

# HANIS IRVINE PROTHERO ATTORNEY LEE THOMAS successfully challenges the City of Auburn's photo enforcement procedures

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The City of Auburn uses photo enforcement cameras to issue speeding tickets in several school zones throughout the city. Lee Thomas, at Hanis Irvine Prothero, PLLC, represents a local resident who was cited by the City of Auburn under this photo enforcement program. Mr. Thomas insisted on seeing proof that the speed measuring devices used in Auburn are accurate and reliable. The City Prosecutor refused this request and only offered maintenance records for the cameras. The City argued that the rules of evidence do not apply because photo enforcement tickets are treated as parking tickets.

Attorney Thomas challenged this position and won. He argued, successfully, that if the city is going to charge someone \$200.00 for speeding, then it must prove that the speed measuring devices accurately and reliably measure speed. On January 27, 2010, an Auburn Municipal Court Judge ruled that the city must provide evidence that the speed measuring devices used in its photo enforcement program are not only working, but that they are accurate and reliable. It is unclear whether the city will appeal this ruling.

The attorneys at Hanis Irvine Prothero do not condone or support speeding, but the City of Auburn must meet its burden of proof. This ruling will help ensure that the City of Auburn does its homework before citing you for speeding under its photo enforcement program.