



SOUTHERN JUDICIAL CIRCUIT

GUIDE FOR RESUMING JURY PROCEEDINGS

Committee Members:

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Attorney Christopher Rodd
Brooks County Sheriff Mike Dewey
Colquitt County Sheriff Rod Howell
Echols County Sheriff Randy Courson
Lowndes County Sheriff Ashley Paulk
Thomas County Sheriff R. Carlton Powell
Brooks County Clerk Ginger Shiver
Colquitt County Clerk Lynn Purvis
Echols County Clerk Nora Rogers
Lowndes County Clerk Beth Greene
Thomas County Clerk Randa Wharton
Brooks County State Court Judge Luke Mitchell
Colquitt County State Court Judge Ricky Kent
Lowndes County Chief State Court Judge John Kent Edwards
Lowndes County State Court Judge Ellen Golden
Thomas County State Court Judge Mark Mitchell
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RESUMING JURY TRIALS

The Supreme Court of Georgia issued an Order entered September 23, 2020, that requires each Superior Court Circuit to procure a committee that is tasked with creating a plan for resuming jury trials. The COVID-19 Jury Committee was created to assist the courts in creating a safe and feasible plan to begin jury trials. The Committee was charged with seeking to ensure the health and safety of all persons involved in the court system, while protecting constitutional and statutory rights for defendants, witnesses, and victims.

The Southern Judicial Circuit COVID-19 Court Operating Guidelines (dated October 29, 2020) were developed in compliance with the Judicial COVID-19 Task Force Report, the Georgia Court Reopening Guide, and other public health and safety guidelines. The Southern Judicial Circuit COVID-19 Court Operating Guidelines are published on the Southern Judicial Circuit website, at each Clerk of Court's office, and at each county's courthouse. The guidelines are attached as an exhibit to this Plan and incorporated herein as Exhibit "A." A proposed sample letter to be sent out with jury summons is attached to this Plan as Exhibit "B."

GENERAL CONSIDERATIONS

Summons

When jurors are initially summoned, the Clerk of Courts shall mail:

- A Summons directing jurors to report to the respective Courthouse and a letter directing potential jurors to the circuit website where a copy of the SJC Operating Guidelines can be found.
- The Clerk shall send out summons earlier than usual and to more jurors than normally summoned in an effort to procure the appropriate number of jurors needed. Jurors should also be told in the letter the proper procedure for excusal if they do not meet any of the statutory requirements (such as age or residence).

Excusals and/or Deferrals

Prior to jurors reporting on the date of their service, the Court and Clerk's office will work cooperatively to determine whether any prospective juror should be excused or have their service deferred due to medical concerns. Any deferral or excusal will be solely at the discretion of and upon approval of the assigned judge.

- Jurors will be instructed to call the Clerk's office if they have COVID-19 related questions and/or are seeking an excusal for COVID-19 related reasons. They will also

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instruct prospective jurors that in order to be considered for a deferral or excusal, they must contact the Clerk during an appropriate time frame.

- The Clerk of Court will be available by phone on the day of the reporting as well, so that prospective jurors who wake up feeling ill or who are quarantined due to exposure can receive instructions before coming to the courthouse. The Clerk of Court will fill out a form with the person's name, address, and juror number. Those forms will be kept and then reviewed by the assigned Judge.

Prior to First Day of Jury Selection:

At least 24 hours before the first day of jury selection the presiding Judge, the District Attorney, and Defense Attorney shall convene either in person, virtually, or by phone conference to discuss the room layout, procedures, and any other pertinent information that needs to be relayed. The same procedure shall be applied for all civil jury trials, to include the presiding Judge, the attorney for the Plaintiff, and the attorney for the Defendant.

Check-In

On the morning of service, jurors will encounter the following safety precautions:

- Reporting Times – All jurors will be summoned to report at 9:00 a.m.
- Health Screenings – **Everyone** entering the courthouse is screened for illness and COVID-19 exposure. Any prospective juror prohibited from entering on the date of their service will be instructed to fill out an information form that includes their name, address, phone number, and juror number. The form will be given to the Clerk and Judge so that service can be deferred. If any juror reports having been diagnosed with COVID-19 in the previous 14 days, or in contact over the previous 14 days with someone who has been diagnosed with COVID-19, or that they are concerned they may have been exposed or infected, they will not be permitted to enter. If any juror reports having experienced a persistent cough, difficulty breathing or fever above 100.4 degrees within the previous three days, they will not be permitted to enter.
- Masks – All jurors are required to wear masks upon entering the building, and they must remain in proper position over nose and mouth, unless instructed by a judge to remove them. All courthouse deputies, bailiffs, and other staff will remain vigilant and politely ask anybody in the court area without a mask to put it back on. Any jurors that arrive without a mask will be provided one at the checkpoint. (Note that some courthouses also house other departments, which may not require visitors to wear face masks.)
- Hand Sanitizing Stations – Hand sanitizer dispensers will be available prior to and after security check-in, as well as outside the courtrooms.
- Disinfectants: Cleaning supplies will be available in each bathroom and courtroom utilized.

- Social Distancing – A large sign will be posted outside each Courtroom that tells jurors which Courtroom to enter and which number seat to sit in. Clerks or other courthouse personnel will assist in this process. If feasible, all seats will be numbered. Thus, Juror number one will be told to sit in seat number one, and so forth. Bailiffs and deputies will be available to help during this process.
- Deep Cleaning – Facilities Maintenance will sanitize the jury rooms and other publicly used areas before Court resumes each morning.

Impaneling Process for Brooks County

- Seating
 - All jurors will be directed to the socially distanced seating in a pre-designated area or Courtroom(s). Some shuffling may occur as the Clerk sees fit in order to obtain the correct amount of jurors in the largest Courtroom.
- Qualification
 - Non-qualified jurors may be immediately excused by the Clerk and their service concluded.
 - If a juror is excused the Clerk will call in the next additional juror needed.
- Release
 - Qualified jurors will be released subject to recall.
 - These jurors shall be released gradually as to avoid a large crowd exiting at one time.
 - These jurors, even if not called back, will be checked-in for attendance purposes and given verification of attendance for their employers upon request.
 - Bailiffs and/or Deputies will provide support for the Clerk in all of the procedures outlined.
- There are plans to begin renovations for the Brooks County Courthouse, if this construction begins before the first jury trial, these issues will be addressed in a separate order.

Jury Selection

Jury Selection (voir dire) will take place in the largest available Courtroom due to the limited seating capacity of the courtroom.

- Room Layout
 - The seating arrangements will be discussed and decided upon by the Judge, Sheriff, Clerk, and Counsel for the parties at least 48 hours before the beginning

of jury selection. Each room should be properly situated so that the Court Reporter, jury and all parties involved are able to hear and see all proceedings.

- OCGA § 15-12-131 requires that the court place a panel of 12 in the jury box “upon the request of either party.” In order to ensure there are no issues raised later, the Court shall ask on the record if either side objects to proceeding in this manner.
 - Before proceeding, the Court will confirm that the attorneys, Defendant, court reporter and any other necessary parties are able to see and hear all proceedings.
 - Access will be available in each Courtroom where jury selection/trial is ongoing that allows the Defendant’s family, victim’s family, the media and any other parties to sit and view the proceedings.
- **Striking a Jury**
 - Once a sufficient number of jurors are questioned, the attorneys will strike the jury either with silent strikes or by using technology that allows both parties to simultaneously view the jury list and see the strikes marked by each party. Both parties would need to agree on record for strikes to be handled in this manner.
 - **Modifications**
 - More complex cases may not lend themselves to the exact procedures described above, and jury selection may take two days or more.
 - The procedures may also be modified in the case of a misdemeanor trial.

Impaneling Process for Colquitt County

- **Seating**
 - All jurors will be directed to the socially distanced seating in a pre-designated area or Courtroom. Some shuffling may occur as the Clerk sees fit in order to obtain the correct amount of jurors in the largest Courtroom.
- **Qualification**
 - Non-qualified jurors may be immediately excused by the Clerk and their service concluded.
 - If a juror is excused the Clerk will call in the next additional juror needed.
- **Release**
 - Qualified jurors will be released subject to recall.
 - These jurors shall be released gradually as to avoid a large crowd exiting at one time.
 - These jurors, even if not called back, will be checked-in for attendance purposes and given verification of attendance for their employers upon request.

- Bailiffs and/or Deputies will provide support for the Clerk in all of the procedures outlined.

Jury Selection

Jury Selection (voir dire) will take place in the largest available Courtroom due to the limited seating capacity of the courtroom.

- Room Layout
 - The seating arrangements will be discussed and decided upon by the Judge, Sheriff, Clerk, and Counsel for the parties at least 48 hours before the beginning of jury selection. Each room should be properly situated so that the Court Reporter, jury and all parties involved are able to hear and see all proceedings.
 - OCGA § 15-12-131 requires that the court place a panel of 12 in the jury box “upon the request of either party.” In order to ensure there are no issues raised later, the Court shall ask on the record if either side objects to proceeding in this manner.
 - Before proceeding, the Court will confirm that the attorneys, Defendant, court reporter and any other necessary parties are able to see and hear all proceedings.
 - Access will be available in each Courtroom where jury selection/trial is ongoing that allows the Defendant’s family, victim’s family, the media and any other parties to sit and view the proceedings.
- Striking a Jury
 - Once a sufficient number of jurors are questioned, the attorneys will strike the jury either with silent strikes or by using technology that allows both parties to simultaneously view the jury list and see the strikes marked by each party. Both parties would need to agree on record for strikes to be handled in this manner.
- Modifications
 - More complex cases may not lend themselves to the policy described above, and jury selection may take two days or more.
 - The procedures may also be modified in the case of a misdemeanor trial.

Impaneling Process for Echols County

- Seating
 - All jurors will be directed to the socially distanced seating in a pre-designated area or Courtroom. Some shuffling may occur as the Clerk sees fit in order to obtain the correct amount of jurors in the largest Courtroom.

- Qualification
 - Non-qualified jurors may be immediately excused by the Clerk and their service concluded.
 - If a juror is excused the Clerk will call in the next additional juror needed.
- Release
 - Qualified jurors will be released subject to recall.
 - These jurors shall be released gradually as to avoid a large crowd exiting at one time.
 - These jurors, even if not called back, will be checked-in for attendance purposes and given verification of attendance for their employers upon request.
 - Bailiffs and/or Deputies will provide support for the Clerk in all of the procedures outlined.

Jury Selection

Jury Selection (voir dire) will take place in the largest available Courtroom due to the limited seating capacity of the courtroom.

- Room Layout
 - The seating arrangements will be discussed and decided upon by the Judge, Sheriff, Clerk, and Counsel for the parties at least 48 hours before the beginning of jury selection. Each room should be properly situated so that the Court Reporter, jury and all parties involved are able to hear and see all proceedings.
 - OCGA § 15-12-131 requires that the court place a panel of 12 in the jury box “upon the request of either party.” In order to ensure there are no issues raised later, the Court shall ask on the record if either side objects to proceeding in this manner.
 - Before proceeding, the Court will confirm that the attorneys, Defendant, court reporter and any other necessary parties are able to see and hear all proceedings.
 - Access will be available in each Courtroom where jury selection/trial is ongoing that allows the Defendant’s family, victim’s family, the media and any other parties to sit and view the proceedings.
- Striking a Jury
 - Once a sufficient number of jurors are questioned, the attorneys will strike the jury either with silent strikes or by using technology that allows both parties to simultaneously view the jury list and see the strikes marked by each party. Both parties would need to agree on record for strikes to be handled in this manner.

- Modifications
 - More complex cases may not lend themselves to the exact times described above, and jury selection may take two days or more.
 - The procedures may also be modified in the case of a misdemeanor trial.

Impaneling Process for Lowndes County

- Seating
 - All jurors will be directed to the socially distanced seating in a pre-designated area or Courtroom. Some shuffling may occur as the Clerk sees fit in order to obtain the correct amount of jurors in the largest Courtroom.
- Qualification
 - Non-qualified jurors may be immediately excused by the Clerk and their service concluded.
 - If a juror is excused the Clerk will call in the next additional juror needed.
- Release
 - Qualified jurors will be released subject to recall.
 - These jurors shall be released gradually as to avoid a large crowd exiting at one time.
 - These jurors, even if not called back, will be checked-in for attendance purposes and given verification of attendance for their employers upon request.
 - Bailiffs and/or Deputies will provide support for the Clerk in all of the procedures outlined.

Jury Selection

Jury Selection (voir dire) will take place in the largest available Courtroom due to the limited seating capacity of the courtroom.

- Room Layout
 - The seating arrangements will be discussed and decided upon by the Judge, Sheriff, Clerk, and Counsel for the parties at least 48 hours before the beginning of jury selection. Each room should be properly situated so that the Court Reporter, jury and all parties involved are able to hear and see all proceedings.
 - OCGA § 15-12-131 requires that the court place a panel of 12 in the jury box “upon the request of either party.” In order to ensure there are no issues raised later, the Court shall ask on the record if either side objects to proceeding in this manner.
 - Before proceeding, the Court will confirm that the attorneys, Defendant, court reporter and any other necessary parties are able to see and hear all proceedings.

- Access will be available in each Courtroom where jury selection/trial is ongoing that allows the Defendant's family, victim's family, the media and any other parties to sit and view the proceedings.
- Striking a Jury
 - Once a sufficient number of jurors are questioned, the attorneys will strike the jury either with silent strikes or by using technology that allows both parties to simultaneously view the jury list and see the strikes marked by each party. Both parties would need to agree on record for strikes to be handled in this manner.
- Modifications
 - More complex cases may not lend themselves to the exact times described above, and jury selection may take two days or more.
 - The procedures may also be modified in the case of a misdemeanor trial.

Impaneling Process for Thomas County

- Seating
 - All jurors will be directed to the socially distanced seating in a pre-designated area or Courtroom. Some shuffling may occur as the Clerk sees fit in order to obtain the correct amount of jurors in the largest Courtroom.
- Qualification
 - Non-qualified jurors may be immediately excused by the Clerk and their service concluded.
 - If a juror is excused the Clerk will call in the next additional juror needed.
- Release
 - Qualified jurors will be released subject to recall.
 - These jurors shall be released gradually as to avoid a large crowd exiting at one time.
 - These jurors, even if not called back, will be checked-in for attendance purposes and given verification of attendance for their employers upon request.
 - Bailiffs and/or Deputies will provide support for the Clerk in all of the procedures outlined.

Jury Selection

Jury Selection (voir dire) will take place in the largest available Courtroom due to the limited seating capacity of the courtroom.

- Room Layout
 - The seating arrangements will be discussed and decided upon by the Judge, Sheriff, Clerk, and Counsel for the parties at least 48 hours before the beginning of jury selection. Each room should be properly situated so that the Court Reporter, jury and all parties involved are able to hear and see all proceedings.
 - OCGA § 15-12-131 requires that the court place a panel of 12 in the jury box “upon the request of either party.” In order to ensure there are no issues raised later, the Court shall ask on the record if either side objects to proceeding in this manner.
 - Before proceeding, the Court will confirm that the attorneys, Defendant, court reporter and any other necessary parties are able to see and hear all proceedings.
 - Access will be available in each Courtroom where jury selection/trial is ongoing that allows the Defendant’s family, victim’s family, the media and any other parties to sit and view the proceedings.

- Striking a Jury
 - Once a sufficient number of jurors are questioned, the attorneys will strike the jury either with silent strikes or by using technology that allows both parties to simultaneously view the jury list and see the strikes marked by each party. Both parties would need to agree on record for strikes to be handled in this manner.

- Modifications
 - More complex cases may not lend themselves to the exact times described above, and jury selection may take two days or more.
 - The procedures may also be modified in the case of a misdemeanor trial.

TRIAL

General Protocols

The judge is to conduct proceedings in accordance with all constitutional and statutory requirements, seeking to ensure a fair and impartial trial while doing so within the confines of public health guidelines. Due to space and manpower limitations, only one trial will be conducted at a time. All efforts will be made to coordinate with all other Courts which share Courtrooms.

- Masks are generally required.
- Judges, court staff, bailiffs, lawyers, and jurors will all wear masks during the trial unless otherwise instructed by the judge.

- Judges, attorneys, and jurors may be permitted to remove their masks while speaking.
 - Witnesses shall wear face shields in an effort to comply with the Confrontation Clause while complying with public health safety guidelines. In any event, the face of all witnesses shall remain uncovered while testifying. The Court Reporter shall make note in the record that the witness's face was unobstructed during testimony.
 - Where feasible, plexiglass will be placed in front of jurors and or witnesses.
- Seated Jurors:
 - Jurors will be assigned a seat within either the jury box or another area that allows for social distancing. The juror will only sit in that seat for the duration of the trial.
 - Jurors will be provided with sanitized pens and fresh paper and will be required to keep up with their own items if necessary.
 - Jurors will be rescreened each day before the trial begins, including temperature checks. If anyone has an elevated temperature, then they will be sent to wait in their car until all parties can discuss their possible excusal.
 - All jurors will be given a number to call (preferably the clerk) if they develop symptoms during the pendency of the trial. They will be told NOT to report if they are sick or become exposed.
- Bailiffs
 - Due to difficulties guiding the jurors throughout the courthouse, it is anticipated that trials will necessitate the use of multiple bailiffs.
 - Bailiffs will meet the jurors outside of each courtroom and help direct jurors to their assigned seats.
 - The judge shall provide jurors with a point of contact if potentially exposed to COVID-19 or experiencing symptoms of COVID-19. They should not be required to report.
 - Any juror who does not pass the temperature check or COVID screening questions will be brought to the Judge's attention immediately. Those not passing the temperature check shall not be permitted to enter the courthouse.

Evidence Presentation

Courtroom evidence should be displayed to the jurors in a digital format whenever possible, making use of the large television monitors.

- There will be certain items that cannot be displayed in a digital format and the attorneys will be directed to seek guidance from the Court.
- Attorneys will be provided wipes and will be responsible for wiping down the podium, and anything else they touched, before returning to their table. They will also be asked to wipe down their table at the end of the day.

Jury Deliberation Room

Existing jury deliberation rooms will be utilized if space permits social distancing. If space does not permit, then a predesignated room for each county will be a Jury Deliberation Room. Courtrooms not in use may be utilized for this purpose.

- Bailiffs will provide a supply table with extra disposable masks, hand sanitizer, paper towels, gloves, tissues, juror pads and pencils, bottled water, and disinfecting spray. Jurors should keep up with their own items, so as to prevent sharing.
- Bathrooms will be designated for juror use alone.
- Jury rooms will be cleaned and disinfected daily.

EXHIBIT “A”

SOUTHERN JUDICIAL CIRCUIT COVID-19 COURT OPERATING GUIDELINES

Due to the ongoing public health state of emergency declared by the Governor and a Statewide Judicial Emergency declared by the Chief Justice of the Georgia Supreme Court, the Superior Courts of the Southern Judicial Circuit will conduct in person hearings, grand jury proceedings and jury trials subject to the following guidelines.

- Face Coverings/ Masks – All prospective jurors, parties, and attorneys are required to wear masks upon entering the building, and they must remain in proper position over nose and mouth, unless instructed by a judge to remove them. All courthouse deputies, bailiffs, and other staff will remain vigilant and politely ask anybody in the court area without a mask to put it back on. Any jurors that arrive without a mask will be provided one at the checkpoint. (Note that the courthouses also house other departments, which do not require visitors to wear face masks.)
- Screenings: Everyone entering the courthouse is screened for illness and COVID-19 exposure.
- Not Permitted to Enter:
 - Any person falling into the following categories shall be denied admittance into any Courthouse within the Southern Judicial Circuit:
 - Anyone who is experiencing any of the most common COVID-19 symptoms: fever, shortness of breath, sore throat and persistent cough, loss of taste or smell.
 - Anyone who has been asked to self-quarantine by any healthcare provider or who lives with someone who has been asked to self-quarantine.
 - Anyone diagnosed with COVID-19 or has been in contact with a COVID -19 positive individual in the last 14 days.
 - Any prospective juror prohibited from entering on the date of their service will be instructed to fill out an information form that includes their name, address, phone number, and juror number. The form will be given to the Clerk and Judge so that service can be deferred. If any juror reports having been diagnosed with COVID-19 in the previous 14 days, or in contact over the previous 14 days with someone who has been diagnosed with COVID-19, or that they are concerned they may have been exposed or infected, they will not be permitted to enter. If any juror reports having experienced a persistent cough, difficulty breathing or fever above 100.4 degrees within the previous three days, they will not be permitted to enter.

- Any other person not admitted to the Courthouse for the foregoing reasons will be given a form to fill out with their name, phone number, and pertinent case number. They will be contacted later by a Court official regarding alternative means of pursuing critical judicial matters.
- Social Distancing:
 - Each person admitted to the Courthouse will be required to observe social distancing, while in courthouse, entering the courthouse, or exiting the courthouse.
 - Courtrooms will have designated seating in order to enforce social distancing.
- Sanitation:
 - Hand sanitizer and handwashing stations shall be available throughout the Courthouse and Courtrooms. All persons are encouraged to wash their hands or sanitize their hands immediately upon coming into the Courthouse and immediately upon leaving the Courthouse.
 - Courtrooms will be sanitized daily.
 - If microphones are passed between citizens, microphone covers will be utilized and/or the microphones will be sanitized between uses.
- Courthouse Personnel:
 - Any person working in a court facility with known or suspected COVID-19 shall be required to isolate himself or herself at home or at another location approved by the Georgia Department of Health until a negative test result is obtained. Any person with COVID-19 exposure shall be required to self-quarantine at home for 14 days from the date of exposure and shall return if no symptoms are present.
 - Such person shall notify the Clerk and/or the Judge so that all persons who may have been in contact with such person shall be notified and take necessary precautions.
- Medically Vulnerable
 - Any person who meets the criteria for being medically fragile or being at a higher risk of severe illness will be excused from any court proceedings.

EXHIBIT “B”

SAMPLE LETTER TO BE SENT OUT BY CLERK WITH SUMMONS

(INFO WITH CLERKS INFORMATION)

You are receiving this Memorandum because you have been summoned to serve as a juror in _____ County Superior Court beginning on _____ (date in bold font). The purpose of this Memo is to explain the operating procedure and public health guidelines in place to protect you and other members of the traverse jury.

On March 14, 2020, in response to the COVID-19 pandemic, the Honorable Harold D. Melton, Chief Justice of the Supreme Court of Georgia, issued an Order Declaring a Statewide Judicial Emergency pursuant to O.C.G.A. § 38-3-61. That order has been extended seven times and each order prohibited grand jury proceeding and jury trials. Chief Justice Melton has now issued an Order dated October 10, 2020 which allows for the resumption of grand jury proceedings and jury trials if they are conducted in accordance with public health guidelines. We have used those guidelines to implement policy and procedures for conduction of all jury proceedings. The COVID-19 Court Operating Guidelines can be found on the Circuit’s website at www.southernjudicialcircuit.com.

For your protection and the protection of the public, **everyone entering the courthouse is required to wear a mask.** The mask shall be worn the entire time unless the Judge allows you to remove the mask while you are speaking. Additionally, every person entering the Courthouse will be screened prior to entry, which may include a temperature check and/or COVID-19 screening questions to determine exposure or symptoms. **Please arrive at least 15 minutes before your scheduled summons time in order to allow for these screenings.**

Within the Courthouse, social distancing is strictly enforced. Jurors will be seated a safe distance apart and all measures are being taken to avoid crowds of people. Additionally, the Courtrooms and all common areas are being heavily sanitized daily.

It is vitally important that if you develop any COVID-19 symptoms (fever, sore throat, coughing, loss of taste and/or smell, difficulty breathing), test positive for COVID-19 or have come in contact with a positive COVID-19 patient and are under doctor’s order to self-quarantine on the day you are summoned to appear in Court, that you contact the _____ Clerk of Court at _____ before you appear.

Please be patient as we implement these new procedures to keep everyone safe. No cellphones or purses are allowed in the Courtroom but jurors are encouraged to bring a book, magazine, or other non-electronic item to use while waiting.

Thank you in advance for your jury service and your cooperation in helping us safely resume jury trials.