

FILED

JUL 31 2014

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SUPERIOR COURT OF CALIFORNIA  
COUNTY OF SANTA CRUZ

	)	Case No. <i>[Redacted]</i>
PEOPLE OF THE STATE	)	
OF CALIFORNIA	)	The Court's RESPONSE on Defendant's
	)	REQUEST for a TRIAL BY DECLARATION
vs.	)	ON A CVC 21453 VIOLATION
	)	
<i>[Redacted]</i>	)	
Defendant.	)	

Defendant was issued a Notice to Appear pursuant to CVC 40518 for violation of CVC 21453(a). Defendant has requested a trial by declaration pursuant to CVC 40902. It was denied by the undersigned on July 29, 2014, the money was placed in bail trust, and the case was set for arraignment/court trial in *[Redacted]* on *[Redacted]* at *[Redacted]*

When the Legislature enacted the red light violation statute in 2003, it did not amend section 40902 to include photo red light violations. That statute allows for evidence with regard to violations for which a Notice to Appear issued pursuant to CVC 40500 (not CVC 40518). Nor has Rule of Court 4.210 been amended by the Judicial Council. The proof requirements for a photo red light violation are different, and there is a different evidentiary foundation than that for the typical case in which an officer witnesses an alleged traffic violation. As such, the more simplified evidentiary requirements of 40902 or Rule 4.210 in a trial by declaration cannot satisfy the proof required for a photo red light violation. (See, e.g., People v. Goldsmith (2011) 193 Cal. App. 4<sup>th</sup> Supp. 1; People v. Goldsmith (2014) S201443.)

DATED: 8.5.14 *[Signature]*

KE BASKETT  
Commissioner