

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 21453 A.

As required, I enclosed a check for the full payment of bail. Please refund this amount in the event the court finds me not guilty.

On August 1st, 2008, at about 3:00 PM, after I picked up my son, John, 4 years old, from his day care, I was driving my 2000 Nissan Quest east on northbound of Copper Road and intended to turn RIGHT on St John Blvd. When I was near the intersection of Copper Road & St John Blvd., I turned on right-turn signal light and slow down as well, merged onto dotted-lane at right lane. From the attached picture and diagram, the dot-line for right turn on Copper Road is shorter with uphill and a sharp turn. My speed was less than 5 MPH when I was turning the wheel to make right-turn. After I passed the marked limit line and finished over 50% of right-turn, I noticed that the traffic light just switched into yellow from green, meanwhile, my son reminded me:” Dad, it is YELLOW!” Here I want to mention that the traffic was clear, both my son and I can see the traffic light clearly and there was no pedestrians at all during my right-turn process.

However, after I finished right-turn and was driving on St. John Blvd., I was pulled over for CVC 21453(a) violation by the citing officer. My son asked why I was stopped when we were waiting for the citing officer issuing Notice of Appear, I told him that the citing officer saw us to make right-turn at red light. My son spoke certainly to me:” Dad, it’s YELLOW, I saw it”. When the citing officer gave me the Notice of Appear, I explained to him what my son and I saw when I made right-turn, I also confirmed from him that he didn’t see any car moving on any direction at St. John Blvd when I made right-turn. The citing officer agreed with me that my car was the only moving vehicle at the time, but he insisted that I should tell what happened to the judge at traffic court.

According to CVC 21453 (a) “A driver facing a steady circular red signal alone shall stop at a marked limit line, but if none, before entering the crosswalk on the near side of the intersection or, if none, then before entering the intersection, and shall remain stopped until an indication to proceed is shown, except as provided in subdivision (b).”. As I explained above, it is YELLOW light when I made right-turn, my driving did not violate CVC 21453(a), and this code was not applied to my driving behavior at the time I made RIGHT-turn with flashing YELLOW light. The citing officer ignored the fact declaration and witness from my son and me apparently, therefore, I plead not guilty.

As I believe that I was not in violation of any law regarding to CVC 21453(a), and I was in no way posing a danger to other vehicles, pedestrians, passenger in my car, or myself, I ask the Court to dismiss my citation in the interest of justice. I hope to appeal to your understanding and leniency that I was not in a position to break the laws and I have no reasons to violate the law especially based on my clean driving record for the past 20 years driving experience.

John, 4 years old when witness the event. He understands basic CVC code, such as stop at Red Light or Stop Sign, drive through at Green Light, slow down at Yellow Light, driving safely without speeding, etc.

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:

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M Copper, Defendant in Pro Per