

CERTIFICATE OF TRANSMITTAL

L.A. Superior Court Central

Appellate

<p>THE PEOPLE,  VS.  TERRY WILLIAMS (Santa Monica C127079)</p>	<p>BR045791</p>
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**FILED**  
 LOS ANGELES SUPERIOR COURT

JAN 14 2009

John A. Clarke, Executive Officer/Clerk

By *Dorinda A. Bird*, Deputy

A copy of the following:

- |   |  |
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| <input checked="" type="checkbox"/> Order of this Date  | <input type="checkbox"/> Opinion & Judgment                    |
| <input checked="" type="checkbox"/> Memorandum Judgment | <input type="checkbox"/> Order Denying Rehearing/Certification |
| <input type="checkbox"/> Order Appointing Counsel       | <input type="checkbox"/> Order RE Extension/Continuance        |
| <input type="checkbox"/> Order Dismissing Appeal        | <input type="checkbox"/> Order Granting Relief from Default    |
| <input type="checkbox"/> Order Fixing Brief Dates       | <input type="checkbox"/> Order Setting Cause for Hearing       |

has been transmitted to above named parties  and trial court appeal clerk.

Dated: *Jan 14, 2009*

By *Dorinda A. Bird*, Deputy

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**FILED**  
LOS ANGELES SUPERIOR COURT  
JAN 14 2009  
John A. Clarke, Executive Officer/Clerk  
By *Debra A. Bird*, Deputy

APPELLATE DIVISION OF THE SUPERIOR COURT  
STATE OF CALIFORNIA, COUNTY OF LOS ANGELES

PEOPLE OF THE STATE OF CALIFORNIA, ) No. BR 045791  
Plaintiff and Respondent, ) Santa Monica Trial Court  
v. ) No. C127079  
TERRY LYNN WILLIAMS, ) MEMORANDUM JUDGMENT  
Defendant and Appellant. )

This cause having been submitted for decision, and fully considered, judgment is ordered as follows:

The judgment is reversed.

In this timely appeal,<sup>1</sup> defendant and appellant Terry Williams challenges her conviction for failing to stop for a red light, raising multiple claims of error. (Veh.

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<sup>1</sup>After filing a notice of appeal from the judgment of conviction in this case, defendant filed a separate notice of appeal from the order engrossing the settled statement on appeal. Subsequently, we gave notice of our intent to dismiss that appeal as having been taken from a nonappealable order, and afforded defendant an opportunity to respond. On April 21, 2008, after consideration of defendant's response, this court dismissed the appeal from the order engrossing the settled statement.

1 Code, § 21453, subd. (a).)<sup>2</sup> Finding merit in her contention of insufficient evidence, we  
2 reverse.

### 3 FACTUAL AND PROCEDURAL BACKGROUND<sup>3</sup>

4 Defendant was cited for the above-referenced violation based on photographic  
5 evidence obtained pursuant to the automated traffic enforcement system statutes.  
6 (§§ 21455.5 - 21455.7.) The citation alleged that on March 29, 2007, at 7:52 a.m.,  
7 defendant failed to stop for a red light at the intersection of Washington Boulevard and  
8 Helms Avenue in Culver City. The matter proceeded to a court trial on May 31, 2007.

9 At trial, Culver City Police Sergeant Allan Azran testified that he was in charge  
10 of the City's photo traffic enforcement program, which involves the maintenance and  
11 operation of automated red light camera systems at certain intersections. Azran  
12 explained that when a motorist enters an intersection on a red light, the cameras are  
13 activated and automatically take a series of photographs and record the date and time of  
14 the violation, the speed of the vehicle, and the length of time that the light had been red  
15 before the violation occurred.

16 With respect to the subject citation, Azran testified that the camera system for  
17 westbound Washington Boulevard at Helms was activated on March 29, 2007, at  
18 7:52 a.m. The photographs and video produced by the system, and the data imprinted  
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21 <sup>2</sup>"A driver facing a steady circular red signal alone shall stop at a marked limit line, but if  
22 none, before entering the crosswalk on the near side of the intersection or, if none, then before  
23 entering the intersection, and shall remain stopped until an indication to proceed is shown, except  
24 as provided in subdivision (b) [regarding stopping before making turns]." (Veh. Code, § 21453,  
25 subd. (a).)

26 All further statutory references are to the Vehicle Code unless otherwise indicated.

27 <sup>3</sup>The record of the proceedings in this case is set forth in an Engrossed Settled Statement on  
28 Appeal, which followed defendant's filing of a proposed statement on appeal. In engrossing the  
settled statement, the trial court expressly rejected defendant's submission of a verbatim transcript  
as unreliable. Nevertheless, defendant's opening brief contains multiple citations to such transcript.  
Since the transcript is not part of the record on appeal, we may not consider it. (*People v. Szeto*  
(1981) 29 Cal.3d 20, 35.) Further, we accept the settled statement as accurate because the trial court  
is the final arbiter of such matters. (*People v. Earnest* (1995) 33 Cal.App.4th Supp. 18, 21.)

