

NEWS RELEASE

Arizona Court of Appeals, Division Two

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Arizona Court of Appeals to Hear Arguments in Civil and Criminal Appeals at University of Arizona

PHOENIX – Division Two of the Arizona Court of Appeals will be holding arguments at the University of Arizona’s James E. Rogers College of Law on Wednesday, February 28 at 1:30 and 2:30 p.m. This is a rare opportunity to witness the judicial branch of government at work and watch attorneys present real cases to two three-judge panels from the Arizona Court of Appeals.

The first case is *State of Arizona v. Porfirio Medina*, 2CA-CR 2017-0035. Attorneys representing each side will have 25 minutes to present their case. The case involves possession of a deadly weapon by a prohibited possessor. The court will hear arguments on three issues:

1. Did the trial court err in considering the state’s motion to preclude the necessity defense as a sanction for a disclosure violation despite the state’s failure to attach a statement that it had made good faith efforts to resolve the matter?
2. Did the trial court err in precluding the necessity defense as a sanction for a disclosure violation?
3. Did Medina present sufficient evidence to support the assertion of the necessity defense?

The second case is *Freeport Minerals Corporation v Arizona Corporation Commission; Tucson Electric Power Company*, 2 CA-CC 2017-0001. This case involves a dispute over rate setting by the state’s public utilities commission and Tucson Electric Power’s largest customer, Freeport Minerals. The court will hear arguments on the following issues:

1. Did the Commission’s decision, based on concerns over “rate shock,” to adopt a rate allocation scheme that is intended to lead to the gradual reduction in certain classes of customers subsidizing the rates of others over time violate the Commission’s mandate to adopt rates that are just, reasonable and nondiscriminatory?
2. Did the Commission abuse its discretion by accepting the proposition that, due to TEP’s new acquisitions and investments, no individual class should see a rate decrease?

The Court of Appeals is not an evidence-taking court, so there will not be witnesses or cross-examinations such as commonly depicted on television courtroom dramas. The focus of the arguments will be on Arizona law and the matters on appeal.

After the cases, the Court of Appeals judges will take questions from the audience, as long as those questions do not pertain to the cases they just heard. Details are as follows:

Wednesday, February 28
James E. Rogers College of Law
University of Arizona
1201 East Speedway Boulevard, Room 164
1:30 p.m. to 4:00 p.m.

Guests who plan to attend the arguments should plan to arrive no later than 1:15.

For more information about the judges or court system in Arizona, please go to www.azcourts.gov.

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News reporters who have questions about this event should contact Heather Murphy, Communications Director for the Arizona Courts at 602-452-3656 or hmurphy@courts.az.gov.