



LINDSEY SMITH
PANOLA COUNTY DISTRICT CLERK

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June 15, 2022

Honorable David Anderson
Panola County Commissioners
110 S. Sycamore
Carthage, Texas 75633

Re: Payment of Jurors

Judge Anderson & Commissioners:

This letter is in response to the letter submitted to the Commissioners' Court by Justice of the Peace, Precinct #2 & #3, Toni Hughes, regarding the jury held in said court on May 12, 2022. I would like to clarify that on Monday, May 9, 2022, I was contacted by Mary Sue Kiper, Clerk for Justice of the Peace, Precinct #2 & #3, regarding juror donation forms for prospective jurors. I also offered Ms. Kiper the use of ink and the check stock that we currently use to pay jurors. However, at that time I was unaware that the Justice of the Peace #2 & #3 court would be requesting that I prepare and process payment for the jurors.

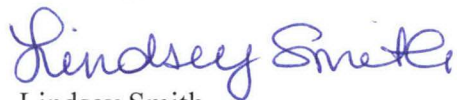
Enclosed with this letter is the current Panola County Jury Selection Plan. This plan is for the District Court, the County Court at Law, and the Justice of the Peace Courts of Panola County. The current Jury Selection Plan was approved by the Commissioners' Court on May 22, 2000. The jury selection plan was put in place to govern the jury selection process in Panola County, and to provide a fair, impartial, and objective method of selecting names of persons for jury service with the aid of electronic or mechanical equipment. Per the current Panola County Jury Selection Plan, section G *"The District Clerk or the Deputy District Clerk designee shall, by computer random selection, print a list and questionnaire forms (call the jury mailers), showing the names and addresses of the persons to be summoned to begin jury service on a particular date and time, and deliver the same to the Sheriff of Panola County."* Unfortunately, a request was not made to the District Clerk to summon jurors for a particular date, therefore, the method used for the selection of prospective jurors does not adhere to the rules set out in the Panola County Jury Selection Plan.

Furthermore, two (2) of the prospective jurors that were called to appear for jury selection were not listed in the Panola County jury wheel. The District Clerk's Office has no authority to add names to the jury wheel, as this information must come from the Secretary of State. The current software used to generate a jury pool and summon jurors is imported from the Secretary of State. When persons are summoned who are not in the jury wheel, the District Clerk's Office is unable to create checks to pay those persons as they are software generated.

The District Clerk is designated as the official to be in charge of the jury selection process as stated in the Panola County Jury Selection Plan, Section C. The District Clerk did not receive a request to summon jurors, did not summons a jury for the Justice of the Peace, Precinct # 2 & #3, and was not at all involved in the jury selection process. As the Panola County District Clerk, I am statutorily bound by the rules and laws of the State of Texas, as well as those approved and adopted by the Panola County Commissioners' Court. All Panola County Courts must adhere to the rules set out in the current Panola County Jury Selection Plan, and the process used for jury selection on May 12, 2022 does not adhere to those rules. Therefore, for all of the reasons listed above, I must regretfully decline to pay the jurors that appeared for jury selection on May 12, 2022 in the Justice of the Peace, Precinct #2 & #3 court. To avoid any confusion in the future, all Panola County Courts should adhere to and follow the rules outlined in the Panola County Jury Selection Plan approved by the Commissioners' Court.

Please let me know if you have any additional questions or concerns regarding this issue.

Sincerely,



Lindsey Smith,
Panola County District Clerk

cc: Jennifer Stacy, County Auditor (Hand-delivered)
Joni Reed, County Treasurer (Hand-delivered)

Sandra King

**RECOMMENDATION
TO THE PANOLA COUNTY COMMISSIONER'S COURT
FOR THE ELECTRONIC SELECTION OF PETIT JURORS**

Pursuant to the provision of V.T.C.A., Government Code, Section 62.011, it is recommended to the Commissioner's Court of Panola County, Texas, by the judges of the 123rd Judicial District Court and the County Court at Law Court of Panola County, Texas, that the following JURY SELECTION PLAN for the selection of persons for petit jury service, for both civil and criminal cases, be adopted for the summoning of jurors for District Court, County Court at Law and Justice of the Peace Courts for Panola County, Texas, as follows:

JURY SELECTION PLAN

A. The source from which all jurors shall be taken is the current Voter Registration List from all precincts in Panola County, all names on a current list, to be furnished by the Department of Public Safety, showing the citizens of Panola County who hold a valid Texas Driver's License, and the citizens of the County, other than persons who are disqualified from jury service, who hold a valid Personal Identification Card or Certificate issued by the Department of Public Safety, except those individuals who are exempt from jury service as provided by Sections 62.108 and 62.109 of V.T.C.A. Government Code. The source of names of persons for jury service is the same as that provided by Section 62.001 of V.T.C.A., Government Code. It is further provided that at any stage of this Plan, the Voter Registrar of Panola County, the Department of Public Safety, the Secretary of State, or the Panola County District Clerk may remove from jury service, duplications of any citizen's name, or the name of any citizen who is disqualified by law from jury service. A record of all changes and deletions will be maintained by the District Clerk, subject to inspection by Court order.

B. The names of prospective jurors shall be entered on the juror selection software which has been prepared for such purpose by The Software Group, 860 Avenue F, Suite 102, Plano, Texas 75074. The automated jury management system is called "Jury". This method of selection shall use the same record of names for two (02) years, or until such record is exhausted.

C. The District Clerk is designated as the official to be in charge of the jury selection process and is assigned the duties hereinafter set out.

D. Every two (02) years, no later than September 16, the Voter Registrar of Panola County shall furnish to the Secretary of State a current voter registration tape, including all precincts in the county and excluding convicted felons and persons exempt from jury service under Sections 62.108 and 62.109 of the Government Code. Further, the District Clerk may also provide to the Secretary of State a tape of those individuals known by the District Clerk to be non-citizens and therefore disqualified from jury service.

E. Every two (02) years, within the first week of October, the Department of Public Safety shall furnish the Secretary of State a current data tape showing the citizens of Panola County who hold a valid Texas Driver's License, personal identification card, or certificate issued by the department (including age and citizenship status, if known). The Secretary of State shall combine the aforementioned tapes, eliminating duplicate names and the names of those who are exempt or disqualified, and send the combined tape in electronic format, certified by the Secretary of State, to the Panola County District Clerk, postmarked no later than December 31 of that year.

F. The District Clerk or deputy clerk shall deliver an exact copy of the combined tape to The Software Group, Inc. (hereinafter referred to as TSG), creator of the "Jury" software program, by January 15. TSG shall process the data on such combined tape to ensure the fair, impartial, and objective random selection of non-disqualified and non-exempted prospective jurors. TSG shall return the randomized jury pool data to the Panola County District Clerk by February 1. TSG shall load the randomized jury pool data into the "Jury" software program and such program shall thereafter be used to provide a fair, impartial, and objective method of selecting names of persons for jury service in Panola County.

G. The District Clerk or the deputy district clerk designee shall, by computer random selection, print a list and questionnaire forms (called the "jury mailers"), showing the names and addresses of the persons to be summoned to begin jury service on a particular date and time, and deliver the same to the Sheriff of Panola County.

H. Whenever the Jury presiding over the Court needing a jury panel determines that the number of jurors previously selected for any designated date is insufficient, the Judge shall notify the District Clerk, who shall then prepare a supplemental list containing a specified number of persons to be called for such Jury service in addition to those previously selected. Such additional persons shall be selected, listed, and summoned in the same manner as those previously summoned. This procedure is in addition to any other method otherwise provided for by law.

I. The Judge of the Court calling the prospective jurors shall have supervision and control over the panel called for jury service in that Court.

J. All costs incident to this JURY SELECTION PLAN shall be paid from the General Fund of Panola County, excluding necessary postage. Postage, if necessary, shall be paid from the budget of the department mailing the jury summons.

K. All personal information contained on the original combined tape from the Secretary of State, the "Jury" computer program for random selection, or any copies thereof, is considered confidential and shall not be released by the District Clerk or any court personnel without a written Order executed by the District and County Court at Law Judges.

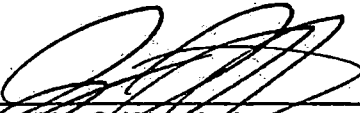
L. This JURY SELECTION PLAN may be further amended or modified from time to time upon the recommendation of the District and County Court at Law Judges and the approval of the Panola County Commissioner's Court.

M. This Plan, upon adoption by the undersigned District and County Court at Law Judges, shall become effective immediately after its approval by the Panola County Commissioner's Court.

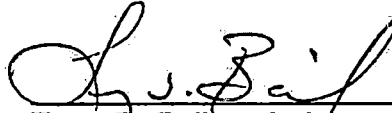
CERTIFICATE

Pursuant to the provisions of V.T.C.A., Government Code Section 62.011, we, the undersigned, being the District and County Court at Law Judges of Panola County, Texas, at a meeting called for the purpose of considering the above JURY SELECTION PLAN, do hereby recommend to the Commissioner's Court of Panola County, Texas, the adoption of such Plan as is fully set out above.

Dated this the 3RD day of May, 2000.



Guy W. Griffin, Judge
123rd Judicial District Court

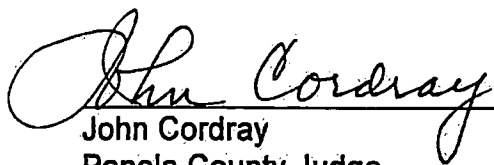


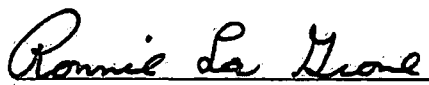
Terry D. Bailey, Judge
County Court at Law Court

ADOPTION

On this the 22nd day of May, 2000, the foregoing JURY SELECTION PLAN was considered by the Commissioner's Court of Panola County, Texas, and by a vote of such Court was ADOPTED. This Plan shall become effective immediately and is ordered to be entered in the Minutes of the Commissioner's Court of Panola County.

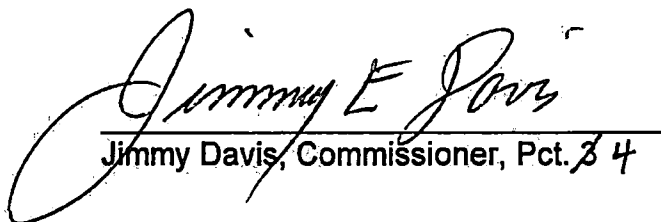
Entered this the 22nd day of May, 2000.



John Cordray
Panola County Judge


Ronnie LaGrone, Commissioner, Pct. 1


Doug Cotton, Commissioner, Pct. 2


Joe Harris, Commissioner, Pct. 3


Jimmy Davis, Commissioner, Pct. 4

ATTEST: 
Sue Grafton, County Clerk