

**LASCHER & LASCHER**  
A PROFESSIONAL CORPORATION

EDWARD L. LASCHER (1928-1991)  
WENDY C. LASCHER\*  
ALFRED VARGAS  
ARIS E. KARAKALOS

605 POLI STREET, P.O. BOX 25540  
VENTURA, CALIFORNIA 93002  
PHONE (805) 648-3228  
FAX (805) 643-7692  
E-MAIL: MAIL@LASCHER.COM

\*CERTIFIED SPECIALIST IN APPELLATE  
LAW, CALIFORNIA BOARD OF LEGAL  
SPECIALIZATION

August 18, 2006  
*Via Express Mail*

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:

We received a faxed version of the Attorney General's August 18 letter. The Attorney General forwards a copy of the August 16 Superior Court ruling holding the helmet law unconstitutional because there are no objective standards to give notice of what is prohibited. The Attorney General's letter asks this Court to order the trial Court to vacate its order of dismissal, and to proceed to decide the pending writ petition on the merits.

The petition Highway Patrol filed in this Court does not address the void for vagueness issue on which Judge Barton just ruled. I believe it would not be appropriate for this Court to consider this new issue without further briefing.

Further, the State appears to have an adequate remedy at law with respect to the

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August 16 ruling. The Superior Court having dismissed the citations, the State may appeal (Penal Code §1466, subd.(1)(B)).

Respectfully submitted,

WENDY COLE LASCHER

WCL:pyb

cc: Please see attached Proof of Service