



OFFICE OF THE DISTRICT CLERK

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SARA L. SMITH
DISTRICT CLERK
ALEXANDRA GONGORA
CHIEF DEPUTY

November 7, 2023

To: County Judge and County Commissioners of Lubbock County

Re: Lubbock County Jury Selection Plan

Dear Judge and Commissioners,

Please find attached to this letter the Lubbock County Jury Selection Plan, which is being submitted for your approval and for entry into the minutes of the Court. The plan was recommended by the District Judges on November 3, 2023.

Sincerely,

A handwritten signature in blue ink that reads "Sara L. Smith".

Lubbock County **Jury Selection Plan**

It is recommended to the Commissioners' Court of Lubbock County, Texas, by a majority of the Judges of the District Courts of Lubbock County, Texas that the following plan for the selection of persons for jury service be adopted in accordance with Chapter 62 of the Texas Government Code. This jury selection plan shall be effective upon approval by the Commissioners' Court.

Source of Jurors

The sources from which the names of prospective jurors shall be taken shall be the same as that provided by Section 62.001 of the Texas Government Code; specifically excluding persons listed in the register of persons exempt from jury service, as provided by Sections 62.108 and 62.109.

Reconstituting the Jury Wheel

Texas Government Code, §62.001, requires the Office of the Secretary of State to combine the list of registered voters for each county with the list of felons/exemptions. That list is then combined by the Secretary of State's Office with the Texas Department of Public Safety's list of persons holding a Texas Driver's License or Personal Identification Card. After eliminating all possible duplicate names, the combined list is available to each county by December 31st of each year. The Lubbock County District Clerk will request a reconstituted jury wheel after the submission of the suspense list from the Elections Administrator to the Secretary of State with an estimated date of February 1st of each year. The Lubbock County Jury Plan is a multi-year plan under Section 62.001, and shall be reconstituted when the list no longer contains enough names of eligible jurors from which a random selection of jurors can be made, or every two years, whichever occurs first.

Pursuant to Section 62.001 (I), the Commissioners' Court of Lubbock County shall contract with a vendor to combine the voter registration list with the list furnished by the Department of Public Safety, as obtained from the Secretary of State of the State of Texas. Said vendor shall provide jury maintenance through Lubbock County Information Technology. The combined list must contain the name, date of birth, address, county of residence, citizenship status of each person listed, and any other information useful in determining if the person is qualified to serve as a juror.

When it is determined that the jury list needs to be reconstituted, the District Clerk shall give the Secretary of State notice not later than the 90th day before the date the list is required. The list furnished by the Secretary of State will be typed or printed, and one copy of the list furnished shall be in electronic form as requested by Lubbock

County and must be certified by Secretary of State that the list contains the names required by Subsections (c) through (f), of Section 62.001, Texas Government Code. Following the receipt of the list of potential jurors from the Secretary of State, the District Clerk shall furnish the list to Lubbock County Information Technology (hereafter LCIT). LCIT will eliminate duplicate names for entry into Lubbock County's jury selection software system. Additionally, LCIT will remove from the reconstituted jury wheel list all persons previously determined to be exempt from jury service under Sections 62.108 (permanent exemption for elderly) and 62.109 (exemption for physical or mental impairment or inability to comprehend the English language).

The resulting list shall be the data constituting the jury wheel.

Selection of Juror Names

The District Clerk of Lubbock County, Texas, is designated as the official to be in charge of the juror selection process. The District Clerk shall perform the following duties relating to the jury wheel:

1. Certify the jury wheel data for use in the jury selection process;
2. Cause a duplicate copy of the jury wheel to be made;
3. Place one copy of the jury wheel on a thumb drive in a locked cabinet in the District Clerk's Office;
4. Ensure that the jury selection software program used to select the list of persons called for jury service will be fair, impartial, and objective;
5. Supervise the process through which the jury selection software will be used to randomly select the names and addresses of the prospective jurors, which list will be known as the Prospective Juror List;
6. Supervise the updating of the jury wheel with any change of address or name change information as soon as this information is made available;
7. Monitor any revisions to the jury wheel to prevent the addition of any new individuals to the list outside of the annual jury wheel update process;
8. Monitor the removal from the jury wheel of the name of any prospective juror summoned for jury service which summons is returned undeliverable;
9. Provide an interpreter for a prospective juror determined by the court to be deaf or hard of hearing, which interpreter shall accompany the juror during all proceedings and deliberations in the case at the sole expense and cost to Lubbock County;
10. Maintain a list of the name and address of each person who is excused or disqualified from jury service because the person is not a citizen of the United States, and shall send a copy of the list to the voter registrar of Lubbock County as well as the Secretary of State by no later than the third business day of each month for the month immediately preceding;

11. Maintain a complete audit trail of all changes to the jury wheel made during the year; and
12. Provide that the method of selection use the same record of names for the selection of person for jury service until that record is updated by the Office of the Secretary of State, December 31st of each year. The District Clerk may opt to request the reconstituted jury wheel from the Office of the Secretary of State until the receipt of the list of voter suspension has been received from the Lubbock County Elections Administrator to ensure the updated voter registration information is combined with the Texas Department of Public Safety records into a reconstituted jury wheel. The prospective juror list will be used for a period of two (2) years or until it is exhausted, whichever occurs first. The names of persons who are summoned for jury service in the county and who appear for service must be removed from the jury wheel until the record is reconstituted, regardless of whether the person served on a jury or not. Those persons summoned who fail to appear shall remain in the jury wheel and remain subject to summons for jury service.

The number of persons require for jury service to be selected as described above shall be determined by the District Judges of Lubbock County.

The Jury Wheel – Use, Access and Certification of Data

Upon receiving a request from a District Judge to select jurors for a number of weeks, the District Clerk shall notify those persons with the authority to access the jury wheel to execute the jury selection program to randomly extract the number of person needed for jury service.

The District Clerk shall certify that the list of prospective jurors selected by the system described above is a true and complete written list of the names and addressed of persons to begin jury service on a particular date. This list shall be filed of record with the County Clerk at least ten days prior to the date such persons are to begin jury service. Additional lists may be produced to facilitate the handling of the necessary paperwork in processing the jury list.

Designation of Judge to Whom the General Panel Reports

The District Judges shall designate from time to time a judge to whom the general panels report for jury service. The judge for the designated period shall organize, control, and supervise the members of the general jury panel.

When impaneled, the prospective jurors constitute a general jury panel for service as jurors in all justice, county, and district courts, and shall be interchangeably in all of those courts.

Notification of Jurors

Upon receipt of a prospective juror list, it will be the responsibility of the District Clerk to immediately notify the persons whose names are on the prospective juror list to appear for jury service on the date designated by the judge. Delivery of a written summons by mail shall be sufficient notice if the summons is received by a person authorized by the United States Postal Service to receive it. The content of the written summons to appear for jury service shall include the time and place for the appearance of the prospective juror for jury service, the purpose for which he is to appear, and the penalty for his failure to appear as required. The jury summons shall include a questionnaire as developed and maintained by the Office of Court Administration of the Texas Judicial System, and shall include a complete listing of the qualifications for jury service as set forth in Government Code, §62.102, General Qualifications for Jury Service.

The system provided herein shall be available for jury selection in the District Courts, County Courts at Law, Probate Courts, and Justice of the Peace Courts of Lubbock County, Texas.

Internet, E-mail or Telephone Response to Summons

This plan authorizes any prospective juror to appear in response to a summons by contacting the Jury Manager of the District Clerk's Office by interactive internet, e-mail and/or calling an automated telephone system. Further, a prospective juror may appear before the court in person.

The information which may be provided by internet, email or automated telephone system includes:

- Name
- Street address
- Mailing address
- E-mail address
- Alternate email address
- Home phone number
- Work phone number
- Cell phone number
- Text phone number
- Sex
- Race

- Age
- Education level
- Occupation
- Place of employment
- Marital status
- Name, occupation, and place of employment of the person's spouse
- Any information set forth on the questionnaire template or form maintained by the Office of Court Administration of the Texas Judicial System, including revisions which might be made at a later date

Pursuant to Chapter 62.0111, Government Code, a summonsed juror may select from the following methods of responding to the summons:

1. By completing the juror impaneling form via computer through the official internet website designated on the jury summons;
By appearing before the court in person at the time, date and location specified on the jury summons;
2. If the summonsed juror is requesting an excuse from the jury service due to disqualification or statutory exemption, by contacting the District Clerk's Jury Office by telephone or interactive internet website designated on the jury summons, or
3. If the summonsed juror is requesting an excuse from jury service for any reason other than financial hardship, by contacting the District Clerk's Jury Office by interactive internet website, mail, facsimile, or personal delivery of the written request for excuse.

A summonsed juror who elects to respond to a summons via computer through the official internet website designated on the jury summons shall provide the following through that website:

1. Information that permits the Court to determine whether the prospective juror is qualified for jury service under Government Code, §62.102, General Qualifications for Jury Service;
2. Information that permits the Court to determine whether the prospective juror is qualified for jury service under Government Code, §62.106, Exemption from Jury Service;
3. Submission of a request by the prospective juror for a postponement of or excuse from jury service under Government Code, §62.016(d), Interchangeable Juries in Certain Counties;
4. Information for jury §62.016, including:
 - a. The prospective juror's postponement status;

- b. The residency of the prospective juror;
- c. Whether the prospective juror has been convicted of a felony or a misdemeanor theft;
- d. The dates the juror is not available to serve as a juror due to schedule conflicts;
- e. Completion and submission by the prospective juror of the written jury summons questionnaire;
- f. The prospective juror's electronic mail address; and
- g. Certification that the information provided is true and correct.

Automated impaneling of Jurors Who Elect to Respond Via Computer Through the Official Internet Website Designated on the Jury Summons

The District Clerk is authorized to implement an automated impaneling system through the official internet website designated on the jury summons to perform the following functions:

- 1. Determine whether a prospective juror is qualified for jury service;
- 2. Excuse a prospective juror claiming a statutory exemption;
- 3. Screen a juror's dates available to determine if the juror is available for jury service for at least one calendar week, and if the juror is not available for jury service for at least one calendar week, approve a postponement of jury service;
- 4. Accept a request for waiver of the requirement that the juror be available for jury service for at least one calendar week;
- 5. Accept a request for judicial excuse of a prospective juror;
- 6. Assign a prospective juror to a particular jury panel based upon the juror's dates of availability, jurisdictional residence, and any prior misdemeanor theft conviction;
- 7. Inform the juror of the details of the juror's panel assignment; and
- 8. Any other function or feature that, in the judgment of the District Clerk, would facilitate communications with jurors.

Disqualification for Particular Jury

A prospective juror is disqualified to serve as a petit juror in a particular case if he meets any of the disqualification reasons listed in Government Code, §62.105.

Summons for Jury Service on General Election Day Prohibited

Prospective jurors may not be summoned to appear for jury service on the date of the general election for state and county offices.

Excuse of Juror for Religious Holy Day

A prospective juror who seeks to be released from jury service may be required to file with the Court an affidavit stating the grounds for the release and that the juror holds religious beliefs that prohibit him from taking part in a court proceeding on the day for which the release from jury duty is sought. If the prospective juror is required to appear at a court proceeding on a religious holy day observed by the prospective juror, the Court shall release the prospective juror from jury service entirely or until another day of the term.

Procedures for Obtaining Exemptions

The District Clerk or a designated representative of the District Clerk may grant exemptions listed in Government Code, §62.106(a). The Court shall grant all exemptions as permitted by Government Code, §62.108-62.109.

A prospective juror who seeks an exemption from the Court shall follow the procedures established by Government Code, §62.107. The prospective juror seeking exemptions shall submit his or her request on forms provided by the District Clerk or the designated representative of the District Clerk. Upon receipt of the requested affidavits and/or forms by the requesting party, the District Clerk or the designated representative shall timely submit the forms and/or affidavits to the Court for consideration. Upon order of the Court, the District Clerk or designated representative shall send a copy of the Court's order to the requesting party.

Special Venire Jury Selection

Pursuant to the provisions of Article 34, Code of Criminal Procedure, selection of special venire juries shall be in the manner set forth as follows:

1. The Court, upon request by the defendant, may enter an order requiring the summons of any number of prospective jurors in excess of 50, which list of prospective jurors cannot include any names of prospective jurors who have already been granted an exemption under the law.
2. The District Clerk, or her designated deputy, shall not summons a special venire jury without a written order from the Court, specifying the date of appearance and number of jurors that should be summoned. If the order of the Court requires the Sheriff to summons a special venire jury, the Sheriff of Lubbock County shall then write a letter to the District Clerk requesting the Clerk cause a jury to be summoned.

3. If it is determined by the Court that the special venire jury pool is insufficient to select a jury, additional jurors may be summoned by the Sheriff as set forth in Article 34.02, Code of Criminal Procedure.
4. After the list of prospective jurors has been selected, the District Clerk shall provide a copy of the list of prospective jurors to the defendant, except that the defendant may waive the right to receive the list or that the defendant may be on bail. When the defendant is on bail, the District Clerk shall furnish the list of prospective jurors to the defendant or his counsel at least 2 days prior to trial (including holidays), upon request by the defendant or his/her counsel at the office of the District Clerk. The District Clerk may, at her option, serve the defendant a copy of the jury list by personal service by issuance of a precept to serve. The defendant's attorney may sign for his/her copy of the jury list. If the defendant's attorney fails to sign for the list, the list shall be served on the attorney for defendant by issuance of a precept to serve in the same manner as afforded the defendant.
5. It shall be the sole duty and responsibility of the Court to hear and determine excuses offered for not serving as a juror for capital special venire juries, and if the Court deems the excuse sufficient, the Court shall discharge the juror to postpone the juror's service to a date specified by the Court.
6. The Court or the Court's designee may discharge a juror or postpone the juror's service on the basis of the juror's observation of a religious holy day or religious beliefs only if the juror provides an affidavit as required by Article 29.012(c) of the Code of Criminal Procedure.
7. The District Clerk, or designated deputy clerk, shall maintain a list of all jurors summoned in a capital case and shall notify the Court and all attorneys which jurors have filed an exemption statement, which ones have appeared, and which ones have failed to appear. The list maintained by the District Clerk shall also make note of the summonses which were returned undeliverable by the postal service. The list of those who did not appear should be provided to the Court for further action and possibly a writ of attachment being issued.
8. Jurors summoned for a special venire jury may, by consent of both parties, be excused from attendance by the Court at any time before he is impaneled.
9. Questionnaires appearing on the summons form served on prospective jurors shall be completed and returned to the Court on the date of appearance as specified in the summons.
10. Information obtained by the Court or by a prosecuting attorney during the jury selection process about a person who serves as a juror, including the juror's home address, home telephone number, Social Security number, driver's license number, and other personal information, is confidential and may not be disclosed by the Court, the prosecuting attorney, the defense counsel, or any court

personnel except on application by a party in the trial or on application of a bona fide member of the news media acting in such capacity to the court in which the person is serving or did serve as a juror. On a showing of good cause, the Court shall permit disclosure of the information sought.

11. The jury list, as all other papers in cases in which the defendant received a sentence, cumulative sentences, or the longest sentence of two or more sentences to be served concurrently is more than 20 years, shall remain permanently in the records of the District Clerk and shall not be destroyed.

The system described above shall be known as the "Lubbock County Jury Selection Plan."

IT IS ORDERED that this document be recorded in the minutes of the District Courts as the system to be followed in jury selection.

The above Lubbock County Jury Selection Plan is hereby approved and recommended to the Lubbock County Commissioners by the Lubbock County Board of Judges on this 3rd day of November, 2023.

John Grace, Judge
72nd District Court

J. Phillip Hays, Judge
99th District Court

John J. McClendon, III, Judge
137th District Court

Douglas H. Freitag, Judge
140th District Court

Les Hatch, Judge
237th District Court

William R. Eichman, II, Judge
364th District Court

Accepted by the Lubbock County Commissioners' Court this the 13th of November, 2023.

Terence Kovar, Precinct 1

Jason Corley, Precinct 2

Gilbert A. Flores, Precinct 3

Jordan Rackler, Precinct 4

Curtis Parrish, County Judge