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SAN MATEO COUNTY

APPELLATE DEPARTMENT OF THE SUPERIOR COURT

IN AND FOR THE STATE OF CALIFORNIA

COUNTY OF SAN MATEO

SAN MATEO COUNTY

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Clerk of the Superior Court

By ED MASINGALE
DEPUTY CLERK

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PEOPLE OF THE STATE OF
CALIFORNIA

Plaintiff/Respondent

v.

NO [REDACTED]

Defendant/Appellant

Court of Appeal No. AD-5141

(Super. Ct. No. C384925)

Appeal from the Superior Court, County of San Mateo

Central Judicial District

Honorable Susan Greenberg, Commissioner



Millbrae Police Department

581 Magnolia Avenue ♦ Millbrae, California 94030
650.259.2300 Fax 650.259.2344



Court Clerk
Superior Court Of California
County Of San Mateo

Court of Appeal No. AD-5141
Super Ct. No. C384925

People of the State vs [REDACTED] Durney

I received a copy of Mr Durney's brief and have reviewed it. I do agree that Mr Durney's brief is an accurate summation of the initial trial. There are a few points that I disagree with.

Mr Durney states that I testified I have never seen the contract between ATS and the City of Millbrae. I don't believe I said I have never seen the contract; in fact I have seen the contract several times.

Mr Durney also states that I testified that the bail amount must appear on the face of the citation. I testified that bail amounts vary based on violation and past driving history and our citations which were approved by the court do not show a standard bail amount and the face of citations vary slightly from agency to agency

In his brief Mr Durney said I had no recollection of reviewing the video prior to the ticket being issued. I may not have done the initial review however I review all video and documents several times before bringing them to Court.



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Mr. Durney states that I understood the fine for a violation of CVC 21453 is \$100. I did not discuss or testify to any type of dollar figure.

Mr Durney stated in his brief that the Millbrae Police Department has no oversight of citations and that citations are issued by a private company. (ATS). In fact ATS forwards to the Police Department what they believe is a violation based on criteria supplied to them by the Millbrae Police Department. A citation is issued only after review by Police Department employees.

Mr Durney also states that since the documents were not prepared by me I cannot present them in Court, however based on my training and experience I am qualified under Section 1271c of the evidence code to present business records produced by ATS during the normal course of business.

In the section titled "Events After Trial" Mr Durney states that I filed a statement on November 4th 2009 and participated in a Settled Statement Hearing. I was subpoenaed by the Court for the Settled Statement Hearing. The only statement or documents supplied to the Court and Mr Durney were the initial documents on the day of trial. I did not file a separate brief.

Sincerely
James R Aboud
Millbrae Police Department