

IN THE CIRCUIT COURT OF MAYCOMB COUNTY, ALABAMA

STATE OF ALABAMA,

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v.

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Case No. CC-00-0000

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JOE CLIENT.

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**MOTION FOR PERSONAL SERVICE ON POTENTIAL
JURORS WHO DO NOT RESPOND TO THEIR SUMMONS AND
FOR THE COURT TO DETERMINE ALL EXCUSALS**

Mr. Client respectfully moves this Court to order that service of summons to jurors be accomplished in a way that ensures that a fair cross-section of the community actually appears for jury service, that personal service be made upon any jurors who fail to respond to their summons mailed by the clerk, and that this Court hear and determine any applications to be excused or have jury service deferred after providing notice to Mr. Client and counsel. In support of this motion, Mr. Client submits the following:

1. Joe Client is charged with capital murder and the State is seeking the death penalty. This case has received extraordinary news coverage in the Maycomb media, as well as throughout the state, including in the state capital, Montgomery. There is widespread knowledge about this case in the community and strongly held opinions about Mr. Client's guilt and the appropriateness of the death penalty.

2. Mr. Client is entitled to have his petit jury drawn from a venire that represents a fair cross-section of the community. See, e.g., Holland v. Illinois, 493 U.S. 474 (1990); Duren v. Missouri, 439 U.S. 357 (1979); Taylor v. Louisiana, 419 U.S. 522 (1975); Peters v. Kiff, 407 U.S. 493 (1972); Thiel v. Southern Pacific Co., 328 U.S. 217 (1946). It is of particular importance that the process leading to consideration of the death penalty be fair and reliable. See Beck v. Alabama, 447 U.S. 625, 637-38 (1980); Gardner v. Florida, 430 U.S. 349, 357-58 (1977).

3. Alabama law expressly confers on the trial judge the responsibility for determining all excusals from jury service. Ala. Code § 12-16-74. This statutory provision must be strictly adhered to. Ala. Code § 12-16-63; see also Ford Motor Co. v. Duckett, 70 So. 3d 1177, 1185 (Ala. 2011) ("only judges and other properly designated court officials have the authority to excuse jurors").

4. In order to protect Mr. Client's rights to due process, a fair trial, and a reliable sentencing as guaranteed by the Fifth, Sixth, Eighth, and Fourteenth Amendments to the United States Constitution and Alabama law, this Court should direct that the service of summons to jurors be accomplished in a way that ensures that a fair cross-section of the community actually appears for jury service.

For these reasons, Mr. Client respectfully requests that this Court:

- (a) order that the Clerk issue a summons to those jurors selected, commanding those jurors to appear on a date specified, without making mention of the name of the case to be tried;
- (b) order that personal service be made upon any juror who fails to respond to a summons mailed by the Clerk;
- (c) order that the Clerk, Sheriff, and other court personnel not disclose the name of the case or the accused to any potential juror prior to this Court making that disclosure at the time the jurors appear in the courtroom; and
- (d) hear and determine any application to be excused or have jury service deferred only after providing notice to Mr. Client and counsel.

Respectfully submitted,

/s/ Linda Lawyer

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[CERTIFICATE OF SERVICE]

[MOTION UPDATED ON 10/11/17]