

**Opinion No. 39-3036**

February 24, 1939

**BY:** FILO M. SEDILLO, Attorney General

**TO:** Mr. David W. Carmody, District Attorney, Santa Fe, New Mexico.

{\*19} You request an opinion as to when the Clerk of the District Court of each county shall prepare and certify under his hand and seal, for the use of the Jury Commission in making up its lists of jurors to be put in the jury box for service in the district court, a true and complete list of all male voters who voted at the last general election in his county, when a new jury list is to be prepared by a Jury Commission.

Section 78-106, Chapter 78 of the New Mexico Statutes Annotated, 1929 Compilation, provides that the district judges shall appoint a Jury Commission when it may appear that names of additional qualified persons shall be added to the list, or a new jury list prepared.

It is my opinion that once a true and complete list of all the male voters who voted at the last general election in his county is prepared and certified by the clerk for the use of the Jury Commission, and once the Jury Commission selects the names of jurors to be put into the jury box from the certified list furnished by the clerk of the district court, and there being no provision in our statutes requiring these lists to be made up at any particular time, then it is entirely up to the District Judge of the county to decide when additional {\*20} names of qualified persons should be added to the list, or a new jury list prepared.

This being the case, and once the list of male voters of the county having been prepared and certified by the clerk for the use of the Jury Commission, then I do not believe that it is necessary for the clerk of the district court to prepare a true and complete list of all male voters who voted at the last general election in his county every two years for the use of the Jury Commission in making up its list of jurors to be put in the jury box for service in the district court, unless the District Judge of the county decides that additional names of qualified persons should be added to the list, or a new jury list prepared.