

SUPERIOR COURT OF THE STATE OF CALIFORNIA
IN AND FOR THE COUNTY OF ALAMEDA

Date: January 6, 2010

Hon. Judge John True III
Judge Wynne Carvill
Judge Michael Gaffey

, Presiding Judge

Michelle Esguerra, Deputy Clerk
Not Reported, Reporter

People of the State of California

Counsel appearing
for Plaintiff

Plaintiff/Respondent

VS

No Appearance

Counsel appearing
for Defendant

[REDACTED] Singh

Defendant/Appellant

No Appearance

NATURE OF PROCEEDINGS:

RULING OF THE COURT

Action No.
Trial Court
FHJ

4983
5001 [REDACTED]

The judgment of the trial court is reversed. Similar to the affidavits held inadmissible in *Melendez-Diaz v. Massachusetts* (2009) 129 S.Ct. 2527, there was no live testimony by any person involved in the production of the Redflex Traffic Systems court Evidence Package (the "Redflex Packet"). At most, there was Redflex Co-Custodian's Declaration that the Redflex Packet was prepared in the normal course of business and according to certain protocols. More importantly, since the officer who had reviewed the Redflex film and photos was deceased, there was no person to testify as to why a determination was made to issue a citation. The sole testifying witness, Officer Hall was not the officer who issued the citation and he admitted that "he does not know what the business procedures of Redflex are, does not know how many employees at Redflex process the Newark citations, and does not know whether or not the documents in the court packet were prepared in the normal course of Redflex business." (See Settled Statement p.2) Moreover, Officer Hall did not know whether the documents were prepared at or near the time of the alleged incident. Because the defense was not able to freely and adequately cross-examine the witness on any of these issues, the judgment of the trial court is reversed.

Remittitur to Issue.

Copies of this minute order mailed this date: January 7, 2010

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