.

If there was a hearing on this motion, write a complete and accurate summary of what was said at this hearing: _____

The court did did not accept the photographs.

Check here if you need more space to describe the motion and attach a separate page or pages describing it. At the top of each page write "CR-143, item 4b(1)(a)."



Trial Court Case Name: [redacted] Fields

4 b(1) (continued)

- (b) [] To submit a map or maps as evidence (describe the maps):

There [] was [] was not a hearing on this motion.

If there was a hearing on this motion, write a complete and accurate summary of what was said at this hearing:

The court [] did [] did not accept the maps.

[] Check here if you need more space to describe the motion and attach a separate page or pages describing it. At the top of each page write "CR-143, item 4b(1)(b)."

- (c) [] To submit other material as evidence (describe what you asked to submit as evidence in the trial court): Exh. A Notice of Filing of Judgement/Order in the case of The People vs. Khaled A case in a court of equal footing with all the same evidence and photos as this case. Exh. B Exclusive Agreement Between The City Of Lancaster And Redflex Traffic Systems

There [] was [x] was not a hearing on this motion.

If there was a hearing on this motion, write a complete and accurate summary of what was said at this hearing:

The court [x] did [] did not accept this material.

[x] Check here if you need more space to describe the motion and attach a separate page or pages describing it. At the top of each page write "CR-143, item 4b(1)(c)."

- (d) [x] Other (describe any other request you made in the trial court and whether the court granted or denied this request): A motion was made by the defendant objecting to the introduction of all evidence in the form of photos and accompanying documents as they violate the defendants hearsay and confrontation clause rights. This motion is identical to the case of The People vs. Khaled in which the Appellate Division found that the trial (Cont.)

[x] Check here if you need more space to describe the motion and attach a separate page or pages describing it. At the top of each page write "CR-143, item 4b(1)(d)."

- (2) [x] The prosecutor made the following request (motion) in the trial court (describe any request the prosecutor made in the trial court and whether the court granted or denied this request): The issuing agency requested that the photographic evidence and declaration be admitted into evidence and even though this evidence was illegally obtained the trial court admitted it.



4 b(2) (continued)

There was was not a hearing on this motion.

If there was a hearing on this motion, write a complete and accurate summary of what was said at this hearing:

[Blank lines for summary]

The trial court granted this motion. did not grant this motion.

Other (describe any other action the trial court took concerning this motion):

[Blank line for other action]

Check here if you need more space to describe this motion and attach a separate page or pages describing it. At the top of each page, write "CR-143, item 4b(2)."

Check here if other motions were filed, and attach a separate page or pages describing these other motions, identifying who made them and whether there was a hearing on the motion, summarizing what was said at the hearing on the motion, and indicating whether the trial court granted or denied the motion. At the top of each page, write CR-143, item 4b(3).

5 Summary of Testimony

a. Was there a trial in your case?

No (skip items b, c, and d and go to item 6)

Yes (complete items b, c, and d)

b. Did you/your client testify at the trial?

No

Yes (write a complete and accurate summary of the testimony you/your client gave. Include only what you actually said; do not comment on or give your opinion about what you said):

The appellant asked a question of deputy White about his certification status and entered exhibits to the court.

[Blank lines for summary]

Check here if you need more space to summarize your/your client's testimony and attach a separate page or pages summarizing this testimony. At the top of each page, write "CR-143, Item 5b."

c. Did an officer from the police department, sheriff's office, or other government agency that charged you/your client testify at the trial? (Check one):

No

Yes (complete (1) and (2)):

(1) The name of the officer who testified is (fill in the officer's name): Deputy White

5 c. (continued)

(2) This officer testified that *(write a complete and accurate summary of the officer's testimony. Include only what the officer actually said; do not comment on or give your opinion about what the officer said)*:
The deputy testified that the photo evidence showed that an infraction actually occurred.

Check here if you need more space to summarize the officer's testimony and attach a separate page or pages summarizing this testimony. At the top of each page, write "CR-143, Item 5c."

d. Were there any other witnesses at the trial?

No

Yes (fill out (1)-(4)):

(1) The witness's name is *(fill in the witness's name)*:

(2) The witness was was not an officer from the government agency that charged me/my client.

(3) The witness testified on behalf of me/my client. the prosecution.

(4) This witness testified that *(write a complete and accurate summary of the witness's testimony. Include only what the witness actually said; do not comment on or give your opinion about what the witness said)*:

Check here if other witnesses testified at the trial. Attach a separate page or pages identifying each other witness that testified at your trial, stating whether that witness testified on your/your client's behalf or the prosecution's behalf, and summarizing what that witness said in his or her testimony. At the top of each page, write "CR-143, item 5e."

The Trial Court's Findings

6 a. I/My client was found guilty of the following offenses *(list all of the offenses for which you were/your client was found guilty)*: VC21453c

b. I/My client was found not guilty of the following offenses *(list all of the offenses for which you were/your client was found not guilty)*:

Trial Court Case Name: [REDACTED] Fields

6 (continued)

c. The following charges were dismissed after proof of correction was shown to the judge (list all of the charges that were dismissed):

7 The Sentence

The trial court imposed the following fine or other punishment on me/my client (check all that apply and fill in any required information):

- a. A fine of (fill in the amount of the fine): \$ 476.00
- b. Traffic school
- c. Community service (fill in the number of hours): _____
- d. Other punishment (describe any other punishment that the court imposed on you):

8 Reasons for Your Appeal

Remember, in an appeal, the appellate division can only review a case for whether certain kinds of legal errors were made in the trial court proceedings (read form CR-141-INFO to learn about these legal errors):

- There was not "substantial evidence" supporting the judgment, order, or other decision you are appealing
- A "prejudicial error" was made during the trial court proceedings.

The appellate division:

- Cannot retry your case or take new evidence
- Cannot consider whether witnesses were telling the truth or lying
- Cannot consider whether there was more or stronger evidence supporting your position than there was supporting the trial court's decision

(Check all that apply and describe the legal error or errors you believe were made that are the reason for this appeal.)

- a. There was not substantial evidence that supported the judgment, order, or other decision I am/my client is appealing in this case. (Explain why you think the judgment, order, or other decision was not supported by substantial evidence): The appellant holds that the trial court erred in admitting the photographs and the accompanying declaration over the objections of the appellant's hearsay and confrontation clause objections. Absent the the photographs and content in the declaration, there is insufficient evidence to support the violation. The appellant also holds that the contract between The City Of Lancaster and Redlex Systems Inc. is illegal and as such that makes the photographic evidence presented by the issuing agency illegal as well and inadmissible. The appellant also holds (Cont.)



Trial Court Case Name: [redacted] Fields

8 (continued)

b. [x] The following error or errors about either the law or court procedure was/were made that caused substantial harm to me/my client. (Describe each error and how you were/your client was harmed by that error.)

(1) Describe the error: The appellant holds that the trial court erred in overruling the appellants motion objecting to admission of photographic and accompanying declaration by the issuing agency on the grounds that this is violative of appellants hearsay and confrontation rights.

Describe how this error harmed you/your client: The issuing agencies entire case was based on photographic evidence and the declaration presented by the issuing agency. Without this evidence the issuing agency had no case at all and no cause to bring this to trial.

(2) Describe the error:

Describe how this error harmed you/your client:

(3) Describe the error:

Describe how this error harmed you/your client:

[x] Check here if you need more space to describe these or other errors and attach a separate page or pages describing the errors. At the top of each page, write "CR-143, item 8."

REMINDER: You must serve and file this form no later than 20 days after you file your notice of appeal. If you do not file this form on time, the court may dismiss your appeal.

Date: 9/19/2010

[redacted] Fields
Type or print name

[redacted signature]
Signature of appellant or attorney

CR-143, item 4b(1)(c).

(Cont.) Inc. For Photo Red Light Enforcement Program. This is the contract between the City Of Lancaster and Redflex Traffic Systems that has been declared illegal because it contains a "Neutrality Clause", which is considered an incentive for profit.

Exh. C Judgment on Appeal in the case of People vs. Franco. This case in a court of equal footing confirms that the neutrality clause that exists in the contract between the City Of Lancaster and Redflex Traffic Systems Inc. violates Vehicle Code section 21455.5(g).

Exh. D Vehicle Code section 21455.5 (a) Pertains to Traffic Signal Automated Enforcement: Photographic Records. Vehicle Code section 21455.5(a)(1) Identifies the system by signs that clearly indicate the system's presence and are visible to traffic approaching from all directions. The point here being that the signs are place after the intersection and do not clearly indicate and are not visible to approaching traffic.

Exh's . E, F, G, H, are photos showing the approach to the intersection with the signs not visible on approach.

Exh. I (mistakenly labeled H) Manual on Uniform Traffic Control Devices (MUTCD03CS) Page 2A-3, Section 2A.16 Standardization of Location, provides as follows: The installation of signs, including route shields, on signal standards should be avoided unless they directly affect traffic movements in the intersection. (MUTCD03CS) Page 2A-6, Figure 2A-2(CA). Typical Location for Signs at Intersections, shows that a sign providing information about an intersection should be placed ahead of or in front of the intersection.

CR-143, item 4b(1)(d).

Court erred in admitting the photographs and accompanying declaration over the defendant's hearsay and confrontation clause objections. Stating that absent the photographs and content in the declaration, there is insufficient evidence to support the violation.

CR-143, item 8.

- (a) that the collection process is in violation of Vehicle Code section 21455.5(a)(1) in that the signs identifying the system do not clearly indicate and are not visible to approaching traffic which also makes the photographs inadmissible as evidence. That the collection process is in violation of Manual on Uniform Traffic Control Devices (MUTCD03CS) Page 2A-3, Section 2A.16.

CR-144 Order Concerning Appellant's Proposed Statement on Appeal (Infraction)

1 The court has received and reviewed the *Proposed Statement on Appeal* (form CR-143) filed by the appellant on (fill in date): _____

2 The court makes the following order:

a. The court certifies that parts 3 through 7 of the statement as proposed by the appellant are a complete and accurate summary of the trial court proceedings. This statement is ready to be sent to the appellate division.

b. The following corrections are needed in order for parts 3 through 7 of the statement proposed by the appellant to be a complete and accurate summary of the trial court proceedings.

- (1) Attached detailed summary of oral testimony at trial.

- (2) _____

- (3) _____

This modified statement must be sent to the parties.

c. More corrections than could be listed above were needed in order for parts 3 through 7 of the statement proposed by the appellant to be a complete and accurate summary of the trial court proceedings. A corrected statement is attached to this order. This modified statement must be sent to the parties.

d. The trial court proceedings in this case were reported by a court reporter or officially recorded electronically under Government Code section 69957. Instead of correcting this statement, the court orders under rule 8.916(d)(6)(B) that a transcript be prepared as the record of these proceedings. (Check the court's local rules to make sure the court has not adopted a rule providing that this option is not available.)

e. This superior court has a local rule for the appellate division authorizing the use of an official electronic recording as the record of the oral proceedings. The trial court proceedings in this case were officially electronically recorded. Instead of correcting this statement, the court orders that a copy of that electronic recording be prepared as the record of these proceedings at the court's expense.

Date: October 5, 2010



ROBERT A. MCSORLEY, Commissioner

Clerk stamps date here when form is filed.
FILED
LOS ANGELES SUPERIOR COURT
OCT -5 2010
JOHN A. CLARKE, CLERK
T. Coats
BY T. COATS, DEPUTY

Clerk fills in the name and street address of the court:
Superior Court of California, County of LOS ANGELES
42011 Fourth Street, West
Lancaster, California 93534
North District

Clerk fills in the number and name of the case:
Trial Court Case Number: LC18300
Trial Court Case Name: The People of the State of California v. [Redacted] Fields

Clerk fills in the number below:
Appellate Division Case Number:



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**SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF LOS ANGELES**

THE PEOPLE of the STATE OF CALIFORNIA,

Plaintiff,

v.

██████████ FIELDS,

Defendant.

Case No. LC18300

**SUMMARY OF ORAL
PROCEEDINGS BEFORE THE
COURT**

Trial Date: August 13, 2010
Time: 1:30 PM
Department: A-3

[00:34:08]

The Court: ██████████ Fields, ██████████ Fields? Ms. Fields, you were here back on July 7th on our morning arraignment calendar. I set this case for trial here today, ah, you're charged with what I call a red light camera ticket—automated enforcement of Vehicle Code 21453(c) alleging you failed to stop for a left arrow. Are you ready to proceed here today?

Ms. Fields: Yes, sir.

The Court: All right. Have you both been sworn?

Deputy White: Yes, your honor.

Ms. Fields: Yes, sir.

The Court: Deputy White, would you please state your name, your employment and what connection, if any, you had with the issuance of citation LC18300.

Deputy White: My name is Jon White, and I am a Deputy Sheriff for Los Angeles County

1 Sheriff's Department currently assigned to Lancaster Station traffic detail. Your honor, may I
2 inquire about the foundation?

3 The Court: Ma'am, you heard Deputy White's say a long-winded spiel about that, do you
4 have any objection about that being transplanted into your case? Or do you want to have him
5 repeat it for your case?

6 Ms. Fields: No, I don't mind that, if I can ask him one question.

7 The Court: Sure.

8 Ms. Fields: Ahm, Ah, he says that he took a class in ah, Arizona in 2006.

9 The Court: Yes.

10 Ms. Fields: I'd like to know when his next class is.

11 Deputy White: I don't have a next class.

12 Ms. Fields: You know, it's kind of like a road survey that's done every so often—I don't mean
13 to be curt or rude.

14 The Court: All right, I understand. OK, apparently that certification doesn't need to be
15 recertified, so do you have any objection to us just transplanting that whole pitch into your
16 case?

17 Ms. Fields: No, that's fine.

18 The Court: OK, we'll do that and if there's an appeal, you can have all that information in
19 your case. On, on your record. [00:35:51] I appreciate that, it will speed things up, we have a
20 huge calendar—especially our civil calendar it's very large this afternoon. Thank you. The
21 referenced testimony follows:

22 Deputy White: My name is Jon White, I am a Deputy Sheriff employed by the Los Angeles
23 County Sheriff's Department and have been so employed since 1984. I am currently assigned
24 to the Lancaster Station traffic detail where part of my responsibilities include the review of
25 evidence obtained from the Redflex[®] automated enforcement system. This is a photo
26 enforcement program that operate in the City of Lancaster. I have been coordinating the
27 photo enforcement program at the City of Lancaster since its inception in September of 2006.
28 In October, 2006, I attended a 24 hour training class in Scottsdale, Arizona at Redflex[®]

1 headquarters. This training consisted of both classroom and field training and included a tour
2 of the facility, operating details of the camera system, details of California Law pertaining to
3 the use of automated enforcement systems and a hands-on demonstration of the cameras and
4 components used in the system. We also learned how the system functions, how citations are
5 processed and how to access the system. By completing this training, I'm now certified to
6 operate the Redflex[®] Photo Enforcement System.

7 The Redflex[®] automated enforcement system is designed and installed to capture
8 violations of California Vehicle Code, section 21453 at intersections designated by the City
9 of Lancaster. Redflex[®] Traffic Systems installed the system, under contract to the City of
10 Lancaster. As an agent of the City of Lancaster, the employees of Redflex[®] Traffic Systems
11 are acting on behalf of the City of Lancaster and the Los Angeles County Sheriffs
12 department. They operate under our direction and supervision.

13 The process of recording an incident occurs only during the red phase, when a vehicle
14 triggers the system by passing over two sensors placed in the roadway. These sensors
15 record the time it takes for the vehicle to cross the distance between the sensors and
16 calculates the speed of the vehicle based upon the distance and the elapsed time for the
17 vehicle to cross it. There are actually two signals, referred to as an "A" and "B" signal,
18 that are recorded by the sensors. These signals must agree for the system to complete an
19 image capture sequence. If the veh—if the speed of the vehicle is over a set threshold, then the
20 system activates. The speed calculated by the system is used to trigger the cameras and
21 also to time the image sequence.

22 When the system activates, three digital cameras record four still images and a video.
23 Each of the images is encrypted with a databar at the top of the photograph, which
24 contains information particular to that incident, including the date and time of the
25 incident, the location, the lane the vehicle was in, the vehicle speed, the posted speed
26 limit, the time into the red cycle at the time of that photograph, and the elapsed time since
27 activation. The computer itself generates the information in the databar at the time the
28 incident occurs. The video of the incidents is obtained by the video camera running

1 constantly to a 6 second buffer. Once the last photograph is obtained, the video capture
2 occurs. In the video capture, the last 6 seconds in the buffer and the subsequent 6 seconds
3 are saved and are part of the incident data file resulting in a 12 second video clip.

4 Each of the photographs is signed with a digital signature based upon the location
5 where the incident was captured and stored on a computer at the location of the incident. Any
6 recorded incidents are downloaded from the remote locations to Redflex[®] via a virtual
7 private network or VPN. A VPN provides security for the data by protecting the data
8 being transferred from interception as it moves from the remote location to the servers at
9 Redflex[®]. The digital signature verifies that the incident is valid and has not been tampered
10 with. Any attempt to change any portion would result in the digital signature being
11 invalid. A digital signature is assigned to each portion of the incident, each photograph,
12 and is therefore verified by the computer that imports the data from the remote location.

13 The date and time are synchronized each time incidents are sent from the remote
14 location to a government atomic clock to ensure that the date and time of the violation are
15 correct. This would occur multiple times per day, but often at intervals of ½ hour or hourly.
16 Multiple sources are queried to verify the date and time, including time.nist.gov which is the
17 National institute of Standards and Technology.

18 Once downloaded to Redflex[®] the incident is stored on a secure server. Redflex[®]
19 employees then use a copy of the original data files to work with during processing.
20 Processing of incidents at Redflex[®] is threefold. The first portion of process—of processing
21 involves basic verification of the incident. The incident is reviewed to ensure that the images
22 are clear, the video is present and that the license plate is legible. This phase also includes
23 cropping and zooming, which can also include adjustments of brightness and contrast for
24 better visibility. These adjustments are done only to a copy of the photographs and not the
25 original digital photograph file. The second phase of processing involves the entry of the
26 registered owner of the DMV information. It is also during the first two phases when
27 some incidents are rejected per guidelines set by the City of Lancaster. For example if the
28 violating vehicle has paper plates then the incident is rejected as there is no way to

1 identify the owner or driver of the vehicle The third phase of processing is quality
2 control where a different employee reviews the incident before it is placed in the queue
3 for me to view. Redflex[®] rejects no incidents except those that fit specific guidelines set by
4 the City of Lancaster. If an incident does not fit these guidelines then it is sent on to me
5 for further processing and review.

6 Redflex[®] maintains the automated enforcement system under contract to, and under
7 supervision of, the City of Lancaster. The system is monitored by a three-step process to
8 ensure that it is functioning reliably. OK, ah, I'm sorry. The first step is daily verification of
9 operation, which means that as incidents are imported from the remote location it is verified
10 that the system has power, that the vehicle detection system is communicating with the
11 camera computer and that the communication system is functioning. The second step comes
12 from monitoring the incidents for quality and, in reality, each incident reviewed is part of the
13 process to ensure that the system is functioning properly. Each incident is reviewed for
14 things including; clarity, lighting, signal phasing, vehicle location, etc. If the system was
15 not functioning properly, the system would not take photographs at the appropriate
16 times. The last step of the maintenance program is monthly data analysis that is used to
17 identify any trends that would indicate a problem. Onsite maintenance consists of a
18 maintenance technician from Redflex[®] responding to any issues that are observed by
19 processing personnel either at Redflex[®] or at the City of Lancaster, and also includes
20 monthly inspections of each location and the equipment. A maintenance log is generated
21 and a copy is sent to me for review. Additionally, I check each location at least once a
22 month and in doing so I observe the signal timing and the equipment and signs at the
23 location.

24 I have personally tested the system on many occasions by activating it with a vehicle
25 and viewing the subsequent images and video. I can do this without passing through the
26 intersection on a red signal by approaching the stop line at a pace above the system
27 threshold, then braking abruptly just before the limit line and coming to a stop. This will
28 activate the system and record an incident. This type of incident is rejected during initial

1 processing if the vehicle did not continue into the intersection, however I can access all
2 incidents including those rejected during initial processing in accordance with our policy.
3 My personal testing using this method has also demonstrated the activation of the system
4 using the "A" and "B" signals captured by the timing loops. In many cases the system has
5 activated to begin an image capture sequence, but subsequently aborted the sequence
6 when the "B" signal did not agree with the "A" signal.

7 Based upon my training and extensive experience with the system. I know it to be
8 reliable. [00:36:00]

9 The Court: You may proceed, Deputy White.

10 Deputy White: Your honor, on April 15th 2010, I was reviewing automated red light
11 enforcement evidence including a violation which was committed by a [REDACTED] Ford with
12 California license plate [REDACTED] which was traveling eastbound on Avenue L and turning
13 left onto northbound 20th Street, West. The violation
14 was committed at approx. 9:36 AM on April 14th 2010. The databar at the top of the
15 photographs indicate that the light had been red for .79 seconds prior to the photo, and that
16 the vehicle was traveling approximately 33 miles per hour. I also reviewed the video
17 images accompanying this file and after viewing the evidence and verifying the vehicle in
18 the photo matched the vehicle description listed on the citation, I approved the processing
19 of the violation and requested a citation be issued.

20 By comparing DMV/Cal-Photo images and looking at the defendant sitting next to me,
21 I believe that Ms. Fields is the driver of that vehicle and committed the offense of 21453(c)
22 of the California Vehicle Code, failure to stop at a red arrow, at Avenue L and 20th Street,
23 West in Lancaster on April 14th 2010 at 9:36 AM. [00:37:08]

24 Your honor, the packet of photos, referred to as a Court-Pack, I would like to introduce
25 them into evidence.

26 The Court: All right. I'll ask you to give that to Ms. Fields at this time. Anything else?

27 Deputy White: I have approx. 12 seconds of 25 frame per second video in an .mpeg file
28 showing the violation.

1 The Court: All right. I'll take a look at that.

2 Ms. Fields: May I object to the introduction of the ah.

3 The Court: I'm going to ask you about that. All right, so you have an objection to what,
4 ma'am? [00:37:52]

5 Ms. Fields: I object to the photos and video and accompanying documents; they violate
6 hearsay rules and confrontation clause.

7 The Court: OK. I am going to ahm, deny that objection, I've thought about that alot in these
8 cases—I'm going to deny that objection as stated in the order overruling objections to
9 admissibility of documented evidence which I'll be entering at this time. Ah, I do find that
10 the foundation has been properly laid as set forth in this ah, and I'll ask Mr. Kimbrough to
11 see if he can get somebody to make a copy of this order which I'm now signing for your use.
12 Since I've now reviewed that objection and I've overruled that objection I'll now review the
13 12-second video. [pause] I have reviewed the video—I've watched it cycle through 3 times,
14 concentrating on the picture, the image of a light as it changes as well as the vehicle go
15 through the left turn pocket. I'll now review Exhibit 1, the Court Pack. Can we get someone,
16 a clerk to just run it down there to that other copier, it's alot quicker. No, you've pretty much
17 done it already, it's 5 pages, isn't it? I have reviewed the photographs as well, I'll return them
18 to Deputy White with the order that he maintain them in his care, custody and control
19 pending any future proceedings in this case, subject to their being returned back to court on
20 further order of the court. Anything further? [00:41:40]

21 Deputy White: Nothing further, your honor.

22 The Court: Ahh, Ms. Evans—Ms. Fields, at this time you have the right to cross-examine
23 Deputy White which means you may ask him questions.

24 Ms. Fields: Ahm, how far, how far are—at any given intersection in the Antelope Valley—uh,
25 are there signs posted along the road that indicate that you're coming to an intersection, how
26 many feet?

27 Deputy White: They are posted at the intersections themselves.

28 Ms. Fields: And where else?

1 Deputy White: I'm sorry. Let me reiterate that. Are you talking about signs that warn about
2 the intersection's coming force?

3 Ms. Fields: That as well as signs for general standards red zone ah, that let you know that or
4 warn you that you are coming upon an intersection with a signal. [00:42:27]

5 Deputy White: There are not generally signs warning you that you are coming upon a signal-
6 controlled intersection. The intersections that are monitored by the red light camera, the signs
7 are posted at those intersections indicating that they are photo enforced.

8 Ms. Fields: And why are not posted on their own posted signs say a 150 feet away ah, to
9 insure to give all individuals at the intersections and at the—I believe it's 4 intersections in the
10 Antelope Valley that have these ah, cameras? [0042:58]

11 Deputy White: That's correct, there are 4 intersections in the Valley.

12 Ms. Fields: And they don't, they don't have any warning other than right when you come up
13 on top of that intersection. Can you explain why that would be?

14 Deputy White: It's not a requirement of the California Vehicle Code or the CalTrans manual
15 for uniform traffic control devices.

16 Ms. Fields: Well, as I submit my information ahm, it ah, would appear that it says differently.

17 The Court: Any questions, more questions for him?

18 Ms. Fields: Ah, no, sir.

19 The Court: OK. Do you want to tell me your side of the story?

20 Ms. Fields: Ah, I ah, believe that ah, I was at the intersection and while it may tell a different
21 story, ahm, I was on a yellow as I was through the intersection and although he, he the
22 officer's testify different scenario as to how those systems operate and how they can fail and
23 do fail and I would like to submit ahm, ahm, evidence on my behalf if I may.

24 The Court: Sure. Absolutely.

25 Ms. Fields: I have Exhibit 1.

26 The Court: Exhibit A. Exhibit A—what is that?

27 Ms. Fields: This is ahhh, the ah, notice of filing judgment order of the Appellate Division
28 ahm, *People's* ahm, versus *Khaled*.

1 The Court: OK. *Khaled* the *Khaled* case. Yes, that is an Orange County Superior Court case,
2 Appellate Division case. That is not binding on this court but I have read it—I've read it very
3 carefully in fact I personally know Judge Prickett who is the author of that opinion, he is a
4 very, very bright ah, scholar in the area of evidence so I am very impressed with his
5 credentials and I have very seriously reviewed that case. I have consulted with Professor
6 Imwinkelried about the issues discussed in that case as well as discussions among bench
7 officers. It is an interesting area and I will receive that into evidence ah, I'm very familiar
8 with it in fact you may submit that and I will put it together with the, with the papers in this
9 case.

10 Ms. Fields: I appreciate that. [00:44:59] I also would like to submit I guess it, it would be
11 Exhibit ahm, B.

12 The Court: OK. Exhibit B I would like to intro, introduce evidence ah, an illegal contract
13 between Redflex[®] and the City of Lancaster showing cost-neutrality section which has been
14 declared illegal by the California Appellate Court, *People v. Franco*.

15 The Court: OK. I will take a look at that—it will be received without objection—there's nobody
16 here to object so it will come in automatically, almost. And I will receive that as Exhibit B.

17 Ms. Fields: Ahm, and I assume this will be Exhibit C?

18 The Court: Yes.

19 Ms. Fields: Introduce into evidence photo showing signs placed in violation of C as in
20 Charles, V as in Victor, C as in Charles 21455.5(a) as in Apple (1). Signs are placed on far
21 side of the intersection and they do not clearly indicate and are not visible to approaching
22 traffic. And then, finally.

23 The Court: OK, based on this I'm going to ask Deputy White to give me back Exhibit 1,
24 Exhibit C. It's another Orange County Appellate Division opinion case. It is not binding on
25 this court although I've seen this on the Highway Robbery website.

26 Ms. Fields: I have worked very hard, your honor for being an individual not in the jurist
27 skills but, I'm doing my best to present.

28 The Court: You're doing great.

1 Ms. Fields: To put food on my table—I don't want to lose money.[00:46:38] Ahh, and
2 number, say this would be number ah, ah, fo, I guess that would be number lost track, would
3 be.

4 The Court: This will be D. The next one will be D.

5 Ms. Fields: Ah, I had submitted I had taken photos of the intersection at hand and showing
6 that at 150 feet you cannot see the sign. Ah, at 50 feet you just barely can see the sign and of
7 course when you're right on top of it, you can see the sign and the picture of the—I don't
8 know how many skid marks which shows a serious issue here—that people are panicking at
9 that intersection. Ahm, and also here is the information that exercises Ahm, emphasizes the
10 rules of thumb regarding traffic signals and automated systems.

11 The Court: OK, I've got Exhibits ahm, several exhibits, let's see, Exhibit D is a traffic signal
12 automated enforcement system photographic record. This is the statute. Vehicle Code
13 21455.5 which I have ah, carefully reviewed in connection with the evidentiary issues that
14 are inherent in this case. Exhibit E is the photograph taken by Ms. Fields. There is a sign
15 apparent from the photograph on the light stand on the traffic standard at the east edge of the
16 intersection of 20th West and Avenue L. [00:48:35] That's shown more clearly in Exhibit F, a
17 more close-up photograph.

18 Ms. Fields: And as you will read on the information submitted that says these signs should
19 not be posted on the, at the signals, should not be.

20 The Court: OK. Where does it say that?

21 Ms. Fields: In Uhh, let's see if this is correct. Uh, in: "the installation of signs including
22 route, route shields on signal standards should be avoided unless they directly affect traffic
23 moving in the intersection that is on the next Exhibit I'll be.

24 The Court: OK. That will be Exhibit ah, G?

25 Ms. Fields: And that comes

26 The Court: Exhibit H.

27 Ms. Fields: That comes from the municipal ah, manual. The manual on uniform traffic
28 control devices.

1 The Court: All right.

2 Ms. Fields: And it also says uh, MUTCD 03C as in Charles, S as in Sam page 2, A as in
3 apple 6.

4 The Court: OK.

5 Ms. Fields: Figure 2A as in apple, 2 California typical locations for signs at intersections
6 show that a sign providing information about an intersection should be placed ahead or in
7 front of the intersection. And, as a rule.

8 The Court: Would you, would you present that—OK.

9 Ms. Fields: I have it.

10 The Court: OK [unrelated matters called and transferred to other departments] [00:52:35] Do
11 you have that Exhibit? This will be Exhibit H.

12 Ms. Fields: Yes. OK.

13 The Court: I've got it.

14 Ms. Fields: And the lastly, I'd like to say that on July ahh, 13th I went to the Lancaster City
15 Council meeting where I addressed the issue of Redflex[®] cameras and indicated to them
16 about the concerns of the fact that there are no signage whereas there is signage for
17 everything else, I mean, the song comes into my head: "signs, signs, everywhere signs".

18 The Court: Uh, huh.

19 Ms. Fields: Ahh, and that I observed all over the Antelope Valley at least 100 feet before any
20 traffic signal intersection which, whether you've got the Redflex[®] cameras there or not, those
21 are traffic signals. Ah, there is an indication you are coming upon traffic signals to warn you
22 that it is coming, just like any other sign, a left turn's coming, a right turn, stop, go, merge to
23 the right, merge to the left, they agreed with me and said that they would look into it. I got a
24 call a week ago informing me that within 2 weeks they will be placing those signs within 100
25 feet of all 4 intersections that have Redflex[®] cameras. And, that is an indication to me that
26 they agree that those signs should be before the intersection just as this document indicates.

27 So,
28

1 The Court: That's a great legislative action that you took and a great legislative response by
2 the legislative body. This is the court, however, this is the judiciary that you're dealing with
3 right now. Next ah, next item?

4 Ms. Fields: That would be it and I thank you for listening.

5 The Court: OK. Well, I appreciate the excellent work you've done. I do find that the umm.
6 evidence which has been presented by ah, the People's witness is um, appropriately received
7 on the grounds, number one: The red light camera is not hearsay, and there is a foundation
8 also on the grounds that it is hearsay and it is, comes in as a, an exception to the hearsay rule.
9 the official records exception to the hearsay rule, ah, there is some difference of opinion on
10 those 2 things—some people say it can't be hearsay because it is a machine doing the entry of
11 the data into the system. Other people say you have to have a person for it to be hearsay—I
12 don't think so. Ah, but ah, very high level people say you do, does have to be a person so it's
13 not hearsay. I find that the foundation is appropriate. The Deputy's testimony shows, lays the
14 foundation as is contemplated by the legislature in Vehicle Code 21455.5 and .6 and I do find
15 that evidence to be properly admitted. I find that Ms. Fields did not make it through that
16 intersection. The reason that intersection is signalized and set, and ah, has an enforcement
17 system an automated enforcement system right there is because that is a crash, the speed limit
18 is 55 there, it is one of the more dangerous intersections in the city because of the speeds
19 involved and that is a left turn—unfortunately the left turn ah, signal is only 3.0 seconds on all
20 of these, on all left turn pockets and it is somewhat catches people so you can't ever make it
21 through on a left turn signal when you're coming up on when it turns green, you have to stop
22 because it's not going to stay green for very long. So, and it's not going to stay yellow for
23 less long. I do find you guilty based on the evidence. Ma'am, you do have the right to have
24 sentencing delayed for at least 6 hours or not more than 5 days, you may waive that right and
25 be sentenced here this afternoon should you prefer, otherwise it would be Monday morning
26 at 8:30.

27 Ms. Fields: Ahm, right now, I will appeal it, of course.

28 The Court: OK. The fine is \$100.00—you want to be sentenced right now? Or tomorrow, you

1 can come back Monday morning for sentencing?

2 Ms. Fields: Monday morning please.

3 The Court: OK. The time for sentencing is not waived. Sentencing is 8:30 in the morning on
4 Monday which is August the 16th 2010 right here in Department A-3. And I will come in
5 early in the morning and take that, I'm assigned to another courtroom in the building at that
6 time but I'll come in and do the sentencing. All right.

7 Ms. Fields: Can you please hold that thought? Now.

8 The Court: OK, you want to waive time?

9 Ms. Fields: Yes.

10 The Court: OK. Time for sentencing is waived, there is no legal cause why sentencing should
11 not now be—should not now be pronounced. The fine is \$100.00, which is the bail schedule
12 for this particular charge. And ah, All right, thank you.

13 Ms. Fields: Thank you.

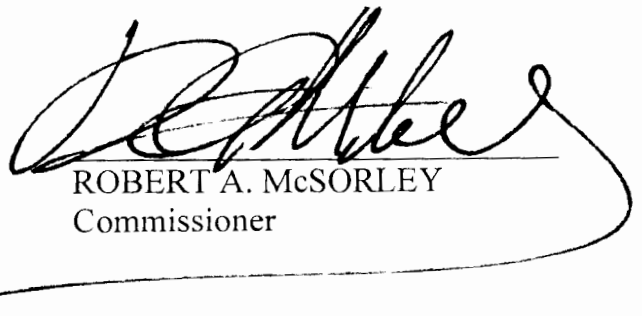
14 The Court: And your documents are ordered returned to you with the order that you maintain
15 those in your care, custody and control pending any future proceedings in this action subject
16 to their being returned back to court on further order of the court in connection with any
17 future proceedings.

18 Ms. Fields: Oh, your honor? May I have 90 days to pay for this?

19 The Court: Yeah, you automatically get that.

20 Ms. Fields: OK, thank you sir. [00:57:30]

21 I declare that the foregoing is an accurate summary of the testimony which was
22 presented to me and that this declaration was executed on October 5, 2010 at Lancaster,
23 California.

24 
25 ROBERT A. McSORLEY
26 Commissioner
27
28

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

Reserved for Clerk's File Stamp

COURTHOUSE ADDRESS:

**Superior Court – North
42011 4th Street West
Lancaster, CA 93534**

People of the State of California

DEFENDANT;

[REDACTED] Fields

FILED
LOS ANGELES SUPERIOR COURT

OCT 12 2010
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T. Coats
BY T. COATS, DEPUTY

**CLERK'S CERTIFICATION / CERTIFICATE OF MAILING
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CASE NUMBER:
LC18300

- I hereby **certify** that the Clerk's Transcript contains true and correct copies of the original documents on file in this action;
- I hereby **verify** that all volumes of the Reporter's Transcript have been certified by the official Court Reporter;
- I hereby **verify** that the statement on appeal has been certified by the trial court judge.
- I hereby **certify** this record to be a full, true and correct transcript(s) on appeal.

I, John A. Clarke, Executive Officer/Clerk of the Superior Court of California, County of Los Angeles, do hereby certify that I am not a party to the cause herein, and that on this date I mailed the record on appeal by depositing true copies enclosed in sealed envelopes in United States mail or United Parcel Service with return receipt requested, with postage thereon fully prepaid; or deposited in the county messenger addressed as follows:

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L.A. County D.A.'s Office
Appellate Division
320 West Temple Street
5th Floor, Room 540
Los Angeles, CA 90012

[REDACTED] Fields



John A. Clarke, Executive Officer/Clerk

By: *T. Coats*
Tina Coats, Deputy Clerk

Dated: October 12, 2010

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(proposed) CRIM APPEAL 002