

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CR2024-006850-012 DT

09/30/2024

HONORABLE BRUCE R. COHEN

CLERK OF THE COURT
D. MacErnie
Deputy

STATE OF ARIZONA

NICHOLAS KLINGERMAN
KRISTA WOOD
CASEY BALL

v.

RUDOLPH GIULIANI (012)

MARK LEE WILLIAMS

JUDGE BRUCE COHEN
VICTIM WITNESS DIV-AG-CCC

ORDER RE: GRAND JURY INFORMATION

On or about August 30, 2024, Defendant Giuliani filed a motion seeking disclosure of certain grand jury information. The Court considered the motion, the State's September 25, 2024 responsive pleading, and the oral argument conducted on September 26, 2024.

As a prefatory note, this court concurs with the State that Defendant Giuliani has not met the standards for this relief required under Rule 15.1(g) of the *Arizona Rules of Criminal Procedure*. At least some of the information he seeks is available through a public records request. Further, he seeks information that would be voluminous, including a voter jury list that would be in the millions of identified potential jurors. He also seeks underlying software to which he is not entitled.

The underlying claim that formulates the request is based upon pure speculation and abject conjecture. He claims that there is concern that the grand jurors that served on the grand jury that indicted Defendant Giuliani were selected based upon their political party affiliation. Yet he alleges not one scintilla of information that would support this claim. He has supplied no information to suggest that the master jury list contained any information other than as directed under ARS Section 21-301.

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The court further notes that the 93rd Grand Jury, who indicted Defendant Giuliani, was empaneled well before this matter was ready for presentation to the grand jury. This was not a special grand jury to address the charges brought against these various defendants. Rather, it was a sitting grand jury who was not selected for this case or any other specific case. There is therefore no reliable information to suggest that the empaneling of this grand jury occurred in contemplation of this case or with a political agenda in mind.

This court continues to strive for efficient management of this case and in doing so, there are compromises that can be reached that would reduce rather than expand the litigation. Along those lines and as discussed in open court, there is an opportunity to address the threshold question posed, even if there appears to be no factual basis for the question: Was political party affiliation information as to potential grand jurors known or available to the grand jury commissioner at the time in which this grand jury was summoned for jury service? To answer this specific question, the court hereby directs the Arizona Attorney General's Office to secure an affidavit (from a person possessing actual knowledge of the summoning process) declaring whether political party affiliation is information that would have been available to the grand jury commissioner or representatives when summoning a pool of potential grand jurors for the 93rd Grand Jury. It is requested that the affidavit be filed with the court and disseminated to all parties on or before October 16, 2024.

Further, based upon the agreement of the State, it shall disclosure to Defendant Giuliani the written application from the Attorney General for the empanelment of the 93rd Grand Jury, who later indicted Defendant Giuliani in this matter. It is requested that this also be disclosed by October 16, 2024.

In all other respects, the relief sought by Defendant Giuliani is denied. Leave is granted to re-urge similar requests if the disclosures ordered herein reveal a factual and legal basis for further inquiry into this issue.