

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.: ATTORNEY FOR (Name):	FOR COURT USE ONLY
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:	
PEOPLE OF THE STATE OF CALIFORNIA vs. DEFENDANT/APPELLANT (Name): RICHARD QUIGLEY	
PROPOSED STATEMENT ON APPEAL (Infraction)	CASE NUMBER: Sup. Ct. #90332665

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. The above-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:

The defendant has not been able to obtain an understandable audio tape of Deputy Watson’s testimony. When it is obtained, this Proposed Statement will be updated (if allowed). In essence, Watson testified that he stopped and cited the defendant for not wearing a helmet based on the opinion that what the defendant was wearing was a baseball cap (based on its appearance), not a helmet (although he could not explain what that is). Watson testified that he believed the defendant knew more about the helmet law than he did, and that he had had not specific training relative to enforcing the helmet law. Watson admitted that he had threatened the defendant with arrest if he, the defendant, did not wear an approved helmet and continued to ride his motorcycle (although he did say he had been instructed to deliver that message). Watson also testified that he called the CHP to the scene to read the helmet law to the defendant, which he said they did. During the course of questioning about which helmets on the table in front of the defendant he would or would not cite for, Watson had to change his mind about one helmet in particular that looked very much like a half-shell, or beanie helmet, but was constructed of lightweight vinyl and collapsed under the weight of the defendant’s pointing finger – proving, at least to the satisfaction of the defendant, that things (such as helmets) are not always what they appear.

Thus ended the string of witnesses. Court was adjourned. (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 November 26, 2001

Richard Quigley

(TYPE OF PRINT NAME)



(SIGNATURE OF DEFENDANT/APPELLANT OR ATTORNEY)