

## 10.5 Jury Composition

### A. Census Data

When challenging the jury pool or “venire,” the defendant may present census figures that the representation of Black people in the pool does not reflect the number of such people in the community. Census data is available online. *See* [United States Census Bureau website](#), CENSUS.GOV (last visited Sept. 22, 2014). Certified copies of census data available online can be obtained from the U.S. Census Bureau.

### B. Records Maintained by the Court or Jury Commission

In raising fair cross-section or equal protection challenges to the jury pool, attorneys will generally compare census data to current and former records reflecting the names and demographic information of those included on master jury lists and on jury venires. Most of the time, defense counsel will need to seek such information through discovery. In some cases, counsel may be able to obtain records from the clerk of superior court regarding the demographic information of past jurors and juror panelists. *See, e.g., State v. Cofield*, 320 N.C. 297, 299 (1987) (defendant “introduced a report prepared by Mr. R.J. White, Northampton County’s Clerk of Superior Court, listing all who had served as grand jury foreman since 1960 by name, race, and sex”). To determine the identity of potential jurors before jury selection in a particular case, attorneys can check the list of jurors on a defendant’s jury panel in the clerk’s office approximately one week before trial. Attorneys can review that list to ensure that there are no obvious violations of the randomness requirement (e.g., not all people have last names beginning with the same letters), and may try to discover the race of the people listed on the jury panel by searching on the [North Carolina Board of Election’s website](#) or on LexisNexis peoplefinder. The master jury list is available to the public in the clerk of superior court’s office. Attorneys need to create a record of juror race by asking the judge to instruct potential jurors to self-report their race and ethnicity at the outset of questioning. *See infra* § 10.6C, Data Collection During Trial.