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August 11, 2006

Via UPS Next Day Air

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

Re: *California Highway Patrol v. Superior Court*, case no. H029406

Your Honors:

Petitioner's counsel wrote the Court on August 7, asserting that Judge Barton's dismissal of certain citations violates the Court's stay order issued November 11, 2005.

The stay order served on my office was filed November 10, 2005, not the 11th; the Court's website does not indicate that there was any stay order filed on the 11th. The Court stayed "the trial court's order May 20, 2005 order and any related contempt proceedings."

The May 20, 2005 order which was stayed directs the Highway Patrol as follows:

. . . at such time as the defendant appears at the department, during normal business hours, with a helmet bearing a certification of compliance (the symbol "DOT"), the California Highway Patrol

(Aptos office) shall sign off, on the attached Certificate of Correction, the helmet citations listed therein.

This Court did not prohibit the trial court from determining the constitutionality of the statute as applied to Mr. Quigley; it merely prevented the trial court from requiring the Highway Patrol to sign off on the tickets or from holding the Highway Patrol in contempt for failing to do so, pending resolution of the writ petition.

Accordingly, there has been no violation.

Respectfully,

WENDY COLE LASCHER
Attorney for Real Party in Interest
Richard Quigley

WCL:hs

cc: Karen Kiyo Huster, Deputy Attorney General
Joyce Angell, Assistant D.A.
Rebecca Connolly, Esq.