

UNITED STATES DISTRICT COURT
DISTRICT OF OREGON

UNITED STATES OF AMERICA,
Plaintiff,

v.

AMMON BUNDY, et al.,
Defendants.

Case No. 3:16-cr-00051-BR

SUPPLEMENTAL
DECLARATION OF JURY
ADMINISTRATOR

I, TERESA D. GLOVER, declare:

1. As the Jury Administrator for the U.S. District Court for the District of Oregon, I make this declaration in response to the Court's Order (#994), issued August 10, 2016, in *United States v. Bundy et al.*, 3:16-cr-00051-BR.

2. On February 2, 2015, the U.S. District Court for the District of Oregon adopted a Juror Management Plan (hereinafter, "2015 Plan"), attached as Exhibit 1, in accordance with the provisions of the Jury Selection and Service Act of 1968 (Public Law 90-274), as amended and codified in 28 U.S.C. § 1861 *et seq.* The Judicial Council for the Ninth Circuit approved the Plan on February 18, 2015.

3. On April 26, 2010, the U.S. District Court for the District of Oregon adopted a Juror Management Plan (hereinafter, "2010 Plan"), attached as Exhibit 2, in accordance with the provisions of the Jury Selection and Service Act of 1968 (Public Law 90-274), as amended and codified in 28 U.S.C. § 1861 *et seq.* The Judicial Council for the Ninth Circuit approved the Plan on June 25, 2010. The 2010 Plan was superseded by the 2015 Plan.

4. The procedures described in the 2010 Plan and 2015 Plan are substantially the same.

5. Pursuant to Section 1.06 of the 2015 Plan, I have responsibility for the day-to-day operation of the jury management process. Exhibit 1, at p. 4.

6. Active registered voters lists obtained from the Oregon Secretary of State's office are source lists for the master jury wheel in this district. See Exhibit 1, Section 2.01, at p. 7. Active registered voters lists received by the Court do not indicate any voter's political party affiliation.

7. In order to randomly draw names from the active registered voters lists to create the master jury wheel, Clerk's Office staff determine the proportional share of each county's representation in the list and used Structured Query Language statements like the one below to draw each county's share from the entire list:

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SELECT * FROM voters where county = [county code] order by rand() limit
[proportional share];
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This function implements the “purely randomized” selection process described in Section 1.11 of the 2010 and 2015 Plans.

8. The Court uses the automated Juror Management System (JMS) to assist in implementing the Jury Plan. Use of JMS is supported by the Administrative Office of the U.S. Courts, which provides administrative support to federal courts nationwide. One function of JMS applies an algorithm to draw names at random from the master jury wheel, or other lists of names drawn from the master jury wheel in compliance with the Plan, in order to create a randomized selection. This function implements the “purely randomized” selection process described in Section 1.11(a) of the 2010 and 2015 Plans. See Exhibit 1, at p. 5; Exhibit 2, at p. 4.

Creation of Grand Jury Pool

9. Section 1.07 of the 2015 Plan directs the Clerk to align Oregon's counties into four Jury Management Divisions and authorizes the Chief Judge to combine Jury Management Divisions. Exhibit 1, at p. 4.

10. The Northern Jury Management Divisions of the Court are the Portland and Pendleton Jury Management Divisions.

11. The Portland Jury Management Division includes the following counties: Clackamas, Clatsop, Columbia, Hood River, Jefferson, Multnomah, Polk, Tillamook, Wasco, Washington, and Yamhill. The Pendleton Jury Management Division includes the following counties: Baker, Crook, Gilliam, Grant, Harney, Malheur, Morrow, Sherman, Umatilla, Union, Wallowa, and Wheeler. Exhibit 1, Section 1.07, at p. 4.

12. Section 4.07 of the 2015 Plan requires empanelment of one or more grand juries for "any division or combined divisions of this district in accordance with court orders issued by the Chief Judge." Exhibit 1, at p. 18.

13. Pursuant to an order of the Court and Sections 1.08, 1.11(a), 2.02, and 2.03 of the 2010 Plan, the 2013 master jury wheels for each Jury Management Division within the District were created on April 17, 2013, using the process described in paragraph 7 above. See Exhibit 3, *In re: Master Jury Wheels, Order Creating 2013 Master Jury Wheels*.

14. Exhibit 4 lists the names, addresses, and participant numbers for persons on the 2013 master jury wheel for all Jury Management Divisions. The names, addresses, and participant numbers of the individuals selected for grand jury service have been redacted from Exhibit 4 (filed under seal pursuant to Order (#994), issued August 10, 2016).

15. Pursuant to an order of the Court, Clerk's Office staff employed JMS to draw at random 50 percent of the names from the 2013 master wheel list on or about April 17, 2013. See Exhibit 5, *In re: 2013 Jury Wheels*. The individuals drawn were sent a juror qualification questionnaire. That status is indicated in Exhibit 4.

16. Pursuant to Section 3.04 of the 2010 Plan and an order of the Court, the names of all persons randomly selected from the 2013 master jury wheel for each Jury Management Division who were determined qualified to serve, and who were not exempted, excused, or disqualified from service as jurors, were placed in the qualified jury wheel for the applicable division. See Exhibit 6, *In re: Qualification of Grand and Petit Jurors for the 2013 Refilling of the Qualified Jury Wheels*. An individual's status as qualified is indicated in Exhibit 4.

17. The 2015 Plan went into effect on February 18, 2015.

18. In an order signed on March 30, 2015, the Chief Judge ordered the Clerk to draw at random from the qualified jury wheels of the Portland and Pendleton Juror Management Divisions to create four grand jury venires from the combined Northern Divisions, for empanelment in Portland on or about July 8, 2015. See Exhibit 7, *In the Matter of the Selection and Summoning of Grand Jurors for the Northern Division*, Misc. No. 3:15-mc-00157 (D. Or., Mar. 30, 2015).

19. The March 30, 2015, order required the names of the prospective grand jurors to be drawn from the Portland and Pendleton Jury Management Divisions in numbers proportionate to each division's percentage share of the total number of names on the State's active registered voters lists for counties within the Portland and Pendleton Juror Management Divisions, as indicated on the State's list certified by Oregon's Secretary of State as of January 22, 2013. Exhibit 7. Clerk's Office staff employed JMS to draw at random the required number of names.

20. The order is consistent with Section 4.07(b) of the 2015 Plan.

21. Exhibit 8 (filed under seal pursuant to Order (#994), issued August 10, 2016) is a list of qualified jurors who were sent a summons to appear for jury service on July 8, 2015. The names, addresses, and participant numbers of the individuals selected for grand jury service have been redacted from Exhibit 8.

22. The four panels from the combined Northern Juror Management Divisions were designated Grand Jury 15-01, Grand Jury 15-02, Grand Jury 15-03, and Grand Jury 15-04.

23. Grand jurors serve until discharged by the Chief Judge. No regular grand jury serves longer than 18 months unless the Court extends the period of service. Exhibit 1, Section 4.08, at p. 16. As of the date of this Declaration, Grand Jury 15-01, Grand Jury 15-02, Grand Jury 15-03, and Grand Jury 15-04 have not been discharged.

24. Information about the counties represented within each Grand Jury is provided in the May 11, 2016, Declaration of Jury Administrator, Document 538 in the docket for *United States v. Bundy et al.*, 3:16-cr-00051-BR.

Creation of Petit Jury Pool

25. Pursuant to an order of the Court and Sections 1.08, 1.11(a), 2.02, and 2.03 of the 2015 Plan, the 2015 master jury wheels for each Jury Management Division within the District were created on April 3, 2015, using the process described in paragraph 7 above. See Exhibit 9, *In re: Master Jury Wheels, Order Creating 2015 Master Jury Wheels*.

26. Exhibit 10 (filed under seal pursuant to Order (#994), issued August 10, 2016) lists the names, addresses, and participant numbers for each person on the 2015 master jury wheel for all Jury Management Divisions.

27. Pursuant to an order of the Court, Clerk's Office staff employed JMS to draw at random 50 percent of the names from the 2015 master wheel list on or about May 26, 2015. See Exhibit 11, *In re: 2015 Jury Wheels*. The individuals drawn were sent a juror qualification questionnaire notice. That status is indicated in Exhibit 10.

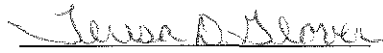
28. Pursuant to Section 3.04 of the 2015 Plan and an order of the Court, the names of all persons randomly selected from the 2015 master jury wheel for each Jury Management Division who were determined qualified to serve, and who were not exempted, excused, or disqualified from service as jurors, were placed in the qualified jury wheel for the applicable division. See Exhibit 12, *In re: Qualification of Grand and Petit Jurors for the 2015 Refilling of the Qualified Jury Wheels*. An individual's status as qualified is indicated in Exhibit 10.

29. On May 24, 2016, the Court ordered the Clerk to issue jury summonses to 1,500 potential petit jurors drawn proportionally from the qualified jury wheel for each of the four Jury Management Divisions for the District of Oregon. That order is Document 599 in the docket for *United States v. Bundy et al.*, 3:16-cr-00051-BR.

30. Pursuant to the Court's May 24, 2016, order and Section 4.01 of the 2015 Plan, Clerk's Office staff employed JMS to draw at random from the qualified jury wheels the names of persons required for assignment to petit jury panels on May 27, 2016. Exhibit 13 (filed under seal pursuant to Order (#994), issued August 10, 2016) is a list of qualified jurors who were sent a summons for the petit jury pool.

31. Exhibit 14 (filed under seal pursuant to Order (#994), issued August 10, 2016) is a list of jurors who were sent a supplemental Jury Questionnaire related to prospective jury service in this case.

I declare that the foregoing is true and correct to the best of my knowledge, and this supplemental declaration was executed in Portland, Oregon, on August 10, 2016.

A handwritten signature in cursive script, reading "Teresa D. Glover", written in black ink.

Teresa D. Glover
Jury Administrator
U.S. District Court for the District of Oregon