

IN THE SUPERIOR COURT OF CHEROKEE COUNTY
STATE OF GEORGIA

In the matter of:
Jury Excusals; Jury Management

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 and deferrals.

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 an Affidavit for the purpose of requesting a deferral of or excusal from jury service. This Affidavit is hereinafter referred to in this *Order* as the “**Juror Excusal/Deferral Affidavit**”. 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 by completing the Juror Excusal/Deferral Affidavit, giving 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 by completing the Juror Excusal/Deferral Affidavit and shall be accompanied by an affidavit of the person or his or her physician, guardian, or representative. The Juror Excusal/Deferral 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

Any person who shows, by completing the Juror Excusal/Deferral Affidavit, 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 or excused by of the Clerk 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, shall be excused or deferred from jury duty by completing the Juror Excusal/Deferral Affidavit.

(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 the Juror Excusal/Deferral Affidavit, 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 the Juror Excusal/Deferral Affidavit, 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 the Juror Excusal/Deferral Affidavit, 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 requests to be excused or deferred shall be excused or deferred from jury duty. Any person seeking the exemption shall furnish to the Clerk, in addition to the aforementioned affidavit, 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.

(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 the Juror Excusal/Deferral Affidavit. 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 by completing the Juror Excusal/Deferral Affidavit.

The following persons summoned for jury service shall be entitled to one deferral by completing the Juror Excusal/Deferral Affidavit:

- (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, upon completing the Juror Excusal/Deferral Affidavit:

- (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

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

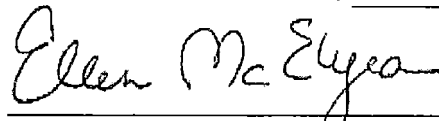
The Clerk shall provide to the chief judge a list of all excusals and deferrals for each session of court in which jurors are summoned for court. Such list shall include the reason(s) for excusal or deferral of each person. For persons deferred more than once, the list shall indicate the number of times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

Jury Management

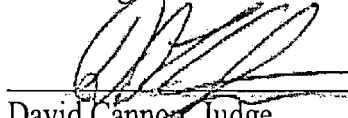
Pursuant to O.C.G.A. 15-12-12, the Court orders that the Clerk shall insure that no person, other than the Judges of the Superior Court, the Court Administrator, and the personnel of the Office of the Clerk assigned to jury management, shall be allowed to address the jury pool by making a speech, presentation, or other comments, without the knowledge and consent of the empaneling judge. No bailiff shall attend the jurors while under the supervision of the Clerk except bailiffs sworn by the Court, as approved and supervised by the Court Administrator. Any changes in jury management procedures shall not be enacted without prior approval of the Judges of the Superior Court.

This Order supersedes the previous order on jury excusals that was filed on June 13, 2014 in Jury Book 2, Page 998.

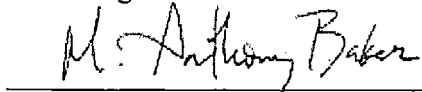
SO ORDERED this 12 day of January, 2021.



Ellen McElyea, Chief Judge
Superior Court
Blue Ridge Judicial Circuit



David Cannon, Judge
Superior Court
Blue Ridge Judicial Circuit



M. Anthony Baker, Judge
Superior Court
Blue Ridge Judicial Circuit

**IN THE SUPERIOR AND STATE COURTS OF
CHEROKEE COUNTY, STATE OF GEORGIA
AFFIDAVIT**

I, _____ having been summoned for jury duty for the week of _____
summons # _____ hereby request to be **excused/deferred** from jury service due to the following:

Affiant is aware this affidavit is made so the Cherokee County Superior and State Courts may rely on same in determining eligibility for deferral/excusal from jury service, pursuant to O.C.G.A. § 15-12-1.

- I am more than 70 years old with a date of birth of _____.
- I am a full-time student at a college, university, vocational school, or other secondary school who is enrolled and taking classes or exams on the dates indicated in my jury summons. *Attach a copy of enrollment or class schedule showing **full-time** attendance.*
- I am the primary care giver having active care and custody of a child 6 years of age or younger and have no reasonably available alternative child care.
- I am a primary teacher in a home school program, as defined by O.C.G.A. § 20-2-690 (c); with no reasonable alternative arrangements for continuing the home school program. *Attach a copy your Annual Declaration of Intent to Utilize a Home School Study Program and the annual schedule identifying those dates when school is in session.*
- (I) or (my spouse) (am/is) on ordered military duty as follows: _____ *Attach either a copy of the official military orders or a written verification signed by the service member's commanding officer of such duty.*
- I am the primary unpaid caregiver for a person over the age of six who has physical or cognitive limitations and is unable to care for himself or herself and cannot be left unattended and have no reasonable available alternative for such person's care. *Attach a statement from the physician related to the condition of the person with physical or cognitive limitations.*
- I have an extreme business hardship, personal hardship or emergency as follows: _____ *Attach documentation of hardship, travel itinerary, doctor's note, etc.*

This _____ day of _____, 20__.

Sworn to and subscribed before me
The _____ day of _____, 20__

Juror's Signature _____

Phone# _____

Notary Public

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 _____, 20__.

Judge/Clerk Superior/State Court