

Upson County – Jury Trial Reopening Plan

State of Georgia

Griffin Judicial Circuit

Effective 4-5-21

***\*\*This Plan shall be filed with the Clerk of Court and shall be made available to the public\*\****

In accordance with the Guidance for Resuming Jury Trials, released by the Supreme Court, a committee of judicial system participants was held on September 24, 2020 and the following plan was created for resuming jury trials.

*Exhibits A, B and C to this Reopening Plan shall be mailed to prospective grand and trial jurors with their subpoena. Exhibits D and E to this Reopening Plan shall be utilized by the Clerk's Office for pre-screening of both grand and trial jurors.*

Courthouse Preparation and Sanitation

1. The county will ensure that the cleaning policy is adequate for when the courthouse and courtroom are reopened for jury trial.
2. The county has purchased or will purchase an antibacterial / viral atomizer for use at the courthouse.
3. The atomizer will be operated by those individuals identified by the county.
4. During jury empaneling, the atomizer will be operated after each panel is dismissed in all locations used by potential jurors, including jury assembly rooms, courtrooms, lobbies, elevators, stairwells, and restrooms.
5. Once a jury is empaneled and the jury trial has begun, the atomizer will be used at all locations used by jurors, trial participants, and the public, including jury assembly rooms, courtrooms, lobbies, elevators, stairwells and restrooms at the conclusion of each trial day, or in the morning before court resumes.
6. The county will ensure that the air filtration system is upgraded to the maximum capacity air filter available for the system.
7. At the conclusion of each trial, all areas will be deep cleaned, including the change of the HVAC filters.
8. All restrooms will be cleaned and disinfected after breaks in the proceedings, including restrooms available to the jurors, public and trial participants. Disinfectant products will remain in the restrooms for use.

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9. Mask and face covering and social distancing protocols will be posted prominently around the courthouse.
10. Social distancing directional markers have been placed or will be placed around the courthouse, with specific focus on entryways to the courthouse, courtrooms and restrooms, elevators and stairwells.
11. The county has placed or will place automatic or foot pedal operated hand sanitizer dispensers at courthouse entrances, near security checkpoints, and in every room where trial participants or the public will be present.
12. Plexi-glass barriers have been or will be installed between court personnel, witnesses, and trial participants.
13. Where possible, doors will be held open by door stoppers or court personnel as jury panels and trial participants are entering and exiting rooms to avoid individuals touching door handles.
14. Disinfectant products will be provided for the jury and in the restrooms.
15. Face masks will be provided for any trial participant who does not have one.
16. Face shields will be available for use, where necessary.
17. Court security will monitor the number of individuals using elevators to ensure that individuals are able to socially distance within the elevator.
18. In the event a trial participant tests positive for COVID-19, has a recent exposure to COVID-19, or is experiencing new symptoms of COVID-19, that individual shall contact a deputy or a Clerk. A form will be completed by the individual receiving the report that includes the individual's name and contact information. The contact form will be provided to the Clerk and to the presiding Judge. The Judge shall determine the status of that individual's participation and the status of the trial, in accordance with the guidelines. The Clerk or Judge shall notify the Department of Health.

#### Courtroom

1. Markers or tape have been placed to delineate proper socially distanced seating in the courtroom for the jurors and the public.
2. The courtroom has dedicated, socially distanced seating for the defendant's family, victim, victim's family, general public, and media, if necessary.

3. At the start of each trial session, it will be confirmed that each juror, party and counsel can see and hear the proceedings from their place in the courtroom, using digital devices, where necessary and available.
4. Where necessary, additional monitors will be added throughout the courtroom to allow all trial participants to see witnesses and evidence.

#### Security

1. A screening plan has been created with the assistance of courthouse security and law enforcement. The screening plan includes temperature checks and COVID-19 screening questions to be conducted. Where possible, the screening will occur outside, prior to entry to the courthouse.
2. Additional deputies will be provided for jury management, transport of in-custody defendants and in-court witnesses.
3. In the event a trial participant cannot wear a mask or refuses to wear a mask, courtroom security shall complete the contact form and notify the Clerk and the presiding Judge. The Judge shall determine the status of that individual's participation and the status of the trial, in accordance with the guidelines.
4. All trial participants will be placed in a way that allows courtroom security access to the courtroom.

#### Jury Trial Scheduling

1. Fewer cases shall be scheduled for a given trial term, giving consideration to the capacity guidelines for the courthouse.
2. A master calendar for all judges in the courthouse will be prepared to avoid scheduling conflicts.
3. Judges will cooperate with one another to restrict and/or limit other in-person court calendars during jury selection and jury trials to limit the number of individuals entering the courthouse. This includes coordination with Superior, State, Magistrate and Juvenile Courts, where necessary.
4. Pre-trial conferences and calendar calls will be conducted via virtual means. At the pre-trial conference, all pending motions and pre-trial issues will be discussed, and a motions hearing will be set for all pre-trial motions to be heard prior to the start of jury selection.

#### Summoning the Jury

1. More jurors will be summoned in anticipation that more prospective jurors will be needed to seat a jury.
2. Summons will be sent earlier than normal to ensure that jury questionnaires are received and requests for excusals and deferments are timely reviewed.
3. A notice will accompany summons that identifies the specific steps taken by the court to ensure safety and compliance with CDC guidelines.
4. A jury questionnaire will be sent with all summons, with instructions for the prospective juror to return the questionnaire to the Clerk. The questionnaire shall include the address, phone number and email of the Clerk. The questionnaire will include COVID-19 screening questions, and general voir dire questions.
5. The Clerk shall follow up with each prospective juror with regard to COVID-19 screening via telephone.
6. Requests for excusal or deferment shall be at the discretion of the presiding Judge. The review of these requests shall occur without the potential juror appearing at the courthouse but can include a virtual interview of the potential juror by the presiding Judge.
7. The District Attorney's Office and Public Defender's Office will submit proposed general questions to be included on the jury questionnaire to limit the time spent on in-person voir dire.

#### Jury Selection

1. At least one full day will be dedicated for the selection of a jury.
2. Jurors will be summoned in panels of no more than twelve (12) at staggered times throughout the day, with consideration to any other jury trials or bench trial calendars scheduled for that day.
3. If a potential juror arrives prior to their dedicated arrival time, they will be instructed to wait outside or in their personal vehicle with cellular phone access until their time of arrival.
4. After check-in, jurors will be sent directly to the room designated for jury selection.
5. Jury selection shall occur in the courtroom gallery, jury assembly room or other available room large enough to accommodate panels of twelve (12) with appropriate social distancing.
6. A minimum of two alternate jurors will be selected with each jury.

7. When answering voir dire questions, potential jurors shall use face shields or be spaced with social distancing, of at least 10 feet or more, to allow removal of masks while speaking.
8. Counsel will use separate tables or microphones while questioning jurors. In the event separate tables or microphones are not available, the tables and microphones will be disinfected after each person has questioned the potential jurors. Disposable microphone covers will be utilized, where available.
9. Where a potential juror cannot be heard by counsel, a microphone shall be provided to the potential juror. Microphones will be disinfected after each juror. Disposable gloves and microphone covers will be utilized.
10. Strikes for cause shall be brought up immediately when the challenge arises, or immediately prior to the panel being excused for the next panel.
11. Unless specifically objected to by a party, striking the jury will occur outside the presence of the potential jurors, after panels are released. Jury panels can be released after questioning and the Clerk will notify the potential jurors by telephone if they have been selected or if they have been excused.
12. Jurors will be empaneled for up to four (4) weeks but will be instructed to report for only one (1) of the four (4) weeks.

#### Jury Management

1. The jury will be socially distanced at least six (6) feet apart throughout the courtroom utilizing the jury box, the gallery and additional seating, at the discretion of the presiding Judge.
2. Hand sanitizer will be provided in all locations where the jury will be located.
3. Jurors will be provided restrooms close to their location. These restrooms will be designated for juror use only and will be monitored by deputies. Where necessary, jurors will be released in smaller groups for restroom breaks to avoid jurors congregating outside of restrooms.
4. Breaks for jurors will occur in a room large enough to accommodate all jurors, plus alternates, socially distanced. The jury can be divided into smaller groups if necessary to accommodate social distancing. Additional bailiffs will be present in all locations where jurors are present.
5. Jurors will be encouraged to bring sealed snacks and drinks from home.

6. Jurors will be provided single use notebooks and writing utensils for taking notes during the trial. At the conclusion of each day, each juror shall place their notebook and writing utensil in a large resealable bag which shall be collected by the Clerk, sanitized, and placed in the Clerk's office. At the conclusion of the trial, the used pages of the notebook will be shredded and the unused pages and writing utensils will be disposed of or taken home by the individual juror.
7. Seats will be assigned to jurors during the trial and jurors will be instructed to sit only in their assigned seat.

#### Conducting the Trial


1. All trial participants, including all jurors, will be screened and asked COVID-19 questions prior to entering the courthouse each time they enter.
2. In the event a trial participant fails the screening by courthouse security, a form will be completed by security that includes the individual's name and contact information. The individual will be instructed to wait in their vehicle or outside until further instruction. The contact form will be provided to the Clerk and to the presiding Judge. The Judge shall determine the status of that individual's participation and the status of the trial, in accordance with the guidelines. The Clerk shall notify the Department of Health.
3. If no witness room allowing social distancing is available, trial witnesses will be encouraged to remain outside or in their personal vehicles with cellular phone access until they are called to testify.
4. Witnesses will be placed behind plexi-glass and will be permitted to remove their face masks while testifying.
5. Counsel is encouraged to stipulate as to authenticity and admissibility of exhibits prior to trial. Objections to evidence can be presented to the Judge at the pre-trial conference or pre-trial motions hearing.
6. Counsel is encouraged to utilize digital exhibits wherever feasible to reduce handling of paper or physical evidence in the courtroom. Digital exhibits will be presented to the jury via monitors located in the courtroom and/or individual devices given to the jurors.
7. Counsel must provide a hard copy of all digitized exhibits for the Judge and the court reporter prior to the start of the trial to reduce handling of paper in the courtroom.
8. In the event that exhibits must pass between trial participants, one court staff member shall be responsible for transferring the exhibits, using gloves and disinfectant.

9. Side bar conversations shall occur at the bench, with plexi-glass between counsel and the judge and all attorneys wearing face masks. Where available, a microphone will be utilized which will transmit the content of the side bar to the Defendant and to the court reporter. If a microphone is unavailable, side bar conversations must be done outside of the presence of the jury.
10. The Court shall ensure that there is an opportunity for confidential attorney client communications. Counsel will be encouraged to use written or digital means of communication. Where available, dedicated microphone and headsets will be available for communication. Alternatively, the Court can take a recess to allow the attorney/client conferences outside of the presence of the jury.
11. If counsel uses a podium for questioning witnesses and addressing the jury, the podium and microphone will be sanitized after each use. Disposable microphone covers will be utilized where available.
12. Defense counsel will be provided access to incarcerated defendants beginning at least thirty (30) days prior to the start of the trial for trial preparation. This can be conducted via virtual means, where available.

#### Jury Deliberations

1. Jury deliberation shall occur in the courtroom gallery, jury assembly room or other room enough to accommodate twelve (12) jurors with appropriate social distancing, at the discretion of the presiding Judge. The Court shall ensure that all audio and visual equipment is turned off in the room utilized for jury deliberation. A bailiff will be placed outside every door of the room used for deliberations.
2. Dedicated restrooms will be available for jurors for use during deliberations.
3. Disposable gloves, disinfectant, and hand sanitizer will be provided to the jury for the review and handling of hard copies of exhibits. One set of the hard copies will be available to the jury on a separate table with each juror reviewing the evidence individually and socially distanced.

Entered and effective this 5 day of April, 2021.

  
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Honorable W. Fletcher Sams  
Chief Judge, Superior Court of Fayette County  
Griffin Judicial Circuit