

NAME OF COURT: Stanislaus County Superior Court STREET ADDRESS: 2260 Floyd Avenue MAILING ADDRESS: Same CITY AND ZIP CODE: Modesto, CA 95355 BRANCH NAME: Modesto Traffic Court TELEPHONE: (209)558-6000		FOR COURT USE ONLY  2009 OCT 28 AM 9:46  CLERK OF THE SUPERIOR COURT COUNTY OF STANISLAUS  BY: <i>M. Sisco</i> DEPUTY
PEOPLE OF THE STATE OF CALIFORNIA  vs.  DEFENDANT: Peter Chuan Yi Hsu		
OFFICER'S DECLARATION (Trial by Written Declaration—Vehicle Code, § 40902)		
RETURN DATE: 10/23/2009	ARRESTING/CITING OFFICER NAME/ID NO: R. Daniels Jr./16460	CITATION NUMBER/DATE ISSUED: 38861JQ 05/14/2009
AGENCY NAME: California Highway Patrol	OFFICE (IF ANY): Modesto	CASE NUMBER: 1298479

**INSTRUCTIONS:** The defendant in the case listed above has opted for trial by written declaration pursuant to Vehicle Code section 40902. The officer named above shall check all statements that apply, date, sign, and complete and return this form to the court named above by the return date.

1. **OFFICER'S DECLARATION:** Except as expressly stated below, I have personal knowledge of the facts stated herein. The events occurred in the County of *(specify):* Stanislaus at about the date, time, and location stated in the citation.
  - a.  At the time of the citation I was a peace officer on-duty  for the exclusive or main purpose of traffic enforcement  not for the exclusive or main purpose of traffic enforcement, and I  was  was not wearing a uniform as required by the Vehicle Code section 40800. Any vehicle used by me complied with Vehicle Code section 40800.
  - b.  The offense(s) were not committed in my presence.
  - c.  Any statement(s) made by the defendant were voluntary, recorded  verbatim  not verbatim and is/are reasonably complete and accurate in substance.
  - d.  Safety is an element of the violation alleged. In my opinion, the defendant's operation of the vehicle was unsafe.
  - e.  Any equipment used by me to gather evidence in support of this violation was properly maintained, in good working order, and I have been trained in its use.
  - f.  Any traffic sign, signal, or device mentioned was official and properly located, maintained, in good working order, and clearly visible to a driver of a vehicle controlled, governed, or affected by such sign, signal, or device.
  - g.  Any diagram(s) submitted is/are not exact or to scale, but is/are reasonably complete, accurate, and fairly depict(s) the location, situation, and events described.
  - h.  Speed supported by the patrol vehicle's speedometer was a significant factor. Pursuant to department policy, the patrol vehicle used in connection with this citation was officially calibrated on *(date):*  
The result was *(specify):*  
The calibration was considered by me in determining defendant's speed.
  - i.  Defendant was identified by Driver's License  or other *(specify):*
2. **THE METHOD(S) USED TO DETERMINE THE SPEED OF THE INVOLVED VEHICLE WAS/WERE:**

a. <input type="checkbox"/> Odometer	e. <input type="checkbox"/> Laser
b. <input checked="" type="checkbox"/> Visual estimation	f. <input type="checkbox"/> Aircraft
c. <input type="checkbox"/> Pacing	g. <input type="checkbox"/> Other <i>(specify):</i>
d. <input checked="" type="checkbox"/> Radar (see items 4, 5, 6, below)	
3.  Engineering and traffic survey (ETS) not required per Vehicle Code section 40802, subdivision (b).
4.  ETS completed within five (5) years prior to date of alleged violation.
  - a.  ETS attached.
  - b.  ETS on file with the court.
5.  ETS completed within five (5) and seven (7) years prior to date of alleged violation.
  - a.  ETS attached.

REC'D OCT 27 2009

OCT 27 2009

PEOPLE v. DEFENDANT (Name): Peter Chuan Yi Hsu	CASE NUMBER 1298479
---	------------------------

- 5. b.  ETS on file with the court.
- c.  Arresting/citing officer has successfully completed a radar operator course of not less than 24 hours approved and certified by the Commission on Peace Officer Standards and Training (POST).
- d.  Laser or other electronic device was used to measure speed. Arresting/citing officer successfully completed an additional training course of not less than two hours approved and certified by POST.
- e.  The speed measuring device used to measure the speed of defendant (Serial No: 082740 ) meets or exceeds the minimum operational standards of the National Highway Traffic Safety Administration (NHTSA) and was last calibrated on (date): 08/31/2006 by an independent certified laser/radar repair and testing/calibration facility.
- f.  Equipment accuracy check conducted on (date): 05/14/2009 at (time): 11:00 AM and again on (date): 05/14/2009 at (time): 9:30 PM
- 6.  ETS completed within seven (7) and ten (10) years prior to the date of the alleged violation.
  - a.  A registered engineer has evaluated the section of the highway in question and has determined that no significant changes in roadway or traffic conditions have occurred.
  - b.  All of the elements marked under item 5, above, which are applicable.

7. **FACTS AND CIRCUMSTANCES** (Type or print only. State what happened):

SEE ATTACHED

Continued on attachment.

8. **OTHER EVIDENCE AND STATEMENTS** (Explain any other evidence and statements):

Continued on attachment.

9. **DIAGRAM(S)** (specify):

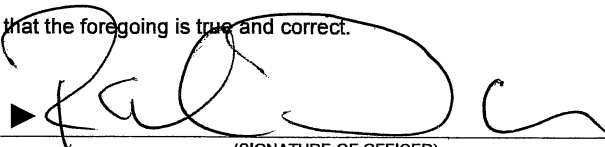
Attached.

10. Number of pages attached: 1

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

Date:

R. Daniels Jr.  
\_\_\_\_\_  
(TYPE OR PRINT NAME)

  
\_\_\_\_\_  
(SIGNATURE OF OFFICER)

ID Number: 16460

Agency NCIC Number: 9465

DATE OF INCIDENT	TIME	NCIC NUMBER	OFFICER I.D.	NUMBER
05/14/2009	1845	9465	16460	38861JQ

1 My name is Robert Daniels and I am an Officer with the California Highway Patrol, assigned  
 2 to the Modesto CHP Office. On the date in question I was in full CHP uniform, driving a fully  
 3 marked black and white CHP patrol vehicle, in Stanislaus County. I have attended and  
 4 passed a 24 hour post certified radar class. Upon completing the class, I was required to  
 5 perform 100 visual estimations with in 5 mph plus or minus, and verify the speed with the  
 6 radar unit. Upon completing the estimations, I was then certified by a radar instructor and  
 7 have been recertified annually. I have also attended and passed a 40 hour post certified  
 8 radar/lidar operator instructor course. Upon completing the class, I was certified to instruct  
 9 other officers in the use of radar and lidar. The radar unit was last calibrated on 08/31/2006  
 10 by San Diego State University. At the beginning of my shift and the end of my shift, I verified  
 11 the unit was working properly per the manufacture specifications and no errors were  
 12 detected. All certifying documents are on file with the court.

13  
 14 On 05/14/2009, at approximately 6:45 pm, I was traveling northbound on Interstate 5 south of  
 15 the Davis Road overcrossing in the #1 lane, when I observed a vehicle approaching on  
 16 southbound Interstate 5 south of the Davis Road overcrossing in the #1 lane. As the vehicle  
 17 approached, I noticed it was passing all southbound traffic at a high rate of speed. I visually  
 18 estimated the vehicle to be traveling at approximately 95 miles per hour and Interstate 5 in  
 19 Stanislaus County is posted at 70 miles per hour. I activated the front antenna of the Stalker  
 20 Dual radar unit, which is mounted in the front window of my patrol vehicle. I obtained a  
 21 reading of 96 miles per hour in the fast window of the radar display and I continued to track  
 22 the vehicle as it passed my patrol vehicle. I activated the rear antenna which is mounted in  
 23 the rear window of my patrol vehicle. I obtained a strong Doppler tone indicating the vehicle  
 24 was within the cone of the radar beam and locked in a speed of 94 miles per hour. The  
 25 vehicle was starting to slow due to slower traffic ahead. I made a u-turn, positioned my patrol  
 26 vehicle behind the suspect vehicle and activated the emergency lights. The suspect vehicle  
 27 slowed and yielded to the shoulder of southbound Interstate 5 south of the Simmon-Newman  
 28 Road overcrossing. I contacted the driver through an open passenger side window and  
 29 requested his driver's license, registration and insurance, which he provided. The driver was  
 30 identified by a CA driver's license as Peter Chuan Yi Hsu. When asked if he was watching  
 31 his speedometer and how fast he was traveling, he replied, he was not paying attention. I  
 32 then returned to my patrol vehicle and issued a citation for 22356(b)vc- Exceeding the  
 33 maximum limit of 70 mph. The driver signed the citation in my presence and promised to  
 34 appear on the date stated.

PREPARER'S NAME	I.D. NUMBER	DATE	REVIEWER'S NAME	DATE
R. Daniels Jr.	16460	10/21/2009		