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## Fight Your Ticket Win in California

David Brown Attorney

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**David Brown Attorney : Fight Your Ticket Win in California** before purchasing it in order to gage whether or not it would be worth my time, and all praised Fight Your Ticket Win in California:

2 of 2 people found the following review helpful. Maybe this advice can help someone elseBy tangolikemangoI gave this book a 5 because it was very well written and informative. It helped me prepare my case against the officer. However, I do want to make the disclaimer that I lost my case in court. I don't blame this book though- it was still very helpful to me. I don't usually write reviews, but I'm hoping that my story/ advice will help someone else.Note: I am still slightly bitter about this case, so excuse some of my snappy language.I was stopped by this cop named Brian Millan in LA (if this jerk gives you a ticket, you better prepare because he will most likely show up- there were 3 other people fighting a ticket against him the day I showed up). He gave me a speeding ticket and then zoomed off with his pretentious little motorcycle. After arraignment, I filed my discovery papers and got no response from the other side. On the day of my trial, they gave us time to "talk" to the police officers that showed up before the cases began. Basically, this is where the cop advises you to plead guilty and say that you're pretty much screwed otherwise. This is

where I made my fatal error. I shouldn't have gone up to see the cop. He told me that the traffic survey was up-to-date, and he had his certificates from his laser training. Most of the other defendants heard this and just decided to plead guilty. He offered to show us the survey and the certificates. Since the other people decided they were going to plead guilty, they declined the offer. However, I told him that I wanted to see it. He then proceeded to make a big show of searching through his unorganized papers to find it, but by then, he and I both knew full well that he didn't have it with him. He then told me that he had to go to his motorcycle to get the papers. When he came back, he spent the rest of the time searching for the traffic survey (they keep it in this huge drawer in the courtroom). He clearly was not prepared to fight the case. However, my last name is toward the end of the alphabet, so once he realized I was going to fight, he had plenty of time to look for the materials that he needed. When I objected to the traffic survey being introduced, the judge gave me some BS about how it's a public record and that I could've gotten it beforehand. In the end, I lost the case, but I'm not surprised since it's obvious they're just out to get your money. Since 50% of the officers didn't show up and the cases were dismissed, they had to find everyone that showed up guilty. It's a pretty screwed up system. I asked the judge if I could have traffic school, but the jerk officer objected to this request (most likely out of spite since I decided to fight him), knowing full well that I am a college student who comes from a low income family. This is what angered me the most. Officer Melon (oh, I'm sorry- I mean Millan) was too busy sitting his fat behind on his high horse to be considerate to anyone else. In the end, my ticket cost me \$400 dollars, and I spent a lot of time prepping for this case. Here is my advice. Use it at your own discretion! 1) If they give you time to speak to the officer beforehand, don't do it. You won't get much out of it. The officer will most likely advise you to plead guilty, and he is just trying to see if you are prepared or not. Don't speak to him until the trial because he can use your words against you later. 2) Don't act like you are prepared because then the officer will search for the papers and prep his case. The cop that ticketed me was obviously unprepared until he realized that I was going to fight. I would advise sitting there and pretending like you don't know anything. Then, when the time comes for your case, lay it on them. They won't be prepared, and by then, it would be too late. 3) This advice is just for people who got ticketed somewhere on Sunset Blvd. The traffic survey was done (if I remember correctly) sometime in May of 2007. In 3 more months, that would mean that the survey is out of date (more than 7 years). If anyone gets a ticket from now until then, make sure you check the date on the traffic survey if they do decide to use it against you in court. Also, make sure that it is an official survey. I forgot to check on that while I was at the trial. 4) Get your informal discovery request papers out soon after you get ticketed. I waited for a while before I sent out my papers, and I didn't have a lot of time before my trial. 5) I would encourage everyone to fight against their tickets, but it's good to keep a few things in mind. If you go against the officer, he may, out of spite, refuse to give you a chance to go to traffic school (this happened in my case). Also, this process will take a lot of time and effort. That's why most people just decide to pay for the ticket, even if it was wrongfully given. 6) Buy this book on hard copy. I bought it off of kindle, and the forms were slightly hard to copy over. Plus, it's helpful to have the book with you in court, I think. Anyway, I hope this review can help someone else. There's nothing I can do about my case anymore, but YOU still can for your case. Good luck, and I REALLY hope everyone else wins. I would definitely recommend buying this book to start the fight. (:2 of 2 people found the following review helpful. I wrote this exact review for the other book that doesn't say for CA (accidentally) By rhbandit I'm in CA and after the recession hit the cops were out in EXTRA full-force making easy money for the state. This is a pretty good book and worth the money, but like others have said, it's not a 1-stop shop for info. I would say the absolute best thing I learned from it was that in CA, the speed limits can be looked at as "suggestions". Having a copy of the 2" thick DMV Code book is VERY important too. You can also go to the DMV site itself as well to get all the laws. In CA, 2 lane roads (1 lane in each direction) have an absolute 55MPH limit and 4 lane (2 lanes each direction) have a 65MPH limit with the exception that counties have a option of freeway limits of 70MPH. So most towns, unless under a few thousand in population, have 4 lane roads that typically have signs posted of 35, 40, 45 or 50 MPH. The true speed limit is 65 MPH on those roads, but how the cities can justify having lower than the absolute limit is from this thing called an "engineering and traffic survey". This is a document that shows, given a number of circumstances, the city is justified in posting the speed limit under the 65 max limit. The trick I learned is that in the over 10 times I was in traffic court from 2009-2012, ONLY 1 cop ever brought that survey in. Without the ETS the judge can't "legally" find you guilty of going over a 45MPH (or whatever its at) limit. The ETS HAS to be present in court just as a gun or knife HAS to be present in a murder case. The officer can't say "oh well it's in a cabinet at such and such location" and he can't even say it's in the courthouse somewhere either, it HAS to be present. How it works is mostly based on the 85th percentile speed. The guy/guys who's doing the ETS measures the speed of 100 cars and then uses all their speeds to calculate the 85 percentile speed. So say the 85 percentile speed is 47 MPH, then it gets rounded down to 45. The law says the city has the right to drop it 5 MPH under what the 85 percentile measured speed is which in this case would be 40 MPH. But if that # was 48 MPH instead of 47 MPH then it gets rounded up to 50 and then the city can ONLY make it 45 MPH. Finding flaws in the ETS can and should get it thrown out even in the extremely slim chance the cop actually brings it in. The ETS has to be done every 7 years or it's invalid, but it can be extended to 10 years if the guy who did the survey signs a thing stating no major changes (I don't know how this is defined in legal terms) have been made to that area in the last 7 years. All that I just said applies to RADAR, but I'm

not 100% sure if it applies to a cop pacing you as well. I think it does but I can't guarantee it. But if on a 2 lane road and going over 55....or a 4 lane and going over 65 then you are S.O.L. and none of what I said matters....EXCEPT maybe you can get the fine lowered or keep you from getting a reckless driving ticket. Say you were going 75 in a 35 on a 4 lane road. 40 over will probably get you a reckless driving ticket if the cop so chooses (at his digression). Well if there's not an ETS then the limit is 65 MPH and you were actually only going 10 MPH over. SO not only did you drop your fine WAAAY down but also kept a reckless driving conviction, which is a misdemeanor, from happening.4 of 4 people found the following review helpful. Teaches you all about the judicial processBy J. BowmanEven for a fairly seasoned ticket-fighter, this book brought a whole new perspective on the law, courts, and how to deal with them. One thing I learned was to always go to arraignment, insist on your rights, and always hand-deliver requests for discovery; the results have been much better than when I just mailed everything. Realistically, I don't think it's possibly to "Win" every case, now that the state has doubled down on fees in the last couple of years to get blood from a bankrupt turnip, but I have saved significant money by effectively plea-bargaining from a position of knowledge. (And winning one outright.) It also explains laws very precisely, and unlike any online resource, includes references to the court cases that make up as much law as the statutes, so that you understand exactly what and how to argue and what would be useless.I bought this book the same day I had a consultation with two lawyers about two tickets - fees were as much as the combined fines, and the best result they could offer was to make one plea-bargain and then go to court hoping the other officer wouldn't show. With the help of this book, I obtained their "best result", a dismissal and a fine reduction, for only \$25 and some legwork. Since then it's come in handy again, especially as a reference for the writing style of legal briefs.I would recommend it to anyone who's angry over soaring fees, but expect to spend a lot of time and work to get the most out of it. Of course it can't replace a seasoned lawyer, but since you care a lot more about your verdict than someone who has a dozen cases a day, you're in the best position to win it.A major downer is that the book doesn't come with documents on CD - you can photocopy them out, but most likely you'll need to modify them, so you end up recreating them in Word. Took quite a bit of extra time.

Win your traffic court case with the book that's helped thousands of Californians! A traffic conviction can add hundreds of dollars to your yearly auto insurance premiums. *Fight Your Ticket Win in California* shows you how to handle your case in traffic court, get the right kind of hearing and win. Attorney David Brown provides you with the detailed tactics you need to: prepare and present your evidence argue before a judge cross-examine a police officer's testimony get your case dismissed appeal a decision determine the consequences of your violation The 13th edition provides the latest legal information for California drivers, including fines and penalties, and contains fully up-to-date information on recently signed legislation regarding cell phone use.

Packed with practical information... every driver should keep a copy of it... (Agatha Hoff Traffic Court Referee 2009-01-01)"A clear, thick and comprehensive manual to help the Californian beat what he or she perceives as a bum traffic rap." (Sacramento Bee 2008-02-02)"A surprisingly easy read the book is a top-notch primer." (Autoweek 2008-02-02)"Learn how to challenge speeding tickets, how to determine if a ticket is beatable before going to court, how to assemble evidence and present a case, and how to appeal a conviction." (Bookwatch 2008-02-02)A surprisingly easy read... the book is a top-notch primer. (Autoweek 2009-01-01)Learn how to challenge speeding tickets, how to determine if a ticket is beatable before going to court, how to assemble evidence and present a case, and how to appeal a conviction. (Bookwatch 2009-01-01)Can be a proverbial sling to help David fell Goliath. (Monterey Herald 2009-01-01)A clear, thick and comprehensive manual to help the Californian beat what he or she perceives as a bum traffic rap. (Sacramento Bee 2009-01-01)A book every driver should own. (The Electric 2009-01-01)About the AuthorDavid Brown practices law in the Monterey, California area, where he has represented both landlords and tenants in hundreds of court cases -- most of which he felt could have been avoided if both sides were more fully informed about landlord/tenant law. Brown, a graduate of Stanford University (chemistry) and the University of Santa Clara Law School, also teaches law at the Monterey College of Law and is the author of *Fight Your Ticket* (CA version), *Beat Your Ticket* (the national version), *The Landlord's Law Book, Vol. 1: Rights and Responsibilities*; *The Landlord's Law Book, Vol. 2: Evictions and* co-author of *How to Change Your Name in California* and *The Guardianship Book for California*.Excerpt. Reprinted by permission. All rights reserved.A Typical Case You're driving home from your friend's place after a beautiful, romantic Friday evening. It's 2:30 in the morning. As you're reflecting on this, you suddenly realize you took a wrong turn someplace. You're now in the middle of a quiet residential district and realize you should turn around. You look for traffic coming from either direction and all you see is a car parked about three blocks away with its headlights on, so you make a U-turn. Suddenly, in your rear view mirror you see a flashing red and blue light that seemingly grows out of the parked car. You begin to pull over to the right to let it pass. Instead, the car follows you to the curb. You realize you've just been pulled over by the police. As soon as your car stops, the officer has his high-intensity spotlight pointed at you. Then, you hear his door slam, the sound of gravel under his boots, and finally you see a big, grim face just behind the flashlight pointed into your eyes. Before you get a chance to ask him what's the problem, he says, "May I see your driver's license, please?" You fumble through your wallet,

slowly and carefully, since he has his hand uncomfortably close to the butt of what looks to be a very big gun. Finally, hands shaking slightly, you hand him your license. (Don't you feel like a common criminal?) The police officer returns to his car and uses the radio. A minute later he returns, hands you your license, and unemotionally says, "You made an unlawful U-turn in a residential district. Sign here, please," and he thrusts a three-part form in your face. You meekly sign the ticket (which he tells you is not an admission of guilt, but merely a promise to appear), and he hands you a copy. You gaze at the ticket, wondering how this could be happening to you. The officer spins out, off to catch another "criminal." If you don't fight the ticket, you may very well end up: paying a fine you can barely afford; paying a higher insurance premium for the next three to five years; and starting or adding to a bad driving record with the DMV.

Should You Fight Your Ticket? Does it make sense for you to fight your ticket? The answer is that it depends. There are some people who almost always answer this question with a proud and forceful "Yes!" unless they have done something incredibly stupid or dangerous (such as driving through a busy school zone at 50 mph). But there are others who don't believe in spending large amounts of time fighting cases where there is but a small chance of winning. It might be wise to try to separate the hopeless cases from those with a reasonable chance of success. (On the other hand, thousands of seemingly hopeless cases are won when police officers fail to show up in court to testify.) A determined person can achieve great success in traffic court if he or she knows what to do. In deciding whether or not to fight, you should first consider the consequences of giving up and paying the ticket. Will your insurance rates increase? Will you increase your chances of losing your license? Can you get your case dismissed by attending traffic school? Do you want to spend the time and effort it will take to fight your ticket effectively? This book will help you answer all these questions. Once you understand the consequences of not fighting your ticket, you should try to determine your chances of winning, taking into account these tips: The main way to beat traffic tickets is to request a trial with the officer present and then get the ticket dismissed when the officer doesn't show up. There's a chance this might happen to you. You may want to try your luck. You've got nothing to lose but your time. Even if the officer does show up, "guilt" (and "innocence") is often a matter of subjective interpretation. For example, under California law it's not illegal to drive 45 mph in a 35 mph zone if it is possible to show that your 45 mph speed was safe under the circumstances. (See Chapter 4 on speed violations.) You might not be guilty of a particular violation, even if you think you are. When you read the Vehicle Code section, you will find that the offense you are accused of committing is more complex than you might have thought. It may be that you didn't do all the things that the prosecution must prove in order to convict you. We tell you in the next chapter how to read a Vehicle Code section with this in mind.