

IN THE SUPREME COURT OF KANSAS

GEORGE R. TILLER, MD)
)
 Petitioner,)
)
 Vs.)
)
 HONORABLE MICHAEL CORRIGAN,) Original Action No. 07-99434-S
 PRESIDING JUDGE, and HONORABLE)
 PAUL BUCHANAN, ASSIGNED)
 SENIOR JUDGE OF THE EIGHTEENTH)
 JUDICIAL DISTRICT COURT,)
 SEDGWICK COUNTY, KANSAS,)
)
 Respondents,)
)
 OPERATION RESCUE, and)
 MARK S. GIETZEN,)
)
 Movants / Interveners)

**AFFIDAVIT OF MARK GIETZEN
IN SUPPORT OF
MOTION TO INTERVENE AS A RESPONDENT**

Under penalty of perjury, the Affiant states as follows:

1. I, Mark S. Gietzen, am a resident of Wichita, Kansas.
2. I have personal knowledge of the facts contained in this Affidavit,
3. Operation Rescue participated along with Kansas for Life in a Petition Drive pursuant to K.S.A. §22-3001 to gather signatures in Sedgwick County for the purpose of impaneling a grand jury to investigate potential violations of Kansas law by the George R. Tiller, MD, the Petitioner in the above action.

4. I participated in the said petition drive by signing my name as, Mark S. Gietzen, to said petition.

5. I participated in the said petition drive and personally witnessed the signatures of at least forty (40) persons who signed their names to the said petition.

6. I signed the petition because I believe that it is proper to investigate the question of whether the Petitioner, Tiller, has engaged in violations of the laws of the State of Kansas.

7. I believe that other signers signed the petition because they believe that it is proper to investigate the question of whether the Petitioner, Tiller, has engaged in violations of the laws of the State of Kansas.

8. I signed the petition in accordance with that I believe, is an exercise of my rights under Kansas law, namely § K.S.A. §22-3001.

9. Petitioner Tiller is using this present legal process to deprive me, and other signers of this Grand Jury Petition, of our statutory rights as provided by K.S.A. §22-3001 which are guaranteed by the United States Constitution, and its Amendments and the United States Code.

10. Pursuant to the requirements of K.S.A. §22-3001, the Commissioner of Elections for Sedgwick County, William “Bill” Gale III, has certified that the legal requirements of the petition for the impaneling of a grand jury have been satisfied.

11. Petitioner Tiller sought to challenge said impaneling and in so doing has made numerous allegations of fact including allegations of improper and illegal conduct which include assertions of fact against persons that gathered signatures for said petition. See Petitioner Tiller's filings including references throughout "Petition for Writ of

Mandamus," "Memorandum in Support of Petition for Writ of Mandamus," "Motion to Stay Grand Jury," and Appendices to "Memorandum in Support of Petition for Writ of Mandamus."

12. Petitioner Tiller's direct and indirect references to those that gathered the signatures including the Intervenor in the above action (Operation Rescue and Mark S. Gietzen) include numerous pages of testimony which were submitted by Petitioner Tiller as an affirmative assertion that the actions and facts surrounding the Intervenor are relevant to this action.

13. Intervenor has not injected themselves into this action, but rather Petitioner Tiller has brought Intervenor into this action by his repeated and lengthy references to the Intervenor.

14. I believe that the present Respondents to this case are without the information and the personal knowledge necessary to rebut and/or contradict the many assertions of fact made by Petitioner Tiller. As such, the interests of the Intervenor, and my interests, are not adequately represented by the present Respondents to this action.

15. I seek to defend the propriety and legality of my actions against the accusations of Petitioner Tiller.

16. I seek to defend my right to petition as is guaranteed under the laws of the State of Kansas and of the Constitution and laws of the United States.

17. I seek to provide The Court with the necessary responses to the allegations of Petitioner Tiller, so that this Honorable Court will then be able to properly decide this matter.

18. I have a strong desire to protect my interests and the interests of other similarly situated citizens who circulated and signed the K.S.A. §22-3001 petition impaneling a grand jury.

END OF AFFIDAVIT

DECLARATION

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge and belief.

Executed this the ____ day of _____, 2007.

Mark S. Gietzen
Movant / Intervenor