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General Statutes of North Carolina
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*** Current through Session Laws 2017-2 of the 2017 Regular Session, but not including corrections and changes made by the Revisor of Statutes. The final official version of statutes affected by the 2017 Regular Session will appear on Lexis.com and Lexis Advance in November 2017. ***

CHAPTER 9. JURORS

ARTICLE 1. JURY COMMISSIONS, PREPARATION OF JURY LISTS, AND DRAWING OF PANELS

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N.C. Gen. Stat. § 9-1 (2017)

§ 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.

HISTORY: 1967, c. 218, s. 1; 1981, c. 720, s. 3; 1991, c. 729, s. 1.

NOTES: LEGAL PERIODICALS. --For case law survey as to jury composition and unfair tribunal, see *45 N.C.L. Rev. 927 (1967)*.

For comment discussing the constitutionality of North Carolina's nuisance abatement statute, see *61 N.C.L. Rev. 685 (1983)*.

CASE NOTES

DEVIATIONS FROM THE STATUTORY NORM DO NOT AUTOMATICALLY CONSTITUTE REVERSIBLE ERROR absent an express statutory provision to the contrary. *State v. Johnson, 317 N.C. 343, 346 S.E.2d 596 (1986)*.

IN ORDER TO JUSTIFY A MOTION TO QUASH AN INDICTMENT UPON GROUNDS THAT STATUTORY PROCEDURES WERE VIOLATED in the compilation of the jury list, a party must show corrupt intent, systematic discrimination in the compilation of the list, or irregularities which affect the actions of the jurors actually drawn and summoned. *State v. Johnson, 317 N.C. 343, 346 S.E.2d 596 (1986)*.

COMPILATION OF JURY LIST BY TWO-PERSON COMMISSION. --Defendant failed to present any evidence that the two-person commission which acted when the third commissioner was killed acted with corrupt intent, or that the use of a two-person instead of three-person commission resulted in either systematic discrimination in the compilation of the jury list or irregularities which affected the actions of the jurors actually drawn and summoned. *State v. Johnson*, 317 N.C. 343, 346 S.E.2d 596 (1986).

CITED in *State v. Harbison*, 293 N.C. 474, 238 S.E.2d 449 (1977); *State v. Vaughn*, 296 N.C. 167, 250 S.E.2d 210 (1978); *State v. Williams*, 305 N.C. 656, 292 S.E.2d 243 (1982); *State v. Moore*, 100 N.C. App. 217, 395 S.E.2d 434 (1990); *Sweatt v. Wong*, 145 N.C. App. 33, 549 S.E.2d 222 (2001).

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