

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

INTERNAL OPERATING PROCEDURE 2000-18 (Revised 10-2-00)

IN RE: JURY EXCUSALS

The following Juror Excusal Guidelines are made an Internal Operating Procedure of the Appalachian Judicial Circuit.

ORDER

Pursuant to O.C.G.A. § 15-12-1, the Clerk of Superior Court is hereby appointed and empowered to excuse jurors pursuant to the guidelines established herein.

GUIDELINES

I. PERMANENT EXCUSE

A. Permanently mentally or physically disabled persons

Upon certificate by juror, physician, guardian, (or someone standing in similar relationship to the juror) on the form provided in the Clerk of Court's office, that juror is permanently physically or mentally disabled, such juror shall be excused and shall not be re-scheduled for service. The Court hereby deems "permanent" physical or mental disability to be one for which there is no medically foreseeable or predictable improvement allowing jury service within the next twelve (12) months. (The length of two (2) Appalachian Judicial Circuit terms.)

B. The Clerk shall permanently excuse the following:

1. Grand Jurors disqualified pursuant to O.C.G.A. § 15-12-60(b)(1) (present or recent elected state or local officials)
2. Grand Jurors disqualified pursuant to O.C.G.A. § 15-12-60(b)(2) (convicted

felon, not pardoned nor civil rights restored). (NOTE: traverse jurors convicted of a felony should be referred to the presiding judge for determination of “crime of moral turpitude”).

3. Non-residents of the county

C. The Clerk shall further, prior to any revision or update, supply a list of all jurors so excused to the Chairperson of the Jury Commission.

II DEFERRALS

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.

A. “Public ... Order”

Any person who shows that he will be engaged during his term of service in work necessary to the public health, safety or good order shall be entitled to one deferral if the request is made over one week before scheduled service. For purposes of this subsection, all persons employed in occupations previously exemptible under now repealed O.C.G.A. § 15-21-1(a) and (d) or O.C.G.A. § 14-12-1.1(b)(1 through 6) may be so deferred as well as those similarly employed.

Post-secondary students who attend school full-time at the time called for jury service shall be excused or deferred from jury duty upon request. A person who is the primary care-giver and custodian of a child less than four years old and does not have a reasonable alternative for child care may execute an affidavit, provided by the court, to request deferral or excusal from jury service.

It is further provided that active reservists on military orders and legislators while the General Assembly is in session (O.C.G.A. § 15-12-2) shall be deferred under this subsection.

B. “Good Cause”

1. The following shall be entitled to one deferral on request:

- a. Receipt of summons less than one week before service;
 - b. Full time student, or part time student during exams (out of state students must be excused if not personally served);
 - c. Contagious or other temporary debilitating illness; and
 - d. Death or acute illness in immediate family.
2. The following may be deferred in the discretion of the Clerk:
- a. Extreme temporary business hardship or emergency;
 - b. Extreme temporary personal hardship (e.g. planned operation, prepaid vacation, etc.); and
 - c. Subsequent deferrals for any of the previous categories.

C. Juror from Preceding Term

Any juror who served at the preceding term in any capacity shall not be eligible to serve as a Traverse Juror, but may serve as a Grand Juror. Upon drawing and recording and summoning any such juror contrary to O.C.G.A. § 15-12-4, he will be deferred until the next term.

III DISCRETION

Clerk should exercise discretion reluctantly, considering only the following criteria:

- A. Extent of hardship;
- B. Number of jurors expected versus needed; and
- C. Promptness of request within juror's ability.

It shall be the Clerk's responsibility to assure that sufficient jurors are present to conduct court. In doing so the Clerk should confer with the presiding judge or the chief judge about anticipated needs for extra jurors due to excusals or unusual court business.

IV An excusal not covered by the guidelines herein should be referred to the presiding judge.

If there is no presiding judge available such excusals should be referred to the chief judge.

V DOCUMENTATION

The Clerk shall complete a list of all excusals and deferrals at the completion of each session of Court. Such list should include the reason(s) for excusals which may be done by category. The number of times deferred should be listed for those deferred more than once. Such record shall be submitted to the presiding judge for approval. If there is no presiding judge such record shall be submitted to the chief judge. Such record shall be placed on the Minutes of the Court.

All previous Orders on jury service is hereby rescinded.

So ORDERED, this _____ day of October, 2000.

Brenda S. Weaver, Chief Judge
Superior Courts
Appalachian Judicial Circuit

Ronald J. Armstrong, Judge
Superior Courts
Appalachian Judicial Circuit

IN THE SUPERIOR COURT OF _____ COUNTY

APPALACHIAN JUDICIAL CIRCUIT

STATE OF GEORGIA

**JUROR
REQUEST FOR DEFERRAL**

I, _____, hereby request that I be deferred from jury services until the term beginning _____.

I have been informed that I may be deferred from jury service for one term only and that I will be ready and available for jury service during the next term beginning _____.

This _____ day of _____, 2000.

Juror

Authorized

Not Authorized

IN THE SUPERIOR COURT OF _____ COUNTY

STATE OF GEORGIA

AFFIDAVIT

I, _____, having been summoned for jury duty for the week of _____, hereby request to be excused/deferred from jury

service due to the following:

_____ I am more than 70 years old;

_____ I am a full-time student at a college, university, vocational school, or other post-secondary school who is enrolled and taking classes or exams on the dates indicated in my jury summons;

_____ I am the primary care-giver having active care and custody of a child under the age of four and have no reasonable available alternative child care;

_____ For good cause shown (specify): _____

This the ___ day of _____, ____.

This the ___ day of _____, ____.

Juror

Notary Public

IN THE SUPERIOR COURT OF _____ COUNTY

STATE OF GEORGIA

ORDER

Having considered the above affidavit, the Petitioner shall be:

_____ (1) excused from jury service.

_____ (2) deferred from jury service until the next term. Only one deferment shall be granted and Petitioner must report for service on _____.

_____ (3) required to report at the date and time listed in the juror summons.

SO ORDERED, this _____ day of _____, _____.

Presiding Judge
Appalachian Judicial Circuit