

HILL LOCKYER
Attorney General

State of California
DEPARTMENT OF JUSTICE



1515 CLAY STREET, 20TH FLOOR
P.O. BOX 70550
OAKLAND, CA 94612-0550

Public: (510) 622-2100
Telephone: (510) 622-2197
Facsimile: (510) 622-2270
E-Mail: Karen.Kiyo.Huster@doj.ca.gov

August 18, 2006

The Honorable Conrad L. Rushing, Presiding Justice,
The Honorable Eugene M. Premo, Associate Justice,
The Honorable Wendy Clark, Duffy, Associate Justice
California Court of Appeal, Sixth Appellate District
333 W. Santa Clara Street, Suite 1060
San Jose, CA 95113-1717

RE: *CHP v. SUPERIOR COURT OF THE STATE OF CALIFORNIA,
COUNTY OF SANTA CRUZ*
California Court of Appeal, Sixth Appellate District, Case No.: H029406
(Santa Cruz County Superior Court Nos.: 4SM021812; 4WM023363
4SM023894; 4SM028271 and 4SM044470)

Dear Honorable Justices:

Attached please find the trial court's August 16, 2006 Findings of Fact and Conclusions of Law and Order dismissing citations 4WM023363; 4SM028271; 4SM021812; 4SM023894 and 4SM044470, which are the subject of the above-titled petition. These findings appear to be the trial court's reasoning reflected in the July 10, 2006 minute order which I submitted to you on August 7, 2006.

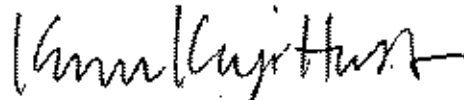
In its order dismissing the subject citations, the superior court ruled that Vehicle Code section 27803(b), the "Helmet Law," is unconstitutional as applied by the CHP. The superior court's ruling has not only altered the status quo from the time this court granted the CHP's petition for writ of mandate and issued its stay order, the superior court's ruling makes it clear that guidance from this court is necessary to clarify and uphold California law enforcement's ability to enforce the Helmet Law.

Petitioner CHP and the motoring public have a strong public-safety interest in a clear determination, on the merits, of the issues presented in the CHP's petition regarding enforcement of the Helmet Law. Therefore, petitioner respectfully requests that this court:

The Honorable Conrad L. Rushing, Presiding Justice,
The Honorable Eugene M. Premo, Associate Justice,
The Honorable Wendy Clark, Duffy, Associate Justice
August 18, 2006
Page 2

1. Order the trial court to vacate its order dismissing the subject citations so as to preserve the status quo for consideration of the merits of the petition;
2. Proceed to decide the petition on the merits;
3. Take any other actions as justice requires.

Sincerely,



KAREN KIYO HUSTER
Deputy Attorney General

For BILL LOCKYER
Attorney General

KKH:ejg

cc: The Honorable Michael E. Barton (Via: Mail (only))
Joyce Angell, Assistant District Attorney (Via: Fax & Mail)
Wendy Cole Lascher, Esq. (Via: Fax & Mail)
Rebecca Connolly, Esq. (Via: Fax & Mail)
Kate Wells, Esq. (Via: Fax & Mail)
Richard Quigley (Via: Mail (only))