

OCT 12 2017

FILED

STATE OF NORTH CAROLINA
COUNTY OF CHATHAM
IN THE GENERAL COURT OF JUSTICE

REGISTRATION NO. 17R158

FILM NO. 17-15

JURY COMMISSION'S STATEMENT
OF SOURCES AND PROCEDURES FILED
PURSUANT TO
NORTH CAROLINA GENERAL STATUTE 9
FOR
BIENNIUM 2018 - 2019

A. ORGANIZATION § 9-1

1. Appointments

The following Jury Commissioners were appointed for the biennium beginning 2018 and ending 2019. Reba G. Thomas was appointed on August 14, 2017 by the Honorable Carl R. Fox, Senior Resident Superior Court Judge. The Chatham County Board of Commissioners on August 21, 2017 appointed Emily R. Foushee. The Honorable Sam Cooper, Chatham County Clerk of Superior Court, appointed Larry Cheek on August 25, 2017.

2. Oaths

Oaths of office were administered to the Jury Commissioners by the Honorable Dana Hackney, Chatham County Assistant Clerk of Superior Court on September 18, 2017.

3. Date of the first Jury Commission meeting

The Jury Commission held its first meeting September 18, 2017 electing Emily R. Foushee as Chairman. The meeting was held in the office of the Clerk of Superior Court.

B. AUTHORITY

1. Compliance with the statute

The Jury Commission compiled the jury list in strict accord with the directions provided in Chapter 9 of the North Carolina General Statutes.

2. Electronic data processing

The county utilizes electronic data processing equipment for the function of preparing and maintaining custody of the list of prospective jurors, drawing and summoning panels of jurors, and maintaining records of names of jurors who have served, been excused, been deferred for service, or have been disqualified. Service Commander Software Inc, 228 Hardingwood Dr, Goldsboro NC 27534, has been employed as consultant in this process. The Clerk of Superior Court is responsible for recording records received from the Division of Motor Vehicles and the Voter Registration onto a stand-alone PC system, which is located and maintained in said office. § 20-43.4.

C. SOURCES § 9-2(b)

The list of registered voters and persons with driver's license records supplied to the county by the Commissioner of Motor Vehicles pursuant to § 20-43.4. There were no other lists used in the preparation of the jury list.

D. PROCEDURES

1. Preparation of the master jury list § 9-2.

(a) Number of names to be included was provided by the Clerk of Superior Court. § 9-2(f)]

(b) Method of Merging Source Lists § 9-2(e)]

The merge of the source lists was completed pursuant to § 20-43.4.

(c) Electronic culling of disqualified persons form the list. § 9-3

(1.) Persons residing out of state were electronically removed from further consideration based on their mailing address.

(2) Based on legal opinion from the Administrative Office of the Courts, no convicted felons were electronically removed.

(3) Permanently excused citizens and previously summoned jurors who had been deferred beyond the beginning of the biennium were electronically removed from further consideration, based on name and date of birth, using the database compiled by the office of Clerk of Superior Court.

(4) Upon consideration of wasted mailing costs and lost effort, the jury commission:

- a. Elected to have the jury program electronically remove from further consideration those citizens whose name, date of birth and address had resulted in an undeliverable summons in the past.
- b. Elected to have the jury program electronically remove from further consideration those citizens whose name, date of birth and address were shown to be non-residents of the county in the past.

(5) Citizens who served as petit jurors during the previous two years or who served a full term of service as grand jurors in the past six years were electronically removed from further consideration, based on name and date of birth, using the database compiled by the office of Clerk of Superior Court.

(e) Selecting names for the list § 9-2 (e); § 9-2(h)]

(1) The random selection process was authorized by the Jury Commission to be performed by the office of the Clerk of Superior Court as follows:

- a. The jury commission requested a raw list of 16,000 names, which is 2.3 times the number of jurors for the current biennium.
- b. The computer performed a random selection from the eligible records, bypassing any records which had been electronically culled as stated above.

(2) The names on the raw jury list were printed in alphabetical order with birth date, ages and addresses.

(f) Manually culling disqualified persons from the List § 9-3

(1) All persons disqualified pursuant to § 9-3 were manually removed at the direction of the Jury Commission. The jury commission also manually checked the printed raw list for any duplicates that may have been missed by the previous automation process. Any such duplicates were electronically removed.

(2) The Jury Commission applied all statutory qualifications as prescribed to the best of its ability.

(3) After all disqualified to serve were removed, there remained a total of 15,370 names on the final list, which is 2.2 times the number of jurors for the current biennium.

3. Custody of the Jury List § 9-4]

(a) The Master List as completed on October 11, 2017 shall be maintained on the computer.

(b) The alphabetized list is kept under lock and key in the office of the Clerk of Superior Court, but the list is available for public inspection during regular office hours.

(c) Access to the computer file containing this list is prohibited to all but authorized personnel, and their access is prohibited except to the extent necessary to maintain and operate the system. "Authorized personnel" shall be those persons authorized by the Clerk of Superior Court and/or the Jury Commission. After the Master Jury List

is complete, a back-up computer file will be prepared and stored in a secure place. This file will be periodically updated.

4. Maintenance of the jury list. The jury list will be updated as to juror service records on the jury file electronically by authorized personnel in a timely manner.

E. CLERK OF SUPERIOR COURT


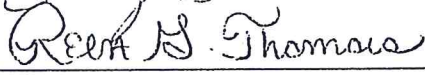
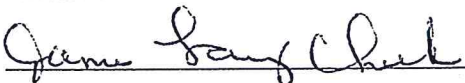
Authority.

The Chatham County Clerk of Superior Court is hereby directed and authorized, by the Jury Commission; to carry out the procedures outlined herein. Said Clerk of Superior Court is also authorized to designate such other personnel or members of the Clerk's staff, as deemed necessary to carry out the procedures outlined herein.

F. ATTACHMENTS

- (1) Appointments
- (2) Oaths
- (3) Procedures for performing jury selection functions by electronic data-processing equipment.

We further certify that all the statutory qualifications were applied and that the list was compiled in strict accord with statutory directions and utterly without partiality, favoritism, or other unconstitutional factors.

 Name1, Jury Commissioner Chairman
 Name2, Jury Commissioner
 Name3, Jury Commissioner

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Film 1713

State of North Carolina

County of Chatham



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2017 SEP 18 A 10:11
CHATHAM COUNTY
BY [Signature]

General Court of Justice
Superior Court Division

OATH OF JURY COMMISSIONER

I, Reba G. Thomas, do solemnly and sincerely swear/affirm that I will support the Constitution of the United States; that I will be faithful and bear true allegiance to the State of North Carolina, and to the constitutional powers and authorities which are or may be established for the government thereof; and that I will endeavor to support, maintain, and defend the Constitution of the said State, not inconsistent with the Constitution of the United States, to the best of my knowledge and ability, so help me God.

I, Reba G. Thomas, do solemnly and sincerely swear that I will well and truly execute the duties of the office of Jury Commissioner of Chatham County, according to the best of my skill and ability, according to law; so help me God.

Reba G. Thomas
Chatham County Jury Commissioner

Sworn to and subscribed before me,
This the 18 day of September 2017.

Dana M. Mackney Asst.
CSC

AUG 25 2017

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State of North Carolina **FILED**

County of Chatham 2017 AUG 25 A 10:48



CHATHAM CO., C.S.C.

BY JW

General Court of Justice
Superior Court Division

APPOINTMENT OF JURY COMMISSIONER

I, Carl R. Fox, Senior Resident Superior Court Judge, Judicial District 15B, do hereby appoint Reba G. Thomas as a member of the Jury Commission for Chatham County for Chatham County, pursuant to the provisions of North Carolina General Statute 9-1, for a term or two years beginning July 1, 2017 through June 30, 2019 and authorize her to perform the duties of said office as by law provided.

This the 14th day of August 2017.

The Honorable Carl R. Fox

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State of North Carolina

County of Chatham

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NATHAN D. W. C.S.C.

General Court of Justice
Superior Court Division

OATH OF JURY COMMISSIONER

I, Emily Foushee, do solemnly and sincerely swear/affirm that I will support the Constitution of the United States; that I will be faithful and bear true allegiance to the State of North Carolina, and to the constitutional powers and authorities which are or may be established for the government thereof; and that I will endeavor to support, maintain, and defend the Constitution of the said State, not inconsistent with the Constitution of the United States, to the best of my knowledge and ability, so help me God.

I, Emily Foushee, do solemnly and sincerely swear that I will well and truly execute the duties of the office of Jury Commissioner of Chatham County, according to the best of my skill and ability, according to law; so help me God.

Emily Foushee

Chatham County Jury Commissioner - *Chairman*

Sworn to and subscribed before me,
This the 18 day of September 2017.

Dana M. Mackey, asst. esc

Film 17-12

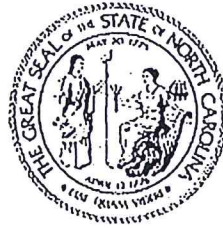
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State of North Carolina

County of Chatham

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CHATHAM CO., C.S.C.

BY JW

General Court of Justice
Superior Court Division

APPOINTMENT OF JURY COMMISSIONER

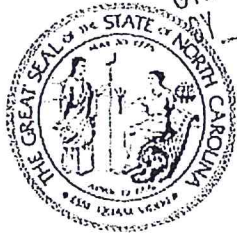
I, Jim Crawford, Chair, Chatham County Board of Commissioners do hereby re-appoint Emily R. Foushee as a member of the Jury Commission for Chatham County for Chatham County, pursuant to the provisions of North Carolina General Statue 9-1, for a term of two years, beginning July 1, 2017 through June 30, 2019, and authorize her to perform the duties of said office as by law provided.

This the 21 day of August 2017.

Chair, Chatham County Board of
Commissioners

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State of North Carolina
2017 SEP 18 A 10:10
County of Chatham
CHATHAM CO. CLERK



General Court of Justice
Superior Court Division

OATH OF JURY COMMISSIONER

I, Larry Cheek, do solemnly and sincerely swear/affirm that I will support the Constitution of the United States; that I will be faithful and bear true allegiance to the State of North Carolina, and to the constitutional powers and authorities which are or may be established for the government thereof; and that I will endeavor to support, maintain, and defend the Constitution of the said State, not inconsistent with the Constitution of the United States, to the best of my knowledge and ability, so help me God.

I, Larry Cheek , do solemnly and sincerely swear that I will well and truly execute the duties of the office of Jury Commissioner of Chatham County, according to the best of my skill and ability, according to law; so help me God.

Larry Cheek
Chatham County Jury Commissioner

Sworn to and subscribed before me,
This the 18 day of September 2017.

Dana M. Hackney, Asst.
CSC

Film 17-12
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Film 17-13

State of North Carolina

County of Chatham

FILED



2017 AUG 25 A 10:48

CHATHAM CO., C.S.C.

BY JW

General Court of Justice
Superior Court Division

APPOINTMENT OF JURY COMMISSIONER

I, Sam Cooper, Clerk of Superior Court for Chatham County do hereby appoint Larry Cheek as a member of the Jury Commission for Chatham County, pursuant to the provisions of North Carolina General Statute 9-1, for a term of two years beginning July 1, 2017 through June 30, 2019 and authorize him to perform the duties of said office as by law provided.

This the 25 day of August 2017.

A handwritten signature in black ink, appearing to read "Sam Cooper", written over a horizontal line.

Sam Cooper
Clerk of Superior Court

August 25, 2017

To: Jury Commissioners

Fr: Sam Cooper

Re: Jury Commission Appointments and Update

Your re-appointments to the Jury Commission were finalized. The next step involves taking your oath and conducting your business.

We plan to convene the Jury Commission meeting in September 2017, a bit sooner than the October 12, 2015 meeting.

Deputy Clerk, Kim Brafford, designated Jury Clerk; with assistance from Deputy Clerk, Tracee Whitaker will be in contact with you regarding the September 2017 Jury Commission meeting. As before, they will review and hand out this year's information; answer any questions, and map out the going-forward next steps. I plan administer your oaths on the front end.

I appreciate your interest and willingness to serve in this very important role.

Cc: Reba Thomas (Re-appointed by Judge Fox)
Emily Foushee (Re-appointed by County Commissioners)
Larry Cheek (Re-appointed by Sam Cooper)
Kim Brafford
Tracee Whitaker

Randomization Process

I, Jack Berry, have spent considerable time and effort to make sure our process is complete and correct. I have been involved in determination of random flight patterns for the President's National Emergency Airborne Command Post, and I brought that background to bear on providing this solution.

For the Jury Commission:

Whenever there is a need to draw a smaller group of people from a larger group of people in the database, our program first re-seeds the Microsoft random number generator. This is done using the microsecond of time when the operator clicks on the button to proceed. This creates an entirely new, un-predictable and un-repeatable set of random numbers between 1 and the total number of records available from which to draw.

The above process is followed every time when:

1. Creating the raw jury pool from within the total names available after removing from consideration: out of state addresses; unusable DOT records (the very rare case with unusable ASCII characters, blank names or incorrect record length); appropriately excused people; and those with prior service within the statutory times.
2. New names are selected to be summoned from those remaining in the final jury pool.

Verification by test:

We have tested this using two similar computers side by side, both creating a raw pool from within identical county databases. Using a verbal countdown we began the process as close to the same time as we could. The results were dramatically different.

Validation by judge:

There was once an allegation of jury tampering in one of our counties. Upon explaining the above process to the judge, there was no further action taken.

Validation by examination:

There was an allegation of jury tampering in another of our counties. In this case, the State Bureau of Investigations evaluated the entire jury process in that county for several weeks. There were no adverse findings.

I certify that the above explanation is complete and correct. I'll be pleased to answer any further questions the commission may have.

Jack Berry

President, Service Commander Software Inc.

919-750-4641 direct

Jury Commission Procedures for Marking the Raw Pool List

The following procedures will allow the Jury Commission to interface easily with the Service Commander Computer Program. They have been reviewed by AOC for compliance with NCGS 9.

- DMV is charged by statute to provide a consolidated data file of voters and drivers. They already removed the names of deceased state-wide from NC Vital Records. They also removed duplicates and the names of drivers who have not renewed their license in over eight years and voters who have been inactive for eight years.

The Clerk's office then used Service Commander to enter all DMV and Voter names in our database. The program removed out of state mailing addresses; excused citizens; and petit jurors who served in the past two years, as well as Grand jurors who completed a full term of service in the past six years. The program also has the option of removing citizens when the same name is found at the same address which was found to be undeliverable. It also has the option of removing those citizens who were determined to be non-residents of the county when the same name is found at the same address.

The above processes were done by county personnel on county computers to maintain the vital chain of evidence in the office of the Clerk of Superior Court.

- It is now time for the Jury Commission to review the Raw Jury Pool List to consider if other citizens should be removed **based only on personal knowledge** of each person and the statutory reasons shown below. The commissioners annotate a master copy of the Raw Jury List using the codes shown below. Please write the appropriate code in the left margin of the list next to the sequence number.

It is vitally important that these codes be used to allow faster processing by clerk of court personnel and to maintain a proper audit trail so no jury decision can later be overturned on a technicality.

D - **D**eceased

I - **D**isability

L - **L**anguage Barrier

N - **F**elon (rights not restored)

R - **N**on **R**esident

S - **P**rior **S**ervice

Z - **N**on **C**iti**Z**en

Dup indicates Duplicate which should be removed from further consideration.

- The Jury Commission returns the annotated list to Clerk of Superior Court who will update the computer lists and finalize the Jury Pool.
- Clerk of Superior Court will print the Final Jury Pool List in alphabetical order and file it with the signed Jury Commission final report.



Service Commander Software, Inc
"The Leader in NC Jury Software"

Jack Berry
President

PO Box 10751
Goldsboro NC 27532

T: 919-691-2291
F: 919-288-2649

Service Commander® for Jury Selection System Overview

1. Overview. This document provides a detailed description of the steps taken by the computer to perform the tasks outlined in the jury commission's Statement of Sources and Procedures. The following procedures are performed using software known as *Service Commander®* for Jury Selection, hereinafter known as *Service Commander®* or the program. Throughout this process, the program only uses appropriate information; defined as name, address and date of birth, driver license number and social security number. No information concerning race, party affiliation or voting record is ever used or retained. Information on sex is retained, but is never used or revealed for any purpose other than proper salutation of letters.

2. Procedures:

A. Information on all licensed drivers and registered voters in the county is downloaded electronically from the NC Division of Motor Vehicles by Clerk of Court personnel. This information is subsequently read into the Service Commander database on a county computer by Clerk of Court personnel. Appropriate information is stored in the program's database for further processing as shown below.

B. Records with:

- 1) An out of state mailing address.
- 2) Non printing characters that would destroy data integrity.
- 3) Blank first or last names which prevent proper processing

are marked to preclude further consideration. All records are stored in the program's Combined Table.

C. Normally, no information on Felons is processed in accordance with opinion by Matt Osborne, AOC legal counsel. However, that data will be processed and those names will be marked to preclude further consideration during this annum/biennium if requested in writing by the Clerk of Superior Court.

D. Information on jurors who are deceased, disqualified or who have been excused is maintained in the program database by personnel from the office of Clerk of Superior Court. The program searches by name and DOB for people who are permanently excused or who are excused on a semi-permanent basis less than one year prior to the processing date. All matches are marked to preclude further consideration in this annum/biennium. In the case of the first annum/biennium *Service Commander®* is run,

there is no information on permanently excused people available for processing, unless County data has been converted to *Service Commander*® database format.

- E. Information on previously summoned jurors whose summons was undeliverable at that address as well as those who were determined to be non-county residents at that address is maintained in the program's database. If the jury commission elects to remove prospective jurors in either or both of those two categories, the program searches the Combined Table by name, DOB and address. All matches are marked to preclude any further consideration during this annum/biennium. In the case of the first annum/biennium *Service Commander*® is run, there is no information on undeliverable summonses available for processing unless previous data conversion was accomplished.
- F. Information on jurors who served in the past is maintained by the program's database. In the case of the first annum/biennium *Service Commander*® is run without previous data conversion, names of people who have been paid for jury service for the past two years is received by email attachment from the NC Administrative Office of the Courts and inserted in the database. The program searches the database by name and DOB (if available) for petit jurors who served in the past two years as well as Grand Jurors who served in the previous six years. All matches are marked to preclude any further consideration during this annum/biennium. Using the same processing techniques, the program searches for jurors drawn for sessions of court beyond the processing date; as well as jurors who have been deferred beyond the processing date. Jurors in these last two categories are already in the system as pending for service and are accordingly marked to preclude further consideration.
- G. The desired number of jurors for the raw Jury Pool is then entered into the program as directed by the Jury Commission. *Service Commander*® then randomly selected eligible names from the Combined Table for inclusion in the Raw Jury Pool List.
- H. The Jury Commission then has the option to review the Raw Jury Pool List and annotate it to indicate any remaining duplicate records or people who should be excused for statutory reasons. Clerk of Court personnel then use the *Service Commander*® program to remove or excuse these people as directed.
- I. When the Jury Commission is satisfied that the list contains only eligible citizens, the program finalizes that list as the Final Jury Pool. This list, which includes only the names of all prospective jurors, is maintained by the Clerk of Superior Court. However complete information is maintained in the program's database.
- J. Each time a jury panel will be required during the new annum/biennium, *Service Commander*® will select the required number of eligible names randomly from the Final Jury Pool.
- K. Subsequent excusals and deferrals are maintained in the *Service Commander*® database by the assistant/deputy clerks, as directed by appropriate authority.

3. **Ownership.** This program was written, copyrighted and is fully owned by Service Commander Software, Inc.

4. **Operation.** This software is operated on a computer or computers owned by the county, in the office of Clerk of Superior Court or other locations as determined by that office.

For Service Commander Software, Inc:


Jack Berry
President

Step By Step – Download DOT File To Flash Drive

- Insert the flash drive into your STATE COMPUTER

- Click on the ~~9/18/15~~ DOT link in your e-mail

This is an automated message to notify you that Tracy Bucholtz has sent you a message using the DOT File Transfer System.

Please follow this link to retrieve the message:

<https://fts.dot.state.nc.us/default.aspx>

If you have any questions, please send email to Tracy Bucholtz: tlbucholtz@ncdot.gov

-Log in with your password

The screenshot shows the NCDOT File Transfer System login interface. At the top, there is a navigation bar with links for Home, About, Contact, and Search. Below this is a menu with options: Home, DMV, News/Events, Programs, Construction, and Travel & Maps. The main heading is "File Transfer System". There are two input fields: "User Name" and "Password". Below the password field is a "LOG IN" button. To the right of the login fields is a large block of text containing a disclaimer or terms of service. At the bottom of the page, there is a footer with various links and information.

If your password does not work...contact Tracy Bucholtz, here is her contact info:

Tracy Bucholtz, Supervisor

Field Services Help Desk

3146 Mail Service Center

Raleigh, NC 27699-3146

Office: (919) 861-3235

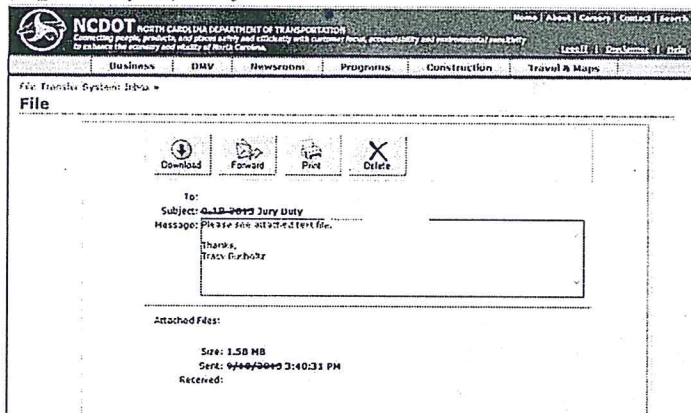
Cell: (919) 218-4480

Fax: (919) 715-9635

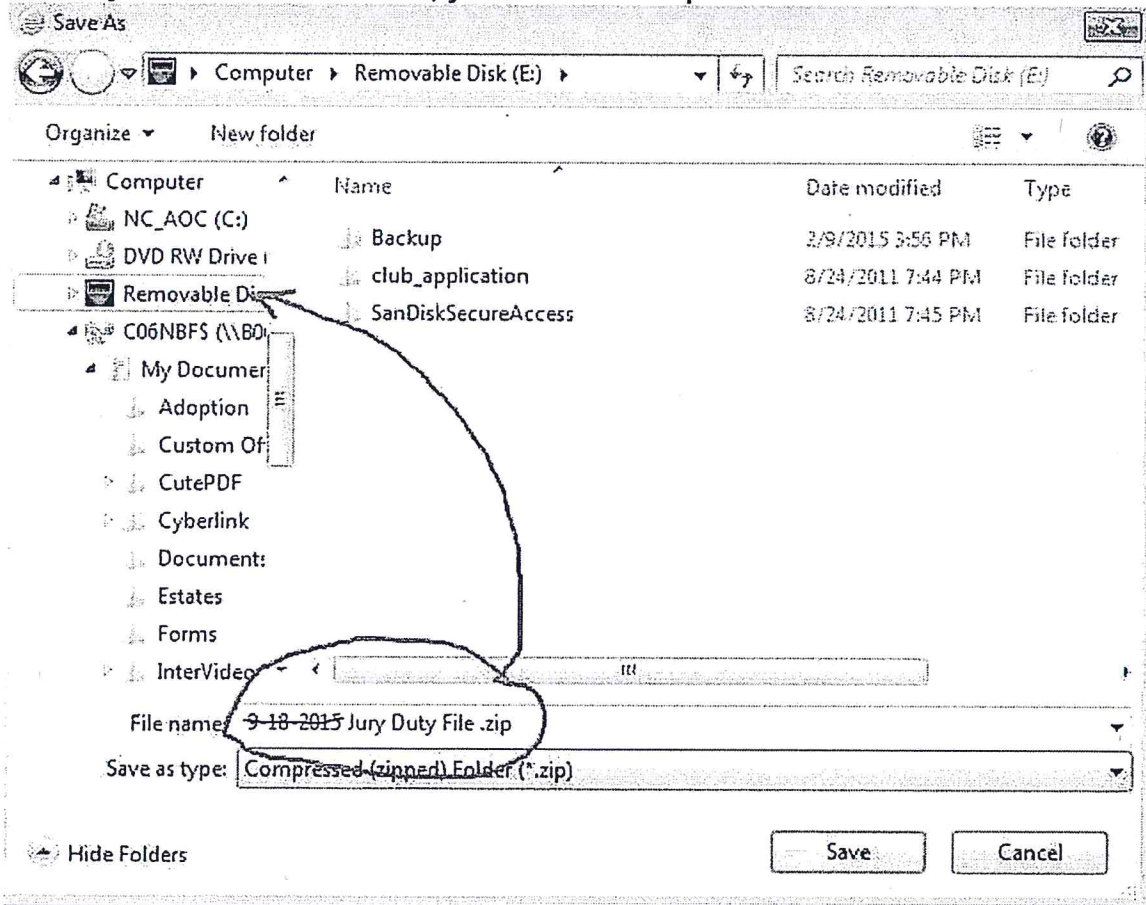
Email: tlbucholtz@ncdot.gov

- Once you are logged in: click on the file

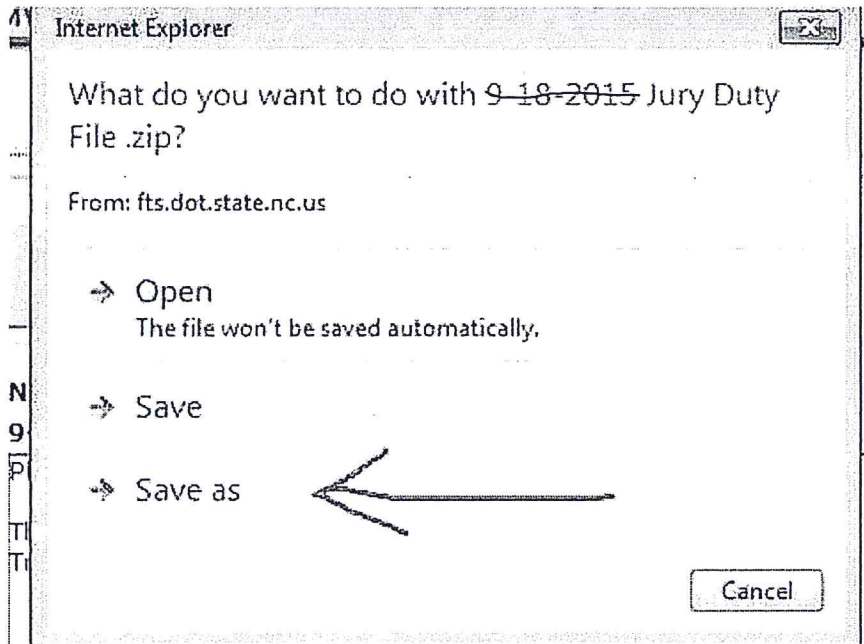
- Click on Download (But do not open the file)



- After you click on download, you will see an option to SAVE AS



Once you click on **SAVE AS** it will ask you where you want to save it.



- **Click on the flash drive and click SAVE** (This is sometimes labeled as Removable Disk)
The letter designation will be "E" most of the time, but not always.

Once the file has been saved to the flash drive, you can safely eject it. It is now ready to be inserted into your jury computer.

*Note: The file has not been unzipped, so please don't open it yet.

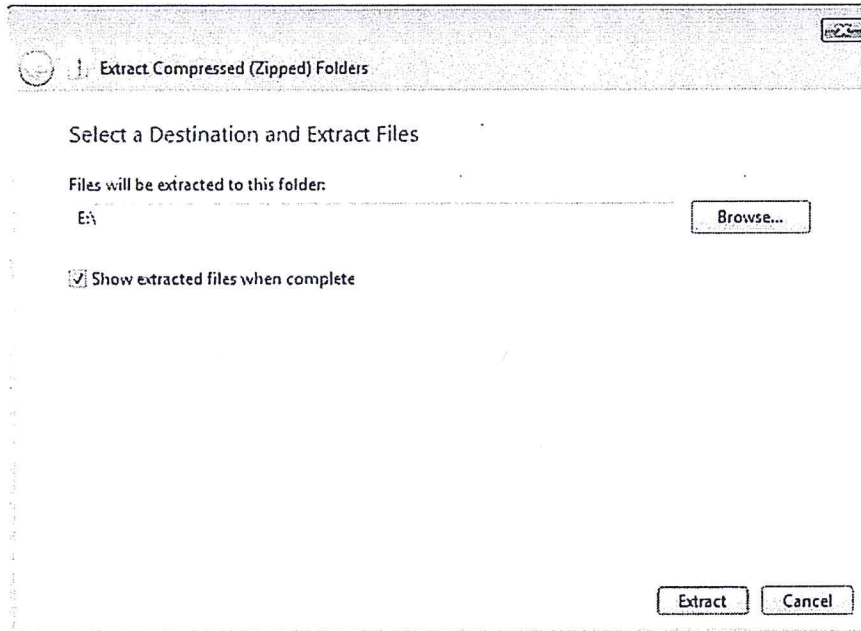
Please call and make an appointment for processing. The process should take about 30 minutes or so. Once I connect to your jury computer, I will unzip it for you and we will then be ready to process the biennium.

We will do this part together:

To Unzip:

- Insert the flash drive into the jury computer.
- Now click on the Flash Drive and Click once on the ~~9/18/2015~~ Jury Duty File to select it, and then using a right mouse click you will Click on Extract
- Click Extract

-When it asks to save it make sure we change the place to JUST the flash drive (example E:\)



-When you look at the flash drive we should see a file that says (first five letters of)
COUNTYNAME.txt

- The file is now ready to be processed in the program.