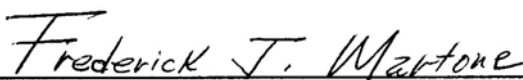


1 the importance of his service as a member of the tribal council. Because this is Harvier's
2 second request to be excused from service on the Grand Jury, it seems that he at least
3 believes it is more important that he not miss some council meetings than afford reservation
4 Indians his role as a member of that fair cross section of the community. Reservation Indians
5 charged with criminal offenses may feel otherwise.

6 Nevertheless, we believe that the Grand Jury process is better served when its members
7 want to serve. Given his multiple requests to be excused, it is plain that Harvier does not
8 want to serve. Accordingly, IT IS ORDERED GRANTING Harvier's "Motion to be
9 Excused for Good Cause from Grand Jury Duty."

10 We note that while service on a Grand Jury may be disruptive of Harvier's service on the
11 council, service on a petit jury would not. Should a petit jury summons issue in future years,
12 we hope that Harvier will consider the need for such juries to properly reflect a fair cross
13 section of the community within the meaning of 28 U.S.C. § 1861.

14 DATED this 26th day of February, 2009.

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18 _____
19 Frederick J. Martone
20 United States District Judge

21 cc: Ana Baca, Jury Administrator
22 Paul Charlton
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