

## How I Beat a LIDAR Speeding Ticket

My wife and I were going to dinner one miserable January night. I was driving through "a well-known-local-speed-trap" as I referred to it later. The speed limit on this wide and uncrowded highway was a mysterious 45 mph, and in truth I was going ...maybe 49 mph. I was not watching the speedometer, but I was sure about this as we were just motoring along in no particular hurry, and I drive these roads frequently.

Just as we came up to a patrol car, several trucks and SUV's zoomed past me and the cop waved his flashlight in my direction. I thought he had waved over the vehicles passing me, but a few seconds later—on came the lights right behind me. I thought..."broken light?" but was amazed when the cop said he measured me on LIDAR and handed me a speeding ticket for 59 mph. I was polite and signed the ticket and thanked the officer.

So there I was.... I believed I was truly not guilty. The fine would have been \$160 or so, but I knew that the real damage would come later with the insurance bill. So what does an innocent man do when confronted with injustice? I recalled a traffic-school instructor who explained that one NEVER has to get a ticket on his record, but it could take time and effort and infinite appeals to win. The court will fold before you do if you keep appealing. During class he had repeated held up a dog-eared paperback copy of the US constitution and said rhetorically, "...and why do we have that right?" The traffic school class would shout in unison..."It's in the Constitution!"

I asked for a continuance to study the matters because *any* delay works in favor of the defendant, and I gathered up all the information I could. I finally bought the Loompanics book on how to beat speeding tickets. They mentioned that LIDAR errors occur if the cop focuses on your roof rack but in squeezing the trigger jerks down to your headlights or front grill. This at least gave me room to argue. They also mentioned that there is a real difference between "Absolute" and "Relative" speed limits. *Absolute* speed limits are found only on restricted-access roads such as freeways, turnpikes, and expressways. Absolute speed limits CANNOT be contested without good counter-evidence. The officer's word is gospel. *Relative* speed limits, on the other hand, require that the officer state that the speed was *unsafe* (this is important), and witness testimony (such as my wife's) is allowed. The court can hear all sorts of excuses— ("Ahh...my gas pedal stuck...."). Hmmmm...this held promise as a defense.

I appeared before the magistrate (who made Tomas de Torquemada seem nice...in fact that might have been his name...), and after some wrangling and demanding my day in court, I paid a \$20 fee and was given a date to appear.

Finally I had my day in court—

I sat in the courtroom with a dozen other people, mostly young. My case was called first.

The officer climbed onto the witness stand and recited his version of the event. Then the judge allowed me to question the officer. So I asked—

1) Was the officer aware of the several vehicles that went zooming past me? He said he did not see any. Later I knew this was a stupid question.

But then came the Loompanics questions—I asked:

2) Was the officer familiar with the many published reports of LIDAR errors? Perry Mason would have been proud. The officer could not say "yes" and he could not say "no". But he coolly slipped out of my trap by replying that he "was only the operator of the LIDAR, not the technician."

I continued—

3) Was the officer familiar with the common LIDAR trigger-jerk error (as described by Loompanics above), but again he replied that he "was only the operator of the LIDAR, not the technician."

I knew I was close to being out of ideas...

4) Then I asked the officer if he was familiar with the difference between absolute and relative speed limits...and could he please describe them to the court?

There was a moment of stunned silence in the courtroom that made me wish I had become a lawyer. I could taste that rabbit... The officer was clearly in trouble. He looked at the judge to try to get some support. I saw the judge smile and shrug his shoulders as if to say, "I don't know where this is guy is going but it's going to be interesting."

I then calmly explained that the "well-known local speed trap" was clearly a "relative speed limit" area, and that *even if I had been going the speed marked on the ticket*—clearly it would not have been an unsafe speed, nor would it have been technically illegal.

The officer, visibly shaken and not very happy, left the stand. Now it was my turn. The judge asked me if I had anything else.

I took the stand, looked the judge in the eyes and calmly proclaimed my innocence. I told him that most people would just roll over on the ticket but that I wanted to put in the time and effort to argue this because I was not guilty of the charge. I said I did not know how the error occurred, but that 59 mph was far outside any possible speed I could have been driving on that road. I then gave

him a corroborating witness note from my wife, which he read carefully and handed back.

I thanked the judge and sat down in the courtroom. The judge asked the officer if he cared what the judge did. (I thought this was questionable behavior). The officer said "no". Then the judge asked him if I had been polite in receiving the ticket. The officer said "yes".

So finally the judge addressed the court and spent several very long minutes explaining the state traffic laws in excruciating detail regarding absolute and relative speed limits. He said that it was exactly as I had explained and that the note from my wife was admissible because the "well-known local speed trap" was clearly a "relative speed limit" area.

So the judge ruled in my favor and I left the courtroom with his signature. I asked the police officer if I could shake his hand to say that things were okay between us.

....Amazing.

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