STATE OF NORTH CAROLINA IN THE GENERAL COURT OF JUSTICE

SUPERIOR COURT DIVISION

COUNTY OF XXXX FILE NO.

STATE OF NORTH CAROLINA )

)

v. )

)

DEFENDANT , )

Defendant. )

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**ORDER TO PRESERVE AND PROVIDE DOCUMENTS RELATED**

**TO THE JURY FORMATION PROCESS**

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THIS MATTER, having come before the undersigned on Defendant's Motion to Preserve and Provide Documents Related to the Jury Formation Process, and having considered the Motion in light of due process requirements to a fair and impartial jury pursuant to the Fifth, Sixth and Fourteenth Amendments to the United States Constitution, Article I, §§ 24 and 26 of the North Carolina Constitution, *Duren v. Missouri*, 439 U.S. 357 (1979) and *State v. Williams*, 355 N.C. 501, 549 (2002), the Court hereby ORDERS the [YOUR COUNTY] Clerk of Court to preserve and provide the following items to the Defendant and the State:

* 1. Any documentation reflecting the jury formation process maintained by the Office of the Clerk of Court and the jury software program utilized by the county; and
  2. Durham County Jury Commission meeting minutes for creating the Durham County “master” jury list for the 2022-2023 biennium [replace with “2022” and strike “biennium” if in county with annual lists]; and
  3. A copy of the "raw" list of potential jurors, which includes the potential juror's name, race, ethnicity, gender, and zip code for Durham County that is created by the DMV and sent to the Clerk of Court; and
  4. All materials, in electronic or paper form, including but not limited to any hand-made edits by the Jury Commission, that are made in the process of editing this "raw" list of potential jurors for Durham County received by the DMV in order to create the "master" list of potential jurors; and
  5. An electronic copy of the Durham County Master Jury List for the 2022-2023 biennium [replace with “2022” and strike “biennium” if in county with annual lists]; and
  6. An electronic copy of the Durham County Master Jury list which denotes the names of persons summonsed for jury service and the dates which each person served for the 2018-2019 and 2020-2021 bienniums [replace with “2019, 2020 and 2021” and strike “bienniums” if in county with annual lists]; and
  7. An electronic copy of list of jurors who were summonsed, and a notation of those who appeared, for any trial sessions of superior court between January 1, 2022 and April 25, 2022 [insert date certain for your defendant’s trial or leave as “and defendant’s trial”]; and
  8. An electronic copy of the list of jurors summonsed for the session of court for defendant’s trial; and
  9. All summons returned as "undeliverable," or otherwise returned as not served on the potential juror for any trial sessions of superior court between January 1, 2022 and [insert date certain for your defendant’s trial or leave as “and defendant’s trial”], including defendant’s trial, are preserved and made available for inspection and copying; and
  10. A response in writing of what steps, if any, [YOUR COUNTY] takes to address undeliverable summons; and
  11. Any policies and procedures for addressing deferrals and excuses prior to jury service; and
  12. Any documentation reflecting the excusal or deferral of jurors prior to their appearance in court for jury service in the defendant’s trial is preserved and made available for inspection and copying; and
  13. A response in writing of what steps, if any, [YOUR COUNTY] takes to address jurors not reporting when summonsed.
  14. An electronic copy of the list of jurors who appear for jury service for the session of court for defendant’s trial.

Finally, the Court ORDERS:

* 1. Any information provided by the Clerk is only to be viewed by counsel and anyone employed by counsel to assist in defendant's case, and is not to be shared with the Defendant, any witnesses, or any third parties.
  2. Counsel is prohibited from using any information provided by the Clerk for the purpose of contacting or communicating in any way with potential jurors.

So ORDERED, this the \_\_\_\_ day of \_\_\_\_\_\_\_\_\_\_\_\_\_ 2021.

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Superior Court Judge Presiding