

[REDACTED] Kung  
[REDACTED]  
[REDACTED]

April 13, 2011

The Honorable Gloria Rhynes, Presiding Judge  
Superior Court of California, Alameda County  
Appellate Department  
René C. Davidson Courthouse  
1225 Fallon Street  
Oakland, CA 94612

Re: Request for Publication (California Rules of Court, Rule 8.1120)

*People of the State of California v. [REDACTED] Kung*

Appellate Department Case No. 5113

Trial Court Case No. 50608153/TRF

Date of Appellate Opinion: April 11, 2011

Dear Presiding Judge Rhynes:

I am the defendant and appellant in the above-entitled matter. I would like to request the Court to publish its April 11, 2011 opinion in this matter pursuant to California Rules of Court ("CRC", Rule 8.1120, for the reasons set forth herein why the opinion meets the standard for publication<sup>1</sup>. A copy of this correspondence has been served on all parties of record, as shown by the attached proof of service [CRC, Rule 8.1120(a)(4)].

1. *People of the State of California v. [REDACTED] Kung* addresses or creates an apparent conflict in the law [CRC, Rule 8.1105(c)(5)]

According to the Appellant's Opening Brief filed with the Court, one of the issues arise was the admissibility of evidence. Specifically, the issue was did the Trial Court err in admitting evidence based on hearsay and lack of foundations.

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<sup>1</sup> The Court's opinion is concisely stated as "The judgment of the trial court is affirmed 3-0." For the publication purposes, the Court is respectfully requested to modify its opinion to include relevant facts and law with respect to the opinion. [CRC, Rule 8.888(b)]

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Research reveals that there is a published opinion in the Official Reports regarding an interpretation of admissibility of evidence in a similar capacity, which involves the use of Redflex red light photo enforcement equipment for enforcing Vehicle Code §§ 21453(a), which is named the *People v. [REDACTED] Khaled* (186 Cal. App. 4th Supp. 1, Superior Court of California, Orange County, Appellate Division, Case No. 30-2009-304893.)

However, the interpretation of *People v. [REDACTED] Khaled* is significant different from the *People of the State of California v. [REDACTED] Kung*, which creates an apparent conflict in the law.

2. *People of the State of California v. [REDACTED] Kung* involves a legal issue of continuing public interest [CRC, Rule 8.1105(c)(6)]

The publication of the *People of the State of California v. [REDACTED] Kung* is significant because the Court's interpretation of the statute creates a question of first impression and implicates a factual situation likely to be the subject of continuing and persistent litigation in pending and future cases involving motorists contesting red light camera violation citations issued by the law enforcement agencies within the County of Alameda which utilize Reflex for red light photo enforcement equipment.

Accordingly, the *People of the State of California v. [REDACTED] Kung* opinion meets the criteria for publication under subdivision (c) of CRC, Rule 8.1105 (;).

For the foregoing reasons Appellant respectfully requests the Court to certify the publication of the *People of the State of California v. [REDACTED] Kung*.

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Respectfully submitted,

[REDACTED]

[REDACTED] KUNG

Defendant/Appellant, IN PRO PER

Cc: Parties of Record (Proof of Service)