

IN THE CITY COURT OF SCOTTSDALE
Maricopa County, State of Arizona

In the Matter of:	)	
	)	COURT ORDER
DISMISSAL OF PHOTO	)	NO. 2015-05
ENFORCEMENT CASES	)	(Replacing Court Orders No.
	)	08-06 and 04-07)
_____	)	

The Scottsdale's Police Departments Photo Enforcement Unit is responsible for the issuance and the filing of photo enforcement citations with the Scottsdale City Court (Court). The Photo Enforcement Unit on occasion finds it necessary to notice the Court for dismissal of specific photo enforcement citations in certain situations. These circumstances include:

- Inability to establish identification of the driver
- Discovery of an equipment malfunction
- Improper service of process
- Citation filed erroneously
- Lack of establishing jurisdiction within allowed timeframes

WHEREAS, according to Rule 2(i) of the Rules of Procedure in Civil Traffic and Civil Boating Violations, a party to a case means the State or the defendant. A law enforcement officer, police aide, traffic investigator or parking enforcement volunteer is not a party. Therefore, the Scottsdale Police Departments Photo Enforcement Unit does not have the standing to notice or petition the Court to dismiss photo enforcement citations due the circumstances noted above.

WHEREAS, the City Prosecutor hereafter referred to as the *State* having filed a standing motion with the Court in regard to dismissing certain photo enforcement citations,

IT IS ORDERED granting the State's standing motion to dismiss photo enforcement citations when electronic notice is given to the Court by the Scottsdale Police Department, notifying the court that the *State* is not able to proceed on the matter before the Court, the Court shall dismiss the photo enforcement case(s) per the "States Standing Motion with the Court to Allow Dismissal of Photo Enforcement Cases". (See Attachment A).

IT IS FURTHER ORDERED that this Order shall replace Court Order No's 08-06 and 04-07 issued on September 30, 2008 and July 26, 2004 respectively.

Dated this 20th day of May, 2015

/S/

JOSEPH OLCAVAGE
Presiding Judge

Attachment A

CARON CLOSE
SCOTTSDALE CITY PROSECUTOR

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IN THE SCOTTSDALE CITY COURT
MARICOPA COUNTY, STATE OF ARIZONA

THE STATE OF ARIZONA,	)	
	)	
Plaintiff,	)	STANDING MOTION WITH THE COURT TO
	)	ALLOW DISMISSAL OF PHOTO
vs.	)	ENFORCEMENT CASES
	)	
NAMED DEFENDANT	)	(Before the Honorable JUDGE OLCAVAGE)
	)	
Defendant.	)	
	)	

The State of Arizona, by and through undersigned counsel, hereby moves the Court to accept this as a standing Motion to Dismiss Photo Enforcement citations when notice is given to the Court by the Scottsdale Police Department that the State is not able to proceed on the matter before the Court due to one or more of the following circumstances:

- Inability to establish identification of the driver
- Discovery of an equipment malfunction
- Improper service of process
- Citation filed erroneously
- Lack of establishing jurisdiction within allowed timeframes

This standing motion is intended to remain in force until such time as it is withdrawn by the City Prosecutor's Office.

RESPECTFULLY SUBMITTED this __18__ day of June, 2015.

CARON CLOSE
City PROSECUTOR

By: /s/
CARON CLOSE, City Prosecutor