

FORT BEND COUNTY CENTRAL JURY PLAN

(AMENDED - DECEMBER 11, 2013)

BE IT KNOWN, that there is hereby enacted by the Board of District Judges of Fort Bend County, Texas, pursuant to the provisions of V.T.C.A., Govt. Code, Sec. 62.016, et seq., the following “**Fort Bend County Central Jury Plan - Amended December 11, 2013**” (the “Plan”). Further, such Plan is **RECEIVED AND ACKNOWLEDGED** by the County Court at Law Judges of Fort Bend County, Texas. This Plan is in addition to the current **Fifth Amended Electronic Jury Selection Plan** previously passed by the Fort Bend County Board of District Judges and adopted by the Commissioners’ Court of Fort Bend County.

I.

There shall be provided by the Commissioners Court of Fort Bend County, Texas, facilities, equipment and furnishings adequate for the establishment of a Central Jury Room pursuant to the provisions of V.T.C.A., Govt. Code, Sec. 62.018, et. seq. There shall be provided in the Central Jury Room reasonable accommodations for deaf or hard of hearing jurors, as required by V.T.C.A., Govt. Code, Sec. 62.1041(c).

A. The Sheriff of Fort Bend County shall assign one or more Deputies as Central Jury Bailiffs, pursuant to the provisions of V.T.C.A., Govt. Code, Sec. 62.019.

B. The District Clerk shall provide personnel and equipment so that this plan may be carried out. The District Clerk shall provide a phone number and an electronic mail (e-mail address) for prospective jurors to call for postponement, excuses, and exemption information.

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Dorinda Ellett
CLERK DISTRICT COURT
FORT BEND CO., TX

II.

The Board of District Judges shall meet prior to the end of each year and determine the approximate number of prospective jurors that may be reasonably necessary for each week of the succeeding year for a general panel of jurors for service in all Justice Courts, County Court, Statutory County Courts at Law, and District Courts of Fort Bend County. When impaneled, the prospective jurors shall constitute a general jury panel for service as jurors in all justice, county, and district courts in the county and shall be used interchangeably in all of those courts.

A. Each Judge of the District Courts, the Statutory County Courts, and the Justice of the Peace Courts shall provide the Board of District Judges a schedule showing jury trial weeks. The Jury Management Judge (below) will prepare an Order for Petit Jurors for all courts and provide same to the District Clerk.

B. The Board of District Judges shall, prior to the end of each calendar year, appoint a District Judge as Jury Management Judge for the succeeding year. The Jury Management Judge shall be responsible for the implementation of this plan and shall serve as a liaison between the District Court Judges, County Judge, Statutory County Court Judges, the Justices of the Peace, the District Clerk, and the County Director of Management Information Systems regarding the implementation of this plan and other jury needs. The Jury Management Judge shall be responsible for management of the Central Jury Room with the assistance of the District Clerk.

C. For each week a jury panel (or panels) is needed by the trial Courts in Fort Bend County, Texas, the Jury Management Judge shall designate a District Court Judge and a Statutory County Court at Law Judge to be responsible for the statutorily mandated admonishments and instructions required to be given to prospective jurors. The District and Statutory County Court at Law Judges shall rotate this duty from week to week as assigned by the Jury Management Judge, with the District Judge

serving in the morning jury assembly session and the Statutory County Court at Law Judge serving in the afternoon jury assembly session. The assigned District Court Judge shall report promptly to the Central Jury Room no later than 9:00 a.m. on the Tuesday of the assigned Judge's duty and be available to assist in the assembly and qualification process and remain in the Central Jury Room until all jurors have been assigned to courts and/or dismissed. The assigned Statutory County Court at Law Judge shall report promptly to the Central Jury Room no later than 1:00 p.m. on the Tuesday of the assigned Judge's duty and be available to assist in the assembly and qualification process and remain in the Central Jury Room until all jurors have been assigned to courts and/or dismissed. A District or County Court at Law Judge may designate any qualified magistrate to perform the duties set out in this Plan.

D. An assigned Judge shall be responsible for ruling on all excuses (including medical and language comprehension excuses), exemptions, disqualifications, reschedules, and all other jury requests from prospective jurors who are summoned for the week of that assigned Judge's service. Such requests shall be presented to the assigned Judge prior to the scheduled date of the prospective juror's service so that the prospective juror can receive timely notice whether the request was granted or denied.

E. A person summoned for jury service may request a postponement of the person's initial appearance for jury service by contacting the District Clerk, either in writing (electronic or otherwise), or by telephone, prior to the date of such person's scheduled appearance. The District Clerk shall follow the procedure specified in V.T.C.A., Govt. Code, Sec. 62.0143 in granting such request for postponement.

F. A person summoned for jury service will not be granted a subsequent postponement by the District Clerk, except in compliance with V.T.C.A., Govt. Code, Sec. 62.0143.

G. The assigned Judge may delegate to the District Clerk the administering of oaths and instructions, as permitted by law. The Board of District Judges, pursuant to the existing "Electronic Jury Selection Plan" adopted by Commissioners Court, hereby designates the District Clerk (or any Deputy District Clerk acting on behalf of the District Clerk) as a person to hear any reasonable excuse of a prospective juror and to discharge or reschedule such juror pursuant to the provisions of Art. 35.03, Secs. 2 and 3, Texas Code of Criminal Procedure.

H. An assigned Judge who is unable to appear on the date such Judge is scheduled, shall be responsible for finding a replacement Judge to fulfill that Judge's duties and shall confirm such replacement with the Jury Management Judge prior to the date of the assignment.

I. A Judge who requires a special panel(s) of jurors, whether for a capital murder trial or otherwise, shall be responsible for notifying the Jury Management Judge and the District Clerk of the date, time, number of jurors needed, and any special requirements, at least six (6) weeks in advance of the date the jurors will be assembled. The Judge requiring the special panel will be responsible for administering the admonishments and instructions for the special panel.

III.

The Board of District Judges shall adopt an appropriate "Jury Summons" form in compliance with V.T.C.A., Govt. Code, Sec. 62.0132. Such form shall contain appropriate instructions to the prospective juror as to the return of the Juror Questionnaire, location of the Central Jury Assembly Room, and penalties for failing to comply. A prospective juror may return the questionnaire portion of such jury summons either by mail or electronically.

IV.

There shall be called for Tuesday of each week of jury service a sufficient number of prospective jurors as determined by the Jury Management Judge and the District Clerk to meet the needs of all District and County Courts at Law for jurors for that week. The number of prospective jurors called may be increased or decreased from time to time as determined by the Jury Management Judge and District Clerk. Jurors will be summoned to appear at the Central Jury Room no later than 9:00 a.m. for the morning session and no later than 1:00 p.m. for the afternoon session.

A. The District Clerk shall process each juror into the Central Jury Room using the scanning and computer technology provided for that purpose and shall seat the jurors as soon as possible.

B. The District Clerk shall provide any necessary forms and/or writing materials for those prospective jurors who fail to report for jury service with properly completed juror profiles or other required documentary information.

C. The Bailiff assigned to the Central Jury Room shall seat all prospective jurors in the Central Jury Room and, with the assistance of the assigned Clerk, call the roll and explain juror exemptions and qualifications. The Clerk shall take up all requests for excuses and exemptions, process the exemptions, and release those jurors who are exempt.

D. The clerk shall administer the required oath and instructions to jurors, if required to do so by the assigned Judge. The assigned Judge shall then hear all remaining excuses and either grant or deny the excuse, or grant a postponement of the person's jury service.

E. As early as possible on the day of jury selection, a trial Judge needing a jury panel shall notify the Central Jury Room Clerk of the number of jurors needed for that Judge and the time such panel shall be brought to the trial Court. The Clerk

shall then prepare sufficient panels of prospective jurors for service in the Court(s) needing jurors. Each panel shall be drawn electronically at random from the qualified prospective jurors remaining at the Central Jury Assembly Room in compliance with Art. 35.11, Texas Code of Criminal Procedure. The Central Jury Room Bailiff shall notify the Bailiff of the Court(s) needing jurors as soon as the prospective jurors are ready to be released to the trial Court. That Court's Bailiff shall go to the Central Jury Room to take charge of the those persons assigned to that Bailiff's Court and escort them to the assigned trial Court. All panels of prospective jurors shall be brought to the trial Court(s) prior to 11:30 a.m. for the morning docket and prior to 4:30 p.m. for the afternoon docket.

F. The Central Jury Room Clerk shall prepare at least seven (7) copies of the Case Information Sheet and the corresponding Juror Profile information. The names of prospective jurors on such Case Information Sheet shall be randomly selected as set out in the preceding paragraph and shall constitute the initial order in which the prospective jurors shall be seated for voir dire.

G. In addition to the list described in the preceding paragraph, the Central Jury Room Clerk shall prepare a second randomized list of the prospective jurors for each trial Court to be used by the trial Judge in the event there is a request for a "jury shuffle". Such alternate list shall accompany the individual panel(s) to their respective Court(s) and shall be in compliance with Art. 35.11, Texas Code of Criminal Procedure.

H. Upon arrival at the assigned trial Court, the Clerk assigned to that Court shall take the appropriate action necessary to log the jurors into the computer system, account for the time they are in jury service, prepare certificates of service, prepare the appropriate jury reports, and provide any necessary information needed by the District Clerk for payment of the appropriate fee to each juror.

I. It is the responsibility of the District Clerk, for the District Courts, and the County Clerk, for the Statutory County Courts at Law, to retain possession of all Juror Profiles and/or Juror Questionnaires as required by Art. 35.29 Texas Code of Criminal Procedure, at the conclusion of voir dire in the trial Court.

J. Any person summoned for jury service who is not selected for a jury panel (after all jurors have been assigned to the appropriate Court and turned over to the Bailiff for those Courts) and whose service is not needed on any other panel for jury service, shall be provided with a certificate of service and released from the Central Jury Assembly Room.

K. If a Judge desires to call multiple panels for a trial week, that Judge shall notify the Jury Management Judge four weeks in advance so that a sufficient number of prospective jurors may be called.

L. If a trial Judge determines there is no longer a need for jurors, that Judge shall immediately notify the Central Jury Room Clerk of that fact and the prospective jurors may be released or reassigned. Jurors who are not needed by a particular Court may be assigned to another Court. A trial Judge requesting additional jurors shall notify the assigned Judge and/or Clerk as early as possible and the assigned Judge shall cause any unassigned prospective jurors to be assigned to that Court. A prospective juror who is not selected after completion of voir dire shall be released by the trial Judge.

M. A person who appears for jury duty and participates in Voir Dire, but who is not selected and impaneled as a juror, shall be entitled to receive as jury pay the sum of **SIX (\$6.00) DOLLARS** per day of actual Voir Dire.

N. A juror who participates in Voir Dire and is impaneled for jury duty, and has taken the oath as a juror, shall be deemed to have served as a juror commencing on the day Voir Dire for that case actually began. In computing the appropriate jury

pay for that juror, as provided in V.T.C.A., Govt. Code, Sec. 61.001 (as amended), each such juror shall be entitled to **FORTY (\$40.00) DOLLARS** per day, or fraction of a day, required for Voir Dire and the actual trial of the case. The per diem payment for jury service is the amount set by Commissioners' Court of Fort Bend County, Texas. In the event a juror is not required to be present during the entire Voir Dire of the jury panel, such as during a capital murder Voir Dire, the juror shall be deemed to have served during Voir Dire only for the day, or fraction of a day, the juror's presence was actually required by the trial Judge.

V.

The Justices of the Peace of Fort Bend County shall provide to the Jury Management Judge no later than November of each year, a schedule of jury trial dates for the succeeding year. The Jury Management Judge shall provide for a reasonable number of jurors to be used by the Justice of the Peace Courts pursuant to this Plan. Each Justice of the Peace shall notify the Clerk Jury Management Judge of the number of jurors needed for their Court at least 4 weeks in advance of the trial date. The District Clerk shall cause the prospective jurors called for the Justice of the Peace Courts to be sorted at random by precinct number and zip code order. The jurors required by the Justice of the Peace Courts will be summoned by the District Clerk in the usual manner of summoning jurors with the location of the Justice of the Peace for which jurors have been summonsed noted on the summons. The Justice of the Peace shall assign the jurors to trial cases in accordance with the usual procedure of that Court, the provisions of this Plan notwithstanding. If a prospective juror fails to arrive prior to the time of the docket call by the individual Justice of the Peace, that prospective juror may be either excused or subject to being rescheduled, at the discretion of that Justice of the Peace.

VI.

The Presiding Judge of a Court that has assigned to it a capital murder case will notify the Jury Management Judge and the District Clerk at least four weeks in advance of the number of jurors to be called and the day and time of the week for the assembly of those jurors. These jurors shall be designated as a "Special Panel". In the event the jurors are called on a regular Tuesday for the call of all jurors, the first jurors called in the number requested by such Presiding Judge shall be designated the special panel and shall be processed in accordance with the requirements of Art. 34.01 et. seq., Texas Code of Criminal Procedure. The District Clerk will prepare a list of this special panel sufficiently in advance so that the list of jurors may be provided to the attorneys in such case.

VII.

For special jury panels, exclusive of capital murder panels, the Presiding Judge of that Court shall notify the Jury Management Judge of the number of jurors to be called and the day and time of the call, if different than Tuesday, at least four weeks in advance. The Jury Management Judge shall make arrangements for space, and if called for a Tuesday, the special panel shall be called in at a time after the regular jury panels shall have been processed and sent to the respective Courts, or as agreed between the Presiding Judge and the Jury Management Judge.

VIII.

This Fort Bend County Central Jury Plan may be further amended or modified from time to time upon the recommendation of a majority of the District Judges. No partial invalidity of this Fort Bend County Central Jury Plan shall affect the remainder.

IX.

This "Fort Bend County Central Jury Plan - Amended December 11, 2013", upon its adoption by the Fort Bend County Board of District Judges, shall be recorded in the minutes of the District Courts and County Courts at Law of Fort Bend County and shall become effective on this 11th day of December, 2013.

BOARD OF DISTRICT JUDGES:



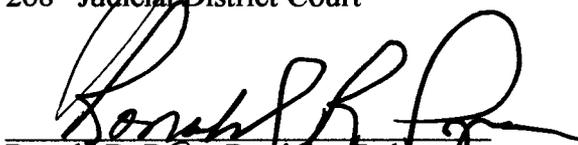
Thomas R. Culver, III, Presiding Judge
240th Judicial District Court
Jury Management Judge



Brady G. Elliott, Presiding Judge
268th Judicial District Court



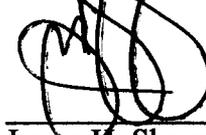
Brenda G. Mullinix, Presiding Judge
387th Judicial District



Ronald R. Pope, Presiding Judge
328th Judicial District



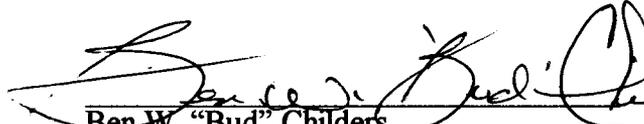
Clifford J. Vacek, Presiding Judge
400th Judicial District



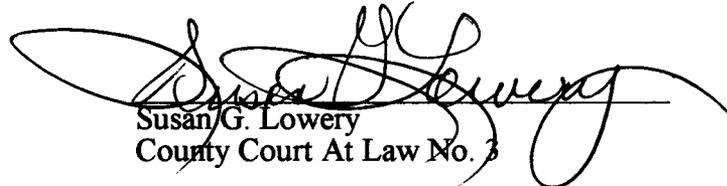
James H. Shoemake, Presiding Judge
434th Judicial District Court
Local Administrative District Judge

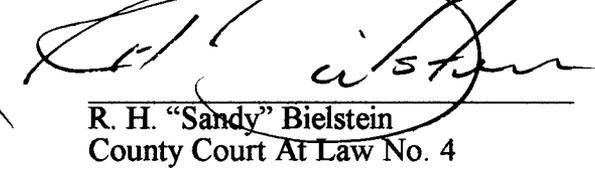
RECEIVED AND ACKNOWLEDGED

This Fort Bend County Central Jury Plan, upon its adoption by the Board of District Judges, is hereby **RECEIVED AND ACKNOWLEDGED** by the County Court at Law Judges of Fort Bend County, Texas, on this 11th day of December, 2013.


Ben W. "Bud" Childers
County Court At Law No. 1
Local Administrative County Court at Law Judge


Jeffrey A. McMeans
County Court At Law No. 2


Susan G. Lowery
County Court At Law No. 3


R. H. "Sandy" Bielstein
County Court At Law No. 4

(240)
REC. VOL. 107 PG. 619-629

(268)
REC. VOL. 800 PG. 475-485

(328)
REC. VOL. 264 PG. 342-352

(381)
REC. VOL. 1 PG. 401-411

(400)
REC. VOL. 20R PG. 794-804

(434)
REC. VOL. 5 PG. 429-439