

**IN THE SUPERIOR COURT OF CHEROKEE COUNTY
IN THE STATE COURT OF CHEROKEE COUNTY
STATE OF GEORGIA**

INTERNAL OPERATING PROCEDURE

IN RE: JURY EXCUSALS

The following Guidelines, established by Order of the Court dated March 22, 1985, and filed of record March 25, 1985, are hereby continued in full force and effect and are made an Internal Operating Procedure of the Blue Ridge Judicial Circuit.

ORDER

Pursuant to O.C.G.A. § 15-12-1, the Clerk of Superior Court of Forsyth County 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 Cherokee County 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 eight months. (The length of two (2) Blue Ridge 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 Chairman 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 For purposes of this subsection, all persons employed in occupations previously exemptible under now repealed O.C.G.A. § 15-21-1(a) and (d) or O.C.G.A. § 14-12-1.1(b) (1 through 6) may be so deferred as well as those similarly employed.

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, pre-paid 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 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 excusal 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 are hereby rescinded.

SO ORDERED, this 22nd day of March, 1985.

Frank C. Mills, III, Chief Judge
Blue Ridge Judicial Circuit