

7-19-12

FILED
SUPERIOR COURT
COUNTY OF SAN BERNARDINO
Appellate Division

JUL 19 2012

BY 
CYNTHIA GOMEZ, DEPUTY



Geo. McCalip, President & CEO
California Legal Rights Fund
~~████████████████████~~
Long Beach, CA 90813

July 13, 2012

Superior Court, Appellate Division
401 North Arrowhead Avenue
San Bernardino, CA 92415-0063

To the Honorable Judges of the Appellate Division:

This letter is sent pursuant to Rule of Court 8.1120(a) to request publication of your decision in the case of *People v. Winters*, ACRAS 1100151.

I am sending this letter on behalf of California Legal Rights Fund. We have an interest in seeing this case published because California Legal Rights Fund is chartered to educate the people of California as to their legal rights and we believe this case addresses a fundamental legal right, i.e., the right to confront the witness(es) against you.

While the first point of the decision in this case covers ground previously published in *People v. Khaled* and *People v. Borzakian*, the second point (i.e., the Sixth Amendment issue) covers what we believe to be new ground, at least in regards red light camera cases. Therefore the case would meet the standards set forth in Rules of Court Rule 8.1105(c)(2)&(3).

Further, we are familiar with other red light camera cases in which the Sixth Amendment issue has been raised and therefore believe the case would also meet the standard set forth in Rule 8.1105(c)(6).

For the above stated reasons we respectfully request publication of *People v. Winters*.

Sincerely,



Geo. McCalip, President & CEO
California Legal Rights Fund

cc:
Office of the District Attorney
Superior Court, Victorville District

7-26-12

FILED
SUPERIOR COURT
COUNTY OF SAN BERNARDINO
Appeals Division

JUL 26 2012

BY


GYNTHIA GOMEZ, DEPUTY

GEO. MCCALIP

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LONG BEACH, CA 90813

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Applicant

SUPERIOR COURT OF CALIFORNIA
COUNTY OF SAN BERNARDINO, APPELLATE DIVISION

PEOPLE OF THE STATE OF CALIFORNIA,

Plaintiff,

vs.

~~REDACTED~~ WINTERS

Defendant.

Case No. ACRAS 1100151

Trial Court No. V053926ADW

APPLICATION FOR
EXTENSION OF TIME

Victorville Court

Commissioner Patrick L. Singer

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REQUEST FOR PUBLICATION **EXHIBIT 2**

POINTS AND AUTHORITIES

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STATEMENT OF FACTS

Applicant mailed a request for publication of the above entitled case from Long Beach, CA on July 16, 2012, with a promise from the Postal Service that it would be delivered by July 18, 2012.

Applicant was informed late yesterday that the court had denied the petition because it was not received timely.

GROUND FOR APPLICATION

I. The presiding judge has the authority to extend time.

Per Rule of Court 8.60(b):

Except as these rules provide otherwise, for good cause-or on an exceptional showing of good cause, when required by these rules-the Chief Justice or presiding justice may extend the time to do any act required or permitted under these rules.

II. Good cause exists, per Rule of Court 8.63(b)(11), to extend time.

Applicant acted in good faith by mailing the request with an assurance from the Postal Service that the certified letter (7005 1820 0004 4785 4140) would arrive by the deadline. The tracking feature on the Postal Service web site shows that delivery was expected by July 18, 2012 (Exhibit 1). The fact that the request did not arrive timely was due to factors out of the hands of the applicant.

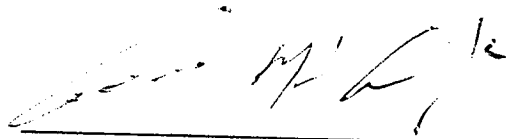
III. Good cause exists, per Rule of Court 8.63(b)(11), to extend time.

Applicant believes the People of California will benefit significantly from publication of this case. The reasons for publication stated in the request (Exhibit 2) should be enough to justify extension of time for one day.

CONCLUSION

Given the above, applicant respectfully requests that the presiding judge grant a retroactive extension until July 19, 2012 (i.e., one day) for receipt of the request for publication in this case.

Submitted on this the 24th day of July, 2012.

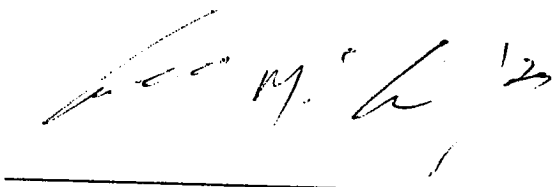


Geo. McCalip

Applicant

WORD COUNT

Per the word count of Microsoft Word this application (excluding exhibits) contains 446 words.



Geo. McCalip