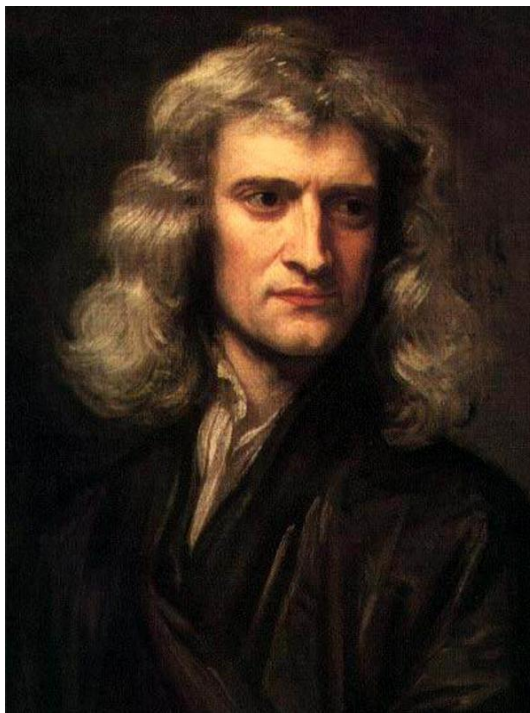


2012

Isaac Newton vs. Red Light Cameras



**The Charges Against
Town of Cary, North Carolina**



Brian Ceccarelli

redlightrobber.com

2/1/2012

	Charge	Description
1	<p>Violation of Town of Cary Charter App 2.8(c) Violation of Town of Cary Charter App 2.8(e) Violation of Town of Cary old Charter 8.15</p> <p>Dilemma Zone Type I</p>	<p>The yellow light durations are not at least the values required by the NCDOT ITSS Unit Design Manual, or the traffic signal plan does not match what is on the ground.</p> <p>The yellow lights are too short, forcing drivers to run red lights. When the yellows are shorter than the formula, Cary creates a type I dilemma zone for all movements on the approach.</p> <p>Illegally collected \$1,200,000.00.</p>
2	<p>Turn Yellow Arrows Too Short</p> <p>Dilemma Zone Type I</p>	<p>The Town of Cary sets the duration of left turn yellows according to the physics of 22 mph cars, even though the speed limit is 45 mph. The Town of Cary forces all these drivers to run red lights.</p> <p>The problem applies to left turns, right turns and U turns. The Town of Cary forces all these drivers to run red lights.</p> <p>The Town of Cary uses capricious standards established by the Institute of Transportation Engineers. These standards explicitly violate the laws of physics by not allowing a driver to decelerate before entering the intersection.</p> <p>The Town of Cary exacerbates the problem by further shorting the already short formula.</p> <p>Illegally collected \$5,000,000.00.</p>
3	<p>Formula is Incompatible with Reality and Thus Incompatible with the Law</p> <p>Dilemma Zone Type I</p>	<p>The formula forces all drivers to run red lights.</p> <p>The formula is only designed so that you can decelerate to a stop, or proceed to the intersection at a speed which is never less than the speed limit. The formula never handles the cases where a car must decelerate and enter the intersection. For those cases, the formula forces drivers to run red lights.</p> <p>If you have to tap your brakes because a car</p>

		<p>emerged from a business exit, the formula can force you to run a red light. If you have to tap brakes because the traffic signal on the other side of your own intersection is red, the formula can force you to run a red light. If you have to tap your brakes to avoid a car that turned left in front of you, the formula can force you to run a red light. Think of any situation where you must decelerate for any length of time before entering your intersection. The formula can force you to run a red light.</p>
<p>4</p>	<p>Incomplete Application of Formula Creating Incompatibility Between Engineering and Law</p> <p><u>Dilemma Zone Type II</u></p>	<p><u>The formula the Town of Cary uses to set the yellow light duration also requires the Town of Cary to tell the driver the closest point to the intersection where the driver can begin to stop safely.</u></p> <p>The Town of Cary does not tell the driver where this point is. The failure to disclose the decision point is the engineering defect called a <u>type II dilemma zone</u>. The dilemma zone guarantees a steady flow of cars running red lights.</p> <p>The Town of Cary enforces the red light law by the details of the spec, but the Town of Cary does not build intersections that comply with the details. The engineering is incompatible with the law.</p> <p>Illegally collected \$6,200,000.00.</p>

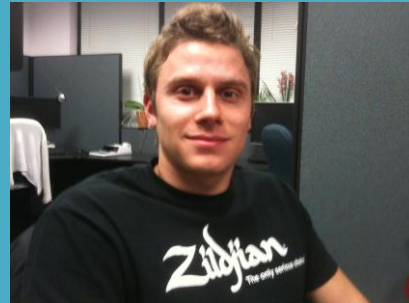
5 Cary Town Code 34-303(b) is Unenforceable

[34-303b](#) “The owner of a vehicle shall be responsible for a civil violation under this section . . .”

Citation: “It is self-evident that the owner of the car is the driver.”

A self-evident proposition is a proposition that requires no proof.

Meet Mary Ann:



Look at the [Citation](#).

6

Felony Fraud

The authors of the citation intentionally make false statements in order to ensure payment of the citation.

The citation defrauds the public by misstating the law. The citation misstates Cary Town Code 34-303b-c and [Session Law 2001-286](#) regarding the vehicle owner’s culpability. The citation assigns more responsibility to the owner than the law.

The [citation](#) says that the owner either must confess (Citation Option A, Cary Code 34-303b), or swear out an affidavit (Citation Option B, Cary Code 34-303c(1)) identifying the guilty party. But then the citation diverts from the law. The citation says, “The owner of the vehicle cannot transfer responsibility of the citation to another driver if the other driver does not accept responsibility.”

That is a false statement which contradicts the [Town Code 34-303c\(3\)](#). Town Code 34-303c(3) says, “The owner of the vehicle shall not be responsible for the violation if . . . the owner of the car furnishes the officials or agents of the town an affidavit that he was not driving a vehicle at the time and location designated in the citation.”

This is a Class H Felony in the State of North Carolina, an intentional misstatement to defraud the public.

Redflex Traffic Systems sends out the citations, not Cary. The postmark on the citations is from zip code 85085. That is Phoenix, Arizona—the US headquarters of Redflex.

Robert Slay of Garner, the owner but not driver of the car, is the first person to challenge Redflex on this. Redflex would not dismiss the ticket. On March 2, 2011, the Cary PD intervened. The Cary PD dismissed the citation.

Nonetheless, Redflex still sends out the fraudulent citations. The Town of Cary has not corrected them.

7	Violation of Legal Precedent	The Town of Cary turned running a red light from a criminal case to a civil case, not because the infraction differs from being caught by police or by camera, but because it allows the Town of Cary to deny the accused of United States Constitution 5 th and 6 th Amendments' rights.

8	Violation of the 5th Amendment	The Town of Cary forces the driver to incriminate himself.
9	Violation of the 14th Amendment	The Town of Cary violates the 14 th Amendment's due process by charging the driver \$50.00 to get a hearing to defend himself. There is no law which allows Cary to charge the accused \$50.00 to get a hearing.
10	Violation of the 6th Amendment	The Town of Cary does not provide witnesses or an impartial jury at the hearing.
11	Misrepresentation, Fraud	<p>Brad Hudson's title on the citation is "Cary Police Representative making one believe that Brad Hudson is a police officer.</p> <p>On page 5, §1.20 of the Cary-Redflex contract, the contract requires that "the person who evaluates the Potential Violations, must be a sworn police officer of the Customer."</p> <p>Brad Hudson evaluates the violation on page 3 of a citation and marks his decision with his signature.</p> <p>Brad Hudson is a Civilian. Brad Hudson is not a police officer. He is a <i>retired</i> police officer.</p> <p>Brad Hudson impersonates a police officer. That is misrepresentation, fraud--a violation of N. C. Gen Stat §14-277.</p>
12	Misappropriation of Funds Violation of NC Constitution Article IX Section 7 and NCGS § 155C-437	<p>The Town of Cary pays \$900,000/year of \$1,000,000/year collected to the private red light camera business RedFlex. The money is supposed to go to the Wake County Public School District.</p> <p>Under question is the definition of "clear proceeds." NCGS § 155C-437 defines clear proceeds as gross collections - enforcement costs. NCGS § 155C-437 allows subtraction of enforcement costs only, not collection costs. The Town of Cary defines clear proceeds as gross collections - (collection costs + enforcement costs) allowing the bulk of the money to go to the profits of a private business. Cary's definition contradicts NCGS</p>

§ 155C-437's.

In the end, [Article IX](#) prohibits penal fines to be used for the profits of private businesses or municipalities.