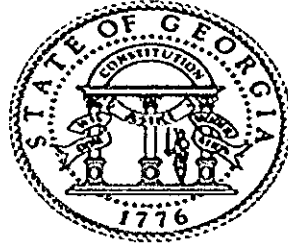


ATKINSON COUNTY, GEORGIA  
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CYNTHIA G. DILLINGHAM  
CLERK OF SUPERIOR  
& JUVENILE COURT



**ALAPAHA JUDICIAL CIRCUIT  
GUIDE FOR RESUMING JURY PROCEEDINGS  
FOR  
ATKINSON COUNTY, GEORGIA**

**Committee Members:**

Superior Court Chief Judge Clayton A. Tomlinson  
Superior Court Judge Richard L. Perryman, III  
Cynthia Dillingham, Clerk of Court  
Acting District Attorney Rebekah Ditto  
Public Defender Janice Prince  
Sheriff David Moore  
Retired County Commissioner Travis Ursery  
Attorney William King  
John Rowe, PA-C

## RESUMING JURY TRIALS

The Supreme Court of Georgia issued an Order entered September 23, 2020, that requires each Superior Court Circuit to procure a committee that is tasked with creating a plan for resuming jury trials. The COVID-19 Jury Committee was created to assist the courts in creating a safe and feasible plan to begin jury trials. The Committee was charged with seeking to ensure the health and safety of all persons involved in the court system, while protecting constitutional and statutory rights for defendants, witnesses, and victims.

The Alapaha Judicial Circuit COVID-19 Court Operating Guidelines (dated March 19, 2021) were developed in compliance with the Judicial COVID-19 Task Force Report, the Georgia Court Reopening Guide, and other public health and safety guidelines. The Alapaha Judicial Circuit COVID-19 Court Operating Guidelines are published on the Alapaha Judicial Circuit website, at each Clerk of Court's office, and at each county's courthouse. The guidelines are attached as an exhibit to this Plan and incorporated herein as Exhibit "A." A proposed sample letter to be sent out with jury summons is attached to this Plan as Exhibit "B."

### GENERAL CONSIDERATIONS

#### Summons

When jurors are initially summoned, the Clerk of Court shall mail:

- A Summons directing jurors to report to the respective Courthouse and a letter directing potential jurors to the circuit website where a copy of the Alapaha Judicial Circuit Operating Guidelines can be found.
- The Clerk shall send out summons earlier than usual and to more jurors than normally summoned in an effort to procure the appropriate number of jurors needed. Jurors should also be told in the letter the proper procedure for excusal if they do not meet any of the statutory requirements (such as age or residence).

#### 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. Any deferral or excusal will be solely at the discretion of and upon approval of the assigned judge.

- Jurors will be instructed to call the Clerk's office if they have COVID-19 related questions and/or are seeking an excusal for COVID-19 related reasons. They will also instruct prospective jurors that in order to be considered for a deferral or excusal, they must contact the Clerk during an appropriate time frame.

- The Clerk of Court will be available by phone on the day of the reporting as well, so that prospective jurors who wake up feeling ill or who are quarantined due to exposure can receive instructions before coming to the courthouse. The Clerk of Court will fill out a form with the person's name, address, and juror number. Those forms will be kept and then reviewed by the assigned Judge.

Prior to First Day of Jury Selection:

At least 24 hours before the first day of jury selection the presiding Judge, the District Attorney, and Defense Attorney shall convene either in person, virtually, or by phone conference to discuss the room layout, procedures, and any other pertinent information that needs to be relayed. The same procedure shall be applied for all civil jury trials, to include the presiding Judge, the attorney for the Plaintiff, and the attorney for the Defendant.

Check-In

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

- Reporting Times – All jurors will be summoned to report at **8:30 a.m.**
- Health Screenings – **Everyone** entering the courthouse is screened for illness and COVID-19 exposure. Any prospective juror prohibited from entering on the date of their service will be instructed to fill out an information form that includes their name, address, phone number, and juror number. The form will be given to the Clerk and Judge so that service can 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 within the previous three days, they will not be permitted to enter.
- Masks – All jurors are required to wear masks upon entering the building, and they must remain in proper position over nose and mouth, unless instructed by a judge to remove them. All courthouse deputies, bailiffs, and other staff will remain vigilant and politely ask anybody in the court area without a mask to put it back on. Any jurors that arrive without a mask will be provided one at the checkpoint. (Note that some courthouses also house other departments, which may not require visitors to wear face masks.)
- Hand Sanitizing Stations – Hand sanitizer dispensers will be available prior to and after security check-in, as well as outside the courtrooms.
- Disinfectants: Cleaning supplies will be available in each bathroom and courtroom utilized.
- Social Distancing – Clerks, bailiffs or other courthouse personnel will assist in this process. If feasible, all seats will be numbered. Thus, Juror number one will be told to

sit in seat number one, and so forth. Bailiffs and deputies will be available to help during this process.

- Deep Cleaning – Facilities Maintenance will sanitize the jury rooms and other publicly used areas before Court resumes each morning.

### Impaneling Process for Atkinson County

- Seating
  - All jurors will be directed to the socially distanced seating in a pre-designated area or Courtroom. Some shuffling may occur as the Clerk sees fit in order to obtain the correct amount of jurors in the Courtroom.
- Qualification
  - Non-qualified jurors may be immediately excused by the Clerk and their service concluded.
  - If a juror is excused the Clerk will call in the next additional juror needed.
- Release
  - Qualified jurors will be released subject to recall.
  - These jurors shall be released gradually as to avoid a large crowd exiting at one time.
  - These jurors, even if not called back, will be checked-in for attendance purposes and given verification of attendance for their employers upon request.
  - Bailiffs and/or Deputies will provide support for the Clerk in all of the procedures outlined.

### Jury Selection

Jury Selection (voir dire) will take place in the Courtroom due to the limited seating capacity of the courtroom.

- Room Layout
  - The seating arrangements will be discussed and decided upon by the Judge, Sheriff, Clerk, and Counsel for the parties at least 48 hours before the beginning of jury selection. Each room should be properly situated so that the Court Reporter, jury and all parties involved are able to hear and see all proceedings.
  - OCGA § 15-12-131 requires that the court place a panel of 12 in the jury box “upon the request of either party.” In order to ensure there are no issues raised later, the Court shall ask on the record if either side objects to proceeding in this manner.
  - Before proceeding, the Court will confirm that the attorneys, Defendant, court reporter and any other necessary parties are able to see and hear all proceedings.

- Access will be available in the Courtroom where jury selection/trial is ongoing that allows the Defendant's family, victim's family, the media and any other parties to sit and view the proceedings.
- Striking a Jury
  - Once a sufficient number of jurors are questioned, the attorneys will strike the jury either with silent strikes or by using technology that allows both parties to simultaneously view the jury list and see the strikes marked by each party. Both parties would need to agree on record for strikes to be handled in this manner.
- Modifications
  - More complex cases may not lend themselves to the exact procedures described above, and jury selection may take two days or more.
  - The procedures may also be modified in the case of a misdemeanor trial.

## **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. Due to space and manpower limitations, only one trial will be conducted at a time. All efforts will be made to coordinate with all other Courts which share Courtrooms.

- Masks are generally required.
- Judges, court staff, bailiffs, lawyers, and jurors will all wear masks during the trial unless otherwise instructed by the judge.
- Judges, attorneys, and jurors may be permitted to remove their masks while speaking.
- Witnesses shall wear face shields in an effort to comply with the Confrontation Clause while complying with public health safety guidelines. In any event, the face of all witnesses shall remain uncovered while testifying. The Court Reporter shall make note in the record that the witness's face was unobstructed during testimony.
- Where feasible, plexiglass will be placed in front of jurors and or witnesses.

- Seated Jurors:
  - Jurors will be assigned a seat within either the jury box or another area that allows for social distancing. The juror will only sit in that seat for the duration of the trial.
  - Jurors will be provided with sanitized pens and fresh paper and will be required to keep up with their own items if necessary.
  - Jurors will be rescreened each day before the trial begins, including temperature checks. If anyone has an elevated temperature, then they will be sent to wait in their car until all parties can discuss their possible excusal.
  - All jurors will be given a number to call (preferably the clerk) if they develop symptoms during the pendency of the trial. They will be told NOT to report if they are sick or become exposed.
  
- Bailiffs
  - Due to difficulties guiding the jurors throughout the courthouse, it is anticipated that trials will necessitate the use of multiple bailiffs.
  - Bailiffs will meet the jurors outside of the courtroom and help direct jurors to their assigned seats.
  - The judge shall provide jurors 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 screening questions will be brought to the Judge's attention immediately. Those not passing the temperature check shall not be permitted to enter the courthouse.

#### Evidence Presentation

- There will be certain items that cannot be displayed in a digital format and the attorneys will be directed to seek guidance from the Court.
- Attorneys will be provided wipes and will be responsible for wiping down the podium, and anything else they touched, before returning to their table. They will also be asked to wipe down their table at the end of the day.

#### Jury Deliberation Room

Existing jury deliberation rooms will be utilized if space permits social distancing. If space does not permit, then a predesignated room for each county will be a Jury Deliberation Room. Courtrooms not in use may be utilized for this purpose, including the Annex in Atkinson County.

- Bailiffs will provide a supply table with extra disposable masks, hand sanitizer, paper towels, gloves, tissues, juror pads and pencils, bottled water, and

disinfecting spray. Jurors should keep up with their own items, so as to prevent sharing.

- Jury rooms will be cleaned and disinfected daily.

Clayton A. Tomlinson  
Chief Judge  
201 N. Davis Street, Room 261  
Nashville, GA 31639  
229-686-2180  
FAX 229-686-2597

EXHIBIT "A"

Richard L. Perryman, III  
Judge  
212 N. Hutchinson Avenue  
Adel, GA 31620  
229-896-7644  
FAX 229-896-5014



Superior Courts  
**ALAPAHA JUDICIAL CIRCUIT**  
ATKINSON, BERRIEN, CLINCH, COOK AND LANIER COUNTIES

AMENDED ORDER ESTABLISHING GUIDELINES FOR IN PERSON

COURT PROCEEDINGS:

Preface.

On March 9, 2021, the Honorable Chief Justice Harold D. Melton of the Supreme Court of Georgia issued the Twelfth Order Extending the Declaration of Statewide Judicial Emergency addressing continuation of essential court functions and the re-opening of non-essential court services. The order further stated that with written guidelines in place, which conform to CDC and Georgia Department of Health restrictions, courts may begin to resume functions in a manner that protects public health.

Based upon the authority granted to the Superior Court of the Alapaha Judicial Circuit, this set of guidelines is created to further clarify directions under which the court will resume functions. New guidelines are developing daily in these uncertain times; therefore, this Order may be amended to reflect further guidance or changes created by the Supreme Court of Georgia or the CDC.



Hearings and non-essential court functions will resume on June 1<sup>st</sup>, 2020, with the following guidelines applicable to the courthouse and courtroom procedure.

Other constitutional officers, Magistrate and Probate Judges, and other occupants such as tax assessors, elections office, county commissioners, and other governmental entities that maintain office space in the courthouse should develop occupancy guidelines consistent with public health guidelines, courthouse safety plans and other relevant factors. Admittance to the courthouse will be in the discretion of the Sheriff of each county, consistent with public health guidelines, courthouse safety plan, the guidelines established by varying occupants of each courthouse, and other relevant factors in the discretion of each Sheriff.

The term "Courtroom" shall include, but not be limited to, the common areas of the courthouse immediately adjacent to a courtroom, jury rooms, jury assembly rooms, witness sequestration rooms, judge's chambers, law libraries attendant to the courtroom, attorney lounges attendant to the courtroom, hallways, corridors, and any other rooms regularly used when court is in session.

The number inside the court room shall not exceed the number that can be admitted safely within social distancing and public health guideline restrictions. To accomplish this goal, and in compliance with the Twelfth Extension, the Court will continue using staggered scheduling for calendars. The court is aware that due to physical attributes of some facilities, the enactment of these standards may differ in some facilities more than others. The goal of this order is to protect the public's right to an open forum, while maintaining public health standards. In furtherance of this goal, the Sheriff or his designee shall be responsible for the implementation of these guidelines and shall seat visitors to the courtroom within appropriate standards. The Sheriff or his designee shall place a marker designating where a person may be seated in accordance with social distancing guidelines. A person may be seated only on a marker. However, if persons in the visitor section reside in the same household, they may be allowed to sit together. Then, the next visitor must be seated on a marker at an appropriate social distance. Once the visitor section is fully occupied using such social distancing

guidelines, then no additional persons may enter the courtroom.<sup>1</sup> If an attorney is not engaged in a hearing in progress, she or he shall sit in the visitor section of the courtroom, or may remain outside the courtroom awaiting the calling of her or his case for trial/hearing.

In the front of courtroom, where the hearing/trial is conducted, all persons, including but not limited to the judge, court reporter, clerk, and attorneys and her or his client shall exercise social distancing guidelines. If an attorney and client need closer contact for confidential matters the attorney can make arrangements for said matters including a request to be excused from the courtroom for such contact. Sequestered witnesses shall observe social distancing guidelines, and the Sheriff is ordered to find sufficient rooms to sequester witnesses while maintaining social distancing guidelines. Furthermore, while court is in session, the Sheriff shall assure that social distancing is being followed by all persons in the courtroom, as the term courtroom is defined above.

## 2. Health Screening.

When court hearings are scheduled, a Health Screening shall be conducted on each person entering the courthouse. The Sheriff or his designee shall conduct a health screening using the tool provided as Exhibit A to this order. The Sheriffs of each county shall make best efforts to use a no-contact thermometer to take the temperature of those entering the courthouse. If one cannot be procured, then the Sheriff will not take the temperature of each person entering, but will still complete the attached tool for each person. Should any of the questions be answered in the affirmative, then such person shall not be allowed to enter the courthouse. If the person who is not allowed to enter the courthouse is a litigant or witness in a case scheduled, then the Sheriff shall immediately notify the court (presiding judge or staff) of the person not to be admitted. If a person is seeking to enter the

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<sup>1</sup> Each court is encouraged, but not mandated, to provide an overflow room where the proceedings may be watched via a live video feed. The court is aware that based upon the physical attributes of some facilities, this may be easily accomplished, and that based upon the physical limitations of some facilities, this may be more difficult, if not impossible to accomplish. In criminal proceedings, the constitutional right of the Defendant to an open proceeding shall not be abridged, and the application of these guidelines shall not be construed to in any way limit this constitutional right. Furthermore, in all proceedings, the goal is to provide an open forum for public viewing, while at the same time attempting to provide a safer environment based upon existing public health guidelines, and these guidelines shall be interpreted and implemented consistent with such goals.

courthouse for reasons other than court attendance, the Sheriff shall contact the office the person requests for further instructions.

### 3. Personal Protective Equipment.

Personal Protective Equipment ("PPE") is strongly encouraged for all persons who enter the courthouse for court proceedings. PPE, including but not limited to masks (paper or cloth) and gloves, may be worn by all persons entering the courtroom in their discretion. Court Personnel and visitors may be supplied with PPE if they notify the screening individual of such need, for as long as supplies last. Masks and PPE equipment shall be health oriented and may be required to be removed for identification purposes.

### 4. Objections.

The court cannot guarantee, nor does it attempt to guarantee, that strict adherence to guidelines will prevent the contraction or spreading of COVID or any infectious disease. Admission and attendance in each courtroom shall be governed by public health guidelines, specifically, though not limited to, social distancing practices. If any person has an objection to attendance or participation in an in-person court proceeding, then a written objection must be delivered to the court, and all parties involved, within three days, or as soon as practicable, and shall be accompanied with a proposed reasonable accommodation to insure participation in the proceeding. The object shall be filed with the Clerk of Court. The court will consider the request, and in its discretion, will rule as to which accommodation, if any, is appropriate.

### 5. Sanitation Practices.

The county commissioners of each county shall ensure that custodial staff or other personnel are sufficiently trained in the method and manner for sanitizing a courtroom, as the term courtroom is defined in this order herein. Person's tasked with this sanitation process shall follow appropriate guidelines published by the CDC, Georgia Department of Health, and/or county health department.

Courtrooms shall be cleaned and disinfected prior to the next use, and certain high traffic areas in the courtroom may need cleaning more often, in accordance with public health guidelines.

Each county shall provide hand sanitizer for use in the courtroom, which shall be made available for use by court personnel. All persons in the courtroom, including but not limited to the judge, court reporter, clerk, and attorneys and her or his client shall exercise social distancing guidelines. Furthermore, writing instruments shall be personal, disposable or sanitized before use by another person in the courtroom.

#### 6. Past Calendar.

If you had a hearing scheduled on a calendar during March through July 14<sup>th</sup> that was not handled by a remote call or otherwise resolved, then it is the responsibility of the attorney to reschedule those hearings. The Clerk's office will not be responsible for rescheduling any past hearings.

#### 7. Implementation.

Except as otherwise specified herein, the Sheriff of each county, in the exercise of his discretion, shall be responsible for the full implementation of these guidelines.

#### 8. Publication and Dissemination of Guidelines.

This order and guidelines shall be published at the entrance to each courthouse. A copy of this order shall be available at the Clerk of Superior Court office in each county within the Alapaha Judicial Circuit and shall be posted in each courthouse where public announcements are posted. Furthermore, the Clerk of Court shall email a copy of this order to each attorney who has an office within the respective counties.

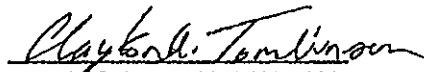
#### 9. Professionalism

In all matters during this challenging time, all lawyers are reminded by the Supreme Court of their obligations of professionalism. Court officials, litigants, and their lawyers should strive to cooperate with the court to dispose of matters promptly, efficiently, and fairly.

10. Duration

This order shall be effective until termination of the Declaration of the Judicial Emergency by the Supreme Court of Georgia.

SO ORDERED on this the 19 day of March, 2021.



CLAYTON A. TOMLINSON

Chief Judge

Alapaha Judicial Circuit

**EXHIBIT "B"**

SAMPLE LETTER TO BE SENT OUT BY CLERK WITH SUMMONS

(INFO WITH CLERKS INFORMATION)

You are receiving this Memorandum because you have been summoned to serve as a juror in \_\_\_\_\_ County Superior Court beginning on \_\_\_\_\_ (date in bold font). The purpose of this Memo is to explain the operating procedure and public health guidelines in place to protect you and other members of the traverse jury.

On March 14, 2020, in response to the COVID-19 pandemic, the Honorable Harold D. Melton, Chief Justice of the Supreme Court of Georgia, issued an Order Declaring a Statewide Judicial Emergency pursuant to O.C.G.A. § 38-3-61. That order has been extended twelve times and each order prohibited grand jury proceeding and jury trials. Chief Justice Melton has now issued an Order dated March 9, 2021 which allows for the resumption of grand jury proceedings and jury trials if they are conducted in accordance with public health guidelines. We have used those guidelines to implement policy and procedures for conduction of all jury proceedings. The COVID-19 Court Operating Guidelines can be found on the Circuit's website at [www.alapahajudicialcircuit.com](http://www.alapahajudicialcircuit.com).

For your protection and the protection of the public, **everyone entering the courthouse is required to wear a mask**. The mask shall be worn the entire time unless the Judge allows you to remove the mask while you are speaking. Additionally, every person entering the Courthouse will be screened prior to entry, which may include a temperature check and/or COVID-19 screening questions to determine exposure or symptoms. **Please arrive at least 15 minutes before your scheduled summons time in order to allow for these screenings.**

Within the Courthouse, social distancing is strictly enforced. Jurors will be seated a safe distance apart and all measures are being taken to avoid crowds of people. Additionally, the Courtrooms and all common areas are being heavily sanitized daily.

**It is vitally important that if you develop any COVID-19 symptoms (fever, sore throat, coughing, loss of taste and/or smell, difficulty breathing), test positive for COVID-19 or have come in contact with a positive COVID-19 patient and are under doctor's order to self-quarantine on the day you are summoned to appear in Court, that you contact the \_\_\_\_\_ Clerk of Court at \_\_\_\_\_ before you appear.**

Please be patient as we implement these new procedures to keep everyone safe. No cellphones or purses are allowed in the Courtroom but jurors are encouraged to bring a book, magazine, or other non-electronic item to use while waiting.

Thank you in advance for your jury service and your cooperation in helping us safely resume jury trials.