

----- Chew
--- ----- Drive
-----, CA 9-----

Defendant/Petitioner, in Pro Per

IN THE SUPERIOR COURT OF CALIFORNIA
SAN MATEO SUPERIOR COURT
NORTHERN BRANCH COURT

People of the State of California,)	Citation No. _____
)	
Plaintiff,)	(Div./Dept. Traffic)
vs.)	
)	APPLICATION FOR STAY
----- CHEW,)	OF SENTENCE PENDING
)	RESOLUTION OF APPEAL TO
Defendant/Petitioner.)	THE APPELLATE DEPARTMENT
_____)	

APPLICATION FOR STAY OF SENTENCE

Petitioner ----- Chew applies to this court for a stay of sentence in this matter, and states as follows:

1. On March 5, 2010, Petitioner was tried in Div./Dept. Traffic of this Court and was found guilty of a violation of California Vehicle Code Section 21453. Petitioner was sentenced to pay a fine in the amount of \$453.00 by April 19, 2010 and to submit proof of attendance of traffic school by _____.

2. On April 1, 2010, Petitioner filed a Notice of Appeal in this matter.

3. Petitioner asks this Court to grant a stay of the sentence, to allow the Appellate Department adequate time to consider the appeal.

4. Each of the criteria for a stay is satisfied in this case, to wit:

A. IRREPARABLE INJURY

5. If the requested stay is not granted, Petitioner will be forced pay a substantial fine by April 19, 2010. Said payment will cause a financial hardship to Petitioner due to the fact that

Petitioner works ----- days a week, at \$----- per hour and must pay for household expenses such as food, utilities, water and garbage, telephone, insurance, commuting, medical, and school expenses, among other expenses for a family of ----- persons, which will affect Petitioner during the time Petitioner's appeal is pending, including an adverse effect on Petitioner's ability to complete the tasks associated with the appeal, which effects will not be reversible or reparable when a year or more later the Court returns the fine money following Petitioner's success at appeal.

6. Further, with regard to the ordered attendance at traffic school, if the requested stay is not granted Petitioner will be forced to choose between two lose - lose propositions regarding traffic school. (1) If Petitioner chooses to not attend traffic school by the presently-ordered due date, a demerit point will be added to Petitioner's driving record, and the presence of that point may affect Petitioner's employment, employability, and/or insurability, which effect will not be reversible or repairable when a year or more later the Court removes the demerit point following Petitioner's success at appeal. (2) If, despite the pending appeal, Petitioner instead chooses to attend traffic school by the presently-ordered due date, the money and time Petitioner expends to do so will be unrecoverable following Petitioner's success at appeal.

B. NO SUBSTANTIAL HARM TO OTHER PARTIES

7. There will be no substantial harm to other parties, or prejudice to their rights, if a temporary stay of sentence is granted to Petitioner.

C. SERVES THE PUBLIC INTEREST

8. Although there could be competing public interests, the fact that hundreds or thousands of local members of the public are being prosecuted under the exact same circumstances as Petitioner favors the granting of the temporary relief sought.

D. LIKELIHOOD THAT PETITIONER WILL PREVAIL IN APPEAL

9. In this case brought by ----- (the "City"), the likelihood that Petitioner will prevail in appeal is demonstrated by the successful appeal in a nearly identical case prosecuted by Daly City.

(P. v. Lopez, Appeal AD-5120, Decided on Feb. 4, 2010 by the Appellate Department of the San Mateo Superior Court.) In that case, the sole argument defendant/appellant Lopez' briefed at appeal was whether the "cost neutral" contract language contained in the City's contract with its camera vendor rendered the City's evidence inadmissible. At trial, Petitioner briefed the same argument, and intends to brief it at appeal. (Petitioner's trial brief is part of the record in this matter.)

CONCLUSION

As demonstrated, Petitioner meets the standards attendant to the granting of a stay of sentence. A stay of sentence is appropriate here.

Respectfully submitted:

Dated: _____

(Sign) _____

(Print name) ----- Chew
Appellant/Petitioner, in Pro Per