

**ADMINISTRATIVE ORDER
SPECIAL COVID-19 PROCEDURES-JURY TRIALS**

THIS MATTER comes before the undersigned to establish special procedures for jury trials for Criminal and Civil Superior and Civil District Court necessitated by the current COVID-19 pandemic, to implement social distancing and other personal protective policies established by both the State and Federal Governments. These procedures are established for the jury sessions beginning after November 1, 2020 and will remain in effect until modified or revoked.

A. CONFIRMATION OF FACILITY COMPLIANCE WITH CHIEF JUSTICE'S EMERGENCY ORDER

1. Pursuant to Emergency Directive 11 of Chief Justice's Order dated May 21, 2020 the Senior Resident Superior Court Judge is serving as the COVID-19 coordinator.
2. Pursuant to Emergency Directive 12 of Chief Justice's Order dated May 21, 2020 the Senior Resident Superior Court Judge for Judicial District 1 has ensured that the Gates County Courthouse:
 - a. Is visibly marked in appropriate intervals in every direction in all areas where the public is expected to congregate or wait in line;
 - b. The maximum allowable occupancy of each courtroom is established such that persons who must sit or stand in such space may observe social distancing of six feet in every direction;
 - c. The established maximum occupancy is prominently posted at the entrances to each courtroom;
 - d. Hand sanitizer is available at the entry and exit of the facility and at all high touch areas of the facility;
 - e. All areas accessed by the public are cleaned daily with high touch areas cleaned periodically throughout the day; and
 - f. Face coverings shall be worn at all times inside the courthouse.

3. That pursuant to Emergency Directive 13 of Chief Justice's Order dated May 21, 2020 the Senior Resident Superior Court Judge/COVID-19 Coordinator for Judicial District 1 has:
 - a. Prior to publication and distribution, caused to be reviewed each calendar, both individually and collectively with other sessions of court, to ensure that the calendars 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
 - b. That all judicial branch personnel assigned to a courtroom have a facemask made available prior to the session of court.
 - c. The Senior Resident Superior Court Judge/COVID-19 coordinator, in designated counties of Dare and Currituck may also make available to potential jurors, witnesses, and defendants a special radio app which allows these individuals to remain in their vehicles until their presence in the courthouse is required.

Multiple courtrooms will be available during the selection process to ensure more than adequate social distancing except in Camden county.

B. JURY TRIAL SUMMONS AND DEFERRAL

Alternate One-Courthouse plus overflow locations.

1. Jury *voir dire* may be conducted in two sessions. The first session will commence on Monday at 9:30 a.m. with jury orientation and will be for those designated as Group A jurors. Based upon historical data in each specific county, a sufficient number of jurors to ensure an actual venire or pool of available jurors will be summoned by the Clerk of Superior Court as Group A jurors. The summons for Group A jurors shall require them to call the Jury line after 6 p.m. on the Sunday preceding the session to confirm they are to report on Monday. Counsel and parties shall not report to the Superior Courtroom until 10:00 a.m. Group A jurors who are selected and jurors who have not been excused by the Court shall return to the Courtroom after lunch recess to their assigned seat to continue with jury selection.
2. The second session will commence upon resumption after lunch recess with jury orientation and will be for those designated as Group B jurors. A total of 30-50 jurors (the greater number only for exceptional cases scheduled and ordered by the Senior Resident Superior Court Judge) will be summoned by

the Clerk of Superior Court as Group B jurors. The summons for Group B jurors shall require them to call the Jury line after 6 p.m. on the Sunday preceding the session to confirm they are to report on Monday. Group B jurors are also required to call on Monday after 12:00 p.m. to confirm they are to report at 1:30 p.m. Counsel and parties shall not be required to report to the Superior Courtroom until 30 minutes after resumption of court following lunch recess. Jury *voir dire* will commence and will continue until a full panel of 12 jurors and 1 alternate is selected.

Alternate Two-Jury selection in off-site location

3. The jury venire shall be summoned to one off site location large enough to accommodate all the Court, clerks, parties and all jurors. Jury selection will be conducted as usual to the greatest extent possible. Once selected, the trial will be conducted in the Courthouse.
4. Any offsite location shall be arranged by the County in compliance with all social distancing guidelines. The County shall also be responsible for all sanitizing of the facility.
5. A letter to the jury from the Senior Resident Superior Court Judge, the District Attorney and the Clerk of Superior Court will be included in the Jury summons for all Criminal Superior Court jury sessions noting the safety measures that have been taken in preparing for the jury session.
6. A letter to the jury from the Senior Resident Superior Court Judge and the Clerk of Superior Court will be included in the jury summons for all Civil Superior Court jury sessions noting the safety measures that have been taken in preparing for the jury session.
7. A letter to the jury from the Chief District Court Judge and the Clerk of Superior Court will be included in the jury summons for all Civil District Court jury sessions noting the safety measures that have been taken in preparing for the jury session.
8. Jury summonses will be updated to provide that potential jurors may make request to the Clerk of Superior Court in writing, by fax, by email, or by phone to be excused or deferred from jury service. Potential jurors will not be

required to appear in person before a District Court Judge to be excused or deferred from jury service as authorized under N.C.G.S. §9-6(b) due to the public health concerns over COVID-19. The Clerk of Superior Court shall receive and collect jurors' requests for excuse or deferral and present same to the appropriate Senior Resident Superior Court Judge or for determination. The Clerk of Superior Court shall then inform the juror of the result.

9. That at least two weeks prior to the jury session there will be a meeting of all principal to this agreement, to walkthrough the procedures and process that is to take place, including the WebEx jury *voir dire* in the overflow rooms, the entry process, the sanitizing responsibilities and all other details necessary to safely conduct a jury session.

C. JURY ARRIVAL AND ORIENTATION

1. Each person shall have their temperature taken prior to entering the courthouse daily and be required to wear a face covering at all times while in the Courthouse. A temperature above the CDC recommendation will result in the person not entering the building.
2. The jurors shall report to the main entrance of the Superior Courtroom and shall move directly into the seats designated under social distancing guidelines. Once the Superior Courtroom is full the Bailiff shall direct the remaining jurors to the designated overflow room in the same manner. The overflow room shall be equipped with a WebEx capable laptop connected to a large TV monitor for real-time communication with the Superior Courtroom.
3. The Superior Court Judge will take jury excuses from the Superior Courtroom.
4. The jury orientation video may be shown or in the alternative, the judge may conduct orientation using Courtroom A and the Jury Assembly Room via electronic means with real-time communication.
5. Unless two separate jury boxes are available the jury will be seated (jury box) in the first forward rows of public seating in the courtroom which may utilize one side or both sides of the courtroom or a combination of both. In either way and at all times, jurors will be appropriately spaced and marked to maintain adequate social distancing. The rows immediately behind the jury section will

be closed for seating or a clear plexiglass partition shall be installed behind the jury section. The remaining rows will be for the public and witnesses to the extent available after the jury is impaneled. A second bailiff will be stationed behind the jury to maintain security and avoid any public contact with the jury during the trial and jury selection.

D. JURY SELECTION

1. Upon the call of the first case for trial, 12 jurors will be called to the jury box(es) and the jury *voir dire* process will begin.
2. Live WebEx feed or real-time communication will be maintained in the overflow room. The jurors called will come to the Superior Courtroom to join the others in the jury box. In the alternative, separate jury orientations will be made for each venire.
3. Once the jury has been selected, the remaining jurors will be instructed as needed.

E. TRIAL

1. Counsel tables will be arranged so that counsel can see the jury and the witness.
2. Plexiglass will be installed at the witness stand or a clear face shield will be worn by the witness during testimony.
3. All witnesses shall be affirmed, and the witness stand will be sanitized after each witness.
4. Counsel shall remain at the counsel table when questioning witnesses but may otherwise move through the courtroom to present evidence.
5. Should there be any issue requiring discussion outside the presence of the jury, the jury will proceed to the jury deliberation room that is marked

according to social distancing standards to accommodate the 13 jury members.

6. Face coverings for personal health protection shall be worn at all times by all persons in the courtroom but may be lowered for the purpose of witness identification.
7. Exhibits will be handled by as few persons as possible. The parties are encouraged to pre-mark all Exhibits, and to provide any witness with their own copy while having them identify the original through the plexiglass.
8. Exhibits shall be published to the jury panel by display on monitors or screens.
9. If exhibits are allowed by the Court to be given to the jurors, the party offering the exhibit shall provide individual copies for all jurors.
10. The Court Reporter shall be set up at a location where the faces of both the witness and counsel are capable of being observed.
11. Additional procedures such as restroom protocol, and other logistical matters shall be addressed during the trial as circumstances dictate.
12. All court surfaces and assembly areas shall be sanitized every day before court opens and again during the lunch break. Hand sanitizer and tissues shall be provided to jurors, the parties, and others present in the courtroom.
13. The Bailiff/County shall ensure that the surface area of the witness stand, and plexiglass is properly sanitized after each witness.
14. No persons shall be allowed into the Courthouse if they are not healthy or are symptomatic.
15. That in the event a juror, defendant, attorney, witness, Judge, or other court personnel becomes symptomatic or test positive or have an immediate family member test positive for COVID-19 during the trial, the Court will comply with all requirements of the CDC, Coronavirus Task Force and local health department and the trial will stop, proceed or be delayed as recommended.

CERTIFICATIONS

1. The undersigned certifies that each court facility and alternate facility being used for court operations is in compliance with each of the Chief Justice's emergency orders in response to the COVID-19 outbreak.

2. The undersigned certifies that this plan has been approved by the Chief District Court Judge, the Clerks of Superior Court in each county within the First Judicial District, the District Attorney, the Public Defender, the Sheriff of each county within the First Judicial District, and the Public Health Director in this County.

This the _____ day of October, 2020.

Jerry R. Tillett
Senior Resident Superior Court Judge
First Judicial District

Edgar L. Barnes
Chief District Court Judge
First Judicial District

Responsibility of the Clerk of Court:

1. Based upon historical data in each specific county, a sufficient number of jurors to ensure an actual venire or pool of available jurors will be summoned by the Clerk of Superior Court. These jurors will be designated as Group A jurors to call in after 6 p.m. on the Sunday prior to the Jury trial session to confirm they are to report at 9:30 a.m. the Monday of the trial session.
2. The Clerk of Superior Court shall summon 30-50 jurors designated as Group B jurors to call in after 6 p.m. on the Sunday prior to the session, as well as to call in Monday after 12:00 p.m. to determine if they are to report at 1:30 p.m.

(Unless offsite Jury Selection is done. If offsite, the clerk shall summon the usual number of Jurors.)

3. The Clerk of Superior Court shall attach to each jury summons a letter from the Senior Resident Superior Court Judge, the District Attorney and the Clerk of Superior Court noting the safety measures that have been taken in preparing for the jury session.
4. The Clerk of Superior Court shall submit a copy of the jury summons and letter to the Senior Resident Superior Court Judge for approval prior to mailing to Jurors.
5. The Clerk of Superior Court shall, with the County and the Sheriff, ensure that the Courtroom is clearly marked with social distance spacing, for the jury box area and the venire area.
6. The Clerk of Superior Court shall make hand sanitizer available to jurors, the parties, and others present in the courtroom.
7. The Bailiff/County shall ensure that the surface area of the witness stand, and plexiglass is properly sanitized after each witness.

Responsibility of the County:

1. Provide temperature screening of all persons entering the Courthouse.
2. Provide hand sanitizer stations for public use in all areas accessed by the public.
3. Provide periodic cleaning throughout the day of high touch areas including without limitation, doorknobs, water fountains, handrails, elevator walls and buttons, bathroom faucets and dispensers, and reception desks or counters.
4. Provide, at least twice daily, cleaning of all courtroom, jury room, Judge's Chambers, and Attorney Rooms. Cleaning shall be conducted before each session begins, and between morning and afternoon sessions of court. If done the day before any session, safeguards will be taken to limit access to the sanitized rooms overnight.
5. The Bailiff/County shall ensure that the surface area of the witness stand, and plexiglass is properly sanitized after each witness.

Responsibility of the Sheriff:

1. With the Clerk of Superior Court and County, ensure all courtroom seating, and deliberation rooms are clearly marked for social distancing, and clearly mark the Jury box in the Courtroom.
2. The Bailiffs will direct the jurors upon entrance into the Courtroom to their seats as provided above.
3. With the County, the Bailiffs shall ensure that all persons entering the Courthouse have a temperature screening.
4. The Bailiffs will ensure that all persons in the courtroom are correctly wearing a face covering at all times.
5. The Bailiffs shall regulate the number of persons in the courtroom, limiting them to authorized and necessary persons only, in consultation with the presiding Judge and the parties.
6. The Bailiff/County shall ensure that the surface area of the witness stand, and plexiglass is properly sanitized after each witness.

TO GATES COUNTY JURORS

The Judicial Branch in Gates County has been working throughout the entire COVID-19 pandemic. We have continued to handle essential matters that keep the citizens of Gates County safe. It is time to return to conducting jury trials, which is why you have received this Notice to Appear.

We understand that these are difficult and perhaps scary times to us all. We want to assure you that our decision to resume jury trials has only been made after careful and comprehensive planning for your safety while performing this important civic duty. These specific steps have been taken to keep us all as safe as possible:

1. We have determined the capacity of our courtrooms or other spaces that you will enter, based on a 6-foot social distancing radius. We require all persons to observe this distancing at all times.
2. All persons in the public areas of the courthouse are required to wear face coverings at all times. If you do not have one it will be provided for you.
3. We have hand sanitizer available at numerous locations for your use as needed.
4. We have reduced the number of people who will be in the courtroom and have reduced the number of the jurors summoned to Court.
5. We will completely sanitize all spaces you will enter or work in, before court, at lunch and after you leave.

All of these precautions have been implemented after consultation with all state, county and local officials.

Juror excuse forms should be mailed to: Post Office Box 175, Currituck, NC 27929. Hand deliveries of these forms in a sealed envelope may also be made to the Courthouse drop box located on the side of the building at: 2801 Caratoke Highway, Currituck, NC. If you are unable to mail or hand deliver your juror excuse form to the court on time, you may email your jury excuse form to: Josie.E.Twiford@nccourts.org. If you elect to email your juror excuse form, please be aware that you assume all of the risks associated with transmitting any confidential or personal information over email.

If you have recently had any symptoms of COVID-19, been exposed to someone with a known case or have been out of the country, please include this information on the Official Jury Summons and return as directed. Please include the date of symptoms or exposure. The symptoms are:

1. Fever greater than 100.4
2. Presently having shortness of breath or difficulty breathing
3. Presently having a cough
4. Presently having chills
5. Presently having muscle pain
6. Presently have a sore throat
7. New loss of taste or smell
8. Close contact to someone who tested positive for COVID-19

You may also indicate if you feel you are at high risk or live with someone who is at high risk of contracting the virus.

While we will not require those in the above categories to serve, we need you for jury service and expect each of you to be present.

We thank you for your service and cooperation as we continue to administer Justice in Gates County.

Jerry R. Tillet
Senior Resident Superior Court Judge

R. Andrew Womble
District Attorney

Nell F. Wiggins
Clerk of Superior Court