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THE SUPREME COURT OF THE STATE OF ARIZONA

In the Matter of:	) Supreme Court No. R-25-0034
	)
PETITION TO AMEND RULE 12.10	) ARIZONA PROSECUTING
AND AMEND RULES 12.7, 12.21, AND	) ATTORNEYS’ ADVISORY COUNCIL
12.25 OF THE RULES OF CRIMINAL	) COMMENT IN SUPPORT
PROCEDURE	)
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Pursuant to Arizona Rule of the Supreme Court 28, the Arizona Prosecuting Attorneys’ Advisory Council (“APAAC”) respectfully submits the following comment supporting Petition R-25-0034 (“Petition”). Specifically, the proposed amendment to Rule 12.7, which would mandate using the initials of the grand jury members in the grand jury transcripts as opposed to their full names, will provide greater confidentiality to current grand jurors, will provide security to future grand jurors, and ensure smooth functioning of the grand jury process.

“The grand jury system is an investigative body acting independently of

either prosecutor or judge whose mission is to bring to trial those who may be guilty and clear the innocent.” *Marston’s, Inc. v. Strand*, 114 Ariz. 260, 264 (1977). The individuals asked to serve on a grand jury must be fearless in fulfilling this purpose. *Douglas Oil Co. v. Petrol Stops Northwest*, 441 U.S. 211, 222 (1979) (“Fear of future retribution or social stigma may act as powerful deterrents to those who would come forward and aid the grand jury in the performance of its duties.”).

There have been several recent cases, including the one cited in the Petition, where the identities of grand jury members have been made public. Grand jurors may face harassment, retaliation, unwanted contact from the media, or more. This would taint the grand jurors’ experience with the court system, diminish their trust, and possibly have a chilling effect on future grand jurors. Furthermore, it is easy with today’s technology to quickly identify and locate people through online searches on social media and other websites, and then further disseminate that information. Additionally, if the names of the grand jurors are disclosed in smaller jurisdictions, it may be even easier to identify and possibly further publish this information to others.

APAAC supports this Petition because it helps secure the privacy and security of grand jurors both presently serving and those that will be asked to serve in the future. In this way, it helps ensure individuals will be willing to

serve as grand jurors, and the grand jury process will continue to run smoothly.

RESPECTFULLY SUBMITTED this 29th day of April, 2025.

/s/ Elizabeth Burton Ortiz
Elizabeth Burton Ortiz