

IN THE SUPERIOR COURT OF CHEROKEE COUNTY
STATE OF GEORGIA

In the matter of:
Jury Excusals

Administration and Procedure

ORDER AND GUIDELINES

Pursuant to O.C.G.A. §15-12-1.1, the Clerk of the Superior Court of Cherokee County is hereby appointed and empowered to excuse or defer jurors pursuant to these guidelines governing excuses.

General Guidelines

Except for permanently mentally or physically disabled persons, all excuses shall be deferred to a date and time certain within that term or the next succeeding term or shall be deferred as set forth herein.

It shall be the duty of the Clerk to provide affidavits for the purpose of requesting a deferral of or excusal from jury service. The Clerk may impose a reasonable time limit in which jurors may make a deferral or excusal request.

Ineligibility

(1) The following are ineligible to serve as trial jurors or grand jurors:

- (a) Any person who has been convicted of a felony in a state or federal court who has not had his or her civil rights restored
- (b) Any person who has been judicially determined to be mentally incompetent
- (c) Any person who is not a citizen of the United States

(2) *Four Week Limit*

No person shall be allowed to serve on the trial jury of the superior court or on any trial jury in other courts for more than four weeks in any one year unless he or she is actually engaged in the trial of a case when the four weeks expire, in which case he or she shall be discharged as soon as the case is decided.

(3) *Juror Who Has Served*

Any person who has served as a trial or grand juror at any session of the superior or state courts shall be ineligible for duty as a juror until the next succeeding county master jury list has been received by the clerk.

(4) *Elected Officials as Grand Jurors*

Any person who holds any elective office in state or local government or who has held any such office within a period of two years preceding the time of service as a grand juror shall not be eligible to serve as a grand juror.

Permanent Excusal

Any person described within this subsection shall be permanently excused. If such person appears on a new county master list, he or she shall be marked as inactive.

(1) *Persons over 70*

Any person who is 70 years of age or older shall be entitled to request that the clerk excuse such person from jury service. Upon such request, the Clerk shall inactivate such person. The request for excusal shall be made to the Clerk in writing and shall be accompanied by an affidavit providing the person's name, age, and such other information as the Clerk may require.

(2) *Permanently mentally or physically disabled persons*

Any person who is permanently mentally or physically disabled shall be entitled to request that the clerk excuse such person from jury service. Upon such request, Clerk shall inactivate such person. The request for excusal shall be made to the Clerk in writing and shall be accompanied by an affidavit of the person or his or her physician, guardian, or representative. The affidavit shall include the person's name, information about the disability, and any such other information as the Clerk may require. The Court hereby deems that a permanent disability as used in this paragraph is one for which there is no medically foreseeable or predictable improvement permitting jury service within the next eight (8) months (the length of two (2) terms of court in the Blue Ridge Judicial Circuit).

Deferral and Excusal

(1) *Work Necessary for Public Order*

(6) *Ordered Military Duty*

Any service member on ordered military duty or the spouse of any such service member who requests to be excused or deferred shall be excused or deferred from jury duty upon presentation of a copy of a valid military identification card and execution of an affidavit in the form required by the Clerk. Such deferral shall be until the end of the ordered service.

(a) "Ordered military duty" means any military duty performed in the service of the state or of the United States, including, but not limited to, attendance at any service school or schools conducted by the armed forces of the United States which requires a service member to be at least 50 miles from his or her home.

(b) "Service member" means an active duty member of the regular or reserve component of the United States armed forces, the United States Coast Guard, the Georgia National Guard, or the Georgia Air National Guard who was on ordered federal duty for a period of 90 days or longer.

(7) *Members of the General Assembly*

Any person summoned to serve as a juror in any court of this state shall be excused from such service during his attendance as a legislator in the General Assembly.

Discretion

Any person who shows other good cause why he or she should be exempt from jury duty may have his or her jury service deferred.

The following persons summoned for jury service shall be entitled to one deferral upon written request:

- (a) A juror who received his or her summons less than one week prior to the scheduled date of service;
- (b) A juror who has a contagious or other temporary debilitating illness;
- (c) A juror who has a death or acute illness in the person's immediate family.

The following persons may be deferred from jury service in the discretion of the Clerk:

- (a) A juror experiencing an extreme temporary business hardship or emergency;
- (b) A juror with an extreme temporary personal hardship (e.g. planned surgical procedure, pre-paid vacation, etc.);
- (c) A juror seeking a subsequent deferral after being deferred as entitled

Any person who shows that he or she will be engaged during his or her term of jury duty in work necessary to the public health, safety, or good order may have his or her jury service deferred until the next term of court.

(2) *Students*

Any person who is a full-time student at a college, university, vocational school, or other postsecondary school who, during the period of time the student is enrolled and taking classes or exams, requests to be excused or deferred from jury duty shall be deferred from jury duty until a date and time certain or excused.

(3) *Primary Caregiver of Child under Six*

Any person who is the primary caregiver having active care and custody of a child six years of age or younger, who executes an affidavit on a form provided by the Clerk stating that such person is the primary caregiver having active care and custody of a child six years of age or younger and stating that such person has no reasonably available alternative child care, and who requests to be excused or deferred shall be excused from jury duty.

(4) *Primary Teacher*

Any person who is a primary teacher in a home study program as defined in subsection (c) of Code Section 20-2-690 who, during the period of time the person is teaching, requests to be excused or deferred from jury duty and executes an affidavit on a form provided by the Clerk stating that such person is the primary teacher in a home study program and stating that such person has no reasonably available alternative for the child or children in the home study program shall be excused from jury duty.

(5) *Primary Caregiver of Person over Six*

Any person who is the primary unpaid caregiver for a person over the age of six; who executes an affidavit on a form provided by the Clerk stating that such primary caregiver is responsible for the care of a person with such physical or cognitive limitations that he or she is unable to care for himself or herself and cannot be left unattended and that the primary caregiver has no reasonably available alternative to provide for the care; and who furnishes to the Clerk, a statement of a physician, or other medical provider, supporting the affidavit's statements related to the medical condition of the person with physical or cognitive limitations; and who requests to be excused or deferred shall be excused from jury duty.

The Clerk should exercise discretion when granting deferrals and consider the following criteria:

- (a) Extent of hardship
- (b) Number of jurors expected for service versus number needed; and
- (c) Promptness of request, in view of juror's ability.

It shall be the Clerk's responsibility to ensure that a sufficient number of jurors for conducting the work of the court are present. The Clerk should confer with the chief judge about anticipated need for summoning extra jurors due to excusals and deferrals or unusual court business.

Extraordinary Requests

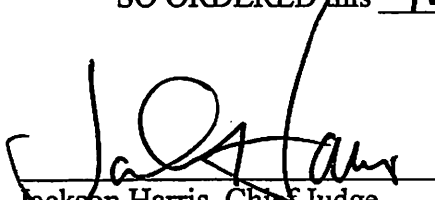
Prior to the jury being empanelled, any request for excusal or deferral from jury service not covered by the guidelines herein should be referred to the chief judge. Following the empanelling of the jury, any request for excusal or deferral from jury service not covered by the guidelines herein should be referred to the empaneling judge.

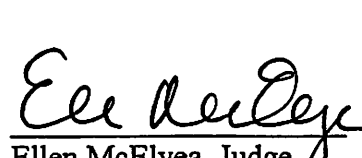
Documentation

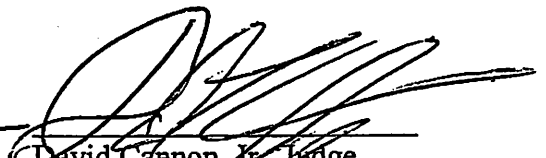
The Clerk shall provide to the chief judge a list of all excusals and deferrals for each session of court in which jurors are summoned for court. Such list shall include the reason(s) for excusal or deferral of each person. For persons deferred more than once, the list shall indicate the number of times deferred. Such list shall be recorded on the minutes of superior court.

This Order supersedes the previous order on jury excusals that was filed on October 31, 2013 in Jury Book 2, Page 637, are hereby rescinded.

SO ORDERED this 12 day of June, 2014.


Jackson Harris, Chief Judge
Cherokee County Superior Court
Blue Ridge Judicial Circuit


Ellen McElyea, Judge
Cherokee County Superior Court
Blue Ridge Judicial Circuit


David Cannon, Jr., Judge
Cherokee County Superior Court
Blue Ridge Judicial Circuit