

SEP 11 2023



# JOHNSON COUNTY COMMISSIONERS COURT

April Long  
County Clerk, Johnson County Texas  
BY [Signature] DEPUTY

**Christopher Boedeker**  
County Judge

**Rick Bailey**  
Commissioner  
Precinct 1

**Kenny Howell**  
Commissioner  
Precinct 2

**Mike White**  
Commissioner  
Precinct 3

**Larry Woolley**  
Commissioner  
Precinct 4

THE STATE OF TEXAS

§  
§  
§

ORDER 2023-75

COUNTY OF JOHNSON

## JOHNSON COUNTY JURY SELECTION PLAN

**WHEREAS**, Chapter 62 of the Texas Government Code provides guidelines for the selection of persons for jury service; and

**WHEREAS**, Section 62.011 of the Texas Government Code provides that on the recommendation of a majority of the District Judges of a county, the Commissioners Court, by Order entered in its minutes, may adopt a plan for the selection of names of persons for jury service with the aid of electronic or mechanical equipment; and

**WHEREAS**, the District Judges of the 18<sup>th</sup>, 249<sup>th</sup>, and 413<sup>th</sup> District Courts in Johnson County, Texas have recommended to the Commissioners Court of Johnson County, Texas a plan for selection of persons for jury service which is entitled Johnson County Jury Selection Plan and attached hereto as Exhibit "A"; and

**WHEREAS**, a motion was made by Commissioner Woolley, Pct. 4 and seconded by Commissioner Howell, Pct. 2 to approve the Johnson County Jury Selection Plan as recommended by the District Judges of the 18<sup>th</sup>, 249<sup>th</sup>, and 413<sup>th</sup> District Courts in Johnson County, Texas as set forth in the attached Exhibit "A", and

**WHEREAS**, said motion was unanimously approved by the Commissioners Court.

**IT IS THEREFORE ORDERED** that pursuant to Chapter 62 of the Texas Government Code, that the Commissioners Court of Johnson County, Texas hereby approves the Johnson County Jury Selection Plan as recommended by the District Judges of the 18<sup>th</sup>, 249<sup>th</sup>, and 413<sup>th</sup> District Courts of Johnson County, Texas and attached as Exhibit "A" and further ORDERS that this Order and the attached Exhibit "A" be entered in the minutes of the Commissioners Court.

WITNESS OUR HAND THIS 11<sup>TH</sup> DAY OF SEPTEMBER 2023.

*Chris Boedeker*

**Christopher Boedeker, Johnson County Judge**

Voted:  yes, \_\_\_ no, \_\_\_ abstained

~~*Rick Bailey*~~

~~**Rick Bailey, Comm. Pct. 1**~~

~~Voted:  yes, \_\_\_ no, \_\_\_ abstained~~

*Kenny Howell*

**Kenny Howell, Comm. Pct. 2**

Voted:  yes, \_\_\_ no, \_\_\_ abstained

*Mike White*

**Mike White, Comm. Pct. 3**

Voted:  yes, \_\_\_ no, \_\_\_ abstained

*Larry Woolley*

**Larry Woolley, Comm. Pct. 4**

Voted: \_\_\_ yes, \_\_\_ no, \_\_\_ abstained

*April Long*

**ATTEST: April Long, County Clerk**



EXHIBIT A

**JOHNSON COUNTY JURY SELECTION PLAN**

Whereas, Chapter 62 of the Texas Government Code and Article 35.03 of the Code of Criminal Procedure provide for the recommendation of a plan for the Selection of persons for Jury Service to be adopted by the Commissioners' Court;

And whereas, the following plan has been approved by the majority of the District Judges of Johnson County, Texas;

It is Therefore recommended to the Commissioners' Court of Johnson County, Texas, by a majority of the District Courts of Johnson County, pursuant to Section 62.011 of the Texas Government Code and Section 35.03, Code of Criminal Procedure, that the following plan become effective on date of approval.

**I. Duties of the District Clerk**

The District Clerk of Johnson County, Texas, is designated as the officer in charge of the jury selection process and will do so by electronic means. The District Clerk shall perform the duties as specified in the Jury Selection Plan pursuant to Texas Government Code Section 62.011, and shall provide Deputy District Clerks as needed to aid and help with duties under this plan. The District Clerk shall review this Selection Plan from time to time and submit written detailed recommendations to the District Judges regarding ways to improve this plan.

**II. Source of Jurors**

Pursuant to Section 62.001, Texas Government Code, the source from 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 Johnson County.
2. All names on a current list furnished by the Texas Department of Public Safety, showing the citizens of Johnson County who hold a valid Texas driver's license and the citizens of Johnson 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 for physical or mental impairment or inability to comprehend English.
3. Persons exempt or excused from jury service under Govt. Code 62.113, because the person is not a citizen of the United States.

4. Persons convicted of a misdemeanor theft or a felony, persons residing outside the county, or persons who have been duplicated on the source list as a potential juror, Govt. Code 62.001(f).
5. Persons on a suspended list maintained under Election Code 15.081.

### **III. Selection of Juror Names**

The names, addresses, and other information that comprise the combined list shall be placed in an electronic system for purposes of selecting names to receive a jury summons.

The selection of names of persons for jury service will be made with the aid of electronic equipment. The same record of names will be used until such time as the Jury List is reconstituted as provided in Section VII of this Plan. The District Clerk will perform the following duties related to the creation of this list of prospective jurors:

- (1) supervise the process through which a computer software program will be used to randomly select the names and addresses of the prospective jurors;
- (2) ensure that the computer program used to select the list of persons called for jury service will be fair, impartial, and objective;
- (3) use any resource of information the District Clerk deems reliable, such as voter registration information, driver's license information, and U.S. Post Office national change of address information, for purposes of updating prospective juror address information in order to ensure delivery of a jury summons. Such updates may be made directly into the electronic jury system or at the time the jury summons is mailed out, either directly by the electronic system or through the services of a mail services vendor;
- (4) monitor any revisions to the prospective juror list to prevent the addition of any new individuals to the list outside of the annual reconstitution process;
- (5) maintain a complete audit trail of all changes to the jury wheel data made during its years of use.

### **IV. The Prospective Jury List – Use, Access and Certification of Data**

The prospective jury data will be protected by computer "password" codes only available to the District Clerk and those deputized (Govt. Code Section 51.309(a)) and given full authority by the District Clerk to perform all function relating to jury service. Upon receiving a request from a District Judge, County Court at Law Judge, Justice of the Peace Judge, or CPS Judge to select jurors for a number of weeks, or in accordance with the schedule of jury weeks determined by the said Judges, the District Clerk shall notify those persons with the authority to access the prospective jury data to execute a computer software program to randomly extract the number of persons needed for jury service and summons them by first class mail.

The District Clerk shall certify that the list of prospective jurors selected by the system described herein is a true and complete written list of the names and addresses of persons summoned to begin jury service on a particular date, or make the same available in a digital format. Additional lists may be produced to facilitate the handling of the necessary paper work in processing the jury list.

**V. Additional Jurors**

If it is determined by a Judge that the number of jurors previously selected for any designated date is insufficient, he/she shall direct the District 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.

**VI. Juror Responses to Summons**

A. Pursuant to Chapter 62.0111, Texas Government Code, a juror may select from the following methods of responding to the summons:

(1) by completing the juror pre-qualification form via computer through the official Internet website designated on the jury notification card or jury summons;

(2) by appearing at the Jury Office in person at the location specified on the jury summons;

(3) by contacting the District Clerk's Jury Office by telephone if the summoned juror is requesting an excuse from jury service due to disqualification or statutory exemption, or

(4) by contacting the District Clerk's Jury Office by the official Internet website, email, mail, facsimile, or via personal delivery of the written request for excuse if the summoned juror is requesting an excuse from jury service for any reason other than financial hardship.

B. A summoned juror not excused via methods described in (a)(3) or (4) above shall, via methods described in (a)(1) or (2) above, provide to the District Clerk's Jury Office the following:

(1) information to determine whether the prospective juror is qualified for jury service under Section 62.102, Texas Government Code;

(2) information to determine whether the prospective juror is exempt from jury service under Section 62.106, Texas Government Code;

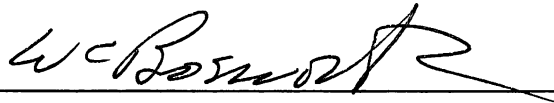
(3) information required for jury panel assignment, including (a) the prospective juror's postponement status; (b) the dates the juror is not available to serve as a juror due to schedule conflicts; (c) description of non-financial hardship upon which the juror is basing a hardship excuse from jury service; (d) completion and submission by the prospective juror of the written jury summons questionnaire described in Section 62.013, Texas Government Code; (e) the prospective juror's electronic mail address; and (f) certification that the information provided is true and correct.

**VII. Reconstitution of Jury Source**

At a time each year, on or before December 31, and pursuant to Section 62.001(g), Texas Government Code, the District Clerk shall procure from the Secretary of State the combined list of names as described herein for purposes of reconstituting the prospective jury list.


VIII. Adoption

APPROVED AND ADOPTED, by the District Judges of Johnson County, Texas on the  
1 day of Sept, 2023.



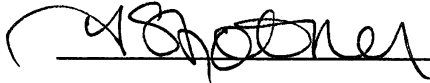
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Hon. William C. Bosworth Jr., 413<sup>th</sup> District Court and Local Administrative Judge



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Hon. Sydney Hewlett, 18<sup>th</sup> District Court



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Hon. Tiffany Strother, 249<sup>th</sup> District Court



SEP 11 2023

**AGENDA PLACEMENT FORM**

(Submission Deadline – Monday, 5:00 PM before Regular Court Meetings)

**Approved**

Date: 9/5/2023

Meeting Date: 9/11/2023

Submitted By: David Lloyd

Department/Office: District Clerk

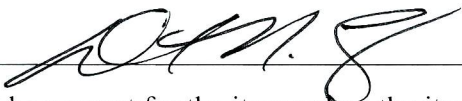
Signature of Director/Official: 

Agenda Title:  
Johnson County Jury Selection Plan  
\_\_\_\_\_  
\_\_\_\_\_

**Public Description** (Description should be 2-4 sentences explaining to the Court and the public what action is recommended and why it is necessary):

An update of the Johnson County Jury Selection Plan that has been approved by the District Judges.  
\_\_\_\_\_  
\_\_\_\_\_

(May attach additional sheets if necessary)

Person to Present:  DAVID R. LLOYD - DISTRICT CLERK  
(Presenter must be present for the item unless the item is on the Consent Agenda)

Supporting Documentation: (check one) PUBLIC  CONFIDENTIAL   
(PUBLIC documentation may be made available to the public prior to the Meeting)

Estimated Length of Presentation: 5 minutes

Session Requested: Action Item (Action Item, Workshop, Consent, Executive)

**Check All Departments That Have Been Notified:**

County Attorney  IT  Purchasing  Auditor   
Personnel  Public Works  Facilities Management

Other Department/Official (list) District Judges

**Please Inter-Office All Original Documents to County Judge’s Office Prior to Deadline & List All External Persons Who Need a Copy of Signed Documents In Your Submission Email**