

STATE OF NORTH CAROLINA
DURHAM COUNTY

FILED IN THE GENERAL COURT OF JUSTICE
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JOINT DISTRICT AND SUPERIOR COURT
ADMINISTRATIVE ORDER REGARDING COVID-19 MEASURES AND ADOPTION
OF A JURY TRIAL RESUMPTION PLAN
FOR DURHAM COUNTY COURTS

DURHAM CO. C.S.C.
JSM
ADMINISTRATIVE ORDER

THIS ADMINISTRATIVE ORDER is being entered to ensure the fair and proper administration of justice, to establish a plan for the safe resumption of jury trials within the Fourteenth Judicial District, and in conformance with Emergency Directive 22 issued by the Chief Justice of the North Carolina Supreme Court. The undersigned enter this Administrative Order pursuant to the inherent authority of the court and pursuant to their administrative supervision and authority over the operation of the Superior and District Courts under N.C.G.S. 7A-41.1 and N.C.G.S. 7A-146 as Senior Resident Superior Court Judge and Chief District Court Judge, respectively, for the Fourteenth Judicial District of North Carolina.

WHEREAS, COVID-19 is a respiratory disease that may result in serious illness or death by the SARS-CoV-2 virus, which is a new strain of coronavirus than can spread from person to person; and

WHEREAS, the Governor of North Carolina, on March 10, 2020, by Executive Order, declared a state of emergency to coordinate response and protective actions to prevent the spread of COVID-19; and

WHEREAS, the Chief Justice of the North Carolina Supreme Court, by Order dated September 15, 2020, continued in force various Emergency Directives and reaffirmed, pursuant to

N.C.G.S. 7A-39(b)(2), that catastrophic conditions resulting from the COVID-19 outbreak have existed and continue to exist in all counties of this state; and

WHEREAS, on May 21, 2020, the Chief Justice of the North Carolina Supreme Court, in Emergency Directive 10, ordered that no jury trials be convened in the district or superior courts of this state; and

WHEREAS, on July 16, 2020, the Chief Justice of the North Carolina Supreme Court, in Emergency Directive 22, directed the senior resident superior court judge of each judicial district, in consultation with other local officials, including the health director, draft a plan for the resumption of jury trials in his or her judicial district; and

WHEREAS, the undersigned senior resident superior court judge, chief district court judge, and other local officials in the Fourteenth Judicial District have collaborated and formulated a plan for the resumption of jury trials that endeavors to ensure all court operations are in compliance with each of the Chief Justice's emergency directives and is informed by the Best Safety Practices distributed by the State of North Carolina Administrative Office of the Courts; and

WHEREAS, the Fourteenth Judicial District Jury Trial Resumption Plan has been submitted to the Chief Justice of the North Carolina Supreme Court in accordance with Emergency Directive and Order 22;


WHEREFORE, IT IS HEREBY ORDERED that:

1. The Fourteenth Judicial District Jury Trial Resumption Plan, attached hereto, is adopted as an Order of the Superior and District Courts of the Fourteenth Judicial District.
2. The Fourteenth Judicial District Jury Trial Resumption Plan shall be effective upon the expiration of Emergency Directive 10 of the Chief Justice of the Supreme Court. Thereafter, all jury trials conducted in the Fourteenth Judicial District shall comply with

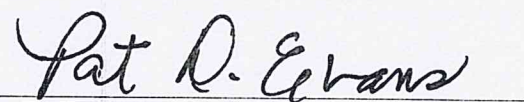
the requirements with the requirements set out in the Jury Resumption Plan, including any amendments or operational guidelines related thereto.

3. This administrative order shall remain in effect until such time as it may be modified or withdrawn by subsequent Administrative Order.

Entered and effective, this the 10th day of November, 2020.



Orlando F. Hudson, Jr.
Senior Resident Superior Court Judge



Pat D. Evans
Chief District Court Judge



FOURTEENTH JUDICIAL DISTRICT JURY TRIAL RESUMPTION PLAN DURHAM COUNTY COURTHOUSE

NOVEMBER 16, 2020

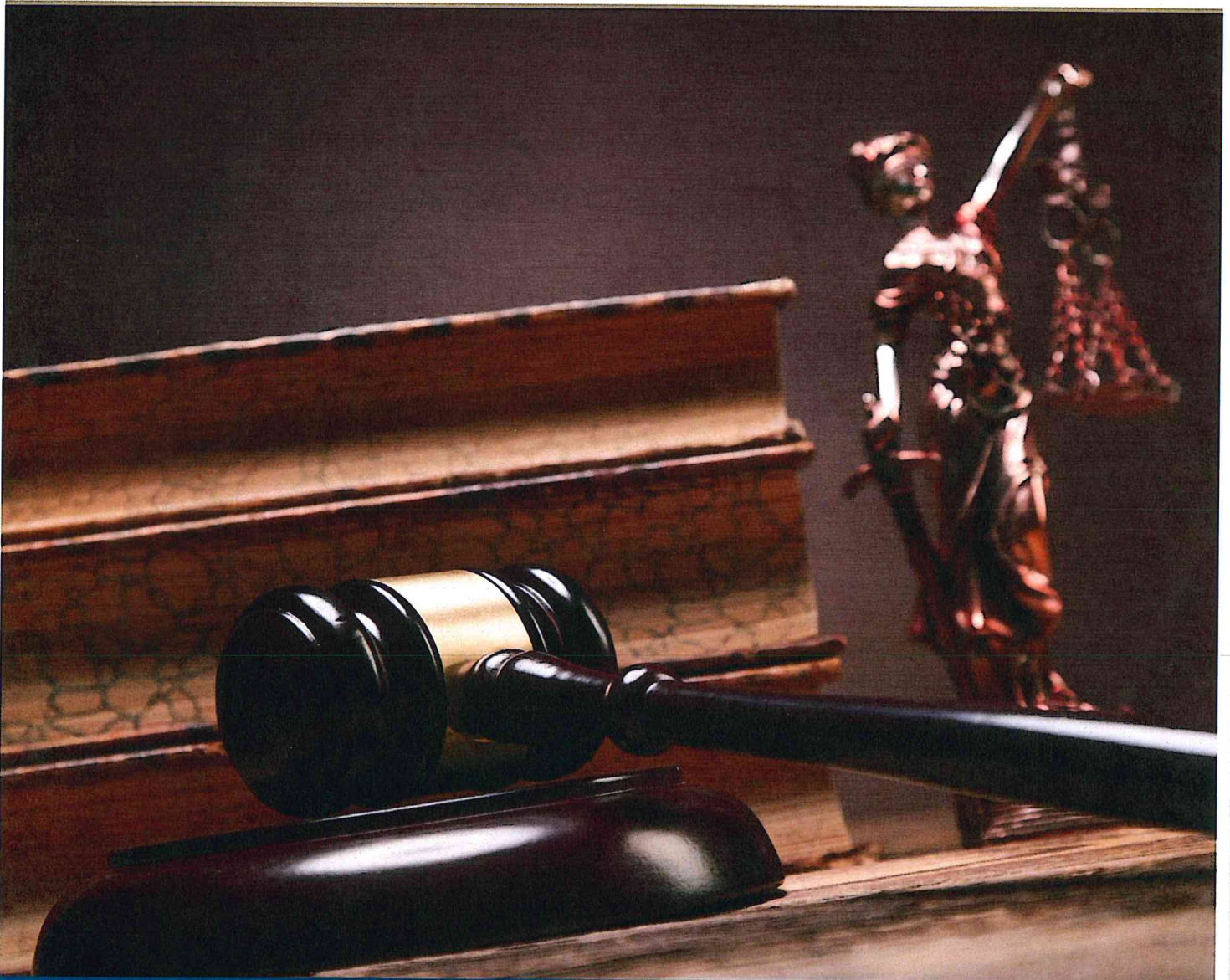


TABLE OF CONTENTS

This document contains guidance to local judicial officials in the following areas:

1. General best safety practices in the courts;
 2. Case management priorities and court innovations as the North Carolina courts phase back to full operations;
 3. Minimum requirements for the resumption of civil and criminal jury trials; and
 4. Best safety practices for civil and criminal jury trials.
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ELECTED AND KEY COURT OFFICIALS

The Honorable Orlando F. Hudson, Jr.

District 14 Senior Resident Superior Court Judge

The Honorable Pat D. Evans

District 14 Chief District Court Judge

The Honorable Archie L. Smith III

District 14 Clerk of Superior Court

The Honorable Satana DeBerry

District 16 Prosecutorial District Attorney

The Honorable Clarence F. Birkhead

Durham County Sheriff

Dawn Y. Baxton

District 14 Public Defender

S. Elaine Evans

Durham County Chief Magistrate

Rodney Jenkins

Durham County Health Director

E. Deneen Barrier

Trial Court Administrator/COVID-19 Coordinator

Before jury summonses are issued, and before promulgating the plan to the public, the senior resident superior court judge shall submit a copy of the Jury Trial Resumption Plan to the Chief Justice, which shall bear a signature indicating approval of the plan by the chief district court judge; the clerk of superior court; the district attorney; the public defender, the sheriff and the public health director.

GENERAL BEST SAFETY PRACTICES

Entrances to the Durham County Courthouse

- Security screening queues are marked at the entrance to the courthouse for social distancing using engineering controls.
- Waiting areas are marked with signage for overflow lines while enforcing social distancing.
- High-touch areas; door handles, countertops, etc. are cleaned regularly by Durham County General Services.
- Approximately twenty-seven (27) hand sanitizer stations are installed near entrances, elevators, and courtrooms.

Health Screening at Entrances to the Durham County Courthouse

Mandatory Temperature Checks, COVID-19 Questions and Face Covering/Masks

- Health screening questions are administered by the Sheriff's Office at the entrance. A person may have increased body temperature on a hot day and there is the probability of a false high temperature check. Consideration will be given to people on how long to wait before allowing a person to rescreen.
- Persons refusing to be screened, not wearing a mask/face covering, or refusing temperature checks will not be allowed access to the Courthouse; however, they will be provided with a telephone number to contact the appropriate Clerk's Office. If the person has an attorney, they will be asked to contact his/her/their attorney.
- Those who may not have a mask or adequate face covering will be provided with one and issued by the Sheriff's Office at the entrance of the Durham County Courthouse. If, after being allowed entrance to the Courthouse an employee or person's mask becomes damaged or determined inadequate, the Sheriff's Office, department or courtroom may provide a new mask to that person. The Trial Court Administrator's Office/COVID-19 Coordinator shall maintain a supply of masks for the public and employees.
- By mandate of the Durham County Sheriff's Office, all employees and visitors must undergo screening by responding to COVID-19 screening questions and temperature checks by infrared thermometers before entry is allowed into the courthouse. The person's first initial, last name and temperature are recorded in the entrance log.
- **The Sheriff's Office maintains custody and control of the log and it is kept private. The information retained in the log will be used to record the number of employees and visitors and may be helpful with contact tracing with DHHS and local Health Department officials.**

Published calendars and Population Control

Before any court calendar is published or distributed, the COVID-19 Coordinator must ensure that:

1. Each session of court, either individually or when considered collectively with other planned sessions of court, will not result in members of the public sitting or standing in close proximity and/or for extended periods of time in contravention of current public health guidance; and
2. All Judicial Branch personnel assigned to a courtroom thirty minutes will have a facemask made available prior to the session of court.

- Captain K. D. Lane of the Sheriff's Office must be provided all published calendars one (1) week prior to the court session. Captain K. D. Lane will provide deputies at the courthouse entrance with a copy of all calendars to help manage population control. If a session is cancelled or modified, Captain K. D. Lane must be notified immediately so necessary personnel will be notified and appropriate action taken.

Hierarchy of Controls

There is a continuum of risks associated with the spread of COVID-19. Risk may increase based on:

- The number of people;
- The size of a space;
- The length of time that people are gathered together;
- The proximity of the attendees to one another; and
- The airflow over time.

Courthouses and Other Court Facilities

Occupancy Thresholds for Courtrooms based upon Social Distancing in the Public Seating Areas

Occupancy limits have been established for every courtroom at the Durham County Courthouse. The general guidance of six feet for social distancing is for casual interactions between individuals for less than 10 minutes, and one hour is considered a prolonged period of time. Issues such as air flow within the facility, use of masks / face coverings, and individuals coughing or sneezing will vary and affect the safety of all.

Below is a breakdown of the courtroom capacities that have been taped off and marked by the Sheriff's Office for social distancing. This is public seating only, using every other row and approximately six (6) to eight (8) feet apart. Each available seat is marked with an "X". The trial judge may set parameters for those seated in the well areas of the courtroom.

Traffic - 20

3A – 16

4C – 16

4D – 22

5A – 16

5B – 16

5C – 16

5D – 12

6A – 16

6B – 16

7A – 16

7B – 16

7C – 16

7D - 20

Magistrate Civil

M1 – 6

M2 – 6

M3 – 6

M4 – 6

Special Proceedings Courtroom – 6

Jury Pool Lounge - 25

Signage

- Clear signage regarding safety practices shall be posted in the following locations
See NCAOC court facility signage examples.
 1. Entrance doors;
 2. Main lobbies;
 3. Breakrooms;
 4. Bathrooms
 5. Meeting and conference rooms;
 6. Near elevators; and
 7. Floor markers (where lines may form).

Lobby and Hallways (Population Controls)

- The number of people permitted in a space, following current social distancing guidelines, will be limited. Where individuals should sit or stand while waiting will be clearly marked.
- One-way lanes will be used to limit traffic in narrow areas.

Elevators

- The number of people permitted to ride at a time shall be limited to 4 or less.
Elevator buttons will be cleaned frequently.

Meeting and Conference Rooms

- Tables and chairs will be arranged to ensure at least a six-foot distance between meeting attendees.
 - Maximum capacity occupancy shall be based on social distancing.
 - White board pens and erasers will be removed.
 - Those using rooms should bring pens as needed.
 - Tabletops will be sanitized on a regular/frequent basis.
-

Bathrooms

NOTE: There is no CDC guidance to limit bathroom capacity:

The barriers in stalls should prevent spread of respiratory droplets. Washing hands next to another person for 20 seconds does not meet the definition of close contact.

- Confirm that all sinks have running hot water.
- Ensure soap and paper towels are checked and filled regularly.
- Signage will be posted to encourage social distancing and proper handwashing.

Water Fountains and Vending/ Drink Machines

(Water fountains should not be used – bottled water use preferred)

- Vending/drink machines will be cleaned and disinfected regularly, particularly high-touch areas like buttons.

Lactation Rooms (Jury Pool Lounge – 3rd Floor)

- Will be sanitized on a regular frequent basis.

Court Personnel

- Require masks / face coverings to be worn by employees:
- In common areas (e.g., hallways, restrooms, break rooms, and lobbies);
- Where two or more people are gathered for a short time and social distancing cannot be maintained, and
- Where two or more people are gathered for an extended duration even if social distancing is maintained.

Exception: When an employee has a health condition and a health-care professional certifies in writing that the wearing of a mask / face covering would be detrimental to that employee's health, and that certification is provided to the appropriate hiring authority.

Members of the Public

- Require everyone entering a court facility to wear a mask / face covering unless:
 - a. They are complying with a directive from law enforcement
 - b. They are instructed by the presiding judge to temporarily remove a mask/face covering while participating in a jury trial.
 - c. One is temporarily removing a face mask/covering to secure medical services or for identification purposes.
 - d. A person cannot wear a face mask/covering for health or safety reasons.
 - e. A person is communicating with someone who may be hearing impaired.
 - f. A person is under 5 years of age
 - g. If a person is eating or drinking.

Captain K. D. Lane should be contacted if that issue arises. Captain Lane may contact the judicial official, DA, PD or other division if the person may be called/failed, delayed or denied access.

Everyone

- Masks should be changed if they are dirty or contaminated or wet from breath. There is no specific time limit for wearing a mask; the guidance is based on the state of the mask, not how long it is worn.
- Masks are not used correctly can increase an individual's risk of exposure (e.g., facial hair can decrease the effectiveness of a mask).
- Face shields must be accompanied with a mask/face covering. Face shields alone are not sufficient. Persons with only a face shield will be provided with a mask by a deputy if they do not have one.

In-Person Court Proceedings

Pursuant to the Chief Justice's Emergency Directives, no session of court may be scheduled if doing so would result in members of the public sitting or standing in close proximity and / or for extended periods of time in contravention of current public health guidance, and judicial officials should continue to make use of remote hearing technology to the greatest extent possible to limit in-person appearances.

If local court officials determine that in-person court proceedings may be scheduled pursuant to the Chief Justice's Emergency Directive 11, they must implement a combination of engineering controls, administrative controls, and PPE, such as:

1. The maximum safety occupancy shall be posted (Emergency Directive 12).
2. Public seating shall be clearly marked for social distancing of six feet in all directions (Emergency Directive 12).
3. All Judicial Branch personnel assigned to a courtroom for more than thirty minutes should have a facemask made available prior to the session of court (Emergency Directive 13).
4. Stagger start and break times when there are multiple courtrooms operating.
5. Schedule appointment times for hearings.
6. Divide high-volume calendars into multiple courtrooms by last name.
7. Ask that only the person required to be in court appear.
8. Conduct calendar calls remotely via WebEx.
9. Assign the same court personnel to work with the same judge in the same courtroom (less rotation to reduce spread).
10. Install physical barriers (plexiglass) in front of the judge and / or courtroom clerk.
11. Encourage materials for the hearing, such as briefs and memoranda, to be submitted electronically prior to the hearing and discourage hard copies unless they are required to be in the court file.
12. Designate separate doors as "entrance only" and "exit only" to control the flow of traffic in tight doorways.
13. Permit the use of door stops, when not violative of fire and safety codes, to minimize frequent touching of doors into and out of the courtrooms.
14. Designate a single person to retrieve documents from counsel and parties and deliver them to the presiding judge or clerk (e.g., a bailiff).
15. Instruct counsel and parties not to approach the presiding judge or clerk unless directed by the court and only when wearing a mask / face covering.
16. Instruct defense counsel to wait behind the bar and to approach the prosecutor's table only when directed to do so (i.e., do not crowd the prosecutor's table).
17. Affirm oaths; inform people that they must bring their own religious text if they wish to swear on one. Court personnel must be informed before a session of court so a religious text is made available.
18. Minimize the passing of objects, including papers and pens, that normally would be passed back and forth in court transactions and interactions. Individuals should wash/sanitize their hands after contact and before touching anything else. Pens should be cleaned between use, if shared.
19. Provide cleaning wipes at counsel tables to wipe surfaces, if available. Encourage attorneys and parties to bring their own wipes to clean tables.

Additional considerations for in-person court proceedings include:

1. With respect to **attorney-client communication and interactions** when social distancing is not possible, consider plexiglass partitions, masks / face coverings, and / or headsets and microphones (must be a private connection). The trial judge should be consulted regarding parties' abilities to consult with counsel.
2. **Interpreters – Sign and Foreign Language Interpreters must be reserved at least 30 days in advance of a bench or jury trial.**
 - Disposable gloves and disinfecting wipes or alcohol prep pads should be provided in order to allow for safe handling and disinfection of interpreting equipment.
 - Court interpreters should use remote wireless interpreting equipment for all in-person events. Alternatively, interpreters and limited English proficient (LEP) parties should be allowed to bring their mobile phones into the courtroom to be used in lieu of interpreting equipment. This would

allow the interpreter to create a direct audio connection to the LEP party, thus avoiding any physical handoff of equipment.

- Interpreters should disinfect interpreting equipment before and after use.
- Interpreters should sanitize equipment in front of the LEP party before handing it to the party.
- If the use of equipment or a mobile phone is not practical or allowed, especially in brief proceedings, the interpreter should be allowed to maintain physical distancing from the LEP party and to interpret in the consecutive mode loudly enough to be heard. The trial judge should be consulted regarding the attorney's ability to communicate with their clients privately.

3. Witnesses

- Encourage remote appearances, when permitted by law.
- Consider alternate locations for witnesses, such as a jury box, to effectuate social distancing from the bench.
- Consider installing plexiglass barriers between the witness and judicial official.
- Provide tissues and hand sanitizer at the witness stand.

4. ADA Requests and Equipment for Hearing Impaired Individuals

Any party, witness or juror requiring ADA assistance or use of the equipment for those who are hearing impaired should be requested in advance of any hearing or trial. Deputies have access to the hearing impaired equipment located in a room on each floor with courtrooms. Alcohol wipes should be used to sanitize the equipment prior to giving it to the person needing it. Additional wipes should be provided to the person in need. Additional alcohol wipes shall be placed in Ziploc bags and given to the individual. Wheelchair access is available for reservation with the Sheriff's Office located on the first floor entrance of the Durham County Courthouse.

5. Court Reporters

- Social distancing should be clearly marked and enforced around the court reporter's station / desk in the courtroom. The court reporter should be in a position to see the faces of the judge, jurors during voir dire, witnesses, counsel and parties.
- If the witness or clerk sits above the court reporter, consider moving the witness or court reporter to another location in the courtroom (e.g., jury box) to minimize the droplets spread through coughing, talking, breathing, etc.
- Equipment will be cleaned frequently.
- Permit the court reporter to appear remotely via WebEx when possible.
- Be cognizant of court reporters using the voice writing method as they may not be able to wear a mask / face covering while in court.

6. Ensure that courts safely remain open to the public and press.

- Consider administrative orders regarding the number of credentialed press permitted and utilizing pool feeds to minimize the number of individuals in a courtroom. The presiding judge should be contacted **first** by the one seeking permission from the Court. The presiding judge will receive all requests to have a camera, TV crew or reporter in the courtroom for a proceeding. Captain K. D. Lane of the Sheriff's Office should be notified of the same to ensure deputies are aware and if the media has permission from the Court.
- Consider permitting remote observation of in-person court proceedings to minimize the number of individuals entering a court facility while keeping the courts open.
 - During a trial, observers and the media observing the trial in a separate courtroom will be required to comply and abide by all safety and security protocols. There will be attempts to stream the trial from the courtroom to allowing viewing of the trial.

Classification by Level of Risk of Exposure / Transmission

1. **Low risk** proceedings do not involve physical contact or close proximity between participants.

Examples include:

- Hearings, chambers conferences, calendar calls, depositions, and mediations conducted via video conferencing;
- Client interviews (including jail interviews) conducted via video conferencing; and
- Dispositions based on written motions or affidavits without oral argument.

Many of these proceedings continued during the State of Emergency Phase. Absent a showing of good cause, all such proceedings should continue to be conducted remotely to the fullest extent possible during the Emergency Curtailment Limited Operations Phase and the Relaxed Social Distancing Phase.

2. **Medium risk** proceedings can be accommodated with appropriate social distancing and other safety precautions. Examples include: • In person hearings in which the courtroom will accommodate all participants and necessary witnesses / observers, while allowing each person to maintain a distance of six feet from every other person; • A hybrid of in-person and remote hearings, in which one or more participants and necessary witnesses / observers attend through an audio or video connection; and • Grand jury proceedings conducted in an appropriately large room with social distancing maintained. These proceedings may be conducted, with appropriate social distancing and other safeguards, during both the Emergency Curtailment Limited Operations Phase and the Relaxed Social Distancing Phase.

3. **High risk** proceedings are those in which safe social distancing is not possible due to the size of the courtroom and / or the number of participants. Examples include:

- Conventional jury trials (i.e., using a “jury box” for a 12-person jury in close quarters and retiring to a small jury deliberation room);
- Large civil and criminal calendar calls, where large numbers of persons are summoned for the same place at the same time; and
- Traffic administrative courts, where hundreds of traffic tickets are scheduled for disposition on the same day at the same time, requiring large numbers of people to wait in line.

These proceedings cannot be conducted, at least in a conventional manner, until the public health crisis has passed. However, these proceedings may be conducted during the Emergency Curtailment Limited Operations Phase and the Relaxed Social Distancing Phase if, through the use of technology and other innovations, local court officials can provide for these proceedings to be conducted in a safe manner that does not result in close physical proximity between participants or otherwise violate best safety practices and public health guidelines.

Case Priority Ranking System

Court officials are likely to experience shortages in courtroom space and competition for those limited resources. For this reason, each county or district leadership team should adopt a case management plan that includes an analysis and ordering of pending cases based on a case priority ranking system.

The following factors will be considered in setting case priority in creating such a ranking system are set forth below:

1. The constitutional rights that would be affected by any further delay of the proceeding;
2. Any statutory deadlines for the hearing or disposition of the matter;
3. Any state or federal rules or guidelines that require the hearing or the delay of the matter, including rules that would impact federal funding, such as Title IV-E funding;
4. The significance of the rights and interests at stake in the proceeding, as compared to those in other cases that are scheduled for the same time;
5. The age of the case;
6. The complexity of the proceeding;
7. The need for and availability of foreign language or sign language interpreters;
8. The availability or unavailability of courtroom space;

9. The availability or unavailability of the presiding judicial official, lawyers, other needed court staff, parties, and witnesses due to scheduling conflicts;
10. Any other factors that would normally qualify a case for a peremptory setting;
11. Whether the parties will stipulate to a jury of less than twelve or other measures that would lessen the length of the trial or the number of individuals in a courtroom during trial. Cases where parties stipulate to a jury of six or eight may receive a priority setting.
12. If the case will be for trial, the consent of all parties or lack thereof to an immediate trial;
13. If the case will be for trial, whether it is possible to conduct parts of it remotely;
14. The availability of court reporters and / or the ability to record proceedings; and
15. In particular with respect to criminal cases:
 - a. Whether the defendant is confined while awaiting trial and, if so, whether pretrial release conditions can be modified to allow the defendant to be released from custody;
 - b. The offense class;
 - c. The number of and reasons for prior continuances;
 - d. Any demand for a speedy trial;
 - e. The likely length of any trial;
 - f. The number of defendants;
 - g. Public safety; and
 - h. Any health issues of the defendant.
 - i. Probation violations

CASES IDENTIFIED FOR TRIAL

Cases identified for trial must be reviewed by a judge, preferably the trial judge, to determine when pre-trial motions will be heard and when a case will be set for trial. The trial judge will inform the Trial Court Administrator when the case will be set for trial and the days and numbers of jurors to draw and how many to draw for each day.

Jury Summonses

Deferrals and Excusals:

- The jury summons shall include clear information regarding how to contact the court if the juror has safety concerns, such as a recent exposure to COVID-19, up to and including the day of jury service, to prevent a juror from appearing in-person who may have been recently exposed and not within the local court's deadline to request an excuse or deferral. Jury summonses shall also include information about the safety protocols that are in place in the judicial facilities and during jury trials to reduce the chances of exposure to COVID-19.
- The chief district court judge or her designee, shall revise the district's excusal or deferral policy to include the following:
 - a. Allow for remote or telephonic requests for excusal or deferral to reduce the number of people from visiting the courthouse in person for such requests.
 - b. Grant deferrals rather than excuses from jury service, where appropriate.
 - c. Consider requests due to COVID, including schooling children (virtually/in-person).
 - d. Take into account those who may be elderly, high-risk and not in a position to serve.
 - e. Consideration of those essential workers, caregivers and those working in health and service industries and exposed to a higher risk of contracting COVID-19.

- f. Allow more flexibility regarding the issuance of show cause orders for persons who fail to appear.

The trial judge will determine the number of prospective jurors to be drawn by the Trial Court Administrator at least 45 days prior to the trial date. The Trial Court Administrator shall provide the numbers drawn for each date to the Clerk of Superior Court, Jury Clerk and Sheriff's Office to ensure management of potential jurors and ensuring social distancing is adhered to when seating them in Courtrooms 7D (trial courtroom); 7C (jury deliberation and break room); 7B and 7A for jury selection.

Jurors shall report to the 7th floor courtrooms each day they are summonsed no later than 8:30 am or other times the trial judge determines they may be called, i.e. 11am; noon; 2:30pm

After jurors are seated in each courtroom on the 7th floor, the Jury Clerk and support staff shall have laptops ready to show the jury orientation and implicit bias videos – concurrently. Showing the videos concurrently will make it unnecessary to rotate jurors into rooms to begin the orientation process again. Jurors may also participate in voir dire in this same manner. If a juror is excused/deferred, the replacement juror, after being called from a random list by the courtroom Clerk, will resume the seat vacated in Courtroom 7D. We will need a deputy sheriff manned in each of the other courtrooms occupied by jurors so they may call out the name of the juror replacing someone.

The presiding judicial official may order a juror answering questions during voir dire or a testifying witness to temporarily remove his or her face covering so that facial expressions may be observed. Face coverings removed for this purpose may only be removed while the juror or witness is actively speaking and only if he or she is six feet or more away from any other person. In addition, the presiding judicial official may, upon a showing of good cause and after consideration of all appropriate health concerns, exempt a criminal defendant from the requirement to wear a mask / face covering during his or her jury trial.

The first 16-22 jurors called randomly by the Clerk and ushered by a deputy will go into courtroom 7D and sit in seats marked 1-22 and begin selection when the Judge is ready. A two-three-two configuration for seating jurors is recommended to ensure visibility, ability to hear and social distancing. All others remain in adjacent courtrooms and additional overflow courtrooms 3A and the Jury Pool Lounge if necessary. Selecting and empaneling alternate jurors is highly recommended.

Stricken jurors will be sent home and instructed to call back if necessary.

Selected jurors will be told their trial juror number and they will sit in that designated numbered space in the courtroom, deliberation courtroom and retain that number and seating for the duration of the trial. Empaneled jurors will be provided with individuals Ziploc bags with peel/stick juror badges, masks, gloves, 2 oz. personal sized hand sanitizer, disposable pens/pencils, a spiral steno notebook and juror employer notices (to be later stamped by the Jury Clerk). Pens/pencils used during the day will be returned to the Clerk for proper cleaning and sanitizing.

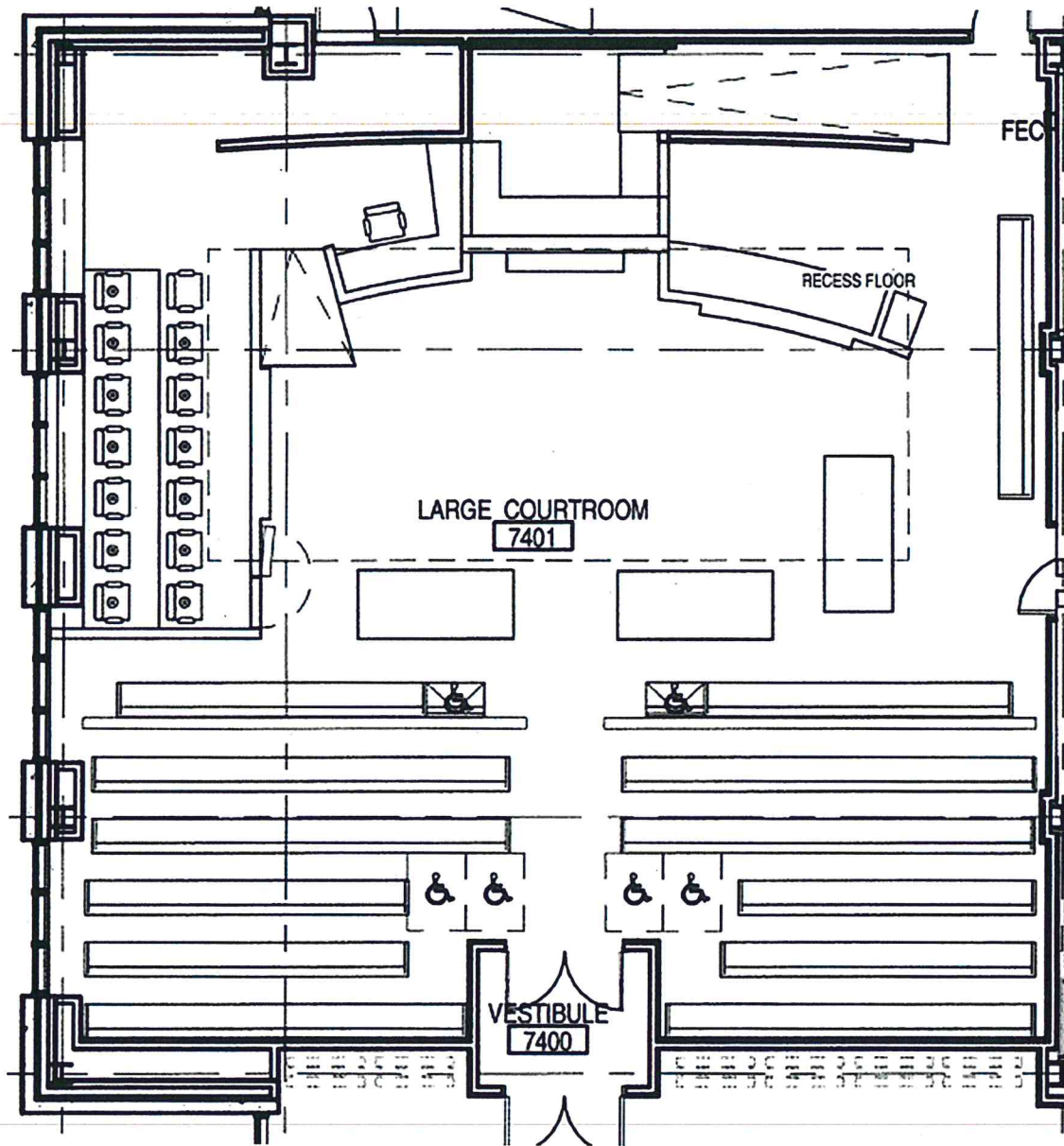
Janitorial staff will be available after activities regarding jury selection or trials are completed or between sessions. This also includes courtrooms, deliberation rooms and bathrooms in the private hallways behind the courtrooms on the 7th floor.

It is recommended the trial judge review requests to be deferred, removed or excused from jury service. It will be necessary to have a modified administrative order that addresses excusals and deferrals.

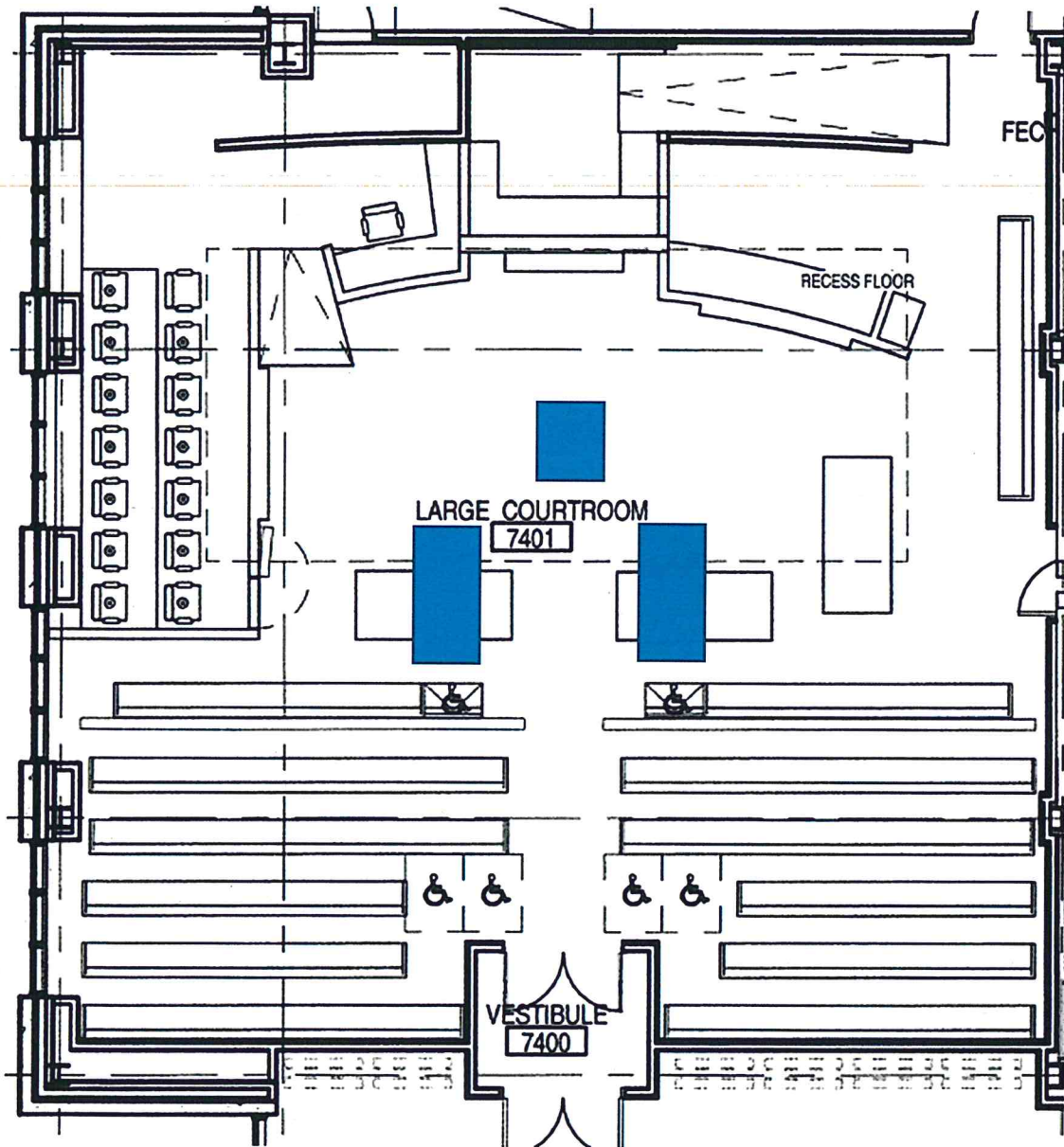
Exhibits

The trial judge will determine how exhibits will be marked, presented and duplicated for trial.

COURTROOM 7D



COURTROOM 7D MARK-UP FOR JURY TRIALS



WITNESS BOX IN THE MIDDLE (NEEDS CAMERA)

COUNSEL TABLES FACE EACH OTHER

LETTER TO POTENTIAL JURORS

Dear Potential Juror:

Our top priority in the Durham County Court System is to protect the public, court personnel and judicial officials from COVID-19 infection, as much as possible, during this rapidly evolving public health situation. We are aware that, as potential jurors, you may have questions and concerns about the measures we have taken to protect you while you are inside court buildings. The measures we have implemented in the Durham County Courthouse, specifically courtrooms and jury meeting rooms, include the following:

- By court order, all persons and staff entering the courthouse/justice center are required to wear a face covering. If someone does not have a mask, a mask will be provided to them.
- Social distancing is prominently marked in areas where individuals and/or staff may be required to stand or sit.
- Seating has been marked in each courtroom and meeting room that complies with the state requirements for social distancing.
- Courtrooms and meeting rooms are sanitized and wiped down several times a day and always after being used by groups of staff and/or public.
- The maximum occupancy allowed for each courtroom or meeting room has been determined by County Health officials, the Sheriff's Office, and COVID-19 Coordinator and is prominently posted.
- Approximately twenty-seven (27) hand sanitizer stations are located throughout the courthouse to be utilized by staff and the public.

We hope these measures undertaken by your court and County Health officials will help alleviate any fears or concerns you may have about being in the Durham County Courthouse on the date you are scheduled to report for jury duty. Your health and safety are our paramount concerns during this time. We are complying with all directives set forth by the Chief Justice and our local court and County Health officials. We look forward to seeing you on the date of your service. We will have staggered schedules for reporting to ensure social distancing. Times for reporting will be 8:30am; 11:00am; 12:00pm or 2:30pm. A recording will inform you of the time to report the evening before your date of service.

Sincerely,

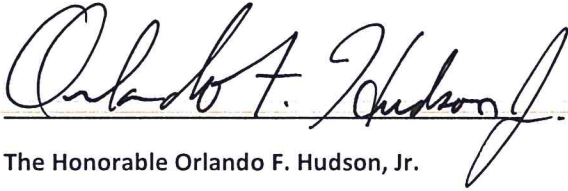
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Honorable Pat D. Evans
Chief District Court Judge

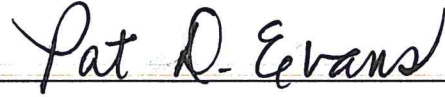
Archie L. Smith III
Clerk of Superior Court

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This the ____ day of November, 2020.

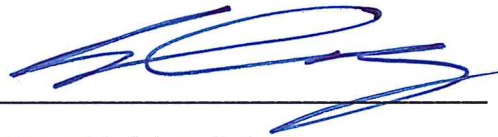


The Honorable Orlando F. Hudson, Jr.
District 14 Senior Resident Superior Court Judge



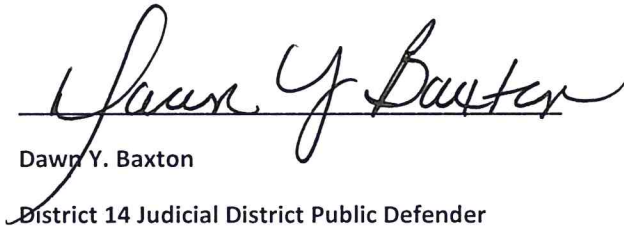
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The Honorable Satana DeBerry
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The Honorable Clarence F. Birkhead
Durham County Sheriff



Dawn Y. Baxton
District 14 Judicial District Public Defender

Rodney Jenkins
Durham County Health Director

S. Elaine Evans
Durham County Chief Magistrate

E. Deneen Barrier
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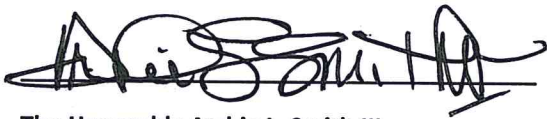
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