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ALAN CARLSON, Clerk of the Court

BY L. DURAN

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APPELLATE DIVISION
SUPERIOR COURT OF CALIFORNIA
COUNTY OF ORANGE

PEOPLE OF THE STATE OF)
CALIFORNIA,)
)
Plaintiff and)
Respondent,)
)
vs.)
)
BLUMENTHAL)
)
Defendant and)
Appellant.)

CASE NO. 30-2011-00457710

JUDGMENT ON APPEAL
from the
SUPERIOR COURT
of
ORANGE COUNTY
CENTRAL JUSTICE CENTER

HON. CARMEN LUEGE
COMMISSIONER

The photographs contained in the exhibits do not constitute out-of-court statements and are adequately authenticated, and the computer generated information contained in the exhibits was properly admitted under the business records or public records exception to the hearsay rule. In addition, the contract language challenged by appellant does not provide for the type of compensation prohibited under Vehicle Code § 21455.5(g)(1), and the record contains sufficient evidence of compliance with § 21455.5(b).

However, the trial court's apparent possession of "... a password to access Redflex's secured server to view the original digital video of the incident captured at the intersection" (Corrected Statement on Appeal, p. 7 at fn. 1) and its guilty finding as based on the court's review of the photos and the original digital video of the incident, with no record that the

1 original digital image was made available to the defense or the
2 prosecution prior to trial, creates an unacceptable appearance of
3 impropriety and partiality. (People v. Carlucci (1979) 23 Cal.3d
4 249, 258-259.)

5 The judgment is reversed, with direction that the charge be
6 dismissed.

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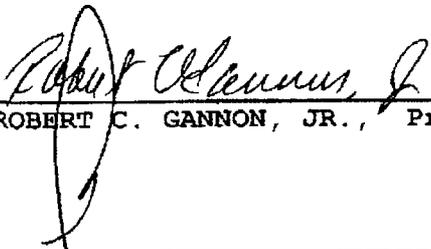
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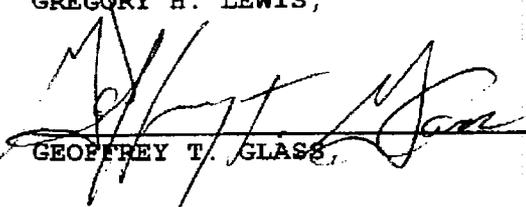
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ROBERT C. GANNON, JR., Presiding Judge

GREGORY H. LEWIS, Judge


GEOFFREY T. GLASS, Judge