

Woodward Wins Again at Court of Appeals
Information & Perspective by Warren Woodward
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Readers may recall that last October the Arizona Court of Appeals ruled that the Superior Court judge in my public records case against the Arizona Corporation Commission (ACC) had erred by giving me unredacted documents and then telling me I had to ask his permission in order to share them. That's called prior restraint of freedom of speech, and it's a big 1st Amendment no-no.

The Court of Appeals also "remanded" my case back to the Superior Court, instructing the Superior Court judge to decide whether the ACC had kept public records from me (which is a felony offense). But the Superior Court judge had made so many mistakes already that I thought it best to move for a change of judge. By law, I was entitled to a change of judge simply by asking. In other words, in this circumstance I did not have to give any reasons, a change of judge was mine by right.

True to form, the Superior Court judge made another mistake by denying me my right to a change of judge. So last month I filed a "Special Action" in the Court of Appeals appealing the Superior Court judge's decision.

The ACC then filed a Response brief in favor of the Superior Court judge's decision. True to form, in addition to being wrong on all their points, the ACC made stuff up.

I learned years ago that with the ACC you have to check all their footnotes because they will footnote to something as though it supports their position, but if you go to the trouble of actually following the footnote to whatever is being referenced and read that, you find that the ACC is just fabricating and that what they footnoted to does not support their position at all.

While not commenting on the ACC's transgressions, yesterday the Court of Appeals ruled in my favor and granted me a change of judge.

By the way, I also have two other cases pending at the Court of Appeals. These are the cases that *really* need to be won. I appealed the ACC's "smart" meter decision made in the APS rate case, and I appealed that part of the APS rate case decision that forces all new APS customers onto time of use rates for their first 90 days of service. In the interest of "judicial economy," both cases may be consolidated into one case. I am still awaiting a case schedule from the Court of Appeals for those cases.