



CC Y

**KATHY E. CLIFTON
POLK COUNTY DISTRICT CLERK**

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July 20, 2010

Honorable John Thompson
Polk County Judge
Polk County Courthouse
Livingston, Texas 77351

RE: Polk County Jury Selection Plan

Dear Judge Thompson:

Attached please find an update for the Polk County Jury Selection Plan that has been approved by Judge Elizabeth Coker and Judge Robert Trapp. This plan amends and updates the previous plan dated May 23, 2000.

Please set on the next available consent agenda.

If you should have any questions please give me a call.

Sincerely,

A handwritten signature in cursive script that reads "Kathy E. Clifton".

Kathy E. Clifton
Polk County District Clerk

Enclosures

POLK COUNTY JURY SELECTION PLAN

A plan for the method of selecting jurors by mechanical and electronic means was originally adopted in 1995, amended in 2000. It is therefore recommended to the Commissioner's Court of Polk County, Texas that the following plan for the electronic selection of a person for jury selection be adopted in accordance with Chapter 62 of the Texas Government Code. This plan shall supersede any plan previously adopted, shall comply with SB 1704 & HB 75 79th Legislature 2005 and become effective January 1, 2011.

I. SOURCE OF NAMES

Pursuant to Section 62.001, Government Code, the source of which names of prospective jurors will be taken will be:

1. The names of all persons on the current voter registration list from all the precincts in the county.
2. All names on a current list to be furnished by the Texas Department of Public Safety, showing the citizens of Polk County who hold a valid Texas driver's license, and the citizens of the county who hold a valid personal identification card or certificate issued by the department other than persons who are disqualified from jury service.

The source of names shall not include those persons listed in a register of:

1. Persons exempt from jury service under Govt. Code 62.108, permanent exemption because of age.
2. Persons exempt from jury service under Govt. Code 62.109, permanent exemption because of physical or mental impairment or inability to comprehend English.
3. Persons exempt from jury service under Govt. Code 62.113, because the person is not a citizen of the United States.
4. Persons convicted of a felony, residing outside the county or who has been duplicated on the source list as a potential juror. Govt. Code 62.001(f).

II. METHOD

Persons shall be selected for jury service at random with the aid of electronic equipment in a fair, impartial and objective manner from the source of names as specified above.

III. OFFICIAL IN CHARGE

The clerk of the district courts of Polk County, Texas is designated as the official to be in charge of the selection process, and shall have the duties and authority set forth herein.

IV. SELECTION OF JURORS

The selection of the names of persons for jury service will be made with the aid of electronic equipment. Once the prospective jurors for the year have been loaded in the system the presiding judge from time to time shall order the district clerk to summon however many jurors are needed for a particular jury day or week. Upon receipt of instructions from a District Judge, Judge of the County Court at Law, the County Judge or a Justice of the Peace or a designee to select a list of prospective jurors for a certain day or week, the district clerk or the designee will instruct the computer program to summon the number of jurors ordered to be selected. The jurors so selected and qualified may serve interchangeably in all courts of Polk County.

V. NOTICE TO PROSPECTIVE JURORS

The Judges of the District Courts, County Court at Law, County Court and Justice Courts shall provide, in a timely manner to the District Clerk, information regarding the required jury panels for the respective courts.

A true and complete written list showing the names and addresses of the persons summoned to begin service on a date specified by the courts shall be printed and kept by the District Clerk until said list has been used.

The Clerk shall summon by first class mail all persons randomly selected and listed for a particular day or week in a particular court to appear as jurors.

Jurors selected under this plan and Govt. Code 62.0111(b) may respond to a summons by (1) contacting the county officer or a designee responsible for summoning jurors by computer [electronic mail] (2) by calling an automated telephone system, if available or (3) by appearing in person.

A juror selected under this plan, the county officer or a designee and the Court or a designee may provide or exchange information as allowed above to: (1) determine qualifications under 62.102, (2) determine exemptions under 62.106, (3) submit requests for postponement or excuses under 62.110 and (4) exchanging information of juror reassignment under 62.016.

All costs incident to this plan shall be paid from the appropriate designated fund maintained by the county for paying the costs of jury trials.

VI. ADDITIONAL JURORS

If the Presiding Judge determines that the number of jurors previously selected for any designated date is insufficient, he shall direct the Clerk to prepare a supplemental list containing a specified number to be called for jury service in addition to those previously selected. Such additional persons shall be selected, listed and summoned in the same manner as those previously selected.

VII. JUDICIAL EXCUSES

As provided by Section 62.110, Government Code, a court may hear any reasonable excuse of a prospective juror and release him/her from jury service entirely or until another day of the term.

In all cases except a capital murder case the Court's designee may hear any reasonable excuse of a prospective juror, including any claim of an exemption or a lack of qualification, and discharge the juror or release him/her from jury service until a specified day of the term. For the purpose of this jury selection plan the Judges appoint the Clerk of the Court and the Court Administrator as their designees in the proper court.

A prospective juror may not be excused for an economic reason unless each party of record is present and approves the release of the juror for that reason.

VIII. POSTPONED JURORS

The Clerk of the court in which the jurors are summoned shall hear requests for and grant a postponement if the person summoned has not been granted a postponement within the preceding year. The substitute date shall be within six months of the date the person was originally summoned.

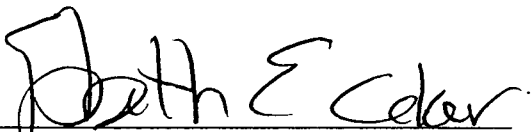
VII. RECONSTITUTION OF JURY SOURCE

At a time each year, on or before December 31, the jury source shall be reconstituted from the certified list provided by the Secretary of State under the provisions of the Government Code.

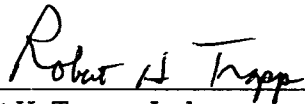
VII. RECOMMENDATION

It is hereby ordered that this plan for the selection and management of persons for jury service with the aid of electronic or mechanical equipment pursuant to Government Code 62.011 be submitted to the Commissioner's Court of Polk County for approval and entry in the minutes of the Court. The plan will become effective January 1, 2011.

Ordered this the 13 day of July, 2010.



Elizabeth E. Coker, Judge
258th Judicial District Court
Polk County, Texas



Robert H. Trapp, Judge
411th Judicial District Court
Polk County, Texas

WHEREAS, the District Judges of Polk County have recommended to the Commissioner's Court of Polk County that the herein proposed "Jury Selection Plan" be officially approved and adopted for Polk County, Texas and;

NOW THEREFORE IT IS ORDERED by the Commissioner's Court of Polk County, Texas that the proposed "Jury Selection Plan" is hereby officially approved and adopted to become effective January 1, 2011 and ORDERED to be recorded in the official minutes of this Court on the ____ day of _____ 2010.

John P. Thompson, County Judge

Robert C. "Bob" Willis
Commissioner, Precinct 1

Ronnie Vincent
Commissioner, Precinct 2

Milton Purvis
Commissioner, Precinct 3

Tommy Overstreet
Commissioner, Precinct 4

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STATE OF TEXAS §


COUNTY OF POLK §

BE IT REMEMBERED THAT THE OFFICE OF THE DISTRICT CLERK, POLK COUNTY, TEXAS, HAS UPDATED ITS JURY SELECTION SOFTWARE AND, THROUGH ITS DATA PROCESSOR, HAS RECONSTITUTED ITS JURY WHEEL AS PRESCRIBED BY LAW, TO BE RETROACTIVE TO THE MULTI-YEAR PLAN APPROVED AND FILED FOR RECORD THE 23RD DAY OF JANUARY, 1995.


APPROVED AND FILED FOR RECORD THIS THE 23rd DAY OF
MAY, 2000.


HON. JOHN THOMPSON, COUNTY JUDGE


HON. B.E. "SLIM" SPEIGHTS
COMMISSIONER, PRECINCT NO. 1


HON. BOBBY SMITH
COMMISSIONER, PRECINCT NO. 2

ABSENT
HON. JAMES J. "BUDDY" PURVIS
COMMISSIONER, PRECINCT NO. 3


HON. R. R. "DICK" HUBERT
COMMISSIONER, PRECINCT NO. 4