For To Whom Much Is Given, Much Is Required

Guest Column
By DAVID HORTON
Hardee County Judge

We live in the greatest country in the world.

To add a cherry on the top of the sundae, we live in one of the few states that does not levy a state income tax. Floridians enjoy beaches, groves, cities, amusement parks, hunting, opera, theatre, fishing, the finest golf courses in the south, institutions of higher learning, champion sports teams and any religious institution one could wish to visit.

As Americans and Floridians, we enjoy the rights found in the U.S. Constitution and the Florida Constitution. Surely, all of us can remember some of the rights listed in the sacred Bill of Rights. I'd wager most of you instantly thought of the Freedom of Speech, the Freedom of Religion, the Right to Remain Silent, and certainly, the Right to Keep and Bear Arms.

Indeed, everyone in the Heartland loves those Amendments. I can't even finish this column without thinking about my next turkey hunt with grandpa's shotgun. I love those rights too. Yes, we the people are free to do whatever we please in our own pursuit of happiness, provided we do not hamper the rights of others. And while we might be free, our rights come at a cost.

For to whom much is given, much is required.

Friends, you are required to attend Jury Duty. Jury Duty is our collective duty as a free society. The Bill of Rights does not stop at our right to own a firearm. The 6th Amendment to the U.S. Constitution made applicable to state governments by the 14th Amendment guarantees everyone the right to a trial by jury. Additionally, the Florida Constitution specifically grants the right of trial by jury in Article I, Section 22. The right to a trial by jury is so important it is listed in both constitutions.

And before you say, "if those people got arrested, they must be guilty," please understand jury trials are for more than just criminal trials. Litigants in civil cases are entitled to the same right to a jury trial as defendants in a criminal case. Juries are fact finders. They decide which evidence heard in a trial is credible. For example, juries decide what happened in a car accident case. Juries decide contract issues and property disputes. A jury can be demanded in a small claims case or even in a landlord tenant case under the right circumstance. Also, juries can decide the value of property when the Government wants to acquire a citizen's property in an eminent domain case. In the criminal realm, juries have the sacred ability to decide whether the Government has proven a fellow citizen guilty beyond a reasonable doubt. Juries have a wonderful ability to check the power and authority of our Government. Are you willing to give up your rights to the Government? I'm not. You'll have to rip my right to a jury trial from my cold, dead fingers.

Jury duty is a big deal. But, without jurors there are no jury trials.

We are seeing historic lows in jury duty attendance here in Hardee County. In February, less than 50 percent of potential jurors responded to their call for service.

That is simply unacceptable.

Your court system cannot run effectively with those numbers. And, the problem isn't just happening here. Consider Desoto County. Just last week, Desoto County, which is similar to Hardee in size and demographics, was unable to seat a jury for a felony case because there were not enough potential jurors available.

So what? What does that mean?

That means the defendant could wait another month in jail for his trial. It means the alleged victim waits another month for his grievance to be heard. It means the court trial docket is backed up a month and other citizens must wait longer for their day in court. Subpoenas must be reissued to witnesses.

More summons must be mailed out to more jurors. It takes away from the Sheriff's Office's ability to field calls when they must re-serve witnesses because the trial had to be reset. The result of potential jurors neglecting their civic duty costs money and time. It costs taxpayers' money. Most small county governments aren't flush with cash and this can quickly turn into a substantial burden for small, rural communities like ours.

What can be done?

Florida Statute 40.23 permits prospective jurors who fail to appear for jury duty to be fined and potentially held in contempt of court. Over the past two months, potential jurors who failed to appear for jury duty have been personally served by a deputy sheriff with an order to show cause why they should not be held in indirect criminal contempt. The no-show potential jurors are then interviewed by a judge to determine why the potential juror failed to appear. In some cases, potential jurors have merely been rescheduled to serve at another time. However, in other cases, potential jurors have been fined for their noncompliance pursuant to Florida Statute. In extreme cases, three potential jurors have spent the night in jail for noncompliance with their civic duty and failing to appear for the show cause hearing.

Jury duty is important. Constitutional rights are important. Yes, there are statutory reasons to be excused from jury duty. However, you must return your summons to the Clerk's Office for an excusal. Everyone is busy - work, school, kids, ect., I get it. But, take a moment and think about the gravity of the situation. You are being summoned to the courthouse to resolve a conflict that is very deep and personal to the parties involved. If you or your family members were involved in a criminal case or a civil action, the conflict would be very personal to you as well. You would expect your fellow citizens to show up and perform their civic duty. You would expect your right to trial to remain inviolate.

Your judges in Hardee County will not permit a situation like the one in Desoto County to unfold. Everyone in Hardee County that wishes to evoke their sacred right to a jury trial will have a jury trial. Please take your responsibility to sit for jury duty seriously.