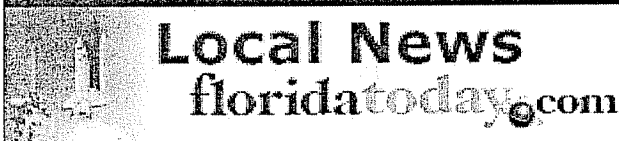


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Blow off jury duty and face fines, jail

Judges toughen no-show policy

BY JOHN A. TORRES
FLORIDA TODAY

Forget to write the date on your calendar? Did your dog eat the summons? Think you'd rather just go fishing?

It doesn't matter.

Starting Tuesday, jury-duty no-shows will be ordered to appear before a judge and explain why they did not report. Jurors could face fines or even jail time.

Judge Charles Holcomb realized the problem had gotten out of hand about a year ago when he was forced to postpone a trial. Not enough jurors showed up.

That's when the Titusville-based judge decided to crack down on jury-duty no-shows on his own. He ordered those who did not report to appear before him and explain what happened.

"What happened was for the last few years word spread that you didn't have to show up for jury duty because summonses were not being enforced," the judge said. "So people just didn't come. When we don't have enough jurors in the pool it shuts us down. And the problem has been getting worse and worse"

Holcomb, who practiced law in Brevard from 1966 to 1990, said that other judges saw what he was doing and decided to join in. So, on beginning Tuesday facing the judge to explain yourself it becomes an

Runaway jurors

According to court records, typically between 30 and 50 percent of those summoned for jury duty do not appear. On Feb. 21:

- 211 were summoned to Viera, 70 failed to appear.
- 59 were summoned to Melbourne, 15 failed to appear.
- None was summoned to Titusville.

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"The most common excuse is that people forget," Holcomb said, adding he normally fines someone \$95 for ignoring both the summons and the order to appear before the judge.

According to records kept by the 18th Judicial Circuit, on average between 30 and 50 percent of those summoned do not show up.

Rockledge resident Al Dudley has been retired from the military for more than two years and still has not been called. While he stopped short of saying he looked forward to it, Dudley vowed not to shirk the responsibility.

"If I get called I would do it," he said. "It's my duty."

Judge A.B. Majeed said jury duty is a privilege not extended in all countries. Citizens who appear before the judge to explain their absences will not be penalized. Instead, they will be rescheduled for jury duty.

"Jury duty is a misnamed concept," said. "It is a jury right. People have the right to oversee the government that is acting in their name." Viera resident and banker Sandra Keese said she has waited 16 years to be called for jury duty.

"I've never been called," she said. "I've never had the opportunity or fortune to do it."

Majeed explained that it is the people or the state that brings the case against someone. If people do not show up to oversee the government then the government will act without the people.

"That is already happening in many countries throughout the world," Majeed said.

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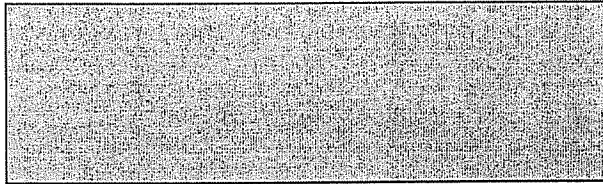
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March 1, 2005



Do your duty

Starting today, judges will be cracking down on jury-duty no-shows

The Constitution guarantees everyone the right to trial by a jury of their peers.

But the problem in Brevard County is that too many people are blowing off their civic responsibility and not reporting for jury duty.

The situation has gotten so bad that 30 percent to 50 percent of those summoned fail to appear, sometimes shutting down the courts.

Starting today, judges are rightly saying enough is enough.

If you're called to serve as a potential juror and don't show up, you'll be hauled before the bench to explain why. You could be slapped with a fine or even tossed in jail. And if that happens, you'll have no one to blame but yourself.

We fully understand that between home and work, people's lives are busy. But we don't buy the most common excuse for missing jury duty, which is "I forgot."

Translated, that often means "I've got too much else to do and don't want to hassle with it."

Your participation is essential to the operation of the local criminal justice system, so take a jury summons seriously and appear.

If serving would cause an extreme financial hardship, tell the judge, and he or she may excuse you.

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But as anyone who has served knows, being a juror provides an up-close look at how government works, and should be viewed as a privilege, not a burden.

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Remember that when duty calls.

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Greg Cowan

From: Craig Waters
Sent: Tuesday, March 29, 2005 10:51 AM
To: Greg Cowan; Justice R. Fred Lewis
Subject: FYI

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State's jury system needs revamping

The Florida Supreme Court has formed a work group to study problems with the state's jury system.

By Grace Murphy
staff writer
March 29, 2005

VERO BEACH — It's hard enough to get people to respond to a summons for jury duty.

So when an Indian River County Jail inmate wrote letters the week of March 13 to the six jurors who found him guilty of a felony, court officials cringed.

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One juror who received a letter told Assistant State Attorney Ryan Butler that he'd initially felt proud to do his civic duty.

But after he received the letter, the juror said he felt as though his privacy was compromised, Butler said. "He felt he didn't want to serve again as a juror."

Getting people to respond to jury summonses is a problem in Florida and throughout the United States. Nationally, only 40 percent of those summoned actually appear. Statewide, the response rate is 30 percent.

The Florida Supreme Court has formed a work group to study problems with the state's jury system, including increasing the percentage of people who respond to jury summonses.

Ideas suggested so far include revamping state law to impose community service hours on potential jurors who did not respond to a summons or issuing a ticket for a civil infraction, said 2nd Circuit Judge Thomas Bateman III, who chairs the Work Group on Standards for Jury Panel Sizes.

Failure to comply with a summons is punishable by a \$100 fine and can result in a contempt of court charge, but it's an option that is infrequently used.

Bateman said he found several potential jurors in contempt in the past, and found it a good way to boost reporting rates. Other judges are more reluctant, and some lawyers

prefer a pool of jurors who appear voluntarily.

Judges in the 19th Judicial Circuit, encompassing Indian River, Martin, St. Lucie and Okeechobee counties, routinely ask residents who disregard their summons to explain their reasons for doing so.

At the Martin County Courthouse, a volunteer calls people who failed to reply, said Connie Hammett, the jury management clerk. Last week, a woman who said she forgot to show up because her mother died was allowed to reschedule for a different week.

Wanda Redden, a jury manager with the St. Lucie County Courthouse, said many people say they were away when their summons was mailed and did not return in time to respond. They are asked to write a letter to one of the judges, explaining why they did not show up.

It is then up to the judge to decide whether to excuse them from service, find them in contempt, or find another solution.

In Indian River County, County Judge Joe Wild writes letters to people who fail to respond to their summonses or follow-up calls. He directs each person to write him a letter, then decides whether he will accept his or her excuse.

Bateman said the state work group has received suggestions such as limiting the types of excuses allowed by people who want to get out of jury duty, or making potential jurors feel more comfortable by keeping personal information out of the public record.

Edward Abare III, an assistant public defender in the 19th Circuit, said more should be done to enforce summonses.

"The people that don't show up tend to be the working class barely getting by," Abare said, skewing the socio-economic composition of the jury pool.

Indian River County resident Gene Ross was an alternate to the jury that received letters from the man they convicted. He received a letter too.

He said he hopes the state will change court rules to offer jurors additional protection if necessary, and find a way to penalize defendants who contact jurors.

"I think it's a valuable service to serve on a jury, to show on your part that you're part of the community," he said.

- grace.murphy@scripps.com

Number of people who

show up for jury duty.

National average: 40 percent

Florida average: 30 percent

Rate per county in 19th Judicial Circuit for past three fiscal years:

Indian River: 29.1 percent

Martin: 36.5 percent

Okeechobee: 24.6 percent

St. Lucie: 36.8 percent

Source: Office of State Courts Administrator.

How are jurors selected?

Jurors are selected through Florida driver's license and ID card lists. They must be 18 or older and U.S. citizens.

Groups disqualified include convicted felons whose civil rights are not restored and people under prosecution for crimes.

Exemptions are allowed for people older than 70, pregnant women, full-time law enforcement officers and nonworking parents with custody of a child age 6 or younger.

Pay is \$15 per day for the first three days of service if employers do not pay for jury service. All jurors who serve more than three days get \$30 per day for fourth day of service and each day thereafter.

Source: *Florida State Statutes*

Indian River judge orders inmate to stop contacting his former jurors

By Grace Murphy
staff writer
March 18, 2005

VERO BEACH — A judge ordered a county jail inmate Thursday to stop contacting the jurors who found him guilty of high-speed fleeing and a driver's license restriction last month.

Circuit Judge Dan L. Vaughn also ordered the Indian River County Sheriff's Office to examine the contents of Thomas Ray Fulford's outgoing mail, with the exception of letters addressed to his attorney.

Three of the jurors who heard Fulton's case reported receiving a six-page, handwritten letter from the 39-year-old Vero Beach resident as of Thursday. The contents of each letter were identical, presenting information Fulford said jurors did not hear at trial and asking them to show up at his sentencing hearing April 25 to help him get justice.

"I'm asking you to really take time and think about this and please do the right thing and come and help me. Please don't take 30 years away from my kids and I (sic) over a traffic violation," Fulford wrote.

State prosecutors are seeking enhanced penalties on the charges based on his 16 prior felony convictions, said Assistant State Attorney Ryan Butler. Fulford could face 30 years in prison if the judge agrees to enhanced penalties, and an additional five years if he is found guilty of a probation violation.

It is not a criminal offense to contact a juror after a trial concludes, although attorneys are prohibited by rules of professional conduct from contacting jurors without a judge's permission, Butler said.

Vaughn made it clear Thursday that Fulford's decision to contact jurors went against the rules of his court.

"You are not to have contact with these people directly or indirectly, or have anyone communicate with them for you," Vaughn said.

Vaughn called a special hearing Thursday after jurors contacted the courthouse, asking how Fulford got their home addresses. At the hearing, Fulford told Vaughn he got the addresses out of the phone book.

Butler said Fulford's letters were disrespectful of the court and of jurors who spent three days serving.

"They don't need to be harassed by this defendant," Butler said.

Fulford was on probation in Indian River County for felony fleeing when a state Fish and Wildlife officer attempted to pull him over in the area of 69th Street and 82nd Avenue on Feb. 12, according to court records. The chase ended at his home.

Fulford also was on probation at the time in St. Lucie County for dealing in stolen property and giving false information to a pawnbroker, Butler said.

In his letter to jurors, Fulford said he once was beaten by sheriff's deputies and drove to his house before pulling over because he was afraid it would happen again.

- grace.murphy@scripps.com

February 6, 2005

[REDACTED]

[REDACTED]

Honorable Thomas H. Bateman, III
Circuit Court Judge
Room 365C
Leon County Courthouse
Tallahassee, FL 32301

850-577-4315

Dear Judge Bateman,

My first experience as a juror has left me both angry and concerned. This being my first court appearance. I really didn't know what to expect. When confronted by the defendant's attorney I felt like a deer in headlights and I was more reactionary than thoughtful. Nevertheless, I was totally taken aside when the Judge began asking me personal information. After going home, I realized how vulnerable and intimidated I felt. Here sits the accused with his attorney, family, and or friends hearing my personal information. They know my name, which is unique in the local phone book. They know I have children. If I find this person guilty, could my family be in danger?

Serving as a juror is my civic duty. I take it very seriously. Tell me though, where are my rights as a citizen for protection and privacy in this process? As a Critical Care Nurse, I am required to keep all my patients personal information confidential (HIPPA). Numbers are used instead of patients' names to protect their privacy. As a juror, I feel that I should be given the same consideration.

Sincerely,

[REDACTED]