

**IN THE DISTRICT COURT FOR
THE COUNTY OF SEDGWICK
EIGHTEEN JUDICIAL CIRCUIT
STATE OF KANSAS**

IN RE GRAND JURY)	
PROCEEDINGS CONCERNING)	
GEORGE R. TILLER, MD)	Action No.07MR535
)	
)	
OPERATION RESCUE, and)	
MARK S. GIETZEN,)	
)	
Movants / Intervenors.)	

**AFFIDAVIT OF MARK GIETZEN
IN SUPPORT OF
MOTION TO INTERVENE**

Under penalty of perjury, the Affiant states as follows:

1. I, Mark 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 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 Tiller has engaged in violations of the laws of the State of Kansas.

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

9. 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.

10. The Citizen Petition stated that neither Attorney General Paul Morrison nor Nola Foulston should serve as the prosecutor in this matter.

11. One of the reasons for this request is that both Morrison and Foulston have received campaign contributions from George R. Tiller and/or his wife.

11. Neither Morrison nor Foulston have responded to the request of the Petition that they not serve as prosecutor in this matter.

12. 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.

13. I seek to defend my right as a citizen of Sedgwick County, Kansas to have a dis-interested prosecutor that represents the interests of the public.

14. 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 7 day of January, 2008.

Mark S. Gietzen

Mark S. Gietzen

Movant / Intervenor