

**IN THE SUPERIOR COURTS OF THE
PATAULA JUDICIAL CIRCUIT INCLUDING
THE COUNTIES OF CLAY, EARLY, MILLER, QUITMAN,
RANDOLPH, SEMINOLE AND TERRELL
STATE OF GEORGIA**

IN RE: PLAN FOR RESUMING
JURY TRIALS

Date: April 28, 2021

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The Committees for Resuming Jury Trials, individually the “Committee”, each met via Zoom Video Conferencing. The members of each county’s Committee and the dates of their respective meetings are included in the attached “Exhibit A.”

WHEREAS, each Committee for Resuming Jury Trials has adopted the following Plan for Resuming Jury Trials, hereinafter referred to as the “Plan”:

1. The Pataula Judicial Circuit’s COVID-19 Court Operating Guidelines, dated March 3, 2021, “Operating Guidelines” were developed in compliance with the Judicial COVID-19 Task Force Report, the Georgia Court Reopening Guide, and other public health and safety guidelines and includes sanitization procedures, face-covering requirements, and social distancing protocols. These guidelines are published on the, Pataula Judicial Circuit website, Judicial Council/AOC website, and on the doors to the circuit’s courthouses. These guidelines are additionally attached as an exhibit to this Plan and incorporated herein as “Exhibit B.” Any person entering any Court facility shall be subject to these guidelines regardless of the purpose of their entry.
2. Court proceedings may be conducted either in the county courthouse or an alternate facility as needed to comply with Centers for Disease Control and Georgia Department of Public Health guidelines. Those alternative facilities will be designated as provided by law including, without limitation, O.C.G.A. § 15-6-17 & 18 and/or O.C.G.A. § 38-3-61 et seq. Each Committee has identified potential alternative locations in their respective counties that will allow the




social distancing of larger numbers of people, such as during jury voir dire and selection. The Court may conduct proceedings in the courthouse or the alternative facility or both as the case may require. As some of the facilities are available only at certain times of the year, the Court shall give prior notice to parties and their counsel when any proceeding or portion thereof will be conducted in an alternate facility. In addition, the Court may summon prospective jurors in smaller groups and at staggered times to allow for social distancing.

3. Along with their juror summons, jurors will receive a Notice of Covid-19 Precautions describing health and safety protective measures taken in the operation of Court facilities. The Notice of COVID-19 Precautions is attached to this Plan and incorporated herein as "Exhibit C." Prospective jurors will be asked to respond on a Juror Affidavit if they have been recently exposed to COVID-19 or are at risk for COVID-19 complications. The Juror Affidavit is attached to this Plan and is incorporated herein as "Exhibit D."
4. Hand sanitizer and/or sanitizing stations will be available throughout the Court facilities for use by jurors, trial participants, and members of the public, including, but not limited to at the entrance, all restrooms, the jury rooms, the courtroom, and the grand jury room. Sanitizer will also be available on counsel's tables; the lectern; and the witness stand.
5. All persons shall be screened upon arrival and before entry into any Court facility in accordance with the Operating Guidelines. Anyone who reports having COVID-19, known recent exposure to COVID-19, or is actively symptomatic based upon the Operating Guidelines will not be admitted. The Sheriff will provide to the Clerk of Superior Court, respective counsel, and the presiding judge a list of people who were not admitted due to possible exposure to COVID-19 in the form set forth in the attached "Exhibit E."
6. All persons entering any Court facility will wear a mask over their mouth and nose at all times except when otherwise authorized by the presiding judge. If a person does not have a mask, one will be provided. No face shields or vented masks shall be permitted for any person except when authorized by the presiding judge.

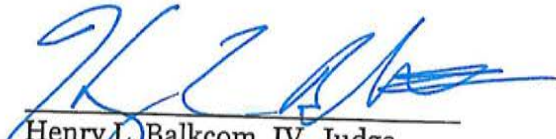
7. All common areas within Court facilities shall be marked with colored tape to show where people should stand or sit to observe social distancing. Seating in the courtroom will be marked and a designated area created to socially distance the jury. Likewise, the seating within the alternate Court facility shall be maintained in such a way as to allow for social distancing.
8. Sheriff's deputies will provide for the security of Court facilities, the screening of all Court participants including parties and their counsel, and ensure compliance with social distancing and health safety requirements.
9. Once jurors are selected to serve on the trial jury, they shall be seated within a designated section in the courtroom that may include a portion of the gallery. Jurors shall occupy the same seat for the duration of the trial.
10. Members of the public who desire to view the trial shall be seated in a marked seat within the remaining portions of the gallery. Counsel for the State and the defendant shall inform the presiding judge and the Sheriff of the number of seats requested for victims and family members of victims and the defendant, at the beginning of court each day. If the seating in the courtroom does not accommodate all of the public who wish to attend, they may be seated elsewhere at the discretion of the presiding judge to view a video live feed of the proceedings. The Court may prioritize seating as provided by law.
11. During the trial, witnesses who are testifying shall sit behind a plexiglass barrier and will not wear a mask while they are testifying.
12. For any issue which may need to occur outside of the presence of the jury, the presiding judge will designate the appropriate action to take based upon the needs of the trial, and the layout of the courthouse.
13. Witnesses shall be sequestered in a manner that complies with social distancing but shall be designated at the time of the trial based upon the needs of the trial, and the layout of the courthouse.
14. Jury deliberations shall be conducted in a secure space that the presiding judge may designate which may include a jury room, courtroom, grand jury room, or other room in a courthouse or alternate facility that will accommodate social distancing.

15. Trial exhibits will be published to the jury using digital monitors whenever possible. Digital exhibits will be used where feasible to reduce the handling of paper or physical evidence in the courtroom. If jurors need to touch or handle any trial exhibits in the courtroom or during deliberations, disposable gloves and hand sanitizer will be provided.
16. The court facilities including but not limited to courtrooms, grand jury rooms, law libraries, witness rooms, juror deliberation rooms, common areas, and restrooms will be cleaned and sanitized daily. The witness stand and microphone will be cleaned after each use.
17. It shall be the responsibility of individual attorneys to alert the presiding judge whenever it comes to their attention that a court participant has tested positive for or has been exposed to Covid-19. The presiding judge will then take appropriate action based upon that exposure, and the resulting risk to Court personal or visitors to Court facilities.
18. The Court may amend, change, or deviate from the foregoing plan as the specific circumstances may require to protect the safety of all persons involved in the Court processes.
19. The foregoing represents the Plan as developed by the Committees and approved by the judges of the Pataula Judicial Circuit.

SO ORDERED, this 28th day of April, 2021.



T. Craig Earnest, Chief Judge
Superior Courts
Pataula Judicial Circuit



Henry L. Balkcom, IV, Judge
Superior Courts
Pataula Judicial Circuit

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Jury Committee Member Roll

Clay County Jury Committee Meeting on January 6, 2021:

Chief Superior Court Judge T. Craig Earnest; Superior Court Judge Henry L. Balkcom, IV; District Attorney Ronald V. McNease; Chief Public Defender Marla P. Chambless; Hon. Patricia Thornton, Clerk of Court; Hon. Locke Shivers, Sheriff of Clay County; William H. Mills, Esq.; Benjamin D. Harrell, Esq.; Ms. Lindsey Hixon, Director of the Randolph County Department of Public Health; and Mr. Ronnie Crozier, Clay County Manager.

Early County Jury Committee Meeting on October 27, 2020:

Chief Superior Court Judge T. Craig Earnest; Superior Court Judge Henry L. Balkcom, IV; District Attorney Ronald V. McNease; Chief Public Defender Marla P. Chambless; Hon. Gail Anderson, Clerk of Court; Hon. William Price, Sheriff of Early County; State Court Judge William H. Mills; Robert R. McLendon, IV, Esq.; William Douglas Hall, Esq.; Amos John Sheffield, Esq.; William S. Stone, Esq.; Ms. Victoria Bowen, Director of the Early County Department of Public Health; and Mr. Craig Hughes, Early County Manager.

Quitman County Jury Committee on January 6, 2021:

Chief Superior Court Judge T. Craig Earnest; Superior Court Judge Henry L. Balkcom, IV; District Attorney Ronald V. McNease; Chief Public Defender Marla P. Chambless; Hon. Rebecca S. Fendley, Clerk of Court; Hon. Charles Davis, Sheriff of Quitman County; James L. Martin, Esq.; Ms. Lindsey Hixon, Director of the Randolph County Department of Public Health; Mr. Carvel Lewis, Chairman of the Quitman County Board of Commissioners; and Mr. Jason Weeks, Quitman County Manager.

Randolph County Jury Committee on October 28, 2020:

Chief Superior Court Judge T. Craig Earnest; Superior Court Judge Henry L. Balkcom, IV; District Attorney Ronald V. McNease; Chief Public Defender Marla P. Chambless; Hon. Kay Arnold, Clerk of Court; Hon. Eddie Fairbanks, Sheriff of Randolph County; Robert C. Barfield, Esq.; Jessie G. Bowles, III, Esq.; Benjamin D. Harrell, Esq.; Ms. Lindsey Hixon, Director of the Randolph County Department of Public Health; and Mr. Wesley Williams, Chairman of the Randolph County Board of Commissioners.

Seminole County Jury Committee on November 2, 2020:

Chief Superior Court Judge T. Craig Earnest; Superior Court Judge Henry L. Balkcom, IV; District Attorney Ronald V. McNease; Chief Public Defender Marla P. Chambless; Hon. Earlene Bramlett, Clerk of Court; Hon. Heath Elliot, Sheriff of Seminole County; William M. Shingler, Jr., Esq.; Douglas R. McMillan, Esq.; Gilbert J. Murrah, Esq.; Peter Emmons, Esq.; Wesley T. Baldwin, Esq.; Charles C. Stewart, Jr., Esq.; Ms. Penny Horne, Director of the Southwest Health District Georgia Department of Public Health; and Ms. Paula Granger, Seminole County Manager.

Terrell County Jury Committee on January 6, 2021:

Chief Superior Court Judge T. Craig Earnest; Superior Court Judge Henry L. Balkcom, IV; District Attorney Ronald V. McNease; Chief Public Defender Marla P. Chambless; Hon. Janice Bryant, Clerk of Court; Hon. John W. Bowens, Sheriff of Terrell County; Edward R. Collier, Esq.; Ms. Sue Ewings, Director of the Early County Department of Public Health; and Hon. Wilber T. Gamble, III, Esq., Chairman, Terrell County Board of Commissioners.


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STATE OF GEORGIA

IN RE: Guidelines for Court Operations)
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ORDER

Whereas, the Governor has determined that a Public Health Emergency exists in the State of Georgia due to the novel Coronavirus/Covid-19 ("COVID-19"), and the ongoing public health state of emergency as declared by the Governor and a statewide judicial emergency exists as declared by the Chief Justice Harold D. Melton of the Supreme Court of Georgia, the Judges of the Superior Courts of the Pataula Judicial Circuit adopt the following Guidelines for the conduct of in-person criminal, civil and accountability court proceedings.

These Guidelines are made with a view to allow courts to, in the words of Chief Justice Melton, "dispose of all judicial matters promptly and efficiently, including by insisting that court officials, litigants, and their lawyers cooperate with the courts to achieve that end, although this obligation must not take precedence over the obligation to dispose of matters fairly and with patience, which requires sensitivity to health and other concerns raised by court officials, litigants and their



lawyers, witnesses and others” and shall remain in effect through the duration of the statewide judicial emergency. These Guidelines shall be posted at the public entrance of each courthouse in the Pataula Judicial Circuit and a copy provided to the Sheriffs and Clerks of the Superior Courts. These Guidelines shall remain in effect until further order of the Court.

GUIDELINES

1. Persons entering the courthouse for the purpose of attending court proceedings shall be subject to screening by a law enforcement officer which shall include a body temperature scan and asking certain health-related questions. The following persons **shall not** be admitted into the courtroom:
 - a. persons who have been diagnosed with COVID-19, within the last fourteen (14) days; or
 - b. persons who have a known exposure to a person with COVID-19, within the last fourteen (14) days; or
 - c. persons with a temperature of 100 degrees Fahrenheit or more, or have had a temperature of 100 degrees Fahrenheit within the last 72 hours.The following persons **may not** be admitted into the courtroom:
 - d. persons who have within the last fourteen (14) days had contact with anyone who has been diagnosed with COVID-19;
 - e. persons who are experiencing, or have within the last fourteen (14) days experienced respiratory illness, shortness of breath, persistent cough, sore throat, difficulty breathing, chills, muscle pain, headache or loss of taste or smell;
 - f. persons who have been asked to quarantine by any healthcare provider or persons who reside with someone who has been asked to quarantine by a healthcare provider within the last fourteen (14) days; or
 - g. persons who have traveled to or from any area in which COVID-19 is particularly active.
2. Persons who are not admitted into the courthouse for any of the above reasons shall be provided by the Court with alternative means of observing court proceedings.

3. The following information should be collected from any person denied entry for health reasons: name, contact information, the court he or she was scheduled to attend and why, and the specific reason for denying entry.
4. Persons entering the courthouse for the purpose of attending court proceedings shall:
 - a. be required to wear a mask that covers his or her mouth and nose;
 - b. remain six (6) feet away from other persons at all times including while entering and leaving the courtroom; and
 - c. sit only in assigned seating inside the courtroom.

Individuals should not congregate in common areas in the courthouse.

5. Parties and their attorneys are required to wear a mask except when otherwise authorized by the presiding judge.
6. Persons who have been subpoenaed as witnesses may be asked to remain outside of the courthouse or seated in a designated area until a court official calls you in person or over your telephone to enter. If a person who has been subpoenaed as a witness has experienced any of the conditions in Item 1 above, please notify a court official.
7. If a person is an older adult, at risk for severe illness, asthmatic, pregnant, breastfeeding or otherwise at risk for COVID-19 or if your health care providers have instructed said person to refrain from attending gatherings of people, then he or she is strongly encouraged not to enter the courthouse, and may be provided with alternative method of viewing the proceedings as available.
8. In accordance with Chief Justice Melton's Orders Extending Declaration of Statewide Judicial Emergency, the Court may limit the number of occupants in the courthouse, interior areas, and courtrooms based upon their size.
9. Attorneys arguing or presenting before the Court shall notify the Court if they, a member of their staff, their client, witness, expert, or any other person in court for a scheduled court proceeding have COVID-19, tested positive for COVID-19 or have been exposed to a person known to have been diagnosed with COVID-19 prior to that scheduled court proceeding.

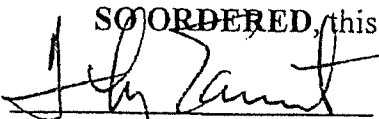
10. The Sheriffs of this judicial circuit shall notify the Court, the District Attorney, and the Circuit Public Defender no later than the next business day of any person who tests positive for COVID-19 who are being housed within their detention facility.
11. In accordance with Chief Justice Melton's Fourth Order Extending Declaration of Statewide Judicial Emergency dated July 10, 2020, with regard to everyone who works in a court facility, the operating guidelines shall require "isolation" of any person with known or suspected COVID-19 and "quarantine" of any person with COVID-19 exposure likely to result in infection, in accordance with the Department of Public Health Seventh Amended Administrative Order for the Public Health Control Measures, or any subsequent version thereof, a link to which may be found in the Appendix of said Fourth Order.
12. It shall be the responsibility of the head of a county department with offices in a court facility to notify either Judge Henry L. Balkcom, IV, or Chief Judge T. Craig Earnest when there is reason to believe that anyone who works within or visits a facility housing a department of this Court has COVID-19, tested positive for COVID-19 or been exposed to COVID-19.
13. All courts operating within this judicial circuit shall at a minimum conduct themselves in accordance with this Order.
14. The Court may impose without prior notice other rules in addition to these Guidelines in order to promote the health and safety of the public, litigants and their lawyers, and court personnel.


With regard to the Service of this Order:

- a. the respective Sheriffs of Clay, Early, Miller, Quitman, Randolph, Seminole and Terrell Counties shall post a copy of this Order on their public notification site and in the courthouses;

- b. the County Commissioners of Clay, Early, Miller, Quitman, Randolph, Seminole and Terrell Counties shall post a copy of this Order on their public notification site;
- c. the undersigned shall immediately notify and serve Chief Justice Harold D. Melton of the Supreme Court with a copy of this Order, such service to be accomplished via email to Tee Barnes, the Clerk of the Supreme Court of Georgia, at barnest@gasupreme.us; and
- d. the undersigned shall immediately notify and serve the Administrative Office of the Courts with a copy of this Order, such service to be accomplished via electronic submission at <https://georgiacourts.gov/covid-19-court-operating-guidelines-form/>; and
- e. the undersigned shall immediately notify and serve a copy of this Order on the judges and clerks of all classes of court sitting within the Pataula Judicial Circuit and on the clerks of the Georgia Court of Appeals and the Georgia Supreme Court, such service to be accomplished through reasonable means to assure expeditious receipt.

SO ORDERED, this 3rd day of March, 2021.


T. Craig Earnest
Chief Judge of Superior Courts
Pataula Judicial Circuit


Henry L. Balkcom IV
Judge of Superior Courts
Pataula Judicial Circuit

NOTICE OF COVID-19 PRECAUTIONS FOR TRIAL JURY SERVICE

You have been summoned to appear and potentially serve your community on a trial jury. Trial juries play a vital role in the criminal justice system and county governance. Failure to appear as directed may subject you to contempt of court penalties.

In light of the COVID-19 pandemic, the Superior Court has implemented the following precautions to promote your health and reduce the risk of exposure in accordance with the guidelines established by the Centers for Disease Control, the Supreme Court of Georgia, and the Georgia Department of Health:

- Each person entering the courtroom will be screened;
- Hand sanitizer will be provided;
- Masks are required to be worn at all times inside the courthouse;
- Room capacity will be limited;
- Six-foot social distancing measures must be maintained; and
- Rooms will be disinfected regularly.

You are required to call the Clerk of Court at _____, no later than 12:00 p.m. (noon) on Friday, _____, 2021, and confirm with the Clerk of Court your arrival time as printed on your jury summons. Also, inform the Clerk if you or anyone in your household is infected with COVID-19, or are in quarantine due to exposure to a person with COVID-19.

IN THE SUPERIOR COURT OF _____ COUNTY, GEORGIA
JUROR AFFIDAVIT

PERSONALLY APPEARING before the undersigned officer duly authorized to administer oaths, came _____ (PLEASE PRINT NAME), who on oath says, I have been summoned for jury duty the week of _____, 20_____, and hereby request to be excused/deferred from jury service due to the following reason: [CIRCLE ONE]

1. I no longer reside in _____ County. My physical address is: _____
_____. (*Attach copy of Driver's License or Voter Registration card.*)
2. I am a convicted felon and my civil rights have not been restored. I was convicted on _____
in _____ County, Georgia, or _____.
3. I am not a citizen of the United States. (*Attach copy of I.D.*)
4. The person named on this summons is deceased. (Indicate name and relationship of person completing form
and the date of death. Include a contact phone number.)
5. I will be engaged in work necessary to public health/safety and no replacements are available to fill the position
during this term of jury duty. Explain: _____
6. I am more than 70 years old with a date of birth of _____ and request permanent
removal from the jury list of _____ County, GA. (O.C.G.A. § 15-12-1.1(b))
7. I am a full-time student at a college, university, vocational school, or other post-secondary school who is enrolled
and taking classes or exams on the dates indicated in my jury summons. My expected date of graduation is
_____. (*Attach copy of full time enrollment schedule.* O.C.G.A. § 15-12-1.1(a)(2)).
8. I am the primary care giver having active care and custody of a child 6 years of age or under and have no
reasonably available alternative child care. (O.C.G.A. § 15-12-1.1(a)(3)).
9. I am the primary **unpaid** care giver for a person over the age of six with such physical or cognitive limitations that
he/she is unable to care for himself/herself and cannot be left alone and have no reasonable alternatives.
(*Physicians's certificate required.*) (O.C.G.A. § 15-12-1.1(a)(5)).
10. I am a primary teacher in a home school program, as defined by O.C.G.A. § 20-2-690(c), with no reasonable
alternative arrangements for continuing the home school program. (*Attach a copy of your Annual Declaration
of Intent to Utilize a Home School Study Program, filed with the County Board of Education.* (O.C.G.A. §
15-12-101(a)(4)).
11. (I am) or (my spouse is) on ordered military duty as follows: _____
(*Attach a copy of military I.D.*). O.C.G.A. § 15-12-1.1(c)(2)).
12. I am physically/mentally (circle one) unable to serve as a juror. (*Physician's Certificate required.*)
13. I have already served as a juror within the last 12 months under the name of _____.
14. For good cause shown (specify): _____
15. Do you have a serious underlying health condition which places you at greater risk of contracting COVID-19?
Explain: _____

I CERTIFY UNDER PENALTY OF LAW THAT THE ABOVE MARKED STATEMENT IS TRUE AND CORRECT.

Sworn and subscribed before me this _____ day of _____, 20_____. This _____ day of _____, 20____.

Notary Public
My Commission Expires: _____

Juror Signature _____
[MUST BE SIGNED IN PRESENCE OF A NOTARY PUBLIC]
Phone #: _____

ORDER

Having considered the above affidavit, the Petitioner shall be ordered:
_____ Excused _____ Deferred _____ Required to Report

This _____ day of _____, 20_____. Judge _____
Revised September 29, 2020 Judge T. Craig Earnest/Judge Henry L. Balkcom, IV

List of People Not Admitted due to COVID-19 Precautions

Person's Name	Are they a Juror?	Reason for not being admitted