

From: Jay DeLancy [mailto:jay@voterintegrityproject.com]
Sent: Tuesday, November 20, 2012 6:22 PM
To: 'Best, Pamela W.'
Cc: 'Gladwell, Sharon'; 'Smith, John W.'; 'george.cleveland@ncleg.net'; 'Rep. Paul Stam'
Subject: RE: Clarification on S133

Dear Ms. Best.

Are you really going to assert that any people who are not qualified to serve jury duty and are disqualified from the prospective jury list in 9-3 are somehow protected under the confidentiality law described in 9-4? I remember our conversation quite well from last week; especially when you made the novel claim that non-US citizens are “in the jury pool.” But I believe you are mistaken. By that reasoning, anybody in all of society--qualified or not--under the provisions of 9-3 would still be “in the pool” as well and you know this is just not the case.

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If you take a moment to re-read what I previously sent, you will note that the persons protected under 9-4 are “prospective jurors,” and 9-3 states the conditions for one to become a prospective juror. The very first sentence of 9-3 says, **All persons are qualified to serve as jurors and to be included on the master jury list who are citizens of the State and residents of the county.** By definition, non-citizens are not prospective jurors and are not protected under this statute. The intent of this bill, I’m sure you know, was to protect the identity of persons who could serve on a jury for a trial. People disqualified under 9-3 are not part of that class.

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Therefore, my organization is requesting a guidance letter from your office, addressed to your County Clerks of Superior Court that will correct the erroneous guidance on this matter and will allow us to receive the names and addresses of any persons who were disqualified from the “prospective juror” list by reason of non-US citizenship between January 2009 and today.

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Respectfully,

From: Best, Pamela W. [mailto:Pamela.W.Best@nccourts.org]
Sent: Tuesday, November 20, 2012 11:21 AM
To: Jay DeLancy
Cc: Gladwell, Sharon; Smith, John W.
Subject: RE: Clarification on S133

Mr. DeLancy: As I explained when I met you last week during your visit to our offices, the information you have requested is not a public record. Public access to juror information is limited to the alphabetized list of names only, per G.S. 9-4(b).

Pamela Weaver Best
Deputy Legal Counsel
North Carolina Administrative Office of the Courts
P.O. Box 2448
Raleigh, NC 27602

(919)890.1304 (direct)
(919)890.1000 (main)
(919)890.1914 (fax)

pamela.w.best@nccourts.org
www.nccourts.org

From: Jay DeLancy [<mailto:jay@voterintegrityproject.com>]
Sent: Thursday, November 15, 2012 3:14 PM
To: Best, Pamela W.
Cc: Gladwell, Sharon; 'Rep. Paul Stam'; george.cleveland@ncleg.net
Subject: Clarification on S133

Hi Pamela.

I was very disappointed to hear of your office's position that no information beyond the names of these persons disqualified from jury duty will be released.

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Perhaps my letters to the ten County Clerks of Court garbled what I actually needed; but from the statute (below), all we want are the names and addresses of the people weeded out in § 9-3 along with the reason for each person's disqualification. The list you speak of being a more secure document is outlined in § 9-4 of the people who are "qualified" to serve jury duty. The people in §9-3 are NOT qualified and they are the only persons of interest to us. It is my position that people disqualified under § 9-3 are not relevant to the jury selection list that is prepared in § 9-4.

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Further, the actual hearings on this bill were all directed toward securing the identities of persons who could be on jury duty. There was no extension of that confidentiality for others.

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So, please tell me by what interpretation of this law you believe those NOT qualified (§ 9-3) for jury duty would fall under the provisions of § 9-4?

Sincerely,
jd

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"§ 9-3. Qualifications of prospective jurors.

All persons are qualified to serve as jurors and to be included on the master jury list who are citizens of the State and residents of the county, who have not served as jurors during the preceding two years, who are 18 years of age or over, who are physically and mentally competent, who can understand the English language, who have not been convicted of a felony or pleaded guilty or nolo contendere to an indictment charging a felony (or if convicted of a felony or having pleaded guilty or nolo contendere to an indictment charging a felony have had their citizenship restored pursuant to law), and who have not been adjudged non compos mentis. Persons not qualified under this section are subject to challenge for cause."

SECTION 4. G.S. 9-4 reads as rewritten:

"§ 9-4. Preparation and custody of alphabetized list. list; access to list.

(a) As the master jury list is prepared, the name and address of each qualified person selected for the list shall be recorded and alphabetically arranged, written on a separate card. The cards shall then be alphabetized and permanently numbered, the numbers running consecutively with a different number on each card. These cards shall constitute the jury list for the county. arranged. The alphabetized list shall be maintained in filed with the office of the clerk of court, register of deeds of the county, together with a statement of the sources used and procedures followed in preparing the list. The alphabetized list shall be kept under lock and key, but shall be available for public inspection during

regular office hours. The clerk of court may elect to store an electronic copy of the alphabetized jury list for the county.

(b) Public access to juror information shall be limited to the alphabetized list of the names. The addresses of prospective jurors are confidential and not subject to disclosure

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Jay N. DeLancy, LtCol, USAF (Ret)

Executive Director

Voter Integrity Project of NC

(Office) 919.429.9039

(Cell) 919.332.4129

Twitter: @VoteChecker

www.VoterIntegrityProject.com

VIP-NC is a trans-partisan, volunteer organization that works for “free and fair elections” by bringing more transparency to the process in order to ensure that no voters are disenfranchised.

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