

Press Release
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Contact: F. Barry Wilkes
Clerk of Courts, Liberty
County
912-877-7235

JURY COMMISSION WANTS YOU

Know anyone who has never been called for jury duty? Then the Liberty County Jury Commission would like to hear from you...especially if you are Hispanic or Latino.

According to Barry Wilkes, Clerk of the Superior Court of Liberty County, the local jury commission recently concluded an exhaustive overhaul of the county's jury lists, but is still looking for more potential jurors. Georgia law requires the commission to balance the county's grand and trial jury pools by both race and sex. That means that the jury pools must be comprised so that there is no greater than five percent disparity between number of persons of each "cognizable group" of the county's population—as determined by the latest decennial census—and the number of persons in each distinguishable group included in the jury pools.

"Right now, the commission needs more Hispanics and/or Latinos who are eligible for jury service to add to both jury pools. The 2000 census indicated that 7.9 percent of the county's population over the age of 18 was Hispanic, which no one disputes, but the problem the jury commission is facing is that, of the total number of persons identified as being Hispanic or Latino, a very small percentage are actually citizens of Liberty County and are therefore disqualified from service. A person has to be a citizen of the county to serve as a juror. The percentage of Hispanics on our jury lists represent less than five percent disparity. Still, the jury commission needs to identify additional persons of Hispanic origin who can be added to the county's grand and trial jury pools, thus ensuring even greater representation," Wilkes said.

A challenge to the county's grand jury was filed last month in one of the four death penalty cases currently pending in the Superior Court of Liberty County. Although the superior court judge presiding over the hearing, David L. Cavender, determined that there was "not even a scintilla of evidence" to support the motion which alleged that the local jury commission had systematically excluded Hispanics or Latinos from either jury pool, Wilkes noted that, by law, jury commissioners are required to make every attempt to include the highest degree of representation of any cognizable group in the jury pools. "Since the latest census indicates that

greater than five percent of our population's ethnicity is Hispanic or Latino, federal and state laws and related judicial decisions summarily necessitate a concerted effort on the jury commissioner's part to ensure there is less than five percent disparity in the number of persons who consider themselves Hispanic in both jury pools. Jury commissions set the bar higher and try to have less than one percent disparity," he explained. Last year, the Supreme Court decided a Hall County Superior Court case in which a similar challenge was at issue. The high court determined that, if the county's jury commissioners had done everything humanly possible to include Hispanics but were barred from including in the county's jury pools a number sufficient to produce less than five percent disparity because persons identified as being Hispanic were not statutorily qualified to serve as jurors, there was no violation of laws requiring balanced jury pools. "Our jury commission wants to include everyone they can, not just to satisfy the statutory mandate, but to ensure that citizens will always have a right to a jury of their peers," Wilkes elaborated.

Additionally, the local jury commission has been working to identify other persons—whites, African-Americans and persons of other races, including persons of Eurasian and Asian descent—to add to the county's jury lists. "We never have too many jurors, considering that our superior and state court caseloads are fast becoming among the largest in the state. The overly transient nature of our county requires jury commissioners to search for jurors year-round, since by the time the jury commission revises the list, many persons added to the lists have already moved from the county."

Wilkes and his staff are in the process of mailing 10,000 jury information and follow-up questionnaires to persons whose names the jury commission obtained from various source lists—including records derived from state drivers' licenses, county voter registration, municipal and electric and telephone billing rolls, social and fraternal organizations' membership listings, and names of persons provided by jurors summoned for jury duty. "We know it is annoying to folks to have to complete a questionnaire, but it is a necessary annoyance. We hope everyone understands we are just doing our jobs as required by law." Wilkes said state laws require the six-member jury commission to revise trial jury and grand jury lists at least every two years to ensure local jury lists are large enough to handle the work of the courts. "Because our community's so transient, the jury (commissioners) are continually revising jury lists," he said.

If you or anyone you know have never been called for jury service and you want to have your or the person's you know name added to the jury pool, Wilkes explained that there are several ways to notify the jury commission. "The simplest way is to call the clerk's office at **369-JURY (5879)** and speak with the jury management clerk. All we need to know is the name and address of the potential juror. A jury questionnaire will be sent for follow-up information. You can also tell us the names of other persons who complain about not being called for jury service," he said. Persons with Internet access may complete a questionnaire on-line by accessing the www.libertyco.com/juryquest.htm on the Liberty County Clerk of Court's web site. The completed questionnaire is a secure electronic form. "I maintain this site for the convenience of those who don't have time to come to the office. Most of the names we receive are from jurors who submit names of persons who they've heard complaining or bragging that they've never been called for jury duty, but a large percentage of referrals are sent over the Internet. We appreciate the names we get, no matter how we get them."

The local court clerk said that not having a balanced, sufficient jury pool could be grounds for reversing criminal cases. "If we ever had to retry one death penalty case because our jury pool was inadequate and a challenge to the array of the jury was successful, it would probably be more costly than what we are spending to do things right the first time," said Wilkes, who also serves as clerk of the county's state, juvenile and magistrate courts.

The county's trial jury list is used for superior and state courts, the only local courts in which jury trials are provided for by law. To be eligible for service as a trial juror, a person must be an "intelligent and upright" citizen of Liberty County who is 18 years of age or older, must not have been convicted of a felony or, if a convicted felon, must have had his or her civil rights restored. Persons who are permanently physically or mentally unable to serve may be excused from service upon submittal to the jury commission of an affidavit from a physician or psychiatrist requesting excusal.

Jury commissioners serve a four-year term of office. Their terms are staggered, with two commissioners rotating off the commission every two years. They are appointed by the by the chief judge of the Atlantic Judicial Circuit, which includes the Superior Court of Liberty County. Current members of the jury commission are Della M. Melton, Stephanie Woods, Charlene Godley, Chuck Gaskin, Faye Yarbrough, and Joseph Lumpkin. "Our jury commissioners are hard-working. Even though theirs is a thankless job, they really provide an invaluable service to

this county. We are lucky to have such diligent individuals serving on the commission,” Wilkes said.

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