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SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF LOS ANGELES
DEPARTMENT 6 HON. RALPH C. HOFER, JUDGE

THE PEOPLE OF THE STATE OF CALIFORNIA,)
)
 PLAINTIFF,)
)
 VS.) CASE NO.:
) 11278GL
)
 SALSEDA,)
)
 DEFENDANT.)

REPORTERS' TRANSCRIPT
WEDNESDAY, OCTOBER 26, 2011

APPEARANCES:
FOR THE PEOPLE: OFFICER WEEDEN, JAMES D.
FOR DEFENDANT: SALSEDA

PHYLLIS AGUILAR, CSR NO. 9664
OFFICIAL REPORTER

ORIGINAL

1 THE COURT: ALL RIGHT. WE WILL GO AHEAD AND START
2 THE TRIAL. OFFICER WEEDEN, THE PROCEEDINGS WILL BE
3 TRANSCRIBED BY THE COURT REPORTER.

4 OFFICER WEEDEN: YES, YOUR HONOR.

5 THE COURT: AND THE COURT REPORTER WILL PROVIDE A
6 TRANSCRIPT LATER TO MR. SALSEDA AFTER HE PAYS FOR THE
7 TRANSCRIPT.

8 OFFICER WEEDEN: OKAY.

9 THE COURT: SO THAT'S HOW WE ARE GOING TO PROCEED.
10 DID YOU WANT TO GO ON RECORD WITH REGARD TO
11 ANYTHING AS TO HOW WE ARE PROCEEDING HERE TODAY?

12 OFFICER WEEDEN: YES. I WOULD LIKE TO OBJECT TO
13 THE REQUEST, AND I SUPPOSE THE OBJECTION TO THE
14 CONTINUANCE IS NOT NECESSARY.

15 THE COURT: THE OBJECTION TO A CONTINUANCE IS NOT
16 NECESSARY. YOUR OBJECTION IS NOTED. THE COURT WILL
17 ALLOW THAT THE COURT REPORTER TRANSCRIBE THE
18 PROCEEDINGS.

19 MR. SALSEDA: YOUR HONOR, IS THERE A BASIS FOR THE
20 OBJECTION?

21 THE COURT: THE BASIS FOR THE OBJECTION IS --

22 OFFICER WEEDEN: IT'S OUT OF THE NORMAL PRACTICE,
23 AND I JUST BELIEVE THAT MR. SALSEDA IS DOING EVERYTHING
24 BUT DEFENDING THE FACT THAT HE RAN A RED LIGHT. EVEN ON
25 THE DISCOVERY, EVEN EXTERNAL OF THE DATE FOR FINISHING,
26 HE CONTINUES TO -- IT'S ALMOST LIKE HE'S TRYING TO BURY
27 US IN PAPERWORK THAT WE MIGHT -- THAT THE CASE MIGHT BE
28 DISMISSED.

1 AND I JUST OBJECT TO THESE PROCEDURES.
2 THEY HAVE THESE WEBSITES THAT TELLS DEFENDANTS HOW TO
3 FIGHT TICKETS, OR WHAT HAVE YOU, AND PART OF, I BELIEVE,
4 SOME OF IT, IF NOT ALL OF IT, IS A PLOY. THAT'S THE
5 BASIS OF MY OBJECTION. I DON'T BELIEVE IT'S GENUINE.

6 THE COURT: YOUR OBJECTION IS NOTED.

7 GO AHEAD.

8 THE CLERK: DO YOU SOLEMNLY STATE THAT THE
9 TESTIMONY YOU ARE ABOUT TO GIVE IN THE CAUSE NOW PENDING
10 BEFORE THIS COURT SHALL BE THE TRUTH, WHOLE TRUTH, AND
11 NOTHING BUT THE TRUTH SO HELP YOU GOD?

12 OFFICER WEEDEN: I DO.

13 MR. SALSEDA: I'M NOT TESTIFYING ON MY OWN BEHALF.

14 THE CLERK: SIR, WHATEVER, EVEN IF YOU'RE OFFERING
15 EXHIBITS, YOU NEED TO TAKE THIS OATH.

16 MR. SALSEDA: I DO.

17 THE COURT: THANK YOU.

18 ALL RIGHT. THE PEOPLE PROCEED FIRST. THEY
19 HAVE THE BURDEN OF PROOF. AND THEN THEREAFTER,
20 MR. SALSEDA, YOU THEN PRESENT YOUR DEFENSE AND PROVIDE
21 ANY EXHIBITS OR ANY PAPERWORK YOU WANT TO PROVIDE TO THE
22 COURT.

23 MR. SALSEDA: YOUR HONOR, BEFORE WE START THE
24 TRIAL, MAY I MAKE SOME MOTIONS?

25 THE COURT: YES.

26 MR. SALSEDA: ONE OF THOSE MOTION IS GOING TO
27 INVOLVE ONE OF MY EXHIBITS. MAY I OFFER MY DEFENSE
28 EXHIBITS TO THE COURT. I PREVIOUSLY PROVIDED A COPY TO

1 THE SHERIFF.

2 THE COURT: YOU MAY HAND THAT TO THE BAILIFF.

3 OKAY. HOW MANY PRETRIAL MOTIONS DO YOU
4 HAVE?

5 MR. SALSEDA: TWO, YOUR HONOR, AND THEN I HAVE
6 SOME MOTIONS IN LIMINE.

7 THE COURT: JUST SO I KNOW WHAT THEY ARE, AND WE
8 WILL TAKE THEM ONE BY ONE, WHAT'S YOUR FIRST PRETRIAL
9 MOTION?

10 MR. SALSEDA: MOTION TO DISMISS FOR DISCOVERY
11 VIOLATION.

12 THE COURT: WHAT IS YOUR SECOND MOTION?

13 MR. SALSEDA: MOTION TO DISMISS BASED ON DUE
14 PROCESS VIOLATION, IN THAT OFFICER WEEDEN APPEARS TO BE
15 ENGAGING IN UNAUTHORIZED PRACTICE OF LAW.

16 THE COURT: OKAY. LET ME HEAR YOUR FIRST MOTION
17 TO DISMISS FOR DISCOVERY. AND I HAVE YOUR BOOK OF
18 EXHIBITS HERE.

19 MR. SALSEDA: YOUR HONOR, EXHIBIT "A" IS THE
20 DISCOVERY REQUESTS WITH MY NOTES ON IT THAT I PROFFERED
21 TO THE COURT ON SEPTEMBER 20TH, 2011 WHEN WE WERE
22 INITIALLY HERE. I BELIEVE YOUR HONOR WENT DOWN THREW
23 THAT LIST AND ORDERED THE SHERIFF TO GIVE ME CERTAIN
24 ITEMS OF DISCOVERY.

25 NOW IF THE COURT WILL LOOK AT EXHIBIT "B",
26 IT'S AN E-MAIL EXCHANGE BETWEEN ME AND THE SHERIFF, AND
27 I ASKED HIM TO PROVIDE ME WITH THE NAMES AND ADDRESSES
28 OF ALL THE WITNESSES WHO MAY BE CALLED TO TESTIFY

1 AGAINST THE ACCUSED AT TRIAL AND THEIR QUALIFICATIONS TO
2 TESTIFY. AND I NOTED THAT, I BELIEVE, THAT THAT
3 INCLUDED SHERIFF WEEDEN.

4 I ALSO ASKED FOR ANY EXCULPATORY EVIDENCE,
5 AND I ASKED FOR ANY EVIDENCE THAT HE HAD THAT THE ACS
6 CAMERA AT WHITTIER AND ATLANTIC IN EAST L.A., THAT THE
7 3,000 TICKETS ISSUED AT THAT INTERSECTION WERE REVERSED
8 BY THE COURT AFTER IT WAS DISCOVERED THAT THE CAMERAS
9 ISSUED GAVE THE TICKETS PREMATURELY, POSSIBLY WHILE THE
10 LIGHT WAS STILL YELLOW.

11 OFFICER WEEDEN'S RESPONSE TO ME IS
12 BASICALLY, NO, THAT HE ALREADY PROVIDED WHAT WAS ORDERED
13 BY THE COURT, AND ANYTHING ELSE WOULD HAVE TO BE DONE IN
14 OPEN COURT. AND I THINK THESE ARE ITEMS THAT THE COURT
15 ORDERED TO BE PRODUCED TO THE DEFENSE BY OCTOBER 5TH.

16 THE COURT: ALL RIGHT. WELL WE ORDERED ALL
17 WITNESS STATEMENTS, AND I PRESUME THAT'S BEEN PROVIDED
18 OFFICER WEEDEN?

19 OFFICER WEEDEN: WELL, YOUR HONOR, THE ONLY
20 WITNESS IS MYSELF.

21 THE COURT: SO THERE ARE NO WITNESS STATEMENTS?

22 OFFICER WEEDEN: THE ONLY OTHER POSSIBLE WITNESS
23 ARE THE TECHNICIANS, BUT THEY ARE NOT ORDERED, AND THEY
24 HAVE BEEN NOTIFIED, BUT AT THIS TIME, THEY ARE NOT. BUT
25 THEY COULD POSSIBLY BE WITNESSES. AND THEY ARE ON THE
26 FIELD TECHNICIAN SERVICE AND INSPECTION LOG, THEIR
27 INFORMATION, WHICH MR. SALSEDA WAS PROVIDED. I HAVE A
28 COPY OF THE E-MAIL. I KEPT COPIES OF THE E-MAILS AND

1 THE RESPONSES.

2 THE COURT: ALL RIGHT. WHAT ALLEGEDLY WAS NOT
3 PROVIDED? THAT'S WHAT I WANT TO HEAR. IN OTHER WORDS,
4 THE OFFICER IS THE ONLY WITNESS, AND YOU HAVE A REPORT
5 OR YOU KNOW WHAT HE'S GOING TO SAY. SO THERE'S
6 COMPLIANCE THERE. HE'S NOT GOING TO CALL SOMEONE WHO
7 WAS ON THE STREET CORNER SAYING "I SAW YOU RUN A RED
8 LIGHT." SO HE DOESN'T HAVE TO SUPPLY THAT.

9 NOW WITH REGARD TO OTHER INFORMATION YOU
10 WANTED, I THINK YOU WERE TALKING ABOUT MAINTENANCE
11 RECORDS. WHERE ARE WE ON THAT?

12 MR. SALSEDA: WE ARE OKAY WITH THAT.

13 OFFICER WEEDEN: WE PROVIDED THOSE, YOUR HONOR.

14 THE COURT: ALL RIGHT. WHAT OTHER -- YOU KNOW,
15 THE PEOPLE HAVE AN OBLIGATION TO PROVIDE EXCULPATORY
16 EVIDENCE, AND I PRESUME THEY HAVE PROVIDED THAT, IF ANY
17 EXISTS.

18 MR. SALSEDA: WELL, YOUR HONOR, I LISTED SOMETHING
19 SPECIFIC. THERE WAS 3,000 TICKETS, I BELIEVE, DISMISSED
20 AT A RECENT INTERSECTION BY THE SAME TYPE OF CAMERA, AND
21 I THOUGHT THAT WOULD BE EXCULPATORY EVIDENCE IF IT WAS,
22 IN FACT, TRUE AND SHERIFF WEEDEN KNOWS ABOUT IT.

23 THE COURT: AND THE COURT RULES THAT THAT IS
24 IRRELEVANT. THE ONLY THING THAT IS RELEVANT IS WHETHER
25 THIS CAMERA WAS WORKING ON THAT DAY. SO WHETHER ANOTHER
26 CAMERA WASN'T WORKING SOMEWHERE ELSE IS NOT RELEVANT.
27 SO YOU'RE NOT ENTITLED TO THAT.

28 MR. SALSEDA: OKAY. THEN, YOUR HONOR, WHAT I ASK

1 FOR IS IT SEEMS AS IF OFFICER WEEDEN TESTIFIES, THEN HE
2 MAY BE OFFERING TESTIMONY AS AN EXPERT, I WAS ASKING FOR
3 HIS QUALIFICATIONS TO TESTIFY, HIS QUALIFICATIONS TO
4 TESTIFY AS AN EXPERT, NOTICE OF HIS EXPERT TESTIMONY, OR
5 NOTICE OF ANY -- THAT HE INTENDS TO OFFER EXPERT
6 TESTIMONY AND A SUMMARY OF THAT TESTIMONY.

7 THE COURT: I DID NOT UNDERSTAND THAT THE OFFICER
8 WAS TESTIFYING AS AN EXPERT.

9 OFFICER WEEDEN: I BELIEVE THAT'S THE COURT'S
10 OPINION, WHETHER I WOULD BE TESTIFYING AS AN EXPERT OR
11 NOT. I'M TESTIFYING AS A PHOTO ENFORCEMENT OFFICER FOR
12 THE VIOLATION THAT WAS COMMITTED ON APRIL 29TH, 2011.

13 THE COURT: OFFICER WEEDEN, PRESUMABLY -- WE DON'T
14 KNOW WHAT HE'S GOING TO SAY SO FAR. HE'S NOT OFFERING
15 AN OPINION ON ANYTHING. HE'S RECITING AND PRESENTING
16 EVIDENCE RELATING TO A VIOLATION ON THAT DAY.

17 OFFICER WEEDEN: THAT IS IT.

18 THE COURT: AND SO THERE'S NO DESIGNATION OF HIM
19 AS AN EXPERT, AND HE'S NOT ASKING THE COURT TO OFFER HIM
20 AS AN EXPERT, AND HE'S NOT OFFERING ANY OPINION
21 TESTIMONY, AT LEAST SO FAR.

22 SO WHEN HE TESTIFIES AND YOU WANT TO
23 OBJECT, YOU KNOW, "IMPROPER OPINION" IF THAT'S YOUR
24 OBJECTION, YOU MAY DO THAT, AND THAT WILL BE NOTED FOR
25 THE RECORD. AND THEN YOU WOULD HAVE THAT PRESERVED FOR
26 THE RECORD. AND THEN IT'S UP TO OFFICER WEEDEN WHAT HE
27 WANTS TO DO. HE CAN SAY "OH, YES, I AM AN EXPERT, AND
28 HERE'S ALL MY QUALIFICATIONS ON THE RECORD," AND/OR

1 OFFICER WEEDEN SAYS, "YOU KNOW WHAT, I'M NOT TESTIFYING
2 AS AN EXPERT." THAT'S ON THE RECORD, AND YOU CAN DO
3 WHATEVER YOU WANT TO DO WITH THAT ON APPEAL, AS YOU SEE
4 FIT, AS YOU'RE OPERATING AS YOUR OWN ATTORNEY.

5 SO THAT SEEMS TO BE ALL THE ISSUES RELATING
6 TO DISCOVERY COMPLIANCE. ARE THERE ANY --

7 MR. SALSEDA: YES, YOUR HONOR. I'M ASKING THE
8 COURT TO DISMISS THIS CASE BECAUSE OFFICER WEEDEN
9 APPEARS TO BE ENGAGED IN UNAUTHORIZED PRACTICE OF LAW.

10 ON THE FIRST DAY THAT I MET HIM ON
11 SEPTEMBER 20TH --

12 THE COURT: OKAY. SO NOW WE ARE GOING TO YOUR
13 SECOND MOTION, WHICH IS THE MOTION TO DISMISS UNDER DUE
14 PROCESS GROUNDS?

15 MR. SALSEDA: YES, YOUR HONOR.

16 THE COURT: SO YOUR MOTION TO DISCOVERY COMPLIANCE
17 TO DISMISS, THAT IS DENIED.

18 NOW THE COURT'S GOING TO HEAR YOUR SECOND
19 MOTION.

20 MR. SALSEDA: YOUR HONOR, ON THE FIRST DAY THAT WE
21 MET, OFFICER WEEDEN PULLED ME ASIDE AND TOOK ME TO A
22 ROOM AND ASKED TO TALK ABOUT THE CASE. I DON'T KNOW WHY
23 HE DID THAT. PRESUMABLY, TO DETERMINE IF MY CASE SHOULD
24 BE DISMISSED.

25 HE APPEARS TO BE RESPONSIBLE FOR ANSWERING
26 THE COURT'S DISCOVERY ORDERS. HE'S IN COURT OFFERING
27 EVIDENCE. HE'S GOING TO BE IN COURT ATTEMPTING TO LAY
28 FOUNDATION FOR THE ADMISSION OF EVIDENCE THAT HE HAD NO

1 ROLE IN PRODUCING. AND HE'S GOING TO BE TESTIFYING, AND
2 PRESUMABLY I BELIEVE FROM WATCHING HIM LAST TIME, IN
3 SOME KIND OF ROLE AS AN EXPERT INTERPRETING WHAT CERTAIN
4 NUMBERS MEAN.

5 THE COURT: OKAY. YOUR SECOND MOTION TO DISMISS
6 IS BASED ON OFFICER WEEDEN'S ALLEGED UNAUTHORIZED
7 PRACTICE OF LAW. HE'S ACTING LIKE A PROSECUTING
8 ATTORNEY IS WHAT YOU'RE SAYING; IS THAT CORRECT?

9 MR. SALSEDA: YES.

10 THE COURT: AND THAT, THEREFORE, THAT VIOLATES
11 YOUR DUE PROCESS RIGHTS. HOW DOES THAT VIOLATE YOUR DUE
12 PROCESS RIGHTS, ASSUMING THAT OFFICER WEEDEN IS ENGAGED
13 IN THE UNAUTHORIZED PRACTICE OF LAW? THE COURT IS
14 MAKING NO SUCH FINDING. BUT HOW IS YOUR DUE PROCESS
15 RIGHTS AFFECTED BY THAT?

16 MR. SALSEDA: WELL, YOUR HONOR, I THINK I NEED TO
17 HAVE SOMEBODY WHO THE CALIFORNIA SUPREME COURT SAID CAN
18 PRACTICE LAW WHEN MAKING DECISIONS ABOUT WHETHER MY CASE
19 SHOULD BE DISMISSED OR NOT, WHETHER THERE IS SUFFICIENT
20 EVIDENCE TO GO FORWARD, WHAT DISCOVERY IS GOING TO BE
21 PROVIDED TO THE DEFENSE. WHETHER OR NOT MY CASE -- I
22 THINK I ALREADY SAID WHETHER OR NOT MY CASE WOULD BE
23 DISMISSED.

24 THE COURT: OKAY.

25 MR. SALSEDA: ESPECIALLY CONSIDERING THE FACT,
26 YOUR HONOR, THAT I HAVE A LOT TO LOSE IF I'M CONVICTED
27 OF THIS CASE. AND, YOU KNOW, I HAVE NO INDICATION THAT
28 OFFICER WEEDEN HAS GONE TO COLLEGE, LAW SCHOOL, IS

1 SUPERVISED BY A LAWYER OR IS OTHERWISE AUTHORIZED TO BE
2 PROCEEDING IN COURT AS A PROSECUTOR IN THIS CASE AND
3 EVERY OTHER CASE THAT HE HANDLES.

4 THE COURT: ALL RIGHT. THE COURT IS GOING TO DENY
5 THE MOTION ON TWO GROUNDS; ONE, THE COURT DOESN'T
6 BELIEVE THAT, EVEN IF OFFICER WEEDEN WERE PRACTICING LAW
7 IN AN UNAUTHORIZED FASHION, THAT IT AFFECTS YOUR DUE
8 PROCESS RIGHTS; RATHER IT'S WITHIN THE PROVINCE OF THE
9 COURT TO DETERMINE WHO IS LICENSED TO APPEAR IN FRONT OF
10 THE COURT AS AN ATTORNEY. SO I DON'T SEE HOW YOUR DUE
11 PROCESS RIGHTS ARE AFFECTED IN THE EVENT THAT OFFICER
12 WEEDEN IS ENGAGED IN THE UNAUTHORIZED PRACTICE OF LAW.

13 THE COURT FINDS THAT HE'S NOT ENGAGED IN
14 THE UNAUTHORIZED PRACTICE OF LAW; THUS, FOR INFRACTIONS,
15 LAW ENFORCEMENT OFFICERS MAY APPEAR WITH REGARD TO
16 ASSISTING THE PROSECUTION OF INFRACTIONS, AND THAT'S
17 WHAT THIS IS, AN INFRACTION. THE COURT ALSO NOTES THAT
18 WHEN OFFICERS APPEAR IN COURT FOR INFRACTIONS, THEY
19 USUALLY ARE WITNESSES OR PERCIPIENT WITNESSES TO THE
20 ALLEGED TRAFFIC VIOLATION.

21 IN THIS CASE, OFFICER WEEDEN DID NOT SEE
22 YOU RUN THE RED LIGHT. HE WASN'T STANDING ON THE
23 CORNER; THEREFORE, TECHNICALLY, HE'S NOT A PERCIPIENT
24 WITNESS, BUT THE COURT FINDS THAT HE'S A QUASI
25 PERCIPIENT WITNESS WHO REVIEWS THE PHOTOGRAPHS AND THE
26 EVIDENCE THAT IS TAKEN, WHICH IS MAINLY A PHOTOGRAPH,
27 AND THAT HE'S THE ONE IN CHARGE OF DOING THAT AND MAKING
28 SURE THE MACHINE IS OPERATING AND IT WORKED.

1 HE'S A QUASI PERCIPIENT WITNESS AND IS
2 ALLOWED TO APPEAR ON BEHALF OF THE SHERIFF'S DEPARTMENT,
3 AND AGENCY, TO ASSIST IN THE PROSECUTION OF THIS TICKET.
4 AND IF A CITY ATTORNEY WERE PROSECUTING IT, HE WOULD BE
5 CALLED AS THE WITNESS TO PRESENT THE EVIDENCE.

6 SO THE COURT FINDS THAT HE'S A QUASI
7 PERCIPIENT WITNESS. HE'S NOT ENGAGING IN UNAUTHORIZED
8 PRACTICE OF LAW, AND THAT AS A GENERAL MATTER, ATTORNEYS
9 DON'T APPEAR IN AN INFRACTION PROCESS, ALTHOUGH YOU HAVE
10 A RIGHT TO HIRE AN ATTORNEY TO REPRESENT YOU FOR THIS
11 TICKET.

12 SO THE MOTION TO DISMISS ON DUE PROCESS
13 GROUNDS IS DENIED.

14 THE COURT'S GOING TO PROCEED WITH THE
15 TRIAL. YOU SAID YOU HAD MOTIONS IN LIMINE?

16 MR. SALSEDA: YES, YOUR HONOR.

17 THE COURT: WHAT MOTIONS IN LIMINE DO YOU HAVE?

18 MR. SALSEDA: PERHAPS I CAN LIST THOSE AS WELL.

19 YOUR HONOR, I'M OBJECTING TO WHAT THE
20 SHERIFF HAS CALLED THE FOUNDATIONAL STATEMENT. IT'S IN
21 THE DEFENSE EXHIBITS AS DEFENSE EXHIBIT "B". IT WAS
22 READ BEFORE THE PRO TEM JUDGE WHEN I FIRST APPEARED ON
23 SEPTEMBER 20TH, 2011. I OBJECTED AT THAT TIME TO IT
24 BEING HEARSAY. I'M RENEWING MY OBJECTION THAT THERE'S
25 NO FOUNDATION FOR OFFICER WEEDEN TO MAKE THAT STATEMENT
26 AND PRESENTED NONE. HE HAS NO PERSONAL KNOWLEDGE. IT'S
27 ALSO HEARSAY, AND THE MAKING OF THAT STATEMENT VIOLATES
28 MY RIGHT TO CROSS-EXAMINE WHOEVER DRAFTED THAT DOCUMENT.

1 THE COURT: ON EXHIBIT "B", I JUST HAVE THIS
2 DISCOVERY COMPLIANCE E-MAIL. I DON'T HAVE WHAT YOU'RE
3 TALKING ABOUT.

4 MR. SALSEDA: I'M SORRY, YOUR HONOR. IT'S "C",
5 YOUR HONOR. I'M SORRY.

6 THE COURT: OKAY. WELL, RIGHT NOW, THE COURT
7 DOESN'T KNOW IF THE PEOPLE ARE GOING TO INDUCE THIS
8 PIECE OF PAPER AS ANY SORT OF EVIDENCE.

9 OFFICER WEEDEN: NO. IT'S THE FOUNDATION THAT WE
10 HAVE DRAFTED AND COMPILED BASED ON THE VEHICLE CODE
11 REQUIREMENTS FOR THE CAMERA SYSTEM. IT'S JUST A
12 BACKGROUND ON WHY WE HAVE PHOTO ENFORCEMENT, AND HOW IT
13 OPERATES IN GENERAL, AND SOME DATES.

14 THE COURT: SO YOU'RE GOING TO BE TESTIFYING ABOUT
15 THIS MACHINE THAT YOU EXAMINED, AND THIS MACHINE WAS
16 WORKING, AND THIS IS THE PHOTO IT TOOK.

17 OFFICER WEEDEN: THAT'S THE TESTIMONY. THIS IS
18 JUST A GENERAL ON BACKGROUND ON WHY WE HAVE THE RED
19 LIGHT CAMERAS.

20 THE COURT: SO YOU'RE NOT OFFERING EXHIBIT "B" AS
21 EVIDENCE?

22 OFFICER WEEDEN: NO, YOUR HONOR.

23 THE COURT: OKAY.

24 OFFICER WEEDEN: JUST THE PHOTO PACKET.

25 THE COURT: ALL RIGHT. COURT'S GOING TO.

26 MR. SALSEDA: YOUR HONOR, MAY I?

27 THE COURT: THAT MOTION IS MOOT BECAUSE IT'S NOT
28 GOING TO BE OFFERED AS EVIDENCE.

1 DO YOU WANT TO BE HEARD?

2 MR. SALSEDA: NOT ANYMORE, YOUR HONOR.

3 THE COURT: SO THAT MOTION IS MOOT, AND IT'S
4 DENIED ON MOOTNESS GROUNDS. BECAUSE APPARENTLY THAT'S
5 NOT GOING TO BE OFFERED AS EVIDENCE.

6 WHAT OTHER MOTIONS IN LIMINE DO YOU HAVE?

7 MR. SALSEDA: YOUR HONOR, I WOULD OBJECT TO
8 OFFICER WEEDEN'S TESTIMONY ONLY TO THE EXTENT THAT IT'S
9 IMPROPER EXPERT TESTIMONY BECAUSE I HAVE HAD NO NOTICE
10 OF HIM THAT HE WAS GOING TO PROVIDE EXPERT TESTIMONY.
11 NO SUMMARY OF HIS EXPERT QUALIFICATIONS, AND NO SUMMARY
12 OF THAT FOR THE EXPERT TESTIMONY; THAT IS, IF HE SHOULD
13 OFFER EXPERT TESTIMONY.

14 THE COURT: WE WILL SEE WHAT HAPPENS. YOUR RIGHTS
15 ARE RESERVED ON THAT. YOU CAN MAKE YOUR OBJECTION AT
16 THE TIME. IF YOU BELIEVE EXPERT TESTIMONY IS BEING
17 OFFERED, YOU CAN MAKE YOUR OBJECTION AT THAT TIME.

18 MR. SALSEDA: VERY WELL, YOUR HONOR.

19 YOUR HONOR, I WOULD OBJECT TO THE ADMISSION
20 OF A SWORN DECLARATION OF TED REDMAN. HE'S THE
21 CUSTODIAN OF RECORDS.

22 OFFICER WEEDEN: THAT'S "TODD", YOUR HONOR.

23 MR. SALSEDA: TODD. TODD REDMAN, CUSTODIAN OF
24 RECORDS. HE'S AN EMPLOYEE OF AFFILIATED COMPUTER
25 SERVICES XEROX COPY. I OBJECT ON THE BASIS THAT IT'S
26 HEARSAY. AND I SHOULD BE ABLE TO CROSS-EXAMINE HIM ON
27 THE STATEMENTS HE MAKES IN THAT SWORN DECLARATION.

28 THE COURT: WE WILL SEE IF IT'S OFFERED INTO

1 EVIDENCE.

2 IS IT GOING TO BE OFFERED INTO EVIDENCE?

3 OFFICER WEEDEN: IT IS A LETTER FROM THE CUSTODIAN
4 OF RECORDS, YOUR HONOR.

5 THE COURT: AND WHAT DOES THE LETTER SAY?

6 OFFICER WEEDEN: WHAT THE LETTER BASICALLY STATES
7 IS THAT, IN GENERAL, THAT OUR SYSTEM IS IN COMPLIANCE
8 WITH THE CALIFORNIA VEHICLE CODE. MR. REDMAN IS THE --
9 HE'S AN EMPLOYEE MANAGER OF ACS, AFFILIATED COMMUNITY
10 SERVICES, WHICH IS OUR VENDOR, ACTING AS AN AGENT ARM
11 FOR M.T.A., WHICH THE VEHICLE CODE ALLOWS.

12 THE COURT: OKAY. THE COURT WILL RULE ON THAT IF
13 AND WHEN THAT IS OFFERED INTO EVIDENCE BECAUSE THEN THE
14 COURT WILL TAKE A LOOK AT THE STATEMENT.

15 MR. SALSEDA: VERY WELL, YOUR HONOR.

16 YOUR HONOR, I ANTICIPATE THE SHERIFF IS
17 GOING TO OFFER THE DECLARATION OF ZUCELY CORDERO, AND WE
18 WOULD OBJECT ON THE SAME BASIS; HEARSAY, AND A VIOLATION
19 OF OUR RIGHT TO CROSS-EXAMINE A DECLARANT, IF THE
20 SHERIFF IS OFFERING THE DECLARATION OF THIS PERSON.

21 THE COURT: IS THAT DECLARATION GOING TO BE
22 OFFERED?

23 OFFICER WEEDEN: IT'S A CERTIFICATE OF MAILING
24 THAT HAS TO ACCOMPANY THE PACKET TO VERIFY THAT IT WAS
25 MAILED IN A TIMELY MANNER. ACCORDING TO THE VEHICLE
26 CODE, YOU HAVE 15 DAYS THAT THE DEFENDANT HAS TO RECEIVE
27 NOTICE OF THE VIOLATION, AND IT'S A -- HER NAME IS -- OR
28 HIS NAME IS UPON THE CERTIFICATE OF MAILING.

1 THE COURT: THE COURT'S GOING TO DENY THAT MOTION;
2 FINDS THAT IT'S NOT BEING OFFERED FOR THE TRUTH OF THE
3 MATTER ASSERTED. SO THAT MOTION IS DENIED AS TO THAT
4 STATEMENT.

5 ANYTHING ELSE, MR. SALSEDA?

6 MR. SALSEDA: YES, YOUR HONOR. TWO MORE THINGS.

7 YOUR HONOR, I OBJECT TO -- I BELIEVE IT'S
8 GOING TO BE OFFERED. I OBJECT TO THE FIELD TECHNICIAN'S
9 SERVICE AND INSPECTION LOG PREPARED BY DANIEL MARTINEZ.
10 I OBJECT BECAUSE I DON'T BELIEVE THE SHERIFF IS GOING TO
11 BE ABLE TO LAY ANY FOUNDATION AS TO WHAT THOSE NUMBERS
12 MEAN ON THAT DOCUMENT. IT'S IMPROPER HEARSAY, AND
13 MR. MARTINEZ SHOULD BE BROUGHT IN TO TESTIFY AS TO WHAT
14 THOSE CALCULATIONS ARE SO THAT I HAVE A RIGHT TO
15 CROSS-EXAMINE HIM.

16 THE COURT: IS THAT GOING TO COME INTO EVIDENCE?

17 OFFICER WEEDEN: THE FIELD TECHNICIAN SERVICE AND
18 INSPECTION LOG, YES, YOUR HONOR, VERIFYING THAT THE
19 SYSTEM IS OPERATING PROPERLY.

20 THE COURT: THE COURT MOST LIKELY IS GOING TO
21 ADMIT THAT UNDER THE BUSINESS RECORDS EXCEPTION. IT
22 WILL BE ADMITTED, BUT HE IS GOING TO HAVE TO LAY A
23 FOUNDATION WHEN IT'S OFFERED -- WHEN OFFICER WEEDEN
24 OFFERS IT.

25 WHAT ELSE?

26 MR. SALSEDA: FINALLY, YOUR HONOR, I AM GOING TO
27 -- THE SHERIFF IS GOING TO BE OFFERING SOME PHOTOGRAPHS.
28 WE HAVE NO OBJECTION TO THE PHOTOGRAPHS, BUT INSIDE THE

1 PHOTOGRAPHS THERE'S A LITTLE BLACK BOX THAT CONTAINS A
2 SERIES OF NUMBERS. I'M OBJECTING THAT NO FOUNDATION IS
3 GOING TO BE LAID FOR THOSE NUMBERS, AND THAT IT'S
4 IMPROPER HEARSAY.

5 THE COURT: WHEN YOU SAY "NUMBERS," LIKE A DATE
6 AND A TIME, OR WHAT DO YOU MEAN? WHAT IS THE RELEVANCE
7 OF THE NUMBERS?

8 MR. SALSEDA: YOUR HONOR, I REALLY DON'T KNOW.
9 I'D HAVE TO STUDY IT, BUT THERE'S NUMBERS THAT MEAN
10 SOMETHING AS TO TIMING. I'M NOT SURE WHAT THEY MEAN.

11 THE COURT: WELL, THAT MOTION IS GOING TO BE
12 DENIED, BUT YOU'RE FREE TO CROSS-EXAMINE THE WITNESS
13 ABOUT WHAT THE NUMBERS MEAN TO SEE IF IT BEARS ANY
14 RELEVANCE TO THE CASE.

15 ALL RIGHT. SO WE WILL GO AHEAD AND PROCEED
16 WITH THE TRIAL, WHICH MEANS OFFICER WEEDEN WILL PRESENT
17 HIS EVIDENCE, AND THE COURT WILL LISTEN TO THAT
18 EVIDENCE. AND YOU, MR. SALSEDA, CAN REGISTER OBJECTIONS
19 TO CERTAIN EVIDENCE AS IT'S BEING PRESENTED. AND THEN
20 IF YOU WANT TO BE HEARD FURTHER, WE WILL LET YOU BE
21 HEARD AT THE END IN TERMS OF YOUR OBJECTIONS.

22 SO THAT'S HOW WE WILL PROCEED, AND THE
23 COURT WILL KNOW WHAT YOUR OBJECTION IS. IN OTHER WORDS,
24 IF OFFICER WEEDEN IS TALKING, AND YOU BELIEVE THAT'S
25 OPINION EVIDENCE, THEN YOU WILL SAY, "YOUR HONOR,
26 OBJECTION, OPINION EVIDENCE." BUT IT'S NOT GOING TO BE
27 A CONVERSATION. IT'S NOT GOING TO BE AN ARGUMENT.
28 IT'S NOT GOING TO BE WHAT'S CALLED A "SPEAKING

1 OBJECTION."

2 AND IF HE -- SO INDICATE WHAT YOU'RE
3 OBJECTION IS. JUST SAY "OBJECTION," AND THEN YOU STOP
4 TALKING, OFFICER. YOU PUT YOUR OBJECTION ON THE RECORD,
5 "OPINION EVIDENCE, HEARSAY" -- WHATEVER IT IS. THE
6 COURT WILL RULE ON IT, AND WE WILL GO ON. SO YOU WILL
7 HAVE PRESERVED ALL YOUR OBJECTIONS.

8 YOU MAY PROCEED, OFFICER.

9 MR. SALSEDA: YOUR HONOR, WILL I HAVE THE
10 OPPORTUNITY TO CROSS-EXAMINE THE OFFICER?

11 THE COURT: YES, YOU WILL. ONCE HE'S FINISHED HIS
12 PRESENTATION, YOU WILL HAVE THE OPPORTUNITY TO
13 CROSS-EXAMINE.

14 YOU MAY PROCEED.

15 OFFICER WEEDEN: THANK YOU, YOUR HONOR.

16 YOUR HONOR, I WOULD LIKE, IF THE COURT
17 ALLOWS, WE READ THE FOUNDATION DURING THE INITIAL CASE
18 IN FRONT OF MR. SALSEDA. LIKE I SAID, GENERALLY HOW THE
19 SYSTEM WORKS, WHY IT'S IN PLACE. IF THE COURT WOULD
20 LIKE, I WILL READ IT AGAIN, OR I CAN GO STRAIGHT TO THE
21 CITATION.

22 THE COURT: I WOULD GO -- I'LL LET YOU READ THAT
23 EVIDENCE, AND THEN IF THERE'S AN OBJECTION, LET HIM READ
24 IT FIRST, THEN MAKE YOUR OBJECTION, AND THE COURT WILL
25 RULE ON THE OBJECTION.

26 MR. SALSEDA: YOUR HONOR, I JUST MADE THAT
27 OBJECTION. THE COURT SAID THAT IT WAS MOOT BECAUSE THE
28 OFFICER SAID THAT HE WASN'T GOING TO OFFER IT.

1 OFFICER WEEDEN: AS PART OF EVIDENCE.

2 THE COURT: SO GO AHEAD AND OFFER THAT INTO
3 EVIDENCE, AND THEN WE CAN HEAR THE OBJECTION, AND THE
4 COURT WILL RULE.

5 DID YOU WANT TO READ SOMETHING OR JUST HAND
6 THE COURT A STATEMENT?

7 OFFICER WEEDEN: I WOULD.

8 THE COURT: IN OTHER WORDS, IF THERE'S A STATEMENT
9 YOU HAVE --

10 OFFICER WEEDEN: THE COURT CAN JUST READ IT. I
11 CAN HAND IT TO THE COURT.

12 THE COURT: DO YOU WANT TO MARK THAT AS YOUR
13 EXHIBIT "A", YOUR FIRST EXHIBIT?

14 OFFICER WEEDEN: YES, YOUR HONOR.

15 THE COURT: AND I'LL LET YOU HAND THAT TO THE
16 BAILIFF.

17 OFFICER WEEDEN: MR. SALSEDA, HAS A COPY, YOUR
18 HONOR.

19 THE COURT: THANK YOU.

20 OKAY. I'M LOOKING AT SOMETHING THAT'S
21 CALLED "OFFICER'S DECLARATION." IS THAT YOUR
22 DECLARATION?

23 OFFICER WEEDEN: IT'S OURS AS THE PHOTO
24 ENFORCEMENT UNIT. WE ALL HAVE A HAND IN DRAFTING IT.

25 THE COURT: OKAY.

26 OFFICER WEEDEN: AS FAR AS HOW THE SYSTEM WORKS, I
27 DON'T NEED THAT TO SAY HOW THE SYSTEM WORKS. I HAVE A
28 PERSONAL KNOWLEDGE OF THAT, YOUR HONOR.

1 THE COURT: OKAY. I HAVE A DECLARATION.

2 OFFICER WEEDEN: IT'S BASICALLY INFORMATION FOR
3 THE DEFENDANTS, AND IT'S BASED ON THE VEHICLE CODE OF
4 21455.5.

5 THE COURT: WITH REGARD TO THE MATTERS CONTAINED
6 HEREIN, YOU HAVE KNOWLEDGE OF THESE MATTERS?

7 OFFICER WEEDEN: YES, YOUR HONOR.

8 THE COURT: YOU HAVE PERSONAL KNOWLEDGE OF THESE
9 MATTERS; CORRECT?

10 OFFICER WEEDEN: YES, YOUR HONOR.

11 THE COURT: ALL RIGHT. SO THE COURT IS GOING TO
12 ACCEPT THE DECLARATION AS THE OFFICER'S TESTIMONY SINCE
13 HE HAS PERSONAL KNOWLEDGE OF WHAT'S CONTAINED IN THE
14 DOCUMENT. THIS WILL BE EXHIBIT "A". THE COURT'S GOING
15 TO ADMIT EXHIBIT "A" INTO EVIDENCE, AND YOU CAN
16 CROSS-EXAMINE ON EXHIBIT "A".

17 IN OTHER WORDS, THAT'S HOW THE COURT'S
18 GOING TO TAKE THIS TESTIMONY INSTEAD OF TAKING THE TIME
19 TO READ IT, BUT YOU CAN CROSS-EXAMINE OR YOU CAN SAY "GO
20 TO THE THIRD PARAGRAPH, ISN'T IT TRUE THAT SUCH AND
21 SUCH," IF YOU WANT TO CROSS-EXAMINE THE DOCUMENT.

22 BUT CURRENTLY YOUR OBJECTION TO THE
23 DOCUMENT IS WHAT?

24 MR. SALSEDA: WELL, I HAVE A NEW OBJECTION, YOUR
25 HONOR. I OBJECT TO THE COURT'S HELPING LAY THE
26 FOUNDATION FOR THIS DOCUMENT FOR THE SHERIFF. I ALSO
27 THINK THAT PROPER FOUNDATION HASN'T BEEN LAID. I THINK
28 IT'S INADMISSIBLE HEARSAY. WE DON'T KNOW WHO DRAFTED

1 THAT. "WE ALL DRAFTED THAT" -- THAT JUST DOESN'T MAKE
2 ANY SENSE, YOUR HONOR.

3 THE COURT: FOUNDATION, HEARSAY. WHAT THE COURT
4 IS DOING IS SPEEDING UP THE PROCESS BY ALLOWING WRITTEN
5 DECLARATION BECAUSE HE WANTS TO OFFER A WRITTEN
6 DECLARATION. SO THE COURT'S GOING TO ADMIT THE WRITTEN
7 DECLARATION INTO EVIDENCE.

8 RIGHT NOW THE COURT'S GOING TO DENY YOUR
9 OBJECTION ON THE GROUNDS OF FOUNDATION, HEARSAY. THE
10 WITNESS HAS TESTIFIED HE HAS PERSONAL KNOWLEDGE OF IT.
11 AND THERE IS A PROPER FOUNDATION LAID BECAUSE HE HAS
12 PERSONAL KNOWLEDGE OF WHAT'S IN THE DOCUMENT.

13 YOU CAN CROSS-EXAMINE HIM ON THE DOCUMENT
14 IF YOU WANT TO, BUT IN ORDER TO SAVE TIME, THE COURT'S
15 GOING TO ADMIT EXHIBIT "A" BY WAY OF A DECLARATION AS
16 OPPOSED TO HAVING HIM TESTIFY DIRECTLY TO IT.

17 WHAT'S YOUR NEXT PIECE OF EVIDENCE,
18 OFFICER?

19 OFFICER WEEDEN: THE ACTUAL CITATION.

20 THE COURT: DO YOU HAVE A COPY OF THAT?

21 OFFICER WEEDEN: YES, YOUR HONOR, AND I WILL BE
22 PRESENTING THIS TO THE COURT.

23 THE COURT: OKAY. EXHIBIT "B".

24 OFFICER WEEDEN: YES. I WILL HAND THAT TO THE
25 BAILIFF. I WILL ACTUALLY NEED IT TOO.

26 THE COURT: OKAY. HAND IT TO THE BAILIFF SO I CAN
27 TAKE A QUICK LOOK AT IT, AND I'LL GIVE IT RIGHT BACK TO
28 YOU.

1 THE COURT HAS -- EXHIBIT "B". THE COURT
2 HAS PHOTOGRAPHS AND A CITATION AND A CERTIFICATE OF
3 MAILING, AND A COPY OF THE FIELD TECHNICIAN SERVICE AND
4 INSPECTION LOG.

5 OFFICER WEEDEN: I ALSO WILL BE OFFERING, YOUR
6 HONOR, IF I MAY, UP FRONT IS A COPY OF A D.M.V. PHOTO OF
7 MR. SALSEDA, WHICH WE COMPARE WITH THE DRIVER TO
8 VERIFY THAT HE'S THE ONE DRIVING THE VEHICLE ON THE
9 CITATION.

10 THE COURT: PLEASE OFFER THAT AS EXHIBIT "C." YOU
11 CAN GIVE THIS BACK TO THE OFFICER.

12 MR. SALSEDA: YOUR HONOR, HAS THAT BEEN ADMITTED?

13 THE COURT: IT HAS NOT BEEN ADMITTED YET, BUT HE'S
14 GOING TO TALK ABOUT IT.

15 DO YOU HAVE OBJECTIONS TO IT?

16 MR. SALSEDA: YES, YOUR HONOR. MY OBJECTIONS ARE
17 THE SAME; THAT THERE IS NO FOUNDATION FOR THE NUMBERS.

18 THE COURT: HERE'S WHAT WE WILL DO. IT'S ONLY
19 BEEN IDENTIFIED -- MARKED FOR IDENTIFICATION PURPOSES.
20 WHEN HE TALKS ABOUT THAT EXHIBIT, THEN YOU CAN LODGE
21 YOUR SPECIFIC OBJECTION TO IT. FOR EXAMPLE, PART OF IT
22 IS THE FIELD SERVICE LOG. IF HE STARTS TALKING ABOUT
23 THAT, LOOKING AT IT, YOU CAN SAY AS TO THE FIELD SERVICE
24 LOG, EXHIBIT "B", "I'M OBJECTING ON" WHATEVER GROUNDS.
25 SO WE WILL SEE WHAT HE ADDRESSES WITH THAT EXHIBIT. SO
26 FAR, IT'S NOT ADMITTED. IT'S ONLY MARKED FOR
27 IDENTIFICATION PURPOSES. WAIT UNTIL HE TESTIFIES, AND
28 THEN YOU CAN LODGE YOUR SPECIFIC OBJECTION.

1 EXHIBIT "C" IS A D.M.V. PHOTO OF
2 MR. SALSEDA. AND WE WILL TAKE A LOOK AT IT. WE WILL
3 GIVE IT BACK TO OFFICER WEEDEN.

4 GO AHEAD. ANY OTHER EXHIBITS YOU WANT TO
5 MARK FOR IDENTIFICATION PURPOSES?

6 OFFICER WEEDEN: NO.

7 THE COURT: OKAY. THE COURT HAS ADMITTED EXHIBIT
8 "A". SO THAT HAS BEEN ADMITTED, AND YOU'VE NOTED YOUR
9 OBJECTIONS. SO YOU MAY PROCEED.

10 OFFICER WEEDEN: YES, YOUR HONOR.

11 THIS CASE IS IN REGARDS TO CITATION NUMBER
12 11278GL, A VIOLATION OF 21453(C) OF THE CALIFORNIA
13 VEHICLE CODE, FAILURE TO STOP FOR A RED SIGNAL.

14 ON APRIL 29, 2011, AT 5:10 P.M., A DARK
15 COLORED NISSAN WAS TRAVELING EASTBOUND TO NORTHBOUND
16 FIRST AT MISSION AND FAILED TO STOP FOR A RED SIGNAL.
17 AS THE VEHICLE APPROACHED --

18 MR. SALSEDA: OBJECTION; DOCUMENTS SPEAK FOR
19 THEMSELVES.

20 THE COURT: OVERRULED.

21 OFFICER WEEDEN: AS THE VEHICLE APPROACHED THE
22 INTERSECTION AGAINST THE RED SIGNAL, IT TRAVELED OVER
23 SENSOR LOOPS WHICH IS IN THE FOUNDATION -- I CAN EXPLAIN
24 IT TO THE COURT. THE SENSOR LOOPS ARE EMBEDDED IN THE
25 ROADWAY.

26 MR. SALSEDA: OBJECTION; IMPROPER EXPERT
27 TESTIMONY.

28 THE COURT: OVERRULED.

1 OFFICER WEEDEN: TRIGGERING THE CAMERA. THE
2 CAMERA TOOK PHOTOGRAPHS.

3 IN THE FIRST PARAGRAPH, IT INDICATES THAT
4 THE VEHICLE -- AS THE VEHICLE WAS BEHIND THE CLEARLY
5 MARKED LIMIT LINE, THE RED LIGHT TIME HAD --

6 MR. SALSEDA: OBJECTION; NO FOUNDATION.

7 THE COURT: OVERRULED.

8 OFFICER WEEDEN: THE RED LIGHT TIME HAD LAPSED TO
9 .5 SECONDS, OR FIVE TENTHS OF A SECOND.

10 MR. SALSEDA: OBJECTION; IMPROPER EXPERT
11 TESTIMONY.

12 THE COURT: OVERRULED.

13 YOU'RE DOING IT THE RIGHT WAY, AND THE
14 COURT APPRECIATES THAT, MR. SALSEDA.

15 OFFICER WEEDEN: ALSO INDICATED IN THE FIRST
16 PHOTOGRAPH THE YELLOW LIGHT TIME HAD LAPSED FOR 3.2
17 SECONDS PRIOR TO THE LIGHT TURNING RED.

18 AS THE VEHICLE CONTINUED THROUGH THE
19 INTERSECTION, A SECOND PHOTOGRAPH WAS TAKEN. AND THE
20 SECOND PHOTOGRAPH INDICATES THAT THE RED LIGHT TIME HAD
21 LAPSED TO 3.7 SECONDS.

22 MR. SALSEDA: OBJECTION; NO FOUNDATION.

23 THE COURT: OVERRULED.

24 OFFICER WEEDEN: ALSO INDICATED IN THE SECOND
25 PHOTOGRAPH THE TIME BETWEEN THE FIRST AND SECOND
26 PHOTOGRAPH WAS 3.17 SECONDS, AND THE VEHICLE'S INITIAL
27 APPROACH SPEED WAS CAPTURED AT 24 MILES AN HOUR.

28 I HAVE THE CITATION THAT I'LL BE OFFERING

1 TO THE COURT AS EVIDENCE. A COPY OF THE LETTER FROM THE
2 CUSTODIAN OF RECORDS VERIFYING THAT OUR SYSTEM IS IN
3 COMPLIANCE WITH THE CALIFORNIA VEHICLE CODE, THE
4 CERTIFICATE OF MAILING DATED MAY 9TH, 2011, AND TWO
5 FIELD TECHNICIAN SERVICE AND INSPECTION LOGS; ONE DATED
6 APRIL 29TH, 2011 AND THE SECOND ONE DATED -- SORRY --
7 ONE DATED APRIL 28TH, 2011; THE SECOND ONE DATED APRIL
8 29, 2011. AND THESE VERIFY THAT OUR CAMERAS WERE
9 OPERATING PROPERLY, THAT THE SENSOR LOOPS WERE OPERATING
10 PROPERLY, AND THAT THE APPROPRIATE SIGNAGE, THE SIGNS TO
11 WARN THE PUBLIC, WERE POSTED IN ALL DIRECTIONS.

12 ALSO, THE TWO PHOTOGRAPHS THAT I OUTLINED
13 IN THE PREVIOUS TESTIMONY AND A THIRD PHOTOGRAPH, A 35
14 MILLIMETER PHOTOGRAPH, WHICH IS A BLOWUP OF THE DRIVER
15 OF THE VIOLATING VEHICLE, WHICH RESEMBLES MR. SALSEDA.
16 AND I WOULD LIKE TO OFFER THAT TO THE COURT AS EVIDENCE,
17 YOUR HONOR, ALONG WITH A COPY OF THE DRIVER'S LICENSE
18 PHOTO OF MR. SALSEDA FOR IDENTIFICATION.

19 THE COURT: THAT'S EXHIBIT "C." LET ME SEE IF
20 THERE'S ANY OBJECTION TO THE ADMISSION OF EXHIBIT "B",
21 AND IF SO, WHAT ARE THEY?

22 MR. SALSEDA: DID YOU SAY EXHIBIT "B"?

23 THE COURT: EXHIBIT "B" WHICH IS THE CITATION, THE
24 PHOTOS, AND THE LOGS. IF YOU HAVE OBJECTIONS, SPECIFY
25 AS TO WHAT PART OF EXHIBIT "B" YOU HAVE AN OBJECTION AND
26 THE BASIS FOR THE OBJECTION.

27 MR. SALSEDA: VERY WELL, YOUR HONOR.

28 YOUR HONOR --

1 THE COURT: LET'S GO THIS WAY: IF I COULD ASK THE
2 BAILIFF TO HAND ME EXHIBIT "B", AND I'LL GO THROUGH AND
3 ASK YOU IF YOU HAVE ANY OBJECTIONS, AND WE WILL GET THE
4 BASIS FOR IT.

5 SO ON THE FIRST PAGE, IT'S THE CITATION
6 ITSELF. WE WILL TALK ABOUT THE PHOTOS IN A MOMENT.

7 DO YOU HAVE AN OBJECTION TO THE CITATION?

8 MR. SALSEDA: NO.

9 THE COURT: THE CITATION, AS PART OF EXHIBIT "B",
10 IS ADMITTED.

11 THERE ARE FOUR PHOTOS ON EXHIBIT "B" ON THE
12 RIGHT-HAND SIDE. DO YOU HAVE AN OBJECTION TO ONE OR ANY
13 OF THOSE PHOTOS?

14 MR. SALSEDA: YOUR HONOR, I DON'T HAVE OBJECTIONS
15 TO ANY OF THE PHOTOS. I DO OBJECT TO THE TWO TOP PHOTOS
16 WHICH SEEM TO HAVE SOME KIND OF -- BLACK INSERTION THERE
17 WITH NUMBERS. AND MY OBJECTION TO THAT IS THAT -- NO
18 PROPER FOUNDATION HAS BEEN LAID FOR THAT. THERE'S NO --
19 IT SEEMS TO BE COMPLEX WHAT THOSE NUMBERS MEAN. IT
20 SEEMS TO BE IN THE NATURE OF EXPERT TESTIMONY, AND I'M
21 NOT SURE ANYBODY KNOWS WHAT THOSE NUMBERS MEAN.

22 THE COURT: OFFICER WEEDEN, WHAT DO THOSE NUMBERS
23 MEAN? ONE LOOKS LIKE THE DATE OF VIOLATION.

24 OFFICER WEEDEN: YES, YOUR HONOR.

25 WHAT THIS BLACK BOX IS IS THE DATA BAR.
26 AND WHAT IT DOES IS IT RECORDS THE DATE AND TIME, WHICH
27 IS AT THE TOP THAT YOUR HONOR CORRECTLY IDENTIFIED.

28 IN THE FIRST PHOTOGRAPH, THE SECOND LINE

1 IDENTIFIES IF IT WAS A STRAIGHT-THROUGH, THE NUMBER OF
2 LANES HE'S TRAVELING THROUGH. BUT HE WAS IN THE
3 LEFT-HAND TURN POCKET. AND THE "Y" INDICATES THAT THE
4 YELLOW LIGHT TIME IS COMING NEXT, WHICH NEXT TO IT IS
5 3.4, IS THE TIME THAT THE YELLOW LIGHT LAPSED PRIOR TO
6 THE LIGHT TURNING RED.

7 AND ACROSS FROM THAT, THE "R" REPRESENTS
8 THE RED LIGHT TIME. AND ANYTHING AFTER THAT WOULD BE
9 THE TIME THAT THE LIGHT WAS RED AT THE TIME THAT THE
10 VEHICLE WAS AT THE LIMIT LINE, BEFORE IT CROSSED THE
11 LIMIT LINE.

12 THE COURT: AND YOU REFERENCED THAT EARLIER IN
13 YOUR TESTIMONY WITHOUT REFERENCING THE DATA LINE IN THE
14 PHOTOGRAPH; CORRECT?

15 OFFICER WEEDEN: CORRECT.

16 THE COURT: AND YOU KNOW THAT BASED ON YOUR
17 PERSONAL EXPERIENCE --

18 OFFICER WEEDEN: AND TRAINING.

19 THE COURT: -- IN TERMS OF HOW THIS MACHINERY
20 WORKS?

21 OFFICER WEEDEN: YES, AND ALSO, YOUR HONOR, I
22 WOULD LIKE TO ADD -- WELL, MAYBE IT'S NECESSARY.

23 THE COURT: THE COURT'S GOING TO OVERRULE THAT
24 OBJECTION. SO THE PHOTOS, THE FIRST -- ALL FOUR PHOTOS
25 ON EXHIBIT "B" WILL COME INTO EVIDENCE, BUT YOUR
26 OBJECTION IS NOTED.

27 OFFICER WEEDEN: MAY I, YOUR HONOR, ON THE SECOND
28 ONE, BECAUSE IT HAS A LITTLE DIFFERENT DATA ON IT?

1 THE COURT: YES, YOU MAY ADDRESS THE SECOND ONE.

2 OFFICER WEEDEN: THE SAME ON THE TOP, IT'S THE
3 TIME AND DATE. BUT ON THE SECOND ONE AS YOU NOTICE, THE
4 NUMBERS ARE DIFFERENT. 3.17 REPRESENTS THE TIME
5 DIFFERENCE BETWEEN THE FIRST AND SECOND PHOTOGRAPH, AND
6 THIS IS IN SECONDS.

7 AND THE "R" ACROSS, AGAIN, REPRESENTS THE
8 RED TIME AT THE TIME THAT THE VEHICLE IS PICTURED IN THE
9 SECOND PHOTOGRAPH. UNDERNEATH THAT, THE "048"
10 REPRESENTS THE NUMBER OF VIOLATIONS ON THIS ROLL OF
11 FILM. AND THE V=24 REPRESENTS THE VELOCITY OR THE SPEED
12 OF THE VEHICLE AS THEY APPROACHED THE INTERSECTION.

13 THE COURT: OKAY. YOU KNOW THAT FROM YOUR
14 EXPERIENCE WITH THESE MACHINES AND YOUR TRAINING WITH
15 THESE MACHINES AND PART OF THAT HAS ALREADY BEEN PART OF
16 YOUR TESTIMONY?

17 OFFICER WEEDEN: YES, YOUR HONOR.

18 THE COURT: OKAY. ALL RIGHT. NOW THERE IS DATA
19 ON THE BACK WHICH THE COURT'S GOING TO ADMIT, UNLESS
20 THERE'S AN OBJECTION.

21 MR. SALSEDA: NO OBJECTION.

22 THE COURT: NOW THIS NEXT DOCUMENT IS THE
23 AUTOMATED PHOTO ENFORCEMENT SYSTEM DECLARATION BY TODD
24 REDMAN. IS THERE ANY -- THE COURT HAS ALREADY RULED
25 THAT THIS QUALIFIES, I THOUGHT, AS A BUSINESS RECORD
26 EXCEPTION. IS THERE AN OBJECTION TO THE TODD REDMAN
27 DECLARATIONS?

28 MR. SALSEDA: YES, YOUR HONOR. I DON'T BELIEVE

1 YOU ADMITTED IT AS A BUSINESS DECLARATION. I THOUGHT
2 YOU ADMITTED IT FOR --

3 THE COURT: I THINK YOU'RE RIGHT. WHAT IS YOUR
4 OBJECTION TO THE TODD REDMAN DECLARATION?

5 MR. SALSEDA: IT'S A DECLARATION FROM A CIVILIAN
6 EMPLOYEE. IT'S HEARSAY, AND THE DEFENSE SHOULD HAVE A
7 RIGHT TO CROSS-EXAMINE HIS ACCUSERS.

8 THE COURT: HOLD ON JUST A MOMENT.

9 THE COURT'S GOING TO FIND THAT THIS
10 QUALIFIES AS THE BUSINESS RECORDS EXCEPTION. AND THAT
11 MR. REDMAN'S DECLARATION LAYS THE FOUNDATION IN
12 PARAGRAPH 1 FOR THE BUSINESS RECORDS EXCEPTION; THAT
13 THEY ARE KEPT IN THE REGULAR COURSE OF BUSINESS, AND
14 QUALIFIES UNDER THE BUSINESS RECORDS EXCEPTION AND,
15 THEREFORE, IT WOULD BE ADMITTED.

16 MR. SALSEDA: WITH REGARDS TO MY RIGHT TO
17 CROSS-EXAMINE HIM, YOUR HONOR?

18 THE COURT: IT IS BEING ADMITTED AS HEARSAY
19 PURSUANT TO THE BUSINESS RECORDS EXCEPTION, AND ON THAT
20 BASIS, YOU DON'T HAVE A RIGHT TO CROSS-EXAMINE BECAUSE
21 IT SATISFIES HEARSAY EXCEPTION TO THE HEARSAY RULE. SO
22 IT'S GOING TO BE ADMITTED. YOUR OBJECTION IS NOTED THAT
23 YOU BELIEVE THAT THIS PERSON SHOULD BE HERE TODAY AND
24 SUBJECT TO CROSS-EXAMINATION. THAT OBJECTION IS NOTED.
25 SO YOU HAVE MADE TWO OBJECTIONS; ONE, BUSINESS RECORDS
26 EXCEPTION; TWO, I DIDN'T GET A RIGHT TO CROSS-EXAMINE.
27 THEY SHOULD HAVE BROUGHT THE WITNESS HERE. AND THE
28 COURT IS DENYING -- COURT'S GOING TO ADMIT THE DOCUMENT,

1 AND THE COURT BELIEVES THAT -- THE COURT ALSO NOTES THAT
2 THE DECLARATION IS BEING PROVIDED PURSUANT TO VEHICLE
3 CODE SECTION 21455.5, WHICH ESTABLISHES THE RED LIGHT
4 SYSTEM AND ESTABLISHES THE FOUNDATION FOR THE RED LIGHT
5 SYSTEM AND HOW IT WORKS AND DOES NOT PROVIDE FOR
6 CROSS-EXAMINATION OF A CUSTODIAN OF RECORDS RELATING TO
7 IT. IT DOES ALLOW THE WITNESS TO CHALLENGE THE
8 PHOTOGRAPH; THAT IS NOT THE REGISTERED OWNER, THAT IS
9 SUBPART (F) 21455.5.

10 SO THE COURT MAKES THE ADDITIONAL FINDING
11 THAT, PURSUANT TO VEHICLE CODE SECTION 21455.5, THAT
12 IT'S NOT CONTEMPLATED BY THE STATUTORY ENFORCEMENT
13 SCHEME THAT A ROUTINE CUSTODIAN OF RECORDS WHO'S
14 EXPLAINING HOW THE RED LIGHT SYSTEM WORKS IS REQUIRED TO
15 ACTUALLY BE IN COURT AND THAT THE WITNESSES -- THE
16 DEFENDANT'S RIGHTS ARE PROTECTED BY THE ACTUAL PHOTO
17 ITSELF. "ARE YOU THE PERSON IN THE PHOTO OR NOT?"

18 OFFICER WEEDEN: CORRECT.

19 THE COURT: THERE'S PHYSICAL EVIDENCE AS TO
20 WHETHER YOU'RE THE PERSON IN THE PHOTO OR NOT, AND THAT
21 ARGUMENT IS FULLY RESERVED, BUT THIS VEHICLE CODE
22 SECTION SEEMS TO ALLOW A COURT TO ACCEPT A CUSTODIAN OF
23 RECORDS'S STATEMENT, AND THAT THE CUSTODIAN OF RECORDS
24 NEED NOT BE PERSONALLY PRESENT IN COURT.

25 SO THE COURT IS DENYING YOUR RIGHT TO
26 CROSS-EXAMINE ON THAT GROUND. THE COURT ALSO FINDS THAT
27 ADMISSIBLE IN THE BUSINESS AND RECORDS EXCEPTION TO THE
28 HEARSAY RULE.

1 WE WILL CONTINUE WITH ANY FURTHER
2 OBJECTIONS YOU HAVE TO EXHIBIT "B".

3 MR. SALSEDA: YES, YOUR HONOR. I WOULD OBJECT TO
4 FIELD TECHNICIAN'S SERVICE AND INSPECTION LOG PREPARED
5 BY DANIEL MARTINEZ.

6 THE COURT: OKAY. CERTIFICATE OF MAILING, NO
7 OBJECTION?

8 MR. SALSEDA: WELL, I DID OBJECT, YOUR HONOR, BUT
9 YOUR HONOR OVERRULED IT.

10 THE COURT: OKAY. WHAT WAS THE BASIS OF YOUR
11 OBJECTION?

12 MR. SALSEDA: THE BASIS, YOUR HONOR, WAS THE SAME
13 AS FOR TODD REDMAN; THAT IT'S HEARSAY AND A VIOLATION OF
14 THE CONFRONTATION CLAUSE FOR ME NOT TO BE ABLE TO
15 CROSS-EXAMINE HIM.

16 THE COURT: THE COURT IS GOING TO FIND THAT THIS
17 CERTIFICATE OF MAILING IS A COURT RECORD, IT'S SELF
18 AUTHENTICATING. THERE'S AN OFFICIAL STAMP ON IT. THAT
19 IT WAS MAILED. IT IS AN OFFICIAL BUSINESS RECORD. SO
20 THE COURT -- IT COMES UNDER THAT HEARSAY -- EXCEPTION TO
21 THE HEARSAY RULE.

22 SO NOW YOU'RE ON THE FIELD SERVICE AND
23 MAINTENANCE LOG. THAT IS THE NEXT DOCUMENT.

24 MR. SALSEDA: YES, PREPARED BY DANIEL MARTINEZ. I
25 OBJECT TO THAT BECAUSE THERE IS NO FOUNDATION. THERE'S
26 NO EXPLANATION OF WHAT ALL THOSE DIFFERENT NUMBERS MEAN.
27 IT'S IMPROPER HEARSAY. IT APPEARS TO BE PREPARED FOR
28 LITIGATION. AND I'M NOT ABLE TO CROSS-EXAMINE

1 MR. MARTINEZ IN VIOLATION OF MY RIGHT TO CONFRONT
2 WITNESSES AGAINST ME.

3 THE COURT: THE COURT FINDS THAT THIS DOCUMENT IS
4 NOT TESTIMONIAL; THEREFORE, THERE'S NO RIGHT TO
5 CROSS-EXAMINE. THE COURT FINDS THAT IT FALLS UNDER THE
6 BUSINESS RECORD EXCEPTION HEARSAY RULE, THAT IT IS JUST
7 A ROUTINE DATA SPILL OR DATA OUTPUT, AND IT'S NOT
8 TESTIMONIAL SUCH THAT THERE IS NO RIGHT TO
9 CROSS-EXAMINATION. SO THE COURT WILL DENY THAT
10 OBJECTION.

11 THEN, LASTLY, THERE ARE SOME PHOTOGRAPHS
12 SIMILAR TO THE PHOTOGRAPHS WE ALREADY SAW WITH THE DATA
13 LINES. AND THEN THERE'S A PHOTOGRAPH OF A CAR WITH
14 WHICH APPEARS TO BE YOU AS THE DRIVER.

15 SO ARE THERE ANY OBJECTIONS TO THE LAST
16 THREE PHOTOS?

17 MR. SALSEDA: THERE'S NO OBJECTION TO THE LAST
18 THREE PHOTOS EXCEPT TO THE EXTENT THAT THEY CONTAIN
19 INFORMATION LINES. THE FIRST TWO CONTAIN INFORMATION
20 LINES. WE WOULD MAINTAIN OUR OBJECTION TO THAT AS BEING
21 WITHOUT FOUNDATION AND HEARSAY.

22 THE COURT: THOSE OBJECTIONS WILL BE OVERRULED.
23 THEY WILL COME IN WITH THE DATA LINES.

24 IS THERE ANYTHING FURTHER FROM THE PEOPLE
25 AT THE MOMENT?

26 OFFICER WEEDEN: NOT AT THIS TIME, YOUR HONOR.

27 THE COURT: OKAY. THE PEOPLE REST FOR NOW?

28 OFFICER WEEDEN: FOR NOW.

1 THE COURT: YOU MAY PROCEED BY WAY OF
2 CROSS-EXAMINATION OR PRESENTING YOUR OWN EVIDENCE.

3 HOW DO YOU WANT TO PROCEED?

4 MR. SALSEDA: ONE POINT OF CLARIFICATION, YOUR
5 HONOR, BEFORE WE PROCEED: I NOTICE THAT THERE WAS A
6 D.M.V. PHOTOGRAPH OF ME. I DON'T KNOW IF THAT WAS
7 OFFERED INTO EVIDENCE.

8 THE COURT: THAT IS EXHIBIT "C," AND YOU'RE RIGHT.
9 WE HAVEN'T ADDRESSED THAT, AND WE HAVEN'T HAD A CHANCE
10 TO REGISTER ANY OBJECTIONS. DO YOU HAVE ANY OBJECTIONS
11 TO EXHIBIT "C"?

12 MR. SALSEDA: YES, YOUR HONOR. NOT THAT IT'S NOT
13 ME. IT IS ME. BUT THAT IT WAS NOT PROVIDED TO ME
14 PROMPTLY OR WITHIN THE COURT'S TIMEFRAME FOR THE
15 PRODUCTION OF DISCOVERY.

16 THE COURT: OKAY.

17 MR. SALSEDA: THE FIRST I SAW THAT IS TODAY.

18 THE COURT: OKAY. AND HOW ARE YOU PREJUDICED BY
19 YOUR OWN DRIVER'S LICENSE PHOTO BEING PRESENTED TO YOU
20 FOR THE FIRST TIME TODAY?

21 MR. SALSEDA: WELL, YOUR HONOR, I COULD HAVE HAD A
22 CHANCE TO LOOK AT IT. I COULD HAVE MAYBE TAKEN A
23 DIFFERENT TACT IN HOW I PROCEED.

24 THE COURT: OKAY. ALL RIGHT. ANY OTHER PREJUDICE
25 YOU WANT TO IDENTIFY BASED ON THE FACT THAT YOU ONLY
26 RECEIVED YOUR OWN DRIVER'S LICENSE PHOTO TODAY FOR THE
27 FIRST TIME IN TERMS OF CONNECTION WITH THIS CASE?

28 MR. SALSEDA: I THINK IT'S MORE A MATTER OF

1 PRINCIPLE WHEN YOUR HONOR ORDERS DISCOVERY TO BE
2 PRODUCED, AND THEY PRODUCE IT ON THE DAY OF TRIAL.
3 THAT'S NOT A GOOD PRECEDENT FOR DEFENDANTS TO HAVE TO
4 COME INTO COURT. HE DID THAT THE FIRST DAY. HE BROUGHT
5 ALL THESE DOCUMENTS I HAD NEVER SEEN BEFORE. I HAD DON
6 A PREVIOUS, TIMELY, NOTICED DISCOVERY REQUEST.

7 THE COURT: THE COURT IS GOING TO DENY YOUR
8 OBJECTION TO EXHIBIT "C," WHICH OBJECTION WAS DISCOVERY
9 NON-COMPLIANCE AND, THEREFORE, IT SHOULD BE
10 INADMISSIBLE. THE COURT'S GOING TO DENY THAT. SO
11 EXHIBIT "C" WILL BE ADMITTED.

12 EXHIBIT "B" WILL BE ADMITTED. EXHIBIT "A"
13 WILL BE ADMITTED, AND NOW YOU MAY PROCEED, MR. SALSEDA,
14 WITH YOUR PART OF THE CASE.

15 MR. SALSEDA: OFFICER WEEDEN, DID YOU TAKE ANY OF
16 THE PHOTOGRAPHS THAT YOU INTRODUCED IN THIS TRIAL?

17 OFFICER WEEDEN: NO, I DIDN'T.

18 MR. SALSEDA: WERE YOU PRESENT WHEN ANY OF THOSE
19 PHOTOGRAPHS THAT YOU OFFERED INTO EVIDENCE WERE TAKEN?

20 OFFICER WEEDEN: NO, I DIDN'T.

21 MR. SALSEDA: DID YOU SEE ME DRIVE THROUGH A RED
22 LIGHT ON OCTOBER 29TH, 2011 AT THE INTERSECTION OF FIRST
23 STREET AND MISSION?

24 OFFICER WEEDEN: NO, NOT PERSONALLY, NO.

25 MR. SALSEDA: ARE YOU AWARE THAT THERE'S DIFFERENT
26 TYPES OF RED LIGHT CAMERAS?

27 OFFICER WEEDEN: COULD YOU CLARIFY.

28 MR. SALSEDA: WELL, DO YOU KNOW WHETHER THERE IS A

1 RED LIGHT CAMERA THAT CAPTURES A PERSON GOING THROUGH A
2 RED LIGHT WITH A VIDEO?

3 OFFICER WEEDEN: OH, YES, I'M AWARE.

4 MR. SALSEDA: AND ARE YOU AWARE THAT THERE'S A RED
5 LIGHT CAMERA THAT CAPTURES A PERSON GOING THROUGH AN
6 INTERSECTION AND SHOWS THE LIGHT THAT THE DRIVER IS
7 LOOKING AT WHEN HE GOES THROUGH THAT RED LIGHT?

8 OFFICER WEEDEN: I AM.

9 MR. SALSEDA: OKAY. NOW DOES THE VIDEO CAMERA IN
10 THIS CASE -- OR THE RED LIGHT CAMERA IN THIS CASE HAVE
11 ANY VIDEO COMPONENT TO IT?

12 OFFICER WEEDEN: NOT THESE. THESE ARE WET PHOTOS.

13 MR. SALSEDA: AND DOES THIS CAMERA GIVE YOU A
14 DEPICTION OF THE PICTURE THAT THE DRIVER IS LOOKING AT
15 WHEN HE GOES THROUGH THE INTERSECTION?

16 OFFICER WEEDEN: AT THIS INTERSECTION, NO.

17 MR. SALSEDA: SO THE PHOTOS DON'T SHOW THE
18 CONDITION OF THE LIGHT AS I'M GOING THROUGH THE
19 INTERSECTION; CORRECT?

20 OFFICER WEEDEN: NOT AT THIS INTERSECTION, NO.

21 MR. SALSEDA: BUT THERE ARE SOME RED LIGHT CAMERAS
22 THAT DO SHOW THAT; CORRECT?

23 OFFICER WEEDEN: THERE ARE.

24 MR. SALSEDA: AND THERE ARE SOME RED LIGHT CAMERAS
25 THAT ACTUALLY TAKE A VIDEO; CORRECT?

26 OFFICER WEEDEN: THAT'S CORRECT.

27 MR. SALSEDA: NOW IF YOU LOOK AT YOUR EXHIBIT --
28 YOUR HONOR, I'M SORRY. WHICH IS GOVERNMENT EXHIBIT "A",

1 THE CITATION WITH THE PHOTOGRAPHS?

2 OFFICER WEEDEN: THAT'S "B" I BELIEVE.

3 THE COURT: EXHIBIT "B" IS THE WHOLE PACKAGE WITH
4 THE PHOTOGRAPHS AND EVERYTHING. EXHIBIT "A" IS JUST
5 THAT DECLARATION AS TO HOW THE SYSTEM WORKS. AND
6 EXHIBIT "B" HAS ALL THE PHOTOS IN IT, AND THEN IF YOU
7 WANT TO REFERENCE EXHIBIT "B", SAY "I'M LOOKING AT
8 EXHIBIT "B", PAGE 4, PHOTOS STAPLED AT THE END" OR
9 WHATEVER.

10 MR. SALSEDA: OFFICER WEEDEN, CAN YOU TAKE A LOOK
11 AT THE FIRST PAGE OF YOUR EXHIBIT "B".

12 OFFICER WEEDEN: OKAY.

13 MR. SALSEDA: DO YOU SEE THE TWO PHOTOGRAPHS AT
14 THE TOP?

15 OFFICER WEEDEN: I DO.

16 MR. SALSEDA: DOES THE FIRST PHOTOGRAPH SHOW A
17 TRAFFIC LIGHT?

18 OFFICER WEEDEN: IT DOES.

19 MR. SALSEDA: AND THAT'S RED; CORRECT?

20 OFFICER WEEDEN: YES, IT IS.

21 MR. SALSEDA: AND DOES THE SECOND PHOTOGRAPH SHOW
22 A TRAFFIC LIGHT?

23 OFFICER WEEDEN: YES, IT DOES.

24 MR. SALSEDA: AND DOES THAT APPEAR TO BE MY CAR IN
25 THE MIDDLE OF THE INTERSECTION?

26 OFFICER WEEDEN: THAT APPEARS TO BE YOUR CAR.

27 MR. SALSEDA: AND DOES THAT LIGHT APPEAR TO BE
28 RED?

1 OFFICER WEEDEN: YES, IT DOES.

2 MR. SALSEDA: AND THAT RED LIGHT APPEARS TO BE
3 FACING THE OPPOSITE TRAFFIC; CORRECT?

4 OFFICER WEEDEN: CROSS TRAFFIC, YES, THAT'S
5 CORRECT.

6 MR. SALSEDA: NOW DID YOU PERSONALLY DO ANYTHING
7 TO ENSURE THAT THE RED LIGHT CAMERAS WERE IN WORKING
8 ORDER ON THE DATE OF THE ALLEGATION, APRIL 29TH, 2011?

9 OFFICER WEEDEN: I BELIEVE THE COURT HAS THE FIELD
10 TECHNICIAN SERVICE AND INSPECTION LOGS FOR THAT DATE,
11 FOR THAT TIME PERIOD.

12 MR. SALSEDA: DID YOU, OFFICER WEEDEN, DO ANYTHING
13 TO ENSURE THAT THE RED LIGHT CAMERAS WERE IN WORKING
14 ORDER ON THE DATE OF THE ALLEGATION, APRIL 29TH, 2011?

15 OFFICER WEEDEN: ON THAT DATE, PERSONALLY, NO.

16 MR. SALSEDA: DID YOU DO ANYTHING TO ENSURE THAT
17 THE ACTUAL TRAFFIC LIGHTS AT THE INTERSECTION OF FIRST
18 AND MISSION WERE IN PROPER WORKING ORDER ON THAT DATE,
19 ON APRIL 29TH, 2011?

20 OFFICER WEEDEN: ON THAT DATE, NO, I DIDN'T.

21 MR. SALSEDA: DO YOU KNOW WHETHER THE RED LIGHT
22 CAMERAS AND THE TRAFFIC LIGHT SIGNALS BOTH HAVE TO WORK
23 TOGETHER TO PRODUCE A VALID RED LIGHT TICKET?

24 OFFICER WEEDEN: YES, THEY DO.

25 MR. SALSEDA: AND DO YOU KNOW IF THE RED LIGHT
26 CAMERA HAD TO BE SYNCED WITH THE TRAFFIC SIGNALS AT
27 FIRST AND MISSION FOR THE RED LIGHT CAMERA TO WORK
28 PROPERLY?

1 OFFICER WEEDEN: THEY WORK IN CONCERT, YES.

2 MR. SALSEDA: DID YOU GO THROUGH THE SHERIFF
3 ACADEMY?

4 OFFICER WEEDEN: ACTUALLY I DID.

5 MR. SALSEDA: AND WHY ARE YOU WEARING A BLUE
6 UNIFORM?

7 OFFICER WEEDEN: I WAS A DEPUTY SHERIFF FOR 9
8 YEARS -- DO I HAVE TO ANSWER THAT, YOUR HONOR?

9 THE COURT: GO AHEAD. ARE YOU OBJECTING? AND IF
10 SO, WHAT IS THE BASIS FOR YOUR OBJECTION TO THAT
11 QUESTION?

12 OFFICER WEEDEN: I HAVE NO OBJECTION.

13 THE COURT: GO AHEAD.

14 OFFICER WEEDEN: YEAH, I WAS A DEPUTY SHERIFF FOR
15 9 YEARS. AND IN 2000, I MADE A DECISION BASED ON MY
16 RELIGIOUS CONVICTIONS, AND SO NOW I'M A CIVILIAN OFFICER
17 CURRENTLY WORKING TRAFFIC SERVICES BUREAU, CODE
18 ENFORCEMENT.

19 BUT, YES, I DID GO THROUGH THE ACADEMY AND
20 THE PATROL SCHOOL AND EVERYTHING THAT A POLICE OFFICER
21 DOES.

22 MR. SALSEDA: AND ARE YOU NOW, AT THIS TIME, A
23 SWORN OFFICER?

24 OFFICER WEEDEN: NO, I'M NOT.

25 MR. SALSEDA: DO YOU WORK FOR THE PHOTO
26 ENFORCEMENT UNIT?

27 OFFICER WEEDEN: I WORK FOR TRANSIT SERVICES
28 BUREAU, PHOTO ENFORCEMENT UNIT, YES, I DO.

1 MR. SALSEDA: AND HOW LONG HAVE YOU WORKED THERE?

2 OFFICER WEEDEN: APPROXIMATELY ONE YEAR.

3 MR. SALSEDA: AND WHAT ARE YOUR RESPONSIBILITIES?

4 OFFICER WEEDEN: TO CONDUCT VIEWING OF POSSIBLE
5 CITATIONS, REVIEW THEM, AND MAKE SURE THAT THEY ARE
6 VALID CITATIONS AND ISSUE THEM BY WAY OF ELECTRONIC
7 ISSUANCE.

8 MR. SALSEDA: AND IS THAT YOUR FULL-TIME JOB?

9 OFFICER WEEDEN: THAT IS MY FULL-TIME JOB.

10 MR. SALSEDA: DO YOU HAVE THE POWER TO ASK THE
11 COURT TO DISMISS THE CASE?

12 OFFICER WEEDEN: YES, I DO.

13 MR. SALSEDA: DO YOU PRODUCE DISCOVERY UPON
14 REQUEST TO PEOPLE ACCUSED OF RUNNING RED LIGHTS?

15 OFFICER WEEDEN: FORMAL DISCOVERY REQUESTS MOSTLY,
16 YES.

17 MR. SALSEDA: DO YOU HAVE THE POWER NOT TO PRODUCE
18 DISCOVERY UPON REQUEST?

19 OFFICER WEEDEN: I BELIEVE THAT POWER IS RESERVED
20 BY THE COURT. NO, I DON'T HAVE THE POWER NOT TO -- NOT
21 TO PRODUCE FORMAL DISCOVERY REQUESTS.

22 MR. SALSEDA: WELL, IF I ASKED YOU FOR EVIDENCE,
23 WOULD YOU JUST TURN IT OVER WITHOUT A COURT ORDER?

24 OFFICER WEEDEN: IF IT'S NOT A FORMAL REQUEST, I
25 GUESS IT WOULD DEPEND.

26 MR. SALSEDA: DO YOU KNOW WHAT EXCULPATORY
27 EVIDENCE IS?

28 OFFICER WEEDEN: I BELIEVE I DO.

1 MR. SALSEDA: WHAT IS EXCULPATORY EVIDENCE?

2 OFFICER WEEDEN: I BELIEVE IT MEANS EVIDENCE THAT
3 WOULD, IN THIS CASE, PUT A BAD LIGHT ON THE CAMERA
4 SYSTEMS.

5 THE COURT: NO PUN INTENDED?

6 OFFICER WEEDEN: DEFINITELY.

7 THE COURT: ALL RIGHT.

8 MR. SALSEDA: NOW DO YOU WORK IN CONJUNCTION WITH
9 A CIVILIAN COMPANY?

10 OFFICER WEEDEN: NO. I WORK FOR THE LOS ANGELES
11 COUNTY SHERIFF'S DEPARTMENT. I REPRESENT THE LOS
12 ANGELES COUNTY SHERIFF'S DEPARTMENT ON BEHALF OF M.T.A.
13 IN THESE MATTERS.

14 MR. SALSEDA: WELL, DO YOU KNOW WHAT ACS IS?

15 OFFICER WEEDEN: AFFILIATED COMPUTER SERVICES.
16 THEY ARE THE VENDOR THAT OPERATES AND MAINTAINS THE
17 CAMERAS IN ACCORDANCE WITH THE VEHICLE CODE, AND THEY
18 ARE AN AGENT FOR M.T.A. IN THIS MATTER.

19 MR. SALSEDA: DO YOU KNOW IF IT'S A FOR PROFIT
20 COMPANY?

21 OFFICER WEEDEN: OF COURSE, YES, IT IS.

22 MR. SALSEDA: THAT'S ALL I HAVE, YOUR HONOR. NO
23 FURTHER QUESTIONS.

24 THE COURT: IS THERE ANYTHING YOU WANT TO SAY IN
25 REBUTTAL OR REHABILITATION OF THE CROSS-EXAMINATION JUST
26 OCCURRED? IN OTHER WORDS, CLARIFICATION OR ANYTHING
27 LIKE THAT?

28 OFFICER WEEDEN: WELL, BASED ON THE QUESTIONS THAT

1 HE ASKED, WHICH I WOULDN'T HAVE BROUGHT IN, WE HAVE
2 RECEIVED 40 HOURS OF BASIC TRAFFIC INVESTIGATOR SCHOOL,
3 8 HOURS OF TRAINING WITH ACS ON THE CAMERA SYSTEMS, AND
4 WE ALSO DO TWICE A YEAR AUDITS OURSELF TO MAKE SURE THAT
5 THE CAMERAS AND THE LIGHTS ARE SYNCED AND THAT THEY ARE
6 WORKING PROPERLY.

7 THE COURT: AND YOU, YOURSELF, HAVE DONE THAT?

8 OFFICER WEEDEN: WE DO THAT OURSELVES. THE
9 SHERIFF'S DEPARTMENT.

10 THE COURT: YOU HAVE COMPLIED WITH THOSE
11 FOUNDATIONAL REQUIREMENTS?

12 OFFICER WEEDEN: YES, I HAVE.

13 THE COURT: OKAY. ANYTHING ELSE?

14 OFFICER WEEDEN: NOTHING FURTHER, YOUR HONOR.

15 THE COURT: OKAY. NOW YOU CAN EITHER TESTIFY
16 YOURSELF OR IF YOU HAVE DOCUMENTS YOU WANT TO SHOW THE
17 COURT, MR. SALSEDA. WHAT IS NEXT IN YOUR DEFENSE?

18 MR. SALSEDA: YOUR HONOR, IF I COULD, I'D LIKE TO
19 OFFER DEFENSE EXHIBIT "A" THROUGH "D" FOR THE COURT'S
20 CONSIDERATION.

21 THE COURT: OKAY. LET'S TAKE A LOOK AT EXHIBIT
22 "A". EXHIBIT "A" ARE THE DISCOVERY REQUESTS. THAT WILL
23 BE RECEIVED INTO EVIDENCE. AND THAT WE HAVE ALREADY
24 GONE OVER, THE DISCOVERY REQUESTS. SO I THINK WE DON'T
25 NEED TO ADDRESS ANYTHING ELSE, BUT IT WILL BE RECEIVED
26 INTO EVIDENCE SO YOUR RECORD WILL BE PRESERVED AS IT
27 RELATES TO THE DISCOVERY.

28 MR. SALSEDA: YES.

1 THE COURT: EXHIBIT -- ANY OBJECTION TO THE
2 ADMISSION?

3 OFFICER WEEDEN: NO OBJECTION, YOUR HONOR.

4 THE COURT: EXHIBIT "A" IS ADMITTED.

5 EXHIBIT "B" IS AN E-MAIL EXCHANGE THAT ALSO
6 RELATES TO DISCOVERY. WE DISCUSSED IT EARLIER.

7 DO YOU WANT THAT ADMITTED INTO EVIDENCE?

8 MR. SALSEDA: YES, YOUR HONOR, FOR THE RECORD.

9 THE COURT: ANY OBJECTION?

10 OFFICER WEEDEN: NO OBJECTION.

11 THE COURT: THAT WILL BE ADMITTED.

12 EXHIBIT "C" YOU'VE ALREADY INDICATED YOUR
13 OBJECTIONS TO EXHIBIT "C." YOUR OBJECTIONS ARE NOTED.

14 THE COURT: SO WHAT YOU ARE OFFERING AS EXHIBIT
15 "D" YOU WOULD LIKE TO HAVE EXCLUDED THE DATA LINES.
16 YOUR EXHIBIT AS INDICATED BUT THE DATA LINES ARE
17 EXCLUDED; CORRECT?

18 MR. SALSEDA: YES, YOUR HONOR.

19 THE COURT: THE COURT WILL ADMIT THAT. I'M NOT
20 SAYING IT'S RELEVANT, BUT IT IS ADMITTED FOR THE RECORD.
21 IN OTHER WORDS, THAT'S THE WAY YOU WANT THE PHOTO TO BE
22 PRESENTED, AND THAT WILL BE IN THE RECORD ADMITTED.

23 IS THERE ANY OBJECTION?

24 OFFICER WEEDEN: NO OBJECTION, YOUR HONOR.

25 THE COURT: YOU ALSO HAVE AN EXHIBIT "C." I DON'T
26 KNOW WHAT EXHIBIT "C" IS. IT'S -- NEXT EXHIBIT IS "E".
27 I HAVE EXHIBIT "E".

28 DO YOU WANT IT ADMITTED?

1 MR. SALSEDA: NOT AT THIS TIME, YOUR HONOR.

2 THE COURT: ARE YOU RESTING AT THIS TIME?

3 MR. SALSEDA: YES.

4 THE COURT: WE ARE GOING TO HAVE EACH OF YOU
5 DEVELOP CLOSING ARGUMENT. OKAY. WE WILL LET THE PEOPLE
6 GO FIRST, AND THEN YOU'LL HAVE A CHANCE TO ADDRESS
7 CLOSING ARGUMENT.

8 I MEAN, I'VE LOOKED AT THE EVIDENCE. I
9 DON'T WANT THE CLOSING ARGUMENT TO GO ON A LONG TIME,
10 BUT IF YOU'VE GOT YOUR BASIC POINTS DOWN, I KNOW YOU'LL
11 PRESENT THEM TO ME.

12 LET ME HEAR FIRST FROM THE PEOPLE, OFFICER
13 WEEDEN.

14 OFFICER WEEDEN: YOUR HONOR, ON ITS FACE, IT'S
15 CLEAR TO ME THAT MR. SALSEDA DID VIOLATE THE CALIFORNIA
16 VEHICLE CODE 21453(C) BY FAILING TO STOP FOR A RED
17 SIGNAL.

18 AT THE VELOCITY HE WAS GOING, HE DIDN'T
19 EVEN ATTEMPT TO STOP AT THE STOP BAR OR THE LIMIT LINE.
20 BASICALLY, ON ITS FACE, THE EVIDENCE SPEAKS FOR ITSELF.

21 ALSO, I'D LIKE THE COURT TO TAKE NOTE AND
22 THE COURT HAS PROBABLY ALREADY TAKEN NOTE, OF THE CASE
23 OF PEOPLE VERSUS GOLDSMITH, WHICH DEALT WITH THE SAME
24 RELEVANT -- THIS TOOK PLACE IN --

25 MR. SALSEDA: OBJECTION; ARGUING FACTS NOT IN
26 EVIDENCE.

27 THE COURT: HE'S GIVING ME A LEGAL CITATION, AND
28 YOUR OBJECTION WILL BE OVERRULED.

1 LET ME HEAR -- YOU WANT THE COURT TO REFER
2 TO OR THINK ABOUT PEOPLE V --

3 OFFICER WEEDEN: YES, JUST TAKE NOTE.

4 THE COURT: WHAT'S THE CITE?

5 OFFICER WEEDEN: IT WAS A --

6 THE COURT: I MEAN, THE COURT CITATION.

7 OFFICER WEEDEN: IT WAS TRIAL COURT NUMBER
8 102693IN.

9 IS THAT THE COURT CITATION?

10 THE COURT: I DON'T HAVE THAT. I THOUGHT YOU
11 MEANT IT WAS A REPORTED CASE.

12 OFFICER WEEDEN: IT IS A REPORTED CASE. I
13 PROBABLY DON'T KNOW WHAT YOU'RE REFERRING TO.

14 THE COURT: WELL, IN OTHER WORDS, SO I CAN GO IN
15 THE OFFICIAL COURT RECORDS AND LOOK UP THE CASE IF YOU
16 ARE INDICATING THAT YOU'RE CITING THAT FOR SOME
17 PROPOSITION.

18 OFFICER WEEDEN: YOU KNOW, NOT BEING TOO SURE
19 ABOUT THAT, I WILL WITHDRAW THAT.

20 THE COURT: ALL RIGHT.

21 OFFICER WEEDEN: BUT THERE HAVE BEEN -- THE
22 FOUNDATION HAS BEEN LAID THROUGH THE APPELLATE COURTS
23 FOR EVERYTHING LAID OUT IN THE TESTIMONY TODAY, AND I
24 REST ON THAT.

25 THE COURT: ALL RIGHT. LET ME ASK YOU A QUICK
26 QUESTION, OFFICER WEEDEN: LOOKING AT THE LAST TWO
27 PHOTOS -- IF YOU'RE LOOKING AT THE VERY LAST PHOTO, IT'S
28 SHOWING A NISSAN VEHICLE WITH SOMEONE RESEMBLING

1 MR. SALSEDA DRIVING. IT HAS A DATA LINE. THERE IS A
2 RED LIGHT IN THAT PHOTO. THAT'S NOT THE RED LIGHT HE'S
3 ACCUSED OF RUNNING, IS IT?

4 OFFICER WEEDEN: NO, IT'S NOT, YOUR HONOR. I
5 WOULD LIKE TO SAY ONE THING ABOUT THAT RED LIGHT. IF
6 YOU COULD SEE IN THE SECOND PHOTOGRAPH, THERE'S THREE
7 REASONS WHY THE CROSS TRAFFIC LIGHT AROUND THESE TRAIN
8 SYSTEMS WILL BE RED. ONE IS THAT --

9 MR. SALSEDA: OBJECTION; ARGUING FACTS NOT IN
10 EVIDENCE.

11 THE COURT: I'M GOING TO OVERRULE THAT OBJECTION.
12 MY QUESTION WAS HE'S NOT ACCUSED OF RUNNING THE RED
13 LIGHT; RIGHT, THAT IS IN THE PHOTO?

14 OFFICER WEEDEN: THAT'S IN THE PHOTO, THAT'S
15 CORRECT.

16 THE COURT: SO THE ONLY WAY WE KNOW HE RAN A RED
17 LIGHT IS BY THE DATA BAR; IS THAT CORRECT?

18 OFFICER WEEDEN: THAT IS CORRECT.

19 THE COURT: THANK YOU.

20 MR. SALSEDA.

21 MR. SALSEDA: YOUR HONOR, IN MY CITATION, IT
22 INDICATES THAT "THE VIOLATION IS NOT COMMITTED IN MY
23 PRESENCE. THE ABOVE IS DECLARED AN INFORMATION BRIEF
24 AND IS BASED ON THE PHOTOGRAPHIC EVIDENCE."

25 I'M CHARGED WITH FAILING TO STOP AT A RED
26 LIGHT BASED ON THE PHOTOGRAPHIC EVIDENCE. BASED ON THE
27 PHOTOGRAPHIC EVIDENCE, THERE ARE NO PHOTOGRAPHS SHOWING
28 ME GOING THREW A RED LIGHT AT ALL.

1 THE COURT: ARE YOU DISPUTING THAT YOUR -- THAT
2 YOU'RE THE DRIVER? ARE YOU DISPUTING THAT?

3 MR. SALSEDA: NO, YOUR HONOR.

4 THE COURT: SO YOU'RE ADMITTING THAT YOU'RE THE
5 DRIVER.

6 GO AHEAD.

7 MR. SALSEDA: THERE'S NO EVIDENCE SUGGESTING THAT
8 I DROVE THROUGH A RED LIGHT ON APRIL 29TH, 2011 AT THE
9 INTERSECTION OF FIRST AND MISSION. LOOK AT THE
10 PICTURES. THEY DON'T SHOW ANYTHING. THE LIGHT FACING
11 THE OPPOSING TRAFFIC IS RED. THERE'S ANOTHER CAR GOING
12 THROUGH THE SAME INTERSECTION. THERE IS NO PHOTOGRAPH
13 OF THE LIGHT I'M LOOKING AT AS I GO THROUGH THE
14 INTERSECTION.

15 MANY OF THESE NEWER MODEL -- OR MANY OF
16 THESE RED CAMERA LIGHTS TAKE A PICTURE OF WHAT THE
17 DRIVER IS LOOKING AT WHEN HE GOES THROUGH THE RED LIGHT
18 SO THERE'S NO DISPUTE THAT THE DRIVER IS LOOKING AT A
19 RED LIGHT.

20 THE PHOTOGRAPHIC EVIDENCE HERE SHOWS
21 ABSOLUTELY NOTHING WITH REGARD TO ME GOING THROUGH A RED
22 LIGHT.

23 IN ADDITION, I THINK OFFICER WEEDEN
24 TESTIFIED THAT IN ORDER FOR THE RED LIGHT SYSTEM TO BE
25 OPERATING CORRECTLY, IT MUST BE IN SYNC WITH THE TRAFFIC
26 LIGHTS. OFFICER WEEDEN PRESENTED NO EVIDENCE AT ALL
27 THAT THE TRAFFIC LIGHTS WERE IN PROPER WORKING ORDER ON
28 THE DATE OF THE ALLEGATION, APRIL 29TH, 2011.

1 THE COURT: LET ME ASK OFFICER WEEDEN: ON THE
2 FIRST PHOTO WHICH ALSO YOU HAVE A SEPARATE, BETTER
3 PHOTOGRAPH OF IT.

4 OFFICER WEEDEN: YES.

5 THE COURT: IS MR. SALSEDA'S CAR THE ONE THAT'S IN
6 THE -- STOPPED AT THE INTERSECTION THERE NEXT TO THE
7 WHITE CAR?

8 OFFICER WEEDEN: BECAUSE THESE ARE STILL PHOTOS,
9 HE APPEARS TO BE STOPPED, BUT --

10 THE COURT: THAT'S HIS POSITION AT THAT TIME?

11 OFFICER WEEDEN: YES, YOUR HONOR.

12 THE COURT: OKAY. ALL RIGHT. THANK YOU.

13 YOU MAY PROCEED, MR. SALSEDA.

14 MR. SALSEDA: THAT'S ALL I HAVE, YOUR HONOR.

15 THE COURT: ANYTHING FURTHER FROM THE PEOPLE?

16 OFFICER WEEDEN: IF I MAY, YOUR HONOR, SINCE
17 MR. SALSEDA BROUGHT IT UP, THE SENATE BILL 1802 WHICH
18 ESTABLISHES THE ACT THAT ALLOWS FOR PHOTO ENFORCEMENT AT
19 INTERSECTIONS, AT GRADE CROSSINGS, ESTABLISHES THAT THE
20 DATA BAR IS SUFFICIENT EVIDENCE. THEY ARE CONNECTED
21 WITH -- THE CAMERA SYSTEM IS LINKED TO THE STREET LIGHTS
22 TO WHERE IT OPERATES --

23 MR. SALSEDA: OBJECTION; ARGUING FACTS NOT IN
24 EVIDENCE.

25 THE COURT: OVERRULED.

26 OFFICER WEEDEN: WHICH IT GETS THE SIGNALS THAT
27 THE LIGHT HAS, AND IT RECORDS IT ON THE DATA BAR, BUT IT
28 DOESN'T SEND -- IT HAS A COUPLER WHERE IT'S NOT ABLE TO

1 SEND ANYTHING BACK. SO IT DOESN'T DAMAGE THE LIGHT
2 SYSTEM. OUR SYSTEMS ONLY TAKE A -- THEY'RE WIRED TO
3 WHERE THEY ONLY TAKE A PHOTOGRAPH ON A RED LIGHT. THEY
4 DON'T TAKE PHOTOGRAPHS ON A GREEN OR A YELLOW. IT'S
5 IMPOSSIBLE. THEY'RE NOT WIRED THAT WAY. AND WHEN THE
6 TRAFFIC SIGNALS ARE INOPERATIVE --

7 OFFICER WEEDEN: OBJECTION; ARGUING FACTS NOT IN
8 EVIDENCE.

9 THE COURT: OVERRULED.

10 OFFICER WEEDEN: OUR SYSTEM GOES INTO DEFAULT; IN
11 OTHER WORDS, IT DOES'T TAKE PHOTOGRAPHS.

12 THE COURT: LET ME ASK YOU ON THE VERY LAST PHOTO,
13 OFFICER WEEDEN, WHERE MR. SALSEDA HAS COMPLETED HIS
14 LEFT-HAND TURN, AND THE OTHER LIGHT IS RED, AND THERE IS
15 A RED -- IN OTHER WORDS, OPPOSITE DIRECTION IS RED,
16 WHICH NORMALLY WOULD LEAD ONE TO BELIEVE THAT THE OTHER
17 DIRECTION SHOULD BE GREEN, AND THERE IS A VEHICLE IN THE
18 INTERSECTION, GOING THROUGH THE INTERSECTION.

19 OFFICER WEEDEN: THAT IS CORRECT.

20 THE COURT: SO THAT PERSON, PRESUMABLY, IS GOING
21 THROUGH A GREEN LIGHT AND MR. SALSEDA HAS JUST MADE A
22 LEFT TURN. WHY IS HE GOING THROUGH A RED LIGHT?

23 OFFICER WEEDEN: THAT PERSON IS ACTUALLY GOING
24 THROUGH A GREEN CIRCULAR LIGHT, A SOLID LIGHT. WHAT MR.
25 SALSEDA WAS FACING WAS A RED ARROW. AND BECAUSE --

26 MR. SALSEDA: OBJECTION; ARGUING FACTS NOT IN
27 EVIDENCE.

28 THE COURT: OVERRULED. GO AHEAD.

1 OFFICER WEEDEN: AND SIMPLY BECAUSE THE STRAIGHT
2 THROUGH TRAFFIC HAS A GREEN, DOESN'T MEAN THE RED ARROW
3 HAS -- THAT THE ARROW IS GREEN. HE WAS, IN FACT, GOING
4 THROUGH A RED ARROW. OUR SYSTEM ONLY TAKES PICTURES, AS
5 I SAID, ON THE RED, NOT ON THE GREEN OR THE YELLOW. THE
6 REASON WHY THIS LIGHT IS RED IS BECAUSE THE RED CAR HAD
7 A GREEN, THE CROSS TRAFFIC LIGHT. BUT MR. SALSEDA HAD A
8 RED ARROW.

9 THE COURT: ALL RIGHT. ANYTHING FURTHER,
10 MR. SALSEDA?

11 MR. SALSEDA: NO, YOUR HONOR.

12 THE COURT: THE COURT'S GOING TO MAKE A FINDING
13 THAT MR. SALSEDA RAN A RED LIGHT. THE ONLY BASIS FOR
14 THE COURT BEING ABLE TO MAKE THAT FINDING IS THE DATA
15 PRINTOUT. THERE'S BEEN TESTIMONY ABOUT THE DATA
16 PRINTOUT, AND THERE HAS BEEN INFORMATION PROVIDED. THE
17 COURT FINDS THAT THE BURDEN OF PROOF IS -- NOT BEYOND A
18 REASONABLE DOUBT, BUT THE PREPONDERANCE OF THE EVIDENCE,
19 AND BASED ON THE PREPONDERANCE OF THE EVIDENCE, THE
20 COURT FINDS THAT MR. SALSEDA HAS RUN THIS RED LIGHT, AND
21 THAT HE'LL BE CONVICTED ON THIS INFRACTION.

22 COURT'S GOING TO IMPOSE SENTENCE.

23 MR. SALSEDA: YOUR HONOR, CAN I DO TRAFFIC SCHOOL?

24 THE COURT: YOU CANNOT AFTER A TRIAL.

25 MR. SALSEDA: YOUR HONOR, COULD YOU LOOK AT MY
26 DEFENSE EXHIBIT "E."

27 THE COURT: DEFENSE EXHIBIT "E". HOLD ON JUST A
28 MOMENT.

1 MR. SALSEDA: IF YOUR HONOR WOULD LOOK TO THE
2 SECOND PAGE, "C", JUDICIAL DISCRETION NUMBER 2.

3 THE COURT: I'M LOOKING AT IT. GIVE ME A SECOND.

4 THE COURT WILL EXERCISE IT'S DISCRETION AND
5 ALLOW YOU TO DO TRAFFIC SCHOOL. THE COURT HAS THE
6 JUDICIAL DISCRETION TO DO THAT. THE COURT WILL ALLOW
7 YOU TO DO TRAFFIC SCHOOL.

8 MR. SALSEDA: THANK YOU, YOUR HONOR.

9 THE COURT: SO THE COURT'S GOING TO IMPOSE THE
10 AMOUNT OF FINE ON THE TICKET, WHICH IS \$480. THE COURT
11 WILL ALLOW YOU TO DO TRAFFIC SCHOOL.

12 MR. SALSEDA: YOUR HONOR, WOULD THE COURT STAY
13 IMPOSITION OF SENTENCE UNTIL I'VE HAD THE RIGHT TO
14 APPEAL?

15 THE COURT: YES.

16 MR. SALSEDA: THANK YOU, YOUR HONOR.

17 THE COURT: IMPOSITION OF SENTENCE WILL BE STAYED
18 PENDING APPEAL. IF AN APPEAL IS NOT FILED, THEN THE
19 \$480 WILL BE DUE WITHIN SIX MONTHS OR NO LATER THAN
20 4/26/2012. AND THERE'S AN ADDITIONAL CHARGE FOR TRAFFIC
21 SCHOOL. IT USED TO BE \$64 THAT YOU HAD TO PAY FOR THE
22 TRAFFIC SCHOOL. SO THAT WILL BE ADDED TO THE \$480 IF
23 YOU DO THE TRAFFIC SCHOOL. AND YOU ALSO NEED TO PAY THE
24 TRAFFIC SCHOOL, THE ACTUAL INSTITUTION THAT'S PROVIDING
25 THE TRAFFIC SCHOOL.

26 MR. SALSEDA: VERY WELL, YOUR HONOR.

27 THE COURT: SO SENTENCE WILL BE STAYED. THIS STAY
28 IS LIFTED IF YOU HAVEN'T FILED YOUR APPEAL WITHIN 30

1 DAYS. SO STAY WILL BE LIFTED IF YOU HAVEN'T FILED YOUR
2 APPEAL WITHIN 30 DAYS.

3 MR. SALSEDA: VERY WELL, YOUR HONOR. THANK YOU.

4 OFFICER WEEDEN: THANK YOU.

5 THE COURT: HOLD ON. OKAY. EXHIBIT "C" WILL BE
6 ADMITTED. EXHIBITS "A," "B," AND "C" ARE ADMITTED.

7 THE COURT'S GOING TO RE-LABEL PEOPLE'S
8 EXHIBITS, 1, 2, AND 3,.

9 WHAT WAS PREVIOUSLY IDENTIFIED AS EXHIBIT
10 "A" IS 1. THAT'S THE OFFICER'S DECLARATION.

11 WHAT WAS PREVIOUSLY IDENTIFIED AS EXHIBIT
12 "B" IS NOW EXHIBIT 2, AND THAT WAS THE TICKET, THE
13 CITATION, THE LOG, AND THE LIKE. THAT'S EXHIBIT 2.

14 AND EXHIBIT 3 IS THE DRIVER'S LICENSE
15 PHOTO, WHICH WAS PREVIOUSLY MARKED AS EXHIBIT "C." SO
16 THOSE EXHIBITS WILL BE ADMITTED.

17 WITH REGARD TO THE DEFENSE EXHIBITS,
18 EXHIBIT "A" WHICH IS DISCOVERY REQUEST IS ADMITTED.
19 EXHIBIT "B" WHICH IS THE E-MAIL IS ADMITTED. EXHIBIT
20 "C", THAT HAS BEEN ADMITTED AS EXHIBIT "A" FOR THE
21 DEFENSE AND -- EXCUSE ME -- EXHIBIT 1 FOR THE PLAINTIFF,
22 AND COUNSEL'S OBJECTIONS HAVE BEEN NOTED. EXHIBIT "D"
23 IS ADMITTED. EXHIBIT "E" WAS FOR THE COURT'S REFERENCE
24 ONLY AND IS NOT ADMITTED.

25 SO THAT WILL BE -- THAT WILL CLARIFY THE
26 RECORD, AND WE HAVE RE-LABELED THE EXHIBITS ACCORDINGLY.

27 THANK YOU.

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SUPERIOR COURT OF THE STATE OF CALIFORNIA

FOR THE COUNTY OF LOS ANGELES

DEPARTMENT 6

HON. RALPH C. HOFER, JUDGE

THE PEOPLE OF THE STATE OF CALIFORNIA,)

CASE NO:
11278GL

PLAINTIFF,)

VS.)

REPORTER'S
CERTIFICATE

SALSEDА,)

DEFENDANT.)

COUNTY OF LOS ANGELES)

SS.

STATE OF CALIFORNIA)

I, PHYLLIS AGUILAR, OFFICIAL REPORTER OF THE
SUPERIOR COURT OF THE STATE OF CALIFORNIA, FOR THE
COUNTY OF LOS ANGELES, DO HEREBY CERTIFY THAT I DID
CORRECTLY REPORT THE PROCEEDINGS CONTAINED HEREIN AND
THAT THE FOREGOING PAGES 1 THROUGH 49, INCLUSIVE,
COMPRISE A FULL, TRUE, AND CORRECT TRANSCRIPT TO THE
BEST OF MY ABILITY OF THE PROCEEDINGS AND TESTIMONY
TAKEN IN THE MATTER OF THE ABOVE-ENTITLED CAUSE ON
WEDNESDAY, OCTOBER 26, 2011.

Phyllis Aguilar

PHYLLIS AGUILAR
CSR NO. 9664, OFFICIAL REPORTER