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DOCKET NO. S-20651A-09-0029

Motion for Continuance – Future Jury Trial Date or Case Must be Dismissed Immediately

Respondent: Kyle Schmierer

Docket Control
Arizona Corporation Commission
1200 West Washington
Phoenix, AZ 85007

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Whereas I have been illegally and immorally denied essential information, specifically the full contact details of Peggy Scozzari, that I have repeatedly requested in discovery motions, the current date for a trial is premature and improper and the continuance should be granted. Otherwise, the case must be immediately dismissed.

Peggy Scozzari is listed as the person that misrepresented themselves as an accredited investor and lied to get proprietary and confidential business property that the AZ Corporation Commission abused in their malicious prosecution for the purpose of extortion of the defendant/respondent. The ability to contact, interview and compel Peggy Scozzari to testify under oath under cross examination is absolutely essential to any defense. The Arizona Corporation Commission Securities Division has intentionally blocked out and refused multiple requests for this person's information in order to deny me a fair trial. Therefore their assertion that I have had enough time to prepare for trial is absurd. Securities Division knows they have no case so they must resort to lies, dirty tricks and violations of my constitutional rights so then can win at all cost and extort money from me. I must be granted a jury trial with at least 120 days to prepare, or the case must be immediately dismissed.

Securities Division has a full time staff of professional lawyers whereas I cannot afford even one attorney and have to learn the law and fight this malicious prosecution while struggling to survive and attend classes. Their opinion on what is adequate time is irrelevant. Their desperate attempts to get a premature trial and deny me essential information shows they have no real case against me and can only win thru lies, intimidation and attempting to deny me my constitutional rights. I must be granted a jury trial with at least 120 days to prepare or the case must be immediately dismissed.

I will never submit to any body that illegally denies me due process, a fair trial and my constitutional right to a trial by jury. Thus, the proposed hearing of 8-31-09 is immoral, unjust unconstitutional, illegal and thus has no moral or legal authority. I must be given a trial by jury with adequate time to prepare and all essential information must be immediately provided by the Securities Division, or the case must be immediately dismissed.

Whereas Arizona Revised Statutes ("A.R.S.") § 41-1092.05(C) , the governing statute, provides as follows: "The date of the scheduled hearing may be advanced or delayed on the agreement of the parties or on a showing of good cause."; I request a continuance of 120 days and demand a jury trial be granted. Otherwise, the case must be immediately dismissed.

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Motion for Continuance for New Trial Date -- PAGE 2

Respondent: Kyle Schmierer

Whereas I am unavailable for the current premature and unfair date of August 31, 2009, because I must attend classes at College, I request a continuance of 120 days be granted and that the new date be on a Friday when no classes are scheduled for the respondent. Otherwise, the case must be immediately dismissed.

Whereas my motions are not being answered and many are still not answered as of today, the current date for a trial is premature and improper and the continuance and jury trail must be granted. Otherwise, the case must be immediately dismissed.

Whereas because the AZ Corporation Commission Securities Division has not provided the basic information I requested by motions to even be able to contact witnesses, interview them and subpoena them for cross examination, it is proper to grant the continuance under A.R.S. § 41-1092.05(C) , Arizona Administrative Code ("A.A.C.") R2-19-110. Otherwise, the case must be immediately dismissed.

Whereas I have not had proper time, resources or information (blocked by the AZ Corp Comm.) that are needed to subpoena witnesses, investigate, and research case law to research and defend myself in this unjust case and battle the abuse of power, abuse of process and extortion in this malicious prosecution by the AZ Corporation Commission Securities Division, the current date for a trial is premature and improper and the continuance should be granted. Otherwise, the case must be immediately dismissed.

Whereas I am indigent and cannot afford legal assistance; and whereas I am indigent and have to work, and struggle to survive, and thus have not had adequate time to research and defend myself in this unjust case and battle the abuse of power, abuse of process and extortion in this malicious prosecution by the AZ Corporation Commission Securities Division, the current date for a trial is premature and improper and the continuance should be granted. Otherwise, the case must be immediately dismissed.

Whereas I had a reasonable expectation to get the mediation I was promised by the Judge, whereas it was a legally binding agreement, I therefore have not had proper time to prepare for dates that should have been made unnecessary if mediation had already been granted as promised, thus, the current date for a trial is premature and improper and the continuance should be granted. Otherwise, the case must be immediately dismissed.

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Respondent: Kyle Schmierer

Whereas because of my expectation for mediation, I have not had reason to feel a continuance would even be needed, the current date for a trial is premature and improper and the continuance should be granted. Otherwise, the case must be immediately dismissed.

Whereas I am not a lawyer, and I am struggling to learn my rights and legal procedures, such as that I have a right to get a continuance or information on how to request a continuance, the current date for a trial is premature and improper and the continuance should be granted. Otherwise, the case must be immediately dismissed.

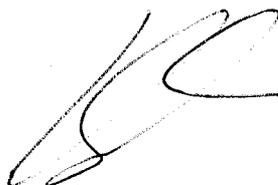
Whereas all these reasons cited above provide very good cause shown for the untimely filing, the current date for a trial is premature and improper and the continuance should be granted. Otherwise, the case must be immediately dismissed.

Whereas I requested the trial be delayed in motions on 7-09-09 and resubmitted due to lack of response on 8-12-098, in fact my filing and request is well before 15 days and is thus not technically untimely, therefore continuance should be granted. Otherwise, the case must be immediately dismissed.

Thereby, for all the reasons cited above, the deadline date for the trial must be delayed. A new trial date and a trial my jury is necessary and prudent in the interest of justice and fairness. Otherwise, the case must be immediately dismissed.

Whereas Arizona Revised Statutes (“A.R.S.”) § 41-1092.05(C), the governing statute, provides as follows: “The date of the scheduled hearing may be advanced or delayed on the agreement of the parties or on a showing of good cause.”; I request a continuance of 120 days be granted and that the new date be on a Friday when no classes are scheduled for the respondent. Otherwise, the case must be immediately dismissed.

Sincerely, Kyle Schmierer 8-31-2009



8-31-09