



## TOOMBS JUDICIAL CIRCUIT

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# MCDUFFIE COUNTY GUIDE FOR RESUMING JURY PROCEEDINGS

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2021

### COMMITTEE MEMBERS:

Chief Judge Harold A. Hinesley  
Judge Thomas B. Hammond  
William Doupe', District Attorney  
Rindi Harbeson, Chief Assistant District Attorney  
Connie Cheatham, Clerk of Court  
Logan Marshall, Sheriff  
Jaye Jones, Attorney-at-law  
Caryn Lobdell, Public Defender  
Lucy Bell, Attorney-at-law  
Kathy Linebarger, County Health Nurse  
David Crawley, County Manager  
Kelli Tillman, Official Court Reporter  
Kathy Pirtle, Official Court Reporter  
Jamie Lopez, IT

## GUIDE FOR RESUMING JURY TRIALS

Pursuant to the Chief Justice of the Georgia Supreme Court's 12<sup>th</sup> Order dated March 9, 2021 extending the statewide judicial emergency, which now allows for the resumption of jury trials, this Court has developed these guidelines for reconvening jury proceedings in order to help ensure that in-court proceedings "can be done safely and in accordance with a final jury plan developed in collaboration with a local committee and incorporated into the court's written operating guidelines for in-person proceedings..." The court anticipates updating these guidelines from time-to-time during this judicial emergency as conditions and circumstances may warrant.

### GENERAL CONSIDERATIONS

#### **Summons**

When jurors are initially summoned, whether for grand jury or trial jury, the Clerk will mail:

- A Summons directing jurors to report to the Jury Assembly Room in the main courthouse, with staggered report times that provides a contact person to call with health-related questions or concerns.
- A COVID-19 Letter from the Court, that assures jurors the court understands their concerns for safety and provides a contact person to call with health-related questions or concerns and explains the precautions being taken by the court as recommended by the Centers for Disease Control and Prevention ("CDC").
- A COVID-19 Questionnaire to be completed by the juror that includes the juror's contact information (name, address, cell phone number, and email) and a series of questions to determine whether the jurors is in a category of persons identified by the CDC as being at an increased risk for severe illness from COVID-19.

#### **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. Unless otherwise authorized by the presiding judge, any deferral or excusal will be solely at the discretion of and upon approval of the assigned judge.

#### **Check-In**

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

- **Staggered Reporting Times** – Because of the potential bottleneck at security and check-in, juror summons will include staggered report times. Jurors reporting more than five minutes before their summoned time may be directed to wait outside until their report time arrives.
- **Health Screenings** – Everyone entering the courthouse on the day of court will be screened for illness and COVID-19 exposure. The name of any prospective juror prohibited from entering on the date of their service will be provided to the Clerk and to the presiding judge. The juror’s service will then 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 Fahrenheit within the previous 3 days, they will not be permitted to enter.
- **Masks** – Masks must be worn and remain in proper position over nose and mouth at all times, unless instructed by the judge to remove them. All courthouse deputies, bailiffs, and other staff will remain vigilant and politely ask anybody in the courthouse seen without a mask to put it back on. Any jurors that arrive without a mask will be provided one at the checkpoint.
- **Hand Sanitization Stations** – Hand sanitizer will be available prior to and after security check-in, as well as outside the courtrooms and Jury Assembly Room.
- **Social Distancing** – The Jury Assembly Room will be set up with a reduced capacity of 32 jurors, with chairs placed 6 feet apart which will also allow for the proceeding to be open to the public. Courtroom A, on the second floors, will be used for jury deliberations to ensure proper social distancing.
- **Nightly Cleaning** – Building Maintenance will sanitize the Jury Assembly Room, courtrooms, and other publicly-used areas each evening.

## GRAND JURIES

### **Impaneling Process**

The objective is to identify and impanel 23 qualified jurors and the number of alternate jurors deemed necessary.

- Jurors reporting times will be staggered.
- Seating

- 32 jurors can be accommodated with social distancing in the Jury Assembly Room. Other jurors may be socially distanced in the hallway or in other available rooms within the courthouse.
- **Check-In**
  - After all jurors are checked-in, the assigned judge will be notified to come to the Jury Assembly room.
  - Non-qualified jurors will be excused and their service concluded, as well as any qualified jurors in excess of those impaneled for Grand Jury service.

### **In Session: Jury Assembly Rooms**

Since the Jury Assembly Room is the only room in the courthouse that can accommodate the Grand Jury while maintaining social distancing, the District Attorney will conduct grand jury and trial jury selection proceedings in the Jury Assembly Room.

- **The following health measures will be employed:**
  - All persons will be screened at the front entrance and their temperatures taken
  - All persons will be required to wear a mask while in the courthouse
  - Courthouse staff will have hand sanitizer available at the front entrance and throughout the courthouse
  - Jurors will be seated as least 6 feet apart, and witnesses will be socially distanced.

## **TRIAL JURIES**

### **Impaneling Process**

Jurors will report at staggered times to the Jury Assembly Room and any other available rooms in the Courthouse where social distancing can be maintained.

### **Jury Selection**

Jurors will be called to the courtroom in panels to be statutorily qualified and for voir dire by the attorneys. Based on the circumstances of each case, these procedures can be modified by the Judge, with appropriate communication to the jurors.

One such modification could be that the statutory qualification and voir dire by the attorneys may possibly be accomplished in the Jury Assembly Room in order to increase efficiencies in a particular case provided all stakeholders are in agreement, no courtroom security issues are implicated, and the constitutional requirement of an open courtroom can be met.

## 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.

- Masks are required to be worn at all times while in the courthouse.
  - Judges, court staff, bailiffs, lawyers, and jurors will all wear masks during the trial unless otherwise instructed by the judge.
  - Witnesses will testify while wearing a transparent face mask whenever available.
- Bailiffs will assist in guiding jurors to the appropriate location.
- Jurors will be provided 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-19 screening questions will be brought to the Judge's attention immediately.

### **Courtroom Layout**

The courtroom gallery will be converted into the jury box, and jurors placed at seats marked every 6 feet in order to comply with social distancing requirements.

### **Jury Deliberation Room**

Existing jury deliberation rooms will not be utilized for jury deliberations in civil and felony trials due to the space restrictions but can be used for misdemeanor trials. Jurors in civil and felony trials will use the adjacent courtroom as a jury deliberation room to comply with social distancing requirements. However, the restrooms in both jury deliberation rooms may be used by the jurors.

### **Public Viewing Rooms**

Due to the small size of the two courtrooms and the need to seat jurors in the traditional gallery, and the need to use the second courtroom as the jury deliberation room, the public will not be able to attend and view the proceedings in the courtroom. Therefore, the following arrangements will be provided:

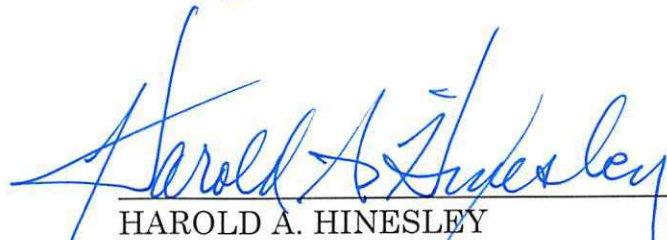
- A video stream will be set up by courthouse staff so that family members and other members of the public will be able to view the proceedings from the Jury Assembly Room, the grand jury room located on the first floor, and possibly the courtroom of the historic McDuffie courthouse.
- Seating in the viewing room will be clearly marked 6 feet apart, unless attendees are from the same household. All persons in the viewing room must

keep their masks on at all times. Security will be stationed in the viewing rooms.

**Inherent Power**

Nothing in this proposed plan shall be construed to limit the inherent power of the court. Each assigned judge may direct and control their respective cases and those persons before them in their courtroom as they deem necessary for the administration of justice. This order shall be in effect until further modification, extension, or termination.

SO ORDERED, this 24<sup>th</sup> day of March, 2021.

  
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HAROLD A. HINESLEY  
Chief Judge Superior Court  
Toombs Judicial Circuit