

SUPERIOR COURT OF CALIFORNIA
COUNTY OF SACRAMENTO
APPELLATE DIVISION

DATE/TIME	FEBRUARY 20, 2009	DEPT. NO	12A
JUDGE	MARYANNE G. GILLIARD-PRESIDING MICHAEL SWEET GRETA FALL	CLERK BAILIFF	BARBARA WILSON DON HAWLEY
REPORTER	NCR		

PRESENT:

THE PEOPLE OF THE STATE OF CALIFORNIA
Plaintiff/Respondent

DAN OLSEN

VS. Appellate Division No.: 2008049021
Superior Court No.: 2008049021

DAVID LEE GRAHAM
Defendant/Appellant

PRO PER

Nature of Proceedings: APPEAL FROM THE SUPERIOR COURT

The above entitled cause came on for oral argument on FEBRUARY 20, 2009. The matter was argued to the Court and taken under submission. The Court now rules as follows:

Appellant received a citation from an automated enforcement traffic violation system which produced photographs that did not show the condition of the signal light controlling appellant's entry into the intersection when appellant entered the intersection. Without photographs showing appellant committing the violation, the system must be proven reliable beyond a reasonable doubt in order for the People to meet their burden of proof.

Appellate courts utilize the substantial evidence test to determine whether the prosecution has introduced sufficient evidence to meet its burden of proof beyond a reasonable doubt. (*People v. Augborne* (2002) 104 Cal. App. 4th 362, 371.) In determining whether substantial evidence supports the conviction, the appellate court reviews the entire record, draws all reasonable inferences in favor of the judgment, and determines whether a rational trier of fact could have found the essential elements of the crime beyond a reasonable doubt. (*People v. Hughes* (2002) 27 Cal.4th 287, 357 (citing *People v. Raley* (1992) 2 Cal. 4th 870, 889.)) People's Exhibit 1, which showed appellant's vehicle behind the limit line, also showed that the light controlling the cross traffic was red. People's Exhibit 2, which showed that appellant's vehicle had traveled into the intersection, showed that the light controlling the cross traffic had cycled to green. If Exhibit 1 had shown that the light controlling the cross traffic was green, it would have been reasonable for the trial court to infer that the light controlling appellant's entry into the intersection was red when he crossed the limit line, and that the system was properly working. However, it did not. And, the officer provided no explanation for the condition of the lights controlling cross traffic. Given the evidence adduced at appellant's trial, this Panel finds that a rational trier of fact could not reasonably find, beyond a reasonable doubt, that the light controlling appellant's entry into the intersection was red when he first crossed the limit line. Therefore, we find that substantial evidence does not support appellant's conviction.

The conviction is reversed with directions to dismiss the complaint. (*People v. Kriss* (1979) 96 Cal.App.3d 913, 921.)

I hereby certify that I am not a party to the within action, and that I deposited a copy of this document in sealed envelopes with first class postage prepaid addressed to each party or the attorney of record in the U. S. Mail at 720 - 9th Street, Sacramento, CA on February 25, 2009.

DISTRICT ATTORNEY
Attn: Writs & Appeals
901 G Street
Sacramento, CA 95814
(via inter-office mail)

DAVID GRAHAM
SACRAMENTO, CA 95826

Appeals Clerk (hand delivered)

BOOK 12A
PAGE
DATE FEBRUARY 20, 2009
CASE NO. 2008049021 2008049021
CASE TITLE PEO V GRAHAM

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BY: BARBARA WILSON,
Deputy Clerk