

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CR2024-006850-012 DT

10/16/2024

HONORABLE BRUCE R. COHEN

CLERK OF THE COURT
D. MacErnie
Deputy

STATE OF ARIZONA

NICHOLAS KLINGERMAN

v.

RUDOLPH GIULIANI (012)

MARK LEE WILLIAMS

JUDGE BRUCE COHEN
VICTIM WITNESS DIV-AG-CCC

DENIAL OF RELIEF RE: GRAND JURY INFORMATION

Defendant Giuliani filed a motion on August 30, 2024 seeking disclosure of grand jury selection records as part of his intended challenge to the grand jury indictment in this matter. Specifically, he postured a claim that grand jurors could have been biased or prejudiced or perhaps “interested” in the matter under investigation. He did not provide any allegations that would support this claim but rather, imagined a circumstance where grand jurors may have been summoned and selected based upon their purported political ideology.

When pressed by this court during oral argument, counsel for Defendant Giuliani acknowledged that there was no underlying factual support for the claim. Rather, he seemed to assert that since there was no information about whether political party information of grand jurors was known at the time of summoning, that lack of knowledge formed a basis to investigate whether that information was possibly available during the summoning process. In other words, he argued that he should be permitted to pursue the “theory” because it had not been demonstrated that the theory was baseless.

This court was not at all persuaded by the motion or the arguments made on behalf of Defendant Giuliani that would support the supposition that political affiliation played any role in grand juror selection. Yet, the court elected to seek further confirmation. And it bears noting why that was ordered.

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There are times in which dispelling unsupported allegations becomes crucial in maintaining public trust and institutional credibility. During those times, addressing a claim promptly and clearly is essential. Hopefully, it fosters a more informed environment, one in which fact rather than speculation is controlling. Here, despite there being no apparent factual support for a claim that political ideation was part of the grand jury selection process, this court directed the State to confirm what was a seemingly unassailable belief; that being, grand jurors, or jurors as a whole, are not selected based upon affiliation or ideation other than perhaps their common affinity to constitutional principles.

To confirm this, the State was tasked with securing an affidavit from a representative of the jury commissioner who would have personal knowledge as to whether Defendant Giuliani's concern about political party affiliation information was part of the grand jury selection process. On October 16, 2024, the State filed the affidavit which, in pertinent part, affirmed that "political party affiliation information as to potential grand jurors was not known or available to the grand jury commissioner or representatives when summoning a potential pool for the 93rd Grand Jury." This renders the claimed issue "resolved."

Based thereon,

IT IS ORDERED affirming the prior order denying any further relief sought by Defendant Giuliani in his August 30, 2024 motion.