

Chapter 9.

Jurors.

Article 1.

Jury Commissions, Preparation of Jury Lists, and Drawing of Panels.

§ 9-1. Jury commission in each county; membership; selection; oath; terms; expenses of jury system.

Not later than July 1, 1967, there shall be appointed in each county a jury commission of three members. One member of the commission shall be appointed by the senior regular resident superior court judge, one member by the clerk of superior court, and one member by the board of county commissioners. The appointees shall be qualified voters of the county, and shall serve for terms of two years. Appointees may be reappointed to successive terms. A vacancy in the commission shall be filled in the same manner as the original appointment, for the unexpired term. Each commissioner shall take an oath or affirmation that, without favor or prejudice, he will honestly perform the duties of a member of the jury commission during his term of service. The compensation of commissioners shall be fixed by the board of county commissioners, and shall be paid from the general fund of the county. All expenses necessary to carry out the provisions of this Chapter and to administer the jury system, including all data processing, document processing, supplies, postage, and other similar expenses, except as otherwise provided in this Chapter, shall be paid from the general fund of the county, except that the clerk of superior court shall furnish clerical or other personnel assistance, as the commission may reasonably require. (1967, c. 218, s. 1; 1981, c. 720, s. 3; 1991, c. 729, s. 1.)

State of North Carolina

County of Chatham



General Court of Justice
Superior Court Division

APPOINTMENT OF JURY COMMISSIONER

I, Karen Howard, 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 Statute 9-1, for a term or two years beginning July 1, 2023, through June 30, 2025 and authorize her to perform the duties of said office as by law provided.

This the _____ day of _____ 2023.

Chair, Chatham County Board of
Commissioners

FILED

STATE OF NORTH CAROLINA 2021 NOV 23 A 11: 31
COUNTY OF CHATHAM
IN THE GENERAL COURT OF JUSTICE CHATHAM CO., C.S.C.

REGISTRATION NO. 21 B 240

FILM NO. 21-11

JURY COMMISSION'S STATEMENT
OF SOURCES AND PROCEDURES FILED
PURSUANT TO
NORTH CAROLINA GENERAL STATUTE 9
FOR
BIENNIUM 2022 - 2023

A. ORGANIZATION § 9-1

1. Appointments

The following Jury Commissioners were appointed for the biennium beginning January 1, 2022 and ending December 31, 2023. Reba Thomas was appointed on October 22, 2021 by the Honorable Allen Baddour, Senior Resident Superior Court Judge. The Chatham County Board of Commissioners on June 21, 2021 appointed Emily Foushee. The Honorable Dana M Hackney, Chatham County Clerk of Superior Court, appointed Norma Boone on October 22, 2021.

2. Oaths

Oaths of office were administered to the Jury Commissioners by the Honorable Dana Hackney, Chatham County Clerk of Superior Court on October 29, 2021.

3. Date of the first Jury Commission meeting

The Jury Commission held its first meeting October 29, 2021, electing Emily 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:

Did Did Not

Elect to have the jury program electronically remove from further consideration those citizens whose mailing address zip codes fall outside those approved by the commission as encompassing the county.

Did Did Not

Elect 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.

Did Did Not

Elect 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.

d. 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. Due to Covid- 19, the jury commission requested a raw list of 17,000 names, which is 2.2 times the number of jurors for the previous 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.

e. 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 16,577 names on the final list.

2. Custody of the Jury List § 9-4]

a. The Master List as completed on October 29, 2021 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.

3. 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:

Emily R. Loushee Jury Commissioner, Chair

Reeta B. Thomas Jury Commissioner

Marna E. Boone Jury Commissioner

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**elo**N** (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.

Biennium Beginning 1 Janua

2022

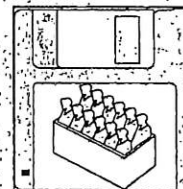
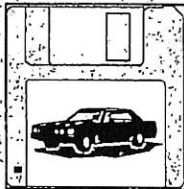
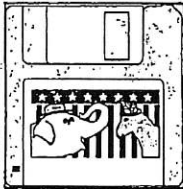
Voter Info

DMV Info

Prison Info

**Excused, Undeliv,
NonRes**

**d
Prev. Service**



54,285 Records
53,748 Dups

62,057 Records

0 Unique
0 Removed

7,951 Records
2,995 Removed

1,647 Records
1,490 Removed

62,594 Total Records
-696 Out of State Records
-0 Invalid Names
61,898 Unique Useable Records

Max available for pool

57413

Number in RAW Pool

Last Biennium:

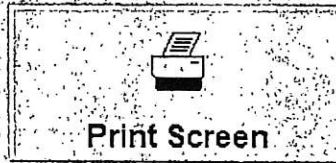
Raw Pool 16,999
FinalPool 16,470
Not Used 12,140

It is now time to randomly select the RAW jury pool.

Please enter the desired number to be in the Master Pool for this biennium.

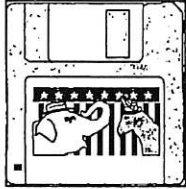
Remember, the FINAL jury pool must be between 1.25 and 3 times the number of jurors used during the current biennium. If you are not SURE, Service Commander can help you.

Click on the Select Pool button when ready.



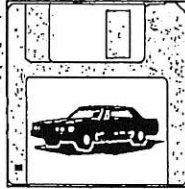
Biennium Beginning 1 January 2022

Voter Info



54,285 Records
53,748 Dups

DMV Info



62,057 Records

Felon Info



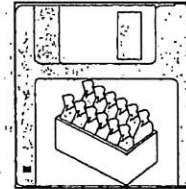
0 Unique
0 Removed

Excused, Undelin
NonRes



7,951 Records
2,995 Removed

nd
Prev. Service



1,647 Records
1,490 Removed

DoubleClick only for
Supplemental Pool



17,000 Total
17,000 Remain

62,594 Total Records
-696 Out of State Records
-0 Invalid Names
61,898 Unique Useable Records

That finishes all disk processing.

1. Please click on Finished when ready to move on to other tasks.

Pool Members Chosen

17,000



Print Screen



Finished

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

File No. 21 - R- 240

CERTIFICATION OF FILING OF MASTER JURY LIST
(G.S. 9-4)

The master jury list for the calendar year(s) 2022-2023 was delivered to the Chatham County Clerk of Superior Court for filing on 10-29-21.
Public access to the master jury list containing an alphabetical list of names is allowed by requesting the assistance of a member of the clerk of court's office who will assist the individual requesting the information. Pursuant to G.S. 9-4(b), public access to juror information is limited to the alphabetized list of the names. Addresses of prospective jurors are confidential and not subject to disclosure without an order of the Court.

Reba S. Thomas Jury Commissioner

Emily L. Lush Jury Commissioner

Norma E. Boone Jury Commissioner

Date 10-29-21

November 18, 2021

Jury commission list was entered for 2022-2023 Biennium. On the Jury Commission list there is a "A" listed in front of potential jurors. The Chatham County Clerk of Courts office did not key the ones that had the letter "A" in the 2022-2023 Biennium computer. This was not part of the selection to remove potential jurors.

This the 18th day of November 2021.

Kimberly C Brafford

Deputy Clerk

Chatham CO