

CR-144

Order Concerning Appellant's Proposed Statement on Appeal (Infraction)

Clerk stamps date here when form is filed.

FILED
 SUPERIOR COURT OF CALIFORNIA
 COUNTY OF ORANGE
 CENTRAL JUSTICE CENTER

MAR 01 2010

ALAN CARLSON, Clerk of the Court
H. Potter
 BY H. POTTER

1 The court has received and reviewed the *Proposed Statement on Appeal* (form CR-143) filed by the appellant on (*fill in date*): 10/28/09

2 The court makes the following order:

a. The court certifies that parts 3 through 7 of the statement as proposed by the appellant are a complete and accurate summary of the trial court proceedings. This statement is ready to be sent to the appellate division.

b. The following corrections are needed in order for parts 3 through 7 of the statement proposed by the appellant to be a complete and accurate summary of the trial court proceedings.

(1) Deputy Cope testified he operated and managed the red light camera enforcement for the City of San Juan Capistrano for the last two-and-a-half years.

(2) Deputy Cope testified that if the system is not functioning properly then the system shuts down and the traffic signals default to flashing red lights in all directions.

(3) He testified the log showed the yellow light was 3.2 sec. He testified that Exhibit 3, the operations log, was generated by the roadside computer, and only records and regurgitates the data if the system was functioning properly.

This modified statement must be sent to the parties.

c. More corrections than could be listed above were needed in order for parts 3 through 7 of the statement proposed by the appellant to be a complete and accurate summary of the trial court proceedings. A corrected statement is attached to this order. This modified statement must be sent to the parties.

d. The trial court proceedings in this case were reported by a court reporter or officially recorded electronically under Government Code section 69957. Instead of correcting this statement, the court orders under rule 8.916(d)(6)(B) that a transcript be prepared as the record of these proceedings. (*Check the court's local rules to make sure the court has not adopted a rule providing that this option is not available.*)

e. This superior court has a local rule for the appellate division authorizing the use of an official electronic recording as the record of the oral proceedings. The trial court proceedings in this case were officially electronically recorded. Instead of correcting this statement, the court orders that a copy of that electronic recording be prepared as the record of these proceedings at the court's expense.

Clerk fills in the name and street address of the court:

Superior Court of California, County of

Clerk fills in the number and name of the case:

Trial Court Case Number:

Trial Court Case Name:
The People of the State of California
 v. Foley

Clerk fills in the number below:

Appellate Division Case Number:
30-2009-00314682

Date: 12-16-09

[Signature]
Signature of trial court judicial officer

[Handwritten mark]