

FILED

DATE MAR 14 1994

SHEILA GONZALEZ, Superior Court  
Executive Officer and Clerk

By Georgette Whipple  
Deputy Clerk

Exhibit "V"

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SUPERIOR COURT OF THE STATE OF CALIFORNIA  
FOR THE COUNTY OF VENTURA  
APPELLATE DEPARTMENT

THE PEOPLE OF THE STATE OF CALIFORNIA, )

Plaintiff/Respondent, )

v. )

CALVIN GEORGE BROWN, )

Defendant/Appellant. )

CASE NO. APP 3478

TRIAL COURT NO.  
93MG36791

OPINION AND JUDGMENT

The appeal follows the defendant's conviction of a violation of Vehicle Code § 27803 (unapproved motorcycle helmet). Appellant asserts that the People did not meet their burden of proof and that the judgment of the trial court was in error since violations of Vehicle Code § 27803 are dismissible pursuant to vehicle code § 40610(b) because no disqualifying conditions exist.

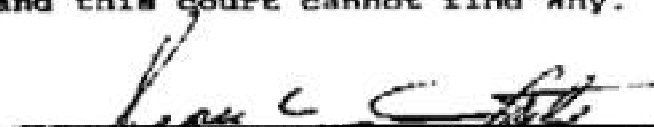
We affirm. On appeal the reviewing court must examine the record in the light most favorable to the judgment below to determine whether it discloses substantial evidence, i.e., evidence which is reasonable, credible and of solid value such that a reasonable trier of fact could determine the defendant guilty beyond a reasonable doubt. People v. Johnson (1980) 26 Cal.3d 557.


# Exhibit "V"


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1 We find in this case that there is such evidence. The officer  
2 testified that the Department of Transportation sticker on the back  
3 of the helmet was a quarter inch in height, in violation of Section  
4 218 of the Federal Motor Vehicle Safety Standard which required it  
5 to be three-eighths of an inch in height. As such, it clearly  
6 violated those provisions.

7 As to the assertion that the fine imposed on appellant was in  
8 error since the violation was curable, the appellant cites no  
9 authority for that principle and this court cannot find any. The  
10 judgment is affirmed.

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12 ALLAN L. SPEELE  
13 Presiding Judge of the Superior Court  
14 Appellate Department

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16 JAMES W. McNALLY  
17 Judge of the Superior Court  
18 Appellate Department

19   
20 CHARLES W. CAMPBELL, JR.  
21 Judge of the Superior Court  
22 Appellate Department

23 Dated: MAR 14 1994  
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