

PETIT JURY: How summoned
CIRCUIT CLERK: One summons for petit jury

September 14, 1936.



Mr. Perle Crawford, Clerk
Macon County Circuit Court
Macon, Missouri

Dear Mr. Crawford:

We have your request for an opinion of this office reading as follows:

"I am writing you in regard to the proper way to summons a Petit Jury, there is a question raised here as to the proper way, the way that I have done as clerk by a summons to the sheriff and a certified copy to each petit juror."

That portion of the statute involved in this matter, Section 8758 Revised Statutes Missouri 1929, is as follows:

"And the clerk of the court for which the jury is drawn shall immediately thereafter issue a summons to the sheriff of the county, directing him to summon the persons thus drawn as petit jurors to appear on such day of the term of such court as shall be named in such summons by the clerk of said court to serve as petit jurors; and it shall be the duty of the sheriff to make service of such process at least ten days before the first day of the term of court for which such persons are drawn, which summons shall be served by reading the same to the person so summoned or by leaving a copy of the summons at his usual place of abode with some member of the family over fifteen years of age, except in such cases as may be hereafter provided."

Mr. Perle Crawford

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September 12, 1936.

The clerk referred to in the above statute is the Circuit Clerk. He shall issue a summons as in any other matter, and when delivered to the Sheriff he shall serve it as provided in the above statute. Only one summons is necessary, which shall include the names and addresses of all jurors. It is not necessary for the clerk to make more than one summons. If the Sheriff is unable to locate the petit juror so as to serve him by reading the summons to him, he may obtain a copy of the summons from the clerk and serve it with some member of the family over fifteen years of age.

It is therefore the opinion of this office that the Circuit Clerk shall issue one summons for the petit jurors wherein is included the names of all petit jurors to be summoned.

Respectfully submitted,

FRANKLIN E. REAGAN
Assistant Attorney General

APPROVED:

JOHN W. HOFFMAN, Jr.,
(Acting) Attorney General

FER:MM