

The Supreme Court of South Carolina

ADMINISTRATIVE ORDER STATE GRAND JURY

The State Grand Jury of South Carolina was created by the State Grand Jury Act, 1987 Act. No. 150 Section 1 et seq., codified at South Carolina Code Ann. §§ 14-7-1600, et seq., which became effective February 15, 1989. In the period since the creation of the State Grand Jury, it has been necessary for the Supreme Court, pursuant to S.C. Code Ann. § 14-7-1800 and Article V, Section 4, of the South Carolina Constitution, to set out through administrative orders certain duties and responsibilities related to the processing of State Grand Jury investigations and the maintenance of records associated with State Grand Jury cases. This Order supersedes all preceding orders issued by this Court or any circuit court governing State Grand Jury administration.

JUDGES

The Presiding Judge of the State Grand Jury is the Chief Judge for Administrative Purposes for General Sessions of the circuit in which the grand jury is impaneled. S.C. Code Ann. § 14-7-1630(D). The Presiding Judge shall direct and supervise the duties of the Clerk of the State Grand

Jury according to state law, court rules, and administrative orders of the Court, and shall have jurisdiction throughout the state to issue orders, search warrants, and seizure warrants related to State Grand Jury investigations, approve consent orders for forfeiture, set venue for trials of defendants indicted by the State Grand Jury, set bonds for defendants indicted by the State Grand Jury, and hear all other matters arising from the proceedings of a State Grand Jury except for the prosecution of cases arising from indictments.

Following the return of an indictment in a State Grand Jury investigation, the Chief Justice will assign a circuit court judge to take jurisdiction of and preside over all civil and criminal cases arising out of that investigation and set terms of court for the trial of these cases in the county where venue is set by the presiding judge of the State Grand Jury. As deemed necessary by the judge appointed for trial of cases arising from a particular State Grand Jury investigation, the Office of South Carolina Court Administration shall present to the Chief Justice a proposed order scheduling a special term of court in the appropriate county or counties to dispose of civil and criminal matters arising from an authorized State Grand Jury investigation.

CLERK OF THE STATE GRAND JURY

The Clerk of the State Grand Jury is designated by the

Impaneling Judge of the State Grand Jury pursuant to S.C. Code Ann. § 14-7-1660, subject to the approval of the Supreme Court. The Clerk of the State Grand Jury shall serve under the direction of the Presiding Judge of the State Grand Jury and will be responsible for maintaining the original files in all State Grand Jury investigations. The Clerk of the State Grand Jury shall file and maintain all documents and exhibits comprising the official court file in every civil and criminal proceeding initiated as a result of an authorized State Grand Jury investigation and shall coordinate the scheduling of hearings and trials in such matters.

All filings, posting of bonds, payment of fines and fees, and other like matters associated with each State Grand Jury investigation will be with the Clerk of the State Grand Jury. All documents, exhibits, and records filed with or generated by the Clerk of the State Grand Jury are official court records and must be maintained and protected according to state law, court rules, and orders issued by the South Carolina Supreme Court or the Chief Justice. The Clerk of the State Grand Jury is the custodian of all documents and records filed in that office and is responsible for their maintenance and protection. No employee of the Attorney General's Office, with the exception of the Clerk of the State Grand Jury and any deputy Clerk, shall have custody of or access to the files or records of the Clerk of the State Grand Jury except to the extent permitted by state law, court rules, or administrative

orders of the court. The Clerk of the State Grand Jury and the Office of the Attorney General may utilize the services of a computer network to facilitate communication between their offices, provided that the network will not allow access to the computerized files of one office by the other.

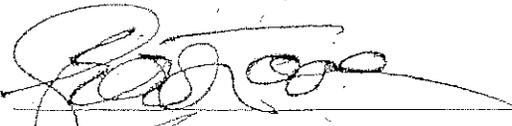
The Clerk's office shall receive, deposit, and disburse all revenue from filing fees, bonds, bond estreatments, bondsman's fees, and other sources in accordance with state law and shall be responsible for paying the expenses of state grand jurors as permitted or required by law. The accounts used by the Clerk for these purposes shall be completely independent of the supervision and control of the Attorney General's Office. The Attorney General's Office shall maintain the summary records of the state accounts used by the Clerk, but the use and detail documentation of such use is the sole responsibility of the Clerk. The Clerk shall insure that all recordkeeping complies with the audit standards of the State.

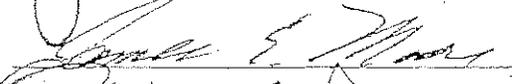
SELECTION OF GRAND JURORS

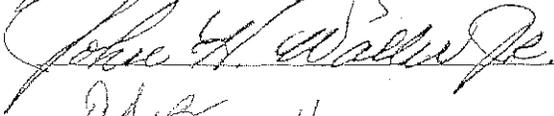
South Carolina Code Ann. § 14-7-1660 provides that the juror qualification form and "manner of qualifying potential state grand jurors [is] to be determined by the Supreme Court." In accordance with this section, the Clerk of the State Grand Jury shall use the Juror Qualification Form attached to this order as Exhibit A and shall follow the Procedures for

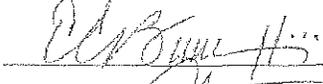
Selection of State Grand Jury set forth in the attached Exhibit B.

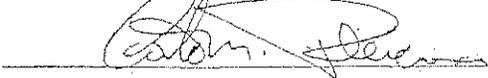
IT IS SO ORDERED.


C.J.


J.


J.


J.

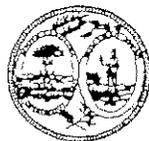

J.

Columbia, South Carolina

December 7, 2000

EXHIBIT A

State Grand Jury of South Carolina



Office of the Clerk

1205 Pendleton Street
Edgar A. Brown Building
Suite 535
Columbia, South Carolina 29201

Post Office box 11508
Columbia, SC 29211
Telephone 803-734-0497
Fax 734-0513

LISA C. DUNBAR
CLERK OF COURT

PART 1

Dear Prospective State Grand Juror:

Your name has been drawn by lot, and you are being considered for jury service on the State Grand Jury. Jury Service is both an opportunity and an obligation of every American. State Grand Jurors will receive the same per diem, mileage and subsistence as do members of state boards, commissions and committees.

This is not a summons for jury service. It is a way of obtaining some information about you from which we can objectively determine whether you are qualified to serve pursuant to state law. Please answer each question, sign and return the form within ten days. If we find you qualified, you may be summoned at a later time.

If you do not return this questionnaire form, fully completed, within ten days you will be summoned to report to this office at your expense to complete the questionnaire.

If you show, in answer to question 7, that you have a physical or mental infirmity, please attach a doctor's certificate which describes your infirmity.

A postponement may be granted to a person enrolled in a high school or an institution of higher learning, including a technical college. Also, a person employed as a teacher, certified personnel at the building level, or bus driver by a school, a school system, or a school district offering educational programs to graded K-12 and to institutions of higher learning, including technical colleges. (If so, give the name of your school and dates of attendance under "Remarks" section.) If one of the above categories applies to you and you wish to be excused or exempt for that reason with the number of your category in the box at Question 13 on the Juror Qualification Questionnaire.

PART 2

GROUND FOR EXEMPTIONS

(Category number) Are You:

- (1) Over 65 years of age? If so give month, day and year of birth under "Remarks" section.
- (2) A person who has served as a circuit court juror once within the last three (3) calendar years? (If so, give name of the court and dates you served under "Remarks" section.)

GROUND FOR EXCUSES

- (1) A woman having legal custody and the duty of care of a child under the age of seven years? (If so, furnish an affidavit to the Clerk on the form set forth on page 2 of this letter of Instructions.)

IF YOUR ADDRESS CHANGES AFTER YOU HAVE RETURNED THE QUESTIONNAIRE, PLEASE NOTIFY THE CLERK PROMPTLY BY LETTER OR POST CARD, ADDRESSING IT TO ATTENTION: CLERK OF COURT, STATE GRAND JURY, P.O. BOX 11508, COLUMBIA, SOUTH CAROLINA, 29211

LISA C. DUNBAR,
CLERK OF COURT

JUROR QUALIFICATION QUESTIONNAIRE

PRINT OR TYPE YOUR ANSWERS

PLEASE READ LETTER OF INSTRUCTIONS

NAME OF JUROR: _____ ID#: _____

SS#: _____ MARK A "YES" OR "NO" BOX FOR EACH QUESTION YES NO

1. ARE YOU A CITIZEN OF THE UNITED STATES? YES NO

2. ARE YOU 18 YEARS OR OLDER? (GIVE YOUR AGE _____) YES NO

3. DO YOU HOLD A COMMISSION WITH THE POWER TO ARREST? YES NO

4. DO YOU READ, WRITE, SPEAK AND UNDERSTAND THE ENGLISH LANGUAGE? YES NO

IF YOUR ANSWER TO NO. 5 OR 6 IS "YES" PLEASE GIVE MORE INFORMATION ON REVERSE	5. HAVE YOU EVER BEEN CONVICTED, EITHER BY YOUR GUILTY OR NOLO CONTENDERE PLEA OR BY A COURT OR JURY TRIAL, OF A STATE OR FEDERAL CRIME FOR WHICH PUNISHMENT COULD HAVE BEEN MORE THAN ONE YEAR IN PRISON?	<input type="checkbox"/>	<input type="checkbox"/>
	6. (IF ANSWER TO QUESTION #5 IS "YES") WERE YOUR CIVIL RIGHTS RESTORED? (IF "YES" EXPLAIN ON REVERSE SIDE)	<input type="checkbox"/>	<input type="checkbox"/>

7. DO YOU HAVE ANY PHYSICAL OR MENTAL DISABILITY (EXCLUDING BLINDNESS) THAT WOULD INTERFERE WITH OR PREVENT YOU FROM SERVING AS A GRAND JUROR? (IF YES, SEE NOTES/QUESTION 7 ON NEXT PAGE) YES NO

8. ARE YOU EMPLOYED AS A CLERK OR DEPUTY CLERK OF THE COURT, CONSTABLE, SHERIFF, PROBATE JUDGE, COUNTY COMMISSIONER, MAGISTRATE, COUNTY OFFICER, OR ANY PERSON EMPLOYED WITHIN THE WALLS OF ANY COURTHOUSE? (IF "YES", EXPLAIN ON REVERSE SIDE.) YES NO

9. PHONE {	HOME	WORK (INCLUDE EXTENSION)
	AREA CODE NUMBER	AREA CODE NUMBER AND EXTENSION

10. PLEASE SHOW YOUR RACE BELOW (SEE NOTE ON REVERSE SIDE).

BLACK (AFRICAN AMERICAN) HISPANIC CAUCASIAN (WHITE)

AMERICAN INDIAN ASIAN/ORIENTAL OTHER (Specify) _____

11. SHOW THE EXTENT OF YOUR EDUCATION BY GIVING THE NUMBER OF YEARS COMPLETED.

Below Middle School _____ (0-8) In High School _____ (9-12) Above High School _____ (13-18) Trade/Vocational School _____

12. OCCUPATION

ARE YOU NOW EMPLOYED? YES NO YOUR USUAL OCCUPATION, TRADE OR BUSINESS _____

YOUR EMPLOYER'S NAME _____	BUSINESS OR EMPLOYERS ADDRESS _____
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13. GROUNDS FOR REQUESTING EXCUSE OR EXEMPTION

PART 2 OF THE ATTACHED LETTER OF INSTRUCTIONS DESCRIBES CERTAIN CATEGORIES OF PERSONS WHO MAY BE EXCUSED OR EXEMPT BY THE COURT FROM SERVICE AS A JUROR. IF YOU ARE A PERSON IN ONE OF THESE CATEGORIES AND YOU WISH TO BE EXCUSED OR EXEMPT WRITE THE NUMBER OF YOUR CATEGORY HERE

OR, IF YOU WISH TO SERVE DO NOT SHOW ANYTHING HERE, PERSONS SHOWING A CATEGORY OF EXCUSE WHICH REQUIRES MORE INFORMATION MUST PROVIDE IT ON THE OTHER SIDE UNDER "REMARKS".

14. I declare under penalty of perjury that all answers are true and correct to the best of my knowledge and belief.

MR. MRS. MISS MS.

SIGN HERE _____ DATE _____ 2004

RETURN THIS FORM IN THE ENCLOSED ENVELOPE. IF YOUR NAME OR PERMANENT ADDRESS IS NOT CORRECT, PLEASE CHECK REVERSE/ AND SHOW CORRECTIONS

TO: CLERK OF COURT
 15. STATE GRAND JURY
 P.O. BOX 11508
 COLUMBIA, S.C. 29211

16. COUNTY IN WHICH YOU NOW LIVE _____

EXHIBIT B

PROCEDURES FOR SELECTION OF STATE GRAND JURY

Pursuant to S. C. Code Ann. § 14-7-1600, et seq., on the second Wednesday of November of each year, the Clerk of the State Grand Jury (SGJ) shall mail materials concerning selection of state grand jurors to each of the state's forty-six county Clerks of Court. This package will include an acknowledgment of receipt (for immediate return), a notice (for posting), and a memorandum of explanation and instructions for the drawing and list preparation. The county Clerks of Court will acknowledge receipt of the package no later than the second Wednesday in December. By January 1, the Clerk of the SGJ shall contact the Clerks in those counties from which an acknowledgment has not been received.

On the second Wednesday of January each year, the jury commissioners for each county shall proceed to draw at random from the jury box the name of one person for each one thousand residents or fraction thereof of the county as determined by the latest United States census. The jury commissioners shall not disqualify or excuse any individual whose name is drawn. The county Clerks of Court will forward a list of the names drawn by the jury commissioners to the Clerk of the SGJ, both in writing and on computer readable media, identified by county name and certified by the jury commissioners, containing a record for each name selected that includes an

address and voter registration, driver's license, social security, or other identification number, if available.

On or before February 1, the Clerk of the SGJ shall compile all lists provided by the county Clerks of Court into a list known as the SGJ list and shall verify that the records on the SGJ list matches the records on the lists provided by the county Clerks of Court.

On the first Monday in February, the Clerk of the SGJ shall post notice at the office of the Clerk of the SGJ announcing that a random drawing of the names of 700 eligible state grand jurors from the SGJ list shall take place on the second Wednesday after the first Monday of February.

On the second Wednesday after the first Monday in February, the Clerk shall randomly draw the starting seed and randomly draw 700 names from the SGJ list using Office of Information Resources software as follows:

The total number of records on the SGJ list divided by 700 (the number needed) equals a "whole number quotient" (ex. 4) and a "remainder" (ex. 400). The quotient plus the remainder (ex. $4 + 400$) is the number of "numbered chips" for that "wheel." The drawing of a random chip provides the number for the starting "seed" (ex. 324). The quotient is used as the number of records the computer "skips" in its random drawing process. Thus, in this example, the computer would start with record #324 and skip every four records until a total of 700 records is selected.

The list of names of these 700 eligible state grand jurors is known as the "master list." The master list shall be printed alphabetically and the records transferred to a new master list file. The Clerk of the SGJ shall mail

an approved juror qualification form to every person whose name is on the master list within five working days.

On or before April 1, the Clerk of the SGJ shall review all returned juror qualification forms and, based solely upon the information provided on the form, make a recommendation to the Presiding Judge whether an individual is unqualified for, or exempt, or to be excused from jury service. The Presiding Judge shall determine whether an individual is unqualified for, or exempt, or to be excused from jury service. The Clerk of the SGJ shall enter the determination of the Presiding Judge in a space provided on the juror qualification form, on the alphabetical list of names on the master list, and on the computer file of the master list. The Clerk of the SGJ shall also make other changes, e.g., address, as appropriate. If a person does not return the juror qualification form, such fact shall be noted on the master list and computer file. The juror qualification forms shall be separated into qualified and unqualified, with all forms being stored by the Clerk of the SGJ. The names of all qualified jurors shall be compiled by the Clerk of the SGJ in a list known as the "qualified state grand jury list."

On the first Monday following entry of an Order of Impanelment by the Impaneling Judge, the Clerk of the SGJ shall post notice at the office of the Clerk of the SGJ announcing that the names of sixty persons will be randomly drawn from the qualified state grand jury list on the second

Wednesday after the notice is posted.

On the second Wednesday after the notice is posted, the Clerk of the SGJ shall randomly draw the starting seed and randomly draw sixty names from the qualified state grand jury list using Office of Information Resources software as follows:

The total number of records on the qualified state grand jury list divided by 60 (the number needed) equals a "whole number quotient" (ex. 5) and a "remainder" (ex. 50). The quotient plus the remainder (ex. $5 + 50$) is the number of "numbered chips" for that "wheel." The drawing of a random chip provides the number for the starting "seed" (ex. 24). The quotient is used as the number of records the computer "skips" in its random drawing process. Thus, in this example, the computer would start with record #24 and skip every five records until a total of 60 records is selected.

The names of these sixty persons shall constitute the SGJ venire.

The venire shall be printed alphabetically for the Clerk of the SGJ and the records transferred to a venire file. The Clerk of the SGJ shall issue an approved summons for jury service to each person whose name appears in the SGJ venire file and transmit the summons to the appropriate sheriff for service. The Clerk of the SGJ also shall issue a writ of venire facias for these persons, requiring their attendance at the time designated. The writ of venire facias must be delivered immediately to the sheriff of the county where the person resides and served as provided by law.

Prior to the date of the jury selection process, the Clerk of the SGJ shall make appropriate changes (e.g., address) and additions (e.g.,

mileage information) to computer records.

On the date specified by the Impaneling Judge, the Presiding Judge shall conduct the jury selection process. From the sixty persons summoned, a State Grand Jury of eighteen persons plus four alternates shall be drawn in the same manner as jurors are drawn for service on the county grand jury.

When selection is complete, all persons not selected shall be dismissed for preparation of travel reimbursement.

After the selection of the members of the State Grand Jury, the Presiding Judge shall administer the following oath to the grand jurors and the alternates:

"You, as grand jurors for the State of South Carolina, do solemnly swear (or affirm) that you will diligently inquire into all matters put in your charge and you will make true presentments of your findings; unless ordered by a court, you will not disclose the nature or substance of the deliberations of the grand jury, the nature or substance of any testimony or other evidence, the vote of the grand jury, or the statements of the Attorney General and/or his designees; you shall not make a presentment against a person because of envy, hatred, or malice, and you shall not fail to make a presentment against a person because of love, fear, or reward. So help you God."

After the state grand jurors and alternates are sworn, the Presiding Judge shall charge them concerning their duties. Alternate grand jurors shall be instructed to attend sessions of the State Grand Jury but they may not participate in the deliberations or voting until such time as they may

be appointed as permanent state grand jurors. The Presiding Judge shall then appoint one member of the State Grand Jury to be foreperson and another to be deputy foreperson. The Clerk of the SGJ shall immediately prepare a list of the names of the grand jurors and alternates. The names shall not be made public at any time, unless so ordered by the Presiding Judge.

The Attorney General and his designees, the court reporter, and the Clerk and deputy clerks of the SGJ shall be sworn to secrecy.

Other orientation, arrangements for the next meeting, and travel reimbursement shall be completed before the day's dismissal.