



THE HONORABLE RAYMOND E. GEORGE
CHIEF JUDGE, SUPERIOR COURTS
Enotah Judicial Circuit of Georgia

March 29, 2021

In Re: Re-Start of Jury Trials for White County
within the Enotah Judicial Circuit

November 2020 a panel was developed to oversee the safe re-start of Grand Jury hearings as well as the re-start of Criminal Jury Trials in White County.

On March 29, 2021 @ 12pm the COVID Trial/Grand Jury White County Re-start Committee was reconvened via video conferencing (ZOOM). Pursuant to the Georgia Supreme Court's Twelfth Order Extending Declaration of Statewide Judicial Emergency dated March 9, 2021 giving the okay for Courts to safely resume criminal jury trials. The following members participated in the meeting.

Chief Judge Raymond E George
Judge T. Buckley Levins
Probate Judge Don Ferguson
District Attorney Jeff Langley
Sheriff – Rick Kelley
Steve Ferrell- District Court Administrator

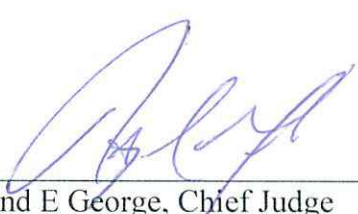
Judge Joy Parks
Magistrate Judge Corey Hyde
Juvenile Court Judge Jeremy Clough
Public Defender Penny Hunter
Dena Adams – White County Clerk of Court

Discussions surrounded the Georgia Supreme Court's Twelfth Order Extending Declaration of Statewide Judicial Emergency, The Georgia Court Reopening Guide and the preliminary draft of the White County Court Plan and Procedures Guide for Jury Trial restarting.

With minor changes to the White County Court Plan and Procedures Guide for Jury Trial restarting, the Committee members approved the Guide with an unanimous vote. Said Court Plan and Procedures Guide for Jury Trial restarting is incorporated herein by Order signed by all seating Superior Court Judges of the Enotah Judicial Circuit.

For additional Court references, a copy of the White County COVID Trial/Grand Jury White County Restart Committee meeting minutes from November 3, 2020 are attached, along with a copy of the notice to members announcing the reconvening.

THIS 5 day of April, 2021



Raymond E George, Chief Judge
Enotah Judicial Circuit

COVID TRIAL/GRAND JURY WHITE COUNTY RESTART COMMITTEE

OFFICIAL MEETING MINUTES:

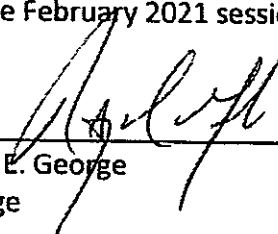
Meeting Date: November 3, 2020

**Present via ZOOM: Raymond George, Chief Superior Court Judge – Presiding
T. Buckley Levins, Superior Court Judge
Dena Adams – Clerk of Superior Court
Neal Walden - Sheriff
Rick Kelley – Sheriff elect
Steve Ferrell, DCA
Jeff Langley – District Attorney
Corey Hyde – Magistrate Judge
Melissa Jackson – Judicial Assistant (Judge Joy Parks)
Justin Ussery – Assistant Chief – CSO
Heather Wheeler – Judicial Assistant (Judge Jeremy Clough)
Jennifer Vandiver – Judicial Assistant (Judge Buck Levins)**

Pursuant to discussions, agreements and directions the following procedures will be followed to facilitate the reconvening of Grand Juries in White County. The first Grand Jury Session is scheduled for February 8, 2021. Presently the District Attorney's office is reporting that they have 88 cases in White County to be presented to a Grand Jury.

- 1. The main courtroom will be used for the Grand Jury.**
- 2. The Courtroom will be prepared by WCSO – Court Security by marking designated seating in keeping with the CDC guidelines for social distancing**
- 3. The Clerk of Court will send out jury summons no later than November 20, 2020. These summonses shall include an additional questionnaire regarding COVID. (see exhibit A attached).**
- 4. All Jurors, District Attorney & Staff, Bailiffs, the presiding Judge and the Clerk of Court and Staff shall be required to wear a mask at all times, while in the Courthouse. Those without a mask will be provided one.**
- 5. Juror report will be staggered: 34 to report at 9am, 34 to report at 11am, 34 to report at 1pm and 34 to report at 3pm. If a full panel of 23 and 2 alternates (total 25) has not been seated then an additional 34 shall report at 4:30pm. The 4:30 group will be directed to call the jury information line to determine if their report is necessary. If not, they will be excused.**
- 6. All summoned jurors will be instructed to call the jury information line after 6pm to determine if they have been selected to the Grand Jury panel. Those selected will report to the White County Courthouse at 9am on February 9, 2021 to begin their duties.**

7. Juror Check-in: A designated Bailiff will be positioned at the security post at the front door. Said Bailiff shall have court authority to excuse any juror that presents with a fever of 100.4 or higher. Said Bailiff shall also complete a juror excusal form. (see exhibit B attached). This form will also be prepared if the Courtroom has reached max capacity and a potential jury is turned away for that reason. All completed forms will be given to the presiding Judge.
8. Between the voire dire of each panel the courtroom will be fogged or wiped down with CDC approved disinfectant by Courthouse Staff and Bailiffs.
9. Temperature screening, mask wearing, and social distancing shall be adhered to during the duration of Grand Jury appearance.
10. The District Attorney's Office will keep witnesses in the hallway of the DA's office. Once their testimony is completed, they will exit the room by the side door near the District Attorney Office.
11. No facility inspections will be conducted during the February 2021 session of the Grand Jury.



Raymond E. George
Chief Judge

COVID-19 Juror Questionnaire

Name:	
Phone:	
Email:	
1. Are you over the age of 65?	
2. Do you have any serious underlying medical conditions such as high blood pressure, chronic lung disease, diabetes, severe obesity, severe asthma, severe heart disease, or cancer?	
3. Are you or have you recently undergone chemotherapy or another medical treatment that has caused your immune system to be compromised?	
4. Do you live with or care for someone considered to be at an increased risk of severe illness from COVID-19? Anyone who would answer "yes" to questions 1-3 above might be at increased risk.	
5. Are you requesting to defer your jury service to a later date because of answering "yes" to any of the above questions?	

Additionally, on the day of service, you will be screened at the courthouse entrance and asked the following questions:

1. Have you been diagnosed with COVID-19, or been in contact over the last 14 days with anyone who has been diagnosed with COVID-19, or been concerned for any reason that you may have been exposed or infected with COVID-19?
2. Are you currently experiencing any cough, difficulty breathing, or fever above 100.4 degrees, or have you experienced any such symptoms in the last three days?

If your answer is yes to either question *on the day of your service*, you should call the Clerk of Courts office immediately to request a deferral. Failing to appear without justifiable cause may place you in contempt of court.

Exhibit A

_____ County Superior Court
State of Georgia

RE: _____, Summoned juror

On _____ (Date) at
_____ (Time) the above named juror entered the Courthouse.

In accordance with set procedure, said juror was temperature screened.

A reading of _____ degrees was shown.

Based on the temperature reading. The juror was excused from service by

_____ The Court designated Baliff _____

Name

And Or (Circle one or Both)

_____ The presiding Superior Court Judge. _____

Name

Exhibit B

Sandi Lovell <rgjudicialassistant@gmail.com>

Tue, Mar 23, 2021 at
3:34 PM

To: Raymond George <judge.r.george@gmail.com>, "Judge Joy R. Parks" <judgejoyparks@gmail.com>, Judge Buck Levins <judgebucklelevins@gmail.com>, Dena Adams <dadams@whitecounty.net>, Corey Hyde <chyde@whitecounty.net>, "Hon. Jeremy Clough" <enotahjuvenilejudge@gmail.com>, Don Ferguson <donfer@windstream.net>, Rick Kelley <rkelly@whitecounty.net>, Jeff Langley <jlangley@pacga.org>, Justin Ussery <justin.ussery@dcs.ga.gov>, Jodi Ligon <jligon@whitecounty.net>, Penny Hunter <hunterp@gapublicdefender.org>, Steve Ferrell <9thjaddca@gmail.com>

Good Afternoon. We will be having a VERY important meeting of the White County COVID Jury Re-Start Committee on Monday March 29th @ Noon , via ZOOM. Your attendance is needed and appreciated. Attached is a copy of the recently signed orders from the Union County COVID Jury Re-Start Committee for reference.

ZOOM Meeting information:

Enotah Superior Court Judge is inviting you to a scheduled Zoom meeting.

Topic: WHITE COUNTY - JURY RE-START COMMITTEE MEETING

Time: Mar 29, 2021 12:00 PM Eastern Time (US and Canada)

Join Zoom Meeting

<https://us02web.zoom.us/j/87255151480?pwd=T2N3cUttMaU5pVURyYUluMzZ4dnEyQT09>

Meeting ID: 872 5515 1480

Passcode: 841144

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Sandi Y Lovell

Judicial Assistant to Honorable Raymond E. George, Chief Judge

Enotah Judicial Circuit

325 Riley Road, Room 208

Dahlonega, GA 30533

(706)867-8002(p) (706)482-2522(f)

 **UC COVID Court Plan and Procedures - March 2021.pdf**
1193K

IN THE SUPERIOR COURT OF WHITE COUNTY
STATE OF GEORGIA


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ORDER ADOPTING COUNTY PLAN FOR RESUMING JURY TRIALS


On March 14, 2020, in response to the COVID-19 pandemic, the Honorable Harold D. Melton, as the Chief Justice of the Supreme Court of Georgia, issued an Order Declaring Statewide Judicial Emergency pursuant to O.C.G.A. §38-3-61. That Order has been extended 11 times, with modifications by Orders issued April 6th, May 11th, June 12th, July 10th, August 11th, September 10th, October 10th, November 9th, December 9th, January 8th, and February 7, 2021. Pursuant to the Chief Justice's Sixth Order Extending Declaration of Statewide Judicial Emergency and Guidance for Local Committees on Resuming Jury Trials, a committee of judicial system participants was formed to develop a detailed and locally tailored plan to resume jury trials in White County. The plan was completed and adopted by an unanimous vote of the committee members on March 29, 2021.

The Court reserves the right to amend or rescind this Order approving said plan, based on additional information received. A copy of this Order will be filed with the Administrative Office of the Courts. The Clerk of Superior Court is hereby directed to place a copy of this Order in the Minutes and Final Records of White County.

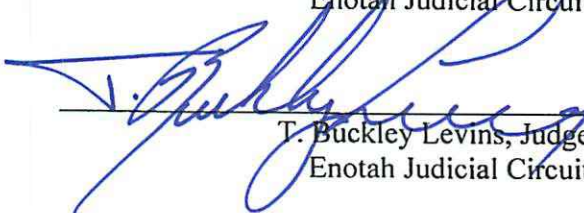
SO ORDERED THIS 5 DAY OF April, 2021.



Raymond E. George, Chief Judge
Enotah Judicial Circuit



Joy R. Parks, Judge
Enotah Judicial Circuit



T. Buckley Levins, Judge
Enotah Judicial Circuit

Communicating Safety to the Public

Our first and primary concern is the safety of participants in the judicial system, especially jurors. The general public must be given reasonable assurances regarding public health issues in the courthouse. The public must be confident that risks have been mitigated and that their safety is of paramount importance. This assurance is best conveyed when all of the factors and circumstances that jurors, witnesses and litigants experience are taken into consideration.

1. Vulnerable Populations

Individuals who are over age 65 and individuals with serious underlying health conditions, including but not limited to high blood pressure, chronic lung disease, diabetes, obesity, asthma, and those whose immune system are compromised such as by chemotherapy are considered to be vulnerable populations. Vulnerable populations who are scheduled for court will need to contact the Clerk of Court for further guidance and may request excusal.

2. Social Distancing

- a.** All persons not from the same household who are permitted in the courthouse will be required to maintain adequate social distancing of at least 6 feet.
- b.** Each restroom has been evaluated to determine the appropriate capacity to ensure social distancing and the maximum capacity has been posted on each restroom door.
- c.** The maximum number of persons permitted in the gallery of each courtroom has been determined. The maximum capacity of the courtroom(s) will be monitored and enforced by court staff. Such maximum capacity determinations included compliance with appropriate social distancing.
- d.** The courtrooms have been marked to identify appropriate social distancing in the seating.

3. Hygiene

- a.** Hand sanitizer dispensers have been placed at locations around the courthouse for use by staff and the general public. Signage encourages both hand washing and the use of hand sanitizer.
- b.** Signs have been posted throughout the courthouse to remind occupants to maintain good hygiene.

4. Screening

- a.** Notices have been placed on the front of the courthouse asking the entering individuals if they are feeling feverish; have a cough, shortness of breath, or difficulty breathing; whether they have traveled to a high risk area; or have been in close contact with a person who is confirmed to have COVID-19. The notices indicate that anyone who answers yes to any of those questions shall not enter the courthouse. If a prospective juror answers yes to any of those questions, they should call the Clerk of Court for further instruction.
- b.** For individuals entering the courthouse, security will use an infrared thermometer to determine the temperature of the individual. Individuals whose temperature equals or exceeds 100.4 degrees F will be asked not to enter. If a prospective juror, witness or litigant has such a temperature, the temperature shall be confirmed by a designated bailiff and the

perspective person's name and role shall be provided to the presiding judge. If the person is a witness, litigant or already selected juror then such person should be asked to wait while the presiding Judge is contacted.

c. In the event of a positive COVID-19 diagnosis of a juror, defendant, attorney, witness, court personnel, or judge, the presiding judge will be informed immediately. The presiding judge shall ensure information has been provided to the Director of the Regional Public Health Department.

d. Once notified of a possible COVID-19 exposure or diagnosis, the judge will take appropriate action including, but not limited to, a review of the legal options for the trial with the attorneys and conduct individual voir dire with each juror, if needed, to determine their ability to fairly and impartially continue with the trial with reasonable safety.

5. Face Coverings

a. The Court recognizes that masks and face coverings are an inconvenient and uncomfortable matter. However, it needs to be emphasized that you wear a mask for the protection, not of yourself, but for the protection of the persons with whom you come in contact. There may be vulnerable individuals at the courthouses, and you can be carrying the COVID-19 virus although you are not showing symptoms.

b. All individuals entering the court building will be required to wear face coverings at all times.

c. Individuals will be encouraged to bring face coverings with them, but if the individual does not have a face covering, a disposable face mask will be provided.

6. Cleaning

a. The common area(s) of the courthouse will be cleaned on a regular schedule.

b. The courtroom(s) shall be cleaned on a regular schedule.

c. The seating area where any perspective jurors are instructed to be will be cleaned and disinfected between panels.

Direct Communication with Prospective Jurors:

The court has approved a document to be sent to prospective jurors along with the summons explaining the steps that the Court is taking to mitigate COVID-19 risks and the procedure for requesting excusal. The Court will provide a call-in number where prospective jurors can call in and report that they are symptomatic so that they do not report in person for service.

Space Preparation:

1. Courtrooms: A space plan has been created for each courtroom to allow for social distancing during voir dire and trial.

2. Reconfiguration: The space plan allows for approximately 6 feet spacing between seating areas.

Trial Jury Operations:

1. Juror Summons and Arrival

A. Jurors will be summoned only for a specific week consistent with the Court's normal

operating procedure.

- b.** The court will stagger times for jurors to arrive allowing for the assembly of smaller groups and to permit social distancing
- c.** Prospective jurors will be directed to the proper place in the courthouse. Once in the courtroom, each juror will be identified by roll call by the Clerk's office.
- d.** Each juror will be assigned a seat for the duration of selection.
- e.** For the health of the jurors and the Court staff the Court will provide pens or pencils and the jurors will be instructed to keep all personal items separated from other jurors.

2. Jury Service Staff Interaction

- a.** Jurors will be asked to self-report any symptoms they may have that morning. This is in addition to the screening questions posted upon entry to the courthouse.
- b.** Staff will be trained to limit contact with jurors and documents that jurors have handled.
- c.** Juror orientation will include a review of the steps the Court is taking to increase juror safety. Jurors will be reminded of the steps they must take for their enhanced safety, including frequent hand washing, and social distancing.
- d.** Seats will be marked in jury assembly to designate where jurors are permitted to sit enabling the Court to have proper social distancing in the jury assembly room.
- e.** At least three bailiffs will be scheduled to provide support in all of the procedures outlined.

3. Preparing the Courtroom for Jury Selection and Trial

- a.** Markings or tape has been used to delineate proper socially distanced seating in the courtroom.
- b.** Courtroom seating is limited and has been prioritized in criminal cases for the defendant(s) immediate family members, victim(s) and their immediate family, and at least some space for members of the general public and the media.
- c.** If gallery space is not adequate, the Court will determine an appropriate remedy to comply with open court room requirements, such as live streaming the proceedings into another room in the courthouse.
- d.** Consideration has been given to ensuring that each juror, party, and counsel can see and hear the proceedings from their places around the courtroom.
- e.** Courtrooms will be cleaned between trials to deep clean the room, with particular attention to sanitizing the jury seating area, the judge and clerk positions, and party seating areas.
- f.** Masks will be worn by all individuals in the courtroom, except by witnesses who are actually testifying.
- g.** Due to the configuration of the courtroom(s) sidebars will be discouraged. Instead, the jurors may be removed from the courtroom to allow confidential communication between the judge and litigants.
- h.** The Court has implemented a contingency plan in advanced for COVID-19 issues arising during jury selection and trial. The potential jurors will be instructed about the plan at the beginning of jury selection. The plan includes providing jurors with a point of contact via the Clerk of Court if potentially exposed to COVID-19 or experiencing symptoms of COVID-19 during their service.

4. Jury Selection and Trial

- a.** Initially, only one trial jury will be selected at a time to minimize individual movement and interaction within the courthouse and no other courts are scheduled during the period of selection. This plan will be reevaluated once the Court has had an opportunity to conduct a sufficient number of trials to ensure the viability of this plan and that public health guidelines are complied with.
- b.** Jurors will be placed in panels of 18 (eighteen) and the panel will be in the gallery benches for jury selection. The benches will be sanitized between panels.
- c.** If necessary the Grand Jury room will be used for juror overflow.
- d.** Prospective jurors will be assigned seats in the courtroom for voir dire.
- e.** Counsel will be required to conduct voir dire from a socially distanced podium or their own counsel table.
- f.** Specific individual juror follow up questioning will occur immediately after general voir dire. At that time, the panel will be moved to the Grand Jury Room and the back hallway while the individual juror remains in the main Courtroom. An individual juror may be sequestered to the area behind the main courtroom during any challenge for cause.
- g.** Challenges for cause may be addressed by the Court immediately, but after the individual juror has been sequestered, as grounds for the challenge arise. This will allow for the prompt excusal of unqualified jurors and defendant(s).
- h.** Jurors in early panels will be released until a time certain to allow for jury selection to continue in smaller groups.
- j.** Once sufficient prospective jurors have been through voir dire the trial jury will be struck with the trial to commence as scheduled during the trial week.

5. Presentation of Evidence

- a.** When it is necessary for jurors to handle physical exhibits, the Court will provide hand sanitizer for use after handling or gloves that are discarded immediately after use to avoid cross-contamination.
- b.** To the extent practical all evidence will be presented on monitors or screens so that personal contact is limited.
- c.** During deliberations, the jurors will be encouraged to take socially distanced turns reviewing exhibits placed on a table rather than handing around the exhibits.
- d.** Witnesses will testify behind Plexiglas without masks, with clear masks, or wear face shields rather than masks, or at the Court's discretion after ensuring that the witness is appropriately spaced from any other person without mask, so the witness's demeanor can be fully evaluated. The judge should make sure that the jury's view of the proceedings and ability to hear is not obscured.
- e.** On each day of trial, parties should confirm that witnesses are not exhibiting COVID-19 symptoms and have not had recent exposure to someone with COVID-19.

6. Attorney Communications with Client


- a.** Before trial and then during the proceeding, the defense attorney will be provided confidential and safe access to any detained client to discuss trial proceedings.
- b.** Handwritten notes may be shared between the attorney and client, or through devices such as tablets or computers, for the attorney and clients to send text messages to one another.
- c.** The Court will permit the use of electronic devices, such as tablets or computers, for the attorney and clients to send text messages to one another.
- d.** Where practical, the Court will provide a room or space outside of the courtroom for the

lawyer and client to communicate.

7. Deliberations

- a.** The jury will deliberate in the Grand Jury room, so that social distancing can be observed during jury deliberations. Security cameras in both rooms will be disabled during the deliberations. The court will instruct jurors to maintain physical distancing and to keep mask on. The court will instruct the foreperson to ensure jurors comply with physical distancing and mask covering requirements and to report to the bailiff if any juror refuses to comply with these instructions.
- b.** During deliberations, jurors will be encouraged to take socially distanced turns reviewing exhibits placed on a table rather than handing around exhibits.
- c.** No one is permitted to stand outside the doors and overhear jurors during deliberations, as they will presumably be talking louder than usual because of social distancing.
- d.** The jury will be directed to knock to tell the Bailiff waiting outside the deliberation room when they have questions or a verdict.
- e.** The jurors will be provided with a supply of single-use notebooks and pens on hand.
- f.** Pens and juror notebooks will be disposed of after each trial.

SO ORDERED this 5 day of April, 2021.



Raymond George, Chief Judge
Superior Court, Enotah Judicial Circuit