

**IN THE SUPERIOR COURT OF LUMPKIN COUNTY  
STATE OF GEORGIA**

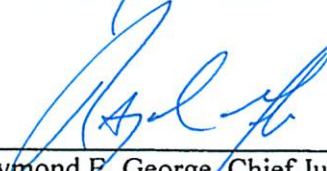
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**ORDER ADOPTING COUNTY PLAN FOR RESUMING JURY TRIALS**

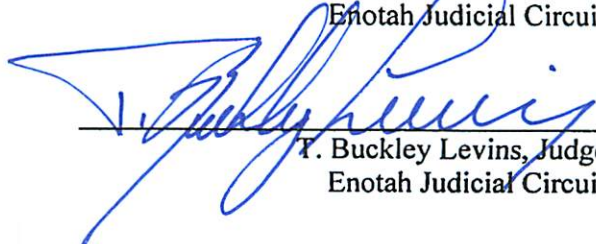
On March 14, 2020, in response to the COVID-19 pandemic, the Honorable Harold D. Melton, as the Chief Justice of the Supreme Court of Georgia, issued an Order Declaring Statewide Judicial Emergency pursuant to O.C.G.A. §38-3-61. That Order has been extended 13 times, with modifications by Orders issued April 6<sup>th</sup>, May 11<sup>th</sup>, June 12<sup>th</sup>, July 10<sup>th</sup>, August 11<sup>th</sup>, September 10<sup>th</sup>, October 10<sup>th</sup>, November 9<sup>th</sup>, December 9<sup>th</sup>, January 8<sup>th</sup>, February 7, 2021, March 9<sup>th</sup> and April 8<sup>th</sup>. 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 Lumpkin County. The plan was completed and adopted by vote of the committee members on April 16, 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 Lumpkin County.

SO ORDERED THIS 14 DAY OF May, 2021.

  
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Raymond E. George, Chief Judge  
Enotah Judicial Circuit

  
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Joy R. Parks, Judge  
Enotah Judicial Circuit

  
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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 and bailiffs. Such maximum capacity determinations include compliance with appropriate social distancing. The adjacent Superior Court courtroom may be used as overflow seating utilizing computer equipment to livestream the proceedings.
- 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 of illness they may be experiencing . 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 the Courtroom to designate where jurors are permitted to sit enabling the Court to have proper social distancing.
- 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, 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, we have clear face mask available as well as earphones for those suffering from hearing problems.
- 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 25 (Twenty-five) and the panel will be in the gallery benches for jury selection. The benches will be sanitized between panels.
- c.** If necessary, the adjacent court 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.
- 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 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 courtroom, so that social distancing can be observed during jury deliberations. Security cameras in the jury deliberation room 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 May, 2021.

  
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Raymond George, Chief Judge  
Superior Court, Enotah Judicial Circuit





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

April 16, 2021

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

November 4, 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 Lumpkin County.

On April 16, 2021 @ 12pm the COVID Trial/Grand Jury Lumpkin County Re-start Committee was reconvened via video conferencing (ZOOM). Pursuant to the Georgia Supreme Court's Thirteenth Order Extending Declaration of Statewide Judicial Emergency dated April 8, 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  
Juvenile Court Judge Jeremy Clough  
District Attorney Jeff Langley  
Rita Harkins - Lumpkin County Clerk of Court  
Steve Ferrell- District Court Administrator

Judge Joy Parks  
Public Defender Penny Hunter  
Sherriff Stacy Jarrard  
Finance Director – Abby Brannon  
Capt. Jeff Brown, LCSO

Discussions surrounded the Georgia Supreme Court's Thirteenth Order Extending Declaration of Statewide Judicial Emergency, The Georgia Court Reopening Guide and the preliminary draft of the Towns County Court Plan and Procedures Guide for Jury Trial restarting. Along with the following:

- a. Trial week of August 9, 2021
- b. Speedy Trial demands.
  1. Pending legislation delaying speedy trial demands until 2023, passed Senate and House, pending Governor's signature
- c. Jurors: 150 jurors to be summoned, divided into 3 panels of approximately 25 to be summoned at 9am, 12:30pm and 3pm. Courtroom will be fogged between each panel. Social distance seating to be marked on the Courtroom benches.
- d. Trial week calendar call (Monday June 7th) .
- e. Courtroom setting during proceedings:
  1. Jurors will be social distanced in the courtroom. General public will be allowed based on social distancing spaces.

f. An extra bailiff will be utilized to facilitate juror control outside the courtroom lobby and when jurors are deliberating. That will be a total of 3 bailiffs.

g. The sound system in the courtroom is in good shape. Impaired hearing individuals will have access to earphones with wi-fi capabilities. Wireless microphones will be avail for juror use during voir dire. A bailiff will hold an extension pole with the microphone attached to allow for social distancing.

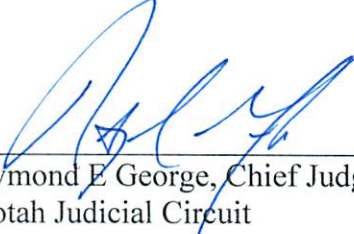
h. A bailiff will be positioned at the main courtroom entry/ security station to answer juror questions as to covid/masking/screening of everyone.

i. The courtroom will be open to the public. Once the courtroom reaches capacity a laptop will be utilized in the adjacent courtroom where the proceedings will be live streamed.

j. We will be using the same COVID juror questionnaire as was utilized with the grand jury panels for trial jurors.

With changes to the Lumpkin County Court Plan and Procedures Guide for Jury Trial restarting, the Committee members approved the Guide with a 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.

THIS 5 day of May, 2021

  
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Raymond E. George, Chief Judge  
Enotah Judicial Circuit