

STATE OF NORTH CAROLINA
COUNTY OF FRANKLIN

IN THE GENERAL COURT OF JUSTICE
SUPERIOR COURT DIVISION
FILE NO.: 2020 R 244

In Re:

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

FILED
2020 OCT 16 P. 11 41
FRANKLIN CO. C.S.C.
BY ds

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 15, 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 15, 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 15, 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), which shall notify the prospective jurors how to request a deferral or excuse from jury service.
- 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 jury clerk shall submit all requests for excuse or deferral to either the Clerk of Court, a District Court Judge or a Superior Court Judge, and shall notify the juror of the Court's decision on the request for excuse or deferral.

3. JURY POOL ARRIVAL.

- a. 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.
- b. Once potential jurors have passed the health screening by security, the potential jurors will be directed to the Superior Courtroom where they will be seated in one of the available seats numbered 15 – 24, or to the Magistrate Courtroom where they will be seated in seats numbered 1–14. The seats numbered 1-14 in the main courtroom will remain vacant and be used as the jury box for jury voir dire.
- c. The Clerk will summon 60 potential jurors to appear at 2:00 p.m. on Monday (or the first day of the session if Monday is a holiday) for selection. A 40% compliance rate is assumed in order to reach the desired number of 24 potential jurors to arrive and be prepared to serve. The Clerk will conduct jury check-in and orientation from 2:00 – 2:30 p.m. In the event more than 24 potential jurors arrive, the number of jurors in excess of 24 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 when court resumes at 2:30 p.m., and jurors will take their oath.

- d. The Clerk will summon 25 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% compliance rate is assumed in order to reach the desired number of 10 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 10 potential jurors arrive, the number of jurors in excess of 10 will be randomly drawn from the pool and released for the morning and directed to return on Tuesday afternoon at 2:00 p.m., unless otherwise directed when the juror calls the jury information number after 1:00 p.m.
- e. The Clerk will summon 25 jurors to appear at 2:00 p.m. on Tuesday (or the second day of the session if Monday is a holiday) for selection. A 40% compliance rate is assumed in order to reach the desired number of 10 potential jurors to arrive and be prepared to serve. The Clerk will conduct jury check-in and orientation for the new jurors from 2:00 p.m. – 2:30 p.m. In the event more than 10 potential jurors arrive, the number of jurors in excess of 10 will be randomly drawn from the pool and released for the day and directed to return on Wednesday morning at 9:30 a.m., unless otherwise directed when the juror calls the jury information number after 5:30 p.m.
- f. 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. and afternoon at 2:00 p.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 6 weeks in advance of the beginning of the session.

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. In the event the presiding judge determines to seat more than 2 alternate jurors, seats numbered 15 and on will be used to accommodate the desired number of 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. Counsel tables will be positioned perpendicular to the Judge's bench, facing each other. The prosecutor's table will be the table closest to the jury.
 - iii. The witness will be seated immediately in front of the Judge's bench at a skirted table.

- iv. The parties will address the jury from the center of the well behind a mark or a podium in order to limit proximity to the jury. ‘
- v. The court reporter will be seated, to the extent possible, where the court reporter is able to see the witness, judge and all counsel.

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. 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 face 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 a sufficient number of 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 the Magistrate's Courtroom room after overnight recesses, lunch and breaks. The jury will be escorted to the courtroom 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. Jurors that have been empaneled for a trial shall, in addition to any other health screenings, shall complete the "Daily Juror COVID-19 Screening Document" (Exhibit 4) each day upon arrival at the courthouse. Completed Daily Juror COVID-19 Screening Documents shall be used solely for the purpose of determining whether a juror can serve. Juror responses to the questions are not public record and will be sealed by the Court.

6. JURY DELIBERATION.

- a. Jury deliberations shall be conducted in the Magistrate's Courtroom. Seats in the Magistrate's Courtroom will be placed 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 Magistrate's Courtroom for use by the jurors.

7. CLEANING AND SANITIZING

- a. The courtroom seats, including all juror seats, will be cleaned during the morning and afternoon breaks, 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 COVID-19 Coordinator for the county; and
 - ii. The presiding Judge, the Senior Resident Superior Court Judge and COVID-19 Coordinator for the county shall, as soon as possible, confer with the Public Health Director with regard to the individual, as well as the symptoms, test results and exposure details, and shall thereafter institute the safety


recommendations of the Public Health Director resulting from said consultation.

9. JURY TRIALS IN CIVIL DISTRICT COURT. The procedures outlined in this Administrative Order shall be applicable to all District Court Civil Jury Trials.
10. TRIAL JUDGE. The presiding trial Judge may vary or modify any of the provisions contained herein when necessary to ensure compliance with any emergency orders issued by the Chief Justice in response to the COVID-19 outbreak .
11. EFFECTIVE DATE. This administrative order shall become effective on the date of the latest of the following to occur:
 - a. January 1, 2021; or
 - b. Such time as Emergency Directive 10 issued by the Chief Justice of the North Carolina Supreme Court shall expire.

This the 24 day of September, 2020.



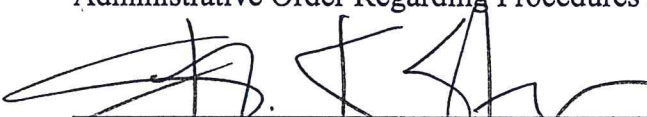
John M. Dunlow
Senior Resident Superior Court Judge



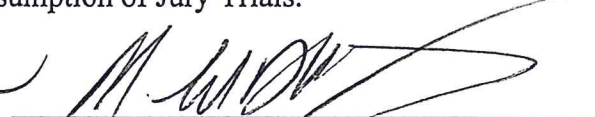
John W. Davis
Chief District Court Judge

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.




Cynthia K. Sturges
Resident Superior Court Judge




Michael D. Waters
District Attorney




Henry W. Hight
Interim Clerk of Court



Kent Winstead
Sheriff



Scott LaVigne
Public Health Director



Larry Norman
Criminal Defense Attorney

[SEE ATTACHED ADDENDUM]

Thomas Clifton
Criminal Defense Attorney



Ella Wrenn
Covid-19 Coordinator

OFFICIAL JURY SUMMONS



Henry W. Hight
Interim Clerk of Superior Court

Franklin County Superior Court
102 S. Main Street
Louisburg, NC 27565

Juror Middle Last
Address Line #1
Address Line #2

Date:

Year of Birth:

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

Where: Franklin County Courthouse
102 South Main Street
Louisburg, NC 27549

Date: _____
Time: _____

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 Franklin County Clerk of Court in one of the following ways:
 - a. Scan and e-mail this form to: FranklinJury@nccourts.org; OR
 - b. Mail this form to: Franklin County Clerk of Court, 102 S. Main Street, Louisburg, NC 27549; OR
 - c. Fax this form to: 919-497-4201.
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 Franklin 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 Franklin County Courthouse at the date and time specified above to begin your jury service. PLEASE CALL (919) 497-4200, and choose Option 1, after 5:30 p.m. the evening before your service is scheduled to start 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 Franklin County, North Carolina.

Signature

Phone Number

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 919-497-4200****

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, respiratory illness, loss of smell, 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 live with or provide direct care for a vulnerable person.
- 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: _____

Printed Name: _____

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 Franklin County Clerk of Court in one of the following ways:

- a. Scan and e-mail this form to: FranklinJury@nccourts.org; OR
- b. Mail this form to: Clerk's Office; 102 S. Main Street, Louisburg, NC 27549; OR
- c. Fax this form to: 919-497-4201

For Court Use Only

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

Denied _____ Deferred until _____ Judge _____

Previous Deferrals: _____



JOHN M. DUNLOW
SENIOR RESIDENT SUPERIOR COURT JUDGE
ELLA S. WRENN
SUPERIOR COURT TRIAL COURT COORDINATOR
JUDICIAL DISTRICT 9
FRANKLIN, GRANVILLE, PERSON, VANCE AND WARREN COUNTIES

To: All Potential Jurors
From: John M. Dunlow, Senior Resident Superior Court Judge
Re: Resumption of Jury Trials
Date: August 6, 2020

Jury trials in the Ninth Judicial District are now resuming. Given the nature of the COVID-19 outbreak, you may have concerns about coming to the courthouse to fulfill your service as a juror. The courthouse personnel have worked diligently with state and local Health Department officials to identify and implement safety precautions for resuming and expanding the courthouse functions. I write to you now to let you know of some of the steps that are being taken to help ensure your safety as a juror and to let you know what to expect when you enter the courthouse.

One of the simplest and most effective ways to reduce the spread of COVID-19 is to wash your hands. Therefore, upon arrival at the courthouse, security personnel will encourage each juror to wash their hands in the nearest facility or use the provided hand sanitizer. You may be asked to have your temperature taken with a thermal thermometer and be asked specific questions regarding COVID-19 symptoms.

Another recommended method to help reduce the spread of COVID-19 is the use of an appropriate face covering. All people entering the courthouse, including jurors, **are required to wear an appropriate mask or face covering.**

Another recommended method to help reduce the spread of COVID-19 is appropriate social distancing. In order to facilitate social distancing, the jury pool will meet in the superior courtroom. This larger room will allow the jurors to maintain recommended social distance while conducting business. The hallways in the courthouse and seats in the courtroom will be marked to clearly indicate the recommended distancing.

Finally, frequent cleaning of high touch areas also helps to reduce the spread of COVID-19. In addition to their regular cleaning schedule, the county maintenance staff has greatly enhanced and expanded their cleaning procedures. The courtroom will be cleaned and sanitized multiple times throughout the day when in use.

If you feel you have any condition or risk factor that would prevent you from safely serving as a juror, the official jury summons that accompanies this letter will provide you with information on how to request that your service be deferred or excused.

To learn more about jury service and to prepare you for your service as a juror, please visit the link below and view the jury service orientation video.

<https://www.nccourts.gov/help-topics/jury-service/jury-service#juror-orientation-video-4268>

The safety procedures outlined in this memorandum will continue in effect for the foreseeable future. New precautions may be implemented, and existing precautions may be modified, based on further directives received from the Chief Justice or from state and local health officials. Please know the service you provide to our system of justice is vital, and your safety is of paramount importance to us. We hope you will feel safe and enjoy your service as a juror.



DAILY JUROR COVID-19 SCREENING DOCUMENT

The purpose of this screening document is to assist the Court in protecting the health and safety of jurors throughout jury service. Responses will be used solely for the purpose of determining whether a juror can serve; responses to the questions are not public record and will be sealed by the Court.

Juror Name (as it appears on the Juror Summons) _____

Date completed _____

1. Are you currently experiencing COVID-19 symptoms? YES NO

Since you last appeared at the courthouse:

2. Have you been diagnosed with/tested positive for COVID-19? YES NO
3. Have you been exposed to COVID-19? YES NO
4. Have you been directed to quarantine? YES NO
5. Has anyone in your household tested positive for COVID-19 or been directed to quarantine? YES NO
6. Have you been in close contact with anyone who has tested positive for COVID-19 or have you been notified by your county health department that you were or might have been in close contact with someone who tested positive for COVID-19? YES NO
7. Have you been tested for COVID-19 and are awaiting the test results? YES NO

I certify under penalty of perjury that I am the person named on the juror summons and the information provided is true and accurate to the best of my knowledge.

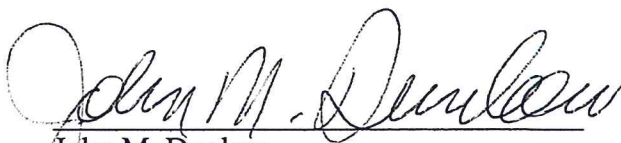
Juror Signature

☆☆☆

ADDENDUM

The attached proposed Administrative Order Regarding Procedures for Resumption of Jury Trials in Franklin County, North Carolina, is being submitted without the approval of Thomas Clifton, a criminal defense attorney chosen by the undersigned Senior Resident Superior Court Judge. Despite my good faith effort, I was unable to obtain approval of the proposed plan from Thomas Clifton.

This the 24 day of September, 2020.



John M. Dunlow
Senior Resident Superior Court Judge