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IN THE SUPERIOR COURT FOR THE STATE OF ALASKA
THIRD JUDICIAL DISTRICT

In The Matter Of:
Investigation Into
Alleged Corruption.

**CERTIFIED
TRANSCRIPT**
CONFIDENTIAL

Case No. 3KN-22-00003 GC

TRANSCRIPT OF GRAND JURY RETURN
BEFORE THE HONORABLE LANCE JOANIS
Superior Court Judge

Anchorage, Alaska
April 28, 2023

APPEARANCES: Clint Campion, Esq.
SEDOR WENDLANDT EVANS & FILIPPI LLC
7030 Serenity Circle
Anchorage, Alaska 99502

1 P-R-O-C-E-E-D-I-N-G-S

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3 THE CLERK: We're on record.

4 THE COURT: Okay. We're on record following a
5 request to do a return on this special grand jury.

6 We have Mr. Campion here, who has been, I
7 guess, hired as...

8 MR. CAMPION: I was appointed last -- I think it
9 was last August by the Attorney General as a special or
10 independent prosecutor to assist in this matter only,
11 Your Honor.

12 THE COURT: Okay. And then I presume you're the
13 foreperson?

14 JURY FOREPERSON: Yes, sir.

15 THE COURT: Okay. And what I have before me is
16 State of Alaska vs. Margaret Murphy, 3KN-23-416 CR.
17 It's an indictment, charging one count of perjury, and
18 that is dated on this day.

19 Madam Foreperson, do you -- normally the way
20 we do returns is there's a report from the grand jury.
21 They read the report into the record here. This is --
22 this is different. This is my first time dealing with
23 one of these, frankly.

24 And so is there anything else to do,
25 Mr. Campion?

1 MR. CAMPION: I think Madam Foreperson is
2 prepared to explain how the grand jury came to this
3 decision, if the Court wants to hear that.

4 I want to make sure it's on the record. I let
5 Judge Miranda (as spoken) know this as well. I think
6 this Court's aware that we had twelve -- only twelve
7 jurors for the pendency of this proceeding. And on
8 April 7th, 2023, the grand jury voted to indict
9 Judge Murphy based upon the evidence that had been
10 presented, as well as my instructions on the law. An
11 indictment wasn't returned on April 7th because there
12 had been changes in Criminal Rule 6 and 6.1.

13 The short version is: The Supreme Court Order
14 1993, which was effective on December 1st, 2022,
15 modified the authority of an investigatory grand jury
16 to issue an indictment. That rule is subsequently
17 amended by Supreme Court Order 2000, which restored
18 the right of an investigative grand jury to issue an
19 indictment for the matter as investigated -- it has
20 investigated.

21 So the grand jury was advised of the change in
22 the rule on April 7th and determined that it wished to
23 indict Judge Murphy and did so based upon a majority
24 vote of the twelve grand jurors, according to
25 Madam Foreperson who can establish that as well. And

1 then this was simply signed today because it wasn't
2 presented to the grand jury until today.

3 We also prepared -- I prepared, and it was
4 approved by the grand jury, a report pursuant to
5 Rule 6.1, which will be transmitted to Judge Matthews
6 when I return to Anchorage, even today or -- or Monday
7 morning.

8 So I want the Court to be clear that there
9 were only eleven jurors present yesterday and today.
10 It's my belief, and I think Madam Foreperson believes
11 that there was a majority of twelve that voted to
12 indict Judge Murphy, but they were not -- there was
13 not twelve present yesterday or today.

14 It may be worthwhile for the Court to take
15 this under advisement rather than make a decision. I
16 would understand if you wanted to, because I know that
17 if you publish the indictment, then I would be
18 obligated to notify Judge Murphy of an arraignment
19 date. And if the Court wants more time to consider
20 whether to publish it, I would understand that.

21 Again, Madam Foreperson is here to provide any
22 other information the Court needs.

23 THE COURT: Well, as far as taking it under
24 advisement, it seems that any time there is an
25 indictment, that if there's a defect in the indictment,

1 then there's a motion, then that's dealt with through
2 litigation. As far as on the face of it -- let me just
3 back up.

4 Madam Foreperson, before me is this
5 indictment, State of Alaska vs. Margaret Murphy,
6 3KN-23-416CR. You stated it's your signature.

7 Did at least ten grand jurors concur in
8 finding the indictment?

9 JURY FOREPERSON: Can I -- can I have a moment?
10 Can I ask him a question?

11 THE COURT: Sure.

12 MR. CAMPION: So I'll let her answer the
13 question. I think they were operating with a majority
14 of eight, based upon their numbers.

15 THE COURT: Oh, majority of eight?

16 MR. CAMPION: Yes, sir.

17 THE COURT: Okay. Did a majority of grand
18 jurors concur with the -- the indictment?

19 JURY FOREPERSON: Yes, Your Honor. I did jog my
20 numbers on my notes while we were proceeding in our
21 deliberations, so...

22 THE COURT: Okay. And generally there is a --
23 an envelope with the vote that's sealed. Do we have one
24 of those?

25 MR. CAMPION: We don't, Your Honor.

1 THE COURT: Okay. Well, perhaps we can get
2 Madam Foreperson some paper and she can log the vote,
3 and --

4 THE CLERK: Do you want me to unlock the cabinet
5 so you can get your notes out?

6 JURY FOREPERSON: Yes.

7 THE CLERK: Okay.

8 JURY FOREPERSON: Thank you.

9 (Pause.)

10 MR. CAMPION: Your Honor, just to make a record,
11 pursuant to Presiding Judge Order 851, I believe that
12 was dated June 4th, 2020. That modified the requirement
13 of ten and required only eight jurors for -- for a true
14 bill indictment.

15 THE COURT: Okay. Thank you.

16 MR. CAMPION: That was 8- -- 851.

17 THE COURT: Presiding Judge Order 851?

18 MR. CAMPION: Yes, sir.

19 (Pause.)

20 THE CLERK: I don't know what they normally gave
21 them to write on, so I don't have a copy of it. The DA
22 prepares that. So just a simple count of "yeas" and
23 "nays."

24 JURY FOREPERSON: Okay.

25 THE CLERK: And then I'll seal it in the

1 envelope, and --

2 JURY FOREPERSON: Do you want me to date this of
3 the date --

4 THE CLERK: Yep.

5 JURY FOREPERSON: -- that we --

6 THE CLERK: The date on your notes.

7 JURY FOREPERSON: Okay.

8 THE CLERK: That the vote was taken.

9 JURY FOREPERSON: Which was April 7th; correct?

10 MR. CAMPION: Yes.

11 (Pause.)

12 JURY FOREPERSON: Margaret Murphy's testimony
13 was November 3rd?

14 MR. CAMPION: Yes.

15 (Pause.)

16 THE COURT: So just to clarify, at least eight
17 of the twelve grand jurors present concurred in the
18 finding of the true bill?

19 JURY FOREPERSON: Yes, Your Honor.

20 THE COURT: Okay. The case will be set for an
21 out-of-custody arraignment with Judge Gist on May 9th at
22 2:30 p.m. That's May 9th, 2:30, with Judge Gist. A
23 summons will issue.

24 THE CLERK: And do you wish to send an
25 arraignment script with the summons, or schedule a

1 call-in for --

2 THE COURT: You can send the script, please.

3 Anything else today?

4 MR. CAMPION: No, Your Honor. Thank you.

5 THE COURT: Thank you. We'll go off record.

6 JURY FOREPERSON: Thank you, Your Honor.

7 (Off record.)

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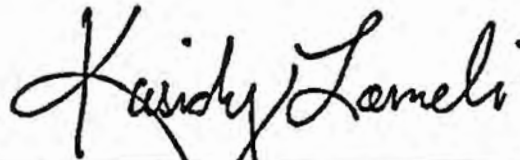
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TRANSCRIBER'S CERTIFICATE

I, Kasidy Lomeli, hereby certify that the foregoing pages numbered 1 through 9 are a true, accurate, and complete transcript of the proceedings in Case No. 3KN-22-00003 GC, transcribed by me from a copy of the electronic sound recording to the best of my knowledge and ability.

I further certify that I am a disinterested party to said action.

September 15, 2023



KASIDY LOMEI, CA CSR No. 14046
My Commission Expires 8/25/2024