

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 21950 A.

As required, I enclose a check for \$202 of bail payment. Please refund \$202 in the event the court finds me not guilty.

On March 12th at 7:40am I was driving my Nissan Sentra (License Plate #1ABC123) along the westbound of Copper Street in San Francisco on my way to work. Approaching the intersection of Copper St and 50th street, I was the last in a series of cars passing through the intersection. As the 3rd car in front of me was entering the intersection, a young man ("The Pedestrian" or "He") exiting 24-Hours Fitness walked into the crosswalk. There was no incoming traffic in the lane near him so he began making his way across the street (See diagram 01a). Due to a parked car in front of 24-Hours Fitness, which obscured my view of the crosswalk (See Photo 01), I only saw him after he was about 5 steps into the crosswalk (See Photo 02). The cars in front of me continued to drive through the crosswalk and did not yield to the pedestrian who was watching the cars intently and keeping his pace slow. I began to lower my speed. At the time I was going 24-25 MPH. Seeing the pedestrian I removed my foot from the gas pedal, slowing my speed to about 5 MPH with my foot hovering over the brake. The pedestrian was still about 8 feet away from my car which is less than half of the distance to the end of the crosswalk as I approached the intersection (See diagram 01b). When I was "almost" stopped completely, the pedestrian slowed his pace and nodded for me to keep going. So I briefly speeded up, and went through the intersection, and then came to a stop behind the cars in front of me as we waited our turn to go through the stop sign at the next intersection (See Photo 03). Suddenly a motorcycle cop pulls up on my right and motions me to pull over, which I did. He informed me that I had failed to yield to a pedestrian and issued me a ticket.

Due to the fact that the pedestrian motioned for me to continue through the intersection I believe that I was not in violation of any law regarding CVC 21950A, and I was in no way posing a danger to the pedestrian. Moreover, if the pedestrian had not signaled me to go ahead, at merely 5 MPH or a rolling speed, I would be able to stop completely for the pedestrian since that was my original intent.

As Vehicle Code section 21950(c) states:

"The driver of a vehicle approaching a pedestrian within any marked or unmarked crosswalk shall exercise all due care and shall reduce the speed of the vehicle or take any other action relating to the operation of the vehicle as necessary to safeguard the safety of the pedestrian."

By reducing my speed and preparing to stop, I was exercising due care to protect the pedestrian in question.

Furthermore, Vehicle Code section 21950(b) states:

"This section does not relieve a pedestrian from the duty of using due care for his or her safety. No pedestrian may suddenly leave a curb or other place of safety and walk or run into the path of a vehicle that is so close as to constitute an immediate hazard. No pedestrian may unnecessarily stop or delay traffic while in a marked or unmarked crosswalk."

The pedestrian, by "slowing his pace and nodded for me to keep going", was also exercising due care to protect the driver which is myself. He signaled that he was willing to let me go ahead and cross the intersection since he might not want to "run into the path of a vehicle that is so close as to constitute an immediate hazard."

I ask the Court to dismiss my citation in the interest of justice. I believe this is a very unfortunate situation, and it does not reflect my driving behavior. I hope to appeal to your understanding and leniency that I have no reasons to violate the law especially based on my clean driving record for the past seven years driving experience.

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