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Candace Wright

CLERK OF SUPERIOR COURT

WILKINSON COUNTY, GEORGIA

IN THE SUPERIOR COURTS OF THE OCMULGEE JUDICIAL CIRCUIT
STATE OF GEORGIA

LOCAL COURT ORDER

Pursuant to the authority of Title 15 of the Official Code of Georgia Annotated and the Rules of the Supreme Court of Georgia, this Order is established to provide the efficient and orderly management of jury operations in the Superior Courts and State Courts of each county of the Ocmulgee Judicial Circuit of Georgia. Those counties include: Baldwin, Greene, Hancock, Jasper, Jones, Morgan, Putnam and Wilkinson, and will herein be referred to collectively as "County."

1.

Definitions

1. "Array" means the body of persons subject to voir dire from which the final jury and alternate jurors are selected. OCGA § 15-12-1 (1).
2. "Choose" or "chosen" means the act of randomly selecting potential jurors from the county master jury list in a manner that does not deliberately or systematically exclude identifiable and distinct groups from the venire. OCGA § 15-12-1 (2).
3. "Clerk" means the clerk of the superior court or a jury clerk if one is appointed pursuant to subsection (a) of Code Section 15-12-11 or Code Section 15-12-12. OCGA § 15-12-1 (3).
4. "Council" means The Council of Superior Court Clerks of Georgia. OCGA § 15-12-1 (4).
5. "County master jury list" means a list compiled by the council of names of persons, including their addresses, city of residence, dates of birth, and gender, eligible for trial or grand jury service. OCGA § 15-12-1 (5).
6. "Defer" means a postponement of a person's jury service until a later date. OCGA § 15-12-1 (6).
7. "Excuse" means the grant of a person's request for temporary exemption from jury service. OCGA § 15-12-1 (7). An excusal shall only be effective until the next county master jury list is certified. Jury Composition Rule ("JCR") 5.b.iii.
8. "Exemption" means a statutory reason that a prospective juror may be granted a deferral or excusal pursuant to OCGA § 15-12-1.1. See also JCR 5.b.iv.
9. "Inactivate" means removing a person's name and identifying information who has been identified on the county master jury list as a person who is permanently prevented from being chosen as a trial or grand juror because such person is statutorily ineligible or incompetent to serve as a juror. OCGA § 15-12-1 (8).

10. "State-wide master jury list" means a comprehensive master list that identifies every person of this state who can be determined to be prima facie qualified to serve as a trial or grand juror. OCGA § 15-12-1 (9).
11. "Venire" means the list of persons summoned to serve as trial or grand jurors for a particular term of court. OCGA § 15-12-1 (10).

2.

County Master Jury List

1. The county master list shall be the sole source for the selection of jurors. See OCGA §15-12-40.1 (h).
2. Each clerk shall obtain its county master jury list from the council each year, and the recipient county shall remit payment within 30 days of the invoice for the list. OCGA § 15-12-40.1 (d).
3. A new county master jury list shall be used by the clerk to summon jurors by the later of:
 - a. Three months after list certification, or
 - b. The first summoning of jurors after list certification. JCR 6.
4. Upon the request of a party or his or her attorney, the clerk shall make available for review by such persons the county master list. OCGA § 15-12-43.1.

3.

Management of the County Master Jury List

1. A county master jury list may be subjected to additions, deferrals, excusals, and inactivations at the local level only as authorized by the Supreme Court of Georgia, the Official Code of Georgia, and this Order. JCR 5.a.
2. A clerk shall supervise any local jury management vendor or local technology department supplying software or services for local jury management. The clerk shall require any software provider or service provider to comply with all provisions of the Jury Composition Rule, its Appendix, and relevant statutory provisions. The clerk shall ensure that any such vendor, department, or provider has a copy of the current version of the Rule and its Appendix. JCR 5.c.
3. Local additions, deferrals, excusals, and inactivations shall be performed and maintained in a manner that preserves the record of the juror, the reason for the action, and the relevant dates related to the action. JCR 5.d.
4. A clerk shall not add names to the county master jury list except where a prospective juror has obtained an order from the chief judge of the superior court for the county directing that the juror's name be added to the list because the juror has demonstrated that he or she is eligible to serve as a juror in the county notwithstanding the operation of this Rule. JCR 5.e.
5. A clerk may excuse or defer a juror:

- a. Pursuant to OCGA §§ 15-12-1.1 (general excusals) and 15-12-2 (Member of General Assembly). JCR 5.f.i.
 - b. Who has previously served as a juror pursuant to OCGA § 15-12-4 (a). Such a person shall be excused. JCR 5.f.ii.
 - c. Determined by the clerk as having an address that is undeliverable. JCR 5.f.iii.
 - d. Determined by the clerk as not being a resident of the county. JCR 5.f.iv.
 - e. Determined by the clerk as being ineligible due to not being a citizen of the United States. JCR 5.f.v.
 - f. Determined by the clerk as being ineligible due to a conviction without having had his or her civil right to serve as a juror restored. JCR 5.f.vi.
6. A clerk may inactivate a juror:
- a. Who is ineligible due to permanent mental or physical disability. See OCGA §§ 15-12-1.1 (a) (1) and 15-12-40. JCR 5.g.i.
 - b. Who is 70 years of age or older and has been granted an inactivation as the result of his or her age. JCR 5.g.ii.
 - c. Who is identified by the clerk as being deceased. JCR 5.g.iii.
 - d. Who is identified by the clerk as ineligible due to having been declared mentally incompetent by order of a court. JCR 5.g.iv.
7. A clerk may subject the county master list, or lists of jurors selected for summoning, to processing performed by an authorized United States Postal Service ("USPS") National Change of Address ("NCOA") service provider. In the event such processing is performed, these requirements shall be followed:
- a. The NCOA vendor shall do all processing in-house and shall not outsource any part of the NCOA processing. JCR 5.h.i.
 - b. The clerk shall require the NCOA vendor to protect master list data possessed by the vendor. JCR 5.h.ii.
 - c. The NCOA vendor must use the 48-month USPS NCOA database. JCR 5.h.iii.
 - d. Jurors with reported addresses reflecting in-county moves shall have their records updated and summonses sent to their updated addresses. JCR 5.h.iv.
 - e. Jurors with reported addresses reflecting out-of-county moves shall be excused. JCR 5.h.v.
 - f. If the NCOA vendor reports a juror address as invalid or undeliverable and there is no other valid address for such juror in the juror's record in the county master jury list, the juror shall be excused. JCR 5.h.vi.
 - g. A juror shall not be excused as the result of a reported NCOA/Federal Information Processing Standards ("FIPS") change of county unless there is also a change of address for the record. JCR 5.h.vii.
 - h. All local jury management issues not addressed by this section shall be addressed as authorized by law. JCR 5.h.viii.

8. The county master jury lists shall be safeguarded against catastrophic, routine, or any other form of loss or destruction. OCGA § 15-12-44.1.

4.

Grand Jurors

1. The eligibility to serve as a grand juror is defined by OCGA § 15-12-60.
2. The number of grand jurors and alternates along with the ability of a grand jury to request the foreperson of prior grand jury is defined by OCGA § 15-12-61.
3. The selection of grand jurors is defined by OCGA § 15-12-62.1.
4. The ability of the Court to empanel one or more concurrent grand juries is defined by OCGA § 15-12-63.
5. The mailing of summons by the clerk and failure to receive notice personally as a defense to a contempt citation is defined by is defined by OCGA § 15-12-65.1.
6. The examination of potential grand jurors and the oath to be administered is defined by OCGA § 15-12-65.1.
7. The selection of additional grand jurors when the panel does not have a sufficient number is defined by OCGA § 15-12-66.1.
8. The appointment of a foreperson and the oath to be administered to each member of the grand jury is defined by OCGA § 15-12-67.
9. The oath to be administered to grand jury witnesses is defined in OCGA § 15-12-67.
10. The oath to be administered to the bailiffs attending grand jury is defined by OCGA § 15-12-67.
11. The degree of relationship that disqualifies jurors related to party by consanguinity or affinity is defined by OCGA § 15-12-70.
12. The duties of grand jurors are defined by OCGA § 15-12-71.
13. When grand jurors may disclose matters occurring in their service is defined by OCGA § 15-12-72.
14. The confidentiality of communications and admissions among grand jurors is defined by OCGA § 15-12-73.
15. The duty of grand jurors to examine and make presentments and requirement to publish true bills in open court is defined by OCGA § 15-12-74.
16. The duty of grand jurors to inspect jails and make recommendations as to conditions is defined by OCGA § 15-12-78.
17. The authority of the grand jury to recommend to the court the publication of the whole or any part of their general presentments and to prescribe the manner of publication is defined by § 15-12-80.
18. The selection of persons for offices by grand jury and the notice required to be given by a board, authority, or entity whose members are elected, selected, or appointed by the grand jury are defined by OCGA § 15-12-81.

19. The authority and grounds to transfer a grand jury investigation to any other county in the state are defined by OCGA § 15-12-82.
20. The use of court reporters and oath to be given are defined by OCGA § 15-12-83.

5.

Special purpose grand juries

1. The authority of the Chief Judge to impanel a special grand jury for the purpose of investigating any alleged violation of the laws of this state or any other matter subject to investigation by grand juries as provided by law is defined by OCGA § 15-12-100.
2. The supervision and termination of a special grand jury are defined by OCGA § 15-12-101.
3. Special grand juries are allowed for counties and consolidated city-county governments of this state. Except as otherwise provided, the provisions of regular grand juries shall apply to special purpose grand juries. See § 15-12-102.

6.

Trial Jurors

1. The selection of trial jurors is defined by OCGA § 15-12-120.1.
2. The size of juror panels for civil actions in the state courts is defined by OCGA § 15-12-122 (a).
3. The size of juror panels for civil actions in the superior courts is defined by § 15-12-122 (b).
4. The right of each party to a full juror panel for civil actions in the state courts is defined by § 15-12-123.
5. The responsibility of the clerk to summon additional jurors when there are not enough jurors to complete a panel is defined by OCGA § 15-12-124.1.
6. The size of jury panels and number of available strikes to try misdemeanors is defined by OCGA § 15-12-125.
7. The responsibilities of the presiding judge to summon additional competent jurors when there are not enough jurors to complete panels for misdemeanor cases and the clerk to summon such additional prospective jurors is defined by OCGA § 15-12-126.
8. The selection of prospective jurors for prolonged (more than one week) proceedings is defined by OCGA § 15-12-129.1.
9. Only the state courts of each county shall have the Qualified prospective jurors for county courts. OCGA § 15-12-130.1.
10. Any juror who is competent and qualified to serve as a juror in superior court shall be competent and qualified to serve on a jury in state court when the state court shares concurrent jurisdiction with the superior court. See § 15-12-130.1.

11. The duty of the court, upon the request of either party in civil or criminal case, to place the jurors in the jury box in panels of 12 at a time, so as to facilitate their examination by counsel is defined by OCGA § 15-12-131.
12. The oath of jury to be given to each panel prior to voir dire is provided by OCGA § 15-12-132.
13. The opportunity for individual examination of jurors on the panel is defined by OCGA § 15-12-132.
14. The ability to challenge for favor in civil cases is defined by § 15-12-134.
15. The disqualification of jurors related by consanguinity or affinity to any party interested in the result of the case or matter within the third degree is defined by OCGA § 15-12-135.
16. The competency of jurors when counties are interested parties or interested in its capacity as a corporation or quasi-corporation is defined by § 15-12-136.
17. The competency of jurors who are residents of a municipal corporation when the municipal corporation is a party or is interested is defined by § 15-12-137.
18. The competency of a member of an electric membership corporation to serve on a case involving the electric membership corporation is defined by OCGA § 15-12-137.1.
19. Each panel of the trial jury shall take the oath provided in OCGA § 15-12-138.
20. Each panel of a trial jury in a criminal case shall be administered the oath provided by OCGA § 15-12-139.
21. The bailiffs on duty during a jury trial shall be administered the oath provided by OCGA § 15-12-140.
22. The accommodations to be provided for jury deliberations are defined by OCGA § 15-12-141.
23. The ability to separate (sequester) the jury and to hold and segregate members of the jury when they are held overnight is defined by OCGA § 15-12-142.
24. The term of service for a trial juror in any one year is defined by OCGA § 15-12-3.

7.

Trial Juries in Felony Cases

1. The number of impaneled jurors for felony and death penalty trials is defined by § 15-12-160.1.
2. The duty of the clerk to provide the prosecuting attorney and the accused with the names and identifying information relative to prospective jurors for the case being tried is defined by OCGA § 15-12-161.
3. The right of the defendant to challenge the array for any cause going to show that it was not fairly or properly impaneled or ought not to be put upon him is defined by OCGA § 15-12-162.

4. The right of the defendant to be able to see each juror and challenge any juror for cause and the responsibility of the court to timely consider such challenge. OCGA § 15-12-163.
5. The questions to be asked of each juror during voir dire, the right for either side to introduce evidence that a juror's response is untrue, the duty of the judge to set aside for cause any juror found incompetent or unable to be fair and impartial is defined by OCGA § 15-12-164.
6. The number of peremptory challenges is defined by OCGA § 15-12-165.
7. The jurors who shall be put upon the accused and sworn to try the case are defined by OCGA § 15-12-166.
8. The timing of objections to jurors for cause shall is defined by OCGA § 15-12-167.
9. Alternate jurors shall be called as defined by OCGA § 15-12-168.
10. Alternate jurors shall be selected as defined by OCGA § 15-12-169.1.
11. The oath, seating, confinement, and compensation of alternate jurors is defined by § 15-12-170.
12. The disposition of alternate jurors upon submission of case to jury is defined by OCGA § 15-12-171.
13. When an alternate juror may be substituted for a juror is defined by juror. OCGA § 15-12-172.

8.

General

1. The ineligibility of any person who serves as a trial or grand juror at any session of the superior or state courts until the next succeeding county master jury list has been received by the clerk is defined by OCGA § 15-12-4 (a).
2. No person shall be qualified to serve as a juror under this chapter unless that person is a citizen of the United States. OCGA § 15-12-4 (b).
3. Whenever a term of court is not held because of the nonattendance of the judge or for some other cause, the jurors summoned for such term of court shall serve at the next succeeding term. OCGA § 15-12-5.
4. The fees of special criminal bailiffs are defined by OCGA § 15-12-6.
5. The compensation of court bailiffs and payment of expense allowance to jurors is defined by OCGA § 15-12-7.
6. The compensation to grand jurors when no grand jury is impaneled in the fall of any year is defined by OCGA § 15-12-8.
7. The expense allowance of jurors who appear but are not sworn is defined by OCGA § 15-12-9.
8. The punishment for any duly summoned juror who neglects or refuses to appear or absents himself without leave of the court is defined by OCGA § 15-12-10.

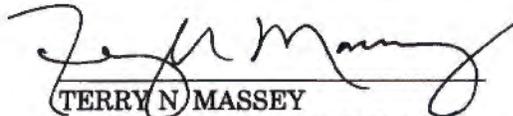
9. The action to be taken by the judge of the superior court when no jury has been chosen for a regular term of the superior court and there is not sufficient time for choosing and summoning prospective trial and grand jurors to serve at the regular term is defined by OCGA § 15-12-46.

All prior Orders of the Ocmulgee Judicial Circuit touching the issues herein addressed are vacated and set aside.

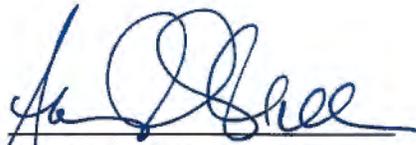
IT IS SO ORDERED this 26 day of February, 2021.



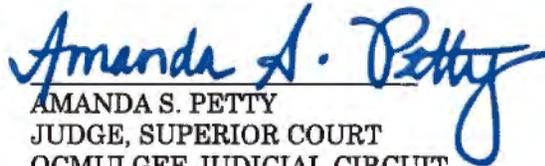
ALISON T. BURLESON
JUDGE, SUPERIOR COURT
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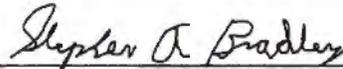
TERRY N. MASSEY
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OCMULGEE JUDICIAL CIRCUIT



BRENDA H. TRAMMELL
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OCMULGEE JUDICIAL CIRCUIT



AMANDA S. PETTY
JUDGE, SUPERIOR COURT
OCMULGEE JUDICIAL CIRCUIT



STEPHEN A. BRADLEY
JUDGE, SUPERIOR COURT
OCMULGEE JUDICIAL CIRCUIT