

## **BRAZORIA COUNTY JURY SELECTION PLAN**

The District Judges of Brazoria County (the “District Judges”) recommend to the Commissioners Court of Brazoria County, Texas that the following plan for the selection of persons for jury service be adopted in accordance with Chapter 62 of the Texas Government Code.

### **I. Brazoria County District Clerk**

**A. Official in Charge of Jury Selection Process.** The Brazoria County District Clerk (“District Clerk”) is designated as the officer in charge of the jury selection process. *See* Tex. Gov’t Code §62.011(4).

**B. Duties Related to the Jury Selection Process.** The District Clerk shall:

- i.** oversee the juror selection process to ensure its randomness and integrity;
- ii.** either personally or through a deputy clerk, supervise the selection of names of prospective jurors to the greatest extent possible;
- iii.** ensure all deputy clerks involved in the jury selection process are trained on any computer programs necessary for the implementation of this plan;
- iv.** ensure all deputy clerks involved in the jury selection process have read and understand the Brazoria County Jury Selection Plan;
- v.** ensure that a computer program that automates the jury selection and recordation tasks set forth in this plan is utilized;
- vi.** ensure that the program or programs necessary for the automation of tasks required under this plan are maintained;
- vii.** ensure that the jury list is electronically saved upon receipt of the jury list from the Secretary of State; and
- viii.** recommend any amendments to this plan, which may be required to comply with changes in technology, the law, or county procedures.

### **II. Prospective Juror Names**

**A. Sources.** Pursuant to Section 62.001 and 62.011(2), the names for the list of prospective jurors for Brazoria County must come from:

- i.** the names of all persons on the current voter registration lists from all Brazoria County voting precincts; and
- ii.** the names on a current list to be furnished by the Texas Department of Public Safety (“DPS”), showing citizens of Brazoria County who hold a valid Texas driver’s license or a valid personal identification card or certificate issued by DPS.

**B. Exclusions.** The list of prospective jurors must exclude individuals who are:

- i. disqualified from jury service, including those who are disqualified from jury service under Section 62.102 (1), (2), or (8) of the Texas Government Code; or
- ii. permanently exempt from jury service as provided by Sections 62.108 (Permanent Exemption for Elderly) and 62.109 (Permanent Exemption for Physical or Mental Impairment or Inability to Comprehend English) of the Texas Government Code.

### **III. Annual Voter Registration List**

#### **A. The Registrar's Duty to Prepare the Annual Voter Registration List.**

- i. Each year, the Voter Registrar of Brazoria County ("Registrar") shall furnish to the Secretary of State a current voter registration list from all the voting precincts in Brazoria County ("Annual Voter Registration List"). *See* Tex. Election Code §16.032.
- ii. The Registrar shall furnish the Annual Voter Registration List to the Secretary of State on or before the third Tuesday in November or the date provided by statute for the cancellation of voter registrations, whichever is earlier. *See* Tex. Election Code §16.032.

#### **B. Required Data.** The Annual Voter Registration List must include:

- i. the complete name, mailing address, date of birth, voter registration number, and precinct number for each voter;
- ii. if available, the Texas driver's license number (or personal identification card or certificate number) and social security number for each voter; and
- iii. any other information included on the Brazoria County voter registration list.

#### **C. Exclusions from the Annual Voter Registration List.**

- i. The Registrar may exclude from the Annual Voter Registration List the names of persons on the suspense list maintained under Section 15.081 of the Texas Election Code.
- ii. The Registrar must exclude from the Annual Voter Registration List:
  - 1. convicted felons;
  - 2. those permanently exempt from jury service;
  - 3. those prohibited by law from serving as jurors; and
  - 4. those who are legally exempt from jury service. *See* Tex. Gov't Code §§ 62.108, 62.109.

#### **D.** At the same time the Registrar sends the Secretary of State the Annual Voter Registration List, the Registrar shall also send the Secretary of State a list of the names of persons the Registrar excluded from the list.

#### **IV. Annual Drivers' License List**

##### **A. DPS's Duty to Prepare the Annual Drivers' License List.**

- i. Each year, DPS shall furnish to the Secretary of State a current list of citizens of Brazoria County who hold a valid Texas driver's license or a valid personal identification card or certificate issued by DPS ("Annual Drivers' License List").
- ii. DPS shall furnish the Annual Drivers' License List on or before the first Monday in October of each year.

##### **B. Required Data.** The Annual Drivers' License List must include the names of persons who:

- i. hold a valid Texas driver's license or a valid personal identification card or certificate issued by DPS; and
- ii. are not disqualified from jury service under Section 62.102 (1), (2), or (8) of the Texas Government Code.

##### **C. Optional Data.** The Annual Drivers' License List may also contain any of the following information for each person:

- i. the person's complete name, mailing address, date of birth, voter registration number, and precinct number;
- ii. the person's Texas driver's license number;
- iii. the person's personal identification card or certificate number;
- iv. the person's social security number; or
- v. any other information included on the voter registration list of the county, including citizenship status and county of residence.

##### **D. Exclusions from the Annual Drivers' License List.** DPS must exclude from the Annual Drivers' License List the names of:

- i. convicted felons;
- ii. persons who are not citizens of the United States;
- iii. persons residing outside of Brazoria County; and
- iv. duplicate names. *See* Tex. Gov't Code §62.001.

#### **V. The Jury List**

**A.** The Secretary of State shall accept the Annual Voter Registration List from the Registrar and the Annual Drivers' License List from DPS. *See* Tex. Gov't Code §62.001.

**B.** The District Clerk must give the Secretary of State notice that Brazoria County needs a new Jury List no later than 90 days before the date the District Clerk needs the new list or as required by the Secretary of State. *See* Tex. Gov't Code §62.001.

- C. On or before December 31 of each year (or as otherwise required by Brazoria County under this plan) the Secretary of State must combine the Annual Voter Registration List and the Annual Drivers' License List, eliminate duplicate names, and send the combined list (the "Jury List") to the District Clerk. *See* Tex. Gov't Code §62.001.
- D. The Secretary of State shall furnish the Jury List to the District Clerk in the format requested by the District Clerk. *See* Tex. Gov't Code §62.001.
- E. The Secretary of State must certify that the Jury List eliminates duplications and contains the names required by Section 62.001(e) through (f) of the Texas Government Code. *See* Tex. Gov't Code §62.001.
- F. The Secretary of State must furnish the list to the District Clerk free of charge. *See* Tex. Gov't Code §62.001.
- G. **Acceptance of the Jury List.** The District Clerk or designee must accept the Jury List from the Secretary of State when it is delivered. *See* Tex. Gov't Code §62.001.
- H. **Maintaining the Jury List.** The Jury List must be protected from further writing and must be kept securely by the District Clerk or designee.
- I. **Jurors Who Appear for Jury Service.** The District Clerk shall not include on the Jury List the names of persons who have been summoned and have appeared for service until the third anniversary of the date the person appeared for service or until the next date the Jury List is reconstituted, whichever occurs earlier. This subsection applies regardless of whether the person served on a jury as a result of the summons. *See* Tex. Gov't Code §62.001(j).
- J. **Duration.** The Jury List shall be reconstituted every two years or when the list is substantially exhausted, whichever occurs first. The District Clerk may order the reconstitution of the Jury List prior to the two-year period in order to accommodate the use of the updated lists due to the purging of names of disqualified or exempt persons from the Annual Voter Registration List and Annual Drivers' License List and the addition of new names to the lists. In no event may the duration of the Jury List be less than one year unless the list is substantially exhausted. *See* Tex. Gov't Code §62.011(5).

## VI. Selection of Juror Names for Jury Service

- A. **General Panel.** The District Judges shall order the number of names of prospective jurors that are reasonably necessary for each week of the year for jury service. Each judge must confirm the number of jurors needed for their court no less than 45 days in advance of the date of jury service, unless otherwise required by law, and in sufficient time for the preparation, processing, and service of juror summons. A general panel consists of those prospective jurors who have been selected and summoned for jury service for a specific week ("General Panel"). *See* Tex. Gov't Code §62.016.

- B. Random Selection.** The District Clerk, with the aid of a computer program based on random numbers generated by mathematical equations, shall select persons to be summoned from the Jury List for jury service. Random generation provides for a fair, impartial, and objective manner of selection. *See* Tex. Gov't Code 62.011(3). Activation of the selection feature shall cause the computer program to produce lists showing the names and addresses of persons selected for designated dates. Instructions for the program shall be kept secure by the District Clerk and any person who has access by necessity of their job.
- C. Testing the General Panel for Randomness.**
- i.** Each time the Jury List is reconstituted or a material update to the jury selection program is made, the District Clerk shall provide the jury selection program's computer generated report to the District Judges showing random selection was used to select the General Panel. The District Judges may request the same report for any subsequent General Panel.
  - ii.** Tests may be conducted as requested by the District Clerk or the District Judges which may be used to test for:
    - 1.** a reasonable distribution of selected names from each geographical area (by zip code area) of the county; and
    - 2.** a reasonable distribution of selected names from each segment of the alphabet.<sup>1</sup>
  - iii.** Prior to reconstituting the Jury List, the District Clerk shall certify to the District Judges that each General Panel from the previous reconstitution period was selected in accordance with this plan and, if requested by the District Judges, provide documentation supporting such certification.
- D. Summons.** Each week, or as directed by the District Judges, the District Clerk shall randomly select with the aid of a computer program, a sufficient number of prospective jurors from the Jury List as described above in Section VI.B. The Sheriff, with the assistance of the District Clerk or their designee, shall summon those selected for jury service for a specific date and time, not later than 30 days prior to the date of jury service. Juror summons will be mailed by first class mail in the form and manner as required by the Texas Government Code and the Office of Court Administration. The summons shall require the prospective jurors to respond within a reasonable time as to their qualifications, exemptions, and excuses in a manner provided in Section VIII. From those persons appearing for service, the District Clerk will select specific panels as provided in Section IX.
- E. Certification.** The District Clerk shall certify that the list of prospective jurors selected by the computer program described above is a true and complete list of the names and

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<sup>1</sup> A test of this nature does not test for **equal** distribution among zip codes or segments of the alphabet. These tests are intended to identify significant concentrations or possible irregularities in these categories. Due to the nature of random number generation, some concentrations are expected.

addresses of persons summoned to begin jury service on a particular date. Additional lists may be produced to facilitate the handling of necessary paperwork in processing the General Panel.

## **VII. Justice of the Peace Juries**

- A.** The District Clerk must supply each Brazoria County Justice of the Peace Court (“Justice Court”) a list of jurors (“JP Jury List”) in accordance with law. *See* Tex. Gov’t Code §62.412. The JP Jury List must contain the number of jurors requested by the Justice of the Peace of that precinct and must include each juror’s zip code and address.
- B. Duties of the District Clerk.** The District Clerk must maintain records of Justice Court jury usage by zip code, and if requested by a Justice of the Peace test the distribution and randomness as provided above.
- C. Duties of the Justice Courts.** The Justice Courts must deliver to the District Clerk adequate information concerning jury service for the purpose of keeping adequate records and processing jury pay for the jurors that have served. Each Justice Court must request jurors no less than 45 days in advance of the date of jury service, unless otherwise required by law, and in sufficient time for the preparation, processing, and service of juror summons.

## **VIII. Juror Response to Summons**

- A.** Pursuant to Section 62.0111 of the Government Code, a summoned juror may respond by using any of the following methods:
  - i.** contacting the county officer responsible for summoning jurors by computer;
  - ii.** calling an automated telephone system; or
  - iii.** appearing before the court in person at the time, date and location specified on the jury summons.
- B.** Prospective jurors may provide information to the county officer responsible for summoning jurors or for the county officer responsible for summoning jurors to provide information to the prospective jurors by computer or automated telephone system, including:
  - i.** information that permits the court to determine whether the prospective juror is qualified for jury service under Section 62.102;
  - ii.** information that permits the court to determine whether the prospective juror is exempt from jury service under Section 62.106;
  - iii.** submission of a request by the prospective juror for a postponement of or excuse from jury service under Section 62.110;
  - iv.** information for jury assignment under Section 62.016, including:

1. the prospective juror's postponement status;
  2. if the prospective juror could potentially serve on a jury in a justice court, the residency of the prospective juror; and
  3. if the prospective juror could potentially serve on a jury in a criminal matter, whether the prospective juror has been convicted of misdemeanor theft;
- v. completion and submission by the prospective juror of the written jury summons questionnaire under Section 62.0132;
  - vi. the prospective juror's electronic mail address; and
  - vii. notification to the prospective juror by electronic mail of:
    1. whether the prospective juror is qualified for jury service;
    2. the status of the exemption, postponement, or judicial excuse request of the prospective juror; or
    3. whether the prospective juror has been assigned to a jury panel.
- C. The county officer responsible for summoning jurors shall purge the electronic mail address of a prospective juror collected under this section:
- i. if the prospective juror serves on a jury, not later than the 30<sup>th</sup> day after the date that:
    1. the county sends the person payment for jury service; or
    2. the county would otherwise send the person payment for jury service, if the person has donated the payment under Section 61.003; or
  - ii. if the prospective juror does not serve on a jury, not later than the 30<sup>th</sup> day after the date that the court releases the person from jury service.

The responding prospective jurors who are qualified and not exempt, excused, or postponed shall be placed on specific panels for jury service as provided in Section IX.

## **IX. Specific Panels**

- A. Pursuant to Section 62.015 of the Government Code, Article 33.09 of the Code of Criminal Procedure, and Texas Rule of Civil Procedure 223, the District Clerk shall assign prospective jurors to specific panels in the order in which they were summoned. The District Clerk shall assign the requested number of prospective jurors to each specific panel for the time, date, and place as required by the judge of the court. In the event a court requests the specific panel to be shuffled pursuant to Article 35.11 of the Code of Criminal Procedure, the District Clerk shall use the computer program to create a new, randomly generated order for the specific panel.
- B. Prospective jurors that have been summoned and appear for jury service shall continue to serve until discharged by a judge.
- C. Pursuant to Section 62.016 of the Government Code, the District Judges shall designate from time to time a judge to whom the General Panels report for jury service. The judge for the designated period shall organize, control, and supervise the members of the

General Panel. The judge shall hear the excuses of the prospective jurors and swear them in for jury service for the week for which they are to serve as jurors.

- D.** When impaneled, the prospective jurors constitute a General Panel for service as jurors in all justice, county, and district courts and shall be used interchangeably in all of those courts.

Pursuant to Section 62.016 of the Government Code, prospective jurors may be summoned to report directly to a Justice Court in the precinct in which the person resides. The Justice of the Peace of the Justice Court to which prospective jurors are summoned for jury service shall hear the excuses of the prospective jurors and swear them in for jury service. A Justice of the Peace may command the District Clerk, Sheriff, or a constable to immediately summon additional persons for jury service in the Justice Court if the number of qualified jurors is less than the number necessary for the Justice Court to conduct its proceedings.

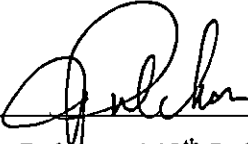
**X. Miscellaneous**

- A.** This plan may be amended at any time by the Brazoria County Commissioners Court upon the recommendation of a majority of the district and criminal district court judges of the county.
- B.** Not later than three years from the date this plan is adopted by order of the Brazoria County Commissioners Court, and every three years thereafter, the local administrative judge shall call a meeting for the purpose of reviewing this plan. This plan shall be reviewed by the District Court Judges, the District Clerk, and any other person deemed necessary for the implementation of this plan.
- C.** All costs incident to this plan shall be paid from the designated jury funds of the Brazoria County Budget.
- D.** The system described above shall be known as the Brazoria County Jury Selection Plan and will operate pursuant to Chapter 62 of the Government Code and other applicable laws. In accordance with Section 62.011 of the Government Code, it is ordered that this document be submitted to the Brazoria County Commissioners Court for approval and entry in the minutes of the Court.

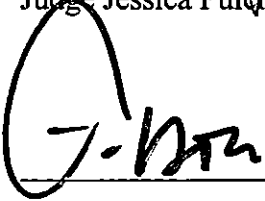


The District Judges of Brazoria County order the District Clerk of Brazoria County to file this Jury Selection Plan in the Special Minutes of the District Courts.

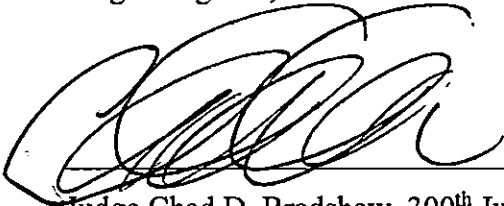
Recommended this 15 day of November, 2023.



Judge Jessica Pulcher, 149<sup>th</sup> Judicial District Court



Judge Greg Hill, 239<sup>th</sup> Judicial District Court



Judge Chad D. Bradshaw, 300<sup>th</sup> Judicial District Court

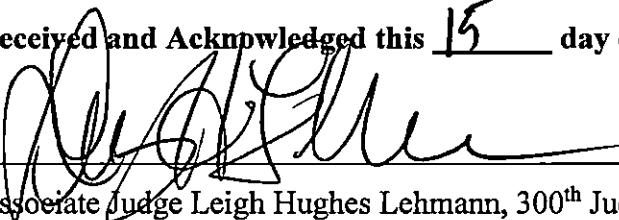


Judge Justin Gilbert, 412<sup>th</sup> Judicial District Court



Judge Patrick Bulanek, 461<sup>st</sup> Judicial District Court

Received and Acknowledged this 15 day of November, 2023.



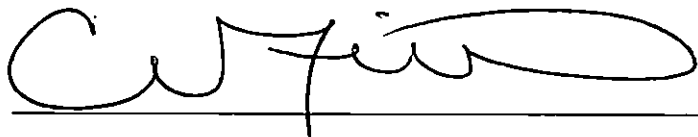
Associate Judge Leigh Hughes Lehmann, 300<sup>th</sup> Judicial District Court



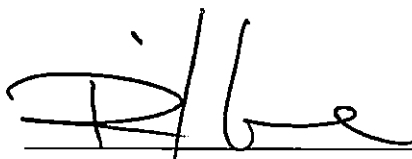
Associate Judge Greg Donnell, 461<sup>st</sup> Judicial District Court

**RECEIVED AND ACKNOWLEDGED**

This Brazoria County Jury Selection Plan, upon its adoption by the District Court Judges, is hereby **RECEIVED AND ACKNOWLEDGED** by the County Court at Law Judges of Brazoria County, Texas on this 15 day of November 2023.



Judge Courtney T. Gilbert, County Court at Law No. 1



Judge Thomas Pfeiffer, County Court at Law No. 2



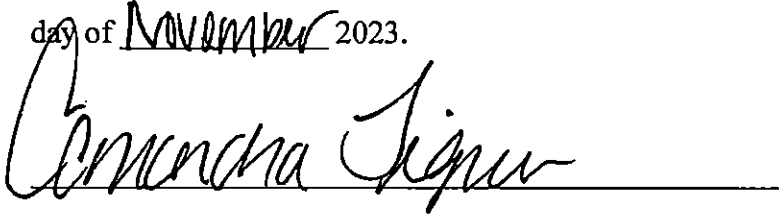
Judge Jeremy E. Warren, County Court at Law No. 3



Judge Lori Rickert, County Court at Law No. 4

**RECEIVED AND ACKNOWLEDGED**

This Brazoria County Jury Selection Plan, upon its adoption by the District Court Judges, is hereby  
**RECEIVED AND ACKNOWLEDGED** by the District Clerk of Brazoria County, Texas on this 15<sup>th</sup>  
day of November 2023.

A handwritten signature in black ink, reading "Cassandra Tigner", written over a horizontal line.

Cassandra Tigner, Brazoria County District Clerk