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Attorneys for Dr. Michael L. Ham

SUPERIOR COURT OF ARIZONA

YAVAPAI COUNTY

STATE OF ARIZONA

Plaintiff,

v.

MICHAEL L. HAM,

Defendant.

P1300CR201901558

**DR. HAM'S RESPONSE TO
APPLICATION OF WILLIAM E.
WILLIAMS FOR LEAVE TO INTERVENE**

(The Hon. Debra R. Phelan)

On June 4, 2021, this Court ordered the parties to respond to the *Application of William E. Williams for Leave to Intervene for Limited Purpose of Moving to Unseal Court Records and Proceedings*, ..., filed March 26, 2021. Dr. Ham does not oppose Mr. Williams' request to intervene for the limited purpose of moving to unseal certain records and proceedings, and generally does not oppose lawful and appropriate media access to court proceedings and public records.

To be clear, however, Mr. Williams' Application is wide-ranging, but at its core only seeks leave to intervene to make requests for access to certain documents and

proceedings. With one exception, Dr. Ham does not view this Application as seeking a ruling on any specific requests for access that Mr. Williams may make, only that he have the opportunity to make such requests.

The one item, or category of items, that Mr. Williams appears to specifically seek access to are the grand jury transcripts and exhibits. Dr. Ham is not opposed to such a request in this case, but would note for the Court that there is a substantial body of grand jury secrecy law that may trump Dr. Ham's non-opposition. See, e.g., *Cox Arizona Publications, Inc. v. Collins*, 175 Ariz. 11, 852 P.2d 1194 (Ariz. 1993); *Roman Catholic Diocese v. Superior Court*, 204 Ariz. 225, 62 P.3d 970 (Ariz. App. 2003). Likewise, A.R.S. §13-2812 provides that “[a] person commits unlawful grand jury disclosure if the person knowingly discloses to another the nature or substance of any grand jury testimony or any decision, result or other matter attending a grand jury proceeding, except in the proper discharge of official duties, at the discretion of the prosecutor to inform a victim of the status of the case *or when permitted by the court in furtherance of justice.*” (emphasis added)

Dr. Ham would submit that in this case justice might well be furthered by the release of the grand jury transcripts.

WHEREFORE, Dr. Ham is not opposed to Mr. Williams request to intervene to be able to make specific requests for media access, and only and specifically is not opposed to Mr. Williams request for the grand jury transcripts and exhibits in this case.

DATED this 17th day of June 2021.

JBELANGER LAW PLLC

By: /s/ James J. Belanger
James J. Belanger
Attorneys for Dr. Michael L. Ham

CERTIFICATE OF SERVICE

I hereby certify that on June 17, 2021, I electronically transmitted the attached Document to the Yavapai County Clerk's Office. A copy of the attached filing was also sent *via* email to the following:

William E. Williams at marketingbill@gmail.com

Brett Harames at Brett.Harames@azag.gov

Andy Jolley at andy@plgnaz.com

/s/ James J. Belanger