PLAN TO RESUME JURY TRIALS
CHEROKEE JUDICIAL CIRCUIT
BARTOW and GORDON 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 Extension 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 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 the Cherokee Judicial Circuit 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 Ninth Order Extending the Declaration of State Judicial Emergency, the Cherokee Judicial Circuit may resume jury trials provided a 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 D. Scott Smith serves as chair to the Committee. Chief Judge Smith was joined in the Committee by representatives from sources recommended by the Guidance Documents, to wit:

Suzanne Smith	Superior Court Judge
Jeffrey A. Watkins	Superior Court Judge
Rosemary Greene	District Attorney
Christopher Paul	Chief Public Defender
Melba Scoggins	Clerk of Superior Court (Bartow)
Grant Walraven	Clerk of Superior Court (Gordon)
Tara Zapp	Deputy Clerk of Superior Court (Gordon)
Lt. Mike Pressley	Bartow County Sheriff's Office
Cpl. Lon Harbin	Bartow County Sheriff's Office
Mj. Pat Bedford	Gordon County Sheriff's Office
Peter Olson	Bartow County Administrator
Jim Ledbetter	Gordon County Administrator
Keith King	Gordon County Asst. Administrator
Samir Patel	Bartow County Bar Association
Lisa Crowder	Gordon County Health Department
Cyndi Carter	Bartow County Health Department
Melinda Goble	Legal Assistant to Chief Judge
Maurice Jones	Bailiff Gordon County

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 Cherokee Judicial Circuit Guidelines for Expanding In-person Proceedings (the "Cherokee Guidelines"), and the Georgia Court Reopening Guide. Based upon all of the factors considered, the Committee proposes the following Plan:

SPACE REQUIREMENTS-CRIMINAL JURY TRIALS
GORDON COUNTY

The Gordon County Courthouse has two courtrooms (Main and Third Floor) designated for use by the Superior Court. Due to construction operations for a new courthouse the Annex building and its courtroom are no longer available.

The GEM Theatre is a large entertainment venue located within two hundred yards of the courthouse. The Gordon County Government has negotiated for the use of this venue to use as a nonjury court location as well as a jury assembly location. This Court would like to thank the leadership of the GEM Theatre for the gracious use of this facility at no cost to the taxpayers of Gordon County.

There is sufficient space for this facility to assemble jurors and maintain proper social distancing. The wearing of mask shall be required by all prospective jurors as well as the government staff overseeing this process.

On the Monday of trial week, prospective jurors will be summoned to report to the GEM Theatre. They will be brought in in groups at differing report times so as to limit the number of persons present at any given time. They will be screened at the main entrance (taking temperature and asked relevant health questions). The jurors will then be seated in pre-marked seats to establish distancing. Panels will be designated, alternating in numbers of twenty and nineteen. The jurors will be given a report time for the courtrooms beginning on the following Tuesday morning in both the Main Courtroom and the Third Floor Courtroom.

Voir dire will be conducted beginning at 9:00 a.m. on Tuesday morning. Questioning will be done with the jurors seated in designated seats in the courtroom. One panel will be questioned at any given time. Jury selection will occur after two panels have been fully questioned. If additional jurors are needed, additional panels may be summoned into the courtroom.

Jurors who are selected to serve on the case will be given a report time and told to report to their respective courtrooms. When jurors arrive for trial, they will be seated in designated seats and will be required to sit in that same seat for the duration of their service. The Court will use both the jury box and a portion of the gallery for seating the jury.

The judge, court reporter, attorneys, litigants, and witnesses will occupy their usual places in the courtrooms. Glass shielding will be used on the bench and witness stand.

Seating in all spaces will comply with social distancing guidelines as determined by the Gordon County Administration Office and approved by the presiding judge. Seating will be appropriately marked and will allow trial participants to see and hear the proceedings from their places around each courtroom.

Space will be left open for public seating in both courtrooms. Spaces for public seating will likewise be appropriately marked and all members of the public will be required to wear a mask. Any "spillover" public audience on the third floor may be seated in the lobby immediately outside the courtroom.

Seating will be marked and designated. The Court proceedings may be viewed by the public on the television screens mounted on the walls of the lobby area.

When the trial has concluded, the jurors will deliberate in the courtrooms. The jurors will continue to be seated in their designated seats. The courtroom cameras will be turned off and no one will be able to enter the courtroom other than the jurors. Jurors may view pieces of evidence which were admitted during trial by examining exhibits one person at a time. The court will reconvene in the courtroom once the jurors have reached a verdict.

SPACE REQUIREMENTS-CRIMINAL JURY TRIALS
BARTOW COUNTY

Overall, criminal jury trials in Bartow County will proceed in the same manner as in Gordon County. The only exception will be the initial assembly area for summoned jurors. Bartow jurors will be summoned on Monday of the given trial week to appear in groups with staggered report times. They will be assembled in the sanctuary area of the Bartow County Annex Building located on Cherokee Avenue in Cartersville. This is an open auditorium venue with large space for seating. Jurors will be screened and required to wear face masks. They will be seated in pre-marked seats to ensure distancing.

The jurors will report to the courtroom assigned for the sitting judge beginning on Tuesday at 9:00 a.m. They will continue to report at their designated time until the jury is selected and the trial begins. All other aspects of the process will be the same as previously described for Gordon County Criminal Trials.

SPACE REQUIREMENTS FOR CIVIL TRIALS IN BOTH COUNTIES

Civil trials with jurors will be handled in the same manner and method as with criminal trials. Civil trial calendars will be limited so as to reduce the number of persons present at any pretrial conference or calendar call.

SAFE PRACTICES FOR ALL TRIALS IN BOTH COUNTIES

In addition to the safe practices set forth by local health departments and Georgia Court Reopening Guide, safe practices more particular to jury trials will also be followed, including but not limited to:

- Glass partitions will be installed around the witness stand, the judges bench and the clerk's desk in all courtrooms.
- Seating in all spaces will 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.
- All surfaces, including the witness stand and the partitions will be wiped and disinfected during courtroom breaks.
- The courtrooms will be completely disinfected and sanitized by the courthouse facilities staff in the morning before court begins.

- Attorneys will be encouraged to use the evidence presentation systems to publish documents and other exhibits.

- Latex gloves and hand sanitizer will be available to all who handle documents and other physical evidence.

- Jurors will be instructed to take socially distanced turns reviewing exhibits during deliberations.

- All spaces used for jury trials will be marked in accordance with social distancing requirements.

- Hand sanitizer dispensers and disinfectant products will be available in all areas used to conduct jury trials.

- The Clerk of Court shall maintain jury lists and contact information for possible contact tracing.

The Bartow County and Gordon County Governments shall supply the personnel, equipment and supplies necessary to implement these safe practices.

SECURITY FOR TRIALS IN BOTH COUNTIES

The Bartow County and Gordon County Sheriffs shall provide sufficient personnel and equipment for security at both Courthouses as well as the designated jury assembly areas. Bailiffs will be available to escort and direct jurors from the jury assembly areas to the courtrooms. Bailiffs will assist the Court to ensure that masks are worn and proper social distancing is maintained.

County personnel shall screen all persons entering both the courthouse and the jury assembly area to determine their COVID-19 status. This shall include the taking of their temperature. County personnel shall immediately notify the office of the presiding judge of the arrival of any trial participant or juror denied entrance for COVID-19 symptoms.

Anyone who arrives at the Courthouse or jury assembly area without a mask, will be provided one and shall be required to wear it for the duration of their service. Security personnel shall immediately notify the office of the presiding judge of arrival of any trial participant or juror who refuses to wear a mask or because of some medical or physical disability cannot wear a mask. The presiding judge will deal with said individuals on a case by case basis.

COMPOSITION OF CRIMINAL TRIAL CALENDARS FOR BOTH COUNTIES

Jury trials are expected to resume in January 2021, with two judges presiding during any given trial week designated by the 2021 Court Calendar. The first trials should be focused on those individual cases in which a defendant or defendants are in custody awaiting the trial of their case.

The initial Criminal Trial Calendars will be composed entirely of "in custody" cases assigned to the presiding judge. This will of course expand as time and conditions allow. The Court anticipates that this will be a slow and tedious process in its initial stage.

Calendar calls will be scheduled the week before the trial calendar begins. Request for continuances are to be filed no later than the day before the calendar call. This will allow time for the Court to consider such motions and to rule upon them. Inmates will not be present at calendar calls unless the Court is accepting their guilty plea or conducting a motion hearing in their case.

Cases not reached for trial will be included on the next trial calendar, unless indicated otherwise by the Court.

NOTICE OF THESE PLANS AND REQUIREMENTS

This plan will be signed by the Chief Judge as an Order and shall be provided to the members of the Bar Associations of both Bartow and Gordon Counties. The Order will be posted in both Courthouses and shall be placed on each counties' website. The Plan will also be submitted to the Administrative Offices of the Courts for posting on its website.

Having reviewed and considered this foregoing Plan, It is SO ORDERED, this 28th day of December, 2020.

D. Scott Smith

D. SCOTT SMITH, CHIEF JUDGE
SUPERIOR COURTS
CHEROKEE JUDICIAL CIRCUIT