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**22356 b vc
Trial by Written Declaration
Sample Letter
See Below**

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NAME OF COURT: SUPERIOR COURT OF CALIFORNIA STREET ADDRESS: MAILING ADDRESS: 123 Court Street CITY AND ZIP CODE: Court City, CA 12345 BRANCH NAME:	<i>FOR COURT USE ONLY</i>
PEOPLE OF THE STATE OF CALIFORNIA VS.	
DEFENDANT: John Doe	
REQUEST FOR TRIAL BY WRITTEN DECLARATION (Vehicle Code, § 40902)	

TO BE FILLED OUT BY COURT CLERK

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

CITATION NUMBER: 123456SV
CASE NUMBER:

- 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

1. I have reviewed the *Instructions to Defendant (Trial by Written Declaration)* (form TR-200).
2. I request to have a trial by written declaration.
3. The facts contained in the Declaration of Facts on the reverse are personally known to me and are true and correct.
4. 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.
5. **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 (<i>specify total number</i>): b. <input type="checkbox"/> medical record c. <input type="checkbox"/> registration documents d. <input type="checkbox"/> inspection certificate	e. <input type="checkbox"/> diagram f. <input type="checkbox"/> car repair receipt g. <input type="checkbox"/> insurance documents h. <input type="checkbox"/> other (<i>specify</i>):
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(Declaration continued on reverse)

PEOPLE v. DEFENDANT (Name):

John Doe

CASE NUMBER:

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): John Doe

(Current mailing address):

123 My Street, My City, CA 12345

STATEMENT OF FACTS (begin here):

Your Honor, I respectfully request that this citation be dismissed based on the statement as set forth herein. Moreover, kindly accept this correspondence as my formal plea of not guilty.

On November 23, 2016, I was traveling eastbound on the I-15 Freeway. On said day and location, I was pulled over by an Officer and cited for violating California Vehicle Code Section 22356 (b). I do not believe that I exceeded the speed limit as alleged by the officer.

Explain the reasons for which you believe the ticket should be dismissed. The explanation must be clearly written with factual, technical or legal arguments to justify the dismissal of the ticket.

In order to formulate a CVC 22356 (b) defense statement, it is important for the defendant to first determine the method of enforcement.

Here are the speeding ticket enforcement methods:

1. Radar
2. Lidar
3. Pacing
4. MVARs
5. Visual Observation
6. Airplane

Each of these enforcement methods has a different defense strategy. Basically, the defendant must have enough knowledge about each of these enforcement methods to prepare a clear statement and identify the reasons for which the speeding ticket should be dismissed. Obviously, an argument that can prove the enforcement method generated an erroneous determination of the speed of the target vehicle can be very effective in court. However, to clearly show an erroneous speed detection in addition to the necessary knowledge about the enforcement method, it is important to find in accuracies that may be unique to the ticket such as; location of the violation, roadway condition, officer's line of sight, traffic conditions, weather and etc.

7. Number of pages attached: _____

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

Date:

John Doe

(TYPE OR PRINT NAME)

John Doe

(SIGNATURE)