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Honorable Ronald M. George, Chief Justice  
and the Associate Justices  
California Supreme Court  
350 McAllister Street  
San Francisco, CA 94102-7303

Re: Opposition to Requests for Depublication of the decision of the Orange County Superior Court of California, Appellate Division, in *People v. Park*, as submitted by the cities of Santa Ana and West Hollywood.

Dear Chief Justice George and Associate Justices:

As trial and appellate counsel on several cases involving red light cameras, I am writing this letter in opposition to the letters submitted by the cities of Santa Ana and West Hollywood requesting depublication of the Orange County Superior Court of California, Appellate Division, in *People v. Park*, 30-2009-00329670 (Orange County Super. Ct., Ap. Div., filed July 23, 2010) (*Park*), a copy of that opinion is attached. This request is made pursuant to Rule 8.1125(b) of the California Rules of Court.

#### Counsel's Interest in Publication

As counsel for Defendant/Appellant [REDACTED] Romero in *People v. Romero*, (Orange County Superior Court Appellate Division, 30-2009-00270350, decided - January 28, 2010) which the Court did not certify for publication, I have an interest in this Court taking no action to depublish the *Park* case. The Appellate Division's ruling in *Romero* was nearly identical to its ruling in *Park*. If *Park* is depublished, the same issues will have to be re-litigated in Orange County and other counties throughout the state. Additionally, the general public has an interest in the proper administration of justice in the traffic courts. As an attorney whose practice is limited almost exclusively to traffic ticket defense, I have seen first hand the broad variance in application the law relating to red light camera cases in the many traffic courts in which I practice.

Park was correctly decided

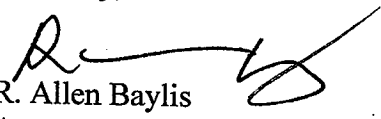
The City's of Santa Ana and West Hollywood would have this Court believe that the term "system" really means "program". However, in order to accept the Cities' interpretation, one must believe that the legislature intended that every city that decides to use photo enforcement will in every case, install more than one set of photo enforcement equipment, and use photo enforcement at multiple intersections. If system and program were synonymous in the context of the statute, one could replace the word system with program and the statute would still make sense. It does not.

The Appellate Division correctly interpreted the use of the term system. Consistent throughout the statutory scheme implemented by Vehicle Code 21455.5 *et. Seq.*, the clear meaning intended by the legislature is that Automated Enforcement System refers to the system in operation at an individual intersection; not the overall use of one or more sets of AES equipment, or a program to use one or more automated enforcement systems.

The cities of Santa Ana and West Hollywood apparently failed to analyze statute and anticipate potential legal challenges prior to implementing their automated enforcement programs. Had they done so, they likely would have come to the same conclusion as the Park Court. The use of automated enforcement systems has been controversial since they were first put into use. Knowing this, the City Attorney's should have anticipated challenges such as that presented in Park, and acting with prudence and caution would have done well to advise the city that the 30 day warning notices be accomplished for each new system installation, rather than just the first. However, they chose to adopt the theory that less notice to the public is better (and less expensive) than more notice. So now they find themselves in a difficult position. Having provided their clients, the Cities of Santa Ana and West Hollywood, the City Attorneys are left to seek depublishation of a well reasoned and correctly decided opinion.

I respectfully request that this Court take no action to depublish the Appellate Division's opinion in *People v. Park*.

Sincerely,

  
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