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Anderson, Bernie Assemblyman

From: James Jackson [Jjackson@thorndal.com]
Sent: Thursday, April 17, 2003 7:31 AM
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Subject: SB 73

Judiciary Committee Members:

Good morning. Hopefully I will be able to get in for the hearing on this bill.

My concern with this bill, on behalf of all members of the Nevada Attorneys for Criminal Justice (NACJ), is the removal of judges, justices and attorneys, in addition to police officers, sheriffs and deputy sheriffs, from the present exemption from service. Our concern is that prosecutors and law enforcement officers would now be eligible for service as jurors in criminal matters, a concern I would think would be shared by the DA's Association, in that defense attorneys as well would be eligible for service.

While it might be argued that it would be a rare case indeed that any prosecutor or defense attorney would allow such an occurrence, the possibility certainly exists that it would force the trial attorney to utilize one of a limited number of pre-emptory juror "strikes" to remove an unwanted prosecutor, law enforcement member or criminal defense counsel, forcing them to leave on another undesirable juror.

We would urge that the exemption of judges, justices of the peace and attorneys, and law enforcement members be retained. At the very least, they should be excluded from jury service in criminal matters, due to the obvious conflict that exists, and the adverse effect it could have on the jury selection process.

I will hopefully be able to conclude a prior commitment and make the hearing, but wanted to let my concerns be known to you. Thank you for your consideration.

Sincerely,

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ASSEMBLY JUDICIARY

DATE: 4/17/03 ROOM 3138 EXHIBIT D

SUBMITTED BY: James Jackson

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