

E060272

**IN THE SUPERIOR COURT OF CALIFORNIA
COUNTY OF RIVERSIDE
APPELLATE DIVISION**

THE PEOPLE,

Plaintiff and Respondent,

v.

VIKTORS ANDRIS REKTE,

Defendant and Appellant.

Appeal from a judgment of the Riverside County Superior Court
The Honorable William A. Anderson, Commissioner
Riverside Superior Court Case No. RR182259VR

**RESPONDENT'S MOTION
TO AUGMENT RECORD ON APPEAL**

OFFICE OF THE CITY ATTORNEY
CITY OF RIVERSIDE
Gregory P. Priamos, State Bar No. 136766
Kristi J. Smith, State Bar No. #120218
*Rosemary Koo, State Bar No. 250927
3900 Main Street, Fifth Floor
Riverside, California 92522
Telephone: (951) 826-5567
Facsimile: (951) 826-5540
rkoo@riversideca.gov
Attorneys for Respondent

MOTION TO AUGMENT RECORD ON APPEAL

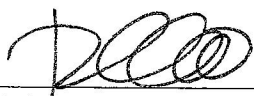
Pursuant to California Rules of Court Rule 8.155(a), Respondent City of Riverside (the "City") respectfully requests augmentation of the record on appeal to include the following:

1. The court pack containing declarations, color photographs, and video recording which were submitted and referenced by the witness at trial, viewed by the court at trial, and admitted into evidence, which were not included in the record on appeal. A true and correct copy of the court pack to be added to the record is attached in CD format as Exhibit 1.

This motion is based on the attached Memorandum of Points and Authorities and Declaration of Rosemary Koo.

DATED: June 5, 2014

GREGORY P. PRIAMOS, City Attorney
KRISTI SMITH, Supervising Deputy
City Attorney
ROSEMARY KOO, Deputy City
Attorney

By: 
ROSEMARY KOO
Attorneys for Defendant
CITY OF RIVERSIDE

MEMORANDUM OF POINTS AND AUTHORITIES

California Rules of Court, Rule 8.155(a) provides in pertinent part that the appellate court may order the record augmented to include “[a]ny document filed or lodged in the case in superior court.”

At the trial on Citation #RR182259VR on May 7, 2013, the court reviewed and entered into evidence a court pack containing four photographs, declarations of co-custodians of records, and a 12-second video recording captured by the automated red light camera system when Appellant entered the intersection of Tyler Street and State Route 91 against a red light.

Color photographs, declarations, and video recording referenced and viewed by the court at trial were admitted into evidence but are missing from the record on appeal.

///

///


///

A true and correct copy of the entire court pack submitted to the court which is to be added to the record herein is attached in CD format as Exhibit 1.

Respectfully submitted,

DATED: June 5, 2014

GREGORY P. PRIAMOS, City Attorney
KRISTI SMITH, Supervising Deputy
City Attorney
ROSEMARY KOO, Deputy City
Attorney

By: 

ROSEMARY KOO
Attorneys for Defendant
CITY OF RIVERSIDE

DECLARATION OF ROSEMARY KOO

I, Rosemary Koo, declare:

1. I am an attorney at law duly admitted to practice before all courts of the State of California and the attorney of record herein for moving party Defendant and Respondent City of Riverside.
2. By this motion, Respondent requests augmentation of the record on appeal to include the court pack which was presented to and considered by the court on May 7, 2013, at trial and entered into evidence.
3. It is critical that the record on appeal contain the evidence which was presented to, reviewed and considered by the court at Appellant's trial.
4. A true and correct copy of the court evidence pack is attached in CD format as Exhibit 1.

I declare under penalty of perjury that the foregoing is true and correct and that this declaration was executed on June 5, 2014, in Riverside, California.



ROSEMARY KOO