

2020-5

STATE OF NORTH CAROLINA

IN THE GENERAL COURT OF JUSTICE

SUPERIOR COURT DIVISION

COUNTY OF BERTIE

FILE NO.: 20R71

7/16/20 - 3 P 1:45

In Re:

ADMINISTRATIVE ORDER REGARDING
PROCEDURES FOR RESUMPTION OF
JURY TRIALS IN BERTIE COUNTY

WHEREAS, the Chief Justice of the North Carolina Supreme Court has issued a number of emergency directives for the Judicial Branch in response to the public health threat posed by the outbreak of COVID-19; and

WHEREAS, on May 21, 2020, the Chief Justice of the North Carolina Supreme Court issued Emergency Directive 10 that provided, "No jury trials shall be convened in the district or superior courts of this State for the next thirty (30) days;" and

WHEREAS, on July 16, 2020, the Chief Justice of the North Carolina Supreme Court issued an Order postponing all jury trials in the superior courts and district courts of this State through July 20, 2020; and

WHEREAS, by the July 16, 2020 Order, the Chief Justice of the North Carolina Supreme Court also expressed the, "intention to extend Emergency Directive 10 [forbidding jury trials in the district and superior courts of the state] until at least the end of September;" and

WHEREAS, pursuant to Emergency Directive 22 contained in the July 16, 2020 Order, the Chief Justice of the North Carolina Supreme Court directed that "each senior resident superior court judge shall, in consultation with other local officials, craft a plan for the resumption of jury trials in his or her judicial district;" and

WHEREAS, the undersigned Senior Resident Superior Court Judge has, in consultation with other local officials, crafted the plan for resumption of jury trials in this county, the specifics of which are included in this Order; and

WHEREAS, to the best knowledge of the signers below, each court facility to be used for court operations pursuant to this Administrative Order is in compliance with each of the Chief Justice's emergency orders in response to the COVID-19 outbreak.

NOW, THEREFORE, it is hereby ORDERED, ADJUDGED and DECREED as follows:

1. COURT FACILITIES.

Each court facility to be used for court operations pursuant to this Administrative Order shall comply with each of the Chief Justice's emergency orders in response to the COVID-19 outbreak.

2. JURY POOL SUMMONS.

- a. All summons issued to prospective jurors shall include information stressing the importance of jury service and detailing the protective measures that have been undertaken to help ensure the safety of those persons summoned for jury duty.
- b. All prospective jurors shall be provided with the Official Jury Summons (Exhibit 1) along with a copy of the Jury Service Deferral Request During COVID-19 (Exhibit 2) form and letter from the Senior Resident Superior Court Judge (Exhibit 3).
- c. Jurors seeking to have their service excused or deferred may do so in one of the following manners:
 - i. By completing and signing the Jury Service Deferral Request During COVID-19 form and mailing the same to the Jury Clerk at the address designated in the summons; or
 - ii. By completing and signing the Jury Service Deferral Request During COVID-19 form and e-mailing the same to the Jury Clerk at the e-mail address designated in the summons; or
 - iii. By completing and signing the Jury Service Deferral Request During COVID-19 form and faxing the same to the Jury Clerk at the fax number designated in the summons.
- d. The clerk shall submit all requests for excuse or deferral to either the Senior Resident Superior Court Judge or District Court Judge and shall notify the juror of the Court's decision on the request for excuse or deferral.

3. JURY POOL ARRIVAL.

- a. The Clerk will summon 70 potential jurors to appear at 9:00 a.m. on Monday (or the first day of the session if Monday is a holiday) for selection. A 40 percent compliance rate is assumed in order to reach the desired number of 30 potential jurors to arrive and be prepared to serve. The Clerk will conduct jury check-in and orientation from 9:00 – 9:30 a.m. In the event more than 30 potential jurors arrive, the number of jurors in excess of 30 will be randomly drawn from the pool and released for the day and directed to return on Tuesday morning at 9:30 a.m., unless otherwise directed when the juror calls the jury information number after 5:30 p.m. The Court will address the jury panel at 10:00 a.m., and jurors will take their oath.
- b. The Clerk will summon 40 jurors to appear at 9:00 a.m. on Tuesday (or the second day of the session if Monday is a holiday) for selection. A 40 percent compliance rate is assumed

in order to reach the desired number of 15 potential jurors to arrive and be prepared to serve. The Clerk will conduct jury check-in and orientation for the new jurors from 9:00 a.m. – 9:30 a.m. In the event more than 15 potential jurors arrive, the number of jurors in excess of 15 will be randomly drawn from the pool and released for the morning and directed when to return or call back.

- c. In the event a larger pool of jurors is required for a particular session, the above procedure will be repeated each morning at 9:00 a.m. to reach the desired number of jurors. In the event either party believes it will be necessary to summon a larger pool of jurors, the party requesting a larger pool of jurors shall notify the Senior Resident Superior Court Judge and Jury Clerk as to the need for additional jurors at least six weeks in advance of the beginning of the session.
- d. Upon arrival at the courthouse, security personnel will ask the health screening questions and check temperatures prior to any potential juror entering the courthouse. Any potential juror that is positive on the temperature check or screening questions will not be allowed into the courthouse and will be excused from service. Security will note the name of all potential jurors refused entry to the courthouse due to the health screening and will provide those names to the Clerk of Superior Court.
- e. Once potential jurors have passed the health screening by security, the potential jurors will be directed to Courtroom 2 or the grand jury room where they will be seated in socially-distanced seating. The gallery seats in Courtroom 1 will be numbered 1-14 and be used as the jury box for jury voir dire and trials. Each of the numbered seats will be at least six feet from any other numbered seat.

4. JURY SELECTION.

- a. Seats number 1 – 12 will be utilized as the jury box. Seats number 13 and 14 are reserved for alternate jurors.
- b. The jury selection process will proceed as normal.

5. TRIAL.

- a. Courtroom Setup.
 - i. The jury will be seated in the gallery section of the courtroom in the numbered seats.
 - ii. The current configuration of judge's bench, witness box, counsel tables, and court reporter desk are all socially distanced. There is not a need to move or rearrange any of these.
 - iii. The parties will make opening statements and closing arguments from the center of the well behind a mark in order to limit proximity to the jury.
- b. Face Coverings.
 - i. Jurors shall wear a face covering in the circumstances required by Emergency Directive 21 issued by the Chief Justice of the North Carolina Supreme Court on July 16, 2020.

- ii. The Prosecutors and Defense attorneys shall be required to wear a face covering in the circumstances required by Emergency Directive 21 issued by the Chief Justice of the North Carolina Supreme Court on July 16, 2020.
 - iii. Criminal Defendant. The Defendant in a criminal matter shall be required to wear a face covering in the circumstances required by Emergency Directive 21 issued by the Chief Justice of the North Carolina Supreme Court on July 16, 2020. The Defendant shall, when directed by the Court, remove the Defendant's face covering temporarily for identification purposes. In the event the Defendant in a criminal matter wishes to be exempted from the requirement of wearing a face mask during the trial, a written motion shall be filed and heard before the trial judge prior to the commencement of jury selection.
 - iv. Witness. All witnesses shall be required to wear a face covering in the circumstances required by Emergency Directive 21 issued by the Chief Justice of the North Carolina Supreme Court on July 16, 2020.
 - v. Trial Jurors. Jurors who are selected for a trial will be offered a clear face shield to wear in addition to the face covering. The face shield is not required but is an option for each juror.
 - vi. Availability of Face Coverings. Any individual required to enter the courthouse facility for participation in a court proceeding and who does not have an appropriate covering shall be provided with an appropriate face covering by security personnel when entering the courthouse facility.
- c. Exhibits.
- i. Every effort will be made by the Court and the parties to minimize the passing of evidentiary exhibits from one juror to the next. To the extent possible, exhibits shall be presented to the jury by electronic means (i.e. overhead projector, TV monitor, etc.). In the event presentation to the jury is not possible by electronic means, the party offering said exhibit shall make enough copies of said exhibit so that each juror and alternate juror is provided with their own copy of said exhibit.
 - ii. If the offered exhibit is unique and unable to be copied or presented by electronic means and must be passed from one juror to the next, jurors will be provided with disposable gloves to wear while handling the exhibit.
- d. Bench Conferences. In order to facilitate social distancing, bench conferences with counsel should occur in the judge's chambers or the unused jury deliberation room.
- e. Jury Assembly. Once empaneled, the jury will assemble in Courtroom 2 or in the grand jury room after the overnight recesses, lunch and breaks. The jury will be escorted to Courtroom 1 by the bailiff when directed by the presiding Judge.
- f. Daily Health Screenings. All jurors, court personnel, attorneys, witnesses and parties shall be screened by security personnel upon entry into the courthouse facility pursuant to the existing Administrative Orders issued in response to the COVID-19 outbreak.

6. JURY DELIBERATION.

- a. Jury deliberations shall be conducted in the grand jury room or Courtroom 2. Seats in the grand jury room and Courtroom 2 will be placed or marked at appropriately socially distanced intervals and prominently marked and numbered for use by the jurors.
- b. Hand sanitizer, tissues and one or more lined trash cans shall be placed in the grand jury room and Courtroom 2 for use by the jurors.

7. CLEANING AND SANITIZING

- a. The courtroom seats, including all juror seats, will be cleaned during the lunch recess and during the overnight recess.
- b. The witness stand, Bible and microphone shall be cleaned / sanitized between each witness. A container of disinfecting wipes will be placed at or near the witness stand in order to facilitate cleaning / sanitizing the witness stand, Bible and microphone.

8. RESPONSE TO SYMPTOMS, POSITIVE TEST OR EXPOSURE.


- a. Any person, including jurors, defendants, attorneys, witnesses, judges and other courtroom personnel should be healthy, and not symptomatic, before coming to Court.
- b. In the event a juror, defendant, attorney, witness, judge or other courtroom personnel becomes symptomatic, tests positive for COVID-19, or has known exposure to someone who has tested positive for COVID-19 during the trial, the following shall occur:
 - i. All information regarding the person, person's symptoms, test results or exposure shall immediately be reported to the presiding judge, the Senior Resident Superior Court Judge and the COVID Coordinator; and
 - ii. The presiding Judge, the Senior Resident Superior Court Judge and COVID Coordinator shall, as soon as possible, confer with the Public Health Director or his designee regarding the individual, as well as the symptoms, test results and exposure details. Thereafter, the presiding Judge, Senior Resident Superior Court Judge, COVID Coordinator and other court personnel will follow the recommendations of the Public Health Director or his designee and work closely and directly with the local health department staff.

9. EFFECTIVE DATE. This Administrative Order shall become effective on the date of the latest of the following to occur:

a. October 1, 2020; or

b. Such time as Emergency Directive 10 issued by the Chief Justice of the North Carolina Supreme Court shall expire.

This the 26th day of August, 2020.

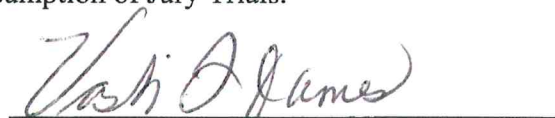

Cy A. Grant
Senior Resident Superior Court Judge



Brenda G. Branch
Chief District Court Judge

APPROVAL OF LOCAL OFFICIALS

Pursuant to the provisions of Emergency Directive 22 issued by the Chief Justice of the North Carolina Supreme Court, the following local officials have reviewed and approve of this Administrative Order Regarding Procedures for Resumption of Jury Trials.


Valerie Asbell
District Attorney


Vasti F. James
Clerk of Superior Court


John Holley
Sheriff

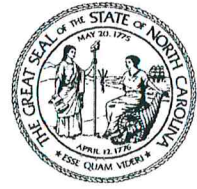

Battie Betts
Public Health Director


Cliff Smith
Criminal Defense Attorney

OFFICIAL JURY SUMMONS

Vasti James
Clerk of Superior Court

Bertie County Superior Court
108 Dundee Street
Windsor, NC 27983



October 30, 2020

Year of Birth:



YOU ARE HEREBY SUMMONED TO PERSONALLY APPEAR FOR JURY SERVICE AS FOLLOWS:

Where: Bertie County Courthouse
108 Dundee Street
Windsor, NC 27983

Date: Monday, December 21, 2020

Time: 10:00 AM

WHAT TO DO NEXT:

1. Sign your name on the line below and fill in your current telephone number.
2. Return this form (fully signed) to the Bertie County Clerk of Court in one of the following ways:
 - a. Scan and e-mail this form to: bertie.jury@nccourts.org ; OR
 - b. Mail this form to: P.O. Box 370 Windsor, NC 27983; OR
 - c. Fax this form to: 252-794-6801
3. If you wish to request that your jury service be excused or deferred, you will need to fill out the enclosed Jury Service Deferral Request During COVID-19 form and return that completed request to the Bertie County Clerk of Superior Court *along with* this signed summons. If you elect to e-mail your deferral request form, please be aware that you assume all of the risks associated with transmitting any confidential or personal information over e-mail.
4. If you do not wish to request that your jury service be excused or deferred, you should appear at the Bertie County Courthouse at the date and time specified above to begin your jury service. PLEASE CALL 252-794-6805 after 5:30 p.m. the evening before your service in order to receive the most up to date information regarding your jury service. Failure to call may result in an unnecessary appearance without pay.

I hereby acknowledge receipt and service of this summons for jury service to begin on the date specified above in Bertie County, North Carolina.

Signature

Phone Number

Date

North Carolina law provides that jury service is the solemn obligation of all qualified citizens. Failure to appear may result in an order for arrest and a fine (pursuant to N.C.G.S. 9-13).

**** Failure to return this form as directed will result in a deputy being dispatched to inquire****

**** If you have any questions about this summons you may contact the Jury Clerk at 252-794-6800 ****



JURY SERVICE DEFERRAL REQUEST DURING COVID-19

Please check all that apply:

- ☐ ☐ I have been diagnosed with, or had close contact with, someone who has been diagnosed with COVID-19 within the last 14 days.
- ☐ ☐ I have experienced cold or flu-like symptoms in the last 14 days (including fever, cough, sore throat, loss of smell, respiratory illness, or difficulty breathing).
- ☐ ☐ I am over the age of 65.
- ☐ ☐ I have an underlying medical condition that puts me at a higher risk of developing serious health complications from COVID-19.
- ☐ ☐ I have been directed to isolate or quarantine.
- ☐ ☐ I have a child at home who requires my direct supervision due to school and/or daycare closing, and there is NO ONE else in the household who can provide care during jury service.
- ☐ ☐ Other reason why you wish to be deferred (i.e. personal hardship or 72 years of age, etc.):
- _____
- _____

For the reasons specified above, I request that my jury service be excused or deferred.

Signature: _____ Date: _____



Phone Number: _____ E-mail: _____

To request your jury service be deferred or excused, you must return this completed form along with the signed summons form to the Bertie County Clerk of Court in one of the following ways:

- Scan and e-mail this form to: bertie.jury@nccourts.org ; OR
- Mail this form to: P.O. Box 370 Windsor, NC 27983; OR
- Fax this form to: 252-794-6801

For Court Use Only

The applicant is hereby: Permanently excused _____ Excused this period _____

Denied _____ Deferred until _____ Judge _____

Previous Deferrals: 0

Date _____





CY A. GRANT, SR.
SENIOR RESIDENT SUPERIOR COURT JUDGE
JUDICIAL DISTRICT 6B
HERTFORD COUNTY COURTHOUSE
119 JUSTICE DRIVE
WINTON, NC 27986
O 252-358-7120 | F 252-358-7121

Dear Prospective Juror:

In March of this year our Judicial District (Bertie, Hertford and Northampton Counties) suspended many judicial proceedings, holding court only for emergency matters. Jury trials were also suspended. Over the last few months, we have slowly expanded our operations and have now returned to a full schedule. Many hearings can be held remotely, using the WebEx and Zoom platform. The in-court proceedings have resumed using social distancing and requiring facial coverings.

Jury trials are essential and must be conducted in open court. The State of North Carolina resumed jury trials November 1, 2020. Having received your summons, I am hopeful you will be willing to serve. Diverse jurors are a crucial component of justice. I want to assure you that every reasonable precaution will be taken to enhance the health and safety of all jurors, attorneys and Court personnel during jury selection and the jury trial to follow.

Chief Justice Cheri Beasley directed that I along with local officials, consisting of the Chief District Court Judge, District Attorney, lawyers, Clerks of Court, Sheriffs, and Public Health Directors formulate a plan for each of the counties in our district to resume jury trials. Our goal was to anticipate the problems the court may face with jury trials and identify solutions. Thus, as the Court in your county resumes jury trials, numerous steps will be taken to protect you and fellow jurors:

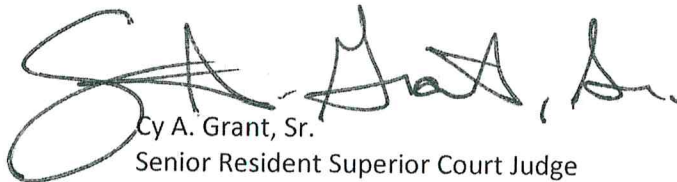
- Smaller groups of jurors will be brought in at one time to ensure safe and socially distant seating in the courtroom (this will also reduce foot traffic in the Courthouse);
- Each potential juror upon arrival at the Courthouse will be asked a series of health screening questions and their temperature will be taken via a handheld touchless thermometer;
- Any potential juror that is positive on the temperature check or screening questions will not be allowed into the Courthouse and will be excused from service;
- Face coverings are required to be worn in the Courthouse. While jurors are encouraged to bring their own face covering, Security will provide a face covering for those who do not have one;
- Potential jurors will be required to sanitize their hands upon entering the Courthouse, and hand sanitizer will be readily available while in the Courthouse;
- Once potential jurors have passed health screening checks they will be directed to the Courtroom or a large jury pool holding room where they will be seated at least six feet from each other;

- All lawyers, witnesses, defendants, bailiffs, Court staff, and Judge are required to wear face covering and remain socially distant from any potential juror or selected juror.
- Increased cleaning and sanitization will occur in the Courtroom and jury room.
- Jurors selected for a trial will always be seated at least six feet from each other in numbered seats and be required to wear a face covering.
- Jurors selected for a trial will undergo the health screening check upon arrival at the courthouse each morning.
- Jurors selected for a trial will have their temperature checked upon entering the Courthouse following a lunch recess.

Potential jurors deemed to be in a high-risk category for the coronavirus or are experiencing hardship brought on by the pandemic may have their service deferred. Please follow the instructions on the summons to request a deferral.

To those of you who can serve we welcome you. I hope you have found this letter helpful. I am committed to making your experience as a juror safe and thank you in advance for your service to your community.

Very sincerely yours,

A handwritten signature in black ink, appearing to read 'Cy A. Grant, Sr.', with a large, stylized initial 'C'.

Cy A. Grant, Sr.
Senior Resident Superior Court Judge
District 6B