

SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN BERNARDINO  
VICTORVILLE DISTRICT  
MINUTE ORDER

CASE NO: V053926ADW

DATE: 10/04/11

CASE TITLE: PEOPLE OF THE STATE OF CALIFORNIA  
vs.  
[REDACTED] WINTERS

-----  
DEPT: V14 10/04/11 TIME: 8:30 am COURT TRIAL  
-----

CHARGES: 1) 21453(A) VC-I

9:45

PATRICK L SINGER, COMMISSIONER

Clerk: MaryAnn Chavez

Defendant present.

Officer present.

-

PROCEEDINGS

Action came on for Court Trial

Court Trial Proceeds.

People's Witness OFFICER HILL/FELIX sworn and testifies.

People REST.

Defense Witness, [REDACTED] WINTERS is sworn and testifies.

-

MOTIONS

DEFENDANT'S Motion TO DISMISS CITATION is DENIED.

DEFENDANT'S Motion TO DISMISS EVIDENCE(PHOTOS) is DENIED.

Defense REST.

-

FINDINGS/ADVISALS:

Court finds Defendant GUILTY as to Count(s) 1.

-

SENTENCING INFORMATION

For all charges.

As to Count(s) 1, court orders a fine imposed in the amount of \$200.00.

Number of convicted counts 001 with a conviction assessment fee included.

-

Apply bail to fine.

BALANCE TO BE RETURNED TO BAILOR

-

CUSTODY STATUS

Defendant Released.

Copy of Minute Order given to defendant.

===== MINUTE ORDER END =====

# CR-142

## Notice of Appeal and Record of Oral Proceedings (Infraction)

Clerk stamps date here when form is filed.

**FILED**  
 SUPERIOR COURT OF CALIFORNIA  
 COUNTY OF SAN BERNARDINO  
 VICTORVILLE DISTRICT

**NOV 01 2011**

BY Lonette LeBaron  
 LONETTE LeBARON, DEPUTY

### Instructions

- This form is only for appealing in an **infraction** case, such as a case about a traffic ticket. You can get other forms for appealing in a civil or misdemeanor case at any courthouse or county law library or online at [www.courtinfo.ca.gov/forms](http://www.courtinfo.ca.gov/forms).
- Before you fill out this form, read *Information on Appeal Procedures for Infractions* (form CR-141-INFO) to know your rights and responsibilities. You can get form CR-141-INFO at any courthouse or county law library or online at [www.courtinfo.ca.gov/forms](http://www.courtinfo.ca.gov/forms).
- You must file this form **no later than 30 days after the trial court issued the judgment or order you are appealing** (see rule 8.902(b) of the California Rules of Court for very limited exceptions). **If your notice of appeal is late, the court will not take your appeal.**
- Fill out this form and make a copy of the completed form for your records.
- Take or mail the completed form to the clerk's office for the same trial court that issued the judgment or order you are appealing. It is a good idea to take or mail an extra copy to the clerk and ask the clerk to stamp it to show that the original has been filed.

You fill in the name and street address of the court that issued the judgment or order you are appealing:

Superior Court of California, County of  
San Bernardino  
Victorville Superior Court  
14455 Civic Center Drive  
Victorville CA 92392

You fill in the number and name of the trial court case in which you are appealing the judgment or order:

Trial Court Case Number:  
V053926 ADW

Trial Court Case Name:  
 The People of the State of California  
 v. [Redacted] vs Winters

### 1 Your Information

a. Appellant (the party who is filing this appeal):

Name: [Redacted] Winters

Street address: [Redacted] Street Hesperia CA 92345  
Street City State Zip

Mailing address (if different): \_\_\_\_\_  
Street City State Zip

Phone: (760) [Redacted] E-mail (optional): \_\_\_\_\_

The clerk will fill in the number below:

Appellate Division Case Number:

b. Appellant's lawyer (skip this if the appellant is filling out this form):

The lawyer filling out this form (check (1) or (2)):

(1)  was the appellant's lawyer in the trial court. (2)  is the appellant's lawyer for this appeal.

Name: \_\_\_\_\_ State Bar number: \_\_\_\_\_

Street address: \_\_\_\_\_  
Street City State Zip

Mailing address (if different): \_\_\_\_\_  
Street City State Zip

Phone: ( ) \_\_\_\_\_ E-mail (optional): \_\_\_\_\_

Fax (optional): ( ) \_\_\_\_\_

Trial Court Case Number:  
VO5 3926 AKW

Trial Court Case Name: \_\_\_\_\_

**2 Judgment or Order You Are Appealing**

I am/My client is appealing (check a, b, or c):

- a.  the final judgment of conviction in the case (Penal Code section 1466(2)(A)).  
The trial court issued (rendered) this judgment on (fill in the date): October 4/2011
- b.  an order made by the trial court after judgment that affects an important (substantial) right of mine/my client (Penal Code section 1466 (2)(B)).  
The trial court issued this order on (fill in the date): \_\_\_\_\_
- c.  other (describe the action you are appealing and indicate the date the trial court took the action):  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Record of the Oral Proceedings**

You do not have to provide the appellate division with a record of what was said in the trial court (this is called a record of the "oral proceedings"). But if you do not, the appellate division will not be able to consider what was said during those proceedings in determining whether an error was made in the trial court proceedings.

**3 I elect (choose)/My client elects to proceed (check a or b):**

- a.  WITHOUT a record of the oral proceedings in the trial court (skip item 4; sign and date this form). I understand that if I proceed without a record of the oral proceedings, the appellate division will not be able to consider what was said during those proceedings in deciding whether a legal error was made.  
(Write initials here): \_\_\_\_\_
- b.  WITH a record of the oral proceedings in the trial court (complete item 4 below). I understand that, if I elect (choose) to proceed WITH a record of the oral proceedings in the trial court, I have to choose the record I want and take the actions described below to make sure this record is provided to the appellate division. I understand that if I do not take the actions described below and the appellate division does not receive this record, I am not likely to succeed in my appeal.  
(Write initials here): DW

**4 I want to use the following record of what was said in the trial court proceedings in my case (check and complete only one—a, b, c, or d):**

- a.  **Statement on Appeal.** A statement on appeal is a summary of the trial court proceedings approved by the trial court. See form CR-141-INFO for information about preparing a proposed statement. (Check (1) or (2)):

Trial Court Case Number:

V05 3926 ADW

Trial Court Case Name: \_\_\_\_\_

4 a. (continued)

- (1)  I have attached my proposed statement on appeal to this notice of appeal. *(If you are not represented by an attorney in this appeal, you must use Proposed Statement on Appeal (Infraction) (form CR-143) to prepare and file this proposed statement. You can get form CR-143 at any courthouse or county law library or online at www.courtinfo.ca.gov/forms.)*
- (2)  I have NOT attached my proposed statement. I understand that I must serve and file this proposed statement in the trial court within 20 days of the date I file this notice of appeal and that if I do not file the proposed statement on time, the court may dismiss my appeal.

OR

- b.  **Transcript From Official Electronic Recording.** *This option is available only if an official electronic recording was made of what was said in the trial court. Check with the trial court to see if an official electronic recording was made in your case before choosing this option. (Check (1) or (2)):*
- (1)  I will pay the trial court clerk's office for this transcript myself. I understand that if I do not pay for this transcript, it will not be prepared and provided to the appellate division.
- (2)  I am asking that this transcript be prepared at no cost to me because I cannot afford to pay this cost. I have completed and attached *Defendant's Financial Statement on Eligibility for Appointment of Counsel and Reimbursement and Record on Appeal at Public Expense* (form MC-210). *(You can get form MC-210 at any courthouse or county law library or online at www.courtinfo.ca.gov/forms. The court will review this form to decide if you are eligible for a free transcript.)*

OR

- c.  **Copy of Official Electronic Recording.** *This option is available only if an official electronic recording was made of what was said in the trial court, the court has a local rule for the appellate division permitting the use of the official electronic recording itself as the record of the proceedings, and you and the respondent (the prosecuting agency) have agreed (stipulated) that you want to use the official electronic recording itself as the record of what was said in your case. Check with the trial court to see if an official electronic recording was made in your case before choosing this option. You must attach a copy of the agreement (stipulation) between you and the respondent to this notice. (Check (1) or (2)):*
- (1)  I will pay the trial court clerk's office for this official electronic recording myself. I understand that if I do not pay for this recording, it will not be provided to the appellate division.
- (2)  I am asking that this official electronic recording be provided at no cost to me because I cannot afford to pay this cost. I have completed and attached *Defendant's Financial Statement on Eligibility for Appointment of Counsel and Reimbursement and Record on Appeal at Public Expense* (form MC-210). *(You can get form MC-210 at any courthouse or county law library or online at www.courtinfo.ca.gov/forms. The court will review this form to decide if you are eligible for a free copy of the official electronic recording.)*

Trial Court Case Number:

V053926AWL

Trial Court Case Name: \_\_\_\_\_

4 (continued)

OR

d.  **Reporter's transcript.** *This option is available only if there was a court reporter in the trial court who made a record of what was said in court. Check with the trial court to see if there was a court reporter in your case before choosing this option. (Check (1) or (2)):*

(1)  I will pay the trial court clerk's office for this transcript myself when I receive the court reporter's estimate of the cost of the transcript. I understand that if I do not pay for this transcript, it will not be prepared and provided to the appellate division.

(2)  I am asking that this transcript be prepared at no cost to me because I cannot afford to pay the cost. I have completed and attached *Defendant's Financial Statement on Eligibility for Appointment of Counsel and Reimbursement and Record on Appeal at Public Expense* (form MC-210). *(You can get form MC-210 at any courthouse or county law library or online at [www.courtinfo.ca.gov/forms](http://www.courtinfo.ca.gov/forms). The court will review this form to decide if you are eligible for a free reporter's transcript.)*

**REMINDER:** Except in the very limited circumstances listed in rule 8.902(b), you must file this form no later than 30 days after the trial court issued the judgment or order you are appealing in your case. If your notice of appeal is late, the court will not take your appeal.

Date:

OCT 29, 2011

~~\_\_\_\_\_~~ WINTERS

Type or print your name

~~\_\_\_\_\_~~ \_\_\_\_\_

Signature of appellant or attorney

PEOPLE OF THE STATE OF CALIFORNIA

CASE NUMBER V053926ADW

vs.

 Winters

PROOF OF SERVICE BY MAIL

I am over the age of 18 and not a party to this action.

I reside at , California in the County of San Bernardino.

I served copies of the "CR-142 Notice of Appeal and Record or Oral Proceedings (infraction)" in the above case by enclosing them in envelopes and depositing the sealed envelopes with the United States Postal Service with the postage fully prepaid.

The envelopes were addressed and mailed as follows:

Address:

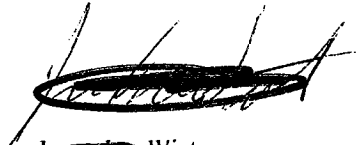

Victorville Superior Court  
14455 Civic Center Drive  
Victorville Ca 92392

Date Mailed: October 31, 2011

Mailed From: Hesperia, California

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

October 31, 2011

  
 Winters

SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN BERNARDINO  
APPEALS & APPELLATE DIVISION  
401 NORTH ARROWHEAD AVENUE, SAN BERNARDINO, CA 92415-0063

PEOPLE OF THE STATE OF CALIFORNIA, )  
Plaintiff, )  
vs. ) CASE NO.: V053926ADW  
 )  
~~XXXXXXXXXX~~ WINTERS )  
Defendant. )  
\_\_\_\_\_ )

CLERK'S NOTIFICATION OF FILING OF NOTICE OF APPEAL

DISTRICT ATTORNEY  
APPELLATE SERVICES UNIT  
412 Hospitality Lane, First Floor  
San Bernardino, CA 92415-0042

**FILED**  
COUNTY OF SAN BERNARDINO  
SUPERIOR COURT  
APPEALS DIVISION  
NOV 02 2011  
By: Carolyn Selber  
Deputy Clerk

You are hereby notified, pursuant to the California Rules of Court that a Notice of Appeal was filed in the aforementioned case as indicated below:

NOTICE OF APPEAL FILED 11/01/2011.

Any subsequent appeal documents filed prior to the certification of the record to the Superior Court Appellate Division are to be filed at the court address noted at the top of this notice.

Dated: 11/02/11

By: Carolyn Selber  
Deputy Clerk

I hereby declare that I am over the age of eighteen years, employed in the County of San Bernardino, State of California, and not a party to nor interested in the above-mentioned case. I am a deputy clerk of the said court and on the date shown below, I mailed a copy of the Clerk's Notification of Filing of Notice of Appeal by mailing in an envelope to the interested party for collection and mailing this date following ordinary business practices.

At the time of said mailing, there was regular communication by mail between the place of mailing and the place so addressed.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on 11/02/11 in Victorville, CA.

By: Carolyn Selber  
Deputy Clerk

cc Superior Court Appellate Division

11/01 CNOAL

# CR-143

## Proposed Statement on Appeal (Infraction)

### Instructions

- This form is only for preparing a statement on appeal in an **infraction** case, such as a case about a traffic ticket.
- Before you fill out this form, read *Information on Appeal Procedures for Infractions* (form CR-141-INFO) to know your rights and responsibilities. You can get form CR-141-INFO at any courthouse or county law library or online at [www.courtinfo.ca.gov/forms](http://www.courtinfo.ca.gov/forms).
- This form can be filed at the same time as your notice of appeal. If it is not filed with your notice of appeal, this form must be filed **no later than 20 days after you file your notice of appeal. If you have chosen to use a statement on appeal and do not file this form on time, the court may dismiss your appeal.**
- Fill out this form and make a copy of the completed form for your records and for each of the other parties.
- You must serve a copy of the completed form on each of the other parties in the case and keep proof of this service. You can get information about how to serve court papers and proof of service from *What Is Proof of Service?* (form APP-109-INFO) and on the California Courts Online Self-Help Center at [www.courtinfo.ca.gov/selfhelp/lowcost/getready.htm#serving](http://www.courtinfo.ca.gov/selfhelp/lowcost/getready.htm#serving).
- Take or mail the completed form and proof of service on each of the other parties to the clerk's office for the same trial court that issued the judgment or order you are appealing. It is a good idea to take or mail an extra copy to the clerk and ask the clerk to stamp it to show that the original has been filed.

Clerk stamps date here when form is filed.

**FILED**  
 SUPERIOR COURT OF CALIFORNIA  
 COUNTY OF SAN BERNARDINO  
 VICTORVILLE DISTRICT

**NOV 21 2011**

BY Lonette LeBaron  
 LONETTE LeBARON, DEPUTY

You fill in the name and street address of the court that issued the judgment or order you are appealing:

**Superior Court of California, County of Victorville Superior Court**  
 14455 Civic Center Drive  
 Victorville Ca 92392

You fill in the number and name of the trial court case in which you are appealing the judgment or order:

**Trial Court Case Number:**  
 V053926ADW

**Trial Court Case Name:**  
 The People of the State of California  
 v. [REDACTED] Winters

You fill in the appellate division case number (if you know it):

**Appellate Division Case Number:**

### 1 Your Information

a. Appellant (the party who is filing this appeal):

Name: Donovan James Winters

Street address: [REDACTED] Hesperia Ca 92345  
Street City State Zip

Mailing address (if different): \_\_\_\_\_  
Street City State Zip

Phone: (760) [REDACTED] E-mail (optional): \_\_\_\_\_

b. Appellant's lawyer (skip this if the appellant is filling out this form):

The lawyer filling out this form (check (1) or (2)):

(1)  was the appellant's lawyer in the trial court. (2)  is the appellant's lawyer for this appeal.

Name: \_\_\_\_\_ State Bar number: \_\_\_\_\_

Street address: \_\_\_\_\_  
Street City State Zip

Mailing address (if different): \_\_\_\_\_  
Street City State Zip

Phone: ( ) \_\_\_\_\_ E-mail (optional): \_\_\_\_\_

Fax (optional): ( ) \_\_\_\_\_



Trial Court Case Number:  
V053926ADW

Trial Court Case Name: [REDACTED] s Winters

**Information About Your Appeal**

2 On (fill in the date): October 31 2011, I/my client filed a *Notice of Appeal and Record of Oral Proceedings (Infraction)*, choosing to use a statement on appeal as the record of what was said in this case.

**Proposed Statement**

3 **The Charges Against Me/My Client**

- a. If the charges against you/your client are based on a citation (ticket) you received, provide the citation number (fill in the citation number from your ticket): V053926A
- b. The charges against me/my client were (list all of the charges indicated on the citation or complaint filed by the prosecutor with the court): Failing to stop for a red light 21-153(A) VC-1

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- c. I/My client (check (1), (2), or (3))
  - (1)  pleaded not guilty to all of the charges.
  - (2)  pleaded guilty to only the following charges: \_\_\_\_\_
  - (3)  pleaded guilty to all of the charges.

4 **Summary of Any Motions**

- a. Were any motions (requests for the trial court to issue an order) made in this case?
  - Yes (fill out b)       No (go to item 5)
- b. In the spaces below, describe any motions (requests for orders) made in the trial court. Write a complete and accurate summary of what was said at any hearings on these motions and indicate how the trial court ruled on these motions:
  - (1)  I/My client made the following requests (motions) in the trial court (check all that apply):
    - (a)  To submit a photograph or photographs as evidence (describe the photographs): \_\_\_\_\_

There  was  was not a hearing on this motion.

If there was a hearing on this motion, write a complete and accurate summary of what was said at this hearing: \_\_\_\_\_

The court  did  did not accept the photographs.

Check here if you need more space to describe the motion and attach a separate page or pages describing it. At the top of each page write "CR-143, item 4b(1)(a)."



4 b(1) (continued)

(b)  To submit a map or maps as evidence (describe the maps):

\_\_\_\_\_

There  was  was not a hearing on this motion.

If there was a hearing on this motion, write a complete and accurate summary of what was said at this hearing: \_\_\_\_\_

\_\_\_\_\_

The court  did  did not accept the maps.

Check here if you need more space to describe the motion and attach a separate page or pages describing it. At the top of each page write "CR-143, item 4b(1)(b)."

(c)  To submit other material as evidence (describe what you asked to submit as evidence in the trial court): \_\_\_\_\_

\_\_\_\_\_

There  was  was not a hearing on this motion.

If there was a hearing on this motion, write a complete and accurate summary of what was said at this hearing: \_\_\_\_\_

\_\_\_\_\_

The court  did  did not accept this material.

Check here if you need more space to describe the motion and attach a separate page or pages describing it. At the top of each page write "CR-143, item 4b(1)(c)."

(d)  Other (describe any other request you made in the trial court and whether the court granted or denied this request): \_\_\_\_\_

\_\_\_\_\_

Check here if you need more space to describe the motion and attach a separate page or pages describing it. At the top of each page write "CR-143, item 4b(1)(d)."

(2)  The prosecutor made the following request (motion) in the trial court (describe any request the prosecutor made in the trial court and whether the court granted or denied this request):

\_\_\_\_\_

\_\_\_\_\_





Trial Court Case Number:  
V053926ADW

Trial Court Case Name: [REDACTED] Winters

6 (continued)

c. The following charges were dismissed after proof of correction was shown to the judge (list all of the charges that were dismissed):

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

7 The Sentence

The trial court imposed the following fine or other punishment on me/my client (check all that apply and fill in any required information):

- a.  A fine of (fill in the amount of the fine): \$ 200
- b.  Traffic school
- c.  Community service (fill in the number of hours): \_\_\_\_\_
- d.  Other punishment (describe any other punishment that the court imposed on you):

\_\_\_\_\_  
\_\_\_\_\_

8 Reasons for Your Appeal

Remember, in an appeal, the appellate division can only review a case for whether certain kinds of legal errors were made in the trial court proceedings (read form CR-141-INFO to learn about these legal errors):

- There was not "substantial evidence" supporting the judgment, order, or other decision you are appealing
- A "prejudicial error" was made during the trial court proceedings.

The appellate division:

- Cannot retry your case or take new evidence
- Cannot consider whether witnesses were telling the truth or lying
- Cannot consider whether there was more or stronger evidence supporting your position than there was supporting the trial court's decision

(Check all that apply and describe the legal error or errors you believe were made that are the reason for this appeal.)

- a.  There was not substantial evidence that supported the judgment, order, or other decision I am/my client is appealing in this case. (Explain why you think the judgment, order, or other decision was not supported by substantial evidence):

The only "evidence" admitted was hearsay without sufficient foundation.  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Trial Court Case Number:  
V053926ADW

Trial Court Case Name: [Redacted] Winters

8 (continued)

b.  The following error or errors about either the law or court procedure was/were made that caused substantial harm to me/my client. (Describe each error and how you were/your client was harmed by that error.)

(1) Describe the error: \_\_\_\_\_  
Due process. Defendant was not allowed to face his accuser.

Describe how this error harmed you/your client: \_\_\_\_\_  
Defendant was not allowed to properly challenge the "evidence."

(2) Describe the error: \_\_\_\_\_  
Judicial error. Judge Singer erred in ruling the photos and video were admissible.

Describe how this error harmed you/your client: \_\_\_\_\_  
Without the photos and video the court would have to dismiss the case.

(3) Describe the error: \_\_\_\_\_  
Judicial error. Judge Singer erred in ruling that Defendant had to subpoena witness(es) from Redflex.

Describe how this error harmed you/your client: \_\_\_\_\_  
This denied Defendant the right to question the person who could have properly laid the foundation for the evidence and thereby properly challenge the evidence.

Check here if you need more space to describe these or other errors and attach a separate page or pages describing the errors. At the top of each page, write "CR-143, item 8."

**REMINDER: You must serve and file this form no later than 20 days after you file your notice of appeal. If you do not file this form on time, the court may dismiss your appeal.**

Date: November 18 2011

[Redacted] Winters  
Type or print name

[Signature] \_\_\_\_\_  
Signature of appellant or attorney

*CR-143, item 4b(3)*

Motion to dismiss on the grounds that the officer's testimony was hearsay was denied.  
The pertinent facts are established in Item 5c.

*CR-143, Item 5c*

The pertinent part of the officer's testimony is that:

She was not qualified to answer the question, "Who manufactures the computer system that is running these red light cameras?"

She did not know what model the computer was.

She did not have knowledge of what operating system Redflex uses to operate the computers that operate the cameras in Victorville.

She did not know what encryption process is used for the photos.



PEOPLE OF THE STATE OF CALIFORNIA

CASE NUMBER V053926ADW

vs.

Donovan James Winters

PROOF OF SERVICE BY MAIL

I am over the age of 18 and not a party to this action.

I reside at [REDACTED] California in the County of San Bernardino.

I served copies of the "CR-143 Proposed Statement on Appeal (Infraction)" in the above case by enclosing them in envelopes and depositing the sealed envelopes with the United States Postal Service with the postage fully prepaid.

The envelopes were addressed and mailed as follows:

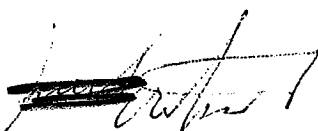
Address:

Victorville Superior Court  
14455 Civic Center Drive  
Victorville Ca 92392

*144*  
Date Mailed: November 19<sup>th</sup>, 2011

Mailed From: Hesperia, California

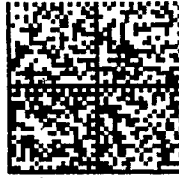
I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.



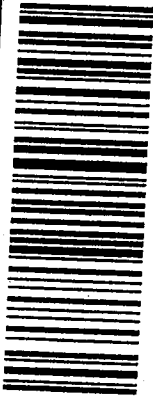
*November 19<sup>th</sup>*  
October 19, 2011

[REDACTED] Winters

GE  
90  
2011



PLACE STICKER AT TOP OF ENVELOPE TO THE RIGHT  
OF THE RETURN ADDRESS. FOLD AT DOTTED LINE.  
**CERTIFIED MAIL**<sup>SM</sup>



7011 1150 0000 8058 0856

Winter

~~722-1-1111~~

Hesperia, CA

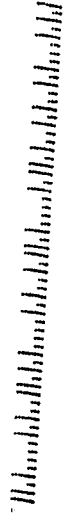
92345

Victorville Superior Court

17455 Core Center Drive

Victorville CA

92392



**CR-144**

**Order Concerning Appellant's Proposed Statement on Appeal (Infraction)**

Clerk stamps date here when form is filed.  
**FILED**  
SUPERIOR COURT  
COUNTY OF SAN BERNARDINO  
APPEALS DIVISION  
DEC 8 2011  
BY Carolyn Solber  
DEPUTY

1 The court has received and reviewed the *Proposed Statement on Appeal* (form CR-143) filed by the appellant on (fill in date): 11/21/11

2 The court makes the following order:

a.  The court certifies that parts 3 through 7 of the statement as proposed by the appellant are a complete and accurate summary of the trial court proceedings. This statement is ready to be sent to the appellate division.

b.  The following corrections are needed in order for parts 3 through 7 of the statement proposed by the appellant to be a complete and accurate summary of the trial court proceedings.

(1) \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

(2) \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

(3) \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Clerk fills in the name and street address of the court:  
Superior Court of California, County of  
SAN BERNARDINO  
VICTORVILLE DISTRICT  
14455 CIVIC DRIVE  
SUITE 100  
VICTORVILLE, CA 92392

Clerk fills in the number and name of the case:  
Trial Court Case Number:  
V053926ADW  
Trial Court Case Name:  
The People of the State of California  
v. ~~\_\_\_\_\_~~ WINTERS

Clerk fills in the number below:  
Appellate Division Case Number:

This modified statement must be sent to the parties.

c.  More corrections than could be listed above were needed in order for parts 3 through 7 of the statement proposed by the appellant to be a complete and accurate summary of the trial court proceedings. A corrected statement is attached to this order. This modified statement must be sent to the parties.

d.  The trial court proceedings in this case were reported by a court reporter or officially recorded electronically under Government Code section 69957. Instead of correcting this statement, the court orders under rule 8.916(d)(6)(B) that a transcript be prepared as the record of these proceedings. (Check the court's local rules to make sure the court has not adopted a rule providing that this option is not available.)

e.  This superior court has a local rule for the appellate division authorizing the use of an official electronic recording as the record of the oral proceedings. The trial court proceedings in this case were officially electronically recorded. Instead of correcting this statement, the court orders that a copy of the electronic recording be prepared as the record of these proceedings at the court's expense.

Date: 12-8-11

[Signature]  
Signature of trial court judicial officer



Settled Statement on Appeal, People vs. ██████████ Winters, Case#V053926ADW

Defendant ██████████ Winters was tried for an alleged violation of California Vehicle Code Sections 21453(a), Failing to Stop for a Red Signal, on October 4, 2011 in Department V14 of the Victorville Superior Court, Commissioner Patrick L. Signer presiding. Sheriff's Service Specialist Barbara Hill testified as to the foundation and background for this citation under the Automated Traffic Enforcement System authorized by CVC Sections 21455.5 and 21455.6 by reciting the information contained in the "Foundational Statement" verbatim. That document is attached and is made part of the settled statement. SSS Hill then provided testimony concerning the information contained in the photographs and video contained in the "City of Victorville Court Evidence Package" which is also attached and is made part of the settled statement, including the photos and the video contained on the included DVD. The court then observed the photos and the video. They revealed defendant Winters was eastbound in the number 3 lane on Bear Valley Road approaching the Industrial Boulevard intersection on June 14, 2011 at 1404 hours. The light had been red for .38 seconds when he entered the intersection. The photos observed by the court clearly showed the vehicle behind the limit line with a red light and into the intersection against the red light. The photo of the driver clearly matched the DMV photo of defendant Winters in the package and also matched the defendant who was present in court. The video clearly showed the yellow light met the Caltrans requirement of 4.3 seconds. The photos were authentic depictions of the intersection in question as the court was very familiar with this intersection. Defendant Winters asked if SSS Hill was present at the time of the offense and she testified she was not. He then objected to the evidence on confrontation grounds. The court overruled the objection as the legislature has authorized this type of evidence. Defendant Winters asked several questions including whether she was a Redflex employee, whether she knew the manufacturer or model of the photographic equipment or computers involved, the encryption procedure or the operating system. The court overruled the objections since Defendant Winters had not subpoenaed any Reflex employees and the court found SSS Hill's testimony concerning the operation of the automated system sufficient to authenticate the photographs. Defendant Winters asked SSS Hill about her training in the system and she indicated she has attended training sessions three times since January 2011. Defendant Winters objected to the evidence on hearsay grounds. The objection was overruled since none of SSS Hill's testimony included declarations by an out of court declarant and the photographs and video constituted demonstrative evidence and did not meet any definition of hearsay in the Evidence Code. Defendant Winters did not request a continuance to subpoena any Redflex witnesses or to gather additional evidence. The court found Defendant Winters guilty of the charge and assessed a fine of \$200.

## Foundational Statement

Your Honor, ladies and gentlemen in the court, my name is Barbara Hill, and I am a Sheriff Service Specialist employed by the City of Victorville Police Department. I am currently assigned to the traffic division where my daily responsibilities include review of photo and video data obtained from the Redflex automated traffic enforcement system.

Prior to activating the first Redflex photo red light camera system, and commencing any enforcement action, the City of Victorville followed a series of legal prerequisites mandated by the California Vehicle Code. The following is an overview of those prerequisites:

- On June 19, 2007, the City of Victorville held a public hearing reference the red light camera enforcement system.
- On September 18, 2007, the City of Victorville held another public hearing and approved the red light camera enforcement system.
- Vehicle code 21455.5 and 21455.6 authorizes the City of Victorville to operate an automated traffic enforcement system. Redflex maintains the automated enforcement system under contract, and under supervision of the City of Victorville.
- Pursuant to vehicle code 21455.5(b), there was a warning period for 30 days from March 2, 2008, to April 2, 2008. During this warning period public announcements were made in the form of newspaper articles, and only warning notices were issued for violations captured.
- As required by Vehicle Code 21455.5(a)(1) there are photo enforcement signs clearly indicating the system's presence, and are visible at each of the enforced intersections.
- After review and approval of violations by the Victorville Police Department, a Notice to Appear is issued and mailed within 15 days of the violation, pursuant to 40518(a) of the California Vehicle Code.

The basic review of how the Redflex traffic enforcement system works is as follows:

The Redflex automated enforcement system is designed and installed to capture violations of CVC 21453(a) and 21453(c) of the California Vehicle Code at intersections designated by the City of Victorville. California vehicle code 21453(a) requires that a driver facing a steady circular red signal shall stop at a marked limit line, before entering the crosswalk, or if none, before entering the intersection. 21453(c) requires that a driver facing a steady red arrow signal shall not enter the intersection to make the movement indicated by the arrow, and shall stop at a clearly marked limit line, or if none, before entering the intersection.

The process of recording an incident occurs during the red phase function only; it is inactive during the green and amber signal phases. The signal light phasing is set per Cal Trans standards by the City of Victorville. Specific timing charts and maintenance records can be obtained from the city's traffic engineering department.

After the signal turns red, there is a 1/10<sup>th</sup> second delay before the system will capture a violation. A vehicle must be traveling 15 – 17mph or greater for the system to capture a straight through violation, and 12 – 15mph for the system to capture a left turn violation.

During the red phase when the roadway sensors detect a violation, the system activates, and three digital cameras record four still images and a video. Each of the images are encrypted and embedded with a data bar at the top of the photograph that contains information particular to that incident, including the date and time of the incident, the location, the lane the vehicle was in, the posted speed limit, the time into the red cycle, and the elapsed time since activation. The computer itself generates the information in the data bar at the time the incident is captured. The video is obtained by a video camera running constantly to a six second buffer. Once the last photograph is obtained, the video capture takes place. In the video capture, the last 6 seconds in the buffer and the subsequent 6 seconds are saved as part of the incident data file resulting in a 12 second video clip.

Each of the photographs is signed with a digital signature, which is created based upon the location where the incident was captured and stored. All recorded incidents are downloaded from the computer at the intersection locations to Redflex via a virtual private network (VPN). A VPN provides security for the data by protecting the data being transferred from interception as it moves from the remote location to the servers at Redflex.

The camera systems date and time are synchronized to a government atomic clock each time incidents are downloaded to ensure that the date and time of the violation are correct. This takes place multiple times per day at ½ hour and hourly intervals. Multiple sources are queried to verify the date and time, including time.nist.gov.

Once downloaded to Redflex the incident is stored on a secure server. Redflex employees then use a copy of the original data files to review and work with during processing. Redflex personnel do not reject any incidents except those that fit specific guidelines set by the City of Victorville. If an incident does not fit those guidelines then it is sent to Victorville Police Department for further processing and review.

Onsite maintenance consists of a maintenance technician from Reflex responding to any issues that are observed by processing personnel at Redflex or by the Victorville Police, and also includes monthly inspections of the equipment at each location. A maintenance log is generated and copies are available from Redflex upon request. Additionally, personnel from the Victorville Police Department inspect each location for traffic flow, proper signage, and signal time operation.

The citations being presented today were issued as a result of photo and video data collected by the Redflex automated traffic enforcement system. Each citation packet that will be presented today to the court includes the following:

- Citation
- Declaration of Custodian of Records.
- Photo 1, showing the defendant's vehicle behind the limit line with the traffic signal in the red.
- Photo 2, showing the defendant's vehicle through the intersection and the traffic signal still in the red.
- Photo 3, showing a face image of the driver in the vehicle.
- Photo 4, showing the license plate number of the vehicle.
- A copy of Nomination forms if applicable.
- A printout of the vehicle registration obtained from the California Law Enforcement Telecommunications system known as (CLETS).
- A printout of the driver's driving record from CLETS.
- A printout of the driver's face photo from Photo 3 of the citation.
- A printout of the driver's photo from the California Department of Justice Cal-Photo Image Network.
- A CD with a 12 second video showing the vehicle committing the violation.

COUNTY OF SAN BERNARDINO  
DECLARATION OF SERVICE BY MAIL

STATE OF CALIFORNIA

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)  
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CASE NO:V053926ADW

COUNTY OF SAN BERNARDINO

THE UNDERSIGNED HEREBY DECLARES: I AM A CITIZEN OF THE UNITED STATES OF AMERICA, OVER THE AGE OF EIGHTEEN YEARS, A RESIDENT OF THE ABOVE-NAMED STATE, AND NOT A PARTY TO NOR INTERESTED IN THE PROCEEDINGS NAMED IN THE TITLE OF THE ANNEXES DOCUMENT. I AM A DEPUTY COUNTY CLERK OF SAID COUNTY. I AM READILY FAMILIAR WITH THE BUSINESS PRACTICE FOR COLLECTION AND PROCESSING OF CORRESPONDENCE FOR MAILING WITH THE UNITED STATES POSTAL SERVICE. CORRESPONDENCE WOULD BE DEPOSITED WITH THE UNITED STATES POSTAL SERVICE THAT SAME DAY IN THE ORDINARY COURSE OF BUSINESS. ON THE DATE OF MAILING SHOWN BELOW, I PLACED FOR COLLECTION AND MAILING FOLLOWING ORDINARY BUSINESS PRACTICES, AT THE REQUEST AND UNDER THE DIRECTION OF THE COUNTY CLERK AND EX-OFFICIO CLERK OF THE SUPERIOR COURT IN AND FOR THE STATE OF CALIFORNIA AND COUNTY ABOVE-NAMED, WHOSE OFFICE IS AT THE 401 NORTH ARROWHEAD AVENUE, SAN BERNARDINO, CALIFORNIA, A SEALED ENVELOPE WHICH CONTAINED A TRUE COPY OF EACH ANNEXED DOCUMENT, AND WHICH ENVELOPE WAS ADDRESSED TO THE ADDRESSEE, AS FOLLOWS:

~~██████████~~ WINTERS  
~~██████████~~  
HESPERIA, CA 92345

NAME OF DOCUMENT MAILED: ORDER CONCERNING APPELLANT'S PROPOSED STATEMENT ON APPEAL WITH CORRECTIONS

AT THE TIME OF SAID MAILING, THERE WAS A REGULAR COMMUNICATION BY MAIL BETWEEN THE PLACE OF MAILING AND THE PLACE SO ADDRESSED.

I DECLARE UNDER PENALTY OF PERJURY THAT THE FOREGOING IS TRUE AND CORRECT.

EXECUTED ON December 9, 2011, AT SAN BERNARDINO, CALIFORNIA.

Carolyn Solberg, DEPUTY  
Carolyn Solberg

PROOF OF SERVICE





1 STATE OF CALIFORNIA )  
2 COUNTY OF SAN BERNARDINO )  
3 )  
4 )

Case No V053926ADW

Appellate Case No. \_\_\_\_\_

5 I, the Court Executive Officer and Deputy Clerk of the Superior Court of California,  
6 County of San Bernardino and custodian of the records of said court, do hereby certify the  
7 foregoing to be a full, true and correct copy of the documents requested and/or specifically  
8 listed on the index pages of the Clerk's Transcript, as the same now appears on file in this  
9 office.

10 **IN WITNESS WHEREOF**, I have hereunto set my hand and affixed the seal of the  
11 Superior Court this 27<sup>TH</sup> day of DECEMBER, 2011.



**STEPHEN H. NASH, Court Executive Officer**

By Carolyn Solber  
Deputy Clerk

**CLERK'S CERTIFICATE RE: SERVICE**

16 I am a Deputy Clerk of the Superior Court of California, County of San Bernardino, do  
17 hereby certify that:

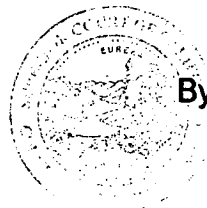
18 One copy of the Clerk's Transcript(s) were served on the following parties on the dates  
19 indicated:

20 **FOR APPELLANT:**  **IN PRO PER**  **ATTORNEY** DEC 28 2011  
**DISTRICT ATTORNEY:** DEC 28 2011  
21 **FOR RESPONDENT:**  **IN PRO PER**  **ATTORNEY** \_\_\_\_\_  
22 **OTHER:** \_\_\_\_\_

23 The original Clerk's Transcript(s) were certified to the Superior Court of California,  
24 County of San Bernardino, Appellate Division on: DEC 28 2011

**STEPHEN H. NASH, Court Executive Officer**

25 Dated: DEC 28 2011



By Carolyn Solber  
Deputy Clerk