

NAME OF COURT: San Pedro Court  
STREET ADDRESS: 505 South Centre  
MAILING ADDRESS:  
CITY AND ZIP CODE: San Pedro, CA 90731  
BRANCH NAME: South District, San Pedro Courthouse

FOR COURT USE ONLY

PEOPLE OF THE STATE OF CALIFORNIA  
vs.  
DEFENDANT: Dang Vu

REQUEST FOR TRIAL BY WRITTEN DECLARATION  
(Vehicle Code, § 40902)

CITATION NUMBER:  
A569766

CASE NUMBER:

TO BE FILLED OUT BY COURT CLERK

A. DUE DATE (for receipt of this form and any unpaid bail) (specify):

B. Bail amount required: \$

C. Bail amount already deposited by defendant: \$

D. Date mailed or delivered by clerk:

E. Mail or deliver completed form, evidence, and mail to the Clerk of the (specify):

Court at (mailing address):

REQUEST FOR TRIAL

- I have reviewed the *Instructions to Defendant (Trial by Written Declaration)* (form TR-200).
- I request to have a trial by written declaration.
- The facts contained in the Declaration of Facts on the reverse are personally known to me and are true and correct.
- I know that I have the right not to be compelled to be a witness against myself. I understand and agree that by making any statement, I am giving up and waiving that right and privilege.
- EVIDENCE The following evidence supports my case and includes everything I want the court to consider in deciding my case:
 

a. <input type="checkbox"/> photographs (specify total number):	e. <input type="checkbox"/> diagram
b. <input type="checkbox"/> medical record	f. <input type="checkbox"/> car repair receipt
c. <input type="checkbox"/> registration documents	g. <input type="checkbox"/> insurance documents
d. <input type="checkbox"/> inspection certificate	h. <input type="checkbox"/> other (specify):

(Declaration continued on reverse)

PEOPLE v. DEFENDANT (Name): <p style="text-align: center;">Dang Vu</p>	CASE NUMBER:
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6. DECLARATION OF FACTS (Type or print only. State what happened and explain all the items of evidence you checked in item 5 on the reverse and tell how they support your case. You may add additional pages.)

(Name): Dang Vu

(Current mailing address): 9431 Grand Dr., Huntington Beach CA 92646

**STATEMENT OF FACTS** (begin here):

Pursuant to Vehicle Code § 40902, I respectfully submit this written declaration to the Court . I plead Not Guilty to the charge of violating CVC 25951 and CVC 25950.

On January 22, 2005, at about midnight, I was driving my 2003 BMW 325i south on Pacific Coast Highway at the 710 freeway overpass. It was at this point that I saw the citing officer traveling directly in front of me. Seeing as how he was proceeding at a slow rate, I moved to the left lane to pass. However as soon as I did so, I was pulled over for having my "headlights out of adjustment" as well as white turn signal lights in the rear; he claimed that my headlights were flashing him. When I told the officer that my auto-leveling bi-xenon headlights were completely stock, he then surmised that it may be the "suspension" on my car that caused the lights to bounce, indicating that it was the bouncing of the lights. However my suspension is also absolutely unmodified and the relatively minimized bouncing of my headlights was a direct result of the potholes in this relatively bad section of PCH.

According to Vehicle Code 25951, "any lighted lamp or device upon a motor vehicle other than headlamps, spot lamps, signal lamps, or auxiliary driving lamps, warning lamps which projects a beam of light of an intensity greater than 300 candlepower shall be so directed that no part of the beam will strike the level of the roadway at a distance of more than 75 feet from the vehicle." This clearly states that it only applies to lighted devices other than headlamps and even if it was relevant to my case, the officer was in no position to determine that my headlights illuminated the roadway more than 75 feet ahead.

On the charge of violating CVC 25950, I also plead Not Guilty. According to subdivision 25950 (c), my signal lights "may have any unlighted color, provided the emitted light from all lamps or reflected light from all reflectors complies with the required color." At this time the lens was indeed clear. However when I signal, the halogen bulb has a murky yellow "egg-yolk" color that I considered to suffice as yellow, which is legal according to subdivision CVC 25950 (b)(2). Apparently the officer did not think so, and I have since changed to a less controversial amber color.

As I believe that I was not in violation of any laws regarding the headlamps or any other lighted devices on my vehicle and have even changed the light bulb color to prevent future confusions, I ask the Court to dismiss my citation in the interest of justice. I hope to appeal to your understanding and leniency in this most unjust matter of being cited for laws that I were clearly not breaking.

7. Number of pages attached:   0  

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date: 3/12/2005

..... Dang Vu .....

(TYPE OR PRINT NAME)



\_\_\_\_\_ (SIGNATURE)