

Pursuant to California Vehicle Code (CVC) 40902, I respectfully submit this Trial By Written Declaration to the Court. I plead Not Guilty to the charge of CVC 21655.5(b).

Moreover, I corrected the CVC 26708A1-I and attached the proof of correction in the mail. As required, I enclose a check for \$450 bail. Please refund \$450 in the event the court finds me not guilty.

On Jan 20, 2008, at about 5:00pm, I was driving my BMW M3, license number 4ABC123, on the northbound of Lawrence Expressway, and was intended to take on the freeway 237. I was driving by myself at the time, and I drove my car to the right lane after the Lawrence-Tasman intersection. When I drove near the Lawrence-Elko intersection, a vehicle on the Elko street, intended to turn right on Lawrence Expressway, was driving at a fast speed with an aggressive manner. Based on my judgment at that time the car was possible to hit my car if I stayed in the lane so I glanced at my rear mirror, made sure there is no car on the left lane, and moved to one lane left to avoid an accident. After I moved out of the lane I immediately turned my right signal light on and tried to get back on the right lane to avoid getting on the carpool exit lane; however, the cars were not willing to give me a space to get back into the lane. The cars behind me kept coming so all I could do is keep driving slowly with my signal light on and hoping a vehicle will give me a space to get out of the carpool lane.

Officer Johnson stopped me after about 4-5 seconds when I was unfortunately on the carpool lane. He informed me that I had violated the carpool lane violation and gave me the traffic ticket.

While I could understand the reason why Officer Johnson pulled me over because I was driving alone in the carpool lane, however, I believe this is a very unfortunate situation and it does not reflect my driving behavior. I was going to meet up my friend in Milpitas and was not in rush to going anywhere, therefore I have no reasons to violate the law especially based on my clean driving record for my 6 years driving experience. Thanks for understanding and I wish you could find me not guilty based on my situation.

If the court finds me guilty, I request a Trial de Novo, and an option to attend traffic school level one and have the fine reduced.

In addition, please send me the "Decision and Notice of Decision" (TR-215) by mail.

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

Date:

M Copper, Defendant in Pro Per