

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

In the Matter of the Grand Jury Request of:
Thomas Garber.

CASE NO. 3AN-22-00001GC

ORDER

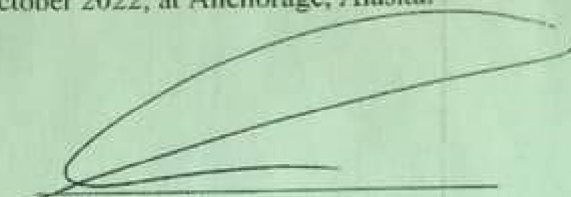
Thomas Garber has approached the undersigned at the conclusion of several criminal matters not related to him and submitted a set of documents in support of a request that he be able to present to the grand jury a request for the grand jury to hear evidence concerning the Office of Children's Services. He seeks to have the grand jury exercise its constitutional authority to "investigate and make recommendations concerning the public welfare or safety."¹

The Court will hold a hearing on **13 October 2022 at 3:30 p.m.** in the Nesbett Courthouse, courtroom 601. Garber shall be prepared to describe in detail what he seeks to have the grand jury do. He shall confirm, if appropriate, that he does not seek to have the grand jury issue a criminal indictment, but rather investigate and issue a report. This is not an evidentiary hearing. The Court will

¹ Alaska Constitution, Art. I, sec. 8.

likely present Garber's request to the grand jury.² Garber may make proposals about how his request should be presented to the grand jury for its consideration.

DONE this 6th day of October 2022, at Anchorage, Alaska.



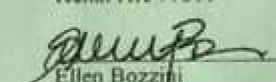
William F. Morse
Superior Court Judge

CERTIFICATE OF SERVICE

I certify that on 6 October 2022
a copy of the above was emailed/mailed to each of the
following at their addresses of record:

Thomas Garber
5523 Old Seward Highway, #8
Anchorage AK 99518

Thomas Garber
49983 Toloff Rd.
Kenai AK 99611



Ellen Bozzini
Judicial Assistant

² Criminal Rule 6.1(a) provides:

1) A grand jury may investigate and make reports and recommendations concerning the public safety or welfare. An indictment is not a "report" as used in this rule and Criminal Rule 6.

(2) A grand jury report may be made only upon the concurrence of a majority of the total number of grand jurors on the panel at the commencement of the proceedings resulting in the report. The report must be signed by the foreperson. A grand jury report may include allegations of criminal conduct.

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On 6 October 2022 the Court issued the following Order:

Thomas Garber has approached the undersigned at the conclusion of several criminal matters not related to him and submitted a set of documents in support of a request that he be able to present to the grand jury a request for the grand jury to hear evidence concerning the Office of Children's Services. He seeks to have the grand jury exercise its constitutional authority to "investigate and make recommendations concerning the public welfare or safety."¹

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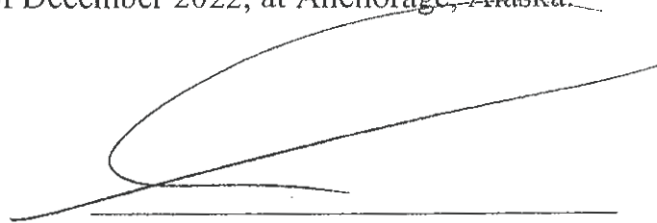
proposals about how his request should be presented to the grand jury for its consideration.

The October hearing was relatively short and did not allow Garber sufficient time to explain his request. The Court set a continued hearing for 14 December 2022.

On 1 December 2022 the Alaska Supreme Court issued SCO 1993, a copy of which is attached. The Order amends Criminal Rule 6.1. It adds a new Rule 6.1(c) that defines how a citizen may request to have the grand jury investigate matters of public welfare or safety. The citizen must present the request "to the Attorney General for consideration and for possible review and investigation by a grand jury." There is no provision that permits a citizen to present his request to the superior court or the presiding judge.

Therefore, the hearing set for 14 December 2022 is VACATED. Garber may present his request to the Attorney General.

DONE this 1st day of December 2022, at Anchorage, Alaska.

A handwritten signature in black ink, appearing to read 'William F. Morse', is written over a horizontal line.

William F. Morse
Superior Court Judge

commencement of the proceedings resulting in the report. The report must be signed by the foreperson. A grand jury report may include allegations of criminal conduct.