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SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

LC2025-000140-001 DT

08/25/2025

HONORABLE JOSEPH P. MIKITISH

CLERK OF THE COURT
P. McKinley
Deputy

STATE OF ARIZONA

GINA MARIE GODBEHERE

v.

MARIANA SANDOVAL (001)

JULIE R GUNNIGLE

GOODYEAR MUNICIPAL COURT
JUDGE MIKITISH
REMAND DESK-LCA-CCC

RECORD APPEAL RULING / REMAND

Goodyear Municipal Court Case No. CT202403882

At a hearing in Goodyear Municipal Court on December 16, 2024, Defendant/Appellant Mariana Sandoval was held civilly responsible for Wrong-way Driving in violation of A.R.S. § 28–694(A). In this appeal, Ms. Sandoval contends the State did not present sufficient evidence to support the judgment. For the reasons that follow, this Court affirms the judgment and fine imposed.

I. Factual Background and Procedural History

The evidence at trial on December 16, 2024, established that, on October 30, 2024, at "approximately 7:02 hours," Goodyear Police Officer Webster "responded to the area of Lilac and Cotton for a vehicle collision where the traffic signal had been damaged," and "the Goodyear Police Department called out the streets department and then they came out and put hard closures for all of northbound Cotton Lane, all of eastbound traffic on Lilac from 171st and then all of westbound traffic from Canyon Trails Boulevard." Audio Recording of Proceedings, December 16, 2024 ("A.R. 12/16/24") at 2:18-3:32. Officer Webster testified that "at approximately 10:40," "Officer Crouch, Officer Herrera and I were all in the intersection directing traffic when we observed a silver vehicle sedan driving westbound on Lilac, got to the cones at 171st, it then stopped, went around the cones into the oncoming traffic direction, going the wrong-way." A.R. 12/16/24 at 3:34-4:09. Officer Webster testified the vehicle was "correcting its course and got back

into the lane for eastbound traffic and approached the intersection." *Id.* at 4:10-4:18. Officer Webster testified that "Officer Herrera went over there to stop the vehicle and redirect the car, as he was telling the vehicle to stop, it continued to inch towards him," and "the vehicle would not reverse." *Id.* at 4:19-4:43. Officer Webster testified that the driver of the vehicle "could be heard from the driver's side window saying, 'why?'" *Id.* at 4:53-5:02. Officer Webster testified that the driver of the vehicle "was later identified by her Arizona driver's license as Mariana Sandoval." *Id.* at 5:03-5:17. A traffic stop was initiated, and Officer Webster testified that Ms. Sandoval "admitted on scene that she went around the cones, but she didn't think it was a road closed," because "there was so sign saying road closed." *Id.* at 5:35-5:44. Officer Webster testified that "the cones clearly indicated that there's no through traffic going westbound towards that intersection," and "there was still traffic flowing in that lane that she went into." *Id.* at 5:45-6:12. Counsel for Ms. Sandoval cross-examined Officer Webster.

Goodyear Police Officer Herrera then testified "during this incident the northbound traffic signal had been struck and was, there was a crane in the intersection removing that, it was a safety issue is why we had the road closed." A.R. 12/16/24 at 12:20-12:33. Officer Herrera testified that "on Lilac, cones were set up just east of the last exit of the neighborhood so that anybody coming from that area would know that the road was closed eastbound." *Id.* at 12:35-12:49. Officer Herrera testified that he "was standing at the intersection when [he] observed the sedan pull out, it actually came northbound out of the neighborhood, went around all the cones, into the westbound lanes," and "at that time [he] did not see any traffic going westbound on that lane but it was still open for westbound traffic." *Id.* at 13:13-13:37. Officer Herrera testified that Ms. Sandoval "drove around the cones, into the westbound lanes, came back to the curb lane," and at that point he "stepped out" and "held up my right hand and told her to stop," but "she continued driving, I stepped closer to where I was at the basically the crosswalk area of the intersection, continually telling her to stop." *Id.* at 13:40-14:06. Officer Herrera testified that he "had to tell her stop three or four times before she finally came to a stop." *Id.* at 14:08-14:11. Officer Herrera testified that eventually "she reversed her vehicle three or four feet, put it in park and asked me what was going on." *Id.* at 14:27-14:30 Officer Herrera testified that he explained the violations to her, and she stated, "she did not go around a traffic control device, she went around cones, she did not believe that that would be a traffic control device." *Id.* at 14:34-14:40. He testified that when he told Ms. Sandoval that "she drove into oncoming traffic, she said there was no oncoming cars, therefore, it was not a violation." *Id.* at 14:41-14:46. Counsel for Ms. Sandoval cross-examined Officer Herrera.

Ms. Sandoval was cited for violating A.R.S. § 28–644(A)(1) (Failure to Obey Traffic Control Device) and violating A.R.S. § 28–694(A) (Wrong-way Driving). *See* Arizona Traffic Ticket and Complaint, Citation No. E00023396.

Ms. Sandoval then testified that she "made a stop at [her] house and then [she] was headed to a ribbon cutting at Copper Canyon," and she is "used to driving around cones, because there is

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In rebuttal, Officer Webster testified that "during our stop, there was traffic traveling westbound on Lilac, there was several cars that went westbound onto Lilac." A.R. 12/16/24 at 28:54-29:02.

Based on the testimony and evidence presented, the Trial Court found the State had established by the requisite preponderance of the evidence that a Wrong-way Driving violation did occur but found Ms. Sandoval not responsible on the Failure to Obey Traffic Control Device charge. The Trial Court stated,

> So, I've heard the evidence and testimony of both sides. I do find the Defendant not responsible on Count A, because I don't think that the cones would qualify as an official traffic control device, as contemplated in the actual statute.
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A.R. 12/16/24 at 36:41-37:16. The Trial Court imposed a $974.60 fine. *See* Civil Judgment and Sentence Order dated 12/16/24.

On December 20, 2024, Ms. Sandoval filed a timely notice of appeal. This Court has jurisdiction pursuant to ARIZ. CONST. Art. 6, § 16; Rule 26, Ariz. R.P. Civ. Traffic & Other Violations; and A.R.S. § 12–124(A).

II. LEGAL STANDARD

Arizona law provides that "[a] person who drives the wrong way on a controlled access highway commits wrong-way driving." A.R.S. § 28-694(A). Wrong way is defined as "vehicular movement that is in a direction opposing the legal flow of traffic," and "does not include median

crossing . . . ." A.R.S. § 28-694(D). In determining the sufficiency of the evidence presented at trial, a reviewing court considers only "whether substantial evidence supports" the decision of the trier of fact and must "resolve any conflicting evidence in favor of sustaining the verdict." *State v. Bearup*, 221 Ariz. 163, 167 ¶ 16 (2009) (citations and internal quotations omitted). Substantial evidence is proof that "reasonable persons could accept as adequate to support a conclusion of defendant's guilt beyond a reasonable doubt." *Id.* (citation and internal quotations omitted). When considering whether a verdict is contrary to the evidence, this Court does not consider whether it would have reached the same conclusion as the trier-of-fact, but whether there is "a complete absence of probative facts to support its conclusion." *State v. Mauro*, 159 Ariz. 186, 206 (1988).

An appeal is not a chance to simply reargue one's case before a different judge in the hope of securing a different result. On the contrary, this Court does not conduct its own independent evaluation of the evidence that was presented at trial. *See, e.g., Castro v. Ballesteros-Suarez*, 222 Ariz. 48, 52 ¶ 11 (App. 2009) ("We will not reweigh the evidence or substitute our evaluation of the facts."). This Court does not, in other words, decide what testimony or other evidence is credible and what is not. *See, e.g., State v. Smith*, 208 Ariz. 20, 26 ¶ 21 (App. 2004) ("[I]t is not our function to evaluate the demeanor of witnesses[.]"). The trial judge, after all, is the one who "saw the witnesses" and "heard the testimony" at trial, and so the trial judge "[has] a perspective on the relationship between evidence and verdict" that an appellate court "can never achieve by a bare reading of the record." *City of Glendale v. Bradshaw*, 114 Ariz. 236, 238 (1977). For this reason, as noted above, it is the responsibility of the trial judge, not an appellate court, to determine witness credibility and to resolve conflicts in the evidence. *State v. Estrada*, 209 Ariz. 287, 292 ¶ 22 (App. 2004). This Court is not permitted to second-guess the trial court's resolution of factual disputes. *Matter of Ghostley*, 248 Ariz. 112, 117 ¶ 21 (App. 2020) ("It is not our function to reweigh the facts or to second-guess the credibility determinations of the judge who had the opportunity to evaluate the witnesses' demeanor and make informed credibility determinations.") (citation and internal quotations omitted).

III. LEGAL ANALYSIS

The Court has reviewed and considered Ms. Sandoval's "Appellant's Memorandum," which will be referred to herein as the "Opening Memorandum" or "O.M."

In her Opening Memorandum, Ms. Sandoval contends "[b]y crossing the median to avoid the traffic cones, Ms. Sandoval did not commit wrong way driving," because "[t]he plain language of the statute exempts median crossing from its ambit." O.M. at p. 3.

Although Ms. Sandoval disagrees with the findings of the Trial Court, *see generally* O.M., it is not this Court's role to re-weigh the evidence. Instead, it is up to the trial judge, as the finder of fact, to assess the credibility of witnesses. *See, e.g., Premier Fin. Services v. Citibank (Ariz.)*,

crossing . . . ." A.R.S. § 28-694(D). In determining the sufficiency of the evidence presented at trial, a reviewing court considers only "whether substantial evidence supports" the decision of the trier of fact and must "resolve any conflicting evidence in favor of sustaining the verdict." *State v. Bearup*, 221 Ariz. 163, 167 ¶ 16 (2009) (citations and internal quotations omitted). Substantial evidence is proof that "reasonable persons could accept as adequate to support a conclusion of defendant's guilt beyond a reasonable doubt." *Id.* (citation and internal quotations omitted). When considering whether a verdict is contrary to the evidence, this Court does not consider whether it would have reached the same conclusion as the trier-of-fact, but whether there is "a complete absence of probative facts to support its conclusion." *State v. Mauro*, 159 Ariz. 186, 206 (1988).

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185 Ariz. 80, 85 (App. 1995) ("It is not our prerogative to weigh the evidence and determine the credibility of witnesses; that role belongs to the trial court."). An appellate court must defer to a trial court's assessment of the credibility of witnesses because the trial court is "in the best position to observe the demeanor of witnesses" while testifying. *State v. Estrada*, 209 Ariz. 287, 292 ¶ 22 (App. 2004).

Here, the Trial Court heard and considered the testimony of the witnesses and had the opportunity to observe the demeanor of the witness as he or she testified. In finding Ms. Sandoval responsible, the Trial Court accepted the testimony and evidence of the officers and rejected any contrary testimony. The testimony of the State's witnesses constituted substantial evidence to support the verdict. *See State v. Montano*, 121 Ariz. 147, 149 (App. 1978) (testimony of "one witness" is "sufficient to support a conviction" if the factfinder considers the testimony "relevant and credible"). There was no testimony during the trial that Ms. Sandoval was simply crossing the median, instead it was that she drove "into the oncoming traffic direction going wrong-way." A.R. 12/16/24 at 3:35-4:09. This Court has no basis on which to second-guess the Trial Court's resolution of the testimony in favor of finding that Ms. Sandoval was, in fact, responsible for the violation alleged.

IV. CONCLUSION

Based on the foregoing,

IT IS ORDERED affirming the judgment and fine imposed by the Goodyear Municipal Court.

IT IS FURTHER ORDERED remanding this matter to the Goodyear Municipal Court for such further proceedings, if any, as may be appropriate.

No matters remain pending in connection with this appeal. This is a final order. *See* Rules 12(c), 12(d), 14(b), Sup. Ct. R. App. P. – Civil and Rule 54(c), Ariz. R. Civ. P.

/s/ Joseph P. Mikitish
THE HON. JOSEPH P. MIKITISH
Judge of the Superior Court

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GOODYEAR MUNICIPAL COURT
CITY COURT
986 S LITCHFIELD RD
GOODYEAR AZ 85338

m11463934

CLERK OF THE COURT
SUPERIOR COURT OF ARIZONA

Maricopa County
201 W Jefferson
Phoenix, Arizona 85003

REMAND RETURN RECEIPT

DATE: 9/16/2025

COURT BEING RETURNED TO: GOODYEAR MUNICIPAL COURT

CASE NO: LC2025-000140-001DT

CASE CAPTION: STATE
VS
SANDOVAL

TAPE/CD ☒
EXHIBITS ☐
TRANSCRIPTS ☐

RETURN SIGNED COPY OF RECEIPT TO:

CLERK OF SUPERIOR COURT
ATTN: LC CLERK CCB/CV
201 W JEFFERSON
PHOENIX AZ 85003

CLERK WHO RECEIVED FILE: _____

Clerk of the Superior Court
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I. Factual Background and Procedural History

The evidence at trial on December 16, 2024, established that, on October 30, 2024, at "approximately 7:02 hours," Goodyear Police Officer Webster "responded to the area of Lilac and Cotton for a vehicle collision where the traffic signal had been damaged," and "the Goodyear Police Department called out the streets department and then they came out and put hard closures for all of northbound Cotton Lane, all of eastbound traffic on Lilac from 171st and then all of westbound traffic from Canyon Trails Boulevard." Audio Recording of Proceedings, December 16, 2024 ("A.R. 12/16/24") at 2:18-3:32. Officer Webster testified that "at approximately 10:40," "Officer Crouch, Officer Herrera and I were all in the intersection directing traffic when we observed a silver vehicle sedan driving westbound on Lilac, got to the cones at 171st, it then stopped, went around the cones into the oncoming traffic direction, going the wrong-way." A.R. 12/16/24 at 3:34-4:09. Officer Webster testified the vehicle was "correcting its course and got back

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In her Opening Memorandum, Ms. Sandoval contends "[b]y crossing the median to avoid the traffic cones, Ms. Sandoval did not commit wrong way driving," because "[t]he plain language of the statute exempts median crossing from its ambit." O.M. at p. 3.

Although Ms. Sandoval disagrees with the findings of the Trial Court, *see generally* O.M., it is not this Court's role to re-weigh the evidence. Instead, it is up to the trial judge, as the finder of fact, to assess the credibility of witnesses. *See, e.g., Premier Fin. Services v. Citibank (Ariz.)*,

185 Ariz. 80, 85 (App. 1995) ("It is not our prerogative to weigh the evidence and determine the credibility of witnesses; that role belongs to the trial court."). An appellate court must defer to a trial court's assessment of the credibility of witnesses because the trial court is "in the best position to observe the demeanor of witnesses" while testifying. *State v. Estrada*, 209 Ariz. 287, 292 ¶ 22 (App. 2004).

Here, the Trial Court heard and considered the testimony of the witnesses and had the opportunity to observe the demeanor of the witness as he or she testified. In finding Ms. Sandoval responsible, the Trial Court accepted the testimony and evidence of the officers and rejected any contrary testimony. The testimony of the State's witnesses constituted substantial evidence to support the verdict. *See State v. Montano*, 121 Ariz. 147, 149 (App. 1978) (testimony of "one witness" is "sufficient to support a conviction" if the factfinder considers the testimony "relevant and credible"). There was no testimony during the trial that Ms. Sandoval was simply crossing the median, instead it was that she drove "into the oncoming traffic direction going wrong-way." A.R. 12/16/24 at 3:35-4:09. This Court has no basis on which to second-guess the Trial Court's resolution of the testimony in favor of finding that Ms. Sandoval was, in fact, responsible for the violation alleged.

IV. CONCLUSION

Based on the foregoing,

IT IS ORDERED affirming the judgment and fine imposed by the Goodyear Municipal Court.

IT IS FURTHER ORDERED remanding this matter to the Goodyear Municipal Court for such further proceedings, if any, as may be appropriate.

No matters remain pending in connection with this appeal. This is a final order. *See* Rules 12(c), 12(d), 14(b), Sup. Ct. R. App. P. – Civil and Rule 54(c), Ariz. R. Civ. P.

/s/ Joseph P. Mikitish
THE HON. JOSEPH P. MIKITISH
Judge of the Superior Court

NOTICE: LC cases are not under the e-file system. As a result, when a party files a document, the system does not generate a courtesy copy for the Judge. Therefore, you will have to deliver to the Judge a conformed courtesy copy of any filings.

CLERK OF THE
SUPERIOR COURT
FILED
K. WHITSON, DEP

25 SEP 16 AM 10: 39

CLERK OF THE COURT
SUPERIOR COURT OF ARIZONA

Maricopa County
201 W Jefferson
Phoenix, Arizona 85003

NOTICE OF REMAND

STATE OF ARIZONA
Plaintiff

Vs

MARIANA SANDOVAL
Defendant

SUPERIOR COURT CASE NO LC2025-000140-001DT
LOWER COURT CASE NO CT202403882

LET THE RECORD REFLECT that this case has been remanded to Goodyear Municipal Court.

Clerk of the Superior Court

Dated: 9/16/2025

By: _____
Deputy Clerk

ARIZONA SUPERIOR COURT, MARICOPA COUNTY

CERTIFIED COPY

Case: LC2025-000140

Category: 780 - City on the Record **Sub-Category:** 781 - Civil Traffic **Filed:** 4/16/2025 **Status:** 61 - Chg of Venue/Rem/Remand

In the Matter of:

State Of Arizona

Gina Marie Godbehere
PO BOX 2156
SUN CITY, AZ 85372
(623) 471-6401

V.

Mariana Sandoval

Julie R Gunnigle
FULL SPECTRUM LAW COLLECTIVE
335 E PALM LN
PHOENIX, AZ 85004
(602) 828-7615

CLERK OF THE SUPERIOR COURT FILED K. WHITSON, DEP 25 SEP 16 AM 10: 30

Calendar: LCJ01 **Bar ID:** **Judicial Officer:** Joseph P. Mikitish **Branch:** Downtown - Main

CASE NOTES

PARTIES

1	State Of Arizona	PLF/Appellee	Bar ID: 016512	Gina Marie Godbehere PO BOX 2156 SUN CITY, AZ 85372
2	Mariana Sandoval	DEFT/Appellant	Bar ID: 032124	Julie R Gunnigle FULL SPECTRUM LAW 335 E PALM LN PHOENIX, AZ 85004
3	Goodyear Municipal Court	Originating Court	Bar ID: 000000	Pro Per

JUDGMENTS

CALENDAR EVENTS AND HEARINGS

4/16/2025 Tickle Date: 5/16/2025	LCA01	L C A 01	Notice Filing Fee
5/15/2025	LCA01	L C A 01	Civil Filing Fee Paid
6/2/2025	LCA01	L C A 01	Appellant Memo Without Certification
6/2/2025	LCA01	L C A 01	Compact Disc Proceedings
6/3/2025	LCA01	L C A 01	Tickler

DOCKET EVENTS

4/16/2025	NOP - Notice of Initial Perfection	
4/16/2025	NAL - Notice Appeal Lower Court	
4/16/2025	NFD - Notice Of Filing Fee Due 5/16/2025	The Court
5/15/2025	RFT- Request For Transmittal	The Court
5/15/2025	RFP - Receipt Filing Fee Paid PAID 5/15/2025	The Court

ARIZONA SUPERIOR COURT, MARICOPA COUNTY

Case: LC2025-000140

6/2/2025	COM - Complaint CITATION NO E0023396	
6/2/2025	MCM - Memorandum & Certificate Of Mailing APPELLANT	
6/2/2025	TRM - Transmittal OF RECORD	
6/2/2025	CDP - Compact Disc Of Proceedings FLASHDRIVE	
6/10/2025	504: Me: Record Appeal Assignment	The Court
8/26/2025	512: Me: Record Appeal Ruling/Remand	The Court
9/16/2025	NRM - Notice of Remand	The Court
9/16/2025	RDS - Remand Docket Sheet	The Court

BONDS

The foregoing instrument is a full, true and correct copy of the original on file in this office.

Attest SEP 16 2025 20
JOSEPH W. MALKA, Clerk of the Superior Court of the State of Arizona, in and for the County of Maricopa.

By _____, Deputy Clerk

Clerk of the Superior Court
*** Electronically Filed ***
06/10/2025 8:00 AM

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

LC2025-000140-001 DT

06/09/2025

HONORABLE JOSEPH P. MIKITISH

CLERK OF THE COURT
N. Johnson
Deputy

STATE OF ARIZONA

GINA MARIE GODBEHERE

v.

MARIANA SANDOVAL (001)

JULIE R GUNNIGLE

GOODYEAR MUNICIPAL COURT
JUDGE MIKITISH
REMAND DESK-LCA-CCC

CIVIL - TRAFFIC
RECORD APPEAL ASSIGNMENT

Appellant's Memorandum having been filed in the above-mentioned appeal,

IT IS ORDERED assigning this appeal on June 9, 2025 to the Honorable Joseph P. Mikitish for determination based upon the record of the proceedings and the parties' memoranda, pursuant to Rule 9.9, Maricopa County Superior Court Local Rules of Practice, within sixty (60) days of this date.

APPEALED FROM:	Goodyear Municipal Court
CASE NO.:	CT2024-03882
CITATION NO.:	E0023396
CHARGE(S):	FAIL TO OBEY TRAF CNTL DEVICE
DOC:	10/30/2024
CHARGE(S):	DRIVE WRONG-WAY ACCESS HIGHWAY
DOC:	10/30/2024

504.CIVILT.NOA

NOTICE: LC cases are not under the e-file system. As a result, when a party files a document, the system does not generate a courtesy copy for the Judge. Therefore, you will have to deliver to the Judge a conformed courtesy copy of any filings.

GOODYEAR MUNICIPAL COURT
MAILING ADDRESS: 14455 W VAN BUREN ST B101 GOODYEAR, AZ 85338
PHONE: 623-882-7200

STATE OF ARIZONA	)	No.: M0762CT2024-03882
	)	
	)	LC2025-000140-001
	)	
VS.	)	TRANSMITTAL OF RECORD
	)	ON APPEAL TO SUPERIOR COURT
MARIANA SANDOVAL	)	(CIVIL TRAFFIC)

To the Clerk of Superior Court:

Pursuant to your notification that the appeal in Superior Court has been properly perfected, the following originals or copies are certified, indexed, and transmitted as the record on appeal. Alternatively, if checked below, this is a summary transfer of the entire file.

☑ Docket or listing of case events

☑ Disposition

☐ Documentation of payment of any sanction or posting of bond

☑ Motions or responses

☑ Record or transcript of the trial or hearing(s)

☑ Exhibits (admitted or not)

☑ Appellate memoranda

☐ Other:

☑ Complaint

☐ Summary Transfer - The entire file is sent for further action by the Superior Court per Rule 20

CLERK OF THE SUPERIOR COURT
FILED
K. WHITSON, DEP
25 JUN -2 AM 8:50

Dated: 5/27/25

TR
Clerk/Judicial Officer

CLERK OF THE COURT
SUPERIOR COURT OF ARIZONA

MARICOPA COUNTY
201 West Jefferson
Phoenix, Arizona 85003
(602) 372-5375 / TDD (602) 506-3211

'25MAY22 1:39PM

STATE OF ARIZONA
Plaintiff

VS

MARIANA SANDOVAL
Defendant

CASE NO. LC2025-000140-001DT

GOODYEAR MUNICIPAL COURT
CASE NO CT2024-03882

REQUEST FOR TRANSMITTAL OF RECORD TO SUPERIOR COURT (CIVIL TRAFFIC)

TO: GOODYEAR MUNICIPAL COURT

The appeal in Superior Court in the above matter has been properly filed and perfected. You are hereby requested to transfer the record on appeal to this court within thirty (30) days from the date on this notice.

Thank you for your assistance.

Dated: 5/15/2025

Deputy Clerk

PLEASE SEND THIS NOTIFICATION BACK TO SUPERIOR COURT WITH THE DESIGNATED ORIGINAL CASE FILE.

If you have any questions, please either write to the above address, Attention: LCA Notice Desk CS-DK/CV, or call (602) 372-5375. Contact via a Telecommunications Device for the Deaf (TDD) is available by calling (602) 506-3211.

'25 MAR 10 1:59PM

MARIANA SANDOVAL
PO Box 5021
Goodyear AZ 85338
sandovalforaz@gmail.com
Pro Per Defendant

IN THE GOODYEAR MUNICIPAL COURT IN THE STATE OF ARIZONA
IN AND FOR THE COUNTY OF MARICOPA

STATE OF ARIZONA, Plaintiff, vs. MARIANA SANDOVAL, Defendant.	Case Number: CT2024-03882 **MOTION TO STAY ORDER PENDING APPEAL** (Assigned to the Honorable Carla Bastien)

On December 16, 2024, this Court ordered Defendant, Mariana Sandoval ("Defendant") to complete Traffic Survival School and 64 hours of community restitution hours as a result of a civil traffic violation. Defendant has timely appealed this ruling to the Maricopa County Superior Court. Given the pending appeal, enforcement of the Traffic Survival School and community service requirement would impose an undue burden on Defendant should Defendant be required to comply prior to a final resolution.

If Defendant is required to complete Traffic Survival School and the 64 hours of community restitution before the appeal is adjudicated, Defendant will suffer harm that cannot be undone even if the appeal is successful. Granting a stay will not prejudice the State or compromise public safety, as the appeal process ensures that the underlying issues are properly reviewed before any penalty is enforced.

For the foregoing reason, Defendant respectfully requests that this Court stay its order issued on December 16, 2024, requiring completion of Traffic Survival School and community restitution hours pending resolution of the appeal in the Maricopa County Superior Court.

RESPECTFULLY SUBMITTED this 10th day of March, 2025.

By *_/s/ Mariana Sandoval_*
Mariana Sandoval, Pro Per Defendant

ORIGINAL of the foregoing e-mailed on this 10th day of March, 2025, to:

HONORABLE CARLA BASTIEN
Goodyear Municipal Court
14455 W. Van Buren St. Ste. B-101
Goodyear, AZ 85338
goodyearcourt@courts.az.gov

By M. Sandoval

GOODYEAR MUNICIPAL COURT
14455 WEST VAN BUREN STREET, SUITE B101
GOODYEAR, AZ 85338
623-882-7200 FAX 623-932-6936
MARICOPA COUNTY

STATE OF ARIZONA Appellee, vs. MARIANA SANDOVAL 2/22/1977 Appellant	Case No.: CT2024-03882 MINUTE ENTRY

Facts

On December 16, 2024, Marianna Sandoval (Appellant) was found responsible at the conclusion of her civil traffic hearing.

On December 20, 2024, Appellant filed a notice of appeal.

Due to a programming error in the Court's case management system, the Court set February 18, 2025, as Appellant's Memorandum due date.

On February 20, 2025, due to the miscalculation of time, the Court deemed the appeal abandoned.

The appropriate due date for Appellant to file her Memorandum was February 28, 2025.

On February 28, 2025, counsel for Appellant submitted a Notice of Appearance, Appellant's Memorandum, and a procedural motion to reinstate the appeal.

The State has elected to not file a response to the procedural motion.

Legal Basis

Pursuant to Superior Court Rules of Appellate Procedure--Civil ***(SCRAP) Rule 8(A)(1):*** "...the appellant's memorandum shall be filed with the trial court within 60 calendar days from the deadline to file the notice of appeal."

Pursuant to ***SCRAP Rule 8(C)(4),*** procedural motions and any response are to be forwarded to Superior Court after the expiration of time to file the response.

Legal Analysis

Upon the Court's review of the procedural motion, the miscalculation of time was identified in the Court's case management system. Appellant had until February 28, 2025, to file her memorandum. Appellant's Memorandum was timely filed. The Court is aware that this matter should be forwarded to the Superior Court to protect Appellant against a potential adverse ruling from a potentially

conflicted judge. In this case, the State has chosen not to respond, and Appellant's motion is unopposed. Additionally, Appellant is clearly in compliance with the requirements of ***(SCRAP) Rule 8(A)(1).*** In the interest of justice and judicial economy, this Court is prepared to reinstate this Appeal, unless the Appellant has an objection. If Appellant has an objection this Court will forward this matter to the Superior Court for a ruling pursuant to ***SCRAP Rule 8(C)(4).***

Decision

Based on the review of Appellant's motion, Appellant has met the time requirements of ***(SCRAP) Rule 8(A)(1).***

Wherefore,

IT IS ORDERED reinstating the Appellant's Appeal.

IT IS FURTHER ORDERED that if Appellee chooses to respond, said response is due 30 days from the filing date of Appellant's memorandum.

IT IS FURTHER ORDERED that if Appellant objects to this order they should notify this Court, with ten days of this order, of Appellant's desire to forward this matter to Superior Court for a ruling on the procedural motion pursuant to ***SCRAP Rule 8(C)(4).***

So ordered 3/7/2024, Honorable Manuel Delgado, Presiding Judge

TR
Court Representative, prepared 3/07/2025

Emailed to defense counsel – julie@fullspectrumlawcollective.com

Julie Gunnigle, State Bar No. 032124
FULL SPECTRUM LAW COLLECTIVE, PLLC
6424 E. Greenway Parkway, #100-421
Scottsdale, AZ 85254
480-815-5119
julie@fullspectrumlawcollective.com
Attorney for the Appellant

IN THE MARICOPA COUNTY SUPERIOR COURT

IN AND FOR THE STATE OF ARIZONA

STATE OF ARIZONA, Appellee, vs. MARIANA SANDOVAL, Appellant	Case No.: M0762-CT2024-03882 PROCEDURAL MOTION—REFER TO SUPERIOR COURT MOTION TO REINSTATE APPEAL

Comes now, Appellant Mariana Sandoval, by and through counsel and respectfully requests that the Court reinstate Ms. Sandoval's appeal and in support, states the following:

1. Ms. Sandoval was cited for a traffic violation and promptly requested a hearing.
2. The hearing on Ms. Sandoval's matter occurred on December 16, 2024 and an order was entered the same day.
3. On December 20, 2024, previous counsel for Ms. Sandoval filed a prompt Notice of Appeal.
4. This Appeal is governed by the Superior Court Rules of Appellate Procedure as an appeal from a municipal court matter. Super. Ct. Rap. Civ. Rule 1; A.R.S. § 22-425(B).

5. The Superior Court Rules of Appellate Procedure establishes a deadline of 14 calendar days from the entry of a municipal court order to file a notice of appeal. Super. Ct. Rap. Civ. Rule 4.
6. The Superior Court Rules of Appellate Procedure establishes a deadline of 60 calendar days "from the deadline to file the notice of appeal" for the Appellant to file an appellate memoranda. Super. Ct. Rap. Civ. Rule 8.
7. Based on these two rules, an appellate memoranda is due 74 days from the entry of a municipal court order appealed.
8. Seventy-four days from December 16, 2024 is today, February 28, 2025.
9. Counsel called the Goodyear Court Clerk to inquire as to the efiling options in this appeal. At that time, counsel was told that the appeal was abandoned as a memorandum was not filed within 60 days of the municipal order.
10. Accordingly, counsel believes that the accounting of time was in error and respectfully requests that the appeal be reinstated or, in the alternative, that good cause exists to issue an extension of time to file this appeal.

RESPECTFULLY SUBMITTED THIS 28th DAY OF FEBRUARY 2025

/s/ Julie R. Gunnigle
Julie R. Gunnigle
FULL SPECTRUM LAW COLLECTIVE, PLLC
6424 E. Greenway Parkway, #100-421
Scottsdale, AZ 85254
480-815-5119
julie@fullspectrumlawcollective.com
Attorney for the Appellant

ORIGINAL efiled this
28th day of February, 2025
to goodyearcourt@courts.az.gov
by /s/Julie Gunnigle

Julie Gunnigle, State Bar No. 032124
FULL SPECTRUM LAW COLLECTIVE, PLLC
6424 E. Greenway Parkway, #100-421
Scottsdale, AZ 85254
480-815-5119
julie@fullspectrumlawcollective.com
Attorney for the Appellant

IN THE MARICOPA COUNTY SUPERIOR COURT

IN AND FOR THE STATE OF ARIZONA

STATE OF ARIZONA, Appellee, vs. MARIANA SANDOVAL, Appellant	Case No.: M0762-CT2024-03882 Designation of Record on Appeal

The audio recording of the December 16, 2024 hearing in this matter before the Goodyear Municipal Court is hereby designated by the Appellant as the record on appeal.

RESPECTFULLY SUBMITTED THIS 28th DAY OF FEBRUARY 2025

/s/ Julie R. Gunnigle
Julie R. Gunnigle

ORIGINAL efiled this
28th day of February, 2025
to goodyearcourt@courts.az.gov
by /s/Julie Gunnigle

CLERK OF THE
SUPERIOR COURT
FILED
K. WHITSON, DEP
25 JUN -2 AM 8:51

Julie Gunnigle, State Bar No. 032124
FULL SPECTRUM LAW COLLECTIVE, PLLC
6424 E. Greenway Parkway, #100-421
Scottsdale, AZ 85254
480-815-5119
julie@fullspectrumlawcollective.com
Attorney for the Appellant

IN THE MARICOPA COUNTY SUPERIOR COURT

IN AND FOR THE STATE OF ARIZONA

STATE OF ARIZONA,

Appellee,

vs.

MARIANA SANDOVAL,

Appellant

LC2025-000140-001

Case No.: M0762-CT2024-03882

APPELLANT'S MEMORANDUM

Comes now, Mariana Sandoval, by and through counsel, and files the following as her memorandum on appeal.

Statement of the Case

On the morning of October 30, 2024, Mariana Sandoval was leaving her neighborhood travelling west on Lilac Street. She encountered traffic cones in the westbound lane, which she believed to be part of the continuing construction in her neighborhood. She crossed the median to avoid the traffic cones and return to the westbound lane. She was cited for wrong way driving. The appeal presents the singular question of whether a driver who crosses the median to avoid traffic cones commits wrong way driving within the meaning of A.R.S. § 28-694.

Statement of Facts

On October 30, 2024, Appellant was driving her car in the area of Lilac Street and Cotton Lane in Goodyear Arizona. [Audio Recording of December 16, 2024

Municipal Court Hearing ("AR")]. Cotton Road runs north and south; Lilac Street runs east and west. That morning, the traffic signal at Lilac and Cotton was being repaired. (AR 2:30.) Traffic cones were placed on north-bound Cotton and on Lilac between 171st Drive and Cotton. (AR 2:44; 5:10.) There were no signs indicating that the road was closed. (AR 5:17; 9:20.)

Ms. Sandoval was traveling west-bound on Lilac and travelled around the cones. (AR 10:37.) The officer estimated that the cones were placed approximately 35-40 feet before the intersection of Lilac Street and Cotton Lane. (AR 7:26.) Both officers were asked whether they remember traffic on that road at the same time as Ms. Sandoval's vehicle. One did not recall; the other confirmed that there was no oncoming traffic present on Lilac when Ms. Sandoval went around the cones (AR 10:33; 12:55.) Ms. Sandoval was cited for two violations: disobeying a traffic device under A.R.S. § 28-644 and wrong way driving under A.R.S. § 28-694. (AR 14:57.)

At hearing, Ms. Sandoval testified that she was exiting her neighborhood when she encountered the cones. (AR 20:10.) Traffic cones were common in her neighborhood at the time because of internet installation. (AR 20:23; 23:05.) Travelling westbound, she saw that traffic was flowing at the intersection of Lilac and Cotton. (AR 20:47.) She did not believe she was travelling the wrong way and saw no oncoming traffic when she travelled around the cones. (AR 21:06; 22:14.)

At hearing, the judge found Ms. Sandoval was not responsible for disobeying a traffic device under A.R.S. § 28-644, but found that she was responsible for wrong way driving under A.R.S. § 28-694. (AR 37:05.) Ms. Sandoval filed this prompt appeal.

ARGUMENT

Arizona law defines wrong way driving as follows: "A person who drives the wrong way on a controlled access highway commits wrong-way driving." A.R.S. § 28-694(A). The same section defines "wrong way" as "vehicular movement that is in a direction opposing the legal flow of traffic. *Wrong way does not include median crossing* or a

collision where a motor vehicle comes to a stop facing the wrong way." A.R.S. § 28-694(D)(emphasis added).

By crossing the median to avoid the traffic cones, Ms. Sandoval did not commit wrong way driving. The plain language of the statute exempts median crossing from its ambit. There are several reasons for this exemption. If median crossing was considered "wrong way driving," making a lefthand turn, overtaking slower traffic, swerving to avoid road hazards, and other safe driving behaviors would subject the driver to a $500 dollar fine and mandatory traffic school. By exempting median crossing, Arizona law makes clear that temporary presence in the on-coming lane of traffic is permitted. By crossing into the median when no other vehicles were present to avoid what she believed was construction, Ms. Sandoval's driving is exempted under the statute.

This conclusion is bolstered by the fact that the road closure was not marked by any signs and that traffic was still flowing as Ms. Sandoval approached the intersection. Without a clear marking that the road ahead was closed, Ms. Sandoval could not have been on notice of a road closure as she passed the cones. At hearing, the judge agreed that the cones were not a traffic control device under these circumstances and dismissed that portion of the citation. (AR 38:21.) Accordingly, by crossing the median to avoid cones that were not legally a traffic device, Ms. Sandoval was not committing wrong way driving.

CONCLUSION

For all of these reasons, Ms. Sandoval respectfully requests that her citation for wrong way driving be reversed.

RESPECTFULLY SUBMITTED THIS 28th DAY OF FEBRUARY 2025

/s/ Julie R. Gunnigle
Julie R. Gunnigle
FULL SPECTRUM LAW COLLECTIVE, PLLC
6424 E. Greenway Parkway, #100-421
Scottsdale, AZ 85254
480-815-5119
julie@fullspectrumlawcollective.com
Attorney for the Appellant

ORIGINAL efiled this
28th day of February, 2025
to goodyearcourt@courts.az.gov
by /s/Julie Gunnigle

CLERK OF THE
SUPERIOR COURT
FILED
K. WHITSON, DEP
25 MAY 15 PM 2:51

CLERK OF THE COURT
SUPERIOR COURT OF ARIZONA

MARICOPA COUNTY
201 West Jefferson
Phoenix, Arizona 85003
(602) 372-5375 / TDD (602) 506-3211

STATE OF ARIZONA
Plaintiff

VS

MARIANA SANDOVAL
Defendant

CASE NO. LC2025-000140-001DT

GOODYEAR MUNICIPAL COURT
CASE NO CT2024-03882

REQUEST FOR TRANSMITTAL OF RECORD TO SUPERIOR COURT (CIVIL TRAFFIC)

TO: GOODYEAR MUNICIPAL COURT

The appeal in Superior Court in the above matter has been properly filed and perfected. You are hereby requested to transfer the record on appeal to this court within thirty (30) days from the date on this notice.

Thank you for your assistance.

Dated: 5/15/2025

Deputy Clerk

PLEASE SEND THIS NOTIFICATION BACK TO SUPERIOR COURT WITH THE DESIGNATED ORIGINAL CASE FILE.

If you have any questions, please either write to the above address, Attention: LCA Notice Desk CS-DK/CV, or call (602) 372-5375. Contact via a Telecommunications Device for the Deaf (TDD) is available by calling (602) 506-3211.

****
Clerk of the Superior Court
By Elizabeth Guerrero, Deputy
Date 05/15/2025 Time 12:11:47

Description	Amount
--------- CASE# LC2025-000140-001 -----	
LOWER COURT APPEAL	165.00
TOTAL AMOUNT	165.00

Receipt# 30296088

CLERK OF THE COURT
SUPERIOR COURT OF ARIZONA

MARICOPA COUNTY
201 West Jefferson
Phoenix, Arizona 85003
(602)372-5375 / TDD (602)506-3211

STATE OF ARIZONA
Appellee

Vs

MARIANA SANDOVAL
Appellant

COPY
PLEASE RETURN WITH PAYMENT

CASE NO. LC2025-000140-001DT
NOTICE TO APPELLANT RE: PAYMENT OF SUPERIOR COURT APPEAL FEE

CIVIL TRAFFIC APPEAL FROM
GOODYEAR MUNICIPAL COURT
CT2024-03882

To the appellant in the above matter, please be advised as follows:

1. The appeal in the above matter has been docketed with the Superior Court. Pursuant to the rules of appellate procedure, you are required to pay an appellate filing fee to the Clerk of Superior Court.

2. Pursuant to Arizona Statutes, a payment of one hundred sixty five dollars **($165.00)** must be received within **thirty (30) calendar days** of the day of this notice stated below.

3. Payment can be made by cash, money order, Visa, Mastercard or American Express. Money orders are made payable to the "Clerk of Superior Court". Personal checks **ARE NOT** accepted. Please include any assigned Superior Court case number on the face of any payment you send to the court. Mail payment to Clerk of Court, 201 W Jefferson, Phoenix AZ 85003. Please **DO NOT** send cash.

4. You are advised that, if the appeal fee is not timely paid, your appeal will be dismissed without further notice and your case sent back to the trial court.

5. If you cannot afford to pay the above fee, please come in to Superior Court to fill out a deferral. The forms can also be downloaded at www.superiorcourt.maricopa.gov/SuperiorCourt/LawLibraryResourceCenter. The forms must be filled out and approved before the deadline expires.

If you have any questions, please either write to the above address, Attention: LCA Notice Desk, or call 602-372-5375. Contact via a Telecommunications Device for the Deaf (TDD) is available by calling 506-3211.

Dated: 4/16/2025

Clerk of the Superior Court

JULIE GUNNIGLE
6424 E GREENWAY PKWY STE 100-421
SCOTTSDALE AZ 85254

By: _____
Deputy Clerk

CLERK OF THE
SUPERIOR COURT
FILED
K. WHITSON, DEP

25 APR 16 AM 11:38

CLERK OF THE COURT
SUPERIOR COURT OF ARIZONA

MARICOPA COUNTY
201 West Jefferson
Phoenix, Arizona 85003
(602)372-5375 / TDD (602)506-3211

STATE OF ARIZONA
Appellee

Vs

MARIANA SANDOVAL
Appellant

CASE NO. LC2025-000140-001DT
NOTICE TO APPELLANT RE: PAYMENT OF SUPERIOR COURT APPEAL FEE

CIVIL TRAFFIC APPEAL FROM
GOODYEAR MUNICIPAL COURT
CT2024-03882

To the appellant in the above matter, please be advised as follows:

1. The appeal in the above matter has been docketed with the Superior Court. Pursuant to the rules of appellate procedure, you are required to pay an appellate filing fee to the Clerk of Superior Court.

2. Pursuant to Arizona Statutes, a payment of one hundred sixty five dollars **($165.00)** must be received within **thirty (30) calendar days** of the day of this notice stated below.

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If you have any questions, please either write to the above address, Attention: LCA Notice Desk, or call 602-372-5375. Contact via a Telecommunications Device for the Deaf (TDD) is available by calling 506-3211.

Dated: 4/16/2025

Clerk of the Superior Court

JULIE GUNNIGLE
6424 E GREENWAY PKWY STE 100-421
SCOTTSDALE AZ 85254

By: _____
Deputy Clerk

CLERK OF THE
SUPERIOR COURT
FILED
K. WHITSON, DEP

25 APR 16 AM 11:38

'24 DEC 26 2:40

SPARLING LAW GROUP, PLLC
530 E. McDowell Rd. Suite 107-426
Phoenix, Arizona 85004
(623)-253-9580 (telephone)
(623)-253-9780 (facsimile)
Timothy H. Sparling, Bar No. 033749
thsparling1@gmail.com
Attorney for Defendant

IN THE GOODYEAR MUNICIPAL COURT IN THE STATE OF ARIZONA

IN AND FOR THE COUNTY OF MARICOPA

LC2025-000140-001

STATE OF ARIZONA, Plaintiff, vs. MARIANA SANDOVAL, Defendant.	Case Number: CT2024-03882 **NOTICE OF APPEAL FOR CIVIL JUDGMENT AND SENTENCE ORDER AND MOTION TO WITHDRAW COUNSEL OF RECORD** (Assigned to the Honorable Carla Bastien)

Mariana Sandoval, by and through undersigned counsel, pursuant to Rules 3 and 4 of the *Superior Court Rules of Civil Appellate Procedure*, hereby notifies this Court of her appeal of the Civil Judgement and Sentence Order issued by this Court on December 16, 2024 to the Maricopa County Superior Court following the Civil Traffic Hearing before the Honorable Carla Bastien on December 16, 2024.

Furthermore, Timothy H. Sparling of the firm Sparling Law Group and Consulting, PLLC hereby moves to withdraw from this case for all future proceedings following filing of this Notice of Appeal. This request is made in accordance with the Notice of Appearance filed on December 14, 2024 specifying the scope of representation

before the Ho

as for "the limited purpose of appearing in civil traffic proceedings in the abovecaptioned case" and terminating "[upon] the filing of a Notice of Appeal, if required."

RESPECTFULLY SUBMITTED this 19th day of December, 2024.

SPARLING LAW GROUP PLLC

By *_/s/ Timothy Sparling_*
Timothy H. Sparling
For the Firm

ORIGINAL/COPIES of the foregoing e-filed/e-mailed
this 19th day of December, 2024, to:

HONORABLE CARLA BASTIEN
Goodyear Municipal Court
14455 W. Van Buren St. Ste. B-101
Goodyear, AZ 85338

By TS

Julie Gunnigle, State Bar No. 032124
FULL SPECTRUM LAW COLLECTIVE, PLLC
6424 E. Greenway Parkway, #100-421
Scottsdale, AZ 85254
480-815-5119
julie@fullspectrumlawcollective.com
Attorney for the Appellant

'25 MAR 3 8:52

IN THE MARICOPA COUNTY SUPERIOR COURT

IN AND FOR THE STATE OF ARIZONA

STATE OF ARIZONA, Appellee, vs. MARIANA SANDOVAL, Appellant	Case No.: M0762-CT2024-03882 Notice of Appearance

Notice is hereby given that Appellant is represented by Julie Gunnigle. Please direct all notices to:

Julie Gunnigle
Full Spectrum Law Collective, PLLC
6424 E. Greenway Parkway #100-421
Scottsdale, AZ 85254
Phone: (480)815-5119
julie@fullspectrumlawcollective.com

RESPECTFULLY SUBMITTED THIS 28th DAY OF FEBRUARY 2025

/s/ Julie R. Gunnigle
Julie R. Gunnigle

ORIGINAL efiled this
28th day of February, 2025
to goodyearcourt@courts.az.gov
by /s/Julie Gunnigle

GOODYEAR MUNICIPAL COURT
MAILING ADDRESS: 14455 W VAN BUREN ST B101 GOODYEAR, AZ 85338
PHONE: 623-882-7200

STATE OF ARIZONA	)	No.M0762CT2024-03882
	)	
	)	
	)	NOTICE OF INITIAL PERFECTION OF
VS.	)	RECORD ON APPEAL TO SUPERIOR
	)	COURT (CIVIL TRAFFIC)
MARIANA SANDOVAL		

To the Clerk of Superior Court: LC2025-000140-001

Please be advised that the appellant has completed the initial steps required in this court to perfect the record on appeal. Attached is the Notice of Appeal. This court has the record and appellate memoranda. You are requested to notify the appellant with instructions as to payment of any Superior Court appeal fee and to notify this court accordingly.

CLERK OF THE SUPERIOR COURT
FILED
K. WHITSON, DEP
25 APR 16 AM 11:38

Appellant's current mailing address is:

Street P.O. Box 5021 Apt/Unit No. _____

City, State Goodyear AZ Zip 85338

(Daytime Phone) ( ) _____

Appellant's attorney's name and mailing address is:

Name Julie Gunnigle Bar No. 032124

Street 6424 E. Greenway Pkwy Suite No. 100-421

City, State Scottsdale AZ Zip 85254

(Daytime Phone) (480) 815-5119

The contact person in the limited court is: TIFFANY RAMJAG

Dated: 4/9/25 Clerk TW

Clerk of the Superior Court
*** Electronically Filed ***
06/10/2025 8:00 AM

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

LC2025-000140-001 DT

06/09/2025

HONORABLE JOSEPH P. MIKITISH

CLERK OF THE COURT
N. Johnson
Deputy

STATE OF ARIZONA

GINA MARIE GODBEHERE

v.

MARIANA SANDOVAL (001)

JULIE R GUNNIGLE

GOODYEAR MUNICIPAL COURT
JUDGE MIKITISH
REMAND DESK-LCA-CCC

'25 JUN 12 1:16PM

CIVIL - TRAFFIC
RECORD APPEAL ASSIGNMENT

Appellant's Memorandum having been filed in the above-mentioned appeal,

IT IS ORDERED assigning this appeal on June 9, 2025 to the Honorable Joseph P. Mikitish for determination based upon the record of the proceedings and the parties' memoranda, pursuant to Rule 9.9, Maricopa County Superior Court Local Rules of Practice, within sixty (60) days of this date.

APPEALED FROM:	Goodyear Municipal Court
CASE NO.:	CT2024-03882
CITATION NO.:	E0023396
CHARGE(S):	FAIL TO OBEY TRAF CNTL DEVICE
DOC:	10/30/2024
CHARGE(S):	DRIVE WRONG-WAY ACCESS HIGHWAY
DOC:	10/30/2024

504.CIVILT.NOA

NOTICE: LC cases are not under the e-file system. As a result, when a party files a document, the system does not generate a courtesy copy for the Judge. Therefore, you will have to deliver to the Judge a conformed courtesy copy of any filings.

GOODYEAR MUNICIPAL COURT
CITY COURT
986 S LITCHFIELD RD
GOODYEAR AZ 85338

m11364966

CLERK OF THE COURT
SUPERIOR COURT OF ARIZONA

MARICOPA COUNTY
201 West Jefferson
Phoenix, Arizona 85003
(602) 372-5375 / TDD (602) 506-3211

'25 MAY 22 1:39PM

STATE OF ARIZONA
Plaintiff

VS

MARIANA SANDOVAL
Defendant

CASE NO. LC2025-000140-001DT

GOODYEAR MUNICIPAL COURT
CASE NO CT2024-03882

REQUEST FOR TRANSMITTAL OF RECORD TO SUPERIOR COURT (CIVIL TRAFFIC)

TO: GOODYEAR MUNICIPAL COURT

The appeal in Superior Court in the above matter has been properly filed and perfected. You are hereby requested to transfer the record on appeal to this court within thirty (30) days from the date on this notice.

Thank you for your assistance.

Dated: 5/15/2025

Deputy Clerk

PLEASE SEND THIS NOTIFICATION BACK TO SUPERIOR COURT WITH THE DESIGNATED ORIGINAL CASE FILE.

If you have any questions, please either write to the above address, Attention: LCA Notice Desk CS-DK/CV, or call (602) 372-5375. Contact via a Telecommunications Device for the Deaf (TDD) is available by calling (602) 506-3211.

'25 APR 14 1:52PM

Youth Leadership Institute

4/11/25

To Whom It May Concern,

Aguila Youth Leadership is a 501 © 3 that works to empower and prepare youth for college admission and graduation through a unique approach based upon a greater cultural understanding as a guide to personal, academic, and professional excellence as future leaders.

I am pleased to confirm that Mariana Sandoval has completed 50 hours of community service with the Aguila Youth Leadership Institute. Her dedication and contributions have been valuable to our organization, and we truly appreciate her time and commitment.

We look forward to her continued volunteerism and support. If any additional documentation or verification is required, please do not hesitate to contact me.

Sincerely,

Cesar Aguilar

Community Relations Director

602-668-6025

Cesar.aguilar@aguilayouth.org

'25 MAR 10 1:59PM

MARIANA SANDOVAL
PO Box 5021
Goodyear AZ 85338
sandovalforaz@gmail.com
Pro Per Defendant

IN THE GOODYEAR MUNICIPAL COURT IN THE STATE OF ARIZONA
IN AND FOR THE COUNTY OF MARICOPA

STATE OF ARIZONA, Plaintiff, vs. MARIANA SANDOVAL, Defendant.	Case Number: CT2024-03882 **MOTION TO STAY ORDER PENDING APPEAL** (Assigned to the Honorable Carla Bastien)

On December 16, 2024, this Court ordered Defendant, Mariana Sandoval ("Defendant") to complete Traffic Survival School and 64 hours of community restitution hours as a result of a civil traffic violation. Defendant has timely appealed this ruling to the Maricopa County Superior Court. Given the pending appeal, enforcement of the Traffic Survival School and community service requirement would impose an undue burden on Defendant should Defendant be required to comply prior to a final resolution.

If Defendant is required to complete Traffic Survival School and the 64 hours of community restitution before the appeal is adjudicated, Defendant will suffer harm that cannot be undone even if the appeal is successful. Granting a stay will not prejudice the State or compromise public safety, as the appeal process ensures that the underlying issues are properly reviewed before any penalty is enforced.

For the foregoing reason, Defendant respectfully requests that this Court stay its order issued on December 16, 2024, requiring completion of Traffic Survival School and community restitution hours pending resolution of the appeal in the Maricopa County Superior Court.

RESPECTFULLY SUBMITTED this 10th day of March, 2025.

By *_/s/ Mariana Sandoval_*
Mariana Sandoval, Pro Per Defendant

ORIGINAL of the foregoing e-mailed on this 10th day of March, 2025, to:

HONORABLE CARLA BASTIEN
Goodyear Municipal Court
14455 W. Van Buren St. Ste. B-101
Goodyear, AZ 85338
goodyearcourt@courts.az.gov

By M. Sandoval

GOODYEAR MUNICIPAL COURT
14455 WEST VAN BUREN STREET, SUITE B101
GOODYEAR, AZ 85338
623-882-7200 FAX 623-932-6936
MARICOPA COUNTY

STATE OF ARIZONA Appellee, vs. MARIANA SANDOVAL 2/22/1977 Appellant	Case No.: CT2024-03882 MINUTE ENTRY

Facts

On December 16, 2024, Marianna Sandoval (Appellant) was found responsible at the conclusion of her civil traffic hearing.

On December 20, 2024, Appellant filed a notice of appeal.

Due to a programming error in the Court's case management system, the Court set February 18, 2025, as Appellant's Memorandum due date.

On February 20, 2025, due to the miscalculation of time, the Court deemed the appeal abandoned.

The appropriate due date for Appellant to file her Memorandum was February 28, 2025.

On February 28, 2025, counsel for Appellant submitted a Notice of Appearance, Appellant's Memorandum, and a procedural motion to reinstate the appeal.

The State has elected to not file a response to the procedural motion.

Legal Basis

Pursuant to Superior Court Rules of Appellate Procedure--Civil ***(SCRAP) Rule 8(A)(1):*** "...the appellant's memorandum shall be filed with the trial court within 60 calendar days from the deadline to file the notice of appeal."

Pursuant to ***SCRAP Rule 8(C)(4),*** procedural motions and any response are to be forwarded to Superior Court after the expiration of time to file the response.

Legal Analysis

Upon the Court's review of the procedural motion, the miscalculation of time was identified in the Court's case management system. Appellant had until February 28, 2025, to file her memorandum. Appellant's Memorandum was timely filed. The Court is aware that this matter should be forwarded to the Superior Court to protect Appellant against a potential adverse ruling from a potentially

conflicted judge. In this case, the State has chosen not to respond, and Appellant's motion is unopposed. Additionally, Appellant is clearly in compliance with the requirements of ***(SCRAP) Rule 8(A)(1).*** In the interest of justice and judicial economy, this Court is prepared to reinstate this Appeal, unless the Appellant has an objection. If Appellant has an objection this Court will forward this matter to the Superior Court for a ruling pursuant to ***SCRAP Rule 8(C)(4).***

Decision

Based on the review of Appellant's motion, Appellant has met the time requirements of ***(SCRAP) Rule 8(A)(1).***

Wherefore,

IT IS ORDERED reinstating the Appellant's Appeal.

IT IS FURTHER ORDERED that if Appellee chooses to respond, said response is due 30 days from the filing date of Appellant's memorandum.

IT IS FURTHER ORDERED that if Appellant objects to this order they should notify this Court, with ten days of this order, of Appellant's desire to forward this matter to Superior Court for a ruling on the procedural motion pursuant to ***SCRAP Rule 8(C)(4).***

So ordered 3/7/2024, Honorable Manuel Delgado, Presiding Judge

TR
Court Representative, prepared 3/07/2025

Emailed to defense counsel – julie@fullspectrumlawcollective.com

Julie Gunnigle, State Bar No. 032124
FULL SPECTRUM LAW COLLECTIVE, PLLC
6424 E. Greenway Parkway, #100-421
Scottsdale, AZ 85254
480-815-5119
julie@fullspectrumlawcollective.com
Attorney for the Appellant

'25 MAR 3 3:42pm

IN THE MARICOPA COUNTY SUPERIOR COURT

IN AND FOR THE STATE OF ARIZONA

STATE OF ARIZONA, Appellee, vs. MARIANA SANDOVAL, Appellant	Case No.: M0762-CT2024-03882 PROCEDURAL MOTION—REFER TO SUPERIOR COURT MOTION TO REINSTATE APPEAL

Comes now, Appellant Mariana Sandoval, by and through counsel and respectfully requests that the Court reinstate Ms. Sandoval's appeal and in support, states the following:

1. Ms. Sandoval was cited for a traffic violation and promptly requested a hearing.
2. The hearing on Ms. Sandoval's matter occurred on December 16, 2024 and an order was entered the same day.
3. On December 20, 2024, previous counsel for Ms. Sandoval filed a prompt Notice of Appeal.
4. This Appeal is governed by the Superior Court Rules of Appellate Procedure as an appeal from a municipal court matter. Super. Ct. Rap. Civ. Rule 1; A.R.S. § 22-425(B).

5. The Superior Court Rules of Appellate Procedure establishes a deadline of 14 calendar days from the entry of a municipal court order to file a notice of appeal. Super. Ct. Rap. Civ. Rule 4.
6. The Superior Court Rules of Appellate Procedure establishes a deadline of 60 calendar days "from the deadline to file the notice of appeal" for the Appellant to file an appellate memoranda. Super. Ct. Rap. Civ. Rule 8.
7. Based on these two rules, an appellate memoranda is due 74 days from the entry of a municipal court order appealed.
8. Seventy-four days from December 16, 2024 is today, February 28, 2025.
9. Counsel called the Goodyear Court Clerk to inquire as to the efiling options in this appeal. At that time, counsel was told that the appeal was abandoned as a memorandum was not filed within 60 days of the municipal order.
10. Accordingly, counsel believes that the accounting of time was in error and respectfully requests that the appeal be reinstated or, in the alternative, that good cause exists to issue an extension of time to file this appeal.

RESPECTFULLY SUBMITTED THIS 28th DAY OF FEBRUARY 2025

/s/ Julie R. Gunnigle
Julie R. Gunnigle
FULL SPECTRUM LAW COLLECTIVE, PLLC
6424 E. Greenway Parkway, #100-421
Scottsdale, AZ 85254
480-815-5119
julie@fullspectrumlawcollective.com
Attorney for the Appellant

ORIGINAL efiled this
28th day of February, 2025
to goodyearcourt@courts.az.gov
by /s/Julie Gunnigle

Julie Gunnigle, State Bar No. 032124
FULL SPECTRUM LAW COLLECTIVE, PLLC
6424 E. Greenway Parkway, #100-421
Scottsdale, AZ 85254
480-815-5119
julie@fullspectrumlawcollective.com
Attorney for the Appellant

IN THE MARICOPA COUNTY SUPERIOR COURT

IN AND FOR THE STATE OF ARIZONA

STATE OF ARIZONA, Appellee, vs. MARIANA SANDOVAL, Appellant	Case No.: M0762-CT2024-03882 APPELLANT'S MEMORANDUM

Comes now, Mariana Sandoval, by and through counsel, and files the following as her memorandum on appeal.

Statement of the Case

On the morning of October 30, 2024, Mariana Sandoval was leaving her neighborhood travelling west on Lilac Street. She encountered traffic cones in the westbound lane, which she believed to be part of the continuing construction in her neighborhood. She crossed the median to avoid the traffic cones and return to the westbound lane. She was cited for wrong way driving. The appeal presents the singular question of whether a driver who crosses the median to avoid traffic cones commits wrong way driving within the meaning of A.R.S. § 28-694.

Statement of Facts

On October 30, 2024, Appellant was driving her car in the area of Lilac Street and Cotton Lane in Goodyear Arizona. [Audio Recording of December 16, 2024

Municipal Court Hearing ("AR")]. Cotton Road runs north and south; Lilac Street runs east and west. That morning, the traffic signal at Lilac and Cotton was being repaired. (AR 2:30.) Traffic cones were placed on north-bound Cotton and on Lilac between 171st Drive and Cotton. (AR 2:44; 5:10.) There were no signs indicating that the road was closed. (AR 5:17; 9:20.)

Ms. Sandoval was traveling west-bound on Lilac and travelled around the cones. (AR 10:37.) The officer estimated that the cones were placed approximately 35-40 feet before the intersection of Lilac Street and Cotton Lane. (AR 7:26.) Both officers were asked whether they remember traffic on that road at the same time as Ms. Sandoval's vehicle. One did not recall; the other confirmed that there was no oncoming traffic present on Lilac when Ms. Sandoval went around the cones (AR 10:33; 12:55.) Ms. Sandoval was cited for two violations: disobeying a traffic device under A.R.S. § 28-644 and wrong way driving under A.R.S. § 28-694. (AR 14:57.)

At hearing, Ms. Sandoval testified that she was exiting her neighborhood when she encountered the cones. (AR 20:10.) Traffic cones were common in her neighborhood at the time because of internet installation. (AR 20:23; 23:05.) Travelling westbound, she saw that traffic was flowing at the intersection of Lilac and Cotton. (AR 20:47.) She did not believe she was travelling the wrong way and saw no oncoming traffic when she travelled around the cones. (AR 21:06; 22:14.)

At hearing, the judge found Ms. Sandoval was not responsible for disobeying a traffic device under A.R.S. § 28-644, but found that she was responsible for wrong way driving under A.R.S. § 28-694. (AR 37:05.) Ms. Sandoval filed this prompt appeal.

ARGUMENT

Arizona law defines wrong way driving as follows: "A person who drives the wrong way on a controlled access highway commits wrong-way driving." A.R.S. § 28-694(A). The same section defines "wrong way" as "vehicular movement that is in a direction opposing the legal flow of traffic. *Wrong way does not include median crossing* or a

collision where a motor vehicle comes to a stop facing the wrong way." A.R.S. § 28-694(D)(emphasis added).

By crossing the median to avoid the traffic cones, Ms. Sandoval did not commit wrong way driving. The plain language of the statute exempts median crossing from its ambit. There are several reasons for this exemption. If median crossing was considered "wrong way driving," making a lefthand turn, overtaking slower traffic, swerving to avoid road hazards, and other safe driving behaviors would subject the driver to a $500 dollar fine and mandatory traffic school. By exempting median crossing, Arizona law makes clear that temporary presence in the on-coming lane of traffic is permitted. By crossing into the median when no other vehicles were present to avoid what she believed was construction, Ms. Sandoval's driving is exempted under the statute.

This conclusion is bolstered by the fact that the road closure was not marked by any signs and that traffic was still flowing as Ms. Sandoval approached the intersection. Without a clear marking that the road ahead was closed, Ms. Sandoval could not have been on notice of a road closure as she passed the cones. At hearing, the judge agreed that the cones were not a traffic control device under these circumstances and dismissed that portion of the citation. (AR 38:21.) Accordingly, by crossing the median to avoid cones that were not legally a traffic device, Ms. Sandoval was not committing wrong way driving.

CONCLUSION

For all of these reasons, Ms. Sandoval respectfully requests that her citation for wrong way driving be reversed.

RESPECTFULLY SUBMITTED THIS 28th DAY OF FEBRUARY 2025

/s/ Julie R. Gunnigle
Julie R. Gunnigle
FULL SPECTRUM LAW COLLECTIVE, PLLC
6424 E. Greenway Parkway, #100-421
Scottsdale, AZ 85254
480-815-5119
julie@fullspectrumlawcollective.com
Attorney for the Appellant

ORIGINAL efiled this
28th day of February, 2025
to goodyearcourt@courts.az.gov
by /s/Julie Gunnigle

Julie Gunnigle, State Bar No. 032124
FULL SPECTRUM LAW COLLECTIVE, PLLC
6424 E. Greenway Parkway, #100-421
Scottsdale, AZ 85254
480-815-5119
julie@fullspectrumlawcollective.com
Attorney for the Appellant

'25 MAR 3 8:52AM

IN THE MARICOPA COUNTY SUPERIOR COURT

IN AND FOR THE STATE OF ARIZONA

STATE OF ARIZONA, Appellee, vs. MARIANA SANDOVAL, Appellant	Case No.: M0762-CT2024-03882 Designation of Record on Appeal

The audio recording of the December 16, 2024 hearing in this matter before the Goodyear Municipal Court is hereby designated by the Appellant as the record on appeal.

RESPECTFULLY SUBMITTED THIS 28th DAY OF FEBRUARY 2025

/s/ Julie R. Gunnigle
Julie R. Gunnigle

ORIGINAL efiled this
28th day of February, 2025
to goodyearcourt@courts.az.gov
by /s/Julie Gunnigle

Julie Gunnigle, State Bar No. 032124
FULL SPECTRUM LAW COLLECTIVE, PLLC
6424 E. Greenway Parkway, #100-421
Scottsdale, AZ 85254
480-815-5119
julie@fullspectrumlawcollective.com
Attorney for the Appellant

'25 MAR 3 8:52AM

IN THE MARICOPA COUNTY SUPERIOR COURT

IN AND FOR THE STATE OF ARIZONA

STATE OF ARIZONA, Appellee, vs. MARIANA SANDOVAL, Appellant	Case No.: M0762-CT2024-03882 Notice of Appearance

Notice is hereby given that Appellant is represented by Julie Gunnigle. Please direct all notices to:

Julie Gunnigle
Full Spectrum Law Collective, PLLC
6424 E. Greenway Parkway #100-421
Scottsdale, AZ 85254
Phone: (480)815-5119
julie@fullspectrumlawcollective.com

RESPECTFULLY SUBMITTED THIS 28th DAY OF FEBRUARY 2025

/s/ Julie R. Gunnigle
Julie R. Gunnigle

ORIGINAL efiled this
28th day of February, 2025
to goodyearcourt@courts.az.gov
by /s/Julie Gunnigle

GOODYEAR MUNICIPAL COURT
14455 WEST VAN BUREN STREET, SUITE B101
GOODYEAR, AZ 85338
623-882-7200 FAX 623-932-6936
MARICOPA COUNTY

STATE OF ARIZONA

Plaintiff,

vs.

MARIANA SANDOVAL

02/22/1977

Defendant

Case No.: CT2024-03882

ORDER

The Court having received and reviewed the defendant's request to extend deadline for completion of community restitution hours and stay of proceedings.

IT IS ORDERED granted defendant's motion.

IT IS FURTHER ORDERED extending until April 14, 2025, to provide proof of 44 completed community restitution hours to the Goodyear Municipal Court.

So, ordered 2/14/2025, Honorable Carla Bastien, Pro-Tem Judge

MS
Court Representative, prepared 2/14/2025

Emailed to defendant:
sandovalforaz@gmail.com

GOODYEAR MUNICIPAL COURT
14455 WEST VAN BUREN STREET, SUITE B-101, GOODYEAR, AZ 85338; PH 623-882-7200

Community Restitution Ordered / In-Lieu of Fines

Defendant Name: MARIANA SANDOVAL

Case Number: CT2024-03882

44 **Hours Community Restitution**

Due Date: 4-14-25

If community restitution is authorized as an alternate way for you to satisfy your financial obligation(s) to the Goodyear Municipal Court, you will be given credit equivalent to Arizona Minimum Wage per hour upon receipt and acceptance of proof of hours of completion.

If you have not completed an adequate number of hours to satisfy your entire financial obligation(s) *or* if entire balance is not eligible for community restitution, you must pay the remaining balance.

DEFENDANTS RESPONSIBILITIES:

Locate a ***non-profit organization*** to perform community restitution.

1. Contact the person in charge of community restitution at the organization to schedule the hours you will work.

2. Obtain written documentation from the non-profit organization on its letterhead containing the following information:
   a. You must write "Court ordered Restitution" on each document before it is submitted.
   b. Your name and the court case number.
   c. Dates and hours worked. (All community restitution hours will be verified).
   d. Location where the community restitution was performed.
   e. Printed name, original signature, and business telephone of the person in charge of community restitution at the organization.
   f. The 501 (C) (3) Non-Profit Tax ID number from the IRS

3. It is the **defendant's responsibility** to provide the court with documentation of hours worked. This must be received by the court on or before the due date.

Note: The documentation submitted to the court must be an original. Copes will not be accepted.

*Examples of non-profit organizations: churches, Boys and Girls Club, United Way, Food banks, Mothers Against Drunk Driving and animal shelters. You could also obtain non-profit information off the internet. Go to any search engine and type the name of your city, your state, and the words "non-profit organizations".

Online or purchased community service ***will not be accepted***.

Defendant Signature: emailed

Date: 2/14/25

MARIANA SANDOVAL
PO Box 5021
Goodyear AZ 85338
sandovalforaz@gmail.com
Pro Per Defendant

IN THE GOODYEAR MUNICIPAL COURT IN THE STATE OF ARIZONA
IN AND FOR THE COUNTY OF MARICOPA

STATE OF ARIZONA, Plaintiff, vs. MARIANA SANDOVAL, Defendant.	Case Number: CT2024-03882 **REQUEST TO EXTEND DEADLINE FOR COMPLETION OF COMMUNITY RESTITUTION HOURS AND STAY OF PROCEEDINGS** (Assigned to the Honorable Carla Bastien)

Defendant, Mariana Sandoval ("Defendant"), requests that the Court allow her additional time to complete community restitution hours. On December 16, 2024, the Court ordered Defendant complete sixty-four (64) hours of community restitution to satisfy her civil traffic violation. Defendant is unable to complete her hours due to her legislative duties that begun on January 13, 2025. She has completed 20 hours (Exhibit A) and should be able to complete the remaining hours after the legislative session ends.

Defendant also respectfully request a stay of proceedings in the above-referenced case until appeal currently pending is resolved in Maricopa County Superior Court. The reason for this request is that the outcome of the appeal may materially affect the case's resolution, and a stay would preserve the status quo and avoid the suspension of Defendant's driving privileges and unnecessary costs while the appeal is pending.

Based on the foregoing, Defendant has good cause to request an extension of her existing community restitution deadline and that the Court grant a stay of all proceedings, including but not limited to, enforcement of any judgments or orders, until the appeal process is concluded or further order of the Maricopa County Superior Court.

Therefore, Defendant respectfully requests the Court extend the current deadline by not less than 120 days and stay all proceedings until appeal process is concluded.

RESPECTFULLY SUBMITTED this 12th day of February, 2025.

By */s/ Mariana Sandoval*
Mariana Sandoval, Pro Per Defendant

ORIGINAL of the foregoing e-mailed on this 12th day of February, 2025, to:

HONORABLE CARLA BASTIEN
Goodyear Municipal Court
14455 W. Van Buren St. Ste. B-101
Goodyear, AZ 85338
goodyearcourt@courts.az.gov

By M. Sandoval

EXHIBIT A

'25 FEB 12 11:06AM

Youth Leadership Institute

2/7/25

To Whom It May Concern,

Aguila Youth Leadership is a 501 © 3 that works to empower and prepare youth for college admission and graduation through a unique approach based upon a greater cultural understanding as a guide to personal, academic, and professional excellence as future leaders.

I am pleased to confirm that Mariana Sandoval has completed 20 hours of community service with the Aguila Youth Leadership Institute. Her dedication and contributions have been valuable to our organization, and we truly appreciate her time and commitment.

We look forward to her continued volunteerism and support. If any additional documentation or verification is required, please do not hesitate to contact me.

Sincerely,

Cesar Aguilar

Community Relations Director

602-668-6025

Cesar.aguilar@aguilayouth.org

GOODYEAR MUNICIPAL COURT
14455 WEST VAN BUREN STREET, SUITE B101
GOODYEAR, AZ 85338
623-882-7200 FAX 623-932-6936
MARICOPA COUNTY

STATE OF ARIZONA

Plaintiff,

vs.

MARIANA SANDOVAL

02/22/1977

Defendant

Case No.: CT2024-03882

ORDER

The Court having received and reviewed the defendant's request for an extension.

IT IS ORDERED denying the request without further information. Please provide proof of the hours completed.

IT IS FURTHER ORDERED for defendant to provide reason for the extension.

So, ordered 02/03/2025, Honorable Carla Bastien., Pro-Tem Judge

VS
Court Representative, prepared 02/032025

Emailed to defendant:

SANDOVALFORAZ@GMAIL.COM

Santiago, Veronica

From: Mariana Sandoval
Sent: Friday, January 31, 2025 1:35 PM
To: Santiago, Veronica
Subject: Extention - Case Number: 2024-00055618 - Citation No. E00023396

Caution! This message was sent from outside your organization.

Dear Ms. Santiago,

Can you let me know how I go about requesting an extension to the community service I need to complete by 2/14/2025?

I am nowhere close to completing the hours or traffic survival school course by February 14 as ordered by the court.

Thank you in advance for your attention to this matter.

--
MARIANA SANDOVAL

REDACTED

GOODYEAR MUNICIPAL COURT
14455 WEST VAN BUREN STREET, SUITE B101
GOODYEAR, AZ 85338
623-882-7200 FAX 623-932-6936
MARICOPA COUNTY

STATE OF ARIZONA

Plaintiff,

vs.

MARIANA SANDOVAL

2/22/1977

Defendant

Case No.: CT2024-03882

ORDER

Upon review of defendant's motion, IT IS HEREBY ORDERED, GRANTING counsel's motion to withdraw as counsel of record as limited scope of representation has concluded upon filing of notice of appeal.

So ordered 12/20/2024, Honorable Sherri Rollison, Pro-Tempore Judge

TR
Court Representative, prepared 12/23/2024

Mailed to defendant: PO Box 5021 Goodyear, AZ 85338

Mailed to defense counsel: 530 E McDowell Rd Ste 107-426 Phoenix, AZ 85004

SPARLING LAW GROUP, PLLC
530 E. McDowell Rd. Suite 107-426
Phoenix, Arizona 85004
(623)-253-9580 (telephone)
(623)-253-9780 (facsimile)
Timothy H. Sparling, Bar No. 033749
thsparling1@gmail.com
Attorney for Defendant

'24 DEC 20 2:00PM

IN THE GOODYEAR MUNICIPAL COURT IN THE STATE OF ARIZONA

IN AND FOR THE COUNTY OF MARICOPA

STATE OF ARIZONA, Plaintiff, vs. MARIANA SANDOVAL, Defendant.	Case Number: CT2024-03882 **NOTICE OF APPEAL FOR CIVIL JUDGMENT AND SENTENCE ORDER AND MOTION TO WITHDRAW COUNSEL OF RECORD** (Assigned to the Honorable Carla Bastien)

Mariana Sandoval, by and through undersigned counsel, pursuant to Rules 3 and 4 of the *Superior Court Rules of Civil Appellate Procedure*, hereby notifies this Court of her appeal of the Civil Judgement and Sentence Order issued by this Court on December 16, 2024 to the Maricopa County Superior Court following the Civil Traffic Hearing before the Honorable Carla Bastien on December 16, 2024.

Furthermore, Timothy H. Sparling of the firm Sparling Law Group and Consulting, PLLC hereby moves to withdraw from this case for all future proceedings following filing of this Notice of Appeal. This request is made in accordance with the Notice of Appearance filed on December 14, 2024 specifying the scope of representation

as for "the limited purpose of appearing in civil traffic proceedings in the abovecaptioned case" and terminating "[upon] the filing of a Notice of Appeal, if required."

RESPECTFULLY SUBMITTED this 19th day of December, 2024.

SPARLING LAW GROUP PLLC

By *__/s/ Timothy Sparling__*
Timothy H. Sparling
For the Firm

ORIGINAL/COPIES of the foregoing e-filed/e-mailed this 19th day of December, 2024, to:

HONORABLE CARLA BASTIEN
Goodyear Municipal Court
14455 W. Van Buren St. Ste. B-101
Goodyear, AZ 85338

By __TS__

GOODYEAR MUNICIPAL COURT
14455 WEST VAN BUREN STREET, SUITE B-101, GOODYEAR, AZ 85338; PH 623-882-7200

Community Restitution Ordered / In-Lieu of Fines

Defendant Name: MARIANA SANDOVAL

Case Number: CT2024-03882

64 **Hours Community Restitution**

Due Date: 2/17/2025

If community restitution is authorized as an alternate way for you to satisfy your financial obligation(s) to the Goodyear Municipal Court, you will be given credit equivalent to Arizona Minimum Wage per hour upon receipt and acceptance of proof of hours of completion.

If you have not completed an adequate number of hours to satisfy your entire financial obligation(s) *or* if entire balance is not eligible for community restitution, you must pay the remaining balance.

DEFENDANTS RESPONSIBILITIES:

Locate a ***non-profit organization*** to perform community restitution.

1. Contact the person in charge of community restitution at the organization to schedule the hours you will work.

2. Obtain written documentation from the non-profit organization on its letterhead containing the following information:
   a. You must write "Court ordered Restitution" on each document before it is submitted.
   b. Your name and the court case number.
   c. Dates and hours worked. (All community restitution hours will be verified).
   d. Location where the community restitution was performed.
   e. Printed name, original signature, and business telephone of the person in charge of community restitution at the organization.
   f. The 501 (C) (3) Non-Profit Tax ID number from the IRS

3. It is the **defendant's responsibility** to provide the court with documentation of hours worked. This must be received by the court on or before the due date.

Note: The documentation submitted to the court must be an original. Copes will not be accepted.

*Examples of non-profit organizations: churches, Boys and Girls Club, United Way, Food banks, Mothers Against Drunk Driving and animal shelters. You could also obtain non-profit information off the internet. Go to any search engine and type the name of your city, your state, and the words "non-profit organizations".

Online or purchased community service ***will not be accepted***.

Defendant Signature: _____

Date: 12/16/24

GOODYEAR MUNICIPAL COURT

14455 W Van Buren St, Ste B-101 Goodyear, AZ 85338 · (623) 882-7200 · goodyearcourt@courts.az.gov

STATE OF ARIZONA Vs. MARIANA SANDOVAL Defendant	CASE NUMBER CT2024-03882	CIVIL JUDGMENT AND SENTENCE ORDER ☐ AMENDED

COUNT	A. § 28-644A1	B. § 28-694A	C. §	D. §	E. §
Responsible	☐	☒	☐	☐	☐
Not Responsible	☒	☐	☐	☐	☐
Dismissed W/WO Prejudice	☐	☐	☐	☐	☐
Default Stands	☐	☐	☐	☐	☐
Default Set Aside	☐	☐	☐	☐	☐
Defensive Driving School	☐	☐	☐	☐	☐

Check only if applicable: ☐ Defendant ☐ State: Failed to Appear for Hearing

Fine/Sanction	$	$ 974.60	$	$	$
Default Fee(s)	$	$	$	$	$
FARE Fee(s)	$	$	$	$	$
Other Fee(s)	$	$	$	$	$

THE DEFENDANT IS HEREBY ORDERED TO PAY $ 974.60 TODAY

NOTICE TO THE DEFENDANT: IF YOU ARE FOUND RESPONSIBLE AFTER TRIAL, YOU HAVE THE RIGHT TO APPEAL WITHIN 14 DAYS OF JUDGMENT AND SENTENCE. **All fines and fees are due same day judgment and sentence is imposed.** If you're unable to pay in full, you may request a payment plan which will incur an additional $20 time payment fee as required pursuant to A.R.S §12-116. Failure to adhere to an established payment plan or pay fines/fees in full will result in additional fees to include assessment of a $35 default fee per charge involving default judgment, referral to FARE collections program, interception of Arizona State Tax Refund and corrective action with the Motor Vehicle Division.

PAYMENT OPTIONS:

- In person or by Mail (no personal checks accepted)
- By Telephone: 623-282-3272
- Web: www.azcourtpay.com or www.goodyearcourtpay.com
- When paying by credit/debit card there is a convenience fee each time a payment is made.

Judicial Officer: _____ **Date:** 12/16/24

Defendant Signature: _____ **Date:** 12/16/24

GOODYEAR MUNICIPAL COURT
14455 WEST VAN BUREN ST, SUITE B-101, GOODYEAR, AZ 85338 PH - 623-882-7200

STATE OF ARIZONA Plaintiff Vs MARIANA SANDOVAL Defendant	**CASE NO:** M0762CT202403882 **COMPLAINT NO:** E00023396	**DEFENDANT'S NOTICE OF RIGHT TO APPEAL (CIVIL TRAFFIC/ CIVIL BOATING/ CIVIL MARIJUANA/ PARKING OR STANDING)**

A party may appeal a final order or final judgment entered in a civil traffic, civil boating, civil marijuana, or parking or standing case. This notice explains your rights and responsibilities to file an appeal from such an order or judgment.

THE APPEAL PROCESS IN GENERAL

There are two separate stages to the appeal process. The first stage begins in this court; the second stage takes place in the county superior court. Remember, you must complete all steps at both stages, or you run the risk of having your appeal dismissed. This notice does not set forth all the rules on appeals. To read them entirely, you may review at the library the Arizona statutes and rules of court procedure for civil traffic, civil boating, civil marijuana, and parking or standing violations. It is recommended that you keep a copy of all your documents and receipts during the appeal.

STAGE ONE - THE TRIAL COURT

A. THE NOTICE OF APPEAL. To appeal, you must file a "Notice of Appeal" with the trial court clerk within 14 calendar days from the date of the final order or final judgment. If you do not file a "Notice of Appeal" within these 14 days, you lose the right to appeal.

B. THE RECORD. On or before the 14-day deadline to appeal, you must also pay for a copy of the proceedings at the hearing. The copy may be a recording or a transcript. The clerk will explain which type of record is required. Payment must be in cash or other method explained by the clerk. If you cannot afford to pay for the record, ask the clerk for information about a waiver or extension ("deferral") to make payment later. If you fail to pay for the record or transcript, your appeal may be dismissed. Additional copies of the hearing may be obtained for an additional charge.

C. POSTING A BOND ON APPEAL TO STAY JUDGMENT. You cannot be forced to post a bond in order to exercise your right to appeal. However, the civil judgment normally includes a monetary sanction or penalty and, for moving traffic violations, points on your license. In some traffic cases, the court may have suspended your license or registration as part of its decision. These penalties are NOT stopped just because you have filed a timely notice of appeal! In order to stop these penalties from being imposed while your appeal is pending, you must "post bond" with the trial court. The amount of the bond is the total amount of the sanction or penalty ordered by the court unless the trial court orders that the bond be reduced or waived. If you do not post bond to stay enforcement, then the order to pay is still in force and must be complied with.

D. THE WRITTEN APPELLATE MEMORANDUM. Within a few days after you have paid for the record to be prepared, the court will contact you to pick up your record. You will need the record for this next step—the "Appellate Memorandum." The appellate memorandum is your written "brief" or explanation why the trial court ruling was legally wrong. Normally, the memorandum will refer to specific portions of the record of the hearing to point out where there was error by the court. (That is why a party who appeals pays for a copy of the record.) The memorandum should be typed or printed on letter-sized white paper, double spaced, and not exceed 15 pages in length, plus any exhibits from your hearing you want to attach to the memorandum.

E. FILING THE APPELLATE MEMORANDUM WITHIN 60 CALENDAR DAYS. The appellate memorandum must be filed with the court within 60 calendar days of the deadline to file the notice of appeal. You must file the original and 1 copy of the memorandum with the court. (The other side then has 30 days to file an "Appellee's Memorandum.")

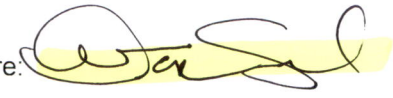
F. WAIT FOR FURTHER INSTRUCTIONS. Once the memorandum has been filed, you should await further instructions from the superior court as outlined in the next stage. To keep you informed, remember that the trial court must have your current mailing address at all times. Even if you hire an attorney, your address is still required for legal notifications.

STAGE TWO - THE SUPERIOR COURT

G. PAYING THE SUPERIOR COURT FILING FEE. If you have completed all of the first stage, your case moves to the superior court where an appeals judge will look at the case. About 60 days after you file your memorandum, you will receive a notice from the superior court. This notice will (1) assign a superior court case number to use in all further correspondence, and (2) instruct you to pay the superior court appeal filing fee. You must pay this filing fee, or your appeal may be dismissed and your case sent back to the **GOODYEAR MUNICIPAL** trial court. Again, if you cannot afford to pay the filing fee, contact the superior court clerk for information about a waiver or extension ("deferral") to make payment later.

H. SUPERIOR COURT ACTION ON THE APPEAL. If you have now completed all these steps, you will receive a ruling from the superior court. The superior court can affirm the trial court, overrule the trial court, modify some of the trial court decision, or, if record is not clear, order a new trial in the superior court. If the final outcome of your case is that the ruling stands, or if your appeal is dismissed for any other reason, remember that the court may apply any bond, deposit, or payments already made and that you may have to return to the trial court to be given other instructions in person.

Date: **12/16/2024** I acknowledge receipt of a copy of this Notice.

Defendant's Signature: 

SPARLING LAW GROUP, PLLC
530 E. McDowell Rd. Suite 107-426
Phoenix, Arizona 85004
(623)-253-9580 (telephone)
(623)-253-9780 (facsimile)
Timothy H. Sparling, Bar No. 033749
thsparling1@gmail.com
Attorney for Defendant

'24DEC16 8:57AM

IN THE GOODYEAR MUNICIPAL COURT IN THE STATE OF ARIZONA
IN AND FOR THE COUNTY OF MARICOPA

STATE OF ARIZONA, Plaintiff, vs. MARIANA SANDOVAL, Defendant.	Case Number: CT2024-03882 **NOTICE OF APPEARANCE**

Timothy H. Sparling for the firm Sparling Law Group and Consulting, PLLC, hereby enters his appearance on behalf of Mariana Sandoval for all civil traffic proceedings arising in this matter through the filing of a Notice of Appeal, if required. This Notice of Appearance is filed for the limited purpose of appearing in civil traffic proceedings in the abovecaptioned case. Ms. Sandoval's Civil Traffic Hearing is currently scheduled for Monday, December 16, 2024 at 9:30 a.m.

RESPECTFULLY SUBMITTED this 14th day of December, 2024.

SPARLING LAW GROUP PLLC

By *__/s/ Timothy Sparling__*
Timothy H. Sparling
For the Firm

ORIGINAL/COPIES of the foregoing e-filed/e-mailed this 14th day of December, 2024, to:

JUDICIAL OFFICER ASSIGNED
Goodyear Municipal Court
14455 W. Van Buren St. Ste. B-101
Goodyear, AZ 85338

By TS

GOODYEAR MUNICIPAL COURT
14455 WEST VAN BUREN ST, SUITE B-101, GOODYEAR, AZ 85338 PH - 623-882-7200

State of AZ Plaintiff V Mariana Sandoval Defendant	CASE NO: CT3024-03882	**EVIDENCE ADVISORY**

The above case has been set for a hearing upon request of a party or the Court. The parties are to present testimony and evidence according to the deadlines specified below. Your evidence and testimony are used to support your position prior to the Court rendering a decision.

- **Under Oath** – All testimony will be presented under oath at the time of hearing.
- **Witness(es)** – You may bring witness(es) you wish to testify with you to Court. If you require a court subpoena to ensure the attendance of witness(es), you must notify the Court at least seven (7) business days in advance.
- **Attorney** – If you will be represented by an attorney at the hearing, your attorney must notify the Court in writing at least three (3) business days prior to the hearing date.
- **Evidence** –

  In person:

  - All video/audio evidence must be downloaded to a thumb drive or disc.
  - The court cannot view or accept audio/video evidence that is contained on a phone, tablet, or computer.
  - You may bring exhibits, diagrams, and photos to support your case. All exhibits, diagrams, and photos shall be no larger than 8 ½ x 11 inches. Please ensure photos, text messages or other documents are legibly printed. Any evidence presented and admitted during your hearing will be a part of the official court file and shall not be returned to you.

  Remote Appearance:

  All evidence must be submitted to the court at least three (3) business days prior to the scheduled hearing, this is to ensure proper notice to the other party. Below are guidelines for evidence submission:

  - All video/audio evidence must be downloaded to a thumb drive or disc. You must prepare two (2) exact copies.
  - The court cannot view or accept audio/video evidence that is contained on a phone, tablet, or computer.
  - Exhibits, diagrams, and photos may be used to support your case. All exhibits, diagrams, and photos shall be emailed to the Court at goodyearcourt@courts.az.gov **no later than 3 business days prior** to scheduled hearing.

Defendant/Plaintiff (*circle one*): E-mailed Date: 11/15/24

Clerk Initials: VD Date: 11/15/24 Appearance Method: In Person/Remote (*circle one*)

GOODYEAR MUNICIPAL COURT, MARICOPA COUNTY, STATE OF ARIZONA

14455 W.Van Buren St. Suite B 101, Goodyear, AZ 85338 Phone (623) 882-7200 Fax (623) 932-6936

STATE OF ARIZONA vs.	NOTICE OF CIVIL TRAFFIC HEARING AND RIGHT TO COUNSEL
Mariana Sandoval	**CASE NUMBER** CT2024-03882

The defendant denies responsibility for the civil traffic violation (s) set forth in the complaint and requests a hearing.

A. 28-644A1 B. 28-694A C. D. E.

YOU ARE HEREBY NOTIFIED TO APPEAR ON

12/16/24 at 9:30 AM/PM in this court

GOODYEAR MUNICIPAL COURT
14455 W. VAN BUREN STREET, SUITE B101, GOODYEAR, AZ 85338
(623) 882-7200

- I understand that this is a firm date and that I shall keep this date clear from any conflicts. If I do need to change my court date **I understand that I must notify the court in writing at least 5 days prior to my hearing date**.
- **I waive the right to attend a Defensive Driving Class.**
- I understand that if I will be represented by an attorney at my hearing I must notify the court in writing at least ten (10) days prior to my hearing date, or my right to counsel is considered waived. (Notice to the court is satisfied by a
- NOTICE OF APPEARANCE filed by your attorney within the prescribed time.)
- **I understand that if I fail to appear for my hearing**, on the date and time set, the court will enter judgment for the State, impose a civil sanction and report the judgment to the Department of Transportation.
- I understand that if I wish to have additional witnesses subpoenaed I must notify the court at least ten (10) days prior to my hearing date, and furnish the names and addresses to the court.
- (CIRCLE ONE) **I WILL / I WILL NOT** be requesting witness subpoenas.
- **Do you need special accomodations? If yes, please indicate below:**

_____ **Hearing Impaired Device** _____ **Sign Language Interpreter** _____ **Wheelchair Access** _____ **Other**

If other, please specify _____

I, E-mailed **RECEIVED A COPY OF THIS NOTICE ON** 11/15/24
(SIGNATURE)

Current Address:	**City:**	**State:**	**Zip:**
Current Phone #:			

OFFICER SUBPOENA

YOU ARE HEREBY GIVEN NOTICE TO APPEAR FOR THE CIVIL TRAFFIC HEARING SET FORTH ABOVE TO TESTIFY ON BEHALF OF THE STATE.

Officer Name: Webster Agency: GPD Badge Number: 1372 Complaint # E0002335

Incident Number#: 2024-55618 Dated: 11/15/24