

DOCKET NO. S-20651A-09-0029

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Motion for 2nd Continuance – Future Jury Trial Date or Case Must be Dismissed Immediately Arizona Corporation Commission

Respondent: Kyle Schmierer

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

AZ CORP COMMISSION
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Whereas I am still being illegally and immorally denied essential information, specifically the full contact details of Peggy Scozzari, and the as yet unnamed associate that I have repeatedly requested in discovery motions and I still need the information on the court reporter and that all my witness list must be subpoenaed by the court, the current date for a trial is premature and improper and the continuance should be granted. Otherwise, the case must be immediately dismissed.

The Securities Division has a full time staff of "professional" lawyers, yet they have not provided basic information requested multiple times over many months. This is either complete, moronic incompetence or purposeful and illegal attempt to deny me a fair trial. Their desperate attempts to get a premature trial and continuing to 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 after I get all the essential information I require and have requested in 4 motions over many months, or the case must be immediately dismissed.

Whereas I am not available for the current premature and unfair date of 1-21-2010, because I must attend classes at College, I request a continuance be granted till after classes end on May 2010 and that I have at least 120 days after I finally get my required information to prepare. 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 still 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.

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 1-21-09 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.

Sincerely, Kyle Schmierer 11-21-2009