

KRISTIN K. MAYES
Arizona Attorney General
(Firm State Bar No. 14000)

Krista Wood
State Bar No.: 025503
Carolina M. Lopez
State Bar No.: 035626
Assistant Attorney General
2005 North Central Avenue
Phoenix, Arizona 85004
Telephone: 602-542-8427
crmfraud@azag.gov

**IN THE SUPREME COURT STATE
OF ARIZONA**

In the Matter of:	)	Supreme Court No. R-25-0034
	)	
PETITION TO ADD RULE 12.10 AND	)	COMMENT IN SUPPORT
AMEND RULES 12.7, 12.21, AND 12.25 OF	)	
THE RULES OF CRIMINAL	)	
PROCEDURE	)	
	)	
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Pursuant to Arizona Rule of the Supreme Court 28, the Arizona Attorney General's Office ("AGO") supports in full the changes proposed by Petition R-25-0034. The AGO writes to emphasize the importance of the Petition's proposed amendment to Rule 12.7, which will help further the crucial goal of protecting the privacy of grand jurors. By using the initials of the grand jurors, as opposed to their full names, this amendment will protect the integrity of our grand jury system, ensure

that grand jurors can fulfill their duties without fear, and promote public confidence in our court system.

As the Petition notes, it is currently common practice to list the names of the grand jurors within the grand jury transcripts that are filed with the court clerk. This practice has resulted in at least one case where the names of the grand jurors were inadvertently disclosed in a high-profile case currently being prosecuted by the Attorney General's Office.¹ Although the motion inadvertently disclosing the grand juror's names was placed under seal the same day it was discovered, media outlets were able to identify, locate, and contact some of the grand jurors. Due to disclosure of grand juror names, some grand jurors were contacted by the media and called the Attorney General's Office concerned about the contact. Other grand jurors had contacted the Attorney General's Office expressing fears after learning of the inadvertent disclosure.

A properly functioning grand jury depends on grand jurors' confidence that their privacy will be protected. *See, e.g., Samaritan Health Sys. v. Superior Court*, 182 Ariz. 219, 221 (App. 1994) ("We consistently have recognized that the proper functioning of our grand jury system depends upon the secrecy of grand jury proceedings." (quoting *Douglas Oil Co. v. Petrol Stops Nw.*, 441 U.S. 211, 218

¹ Jimmy Jenkins, *Grand Jury Information Exposed by Defense Attorney in Arizona Fake Electors Case*, Arizona Republic (Aug. 28, 2024), <https://www.azcentral.com/story/news/politics/elections/2024/08/28/fake-electors-arizona-case-grand-jury-information-exposed-motions-to-dismiss/74975168007/>.

(1979)); *State ex rel. Hastings v. Sult*, 162 Ariz. 112, 114 (1989) (discussing limitations on disclosure of information from grand jury proceedings); *State v. Bergin*, 256 Ariz. 516, 471, ¶ 34 (App. 2023) (“Secrecy insulates the grand jury from public pressure, protects witnesses and targets of grand jury investigations, and encourages witness cooperation.”).

Grand jury transcripts must be made available to prosecutors and defendants when requested. A.R.S. § 21-411. Because these transcripts currently contain the full names of each grand juror, there is a risk their names will be revealed, whether inadvertently or not. Once a grand juror’s name is revealed, they may face harassment, retaliation, unwanted contact from the media, or more.² Experiencing these harms taints the grand jurors’ experience with the court system and diminishes their trust. Relatedly, and importantly, it could also have a chilling effect on future grand jurors, who may lack confidence that their privacy will be protected. By strengthening the protection for grand juror identities, the Petition promotes grand juror safety and lessens the chance for inadvertent disclosure.

The historical context of our State Grand Jury also supports the proposed changes. The State Grand Jury was created in the 1970s in response to rampant land fraud and organized crime concerns.³ Given the nature of the cases before the State

² Anna Betts, et al., *Officials Investigate Threats Against Trump Grand Jurors in Georgia*, N.Y. Times (Aug. 17, 2023), <https://www.nytimes.com/2023/08/17/us/trump-georgia-grand-jurors.html>.

³ *Millions in Arizona Land Frauds Alleged*, N.Y. Times, (March 30, 1975), <https://www.nytimes.com/1975/03/30/archives/millions-in-arizona-land-frauds->

Grand Jury, it is critical that the grand jurors fulfill their duty without fear of retaliation or disclosure, particularly when the Attorney General's Office prosecutes organized crime. *Douglas Oil Co.*, 441 U.S. at 222 (courts "must consider not only the immediate effects upon a particular grand jury, but also the possible effect upon the functioning of future grand juries."). The potential for harm is especially salient now, at a time when media members report on stories instantaneously and people can be quickly identified through online searches, contacted through various online profiles, and have their information further shared online.⁴

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[alleged.html](https://www.nytimes.com/1979/09/28/archives/happily-embattled-governor-bruce-edward-babbitt-man-in-the-news-an.html); Molly Ivans, *Happily Embattled Governor*, N.Y. Times, (Sept. 28, 1979), <https://www.nytimes.com/1979/09/28/archives/happily-embattled-governor-bruce-edward-babbitt-man-in-the-news-an.html>; Robert Lindsey, *Organized Crime Spreads to Fast-Growing Arizona*, N.Y. Times, (June 14, 1976), <https://www.nytimes.com/1976/06/14/archives/organized-crime-spreads-to-fastgrowing-arizona.html>.

⁴ Ryan J. Reilly, *Trump Supporters Try to Dox Jurors and Post Violent Threats After His Conviction*, NBC News, (May 31, 2023), <https://www.nbcnews.com/politics/donald-trump/trump-supporters-try-dox-jurors-violent-threats-conviction-rcna154882>.

The Attorney General's Office supports the proposed change because it will further the privacy goals inherent in grand jury proceedings, strengthen protections afforded to grand jurors, provide additional reassurances to grand jurors against future disclosure of their identities, and allow the grand jury to complete its necessary function in conducting investigative functions.

RESPECTFULLY SUBMITTED this 30th day of April, 2025

KRISTIN K. MAYES
Arizona Attorney General



By _____
Krista Wood
Assistant Attorney General