

**Form for Vendor Submission of Questions
ATTACHMENT 10**

Q #	Questions	RFQ Reference (Document & Page-Section-Item)	Answers
1	Who is the incumbent, and what is the current cost of transcription services?	RFP SC 5820.2020.1	UBIQUIS, \$3.50 per page
2	For comparative purposes, does the City prefer a cost proposal to reflect cost per page or cost per audio minute?	RFP SC 5820.2020.1	Per page
3	Section 2.1 says, "Legal Transcripts delivered to the specifications laid out in Division 24 of Title 16 of the California Code of Regulations." Title 16, Division 24 deals with Court Reporters Board of California. As this is legal transcription, does this RFP require court reporting certifications?	RFP SC 5820.2020.1, Section 2.1	Yes, the transcript has to have a certified signature of the court reporter.
4	Section 7.1(e)(iii) says, "Please provide background on the Quality Assurance Department and the experience in handling work orders for translation services from a client with the Court's size and number of locations." Is the word translation a typo and should it read transcription services?	RFP SC 5820.2020.1, Section 7.1(e)(iii)	The word should be transcription services

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5	On average, how many monthly pages for transcription are expected to be needed as a result of this RFP?		It varies depending on how many cases are being appealed in a month. It also depends on how many days the proceedings/trials took on each case.
6	Is there an incumbent vendor, or is the work being handled by internal court staff/court reporters who are employed by the County?		UBIQUIS
7	If there is an incumbent vendor, who is the incumbent vendor?		UBIQUIS
8	The RFP is titled “English Language Transcription Services” but there are references to translation work as well (Specifically in sections e.ii and e.iii of Section 7.1 of the main RFP document). Can you please clarify whether non-English languages are included as part of this RFP?		Transcriptions on English language only
9	If non-English languages are included, does the Court have any historical data as to the amount and volume of languages other than English so that we may take that into account in preparing our response?		N/A

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Q #	Questions	RFQ Reference (Document & Page-Section-Item)	Answers
10	For Cost Proposal, is there a template that the County would like vendors to use? Are there specific transcript turnaround times that should be included in our response?		10(a)- No cost template needed. 10(b)- at least 2 -3 weeks.
11	Who is the current vendor?		UBIQUIS
12	What is the current price being charged by that vendor?		\$3.50 per page
13	How much was billed in the last 12 months?		Approximately \$16,500 between FY 18/19 and 19/20.
14	How much was billed in the last 12 months?		Same question on No. 13 Finance Dept. would have the total amount.
15	Can you provide a sample document?		Yes, see attachment

SUPERIOR COURT OF CALIFORNIA
ALAMEDA COUNTY COURT TRIAL

-----X

IN THE MATTER OF:

PEOPLE OF THE STATE OF CALIFORNIA,

Petitioner,

Docket No.:
FHJ0001643571

Vs.

ISIDRO NELSON CASCO,

Respondent.

-----X

August 8, 2019

HELD AT: FREEMONT HALL OF JUSTICE
39439 Paseo Padre Parkway
Fremont, CA 94538-2309

BEFORE: HONORABLE PELAYO LLAMAS,
Judicial Officer

APPEARANCES: JESSICA ZAMORA
Citing Officer

ISIDRO NELSON CASCO
Defendant

UNIDENTIFIED FEMALE
Translator

TRANSCRIBER: LAUREL CLEMENTS

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W I T N E S S E S

<u>PETITIONER:</u>			RE	RE	V.	
<u>WITNESS</u>	<u>DIRECT</u>	<u>CROSS</u>	<u>DIRECT</u>	<u>CROSS</u>	<u>D.</u>	<u>J</u>

<u>RESPONDENT:</u>			RE	RE	V.	
<u>WITNESS</u>	<u>DIRECT</u>	<u>CROSS</u>	<u>DIRECT</u>	<u>CROSS</u>	<u>D.</u>	<u>J</u>

Erica Casco

E X H I B I T S

<u>PETITIONER:</u>				
<u>IDENTIFICATION</u>	<u>DESCRIPTION</u>	<u>I.D.</u>	<u>IN EV.</u>	
1	Court packet, nine pages			

<u>RESPONDENT:</u>				
<u>IDENTIFICATION</u>	<u>DESCRIPTION</u>	<u>I.D.</u>	<u>IN EV.</u>	

1 [START TRACK01.MP3]

2 THE COURT: All right. So Mr. Banks, um,
3 you had the opportunity to watch the video.

4 MR. BANKS: Yes.

5 THE COURT: All right, so, uh, what I had
6 explained to everyone at the beginning of the
7 calendar was that I was offering, and you saw a lot
8 of people change their pleas, that if someone wanted
9 to change their plea before we proceeded to trial
10 which will be happening shortly, um, instead of not
11 guilty, if you change the plea to guilty or no
12 contest, um, and then you could dispose of the case
13 now, and I will reduce the fine as I've done on the
14 other cases before. Um, if you're found guilty after
15 trial I don't reduce the fines unless there's some
16 facts that are, come out during the trial that
17 justify a, a reduction. Um, so I'm offering also
18 that opportunity to you. Are you interested in
19 changing your plea?

20 MR. BANKS: Yes, this is [unintelligible]

21 THE COURT: Okay, can you please come up?
22 And so, uh, what would you like to change your plea
23 to?

24 MR. BANKS: Guilty as charged, Your Honor.

25 THE COURT: Okay, thank you.

1 MR. BANKS: Guilty as charged and, uh, I
2 would like to ask for community service. I'm on a
3 fixed income, and also I know you're going to give me
4 a reduction, is there some place where I go down
5 there and get more reduction, thanks, all right
6 [crosstalk]-

7 THE COURT: Um, and do you want to do
8 traffic school to keep the point off your insurance?

9 MR. BANKS: Can't do traffic school I
10 believe, 'cause I just did, I [unintelligible], well
11 I just completed traffic school. I don't know when
12 the last paperwork from the time I had to do traffic
13 school [unintelligible] I did it.

14 THE COURT: Has to be 18 months.

15 MR. BANKS: I believe, yeah, I can't do
16 traffic school, so.

17 THE COURT: All right. Thank you. Um, so I
18 will reduce the fine to \$389, uh, and I'll mark here
19 that you can complete that by doing community service
20 in 90 days. That would be, uh, hold on a second.

21 MR. BANKS: I have a question as far as
22 community service-

23 THE COURT: Yes.

24 MR. BANKS: -is involved. If I don't live
25 in this area, in Alameda County, I live in Stockton,

1 California. So is there a way I can do community
2 service down there?

3 THE COURT: Um, some people have asked that
4 before and I don't know exactly, but I believe
5 they've been able to work that out. So what you'd
6 have to do is contact, um, the Alameda County, um,
7 sort of, managing agency which is called Project 22
8 and ask them if they can approve a place where you
9 can do community service in, in San Joaquin County.

10 MR. BANKS: Okay.

11 THE COURT: All right.

12 MR. BANKS: Is it possible I could get their
13 contact information [crosstalk]-

14 THE COURT: Yeah.

15 MR. BANKS: [Unintelligible]

16 THE COURT: So, and then it's up to you if,
17 uh, I mean, you're, you're, it sounds like you're
18 going to ask for a reduction based on, uh, your
19 financial situation.

20 MR. BANKS: Yes.

21 THE COURT: But if you're getting community
22 service, uh, it's not-

23 MR. BANKS: Yeah, yeah, yeah, yeah.

24 THE COURT: It's, uh, you know, you can try,
25 but, um, all right. So community service, uh, redu-

1 duce fines 389, 90 days to complete that.

2 MR. BANKS: Okay.

3 THE COURT: All right.

4 MR. BANKS: Thank you, Your Honor.

5 THE COURT: Thank you. So just wait for
6 your paperwork right outside the, outside the court
7 room.

8 MR. BANKS: Okay.

9 THE COURT: All right, so we have four
10 matters going to trial. If you could just raise your
11 hand when I call your name. Anup Kumari [phonetic],
12 right. And then Isidro Casco, uh, Oksana Diki
13 [phonetic], and then Pamela Lieu [phonetic]. All
14 right. So the first case I want to do is the Casco
15 case. There's a Spanish language interpreter
16 involved. So if Mr. Casco will please—

17 FEMALE VOICE 1: And there's also a several
18 witness involved, Your Honor. She's outside. If I
19 may call her in?

20 THE COURT: Um, I'll have the witness
21 excluded until she's called for testimony.

22 FEMALE VOICE 1: Very good.

23 THE COURT: All right. Is the witness going
24 to use a translator as well?

25 FEMALE VOICE 1: Yes.

1 THE COURT: All right. Has the witness been
2 sworn?

3 FEMALE VOICE 1: Yes.

4 THE COURT: All right. So before we proceed
5 I'm going to, uh, review the procedures. And this
6 will apply to all of the cases going to trial, so
7 please pay attention, everybody. All right, so this
8 proceeding is now a trial. In, in a trial, the
9 representative of the city that issued the citation
10 has the burden to produce evidence to the court
11 showing that the violation was committed. And it has
12 to meet the elements of the vehicle code.

13 [END TRACK01.MP3]

14 [START TRACK02.MP3]

15 THE COURT: The level of proof is beyond a
16 reasonable doubt. That evidence can be in the form
17 of spoken testimony under oath, it can be, uh,
18 written documents, photos, video, whatever the, um,
19 city may try to offer. All right, now after the city
20 has made its offer of, uh, proof and evidence, you
21 have the right to cross examine the officer, and that
22 means you ask questions and, um, the answers would be
23 provided by the representative of the city. You may
24 try to raise reasonable doubt by the answers that
25 the, um, representative of the city gives. After you

1 do that, I'll offer you an opportunity to speak on
2 your own behalf. You have a right under the
3 constitution to remain silent and if you choose to do
4 that, I will not make any assumptions that you are
5 guilty simply because you said nothing. It is,
6 again, the burden of-of the city to put on sufficient
7 evidence to prove the violation. Um, if you do
8 decide to speak on your own behalf and enter evidence
9 into the record then you will have waived your right
10 to remain silent. And then the officer or myself can
11 ask questions of you about your testimony. I've-
12 after I've heard the evidence I will make a, a
13 weighing of the credible evidence and decision of
14 whether the burden has been met. If I find it has
15 been met then I would find you guilty. If I find you
16 guilty I would intend to sentence you now, which
17 means setting your fine and possibly allowing you to
18 go to traffic school. You do have a right to delay
19 that sentencing up to five days. That means coming
20 back to court on another day. And I'm going to
21 assume you do not want to come back another day if
22 you're found guilty. Um, however, if for some reason
23 you wish to exercise your right to delay the
24 sentencing, just let me know and we'll set another
25 court date for that. If you are found guilty, you

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1 have the right to file for an appeal, and you must
2 file within 30 days of me entering, uh, my decision.
3 All right, so this is the case of Mr. Casco and the
4 city of Fremont. Officer Zamora, go ahead.

5 OFFICER JESSICA ZAMORA: Yes, Jessica Zamora
6 with the city of Fremont Police Department, red light
7 camera unit in the county of Alameda. I've held this
8 position since March of 2016. My experience includes
9 approximately 200 hours of, uh, training at the
10 Redflex headquarters, at which point... excuse me, 200
11 hours of training with the previous assistant in the
12 unit, hands-on, uh, learning the system, 48 hours in
13 Arizona at the Redflex headquarters.

14 THE COURT: I just want to make sure you
15 pause sufficient time for the translator.

16 OFFICER ZAMORA: Yes, Your Honor.

17 THE COURT: All right.

18 OFFICER ZAMORA: Um, the program began on
19 September 28th, 1999. A public hearing was held
20 before city council and approved by the mayor,
21 allowing us to erect these cameras in the city of
22 Fremont. Prior to going live, warning notices were
23 issued for 30 days, warning drivers of the new
24 cameras and the citations that were coming. Our
25 program has two sensors under the roadway. One is

1 approximately 6, the other approximately 12 feet from
2 the limit line. In order to activate the system, the
3 vehicle needs to be traveling 15 miles an hour or
4 greater, and the light already has to be red. Once
5 that occurs, 4 still image and a 12-second video are
6 captured and stored in the camera at the scene, which
7 is the intersection—

8 [END TRACK02.MP3]

9 [START TRACK03.MP3]

10 OFFICER ZAMORA: —that is monitored. I log
11 in to the Redflex servers and I obtain that
12 information. I review it to make sure it's accurate,
13 watch the video to make sure that a violation
14 actually occurred, and a citation is then issued if
15 that information is confirmed accurate. Our
16 equipment is monitored daily by Redflex, monitored by
17 me, remotely, and it's monitored by my assistant,
18 also remotely. Signs are posted within 200 feet as
19 required by the vehicle code. Yellow light timing is
20 also verified by traffic engineering, uh, in the form
21 of a certified, uh, copy of the yellow light timing
22 at all the intersections, stamped by the principle
23 engineer for the city of Fremont. This incident
24 occurred on April 14th of 2019. A court packet was
25 provide, Your Honor, that has approximately nine

1 pages in it. The first page has a copy of the
2 citation that was sent to the defendant, the driver
3 of the vehicle at the time. Uh, second page is the
4 back of that citation with instructions on how to
5 handle it. Third page is a declaration of records
6 similar to, uh, the declaration that I, uh, just said
7 in court, uh, from Redflex, talking about the entire
8 system. The rest of the photos are of the violation
9 itself. Uh, these are the, uh, non-enlarged
10 versions, uh, except for the last photograph, that is
11 an enlarged version of the face, and, uh, very last
12 page of the packet is, uh, a California driver's
13 license, uh, photograph image from the Department of
14 Motor Vehicles, uh, with the driver that I
15 identified, uh, at the time of the violation. On
16 that day, it was a vehicle, it was an SUV-type
17 vehicle, utility. Uh, before the limit line the
18 light was red for 0.16 seconds. In the packet, it
19 shows the vehic—in the photograph it shows the
20 vehicle before the limit line. Second photograph
21 shows the vehicle in the intersection. Uh, all
22 vehicles to the left and right are stopped for the
23 red light. Third photograph is the face of the
24 driver and a front end of a Kia vehicle. The fourth
25 photograph is of the license plate, and the back end

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1 of the same vehicle. The license plate was used, uh,
2 too-uh, and I entered into the DMV system, uh, which
3 revealed that that license plate belongs on a 2001
4 Kia, registered to Isidro Casco out of Oakland. Uh,
5 after I enlarged the photograph of the driver and I,
6 uh, researched the driver's license photo of the
7 registered owner, I compared the two pictures. I
8 found them to match. I did watch the video again to
9 make sure that the violation had occurred, and a
10 citation, uh, was issued by me for 21453(a) of the
11 vehicle code, submitted at this time.

12 THE COURT: All right. Mr. Casco, do you
13 have any questions you want to ask the officer?

14 MR. ISIDRO CASCO: No. No questions.

15 THE COURT: All right, do you wish to make
16 any statement yourself?

17 MR. CASCO: Yes.

18 THE COURT: Go ahead.

19 MR. CASCO: Okay, the cameras, have helped,
20 uh, that, you know, people don't speed through the
21 streets. I don't have anything against them. But,
22 uh, on this day, with, when this happened, what
23 happened was, it was... I am unable to just, you know,
24 go through the red light.

25 [END TRACK03.MP3]

1 [START TRACK04.MP3]

2 MR. CASCO: But, um, my baby was with me in
3 the back seat. And she, uh, got a, uh, bottle of
4 water, and she got the lid off, and she put it in her
5 mouth. And my wife noticed. And it was about 15
6 meters before we got to the light. Uh, sh—the girl
7 was choking. And my wife said, "You've got to get
8 off." I was on the second lanes. I just watched that
9 there were no cars coming and, um, pulled off a
10 little bit and go on. My wife is here. The girl is
11 here. If, if you, uh, you know, want her to get a
12 lid off with her teeth she's going to do it. She is
13 one year old. That's why that I went through. But
14 I—I wouldn't even do it on a yellow light.

15 THE COURT: Um, I understood what you said,
16 but I would want, uh, to explain how did the, your
17 daughter's actions with the bottle influence your
18 decision about the red light, uh, or the yellow
19 light.

20 MR. CASCO: When my wife said, "you've got
21 to get out," I just looked for a way, because, you
22 know that I am on the innermost, uh, lane. If I had
23 been on the one, on the side I would just have, you
24 know, gone off.

25 THE COURT: Oh, so when you say get off,

1 what do you, exactly, did you intend to do?

2 MR. CASCO: Uh, then, uh, pass through and
3 then go off on a place where there were no cars.

4 THE COURT: And after you passed this
5 intersection did you in fact pull over somewhere to
6 the side?

7 MR. CASCO: Yes. Yes, um, right after I had
8 passed it.

9 THE COURT: Okay. How far did you go before
10 you were able to pull over?

11 MR. CASCO: The light and maybe some 15, 20
12 meters.

13 THE COURT: Okay. Anything else at this
14 time? And you can call your witness after you're-
15 you're done speaking.

16 MR. CASCO: Okay. When I, uh, got out, my
17 wife, she went to where, uh, you know, my daughter
18 was in the back seat. And she had the lid, uh, on h-
19 or the cap on, uh, in her mouth.

20 THE COURT: Okay. An-anything else before
21 you call your witness?

22 MR. CASCO: I have never done that, but
23 because of my daughter's life, uh, it was, it was at
24 risk.

25 THE COURT: And when is your daughter's

1 birthday?

2 MR. CASCO: Uh, 10th of March.

3 THE COURT: So she's, uh, a little over one
4 years old at the time of this happened in April?

5 MR. CASCO: Yes, a little bit more. Um, I
6 mean, 2000—no, I mean it's 10th of March, uh, 2018.

7 THE COURT: Okay. Do you want to say
8 anything else before you call your witness?

9 [END TRACK04.MP3]

10 [START TRACK05.MP3]

11 MR. CASCO: No.

12 THE COURT: All right, so you can go ahead
13 and call the witness in.

14 MS. ERICA CASCO: Good afternoon.

15 THE COURT: Good afternoon, ma'am. And can
16 you state your name, please?

17 MS. CASCO: Erica Casco.

18 THE COURT: And so do you have something to
19 say about the incident regarding the red light?

20 MS. CASCO: Yes.

21 THE COURT: And so first tell me if you were
22 there and who was in the car.

23 MS. CASCO: Yes.

24 THE COURT: Tell me what happened then.

25 MS. CASCO: My husband was driving. I was,

1 uh, seated right next to him and, uh, our daughter
2 was in the back seat.

3 THE COURT: And your husband is the
4 defendant here?

5 MS. CASCO: Yes.

6 THE COURT: Okay. And, um, tell me what
7 happened in--in relation to his intersection where
8 there was a traffic light?

9 MS. CASCO: Yes, my husband was driving,
10 then, uh, the, uh, girl, you know, got a bottle of
11 water from the backpack and she opened up. And then
12 when she opened it, uh, the, uh, cap remained inside
13 her mouth. And I told my husband that the girl had
14 put the cap in her mouth and to hurry up to park so
15 that we could get the cap out of her mouth because I
16 was very concerned. That's what happened.

17 THE COURT: And then, um, when did you
18 notice, or where was the car positioned when you
19 first noticed this?

20 MS. CASCO: We were coming up to the light,
21 but the light turned yellow. And because of my
22 concern I told my husband, "Please hurry, please
23 hurry," because, uh, she had the cap inside.

24 THE COURT: And how did you see that the cap
25 was in your daughter's mouth?

1 MS. CASCO: She pressed the bottle and I
2 heard the noise and then I looked back.

3 THE COURT: And when you spoke to your
4 husband saying we have to pull over, do something,
5 where were you looking?

6 MS. CASCO: To the girl. I was looking at
7 her. And, uh, I said to him, "Hurry up, we have to
8 do something."

9 THE COURT: Okay. And then what did your
10 husband do in response?

11 MS. CASCO: He, uh, went through the light
12 and then he parked.

13 THE COURT: And where did he park?

14 MS. CASCO: On the right hand side, uh, on
15 the side of the street.

16 THE COURT: And how far up after the
17 intersection did he pull over?

18 MS. CASCO: I don't know the miles or-

19 [END TRACK05.MP3]

20 [START TRACK06.MP3]

21 MS. CASCO: -or anything like that. But he
22 did stop, uh, where he could.

23 THE COURT: Okay. Um, anything else you'd
24 like to say?

25 MS. CASCO: No, just that.

1 THE COURT: All right. Uh, Officer Zamora,
2 do you have anything, uh, either questions to ask the
3 witnesses or anything additional to respond to the
4 facts that were, uh, testified to?

5 OFFICER ZAMORA: I do, Your Honor.

6 THE COURT: Okay, go ahead.

7 OFFICER ZAMORA: In the court pack provided,
8 uh, as I mentioned, there are several photographs,
9 including a face photograph. Uh, on page six-
10 unfortunately you have to count the pages, Your
11 Honor--there's a front view of all of the passengers,
12 including the baby, his wife, and the driver.

13 THE COURT: Yes.

14 OFFICER ZAMORA: I studied that photograph.
15 I, doesn't appear that any of the passengers have
16 panic on their face. No one is looking back,
17 including the baby. The baby is looking out the
18 window. The bottle, appears to be a baby bottle, is
19 still on her mouth. She does not have a distressed,
20 crying face. Her mother looks relaxed and looking
21 forward. The driver also looks relaxed and looking
22 forward, Your Honor. Also I watched the video and at
23 no point did the vehicle stop and pull over. It
24 appears as an estimate that the vehicle is 50 feet
25 from the limit line through the intersection and in

1 the, near the middle of the cross street of Blacow
2 and the next street, which I believe is Sutter. Uh,
3 there is, uh, nobody in front of the red car in the
4 video and in the court pack. Um, there was plenty of
5 time for him to pull over, and there's also an
6 emergency lane there. Um, in my 17 prior years to
7 this position, I was a community service officer, and
8 we wrote several parking tickets right there and
9 there's plenty of room for a vehicle, and I know
10 there are emergency ability to pull over safely.
11 There are no vehicles coming.

12 THE COURT: Okay.

13 OFFICER ZAMORA: Submitted.

14 THE COURT: Um, does the photograph that you
15 are talking about, that shows all three occupants of
16 the vehicle, is that a full copy, uh, with the
17 defendant as well?

18 OFFICER ZAMORA: Yes, Your Honor, these are
19 identical, uh, court packs.

20 THE COURT: Okay. And I have not seen the
21 video. Did you want to show the video?

22 OFFICER ZAMORA: I, uh, the monitor is off,
23 but I can more than likely bring it to you, Your
24 Honor.

25 THE COURT: [Unintelligible] I'm, I'm seeing

1 it. Um, yeah, that'd be great. Have you logged into
2 the network at least, or you weren't able to do that
3 yet?

4 OFFICER ZAMORA: I'm not able to do that, a
5 code appears on the screen.

6 THE COURT: Uh, okay. So we'll, bringing it
7 up. There we go. So can you just narrate while this
8 is rolling, start it over again. And then actually,
9 before you start it, give some foundation of what
10 this is.

11 OFFICER ZAMORA: Yes, Your Honor. This is
12 the intersection of eastbound Mowry Avenue, uh, west
13 of Blacow. The vehicle at this intersection, pardon
14 me, is... one, two... four lanes. One of them is a left-
15 turn pocket. That light was-

16 [END TRACK06.MP3]

17 [START TRACK07.MP3]

18 OFFICER ZAMORA: -solid red. The three
19 straight lanes. Uh, there, the light in the video
20 begins at green. And there's a, excuse me, there's a
21 fifth lane, but that's a designated turn lane so
22 that's not monitored by our system.

23 THE COURT: All right.

24 OFFICER ZAMORA: In this vi-in this video
25 you'll see several cars go through the green light.

1 Uh, when the yellow light begins you'll see the white
2 car is still stopped in the turn pocket, and a red
3 car in the number three straight lane stops just
4 before it turns red, uh, on the yellow light as
5 required. They slowed the stop as required by the
6 vehicle code. In the middle lane you'll see the
7 vehicle, the Kia, uh, continue through, through the
8 entire intersection, and halfway through, uh, Mowry,
9 between Blacow and I believe it's Sutter. Uh, at no
10 point were the blinkers to get over. Uh, didn't get
11 into the right turn pocket and it didn't pull over to
12 the shoulder as his wife advised. I'll play the
13 video now, Your Honor.

14 THE COURT: All right.

15 OFFICER ZAMORA: The light's yellow at this
16 point. The red car stops. His vehicle continues
17 through the intersection. His brake lights continue
18 to go. Uh, there's no, there's no pulling over at
19 all. The video is only 12 seconds long.

20 THE COURT: Go ahead.

21 OFFICER ZAMORA: And the vi-video is only 12
22 seconds long. The intent is to capture six seconds
23 before the violation to show that he had time to
24 stop, and six seconds after the violations. It
25 doesn't run forever. There's, uh, there's no

1 visibility much further.

2 THE COURT: All right, thank you. Anything
3 further from the, the city?

4 OFFICER ZAMORA: Not at this time, Your
5 Honor.

6 THE COURT: All right. So Mr. Casco, do you
7 have anything else to say in response to this
8 evidence?

9 MR. CASCO: Yes.

10 THE COURT: Go ahead.

11 MR. CASCO: Oh, it's not, I could not, you
12 know, turn my head, you know, to the back. The same,
13 the, the fir-very first thing, uh, that I though was
14 to look for a place to park. We can't, you know,
15 just place the girl right in the middle of the
16 street. And at that point I didn't even remember to
17 use the signals. First thing is my daughter. And
18 then, uh, you know, thinking about everything else.
19 And I now understand why I didn't stop immediately.
20 Because, uh, before me there was a bus.

21 THE COURT: Yes?

22 MR. CASCO: That's why I had to do what I
23 had to do, because of the girl.

24 THE COURT: Okay.

25 MR. CASCO: Yeah.

1 THE COURT: All right. So I am going to
2 find you here guilty of this violation. I, I don't
3 necessarily doubt that, um, your daughter has the,
4 the bottle cap in her mouth, and that you responded
5 to that. However the video evidence and page six of
6 Exhibit 1, this photograph, which shows your car just
7 on the limit line, um, and it shows that you and your
8 wife are both looking forward. You have a, did not
9 have a panicked or worried expression on either of
10 your faces. Your daughter looks relaxed sucking on a
11 bottle and having her gaze out to the left side. It
12 does not, the evidence does not support that you had
13 an emergency situation that you were responding to
14 when you entered this intersection. Perhaps it
15 happened a little bit later, but I'm not fin-

16 [END TRACK07.MP3]

17 [START TRACK08.MP3]

18 THE COURT: -anything to support your memory
19 that you ran this [unintelligible] because of this
20 situation that came up. So I, I'm finding that you
21 are guilty. And I'm offering you a traffic school to
22 keep the point off of your record. Would you like
23 that?

24 MR. CASCO: And if I don't do it, then what
25 would happen?

1 THE COURT: Then you get a point on your
2 record, and if your insurance company finds this,
3 your insurance, uh, rate could go up.

4 MR. CASCO: But, uh, we also have to pay
5 traffic school?

6 THE COURT: Correct.

7 MR. CASCO: Thank you.

8 THE COURT: All right, so you are declining
9 traffic school, the fine will be \$489 and to pay
10 within 90 days. Thank you. Please wait outside for
11 your paperwork. All right, next case would be Anup
12 Kumari. Oh, please have a seat, ma'am. Okay. This
13 is, again, a case by the city of Fremont, and Officer
14 Zamora is here to testify. Um, and just for the
15 record, um, the testimony that Officer Zamora gave at
16 the beginning of the Casco case, which we just heard,
17 that also is applying to your cases as well. And so
18 if you have any questions you want to ask her about
19 that testimony you're free to do so. But the court
20 is considering that testimony she gave at the
21 beginning, which was about how the camera system was
22 installed, approved, all those things. Now the court
23 is, is applying that testimony to this case as well.
24 All right, so go ahead, Officer Zamora.

25 OFFICER ZAMORA: Thank you, Your Honor. In

1 the court pack provided to the courts and to the
2 defendant, it contains approximately nine pages.
3 Again, a front and back of the citation, a
4 declaration of how the system works, date and time
5 stamp, and everything that, uh, Redflex has done, um,
6 in regards to the evidence of this pack. Uh,
7 several, uh, original images, an enlarged image of
8 the face of the driver, and a driver's license
9 photograph from the California Department of Motor
10 Vehicles image record for Anup Kumari. Um, on the
11 day of October 11th, 2018, at 11:59 a.m., it's a
12 Thursday, at the intersection of Fremont Boulevard
13 and Mowry Avenue, this is going to be eastbound on
14 Mowry Avenue in the number two left turn pocket at
15 the intersection of Fremont Boulevard, a 2014 Honda
16 four-door was before the limit line when the light
17 turned red for 1.21 seconds. In the court pack there
18 are four photographs. In the first photograph it
19 depicts where the vehicle was, the yellow light time-
20 or excuse me the red light time-and shows the red
21 light. The second photograph is the vehicle in the
22 inter-

23 THE COURT: What is that red light timing on
24 the first photo you just referred to?

25 OFFICER ZAMORA: Uh, it's on the data bar,

1 Your Honor. It's the last line of the data bar. It
2 says, "Red 1.21."

3 THE COURT: Go ahead.

4 OFFICER ZAMORA: Second photograph shows the
5 vehicle in the intersection, the light is still red.
6 The light is green for the straight lane, uh, mind
7 you, Your Honor. Uh, the third photograph is the
8 face of the driver and the front end of a Honda.
9 Fourth photograph is the, uh... actually the fourth
10 photograph is again, the front end of the Honda with
11 the, the license plate on it. So the rear wasn't
12 necessary, because it had the, the license plate on
13 the front and the back. Um, typically vehicles
14 sometimes leave it off the front, or it's flashed
15 out. And hers was perfectly clear. So that-

16 [END TRACK08.MP3]

17 [START TRACK09.MP3]

18 OFFICER ZAMORA: -the photograph that they
19 utilized. Uh, DMV revealed that that license plate
20 was registered to a 2014 Honda four-door, to an Anup
21 Kumari out of San Jose. DMV also revealed the
22 driver's license photograph of Ms. Kumari, which was
23 compared to the photo of the driver driving at the
24 time of the violation, found that they were the same
25 person. Seeing her in court today I still agree

1 with, uh, that she was the driver. Uh, citation was
2 issued after I watched the video. Now in this video,
3 you'll see that, again, the light for the turn pocket
4 was red for 1.21 seconds. Her vehicle wasn't in the,
5 in the frame when the light turned red. At that
6 time. The vehicle had plenty of time to stop.

7 Excuse me, Your Honor, and, uh, as required by the
8 vehicle code. Now when I play the video, I do see an
9 ambulance, uh, that is in the left turn lane, um,
10 coming up behind Mrs. Kumari. However, the ambulance
11 is several feet away from Ms. Kumari. Uh, after she
12 was able, if she was able to stop, and the ambulance
13 went around her, because she didn't pull to the right
14 as required also by the vehicle code. Um, the
15 ambulance, uh, broke the white line, uh, and went
16 through the green light. Um, there are several
17 hospitals on the other end of Mowry. I'm assuming
18 that's where it was headed. Uh, again, there was
19 several distance between the ambulance and the driver
20 at that time, and where the ambulance broke the line
21 was several feet away from Ms. Kumari's vehicle.
22 Citation was issued, and that's what brings us to
23 court, Your Honor. I have the video if you'd like to
24 see it.

25 THE COURT: If you'd like to present it I'll

1 watch it.

2 OFFICER ZAMORA: So prior to playing it, you
3 can see that, uh, this is the scene. Uh, the light
4 is already red. The red vehicle in the second-

5 THE COURT: And, and the scene, you paused
6 it at-

7 OFFICER ZAMORA: I, I, apol-

8 THE COURT: The four-second mark?

9 OFFICER ZAMORA: I apologize. Let me double
10 check here. I paused it, I'm sorry, at the .08. Oh
11 no, excuse me. Yes, uh, .04.

12 THE COURT: Okay, go ahead.

13 OFFICER ZAMORA: Uh, there was .08 left in
14 the video. There is a red vehicle in the number two,
15 uh, turn pocket that's crossing, uh, the, um, the
16 crosswalk. Um, and then Ms. Kumari's vehicle appears
17 to be about 10 feet away from the limit line. Uh,
18 and I will now play the video from the beginning. So
19 the light is yellow. The red vehicle makes the
20 yellow light. Ms. Kumari's vehicle is nearly, uh,
21 completely across the intersection and the ambulance
22 comes. Again, um, I will try to pause it, um, uh,
23 there is the ambulance, Your Honor, and Ms. Kumari's
24 vehicle is nearly through the intersection
25 completely. Uh, traffic, actually, wheels are moving

1 on the vehicles in the westbound lane to begin going.
2 I also noticed several pedestrians that have the
3 "Walk" sign on the other side of the street, which is
4 the northbound side of, of, of Mowry, between, um, a
5 business on the, uh, northwest side, which I'm not
6 familiar with, and the Chase Bank, which is on the
7 northeast side, submitted at this time.

8 THE COURT: Um, Ms. Kumari do you have any
9 questions you want to ask the officer?

10 MS. KUMARI: Um, yes, because I didn't, I
11 know I am supposed to pull the right side, because
12 there was a vehicle [crosstalk]-

13 THE COURT: So do you have any questions, or
14 do you just want to make a statement?

15 MS. ANUP KUMARI: Uh, just a statement, no
16 questions [crosstalk]-

17 THE COURT: Okay, and would you just pull
18 the microphone closer to you, please?

19 MS. KUMARI: Okay. So I know I supposed to
20 pull to the right. But there was a vehicle was
21 coming too, because I don't want to make any, uh, no
22 accident. So I just make a left turn for the
23 ambulance to give it the way. So, uh, otherwise I'm
24 supposed to be, uh, stopped, because I live on, the,
25 that light. Because my house is behind the Chase

1 Bank, so I know there is a camera and there's traffic
2 all the time. So I, I'm familiar with that area all
3 the time. So-

4 THE COURT: Okay.

5 MS. KUMARI: That's why I just closed the
6 red light to give it the way to the ambulance instead
7 of I pull to the right.

8 THE COURT: All right.

9 MS. KUMARI: That's it.

10 THE COURT: All right, that's it? Um, if
11 you, uh, would you please play the video again, uh,
12 in full without pausing it?

13 OFFICER ZAMORA: Uh, yes, Your-

14 [END TRACK09.MP3]

15 [START TRACK10.MP3]

16 OFFICER ZAMORA: -Honor. Um, before that,
17 can I explain the scene?

18 THE COURT: Sure.

19 OFFICER ZAMORA: Uh, that I paused here. It
20 shows, uh, the small front end of a vehicle in the
21 number one turn pocket. Ms. Kumari's vehicle and a
22 white van that's in the center of the intersection,
23 that is about 40 feet of space where Ms. Kumari
24 could've pulled to the right to allow the ambulance
25 to continue to travel in the turn pocket if that was

1 his desire. Um, several ambulances, because people
2 don't pull to the right, they go in the left turn
3 pocket. Um, but Ms. Kumari was in, in the, in his
4 path, so he crossed the white line. Uh, I'll play
5 the video for you, Your Honor. I'll play it one more
6 time.

7 THE COURT: Um, can you play it one more
8 time?

9 OFFICER ZAMORA: Yes, uh, there it is.

10 THE COURT: All right. Anything else from
11 the other side?

12 OFFICER ZAMORA: Submitted, Your Honor.

13 THE COURT: All right. So this is, um, a
14 situation where, first of all, note that the
15 ambulance, um, is clearly shown and it is, uh, going
16 along, um, Mowry, right. Right the straight-through
17 is Mowry.

18 OFFICER ZAMORA: Yes, Your Honor.

19 MS. KUMARI: Yes.

20 THE COURT: All right, uh, and code three
21 with lights flashing, uh, there are many cars on
22 Mowry, both going straight through and, uh, a number
23 of cars making left turns from those two left turn,
24 uh, designated lanes, of which Ms. Kumari was in the
25 number two or the right, right of the two left turn

1 lanes. Um, I think it's a close call, here. Um, but
2 what I'm going to find is that the defendant is not
3 guilty. Um, it's, it's, it, very dynamic situation
4 here. I find it believable that, uh, she was a, as
5 she's getting right to the light, that the ambulance
6 is behind her, um, and that she would've gone
7 through, um, to make space for the ambulance. So I
8 find she's not guilty.

9 OFFICER ZAMORA: Understood, Your Honor.

10 THE COURT: All right, thank you, um-

11 MS. KUMARI: Thank you.

12 THE COURT: So the, there's no bail on
13 deposit, so that'll be, uh, nothing is owed here, all
14 right.

15 MS. KUMARI: Thank you.

16 THE COURT: Thank you, your case is, is-

17 MS. KUMARI: Thank you.

18 THE COURT: -no-not guilty, thank you.

19 MALE VOICE 1: [Unintelligible] thank you.

20 Thank you, sir.

21 THE COURT: Thank you.

22 OFFICER ZAMORA: Welcome.

23 FEMALE VOICE 2: [Unintelligible]

24 THE COURT: Is he here?

25 MALE VOICE 2: [Unintelligible] he's

1 request..

2 THE COURT: Yeah, can you just have him step
3 in for a sec? Oh, is the translator gone?

4 MALE VOICE 2: I can get [unintelligible].

5 THE COURT: You're going to redo this?

6 Okay. All right, good afternoon, Mr. Casco. So I
7 understand that you would like to change your
8 position about the traffic school?

9 MR. CASCO: Yes.

10 THE COURT: All right, so the traffic school
11 will be granted as part of your sentence. And so the
12 ma-uh, the minute order will be, uh, revised to show
13 that. Okay, thank you.

14 MR. CASCO: Uh, [unintelligible] I did go
15 through consciously. I don't know why I have to go
16 to school if I knew what I was doing.

17 THE COURT: Well you don't have to. You
18 don't have to go to traffic school if you don't want
19 to. I'm offering that in-

20 [END TRACK10.MP3]

21 [START TRACK11.MP3]

22 THE COURT: -it's actually an assistance to
23 you.

24 MR. CASCO: Assistance in what sense?

25 THE COURT: To avoid you having to pay a

1 higher insurance.

2 MR. CASCO: Okay.

3 THE COURT: All right, thank you.

4 MR. CASCO: Thank you.

5 THE COURT: Thanks. Okay, the next case is
6 Oksana Diki. Please come up and sit at this table,
7 ma'am. Did Ms. Lieu step out? Did Ms. Lieu just
8 step out for a minute? Did Ms. Lieu just step out
9 for a minute? She's not here anymore. Okay, she's.

10 MALE VOICE 2: [Unintelligible]

11 THE COURT: Yeah, she, she can stay out if
12 she wants for-

13 MALE VOICE 2: Okay.

14 THE COURT: A little while. Okay, calling
15 the case of Oksana Diki. Again, this is a case, uh,
16 brought by the city of Fremont. Okay, go ahead. Oh,
17 and just for the record, Ms. Diki, the testimony that
18 Officer Zamora gave in the Casco case which you were
19 present in court for about, uh, how the camera system
20 was approved an installed, etc., uh, will apply to
21 your case as well, and can, free to ask her any
22 questions about that. Thank you. Uh, go ahead, Ms.
23 Zamora.

24 OFFICER ZAMORA: Thank you, Your Honor.

25 This incident occurred on April 26th, 2019 at 9:39

1 p.m. It was a Friday. The intersection is Stevenson
2 and Blacow. This is going to be eastbound on
3 Stevenson, just before Blacow Road. Uh, in the court
4 pack provided to both the courts and to, uh, the
5 defendant, uh, there are four still images. Uh, the
6 first image shows a white vehicle before the limit
7 line. Uh, the light had been red for 1.00 seconds.
8 Second photograph shows, uh, the vehicle in the
9 middle of the crosswalk making a right turn. Now the
10 light's been red for 2.18 seconds. Uh, third
11 photograph is the face of the driver and the front
12 end of a Nissan. Fourth photograph is of the license
13 plate, uh, and the Nissan. I used that license
14 plate, entered into the DMV, uh, the Department of
15 Motor Vehicles system to find out who the vehicle was
16 registered to. Uh, it was a 2014 Nissan utility,
17 registered to Oksana Diki out of Fremont. I also
18 used DMV's, uh, driver's license photo image record
19 to see a driver's license picture of Ms. Diki, and I
20 was able to, uh, match that to the person driving at
21 the time. There is also an enlarged photo on page,
22 approximately page eight or nine of the, the court
23 pack. Um, I watched the 12-second video and I found
24 the vehicle never stopped before the limit line when
25 the light turned red, and a citation was issued for

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1 21453(a) of the vehicle code, uh, driver disobeying a
2 red light. I can play the video, Your Honor.

3 THE COURT: Go ahead.

4 OFFICER ZAMORA: The light turns red and the
5 vehicle doesn't come to a stop, it keeps going right.
6 Submitted at this time.

7 THE COURT: Thank you. Ms. Diki, do you
8 have any questions you want to ask the officer about
9 her testimony?

10 MS. OKSANA DIKI: Oh, no, I don't.

11 THE COURT: Okay. Do you wish to say
12 anything?

13 MS. DIKI: Yes.

14 THE COURT: Go ahead.

15 MS. DIKI: Um, so, um, this is my way home.
16 I go about this approximate time every time. Uh, I
17 work as an RN at San Mateo Jail. Um, and this is the
18 first time that I actually got this kind of
19 photograph taken of me. So it does show, if you look
20 at, at the, I do press on brakes and that I do turn
21 my face to the left to see if there's any
22 obstruction. I understand that I did not completely
23 stop, but, um, I did take some precautions, I
24 believe, and just, um, would like to get my case
25 dismissed if it's possible since this is the first

1 time it's ever happening.

2 THE COURT: Okay. Anything else, Officer
3 Zamora?

4 OFFICER ZAMORA: No, Your Honor.

5 THE COURT: All right. Well based on the
6 evidence, I do find that there's sufficient to find
7 you guilty beyond a reasonable doubt. I, uh, take
8 into consideration the time of day, uh, you're your
9 speed was relatively slow, that you did look, uh, as
10 shown on the photographs and Exhibit 1, page one-

11 [END TRACK11.MP3]

12 [START TRACK12.MP3]

13 THE COURT: As well as, I think it's page
14 eight. Um, so I will lower your fine and I will
15 offer you traffic school to keep the point off your
16 record. Would you like to have traffic school? All
17 right, so the fine's lowered to \$349, traffic school
18 is granted, and there's, there's nin-90 days to pay.
19 All right?

20 MS. DIKI: Um, already mailed the check.
21 How do I go, like, a bail check [crosstalk]-

22 THE COURT: Can you speak up a little,
23 please?

24 MS. DIKI: I already mailed the check as a
25 bail.

1 THE COURT: Oh, thank you so much for
2 pointing that out. So you already have the money on
3 deposit of 489, so that will be, um, applied here to
4 the fine. So you'll, you'll owe nothing, except you
5 will owe 57... let me correct myself. Um, you d-have
6 on deposit 489. Your fine is 349 plus the \$57 fee
7 for traffic school to the court, which is 406. So
8 the difference between that and the 489, uh, will be
9 returned to you. That's \$83, that'll be returned to
10 you by mail.

11 MS. DIKI: Thank you.

12 THE COURT: Okay. And you'll have 90 days
13 to complete the traffic school.

14 MS. DIKI: Thank you, Your Honor.

15 THE COURT: Thank you.

16 OFFICER ZAMORA: Your Honor, I have one no-
17 show.

18 THE COURT: Okay. Uh, go ahead. Let's see.
19 Singh? Is that Karnail Singh [phonetic]?

20 OFFICER ZAMORA: Yes, Your Honor.

21 THE COURT: Thank you. Karnail Singh from
22 November 22, 2018. Mr. Singh is not present in
23 court. The records shows, um, he came to court on
24 June 7th, entered a plea and trial was set so we will
25 proceed in absentia. Go ahead.

1 OFFICER ZAMORA: Okay, Your Honor, this
2 incident occurred on November 22nd, 2018 at 3:34 p.m.,
3 it's Thursday, the intersection of Mowry and Farwell.
4 This is westbound on Mowry just before Farwell. In
5 the court pack provided there are four still images.
6 The first image shows the vehicle in the middle lane.
7 Uh, it's the, let's see, one, two, three, four five,
8 uh, six... it's the fourth lane of six lanes, two being
9 turn pockets, uh, three being straight lanes and a
10 partial right lane, there. Um, the vehicles before
11 the limit line is, uh, .30 seconds. Second
12 photograph shows the vehicle through the
13 intersection. The light is still red, 1.25 seconds.
14 Uh, the third photograph is the front end of a Toyota
15 and a photograph of a, of a, of a, of the driver.
16 You know, I, it appears he's on his, on a phone, but
17 he could be just thinking, the way that his hand is.
18 Okay.

19 THE COURT: Yeah, I see his hand touching
20 his temple on the left, on the right side, so.

21 OFFICER ZAMORA: Okay. Uh, the fourth
22 photograph is of the license plate, excuse me. DMV
23 revealed that that license plate belongs to a 1999
24 Toyota utility. DMV also revealed a photograph of
25 the registered owner, Karnail Singh, out of Union

1 City. I matched it to the person driving. I felt
2 that they were the same person I watched the 12-
3 second video. At no point did the vehicle stop as
4 required by the vehicle code and I issued a citation
5 for 21453(a), uh, driver disobey a red light,
6 submitted.

7 THE COURT: Well are you going to play the
8 video?

9 OFFICER ZAMORA: Oh, I can play the video,
10 I'm sorry. And there goes the, the vehicle in the
11 middle lane. I'll play it one more time.

12 THE COURT: So he's in the middle through
13 lane.

14 OFFICER ZAMORA: Straight, straight lane,
15 correct. There he, uh, no, excuse me. There he
16 goes.

17 THE COURT: Okay, the light blue SUV?

18 OFFICER ZAMORA: Correct.

19 THE COURT: All right. So I find the
20 defendant guilty beyond a reasonable doubt. The fine
21 is \$489 to be paid within 90 days. Thank you.

22 OFFICER ZAMORA: Thank you, Your Honor.

23 THE COURT: All right, so let's call Ms.
24 Lieu, case to the stand. And this is a city of
25 Newark case.

1 MS. LIEU: Good afternoon, Your Honor.

2 THE COURT: Good afternoon. Do we need to
3 push a button [unintelligible]?

4 OFFICER TERI HERNANDEZ: Yeah, it turned
5 off. Oh there we go, there we go, yeah.

6 [END TRACK12.MP3]

7 [START TRACK13.MP3]

8 THE COURT: Okay.

9 FEMALE VOICE 3: [Unintelligible]

10 OFFICER ZAMORA: Thank you, Your Honor.

11 THE COURT: Thank you. Uh, whenever you're
12 ready. I don't know if you're waiting for me.

13 OFFICER HERNANDEZ: I was.

14 THE COURT: I'm sorry, go ahead.

15 OFFICER HERNANDEZ: Your Honor, my name is
16 Teri Hernandez. I'm the red light photo enforcement
17 officer for the Newark Police Department. I've given
18 a copy of the court pack.

19 MS. LIEU: Yeah.

20 OFFICER HERNANDEZ: To the defendant, which
21 is the same copy that I've given you, which contains..
22 one, two, three, four... several pages. Let's go
23 through them. First one is just a cover sheet.
24 Second is the copy of the actual citation that's
25 received by the defendant in the mail. Third is the

1 back of the, um, citation with instructions. Fourth
2 is the statement of technology and how the system is,
3 works. Then there's the declaration of custodian of
4 records, image log, and then we start with one, two,
5 three, four pages of photographs that come directly
6 from the cameras that take the pictures at the time
7 of the violation, um, which occurred as the vehicle
8 was traveling westbound Mowry at Cedar. Last page is
9 a copy of the driver's license which I received from
10 CAL-photo with secured access.

11 THE COURT: All right, that will be marked
12 as Exhibit 1 as a group exhibit.

13 OFFICER HERNANDEZ: Thank you, Your Honor.
14 I've held this position since May of 2010. I have
15 over 300 hours of training, um, at the department
16 with the previous red light enforcement officer, at
17 Redflex, uh, uh, attending classes and training.
18 I've been trained on how the system works, what
19 equipment is used, how it's triggered. Also, um, in
20 the field with the Redflex technician as he performs
21 his monthly maintenance check. I've conducted five
22 audits of the Redflex facility to ensure that they're
23 following the rules of our agreement. I've also
24 triggered the system on two separate occasions with
25 the help of patrol officers to familiarize myself

1 with what a vehicle needs to do in order to trigger
2 the system. City council approved the contract,
3 which was signed in March of 2006. Prior to the
4 system going live, public notice was issued in our,
5 in our local paper and also in our city channel, and
6 only warning notices were sent out for the first 30
7 days. Also signs indicating the presence of the
8 system were posted at the major entrances to the
9 city, and as of August of 2013, additional signage
10 has been posted within 200 feet of the monitored
11 intersection. I check that signage on a weekly basis
12 to ensure that they have not been knocked down or
13 removed. Also, red light timing for all of the
14 approaches that have the cameras is set at 4.3
15 seconds, which meets the minimum requirement
16 set by the department of transportation. Um, I
17 receive a semi-annual report confirming that for the
18 traffic engineering, and, uh, system itself is
19 checked daily on a remote basis technician to log in.
20 Uh, I also log from my office remotely with secured
21 access to ensure photos and videos being captured.
22 There's alarms set in place if something's not
23 flashing or photos aren't being captured, and
24 technicians will take care of that remotely.
25 Physically it's checked once a month. Two things

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1 need to happen in order to trigger the system. The
2 light needs to be in the red phase and the vehicle
3 need to be traveling approximately 15 miles or
4 faster. There are two sensors in the roadway, one
5 about 6, the other about 12 feet from the limit line.

6 [END TRACK13.MP3]

7 [START TRACK14.MP3]

8 OFFICER HERNANDEZ: So as the vehicle
9 travels, um, over the sensors it'll, it'll calculate
10 the approximate speed. If it's found to be going 15
11 or faster it'll trigger the system, which will take
12 the four still photographs and the 12-second video.
13 I review all of the activations that occur in the
14 city of Newark to confirm a violation has occurred.
15 As an employee of the police department, I have
16 access to DMV registration information, driver's
17 license information, and driver's license
18 photographs. So every effort is made to issue the
19 citation to the actual person at the time of the
20 violation. If an activation is approved, a notice to
21 appear is sent and that's how we end up here today.
22 So for Ms., um, Ms. Lieu's violation occurred on
23 February 16th, 2019, at the intersection of Cedar
24 Boulevard and Mowry Avenue. On that day, a 2007
25 Honda minivan was traveling westbound Mowry in the

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1 number five lane, and as it approached Cedar it
2 triggered the system which took the four still
3 photographs and the 12-second video. First photo
4 shows the vehicle behind the limit line. The light's
5 in a red phase, had been red for 7.73 seconds, and
6 there's, appears to be cross traffic through the
7 intersection. Second photo shows the vehicle, um, at
8 the intersection making a right on to Cedar.
9 Continues to be red and there continues to be traffic
10 through the intersection. Third is of the driver and
11 fourth is of the license plate of the vehicle. I
12 accessed the driver's license for the registered
13 owner, Pamela Lieu, and compared her driver's license
14 photograph with the driver at the time of the
15 violation. I felt that was her. Also viewing her
16 hear in court and seeing her profile I feel it was
17 her driving at the time. Uh, citation was issued to
18 Ms. Lieu on, uh, February 25th, 2019, for 21453(a). I
19 can show you the video, Your Honor, if you'd like to
20 view that.

21 THE COURT: All right, you can play the
22 video.

23 OFFICER HERNANDEZ: So that's her minivan
24 making the right. I'll replay that for you.

25 THE COURT: Okay. Anything else at this

1 time?

2 OFFICER HERNANDEZ: No, Your Honor.

3 THE COURT: Ms. Lieu, do you, um, do you
4 have any questions or do you wish to say anything?

5 MS. LIEU: Yes, I wanted to say something.
6 Um, I didn't realize until that day that the car-
7 belongs to my husband-it has a p-uh, brake problem to
8 it. I did press on the brake and, uh, it does not
9 stop completely. And I have, um, a receipt of that
10 we get the brake fixed. I have it here.

11 THE COURT: All right, so you're going to
12 offer that. Uh, you can go and show the, um,
13 representative from the city of Newark and then, I,
14 I'll take a look at it.

15 MS. LIEU: Yes.

16 OFFICER HERNANDEZ: So where was the date?

17 MS. LIEU: Uh, it was fixed on March 21st.

18 THE COURT: Is this a copy that I can keep?

19 MS. LIEU: Y-uh, yeah, yes, yes.

20 THE COURT: Okay. So this will be marked as
21 defendant's Exhibit number A. It's a, uh, invoice,
22 uh, from AutoNation Fremont, uh, relating to a green
23 '07 Honda Odyssey, license plate 5ZZW881, which I'll
24 note matches what the, um, citation was issued to by
25 the city of Newark. I note that this is page two of

1 three. Are there other pages you have?

2 MS. LIEU: Yes, I do. Um, uh, because-

3 [END TRACK14.MP3]

4 [START TRACK15.MP3]

5 MS. LIEU: That one addresses the brake
6 problem. So I do have the full package here.

7 THE COURT: And I-would you offer that for
8 me and the, um, uh, city to-

9 MS. LIEU: Oh.

10 THE COURT: -inspect?

11 MS. LIEU: Sure. But this is my original
12 copy. I didn't make any copies, though.

13 THE COURT: All right, I'll note that.

14 MS. LIEU: Okay.

15 THE COURT: Okay, so I am, um, in possession
16 of three-page invoice plus a fourth page, this is
17 some kind of yellow multi-form, um, can't remember
18 what these are called. It's the equivalent of a
19 carbon copy from AutoNation for the same vehicle.

20 MS. LIEU: It's seems to be only that, pa-
21 second page is relevant, that unless I don't know, I,
22 my husband is the one that take care of the car and-

23 THE COURT: Okay. So I-I'm going to return
24 your originals back to you. I'm only keeping the
25 page, single, page, this is page two of three.

1 MS. LIEU: Okay.

2 THE COURT: All right. So I see here that
3 they, it says that, "We recommend rear brake," and
4 that, uh, rear brake was replaced. Doesn't say
5 anything about front brake. All right. Anything
6 else you want me to consider?

7 MS. LIEU: No, I, if that's enough.

8 THE COURT: All right. Any response from
9 the city?

10 OFFICER HERNANDEZ: No, Your Honor.

11 THE COURT: And noting that, um, the date of
12 service was March 21, 2019 for the car, is that
13 right?

14 MS. LIEU: Yes.

15 THE COURT: All right. So I don't find that
16 the, uh, I, I find that the, the alleged brake
17 problem was not a factor in, uh, this violation. I
18 find that the defendant is guilty and, um, that that
19 will be entered as my finding here beyond a
20 reasonable doubt.

21 MS. LIEU: Your Honor, what was the reason,
22 I, I did not re-I, I fixed the car even before I
23 realized that I got a ticket. The reason is I, even
24 though it says, uh, I, um, she sent out the notice
25 or, or, uh, what's it called, the, um, violation on

1 February 25th, I don't think I received, um, a copy of
2 the ticket until, like, beginning of April. I
3 [unintelligible] the case. I, I just wanted,
4 something that's very strange, because we have the
5 car fixed before I even realized that we have the, I
6 have a ticket from the, from the interaction
7 [crosstalk].

8 THE COURT: Yeah. A couple things. Um,
9 having a rear brake change does not, uh, is not
10 consistent with your allegation, or argument, that
11 the brakes were inoperable. Um, I also find it
12 unbelievable, frankly, that you would continue to
13 drive a car for more than—

14 MS. LIEU: Not—

15 THE COURT: —one month. Do not interrupt
16 me.

17 MS. LIEU: Okay.

18 THE COURT: That you would drive another
19 car, this car, for one month after, uh, knowing that
20 there were problems with the brakes sufficient that,
21 sufficient problem that you would not even be able to
22 stop the car. So I don't find that... if there was a
23 brake problem I find that the brake problem was not,
24 uh, sufficient to cause this violation and I don't
25 accept it as an excuse.

1 MS. LIEU: Y-Your Honor can I add something?
2 Because this is a car that I don't normally drive.
3 The reason, um, because this, this one belongs to my
4 husband. I usually drive the Infinity which brakes
5 very well, even at the stop. Um, right at the st-
6 like, when I hit the light, it would stop, uh, when I
7 press the brake, and, and I usually drive the 2000,
8 uh, 2005 Infinity. And the reason I take this car
9 that day is because I need to drop off seven kids. I
10 volunteered to drop off seven kids into, uh, Santa
11 Cruz, uh, camp, in the YMCA camp. I think it was Y-
12 YMCA, um, camp that they, that's the only reason why
13 I drive that car. And I-
14 [END TRACK15.MP3]

C E R T I F I C A T E

I, Laurel Clements certify that the foregoing transcript of proceedings in the Superior Court of People of the State of California v. Isidro Nelson Casco, Index No. FHJ0001643571 was prepared using the required transcription equipment and is a true and accurate record of the proceedings to the best of my ability. I further certify that I am not connected by blood, marriage or employment with any of the parties herein nor interested directly or indirectly in the matter transcribed.

Signature:



Date: December 2, 2019