

NAME OF COURT: Superior Court of California, County of Orange  
STREET ADDRESS: 4601 Jamboree Road  
MAILING ADDRESS:  
CITY AND ZIP CODE: Newport Beach, CA 92660  
BRANCH NAME: Harbor Justice Center - Newport Beach

FILED TR-210

FOR COURT USE ONLY  
SUPERIOR COURT OF CALIFORNIA  
COUNTY OF ORANGE  
HARBOR JUSTICE CENTER

09 OCT 15 PM 3:37

ALAN CARLSON, CLERK OF THE COURT

BY V. BUI-VO <sup>nb</sup> DEPUTY

PEOPLE OF THE STATE OF CALIFORNIA  
vs.  
DEFENDANT: Kareem Salessi

NOTICE AND INSTRUCTIONS TO ARRESTING OFFICER  
VEHICLE CODE INFRACTION  
(Trial by Written Declaration—Vehicle Code, § 40902)

CITATION NUMBER:  
IRM338724

CASE NUMBER:  
IRM338724

The defendant has elected a trial by written declaration.

1. a.  A copy of the citation is attached.  
OR  
b.  (1) Agency: Irvine P.D.  
(2) Officer name & I.D. number: C. Ostrowski #282  
(3) Citation number: IRM338724  
(4) Citation date: 03/11/09

Chris  
Plz complete attached  
forms & return to Court  
Liaison Tray by  
10-26-09 The Clerk

2. Return date: 11-2-09

3. INSTRUCTIONS TO ARRESTING OFFICER: Complete, date, and sign an officer's declaration, attach it to this notice, and file it with the court by the return date (see item 2 above).

4. File with or mail to the Clerk of the (specify): Harbor Justice Center -N.B. Court at (mailing address):  
4601 Jamboree Rd  
Newport Beach, CA 92660

5. For information, call the court clerk's office at (telephone no.): (949) 476-4741 / 4743

6. Number of pages attached: 2

Date: 10/06/09 Clerk, by V. Bui-Vo, Deputy

CLERK'S CERTIFICATE OF MAILING

1. I am not a party to this action.  
2. I served the Notice and Instructions to Arresting Officer by enclosing a copy in an envelope addressed to (specify agency name and address): Irvine P.D. - Court Liaison

and caused the envelope to be deposited with the United States Postal Service with first-class postage fully prepaid at (city): Newport Beach, California on (date): 10/06/09

3. I certify that the foregoing is true and correct.

Date: 10/06/09 Clerk, by V. Bui-Vo, Deputy

Form Adopted by the  
Judicial Council of California  
TR-210 (New January 1, 1998)

NOTICE AND INSTRUCTIONS TO ARRESTING OFFICER  
(Trial by Written Declaration—Traffic)

Vehicle Code, § 40902  
American LegalNet, Inc. | www.USCourtForms.com

NAME OF COURT: Superior Court of California, County of Orange STREET ADDRESS: 4601 Jamboree Road MAILING ADDRESS: CITY AND ZIP CODE: Newport Beach, CA 92660 BRANCH NAME: Harbor Justice Center - Newport Beach TELEPHONE: 949-476-4742		FOR COURT USE ONLY
PEOPLE OF THE STATE OF CALIFORNIA vs. DEFENDANT: Kareem Salessi		
<b>OFFICER'S DECLARATION</b> (Trial by Written Declaration—Vehicle Code, § 40902)		
RETURN DATE: 11/02/09	ARRESTING/CITING OFFICER NAME/ID NO.: C. Ostrowski #282	CITATION NUMBER/DATE ISSUED: IRM338724 /
AGENCY NAME: Irvine P.D.	OFFICE (IF ANY):	CASE NUMBER: IRM338724

**INSTRUCTIONS:** The defendant in the case listed above has opted for trial by written declaration pursuant to Vehicle Code section 40902. The officer named above shall check all statements that apply, date, sign, and complete and return this form to the court named above by the return date.

1. **OFFICER'S DECLARATION:** Except as expressly stated below, I have personal knowledge of the facts stated herein. The events occurred in the County of (specify): ORANGE at about the date, time, and location stated in the citation.
  - a.  At the time of the citation I was a peace officer on-duty  for the exclusive or main purpose of traffic enforcement  not for the exclusive or main purpose of traffic enforcement, and I  was  was not wearing a uniform as required by the Vehicle Code section 40800. Any vehicle used by me complied with Vehicle Code section 40800.
  - b.  The offense(s) were not committed in my presence.
  - c.  Any statement(s) made by the defendant were voluntary, recorded  verbatim  not verbatim and is/are reasonably complete and accurate in substance.
  - d.  Safety is an element of the violation alleged. In my opinion, the defendant's operation of the vehicle was unsafe.
  - e.  Any equipment used by me to gather evidence in support of this violation was properly maintained, in good working order, and I have been trained in its use.
  - f.  Any traffic sign, signal, or device mentioned was official and properly located, maintained, in good working order, and clearly visible to a driver of a vehicle controlled, governed, or affected by such sign, signal, or device.
  - g.  Any diagram(s) submitted is/are not exact or to scale, but is/are reasonably complete, accurate, and fairly depict(s) the location, situation, and events described.
  - h.  Speed supported by the patrol vehicle's speedometer was a significant factor. Pursuant to department policy, the patrol vehicle used in connection with this citation was officially calibrated on (date):  
The result was (specify):  
The calibration was considered by me in determining defendant's speed.
  - i.  Defendant was identified by Driver's License  or other (specify):
2. **THE METHOD(S) USED TO DETERMINE THE SPEED OF THE INVOLVED VEHICLE WAS/WERE:**

a. <input type="checkbox"/> Odometer	e. <input type="checkbox"/> Laser
b. <input type="checkbox"/> Visual estimation	f. <input type="checkbox"/> Aircraft
c. <input type="checkbox"/> Pacing	g. <input type="checkbox"/> Other (specify):
d. <input type="checkbox"/> Radar (see items 4, 5, 6, below)	
3.  Engineering and traffic survey (ETS) not required per Vehicle Code section 40802, subdivision (b).
4.  ETS completed within five (5) years prior to date of alleged violation.
  - a.  ETS attached.
  - b.  ETS on file with the court.
5.  ETS completed within five (5) and seven (7) years prior to date of alleged violation.
  - a.  ETS attached.

PEOPLE v. DEFENDANT (Name):

Kareem Salessi

CASE NUMBER:

IRM338724

- 5. b.  ETS on file with the court.
  - c.  Arresting/citing officer has successfully completed a radar operator course of not less than 24 hours approved and certified by the Commission on Peace Officer Standards and Training (POST).
  - d.  Laser or other electronic device was used to measure speed. Arresting/citing officer successfully completed an additional training course of not less than two hours approved and certified by POST.
  - e.  The speed measuring device used to measure the speed of defendant (Serial No: \_\_\_\_\_) meets or exceeds the minimum operational standards of the National Highway Traffic Safety Administration (NHTSA) and was last calibrated on (date): \_\_\_\_\_ by an independent certified laser/radar repair and testing/calibration facility.
  - f.  Equipment accuracy check conducted on (date): \_\_\_\_\_ at (time): \_\_\_\_\_ and again on (date): \_\_\_\_\_ at (time): \_\_\_\_\_
6.  ETS completed within seven (7) and ten (10) years prior to the date of the alleged violation.
- a.  A registered engineer has evaluated the section of the highway in question and has determined that no significant changes in roadway or traffic conditions have occurred.
  - b.  All of the elements marked under item 5, above, which are applicable.

7. FACTS AND CIRCUMSTANCES (Type or print only. State what happened):

See ATTACHED

Continued on attachment.

8. OTHER EVIDENCE AND STATEMENTS (Explain any other evidence and statements):

Continued on attachment.

9. DIAGRAM(S) (specify):

Attached.

10. Number of pages attached: 1

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date: \_\_\_\_\_

..... CHRIS OSTRROWSKI .....  
(TYPE OR PRINT NAME)

[Signature]  
SIGNATURE OF OFFICER)

ID Number: 282

Agency NCIC Number: 3076

**Trial by Declaration**  
**Def: Kareem Salessi**  
**Cite #: IRM338724**

On 3-11-2009 at approximately 1642 hours I was working traffic enforcement wearing a police uniform riding a marked Irvine Police Department Motorcycle, in the city of Irvine Police Dept, in the County of Orange.

I was working in the area of Michelson between Teller and Jamboree. While at the location I watched as traffic for eastbound Michelson started to back up from the red light at the intersection with Jamboree. While traffic was backed up almost to teller, I saw a **Honda Accord** in the #2 left turn lane, (which is extended from Jamboree all the way to Teller). Cross over the double yellow lines separating east and westbound traffic on Michelson. The vehicle proceeded to pass **7 cars**, traveling a total of **100 feet heading eastbound** in the #1 westbound left turn lane of Michelson at Teller. The vehicle then entered the #1 left turn lane of eastbound Michelson at Jamboree. Two other vehicles followed the **Honda** as well.

I activated my emergency lights including one steady red light. I proceeded to contact all three drivers as they were stopped at the red light. I ordered them to pull over to the side of the road after we made the left turn. The light turned green all vehicles made a left turn and came to a stop on Jamboree north of Michelson.

I contacted the driver of the **Honda**, who I identified as Kareem Salessi from his California Driver's license. I asked him if he knew why I stopped him. He told me he did not know. I advised him that I stopped him for driving on the wrong side of the road when he drove over the double yellow lines and began to drive eastbound in the westbound lanes of Michelson before entering the #1 left turn lane of eastbound Michelson. I issued Salessi a ticket for CVC 21650 driving the wrong way on the roadway, had him sign it and release him from the scene.

NAME OF COURT: Superior Court of California, County of Orange STREET ADDRESS: 4601 Jamboree Road MAILING ADDRESS: CITY AND ZIP CODE: Newport Beach, CA 92660 BRANCH NAME: Harbor Justice Center - Newport Beach	FOR COURT USE ONLY
PEOPLE OF THE STATE OF CALIFORNIA vs. DEFENDANT: Kareem Salessi	
<b>DECISION AND NOTICE OF DECISION</b> (Trial by Written Declaration—Vehicle Code, § 40902)	

CITATION NUMBER: <b>IRM338724</b>
CASE NUMBER: <b>IRM338724</b>

1. The court's decision was entered on (date): **10/27/09**

2. Bail amount: \$ 260.00

3. **THE COURT FINDS** the defendant

- |                                       |                                     |                                                             |                                           |
|---------------------------------------|-------------------------------------|-------------------------------------------------------------|-------------------------------------------|
| a. Violation #1 (describe): CVC 21650 | <input type="checkbox"/> Not guilty | <input checked="" type="checkbox"/> Guilty. Fine: \$ 446.00 | <input type="checkbox"/> Dismiss. Fee: \$ |
| b. Violation #2 (describe):           | <input type="checkbox"/> Not guilty | <input type="checkbox"/> Guilty. Fine: \$                   | <input type="checkbox"/> Dismiss. Fee: \$ |
| c. Violation #3 (describe):           | <input type="checkbox"/> Not guilty | <input type="checkbox"/> Guilty. Fine: \$                   | <input type="checkbox"/> Dismiss. Fee: \$ |
| d. Violation #4 (describe):           | <input type="checkbox"/> Not guilty | <input type="checkbox"/> Guilty. Fine: \$                   | <input type="checkbox"/> Dismiss. Fee: \$ |

**THE COURT ORDERS**

4.  Defendant shall pay the following amount:
- a. Total fines: \$ 446.00
  - b. Total fees: \$ 0.00
  - c. Total fines and fees (a plus b): \$ 446.00
  - d. Credit for bail ordered applied: \$ 260.00

e. TOTAL AMOUNT OWED (c minus d): \$ 186.00	TO BE PAID BY (date): 11/30/09
---------------------------------------------	--------------------------------

5.  Clerk shall refund to defendant the following amount:

- a. Bail amount: \$
- b. Subtraction of total fines (if any): \$
- c. Subtraction of total fees (if any): \$
- d. Total fines and fees to be subtracted (b plus c): \$

e. TOTAL AMOUNT ORDERED REFUNDED (a minus d): \$	(should be received by mail within 60 days)
--------------------------------------------------	---------------------------------------------

6. Other orders (specify):

Date: **11/2/09**

**Commissioner Max De Liema**

JUDICIAL OFFICER

IF YOU WISH TO REQUEST A NEW TRIAL, YOU MUST SUBMIT A REQUEST FOR NEW TRIAL (TRIAL DE NOVO) (FORM TR-220) WITHIN 20 DAYS OF THE DATE STATED IN ITEM 2 OF THE CLERK'S CERTIFICATE OF MAILING (see reverse).
------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

FOR USE BY COURT CLERK:  The evidence submitted by defendant is enclosed.

(Certificate of mailing on reverse)

SUPERIOR COURT OF THE STATE OF CALIFORNIA

FOR THE COUNTY OF ORANGE

HARBOR JUSTICE CENTER **FILED**

SUPERIOR COURT OF CALIFORNIA  
COUNTY OF ORANGE  
HARBOR JUSTICE CENTER

DEPARTMENT H14

MAY 17 2010

ALAN CARLSON, Clerk of the Court

BY: C. GARCIA DEPUTY

THE PEOPLE OF THE STATE OF )  
CALIFORNIA, )

Plaintiff, )

vs. )

KAREEM SALESSI, )

Defendant. )

No. IRM338724

**COPY**

HONORABLE MAX DE LIEMA, JUDGE PRESIDING

Transcript

Thursday, January 7, 2010

**APPEARANCES OF COUNSEL:**

For the People: OFFICER OSTROWSKI  
Irvine Police Department

For Defendant: KAREEM SALESSI  
Appearing Propria Persona

Jerry Noble, Transcriber  
Foothill Transcription Company, Inc.

1 was working uniform traffic enforcement. I was  
2 riding a marked Irvine Police Department motorcycle  
3 in the City of Irvine, in the County of Orange.  
4 On this particular date and time, I was  
5 working traffic enforcement in the area of  
6 Michelson, directly between Jamboree and Teller, as  
7 depicted by the diagram that I have presented here.  
8 THE COURT: We'll mark that as People's  
9 number 1, for identification.  
10 (People's Exhibit 1 marked for identification.)  
11 THE COURT: It will be admitted and returned  
12 to the officer upon completion.  
13 (People's Exhibit 1 is received into evidence.)  
14 THE COURT: Go ahead.  
15 OFFICER OSTROWSKI: This area is known for  
16 vehicles traveling on the wrong side of the road  
17 due to the fact traffic in the number two left turn  
18 lane for eastbound Michelson backs up from Jamboree  
19 almost all the way to Teller. I had placed my  
20 police motorcycle with myself on it along the south  
21 portion of the roadway. There's a small driveway  
22 there that leads into the business. I was in that  
23 driveway. From my location, I have a clear and  
24 unobstructed view of the entire roadway of  
25 Michelson, both east and westbound from Jamboree,  
26 all the way through to Teller.

1 As I was sitting in this location, the  
2 number two left turn lane had begun to back up  
3 because the signal for eastbound Michelson at  
4 Jamboree had turned to red. I saw the vehicles  
5 backed up almost all the way to Teller.

6 As I was in this location, I noticed the  
7 defendant's vehicle was -- as marked in red on the  
8 diagram -- was almost at the intersection with  
9 Teller with about two cars behind him. He stopped  
10 his vehicle behind the line of cars, proceeded to  
11 make a left-hand turn, crossing the double yellow  
12 lines, and then began traveling eastbound through  
13 the number one left hand turn lane of westbound  
14 Michelson. He traveled approximately five car  
15 lengths before re-entering the number one left hand  
16 turn lane of eastbound Michelson, just west of  
17 Jamboree.

18 At that point in time, I also noticed the  
19 two other vehicles behind him follow him and do the  
20 exact same movement.

21 I activated my emergency lights, proceeded  
22 to get through the vehicles there. I contacted  
23 both drivers of the vehicles behind them and  
24 advised them I was stopping them for driving on the  
25 wrong side of the roadway. I also contacted the  
26 defendant at the time in his vehicle and advised

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3 because the signal for eastbound Michelson at  
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23 both drivers of the vehicles behind them and  
24 advised them I was stopping them for driving on the  
25 wrong side of the roadway. I also contacted the  
26 defendant at the time in his vehicle and advised

get to

1 him that after he makes the left hand turn, to pull  
2 over to the right side of the roadway. I issued him  
3 a citation. I then assisted all three vehicles as they  
4 made their left turn to proceed to move over to the  
5 right side of the roadway on Jamboree where they  
6 came to a stop between -- on Jamboree between  
7 Michelson and the 405 freeway. the officer?  
8 I contacted the defendant. Identified him  
9 by his California driver's license. The defendant  
10 is standing next to me. He was driving a white  
11 Jeep Grand Cherokee at the time. of the officer.  
12 **THE COURT:** All right. The record will  
13 reflect you've identified the defendant. Continue,  
14 sir. SALESKI: Officer Ostrowski?  
15 **OFFICER OSTROWSKI:** I asked him if I knew  
16 why I stopped him. He advised me he did not. I  
17 had asked him if he knew that when he went left of  
18 all of the vehicles that were left of the left hand  
19 turn lane, he noticed he crossed a set of double  
20 yellow lines. He advised me he thought he was just  
21 trying to get -- alleviate traffic, so he tried to  
22 get into the number one left turn lane that was  
23 rather empty. this officer's --  
24 I advised him when he did that, he was  
25 traveling at that point in time on the wrong side  
26 of the road, approximately five car lengths which,



1 direction, going toward Teller, only stairs here  
2 which is only about -- a very short distance, about  
3 30 yards, and this entire street of about 200  
4 yards, most of it is -- is basically --  
5 THE COURT: Well, sir, I don't know what the  
6 -- when that diagram or that aerial photograph was  
7 made, I've heard the officer's testimony, I've  
8 seen the officer's diagram. Are you saying that  
9 there are no double yellow lines?  
10 MR. SALESSI: Oh, there are double yellow  
11 lines --  
12 THE COURT: Okay. So let's get to the point  
13 --  
14 MR. SALESSI: Yes --  
15 THE COURT: -- of what it is that you're  
16 charged with, okay?  
17 MR. SALESSI: Right.  
18 THE COURT: All right.  
19 MR. SALESSI: Now, the officer states that  
20 he was here, where he saw me at somewhere around  
21 this location, and that he did not have an  
22 obstructed vision.  
23 THE COURT: Correct.  
24 MR. SALESSI: This can't be correct because  
25 if there were cars in front of him on this lane,  
26 this is the left lane which he claims was

1 obstructed, all the way -- is obviously  
2 THE COURT: So there were cars between him  
3 and you, is what you're saying.  
4 MR. SALESSI: Exactly.  
5 THE COURT: Right? I understand that.  
6 MR. SALESSI: So he did not -- notice the  
7 phrase  
8 THE COURT: Okay. Have a --  
9 MR. SALESSI: He did not --  
10 THE COURT: -- totally unobstructed -- at  
11 the top  
12 MR. SALESSI: -- see me crossing the street.  
13 THE COURT: Okay.  
14 MR. SALESSI: Therefore, his witnessing to  
15 this effect, he did not see it, and --  
16 THE COURT: All right.  
17 MR. SALESSI: -- the testimony is correct,  
18 and therefore, if I may, at this point, I would  
19 like to move the Court for a nonsuit.  
20 THE COURT: All right. Anything further  
21 that you'd like to say? I'll take your motion for  
22 nonsuit under submission.  
23 MR. SALESSI: Okay. And then there's more.  
24 Yes, your Honor. And per the proportionality of  
25 the officer's -- the officer's --  
26 THE COURT: The diagram.  
MR. SALESSI: -- diagram.  
THE COURT: Yes?

[INCORRECT]

argument, if you have law that you want to cite to  
me, I'll be happy to review it.  
MR. SALESSI: Okay. Once I'm done with my  
testimony --  
THE COURT: Yes, sir. Are you finished?  
MR. SALESSI: Yes, I believe I'm done --  
THE COURT: All right.  
MR. SALESSI: -- with the testimony.  
THE COURT: Did you wish to make a summary,  
a closing argument? Please proceed.  
MR. SALESSI: Yes. I would like to state  
that the citation was incorrect. There is no law  
-- there is no statute called driving the wrong  
side, as I already presented to the Court.  
THE COURT: Okay.  
MR. SALESSI: And then in some  
circumstances, it is lawful to drive on the left  
side, as the citation 103 Cal. App. 2d 124.  
THE COURT: All right.  
MR. SALESSI: (Inaudible) vs. Lewis, and as  
in 83 Cal. App. 2d 733, Martin v. Nelson, where  
although defendant's car was on the wrong side of  
the divided highway, when the collision occurred,  
and that's in this case of a collision, the burden  
was upon plaintiff to make a prima facie case of  
negligence since there was no presumption that

1 defendant drove on the wrong side of the road.  
2 **THE COURT:** Mr. Salessi?  
3 **MR. SALESSI:** Yes, your Honor.  
4 **THE COURT:** Are these criminal cases?  
5 **MR. SALESSI:** No, they're not, your Honor.  
6 **THE COURT:** They're personal injury cases.  
7 That has to do with assessing fault when there's an  
8 accident. It has nothing to do with this. Okay?  
9 Sometimes people violate laws and the y're not at  
10 fault for the accident. You roll through a stop  
11 sign and you get rear-ended. It's not your fault.  
12 But in any event, is there anything else you want  
13 to say? I think I understand your argument.  
14 **MR. SALESSI:** Yes, sir. May I just cite  
15 one county case which is helpful in this situation?  
16 **THE COURT:** If you -- if it's applicable,  
17 sure. **MR. SALESSI:** -- which is inapplicable  
18 **MR. SALESSI:** Yes.  
19 **THE COURT:** What is it?  
20 **MR. SALESSI:** Okay. It's a Riverside County  
21 case. (Inaudible) here which I would like to take  
22 judicial notice, if the Court may. [I HAVE OVER A 100 CASES]  
23 **THE COURT:** No, sir. Just -- going to --  
24 **MR. SALESSI:** In support of my --  
25 **THE COURT:** If there's something that you  
26 have that's relevant, I'll be happy to listen.

1 defendant drove on the wrong side of the road.  
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23 THE COURT: No, sir. Just --  
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25 THE COURT: If there's something that you  
26 have that's relevant, I'll be happy to listen.

I have all of  
19 numbered

1 MR. SALESSI: Okay. (Inaudible). That's a  
2 violation of this section does not under all  
3 circumstances constitute negligence as a matter of  
4 law. (Inaudible).  
5 THE COURT: That's negligence.  
6 MR. SALESSI: -- county of --  
7 THE COURT: Are you an attorney, sir? You  
8 should know the difference between civil cases and  
9 --  
10 MR. SALESSI: Your Honor.  
11 THE COURT: Are you an attorney?  
12 MR. SALESSI: No, your Honor. I'm not.  
13 THE COURT: All right. Then is there  
14 anything else you want to say?  
15 MR. SALESSI: And one last citation --  
16 THE COURT: Okay. [THE RULE OF THE  
17 MR. SALESSI: -- which is (inaudible) --  
18 statute is not a rigid but a less (inaudible) that  
19 is 37 Cal.App. 715, (inaudible), and if I may, I  
20 would like to re-submit my trial --  
21 THE COURT: No, sir.  
22 MR. SALESSI: -- with declaration documents.  
23 THE COURT: No, sir. I'm not going to --  
24 MR. SALESSI: That's all I have.  
25 THE COURT: All right. Anything else?  
26 MR. SALESSI: No, your Honor.