

**OPERATING GUIDELINES FOR RESUMPTION
OF JURY TRIALS IN HOUSTON COUNTY**

In accordance with Section I(B) of the Sixth Order Extending Declaration of Statewide Judicial Emergency (Sixth Order), a committee has been formed for the purpose of developing a plan for safely resuming jury trials in Houston County. That committee includes the following members:

Edward Lukemire - Judge, Superior Court
Katherine Lumsden - Judge, Superior Court
G.E. Bo Adams - Judge, Superior Court
George Hartwig - District Attorney
Thomas (Cliff) Woody - Chief Assistant District Attorney
Claudia Meier - Public Defender
Carolyn Sullivan - Clerk, Superior Court
Terri Childers - Chief Deputy Clerk, Superior Court
Lt. Tommy Spires - Houston County Sheriff's Dept. Courthouse security
Selena English - Criminal Case Manager
Wendy Nelson - Court Reporter
David Daniell - Private Attorney
Jason Ashford - Judge, State Court
Amy Smith - Solicitor
Teresa Hathaway - Clerk, State Court

Upon review of the "Guidelines For Resuming Jury Trials" and other relevant material listed in the Appendix of the Sixth Order, and upon consideration of the facilities available for use in Houston County and the circumstances particular to the county, the Committee has established the present plan for resumption of jury trials. Implementation of this plan will be dependant on information received from Houston County Emergency Management (HEMA). Should there be a significant increase in positive tests in the county, the Court will exercise its statutory authority to again suspend jury trials.

Facilities:

The Superior Court for the Houston Circuit is located on the second floor of the Houston County Courthouse in Perry. There are four courtrooms, a jury assembly room and two conference rooms. The State Court of Houston County is located in Warner Robins. That facility consists of one large and one small courtroom, with several smaller meeting rooms. The Houston Circuit is also fortunate to have access to buildings at the Georgia National Fairgrounds in Perry, specifically the Miller-Murphy-Howard Building. That facility contains over 65,000 square feet of meeting space and will seat over 4,000 people in a normal seating arrangement (Appendix A).

Jury Selection Procedure:

When the suspension is lifted, the Superior Court will initiate procedure for conducting jury trials in criminal cases; the priority will be those defendants who have been incarcerated

for the longest time. Jury trials for civil and domestic cases, and trials in State Court, will not be held until some time in 2021.

For those criminal cases to be tried, the Clerk of Superior Court will summon approximately 400 people. Each summons will include a letter from the Court informing the prospective juror of the precautions which have been taken to ensure their safety, and of the guidelines they must follow while in attendance (Appendix B). Prospective jurors will be directed to report directly to the Miller-Murphy-Howard Building on the set date. The sidewalks and hallways of the premises will all be marked with tape to allow for social distancing of at least six feet, and seating within the building will be spaced at six feet or more. Prior to being seated, each juror will be required to answer "COVID" questions and have their temperature taken by bailiffs. If this screening process raises no concerns, the juror will then be seated in the main exhibit hall. Once all reporting jurors have been screened and seated, the Court will administer the oath, explain the procedure to be followed, and entertain excuses from jurors regarding their service for the week. The names of forty-six jurors will then be called; this panel of forty-six will be instructed to leave and report to the jury assembly room at the courthouse at a designated time. Once the first panel is dismissed, a second panel of forty-six will be called and given a time certain to report to the jury assembly room. Initially, no more than three panels will be selected.

While the jury assembly room normally seats over 300 people, the seating has been changed so that the forty-six potential jurors will be socially distanced at all times. It is in the jury assembly room where jury selection for each case will occur. Potential jurors, as well as all participants in the process, will be required to follow all safety instructions given in the summons, letter from the Court and operating guidelines (Appendix C).

Once a jury of twelve (and two alternates) has been selected, those remaining from the panel of forty-six will be dismissed from any further service. The jury assembly room will then be cleaned before the next panel of forty-six arrives.

Those selected to serve as jurors on a case will be escorted to the assigned courtroom. Six jurors will be seated in the jury box and the remaining jurors will be seated in two rows of chairs directly in front of the jury box. All seats in the courtroom will be marked with tape to maintain social distancing; only those seats may be used during the proceedings.

Trial Procedure:

The normal procedure for conducting jury trials will be modified to some extent. For example, each witness will be given a clear mask to wear during their testimony, and the witness stand will be bordered on three sides with plexi glass. During breaks, jurors will either be escorted outside the building or allowed to remain in the courtroom, with a bailiff present. At these times, the courtroom will be closed to anyone other than the jurors. If it is necessary to discuss a matter on the record but outside of the jury's hearing or presence, the Court will either use "white noise," or the jury will be escorted to the jury assembly room to wait. Once the jury receives the case for deliberation, they will either deliberate in the courtroom - which will be cleared and locked, with all security video and audio disconnected - or they will be taken to the jury assembly room to deliberate. For those trials lasting several days, jurors will be appropriately screened each morning when they report to the courthouse.

As for access by the public, because social distancing will decrease available seating in the gallery, priority will be given to family members of the accused and the alleged victim(s).

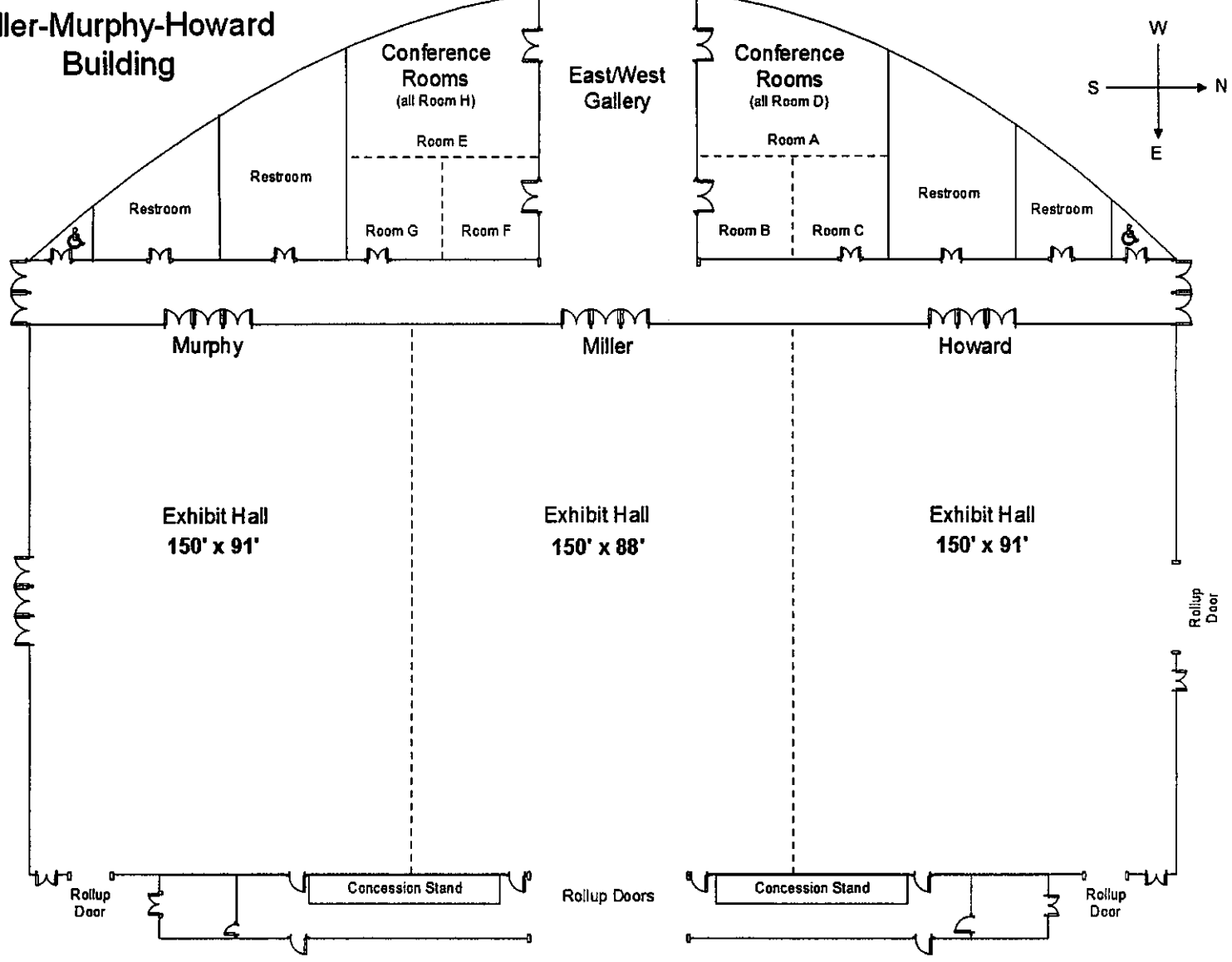
Once socially distanced capacity has been reached in the courtroom, others wishing to attend the trial will be seated in another courtroom and the proceedings will be “live-streamed” to that courtroom.

Concerning sanitation, bailiffs will be responsible for providing clear masks to each witness as they enter the courtroom to testify, and spraying a disinfectant or otherwise sanitizing the witness chair and surrounding surfaces after each witness testifies. Housekeeping will thoroughly clean the courtroom itself at the end of each day’s proceedings. With regard to exhibits and demonstrative evidence, overhead projection will be used to the extent consistent with the rules of evidence; otherwise, gloves will be provided for handling these items.

Notification:

These guidelines will be made available to the public well in advance of the trial week. In addition to being posted at the State and Superior Courts, they will be published on the Houston County website and the web site for the Houston County Bar Association. A copy will also be provided to those attorneys whose cases are to be tried.

Miller-Murphy-Howard Building





The Superior Court
Houston Judicial Circuit

CHAMBERS OF
CHIEF JUDGE EDWARD D. LUKEMIRE

HOUSTON COUNTY COURTHOUSE
201 N. PERRY PARKWAY
PERRY, GEORGIA 31069
478-218-4850
Fax: 478-218-4855

September 28, 2020

Dear Prospective Juror:

You are being summoned for service as a Juror for the Houston Judicial Circuit. With all that has happened this year concerning COVID-19 I realize you may be concerned about reporting and serving in this capacity, so I wanted to write separately and assure you that the Court has gone to great lengths to ensure your health and safety while you are with us. The procedures we have implemented will enable you to perform your duties as a Juror in a safe and comfortable environment. These procedures include the following:

- * All persons entering the courthouse will be asked the now familiar "COVID questions."
- * Everyone's temperature will be taken before they are allowed on the second floor.
- * Social distancing is required. Seating is appropriately marked with at least six feet distance between seats.
- * Masks must be worn at all times during your service. If you do not have a mask, one will be provided for you.
- * Several hand sanitation stations are available for your use, as you see fit.

While these added precautions might make court procedures a little more cumbersome, they allow us to continue the business of the court while protecting those citizens called to participate in the process. Jury service is the responsibility - and legal obligation - of citizens of the United States and of the State of Georgia. Thank you in advance for the service you will provide in the administration of justice for the Houston Judicial Circuit.

Sincerely,

Chief Judge Edward D. Lukemire
EDL/rl

Appendix B

**AMENDED OPERATING GUIDELINES FOR THE HOUSTON SUPERIOR AND
STATE COURTS**

On March 11, 2020 Guidelines For Court Proceedings For the Houston Superior And State Courts was issued by this Court. On March 14, 2020, the Chief Justice of the Georgia Supreme Court issued an Order Declaring Statewide Judicial Emergency which Order has been extended several times. On July 12, 2020 at 11:59pm a Fourth Order Extending Declaration Of Statewide Judicial Emergency went into effect. Pursuant to that Order, the local Guidelines issued on March 14th will remain in effect, with a few additions and modifications. The additions and modifications appear in bold type. As always, these are “guidelines.” Each judge for each court will necessarily have the leeway to vary the guidelines as particular circumstances dictate.

Access: Anyone coming to the courthouse to attend any court proceeding will be required to submit to a screening at the entrance to the courthouse. The particular area for the screening will be determined by security. This screening will include questions as to whether the person is experiencing fever, shortness of breath, persistent cough or sore throat, or any other symptoms of respiratory infection. The visitor will also be asked questions concerning their travel and possible exposure to COVID-19 within the last fourteen days. As to the availability of equipment permits, each person’s temperature will be taken using a no-touch thermometer. Should concerns be raised as a result of this screening, the Court will immediately be notified and a decision will be made as to whether that person will be allowed in the building. If they are not permitted entry, the particular Court/Judge presiding in their proceeding is to be contacted so the matter can be heard by alternative means, e.g., Zoom, etc. **With regard to everyone who works in the court facility, isolation of any person with known or suspected COVID-19 and quarantine of any person with COVID-19 exposure likely to result in infection is required. When there is reason to believe that anyone who works or has visited a court facility has been exposed to COVID-19, the local health department shall be notified and notification of persons who may have been exposed shall occur as directed by the local health department.**

Appendix C

Social Distancing: For all court proceedings, social distancing will be required. Within the courtrooms, there must be a ten foot space between every person. For example, a litigant must sit at one end of the table and his/her counsel at the other end. Members of the public attending the proceeding must sit ten feet apart in the gallery (**only at seats marked with blue tape**); the courtroom will be considered “full” when that distancing has reached its capacity. In the hallway outside the courtrooms the floor has been marked at ten foot intervals; those in the hallway will be required to abide by this distancing. When capacity has been reached in the hallway, security will help others to a location outside the building to wait until space is available.

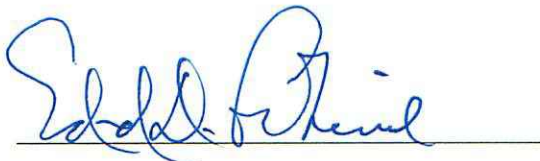
Personal Protective Equipment: All participants in litigation will be required to wear protective masks in the courtrooms and while on the second floor. This includes counsel, parties and witnesses. Members of the public attending the proceedings are **required** to wear masks; if a sufficient number of masks are available to security or to the court, then members of the public will be provided same and required to wear them at all times when in a courtroom or in the hallway. **All participants, and the public, are to wear masks on the second floor.**

Remote Judicial Proceedings: All judges in the Superior and State courts will continue to use technology to provide an alternative to in person proceedings. Our preferred method is Zoom; it is the most user friendly and flexible product we have found. Whether to use this platform in a pending matter will be within the sole discretion of the judge presiding in that case. Should the decision be made to use this alternative, litigants, lawyers, witnesses and other essential personnel must comply with this decision (See Section Three of the Chief Justice’s Order). Of course, to the extent possible, in person proceedings are preferred by all participants; however, the circumstances of a case may not allow this luxury. Finally, no proceeding - whether in person or remote - will be conducted if doing so would violate a constitutional right of a litigant.

Types of Proceedings: While the most recent Order from the Chief Justice allows in court proceedings, whether to conduct those proceedings - and how - depends on the nature of

the event. For example, some hearings involve only the parties and counsel, these are more amenable to being held in person (domestic rules, motions for new trial, pre-trial motions, etc.). Each judge will determine whether or not to hold these proceedings in person, and if so, whether to limit the number of hearings, whether to stagger the times for appearance, etc. Questions as to whether and how a proceeding will be conducted are to be addressed to the judge for that proceeding.

These guidelines will remain in effect at least as long as any Judicial Emergency Order exists. The length and degree of restriction may also depend on what is deemed necessary in the Houston Judicial Circuit and allowed by statute (See O.C.G.A. §§ 38-3-61 and 38-3-62). It is not the intention of any judge in the State or Superior Courts of this circuit to impose any restriction for any period of time beyond what is absolutely necessary to ensure the safety of all who enter our courthouses. As do you, we look forward to the day when the administration of justice returns to its normal course. Until then, we will work with all who have business before the court to find a way to provide access and a fair hearing for their concerns.

A handwritten signature in blue ink, appearing to read "Edward D. Lukemire", is written over a horizontal line.

Edward D. Lukemire

Chief Judge, Houston Judicial Circuit

July 13, 2020