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**FILED**  
NOV 14 2024  
SUPERIOR COURT OF CALIFORNIA  
COUNTY OF HUMBOLDT

**SUPERIOR COURT OF CALIFORNIA, APPELLATE DIVISION,  
COUNTY OF HUMBOLDT**

THE PEOPLE OF THE STATE OF CALIFORNIA,

CASE NO. TR2401051

Plaintiff(s) and Respondent(s),

**DECISION OF THE APPELLATE DIVISION**

v.

SHAWN LEE PERROT

Defendant and Appellant.

APPEAL from the April 29, 2024, judgment finding Defendant/Appellant guilty of a violation of Vehicle Code section 24003.

Trial Court Case No. TR2401051, Hon. Sarah E. Kaber, Commissioner.

REVERSED WITH DIRECTIONS.

Not certified for publication in the Official Reports.

Appellant appeared in pro per; no appearance by Respondent.

DECISION/STATEMENT OF REASONS (Code of Civil Procedure § 77(d)) by the Court.

Timothy A. Canning, Judge, Appellate Division.

**Statement of the Case**

On January 6, 2024, Appellant Shawn Lee Perrot was cited for a violation of Vehicle Code sections 25250 and 25950. The Vehicle Code section 25950 charge was subsequently amended to allege a violation of Vehicle Code section 24003. At trial on

1 April 29, 2024, Appellant appeared and entered a plea of not guilty to both charges, and  
2 a court trial was held. The officer who issued the citation appeared and testified, as did  
3 Appellant. Neither party was represented by an attorney. After hearing the evidence,  
4 the trial court acquitted Appellant on the first count (Veh. Code §25250) and found  
5 Appellant guilty of the second count (Veh. Code §24003).

6 Appellant timely filed a Notice of Appeal, and prepared a settled statement, which  
7 the trial court signed. Appellant timely filed his opening brief on July 10, 2024, which  
8 he also served on the District Attorney. The District Attorney did not file an opening  
9 brief on behalf of the People, and has not participated in this appeal in any fashion.  
10 The appellate division set the matter for hearing for November 1, 2024. There was no  
11 appearance by any party at that hearing, so the appellate division took the matter under  
12 submission.

#### 13 Statement of Facts

14 Appellant had installed underglow LED lighting strips on his car. On the evening  
15 of January 6, 2024, Appellant was pulled over by Officer Kevin Neilson of the California  
16 Highway Patrol. Officer Neilson told Appellant that he stopped Appellant because,  
17 according to the Officer, his LED lighting strips were non-diffused and were flashing.  
18 Officer Neilson did not perform any testing to determine whether Mr. Perrot's lighting  
19 qualified as diffused under the Vehicle Code. Officer Neilson also stated that Appellant  
20 had a forward-facing blue light displaying on his vehicle. Officer Neilson then issued a  
21 citation to Appellant.

22 At trial, Appellant testified that his LED lighting qualified as diffused lighting under  
23 the Vehicle Code, as his lighting strips do not equal or exceed 0.05 candela per square  
24 inch. He also testified that his LED lighting strips do not flash, but instead have a dim  
25 background with a brighter streak of light – still under 0.05 candela per square inch—  
that makes its way from the beginning of the strip to the end. At no time did the light  
strips flash or shut themselves off.

The record does not contain any testimony or evidence that contradicts  
Appellant's testimony.

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2 **Discussion**

3 The appellate court views the record in light most favorable to the trial court's  
4 ruling and defers to its findings of fact, whether express or implied, if they are  
5 supported by substantial evidence. (*People v. Rodriguez* (1997) 53 Cal.App.4th 1250,  
6 1261.) The People had the burden to show beyond a reasonable doubt that Appellant  
7 violated Vehicle Code section 24003.

8 Vehicle Code section 24003 provides:

9 No vehicle shall be equipped with any lamp or illuminating device not  
10 required or permitted in this code, nor shall any lamp or illuminating  
11 device be mounted inside a vehicle unless specifically permitted by this  
12 code. This section does not apply to:

13 (a) Interior lamps such as door, brake and instrument lamps, and map,  
14 dash, and dome lamps designed and used for the purpose of  
15 illuminating the interior of the vehicle.

16 (b) Lamps needed in the operation or utilization of those vehicles  
17 mentioned in Section 25801, or vehicles used by public utilities in the  
18 repair or maintenance of their service, or used only for the  
19 illumination of cargo space of a vehicle while loading or unloading.

20 (c) Warning lamps mounted inside an authorized emergency vehicle and  
21 meeting requirements established by the department.

22 Veh.Code §24003 (emphasis added). The Vehicle Code permits diffused  
23 lighting on a vehicle.

24 (a) Any vehicle may be equipped with a lamp or device on the exterior  
25 of the vehicle that emits a diffused nonglaring light of not more than  
0.05 candela per square inch of area.

(b) Any diffused nonglaring light shall not display red to the front, but  
may display other colors. A diffused nonglaring light shall not  
resemble nor be installed within 12 inches or in such position as to  
interfere with the visibility or effectiveness of any required lamp,  
reflector, or other device upon the vehicle.

(c) A diffused nonglaring lamp or device, other than a display sign  
authorized by subdivision (d), shall be limited in size to an area of  
720 square inches and where any lease, rental, or donation is  
involved the installation of the lamp or device shall be limited to  
those vehicles operated either primarily within business or

1 residential districts or municipalities, or between business districts,  
2 residential districts, and municipalities in close proximity.

3 (d) An internally illuminated sign emitting not more than 0.25 candela  
4 per square inch and possessing copy which does not contain a  
5 white background may be displayed on each side, but not on the  
6 front or rear, of a trolley coach or of a bus being operated in urban  
7 or suburban service as described in Section 35107 of this code.

8 Veh. Code §25400. However, the diffused light must not "resemble any official  
9 traffic control device." Veh. Code §25401. Vehicle Code section 25269  
10 prohibits displaying a flashing or steady burning red warning light on a vehicle,  
11 except for emergency vehicles.

12 Here, the record does not contain any evidence that Appellant's LED  
13 lighting strips equaled or exceeded .05 candela per square inch. Further, there  
14 is no evidence in the record that Appellant's lighting resembled any official  
15 traffic control device, or had a forward-facing red lamp. Appellant's LED lighting  
16 strips were permitted by the Vehicle Code. The finding that Appellant violated  
17 Vehicle Code section 24003 is not supported by substantial evidence.

18 Appellant also argues that the trial judge abused her discretion by not  
19 considering an unpublished opinion from the Court of Appeal. It is fundamental  
20 jurisprudence that unpublished decisions cannot be relied on by California  
21 courts or a party to an action pending in California state court (with narrow  
22 exceptions not applicable here). Cal. Rule of Court 8.1115 (a). The court  
23 rejects this argument, but declines to impose sanctions on Appellant for his  
24 repeated violations of the California Rules of Court. See Cal. Rule of Court  
25 2.30(a).

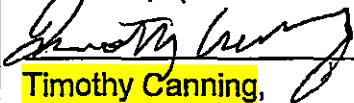
### Conclusion & Directions

26 The Appellate Division holds that there is no substantial evidence in the record to  
27 support the trial court's finding that the People proved that Appellant violated section  
28 24003 beyond a reasonable doubt.

1 The judgment is therefore **REVERSED**. The trial court is directed to enter a  
2 judgment of acquittal as to Count 2 in this matter, dismiss the citation, and refund any  
3 fees or fines paid by Appellant in this matter.

4 Kaleb V. Cockrum, Presiding Judge, Appellate Division concurs with the decision.  
5 Steven Steward, Judge, Appellate Division concurs with the decision.

6 Dated: 11/8/2024

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8 **Timothy Canning,**  
9 Judge of the Appellate Division of the  
10 Superior Court of the State of California,  
11 County of Humboldt

12 **TIMOTHY A. CANNING**

13 

14 **Steven Steward,**  
15 Judge of the Appellate Division of the  
16 Superior Court of the State of California,  
17 County of Humboldt

18 **Steven M. Steward**

19 

20 **Kaleb V. Cockrum,**  
21 Presiding Judge of the Appellate Division  
22 of the Superior Court of the State of  
23 California, County of Humboldt

24 **KALEB V. COCKRUM**

PROOF OF SERVICE BY MAIL

I am a citizen of the United States, over 18 years of age, a resident of the County of Humboldt, State of California, and not a party to the within action; that my business address is Humboldt County Courthouse, 825 5<sup>th</sup> St., Eureka, California, 95501; that I served a true copy of the attached DECISION OF THE APPELLATE DIVISION by placing said copies in the attorney's mail delivery box in the Court Operations Office at Eureka, California on the date indicated below, or by placing said copies in envelope(s) and then placing the envelope(s) for collection and mailing on the date indicated below following our ordinary business practices. I am readily familiar with this business practice for collecting and processing correspondence for mailing. On the same day that correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the United States Postal Service at Eureka, California in a sealed envelope with postage prepaid. These copies were addressed to:

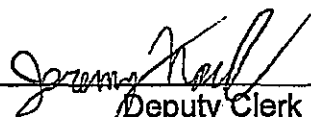
Shawn Lee Perrot, 1821 Buhne Dr., #6, Eureka, CA 95503

District Attorney, Court Operations Box #64

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

Executed on the 14<sup>th</sup> day of November 2024, at the City of Eureka, California.

Meara C. Hattan, Clerk of the Court

By   
Deputy Clerk

JEREMY N.