

<p>ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, state bar number, and address): Richard Quigley, Defendant/Appellant, pro se 2860 Porter Street, pmb #12 Soquel, CA 95073 TELEPHONE NO.: 831-685-3108 FAX NO.:</p>	<p style="text-align: center;">FOR COURT USE ONLY</p>
<p>ATTORNEY FOR (Name): NAME OF COURT: Superior Court of California, County of Santa Cruz STREET ADDRESS: 701 Ocean Street MAILING ADDRESS: 701 Ocean Street CITY AND ZIP CODE: Santa Cruz, CA 95062 BRANCH NAME:</p>	
<p style="text-align: center;">PEOPLE OF THE STATE OF CALIFORNIA vs. DEFENDANT/APPELLANT (Name): RICHARD QUIGLEY</p>	
<p style="text-align: center;">PROPOSED STATEMENT ON APPEAL (Infraction)</p>	<p>CASE NUMBER: Sup. Ct. #00076532</p>

Defendant/Appellant (Name): **QUIGLEY** submits the following *Proposed Statement on Appeal*.

GROUND FOR APPEAL

1. *Specify in detail your reason for why you feel the judge committed "error" regarding the law or procedure. Note that credibility of witnesses is generally **not** a basis for appeal):*
 - a. The court never had lawful jurisdiction – the court assumed jurisdiction without requiring the requisite filing of a verified complaint by the public prosecutor.
 - b. The court denied the defendant’s fundamental rights to due process relative to notice and opportunity to defend in an impartial forum in front of an impartial Triar of Fact.
 - c. The court allowed, and accepted, inadmissible testimony (or himself testified as to matters of which he had not personal knowledge) and allowed, if not promoted, prosecutorial misconduct on the part of the public prosecutor, to the detriment of the defendant.
 - d. The court either didn’t understand, or refused to abide by, the plain language of the relevant statutes, or relevant binding precedent decisions from courts of higher jurisdiction – either or both mis-citing or rewriting each to make a case for the prosecutor where none otherwise existed.
 - e. The court denied the defendant a fair and impartial trial (in the context of a trial) and in all other ways, denied the defendant’s constitutionally protected rights as a Free and Natural Person as defined in Article I, Section 1, of the Constitution of California.

STATEMENT OF EVIDENCE

2. Theabove-entitled matter was reported by an official court reporter or electronically recorded and appellant intends to file a reporter’s transcript of the evidence and proceedings so reported and to make the transcript appellant’s statement on appeal.
3. Instead of a transcript the appellant is submitting the following statement on appeal:

TESTIMONY OF CHP OFFICER ULRICH

The court explained how it did not have time to conduct a trial at this time, and explained the schedule it thought might be appropriate.

Ulrich was sworn and took the stand.

DIRECT:

Officer Ulrich testified that he had seen the defendant riding a motorcycle while wearing an object that looked like a baseball cap, so he stopped the defendant and cited him for not wearing a helmet while riding a motorcycle.

(continued on next page)

vs.

DEFENDANT/APPELLANT (Name): Richard Quigley, pro se

3. a. (witness testimony continued):

CROSS:

Defendant: "During the break that we just took a few minutes ago, did you have a conversation with the district attorney?"

Ulrich: "Yes I did."

Defendant: "Could you briefly fill me in on what the conversation was about?"

Ulrich: "He talked about what the other officers had testified to."

Defendant: "Are you talking about questions or questions and answers, officer?"

Ulrich: "Both."

Defendant (to court): "What was the reason for excluding these witnesses, you honor, if the district attorney is going to go out there and share everything? I think this is consistent with the pattern that I've been complaining about for a long time. Mr. Marigondi's . . ."

Court: "(garbled) about the pattern, but Mr. Marigonda why are we doing that?"

DA: "Ah, I was actually preparing these witnesses for testimony based on what I'd heard. I was preparing them for the questions that were going to be asked on cross-examination. I didn't know what had been asked previously . . . the previous officers testified and I didn't know what it was they were going to be asked previously. So I informed the officers that I was testifying, that I was preparing them, that they could anticipate questions cross-examination about what is the difference between a baseball hat, a cap, and a helmet, the fact that these helmets (pointing to exhibits on the table), or these head-gears were going to be pointed to them and that they were going to be asked these questions. And I think that is fair to prepare my witnesses based on information that I learned."

Court: "Alright. Ah, let's just forego that here and we'll let the questions be asked and we'll proceed that way. Alright. Go ahead Mr. Quigley."

Defendant: "Okay. I object to all of the answers from the department, ah from the officer, as I have with all the rest that I'm not allowed to because you don't want to hear them every time. I really feel awkward when I'm not opening my mouth. I've seen those things . . ."

Court: "You mean your objections as to foundation?"

Defendant: "Yes, your honor."

Court: "Right. They're preserved."

The defendant went on to make an objection to all the expected testimony from all the remaining witnesses that had been tainted by the prosecutorial misconduct of the district attorney, putting off a ruling from the court until that later time that the court kept referring to.

Testimony from Officer Ulrich relative to his knowledge of the helmet law revealed that the officer had no training as to how to enforce the statute, that the letters "DOT" on headgear had no meaning to him relative to compliance with the helmet law, he had no knowledge of the injunction issued against certain enforcement practices (including application of "common sense" standards) by the CHP, and had no training relative to whether or not the citation was to be issued as a correctable violation pursuant to CVC40303.5 – although he did testify that he based his decision not to make the citation not correctable on the assumption that the defendant knew he was not in compliance with the helmet law, stating his belief that correctable violations only apply to those offenses where a person did not know they were in violation such as headlights, tail lights, etc.

The next witness was called. (See other attached Proposed Statements on Appeal)

FINDINGS OF THE COURT

4. The court determined I was guilty and assessed a fine of: SEVENTY-SEVEN DOLLARS

5. Number of pages attached _____

Date

Richard Quigley



(TYPE OF PRINT NAME)

(SIGNATURE OF DEFENDANT/APPELLANT OR ATTORNEY)