

**PLAN TO RESUME JURY TRIALS  
ROME JUDICIAL CIRCUIT  
FLOYD COUNTY SUPERIOR COURT**

Under the Declaration of State Judicial Emergency issued by the Chief Justice of the Georgia Supreme Court on March 12, 2020 as well as the Six Orders Extending that Declaration, jury trials were suspended. Under the Sixth Extension Order, the Chief Judge of each Superior Court circuit was directed to convene for each county in the circuit a local committee to develop a plan for safely resuming jury trials. The Judicial COVID-19 Task Force has issued "Guidance for Local Committees on Resuming Jury Trials" and "Guidance for Resuming Jury Trials" (together, the "Guidance Documents") to guide and assist the local committees in formulating a plan.

Pursuant to the Sixth Extension Order and the Guidance Documents, a local committee of judicial system participants (the "Committee") was convened to develop a detailed and locally tailored plan to resume jury trials in Floyd County to ensure the health, safety, and constitutional protections of all who participate in the judicial system, including jurors and potential jurors, litigants, witnesses, lawyers, judges, court personnel, and the public (the "Plan").

Pursuant to the Seventh Order Extending the Declaration of State Judicial Emergency, the Rome Judicial Circuit may resume jury trials provided the Plan has been proposed by the Committee, approved and entered by the Chief Judge, and filed with the Administrative Office of the Courts.

Chief Judge Bryant Durham appointed Judge John Niedrach to chair the Committee. Judge Niedrach was joined on the Committee by representatives from sources recommended by the Guidance Documents, to wit:

Natalee Staats, Esq., Assistant District Attorney  
Sean Lowe, Esq., Circuit Public Defender  
Wade Hoyt, IV, Esq.  
Gary Voccio, M.D., Public Health Director for Northwest Georgia  
Erin Elrod, Clerk of Floyd County  
Ryan Davis, Facilities Manager for Floyd County  
Phil Hart, Court Administrator for Floyd County Superior Court  
Davlon Ezell, Court Administrator-Designee-in-Training  
Chad Reece, Floyd County MIS Department  
Barbara Penson, Clerk of Floyd County Superior Court  
Dave Roberson, Floyd County Chief Deputy Sheriff and Sheriff-Elect

In developing the Plan, the Committee has inspected and considered the local court facilities and other county properties to determine, among other things, availability, space, security, audio/visual access, court reporting, and sound requirements. The Committee has also reviewed and considered the Guidance Documents, the Rome Judicial Circuit Guidelines for Expanding In-Person Proceedings (the "RJC Guidelines"), and the Georgia Court Reopening Guide. Based upon all of the factors considered, the Committee proposes the following Plan:

### Space Requirements - Felony Jury Trials

The Floyd County Courthouse (the "Courthouse") has four courtrooms (A, B, C, and D) designated for use by the Superior Court. Only Courtroom A contains sufficient space to conduct a felony jury trial in compliance with social distancing guidelines.

The Forum is a large, multi-purpose entertainment, reception, and meeting venue located next to the Courthouse. Earlier in the year, the Forum was designated as a Courthouse Annex by the Floyd County Commission pursuant to OCGA §15-6-18. There is also sufficient space for a courtroom in which to conduct a felony jury trial in the Ballroom and the Berry/Shorter Room in the Forum.

In addition to courtrooms, space is required for jury assembly, jury selection, jury deliberation, public access, and witness sequestration.

Prospective jurors will be summoned to report to the Forum. They will be screened at the main entrance and initially seated in the Arena. Panels of up to 40 of the prospective jurors may be called into the Forum Ballroom for voir dire and selection. Prospective jurors not selected will return to the Arena, unless released.

Those jurors who are selected to serve on a case will be led by a bailiff to one of the courtrooms. After one jury is selected, another jury may be selected for a case to be tried in the other courtroom.

The Courthouse jury assembly room will now serve as the jury deliberation room for Courtroom A. An audio/video feed will be available to the public in Courtroom D. Sequestered witnesses will be directed to stay and remain in the hallway outside Courtroom A until called to testify.

The Floyd Room in the Forum will serve as the jury deliberation room for trials conducted in the Forum. For trials in the Berry/Shorter Room, an audio/video feed will be available to the public in the lounge area across from the Berry/Shorter Room. Sequestered witness will be directed to remain in another secluded area of the Forum until called to testify.

The judge, court reporter, attorneys, litigants, and witnesses will occupy their usual places in Courtroom A and on one side of the Ballroom or the Berry/Shorter Room. Jurors will be seated in the pews in Courtroom A and on the other side of the Ballroom or the Berry/Shorter Room.

Seating in all spaces will comply with social distancing guidelines as determined by the Floyd County facilities manager and approved by the presiding judge. Seating will be appropriately marked and will be assigned for the remainder of a trial to those who first occupy each seat. All seating will allow trial participants to see and hear the proceedings from their places around each courtroom.

### Space Requirements - Misdemeanor Jury Trials

In addition to Courtroom A, the Ballroom, and the Berry/Shorter Room, space is sufficient to conduct misdemeanor jury trials in Courtrooms B, C, and D. Jury assembly and selection is expected to take place in the Forum as with felony trials unless adequate space is available in the Courthouse. Jury deliberation will take place in the jury deliberation rooms presently in use for these courtrooms.

### Space Requirements - Civil Trials

Civil trials with juries of six will be handled in the same manner as misdemeanor trials. Civil trials with juries of 12 will be handled in the same manner as felony trials.

### Safe Practices

In addition to the safe practices set forth in the RJC Guidelines and the Georgia Court Reopening Guide, safe practices more particular to jury trials will also be followed, including:

- Glass partitions will be installed around the witness stands in all courtrooms.
- Seating in all spaces will be assigned to the person who first occupies the seat.
- Jurors will be provided with single-use pads and pens.
- All trial participants will be required to wear masks, except witnesses will wear shields while testifying.
- All surfaces, including the witness stand, will be wiped with disinfectant before used by another.
- Attorneys will be allowed to speak from their seats.
- Attorneys will be encouraged to use the evidence presentation systems to publish documents and other physical evidence.
- Latex gloves and hand sanitizer will be available to all who handle documents and other physical evidence including jurors while deliberating.
- Jurors will be instructed to take socially distanced turns reviewing exhibits during deliberations.
- Requests for sidebar discussions will not be granted unless they can be conducted outside the hearing of the jurors while maintaining social distancing guidelines.
- Attorneys and clients will be allowed to communicate via texts, emails, and hand written notes. Upon request, courts will break for attorneys and clients to communicate outside the courtroom.
- The Floyd County facilities manager shall optimize the HVAC system air flow and will clean or replace air filters regularly.
- All spaces used for jury trials will be marked in accordance with social

- distancing requirements.
- The eastern stairwell in the Courthouse will be opened and recommended to the public as an alternative to the elevators.
- Hand sanitizer dispensers and disinfectant products will be available in all areas used to conduct jury trials.
- Jurors will use designated restrooms.
- After one jury has been selected in the Forum Ballroom, that space will be sanitized and disinfected before another jury is selected.
- All areas used to conduct jury trials will be deep cleaned on a daily basis with particular attention to the jury seating area, the jury deliberation room, the witness stand, and counsel tables.
- The Clerk of Court shall maintain jury lists for contact tracing.

The Floyd County Government shall supply the personnel, equipment, and supplies necessary to implement these safe practices.

### Security

The Floyd County Sheriff shall provide sufficient personnel and equipment for security at both the Courthouse and the Forum. Directional signs will be posted to guide jurors from parking to the Forum. Bailiffs will be available to escort and direct jurors from the jury assembly area in the Forum Arena to the other areas used for and during jury trials.

Security personnel shall screen all persons entering either facility to determine their COVID-19 status in accordance with the RJC Guidelines and the CDC Facilities COVID-19 Screening questionnaire. Security personnel shall immediately notify the office of the presiding judge of any trial participant denied entrance for COVID-19 symptoms or exposure reasons.

Anyone who arrives at the Courthouse or the Forum without a mask will be provided one at entrance. Security personnel shall immediately notify the office of the presiding judge of the arrival of any trial participant or juror who cannot wear a mask for Americans With Disabilities Act reasons.

The Floyd County Sheriff shall develop procedures to securely and inconspicuously transport, hold, and monitor any in-custody defendants and witnesses to, at, and from the Forum. Such procedures should already be in place for the Courthouse.

### Jury Summons, and Arrival

Jurors will be summoned to serve for one week only or for so long as a particular case continues. The Clerk of Court shall summon a sufficient number of jurors to conduct the scheduled trials, anticipating that fewer jurors than normal will report due to pandemic-related vulnerabilities or hardships. Summons are to be issued at the earliest possible time to ensure that requests for hardship excusals or deferments are timely received and reviewed.

Each summons will be accompanied by a notice regarding the pandemic

and the steps the court is taking to ensure the jurors' safety, including designated parking and security and screening measures.

In order to limit the number of people reporting for jury service, each summons will be accompanied by a juror questionnaire which will include questions to determine if the prospective juror is at increased risk for COVID-19 as well as an affidavit regarding eligibility, exemption, and deferral.

Juror service may be deferred by the Clerk of Court in accordance with the Rome Judicial Circuit Jury Management Order entered on October 5, 2020. Any juror responding to the questionnaire that the juror is at high risk for COVID-19 shall be referred to the presiding judge for possible excusal or deferment without the juror appearing for jury duty.

Jurors will be instructed to call the Clerk's office after 6:00 p.m. the day before scheduled to report to determine when and if the jurors should appear. At the entrance to the Forum, each juror will be asked to confirm that the juror is not experiencing any symptoms of and have had no known exposure to COVID-19.

Juror parking will be designated in the Third Avenue parking deck. Signs will be posted to direct jurors from their designated parking area to the Forum for security and COVID-19 screening. Court personnel shall direct jurors to the Arena for check-in and assembly.

Jurors will be instructed to inform the Clerk of Court immediately if exposed to COVID-19 or experiencing COVID-19 symptoms after reporting for jury duty.

### Procedure for Criminal Cases

Jury trials are expected to resume in December 2020, with two judges presiding each week beginning December 7 and December 14. The attorneys on the Committee have been asked to confer with their colleagues to identify cases in which all efforts of pre-trial resolution have been exhausted and are ready for trial. The first trials should involve one defendant, few witnesses, straightforward evidentiary issues, and limited documentary and physical evidence so that court personnel may become accustomed to the spaces used for trial and the safe practices employed.

In order to provide guidance to trial participants and to promote timely preparation for the backlog of criminal cases, while exercising safe practices, the following procedures are to be followed beginning in 2021:

Pre-trial motions and demurrers are to be filed within 45 days after arraignment or 45 days after the date of this Order, whichever is later.

If a defendant has elected the application of O.C.G.A. §17-16-1, et seq., the parties are encouraged to provide discovery as soon as it is available. In any event, discovery is to be completed within the time limits set forth in the statutory provisions.

Guilty pleas and motion hearings may be scheduled by appointment with the office of the assigned judge. Appointments times will be available each week.

Calendar calls will be scheduled the week before a trial calendar begins at staggered times throughout the day of calendar call.

Requests for continuances are to be filed no later than the Monday before the trial calendar begins in the format approved by the court. As a general rule, continuances will not be granted on the basis of the failure to seek or provide discovery material, the failure to subpoena witnesses, or the failure to adequately consult with clients and witnesses. The Court will make effort to accommodate law enforcement officer leaves and training, but it may be necessary that some trials take precedence.

All cases on a trial calendar will be subject to call for trial in the order of the Court's discretion. Older cases and cases in which the defendant is in custody at the Floyd County Jail will be given priority.

Counsel and pro-se parties will be notified at least the day before the call of a case.

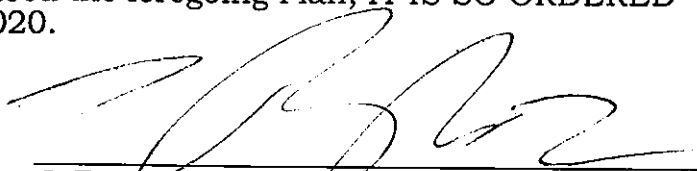
Cases not reached for trial will be included on the next trial calendar, unless indicated otherwise in an Order of Continuance.

**ABSENT EXCEPTIONAL CIRCUMSTANCES, NEGOTIATED PLEAS  
WILL NOT BE ACCEPTED AFTER THE WEEK OF CALENDAR CALL.**


#### Notice of Precautions and Requirements

This Order will be provided to the members of the Rome Bar Association and to the attorneys trying cases. The Order will be posted in the Floyd County Courthouse and on the Court's website. The Court will issue a press release with a summary of this Order for the general public.

Having reviewed and considered the foregoing Plan, IT IS SO ORDERED  
this 2 day of Nov, 2020.



J. Bryant Durham, Jr., Chief Judge  
Floyd County Superior Court  
Rome Judicial Circuit



extensive preparations required to resume the jury trial process, the updated operating guidelines should be submitted to the Administrative Office of the Courts at <https://georgiacourts.gov/covid-19-court-operating-guidelines-form/> for posting as soon as possible and before the jury trial process begins.

Guidance Issued September 10, 2020

This guidance is based on recommendations made by the Criminal Law Subcommittee of the Judicial COVID-19 Task Force.