

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 22350.

As required, I enclose a check for \$297.00 of bail payment. Please refund \$297.00 in the event the court finds me not guilty.

On May 1st 2008, I was on the southbound of Highway 17 heading towards Santa Cruz. I had slept well the night before and was in no rush as my intention was to enjoy the scenery and drive to Santa Cruz since I am from Europe and had never driven this highway before.

It was a clear bright sunny day. Shortly past the intersection of Skyline Blvd. and Highway 17, I was caught in the following situation.

There were only two lanes and they were going upwards over a small hill. The left lane I was on was empty as far as I could see while the right lane had several vehicles all travelling slower than me. As I was travelling at about 48mph, I estimate their speed to be around 44mph. At that moment, from my rear view mirror, I noticed a silver Acura NSX, driven by a young male, gaining speed aggressively and flashing his headlights at me.

Wanting to prevent an accident, and as I was in no rush, I immediately looked at the right lane for a spot to merge in. I did see one 1.5 car lengths ahead. As the left lane was totally clear, I was able to turn on my indicator, pick up speed safely and merge safely. I safely picked up speed just as we crested the small hill and safely merged into the right lane on the descent.

However, there was a CHP car waiting slightly ahead and as I merged into the right lane, the young male in the Acura NSX also decided to merge in rather dangerously behind me. We both past the CHP car and within 20 seconds of passing it, I heard the police siren. To my great surprise, when I looked through my rear view mirror, I saw the CHP car merging in between the Acura NSX and me. I pulled over safely at the very next turnout.

The Police Officer wrote on the citation for speeding at 70mph. I can hardly recall since the last time I checked, I was driving at 48mph and had only speed up briefly, going uphill past one car and merging in on the descent. During that time, I was fully concentrated on driving and merging safely and did not have a chance to look at my speed. However, after merging, I did see that my speed was 48mph.

I received my Courtesy Notice on July 2008 and opted for Trial by Written Declaration. I got the TBWD forms on Aug 2008 and was informed that the deadline was on Sept 2008. Since I wanted to send out an Informational Discover Request (IDR) and give 18 days for a reply, I appealed to have my TBD deadline extended. However this was turned down and I was informed of it on Aug 5th, 2008.

Nevertheless, on Aug 10th, 2008, I sent out an IDR to both the District Attorney of the Santa Cruz Court and the Santa Cruz CHP but as of Aug 12, 2008, I have had no reply my right has 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.

*All evidence, including proof of service by mail and return receipts are enclosed.

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