



City of Flagstaff

Office of the City Attorney - Patricia J. Boomsma, City Attorney

Mailing Address:
Flagstaff City Attorney's Office
211 W. Aspen Avenue
Flagstaff, Arizona 86001

(928) 213-2025
(928) 774-5281 Main & TDD
Arizona Relay Service 7-1-1

Civil Section
211 W. Aspen Avenue, 2nd Floor
Fax (928) 913-3204

HARRY M. LANE, DEPUTY CITY ATTORNEY
DANA H. KJELGREN
DAVID A. WOMOCHIL
JAMES B. SPEED

Prosecution Section
107 W. Aspen Avenue
Fax (928) 774-4087

LISA M. STANKOVICH, CHIEF PROSECUTOR
RONALD KANWISCHER
ROBERT W. BROWN
CONSUELO BRENNAN
SHAWN LUERAS

June 22, 2010

Justin Pryzby
7 West Phoenix Ave. Apt. 3
Flagstaff, Arizona 86001

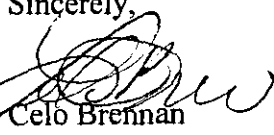
RE: *State of Arizona v Justin Pryzby*, TR2010004702, Flagstaff Municipal Court

Dear Mr. Pryzby,

I am in receipt of your letter requesting "all evidence and records" etc. in this case. Please be advised that any and all discovery will be available immediately prior to the hearing, pursuant to Rule 13, Arizona Rules of Procedure for Civil Traffic and Boating Cases. If you wish to arrive 10-15 minutes prior to that hearing, any items of discovery which the State plans to use can be reviewed and/or copied at that time.

Your attention to this matter is appreciated.

Sincerely,


Celso Brennan
Assistant City Prosecutor



1 PATRICIA J. BOOMSMA
Flagstaff City Attorney
2 Consuelo A. Brennan
Assistant City Prosecutor
3 AZ State Bar No. 015643
FLAGSTAFF CITY ATTORNEY'S OFFICE
4 211 West Aspen
Flagstaff, AZ 86001
5
6 Tel: (928) 213-2025
Facsimile: (928) 774-4087

7 Attorney for Plaintiff

8 FLAGSTAFF MUNICIPAL COURT
9 COUNTY OF COCONINO, STATE OF ARIZONA

10 THE STATE OF ARIZONA,

11 Plaintiff,

12 vs.

13 JUSTIN PRYZBY,

14 Defendant

Case No.: TR 2010004702

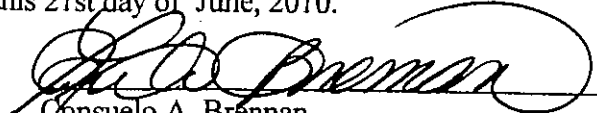
NOTICE OF REPRESENTATION BY THE

STATE

(CIVIL TRAFFIC CASE)

15
16
17
18 COMES NOW the State of Arizona, by and through counsel undersigned, and pursuant to
19 17B A.R.S., Rule 12, Rules of Procedure in Civil Traffic Violation Cases, hereby serves notice to
20 the Court and Defendant of its election to be represented by counsel in this matter. Counsel
21 undersigned respectfully requests the Court to notify the City Attorney's office of all scheduled
22 proceedings.

23 RESPECTFULLY SUBMITTED this 21st day of June, 2010.

24 
25 Consuelo A. Brennan
Assistant City Attorney

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

Copy of the foregoing mailed
on the date of filing to:

Justin Pryzby
7 W. Phoenix Ave. Apt. 3
Flagstaff, Arizona 86001

Officer P. Sanchez
Flagstaff Police Department

By: _____



B.F. Cooper
Chief of Police

Flagstaff Police Department

911 E Sawmill Rd Flagstaff AZ 86001
(928)774-1414

Case Number: P10-10527

Incident/Investigation Report

Property					
Description AUDIO CD RECORDING OF INCIDENT			Serial Number		Make/Model
Owner			License / State		Color
Status HELD	Status Officer (1148907) SANCHEZ, PEDRO		Quantity 1.00	Units of Measure	Property Value \$1.00

Notes/Narratives

NARRATIVE

Offense: OFFICER INFORMATION/ CIVIL TRAFFIC STOP/ SPEED LESS THAT REASONABLE AND PRUDENT/
BICYCLE RIDDEN ON RIGHT
ARS Code: 28-815A/ 28-701E
MISDEMEANOR OR FELONY: NO CRIME
Connecting Report Number:
Case Status: 24

ATTACHMENTS:
1.) EVIDENCE SHEET

EVIDENCE:
1.) AUDIO RECORDING OF CONTACT AT TRAFFIC STOP

SYNOPSIS:

ON 06/09/2010, PEDALCYCLIST JUSTIN PRYZBY WAS STOPPED BY THE FLAGSTAFF POLICE DUE TO RIDING HIS BICYCLE IN LANE NUMBER TWO OF THE ROAD WAY WHERE A BICYCLE LANE WAS PROVIDED. AT THE TIME OF THE VIOLATION JUSTIN WAS IMPEDING TRAFFIC DUE TO NOT TRAVELING AT THE RATE OF THE MOTOR VEHICLES ON THE ROAD WAY AS WELL AND NOT RIDDING TO THE FAR RIGHT OF THE ROAD WAY AS REQUIRED BY ARIZONA STATE LAW.

NARRATIVE:

ON 06/09/2010 AT APPROXIMATELY 1640 HOURS I WAS STOPPED IN THE WEST BOUND NUMBER TWO LANE OF EAST ROUTE 66 AND APPROXIMATELY 200 FEET TO THE EAST FROM THE SWITZER CANYON INTERSECTION AT A RED LIGHT. IT SHOULD BE NOTED THAT I WAS IN A FULLY MARKED FLAGSTAFF POLICE DEPARTMENT FORD F-250 TRUCK AT THE TIME.

WHILE WAITING FOR THE WEST AND EAST BOUND TRAFFIC LIGHTS TO CHANGE GREEN, I OBSERVED A PEDALCYCLIST STOPPED AT THE NORTH EAST CORNER OF THE INTERSECTION. AS THE TRAFFIC LIGHT

Case Number: P10-10527



B.F. Cooper
Chief of Police

Flagstaff Police Department

911 E Sawmill Rd Flagstaff AZ 86001
(928)774-1414

Case Number: P10-10527

Incident/Investigation Report

Notes/Narratives

TURNED FROM A SOLID RED LIGHT TO A SOLID GREEN LIGHT, I OBSERVED THE PEDAL CYCLIST MERGE IN FRONT OF THE WEST BOUND LANE NUMBER TWO VEHICULAR TRAFFIC LANE AND PROCEED WEST BOUND. AT THIS TIME I OBSERVED THAT THE FRONT VEHICLE HAD TO APPLY THEIR BRAKE AND SLOW DOWN. DUE TO THIS IT CAUSED A CHAIN REACTION AND THE VEHICLES FOLLOWING ALSO HAD TO SLOW DOWN. IT SHOULD BE NOTED THAT AT THIS TIME I WAS APPROXIMATELY 11 TO 13 VEHICLES BEHIND THE PEDALCYCLIST. DUE TO THE PEDALCYCLIST TRAVELING IN LANE NUMBER TWO OF THE ROADWAY, IT WAS IMPEDING TRAFFIC DUE TO THE MOTOR VEHICLES BEHIND HIM NOT BEING ABLE TO TRAVEL AT THE POSTED SPEED LIMIT OF 40 MILES PER HOUR. VEHICLES IN WEST BOUND LANE NUMBER ONE WERE ABLE TO PROCEED FORWARD AT APPROXIMATELY 40 MILES PER HOUR AND BY PASS LANE NUMBER TWO WHICH WAS NOW OCCUPIED BY A LINE OF MOTOR VEHICLES AND THE PEDALCYCLIST. VEHICLES IN LANE NUMBER TWO WERE NOW TRAVELING AT APPROXIMATELY 10 MILES PER HOUR. I PROCEEDED TO MERGE INTO LANE NUMBER ONE AND PROCEEDED WEST BOUND ON EAST ROUTE 66. AS I APPROACHED THE AREA WHERE THE PEDALCYCLIST WAS AT, I NOTICED THAT HE HAD CONDUCTED A FEW WEAVING MANEUVERS WHERE HE WOULD SWERVE TO THE RIGHT AS IF HE WAS GOING TO GET INTO THE PROVIDED BICYCLE LANE AND THEN PRIOR TO GETTING INTO THE LANE HE WOULD WEAVE BACK TO HIS LEFT AND STAY IN THE MIDDLE OF LANE NUMBER TWO. THIS HAD OCCURRED NEAR THE FRY'S GROCERY STORE SOUTH ENTRANCE OFF OF EAST ROUTE 66. THE SUBJECT CONTINUED TO STAY AT THE RATE OF SPEED AS INDICATED ABOVE AFTER PASSING FRY'S GROCERY STORE. IT SHOULD BE NOTED THAT I WAS PARALLEL TO THE VEHICLE BEHIND THE FIRST VEHICLE THAT WAS BEHIND THE PEDALCYCLIST. I WAS ALSO IN A FULL SIZE TRUCK WITH AN APPROXIMATE THREE INCH LIFT ON IT WHICH MAKES SEEING OVER A STANDARD SEDAN VEHICLES EASY. AFTER PASSING THE FRY'S GROCERY STORE I OBSERVED THE PEDALCYCLIST WEAVE BACK INTO THE PROVIDED BICYCLE LANE AND THEN IMMEDIATELY GET BACK INTO LANE NUMBER TWO WHICH MADE THE FOLLOWING VEHICLE APPLY THEIR BRAKES AND SLOW DOWN. THE SUBJECT THEN WENT BACK INTO THE BICYCLE LANE AND I ACTIVATED MY EMERGENCY LIGHTS AND SIREN TO INDICATE I WAS CONDUCTING A TRAFFIC STOP ON THE PEDALCYCLIST. THE PEDALCYCLIST LOOKED BACK AT ME AND CONTINUED TO TRAVEL WEST BOUND ON EAST ROUTE 66. AT THIS TIME I PLACED MY PATROL VEHICLE PARALLEL TO THE PEDAL CYCLIST AND ADVISED HIM THAT I WAS STOPPING HIM. HE THEN PULLED OVER ON THE SIDEWALK AND I ASKED THAT HE PROCEED INTO THE PARKING LOT SO THAT I WOULD NOT BE STOPPED IN TRAFFIC.

I CONTACTED THE PEDALCYCLIST AND ASKED WHY HE WAS TRAVELING IN THE LANE OF TRAFFIC IF HE WAS NOT TRAVELING AT THE SAME SPEED OF THE MOTOR VEHICLES. IT SHOULD BE NOTED THAT ON MY DIGITAL RECORDING I STATED THAT THE OFFENSE OCCURRED AT ENTERPRISE AND EAST ROUTE 66 AND THE ACTUAL LOCATION WAS AT SWITZER CANYON AND EAST ROUTE 66. THE SUBJECT IDENTIFIED BY AN ARIZONA AND NEW YORK IDENTIFICATION CARD AS JUSTIN PRYZBY STATED THE FOLLOWING, "THE BEST PRACTICE OF THE D.O.T. ADVERTISED IN THE STATE, THIS STATES D.O.T., WHEN TRAVELING STRAIGHT THROUGH AN INTERSECTION IS TO MOVE FURTHER INTO THE LANE." HE THEN ASKED IF IT HAPPENED AT FRY'S OR AT THE INTERSECTION. I ADVISED HIM OF WHAT I HAD OBSERVED AND ALSO ADVISED HIM THAT HE WAS NOT TRAVELING SPEED LIMIT IF HE WAS GOING TO BE RIDING IN LANE NUMBER TWO., IT SHOULD BE NOTED THAT I STATED THE SPEED LIMIT WAS 30 MILES PER HOUR WHILE TALKING TO JUSTIN, I NOTICED THIS ON MY RECORDING AND THE ACTUAL SPEED LIMIT IS 40 MILES PER HOUR AT THIS LOCATION. AT THIS TIME I ASKED JUSTIN IF FOR HIS IDENTIFICATION AND HE ASKED IF I WANTED HIS NEW YORK IDENTIFICATION OR HIS ARIZONA IDENTIFICATION. I ADVISED HIM I WOULD TAKE EITHER CARD THAT HE WISHED TO IDENTIFY HIMSELF WITH AND HE STATED "JUST TO MAKE THIS INTERESTING LETS USE THAT ONE." HE THEN GAVE ME HIS NEW YORK IDENTIFICATION CARD, AT THIS TIME I DID NOT KNOW WHAT HE MEANT BY MAKING IT INTERESTING SO I ASKED FOR HIS ARIZONA IDENTIFICATION CARD AS WELL AND SUMMONS FOR A SUPERVISOR TO MY LOCATION. HE THEN INQUIRED ABOUT THE MINIMUM SPEED ON THE ROAD WAY AND I ADVISED HIM 30 MILES PER HOUR (AS STATED ABOVE IT SHOULD BE 40 MILES PER HOUR). HE THEN STATED "NO MINIMUM" AND I ADVISED 30 (40). I ADVISED

Case Number: P10-10527



B.F. Cooper
Chief of Police

Flagstaff Police Department

911 E Sawmill Rd Flagstaff AZ 86001
(928)774-1414

Case Number: P10-10527

Incident/Investigation Report

Notes/Narratives

HIM THAT HE NEEDED TO BE TRAVELING THE SAME SPEED AS TRAFFIC IF HE WAS TO TRAVEL IN THE ROADWAY. HE THEN STARTED TO STATE SOMETHING REGARDING GEORGIA AND I ADVISED HIM THAT WE WERE IN ARIZONA. I ASKED IF HE STILL LIVED ON PHOENIX AVENUE AND HE STATED THAT HE DID. AT THIS TIME I CONCLUDED THIS PART OF THE CONTACT WITH HIM AND WENT BACK TO MY PATROL VEHICLE AND STARTED TO ISSUE HIM A CITATION FOR THE OBSERVED VIOLATIONS. AS LISTED BELOW ARE THE ARIZONA REVISED STATUES WHICH JUSTIN WAS CITED FOR. AS INDICATED ABOVE, JUSTIN WAS RIDING A BICYCLE ON THE ROADWAY AT A SPEED LESS THAN THE NORMAL SPEED OF TRAFFIC AND WAS IN THE MIDDLE OF LANE TWO. THERE WAS A BICYCLE LANE THAT WAS PROVIDED ON THE NORTH SIDE OF THE ROADWAY AND THERE WERE NO OBSTRUCTIONS EITHER VEHICLES, OTHER PEDALCYCLISTS, PEDESTRIANS OR DEBRIS IN THIS BICYCLE LANE. THERE WERE NONE OF THE EXCEPTIONS INDICATED IN 28-815 A. 1, 2, 3 AND 4 THAT WOULD MAKE JUSTIN HAVE TO EXIT OR GET OUT OF THE BIKE LANE AND TRAVEL IN THE ROADWAY.

28-815. Riding on roadway and bicycle path; bicycle path usage

A. A person riding a bicycle on a roadway at less than the normal speed of traffic at the time and place and under the conditions then existing shall ride as close as practicable to the right-hand curb or edge of the roadway, except under any of the following situations:

1. If overtaking and passing another bicycle or vehicle proceeding in the same direction.
2. If preparing for a left turn at an intersection or into a private road or driveway.
3. If reasonably necessary to avoid conditions, including fixed or moving objects, parked or moving vehicles, bicycles, pedestrians, animals or surface hazards.
4. If the lane in which the person is operating the bicycle is too narrow for a bicycle and a vehicle to travel safely side by side within the lane.

B. Persons riding bicycles on a roadway shall not ride more than two abreast except on paths or parts of roadways set aside for the exclusive use of bicycles.

C. A path or lane that is designated as a bicycle path or lane by state or local authorities is for the exclusive use of bicycles even though other uses are permitted pursuant to subsection D or are otherwise permitted by state or local authorities.

D. A person shall not operate, stop, park or leave standing a vehicle in a path or lane designated as a bicycle path or lane by a state or local authority except in the case of emergency or for crossing the path or lane to gain access to a public or private road or driveway.

E. Subsection D does not prohibit the use of the path or lane by the appropriate local authority.

28-701. Reasonable and prudent speed; prima facie evidence; exceptions

A. A person shall not drive a vehicle on a highway at a speed greater than is reasonable and prudent under the circumstances, conditions and actual and potential hazards then existing. A person shall control the speed of a vehicle as necessary to avoid colliding with any object, person, vehicle or other conveyance on, entering or adjacent to the highway in compliance with

Case Number: P10-10527



B.F. Cooper
Chief of Police

Flagstaff Police Department

911 E Sawmill Rd Flagstaff AZ 86001
(928)774-1414

Case Number: P10-10527

Incident/Investigation Report

Notes/Narratives

legal requirements and the duty of all persons to exercise reasonable care for the protection of others.

B. Except as provided in subsections C and D of this section or except if a special hazard requires a lesser speed, any speed in excess of the following speeds is prima facie evidence that the speed is too great and therefore unreasonable:

1. Fifteen miles per hour approaching a school crossing.
2. Twenty-five miles per hour in a business or residential district.
3. Sixty-five miles per hour in other locations.

C. The speed limits prescribed in this section may be altered as authorized in sections 28-702 and 28-703.

D. The maximum speed provided in this section is reduced to the speed that is reasonable and prudent under the conditions and with regard to the actual and potential hazards then existing, including the following conditions:

1. Approaching and crossing an intersection or railroad crossing.
2. Approaching and going around a curve.
3. Approaching a hillcrest.
4. Traveling on a narrow or winding roadway.
5. A special hazard exists with respect to pedestrians or other traffic or by reason of weather or highway conditions.

E. A person shall not drive a motor vehicle at a speed that is less than the speed that is reasonable and prudent under existing conditions unless the speed that is reasonable and prudent exceeds the maximum safe operating speed of the lawfully operated implement of husbandry.

AFTER PRINTING OUT THE CITATION I RECONTACTED JUSTIN AS HE WAS SITTING ON THE GROUND. AS I APPROACHED HIM I ASKED THAT HE STAND UP DUE AND NOT WANTING TO BEND OVER TO TALK TO HIM DUE TO OFFICER SAFETY. HE THEN APPEARED AS IF HE WAS GOING TO ARGUE ABOUT STANDING UP SO I DECIDED TO CONTINUE WITH ISSUING HIM THE CITATIONS. I ADVISED JUSTIN OF WHAT HE WAS BEING CITED FOR AS WELL AS HIS COURT DATE. JUSTIN RECEIVED THE FINE AND DEPOSIT SCHEDULE THAT IS ISSUED WITH CITATIONS. I THEN ASKED IF HE HAD ANY QUESTIONS AND HE ASKED IF I WAS FAMILIAR WITH THE AMERICAN SOCIETY OF STATE HIGHWAY AND TRAFFIC OFFICERS. I THEN ASKED HIM ONCE AGAIN IF HE HAD ANY QUESTIONS REGARDING THE CITATIONS THAT HE WAS ISSUED. HE ASKED ME THE SAME QUESTION ONCE AGAIN AND I THEN ADVISED HIM THAT I WAS AWARE OF HIM VIOLATING THE ABOVE MENTIONED ARIZONA REVISED STATUES THAT HE WAS CITED FOR. DUE TO IT APPEARING THAT HE WAS GOING TO BECOME ARGUMENTATIVE, I ADVISED HIM THAT HE WAS FREE TO GO. HE THEN ASKED IF HE COULD STAY WHERE HE WAS AT. I ADVISED HIM THAT HE COULD STAY AS LONG AS HE DID NOT OBSTRUCT THE PUBLIC DRIVEWAY. THIS CONCLUDED MY CONTACT WITH JUSTIN AND HE LEFT THE SCENE.

THIS REPORT IS FOR INFORMATION ONLY AND THE AUDIO CD WAS ENTERED INTO EVIDENCE AT THE FLAGSTAFF POLICE DEPARTMENT.

NO FURTHER.

Case Number: P10-10527



B.F. Cooper
Chief of Police

Flagstaff Police Department

911 E Sawmill Rd Flagstaff AZ 86001
(928)774-1414

Case Number: P10-10527

Incident/Investigation Report

Notes/Narratives

Officer: P. SANCHEZ III #48907

Badge#: 48907

Supervisor: SGT. F. HIGGINS #709

Case Number: P10-10527

PROPERTY AND EVIDENCE VOUCHER.

Agency Name <i>Flagstaff Police Department</i>		ORI <i>AZ AZ0030100</i>	Date / Time Reported <i>06/09/20... 16:40 Wed</i>	Case No. <i>P10-10527</i>
Owners Name (Last, First, Middle - DOB) <i>- [Unknown DOB]</i>		Address		Phone
Found in possession of <i>- [Unknown DOB]</i>		Address		Phone
Location from which property was obtained Address <i>INN SUITES, Flagstaff, AZ</i>			Collecting Officer <i>(1148907) SANCHEZ, PEDRO</i>	
No.	Property Control Number	Description of articles <i>(include model, serial no., identifying marks, condition, etc.)</i>		Property Value
<i>1</i>	<i>257821</i>	<i>AUDIO CD RECORDING OF INCIDENT</i>		<i>\$1.00</i>

Narrative		
Officer's Name <i>(1148907) SANCHEZ, PEDRO</i>	Supervisor Name	Case Status
Officer's Signature <i>[Signature]</i>	Submitted Date	Case Disposition