

**IN THE DISTRICT COURT FOR
THE COUNTY OF SEDGWICK
EIGHTEENTH 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 TROY NEWMAN
IN SUPPORT OF
MOTION TO INTERVENE**

Under penalty of perjury, the Affiant states as follows:

1. I, Troy Newman, am a resident of Towanda, Kansas.
2. I have personal knowledge of the facts contained in this Affidavit,
3. I am the President of Operation Rescue.
4. I am acting in my official capacity as President of Operation Rescue and not in my individual capacity.
5. 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.
6. Operation Rescue gathered signatures from a number of individuals including Mark S. Gietzen.

7. Mark S. Gietzen and other individuals 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. Mark S. Gietzen and other individuals exercised their 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 Gale, certified that the legal requirements of the Petition for the impaneling of a grand jury had 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.

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

13. On January 4, 2008, I sent letters to Morrison and Foulston asking them to recuse themselves from all further participation in this case. They have not responded to this request.

14. Intervener has a strong interest in protecting the interests of the citizens like Mark S. Gietzen who signed the K.S.A. §22-3001 petition impaneling a grand jury.

15. Morrison and Foulston have provided favorable treatment for Tiller in past investigations.

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

17. Intervener has a strong interest in protecting the legality of the petition drive that it participated in pursuant to K.S.A. §22-3001.

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.

Troy Newman
In capacity as President of Operation Rescue