

IN THE SUPERIOR COURT
BIBB COUNTY, GEORGIA

IN RE: Declaration of COVID-19 Traverse Jury Protocol

In accordance with Section I(B) of the September 10, 2020, Sixth Order Extending Declaration of Statewide Judicial Emergency (“Sixth Order”), a Committee was formed for the purpose of developing a plan for safely resuming jury trials in Macon-Bibb County for the trial calendars of Hon. David L. Mincey III, beginning the week of April 19, 2021. The Committee includes the following members:

Howard Z. Simms—Macon Judicial Circuit Chief Superior Court Judge

David L. Mincey III—Macon Judicial Circuit Superior Court Judge

Jeff Hanson—Bibb County State Court Chief Judge

Hon. Sara Harris—Bibb County Probate Court Judge

Hon. Pamela White-Colbert—Bibb County Chief Magistrate Court Judge

Anita R. Howard—Macon Judicial Circuit District Attorney

David Davis—Bibb County Sheriff

Rick Sizemore—Member, Macon Bar

Don Moody—Macon-Bibb IT

Rebecca Grist—Bibb County State Court Solicitor-General

Erica Woodford—Bibb County Superior Court Clerk

Richard Craft—Georgia Dept. of Public Health

Tomieka Daniel—Georgia Legal Services

Rick Waller—Macon Judicial Circuit Chief Public Defender

Chris Patterson—Major Criminal Investigations Division, Macon-Bibb Sheriff’s Office

Dawn Hussey—Superior Court Administrator

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

Macon-Bibb County, and the circumstances particular to the county, the Committee has established the present plan for resuming jury trials:

Facilities

The Committee has determined that the Bibb County Courthouse does have sufficient space to conduct jury selection and a jury trial in compliance with the Centers for Disease Control's ("CDC") guidelines during the COVID-19 pandemic.

Jury Selection Procedure

When the suspension of jury trials is lifted, the Court will initiate procedures for conducting such trials in criminal cases, with priority based on incarceration status, age, and severity of the case.

We will resume traverse juries on April 19, 2021 during the COVID-19 global pandemic. To protect and preserve the staff of the Superior Court Clerk's Office, the jurors, the judicial staff, and all parties involved, a plan must be in place. The Clerk's Plan is as follows:

1. The traverse jurors will be summonsed 30 days prior to the court date.
2. The summons will include either a) a letter from the court, and b) the link to the COVID-19 questionnaire or c) a paper copy of the COVID-19 questionnaire for the juror to complete and return on the day of service.
3. The Clerk will summons 180 jurors, which accounts for legal exemptions and COVID-19 excusals, with the purpose of achieving a panel of 45 jurors.
4. The jurors will report in a staggered manner: a third will report at 8:30, a third will report at 9:00, and a third will report at 9:30.

5. The jurors will be screened for fever at the security check-point. All jurors are required to wear masks. Masks will be provided if the juror does not have one. All staff will be required to wear masks. A mask will be provided for staff.
6. Upon arrival, the jurors will report to the fourth floor and stand in line, six feet apart, and wait to be checked in. During check-in, jurors will be asked questions from the COVID-19 questionnaire. Jurors who have been exposed, or those who express a statutory exemption will be released immediately.
7. After check-in, the jurors will be seated in both the main jury room and the overflow jury room, as needed. Both jury rooms have been inspected by the Department of Public Health. It has been determined by the DPH, Clerk Woodford, and Judge Simms that 60-70 jurors can sit in the main jury room, and 35-40 jurors can sit in the overflow jury room. The seats have been marked with "sit here" stickers in both rooms, at an acceptable space for social distancing. The current plan is to have 65 jurors in the main jury room and 35 in the overflow room.
8. After all jurors are checked in by the jury management team, the Clerk will conduct jury orientation.
9. The jurors will be placed in two panels: 1) a panel of 45; and 2) a panel of the remainder of jurors.
10. Group 1 will report back to the jury assembly room at 1:30 or 2pm, as requested by the presiding/sitting judge.
11. Jurors will report to the courtroom in panels of 12 for voir dire. Once the panel of 12 is questioned, they will report to the jury overflow room, so that they may be separated

from the remaining jurors who have not been questioned. Upon completion of voir dire of all jurors, all jurors can report back to the main jury room.

12. All jurors in a panel will wear a clear mask or face shield. Once a jury selection panel of twelve has been seated, the Court will administer the oath and will entertain any additional necessary excuses from jury service. After any such excuses, the attorneys will begin their respective voir dire. This process will be repeated until a jury of twelve (and two alternates) has been selected from the panels. At that point, all remaining jurors will be dismissed.
13. The judge, parties, and court reporter may use the main jury room to strike the jury. The potential issue/concern is the ease of use of the jury room for the court reporter. There is a desk, power outlet, and wireless internet connection available for the court reporter. The judge can stand at the podium. Clerk's staff member can sit at one desk. We can add two tables for the ADA and Defense attorney and parties.

Trial Procedure

The normal procedure for conducting jury trials will be modified to some extent. For example, each witness will wear a clear face mask or shield during his or her testimony. The trial will take place in Courtroom A of the Bibb County Courthouse. Juror deliberation and breaks will take place in Courtroom C of the Bibb County Courthouse. For any trial that lasts more than one day, jurors will be appropriately screened each morning when they report back to the courthouse. There will be ample room in both the trial courtroom and in the jury deliberation courtroom for social distancing at all times for all necessary parties and court participants. Additional safety precautions will be taken as needed.

In regard to public access during the trial, because social distancing must be maintained, priority will be given to family members of the accused and to the alleged victim(s).

Concerning sanitation, bailiffs will be responsible for providing clear face masks or shields to each witness as they enter the courtroom to testify. The bailiffs will also spray appropriate disinfectant or otherwise sanitize the witness chair and surrounding surfaces after each witness testifies. The courtroom and the jury deliberation courtroom will be thoroughly cleaned at the end of each day's proceedings. As for trial exhibits and any demonstrative evidence, opposing counsel will be strongly encouraged to consult with each other prior to the trial time for any evidence sharing, exhibit numbering, and possible stipulations to reduce, as much as possible, the handling of evidence in the courtroom. When evidence must be handled, gloves will be provided for that purpose. Should any necessary party to the trial contract COVID-19 during the trial or should any such party have a positive exposure to COVID-19, the trial will be halted immediately, and all necessary individuals will be notified thereof.

Notification

These guidelines will be made available to the public well in advance of the trial week. In addition to being posted at the Bibb County Courthouse, they will be published on the Bibb Superior Court or similar website. These guidelines will also be provided to those attorneys whose cases are to be tried.