

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 22349 A.

As required, I enclose a check for \$160 of bail payment. Please refund \$160 in the event the court finds me not guilty.

On Thursday, January 7th, a clear and sunny day I arrived San Francisco airport from a long hour international flight. I rested well on the airplane and ready to go to work at south bay. \*1

I was driving on the eastbound of Highway 123 on the left lane, after I passed the ABC exit about 1/3 miles, I saw a CHP car right in front of my car. I just followed with safe distance and the highway is going uphill, so I briefly speeded up to maintain the same distance between the CHP car and mine.

After 1/2 miles, the CHP car went to the right lane. And another car merge in from the right to the left lane and was in front of my car with an unsafe distance. So I slow my speed and changed from left lane to right lane to avoid collision. Please refer to diagram #1.

As I was approaching ABC Boulevard exit, from my rear mirror, I saw a pick-up truck was tailgating me and seems to be in hurry to get out at ABC Boulevard exit. I accelerate my speed to avoid rear-ended accident and change from right lane to left lane. Please refer to diagram #2.

After I passed the ABC Boulevard exit, I saw the CHP car is behind my car. So I stopped near DEF Boulevard, GHI Road Exit. The CHP Officer told me that it is unsafe to stop there and instructed me to keep driving to the next exit, which is RST Avenue exit. Therefore, it is incorrect to states location of violation as RST Avenue. Between ABC exit and DEF exit, there is 1.18 miles. . \*2

The CHP Officer wrote on the ticket for speeding at 70+ mph, I can hardly recall that I was driving more than 55 mph as I was on a steady uphill road from ABC to DEF exit.

I was driving safely and cautiously to avoid accidents on the uphill road but it was only because I tried not to get into accident as I saw many of them on Highway 123.

Secondly, I sent out an Informational Discovery Request on Feb 1st and I was hoping to receive a response from the CHP Office or the District Attorney by Feb 18th which is the deadline for the 15 days period.

By the time I write this declaration, it is already April 7, 2008, and my right has already been violated pursuant to California Penal Code Section 1054.5(b) and California Penal Code Section 19.7.

I believe that this is a very unfortunate situation and it does not reflect my driving behavior. Thank you for your understanding and I wish you could find me not guilty.

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.

\*1, enclosed document, boarding pass (this not available at this website)

\*2, enclosed document, highway 123 information (this is not available at this website)

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