

NORTH CAROLINA
NASH COUNTY

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

2020 OCT 15 P 12:55

NASH COUNTY, C.S.C.

JURY TRIAL PROCEDURES DURING COVID-19

BY KCS

WHEREAS, Chief Justice Cheri Beasley by Order dated July 16, 2020 entered Directive 22 that mandated “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.”

WHEREAS, the undersigned Senior Resident Superior Court Judge has, in consultation with other local officials, crafted a plan for the resumption of jury trials in Nash County, North Carolina, 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 complete compliance with each of the Chief Justice’s emergency Orders in response to the COVID-19 pandemic 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.
 - 150 potential jurors are to be summonsed for jury duty. 75 potential jurors for the morning session and 75 potential jurors for the afternoon session. All prospective jurors shall be provided with the Official Jury Summons (Exhibit 1)
 - to be included within the summons to each potential juror is a statement from the Senior Resident Superior Court Judge about

This is a true and accurate copy as taken from and compared with this original on record in this office _____ and

Witness my hand and official seal.

This 30 day of November, 2020

Kathy C. Jones, C.S.C. 2020
Clerk of Superior Court

COVID-19 and the protective measures taken in compliance with CDC guidelines (Exhibit 2)

- to be included with the summons to each potential juror will be questions about age, vulnerability, and concerns with directions to contact the Jury Clerk to be excused (all such inquiries will be handled remotely, by telephone, letter, email or virtual video conferencing (Exhibit 3)
- apply criteria for evaluating request based on CDC guidelines
- review responses with District Court Judge and excuse jurors for health- related cause as appropriate

3. Jury Pool Arrival

- potential jurors are directed to stand 6 feet away from the person in front of them and 6 feet away from the person standing in line behind them
- potential jurors will proceed through the security checkpoint
- potential jurors will (as well as all other visitors, court personnel, attorneys, witnesses, and parties) receive daily temperature checks before entry
- potential jurors will (as well as all other visitors, court personnel, attorneys, witnesses, and parties) receive daily screening for COVID-19 exposure or infection by answering the following questions from the Deputy Sheriff at the security checkpoint:
 - Have you had a fever in the last 24 hours?
 - Have you tested positive for the COVID-19 virus?
 - Have you been around anyone or has anyone in your home tested positive with the COVID-19 virus?
 - Are you over age 65?
- any potential juror that does not pass the health screening is excused and their name is recorded and given to the Jury Clerk
- potential jurors (as well as all other visitors, court personnel, attorneys, witness, and parties) without a face covering are provided one
- potential jurors are required to use hand sanitizer upon entry

I hereby certify that the foregoing is a true and accurate copy as taken from and compared with this original on record in this office _____ and

Witness my hand and official seal.

This 30 day of November, 2020

Tatiana Jones, Clerk, 2020
Clerk of Superior Court

- potential jurors are directed to the second floor to the old Superior Courtroom where they are instructed to sit in seats that have been previously marked and indicated to be at least six feet from the nearest person
- when all potential jurors are present, Jury Clerk prepares a randomized list of potential jurors for the Judge to be used in jury selection
- trial judge comes into the old Superior Courtroom and begins jury orientation
- Jury Clerk administers Juror Oaths to all jurors (this procedure is repeated in the afternoon session for potential jurors arriving at 2 pm)

4. Jury Selection

- 12 potential jurors are called to the courtroom and directed to sit in previously marked seats in the jury box and in the audience (first potential juror is seated in Seat Number 1, and so on until 12 potential jurors and alternates are seated)
- these seats have previously been determined to be 6 feet apart from each other, and comply with the six (6) feet social distancing requirement
- Court conducts jury selection process
- selected jurors are told their juror number (which will be used for numerically marked seats in courtroom); excused jurors are removed from the courtroom and are given instructions as to whether to call back or come back later
- once 12 jurors are selected, jurors are placed in the jury pool room until the start of the trial (alternate jurors selected as necessary)
- after selection of the jury, the courtroom is closed, and all juror seats are cleaned and sanitized

5. Trial

- trial proceeds as normal with counsel and client seated at counsel tables
- witnesses are sequestered in vacant superior courtroom and instructed to be seated and remain 6 feet apart
- members of the public are placed in the two (2) conference rooms at

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Witness my hand and official seal.

This 30 day of November, 2020

Tracy C. Jones Ass't. CSC, 2020
Clerk of Superior Court

the rear of the courtroom to observe the proceedings. Additional members of the public may use the last row in the courtroom, space permitting. Six (6) social distancing is enforced

- witnesses are called into the courtroom one at a time to testify from the witness stand
- counsel questions witness from counsel table
- once the witness has completed their testimony, they are excused from the courtroom
- counsel addresses Court from counsel tables; during breaks, jurors are excused from the courtroom to the jury pool room, free to use restrooms, visit snack machines, etc.

6. EXHIBITS DURING TRIAL.

- 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, television monitors, etc.). In the event presentation to the jury is not possible by electronic means, the party offering said exhibits 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
- 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

7. Bench Conferences.

- In order to facilitate social distancing, bench conferences with counsel should occur in the judge's chambers or in an unoccupied room

8. JURY DELIBERATION.

- at the conclusion of the evidence, counsel will make closing arguments from a podium; (six (6) feet social distancing requirement is observed)
- the jury uses jury pool room for deliberations

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This 30 day of November, 2020

Kathy C. Jones, Clerk 2020
Clerk of Superior Court

9. CLEANING AND SANITIZING.

- the courtroom seats, including all juror seats, will be cleaned during the morning and afternoon breaks, during the lunch recess, and during overnight recess
- the witness stand, Bible and microphones 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 microphones

10. COVID-19 Exposure During Trial

- In the event a juror, party, attorney, witness, judge, or other court personnel become symptomatic, test positive for COVID-19, or has a known exposure to someone who has tested positive for COVID19 during the trial, the Court shall do the following:
- the courtroom shall be closed immediately for deep cleaning and sanitizing.
- Nash County Health Department shall be notified and all jurors, parties, attorneys, witnesses, judge, or other court personnel involved in the trial shall be tested for possible COVID-19 exposure
- all information regarding the person, person's symptoms, test results or exposure shall immediately be reported to the presiding judge and the Senior Resident Superior Court Judge; and
- the presiding judge and the Senior Resident Superior Court Judge shall, as soon as possible, confer with the local 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 local Public Health Director resulting from said consultation.

Further, these jury trial procedures may be amended, modified, and changed without notice, if deemed necessary, by the Senior Resident Superior Court Judge.

I hereby certify that the foregoing is a true and accurate copy as taken from and compared with this original on record in this office _____ and

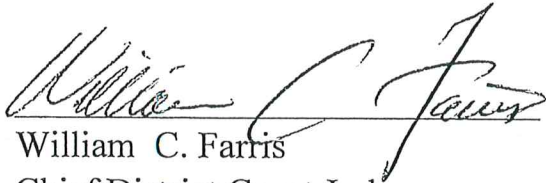
Witness my hand and official seal.

This 30 day of November, 2020

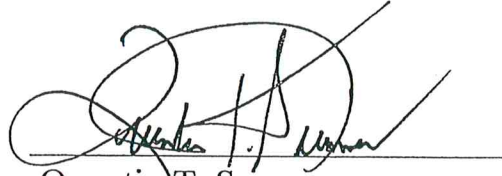
Walter C. Jones, Asst. Ct., 2020
Clerk of Superior Court

NOW, THEREFORE, the undersigned parties hereby adopt and approve of the foregoing Plan for the trial of all civil and criminal jury trials in Nash County Superior Court, Judicial District 7A.

This the 25th day of August, 2020.



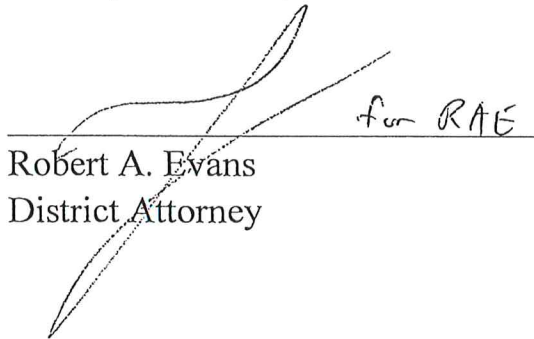
William C. Farris
Chief District Court Judge



Quentin T. Sumner
Senior Resident Superior 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 within Nash County, North Carolina.



Robert A. Evans
District Attorney

for RAE



Keith Stone
Nash County Sheriff



Linda Thorne
Clerk of Superior Court



Lee Lamb
Nash County Manager

I hereby certify that the foregoing is a true and accurate copy as taken from and compared with this original on record in this office _____ and _____
Witness my hand and official seal.

This 30 day of November, 2020

Kathy C. Jones asst. cl., 2020
Clerk of Superior Court



Damien Tucker
Member, Nash County Bar



William Hill
Nash County Health Director

I hereby certify that the foregoing is a true and accurate copy as taken from and compared with this original on record in this office _____ and

Witness my hand and official seal.

This 30 day of November, 2020

Kathy C. Jones, assist. cl., 2020
Clerk of Superior Court



KEITH STONE
SHERIFF

NASH COUNTY SHERIFF'S OFFICE

MAILING ADDRESS
222 W. Washington Street
Nashville, N.C. 27856
Telephone (252) 459-4121
Fax (252) 459-8741

JURY SUMMONS

DATE: August 20, 2020

EXHIBIT 1

TO: «NAME»
«ADDRESS_1»
«ADDRESS_3» «JUROR_ID»

Your name has been duly drawn to serve as juror in the SUPERIOR COURT of Nash County in accordance with Chapter 9 of the North Carolina General Statutes.

You are hereby summoned to personally be and appear at the SUPERIOR Courtroom for a court to be held at the courthouse in Nashville, N.C., at 9:30 AM on the _____ to serve as a juror.

SHERIFF OF NASH COUNTY

PLEASE DETACH THIS PORTION, SIGN AND RETURN TO: Nash Co. Sheriff's Off-Jury Summons
222 W Washington St
Nashville, NC 27856

This jury summons requires a mandatory response from you in order to ensure that there is a valid and sufficient jury pool. If a response is not received as summoned, you will be required to appear before the Nash County Superior Court Judge with an explanation.

I accept service of the enclosed Jury Summons for the week of «COURT_BEGIN_DATE» in Nash County.

Signature

Phone

This notice MUST be returned to the Sheriff's Office no later than 10 days after receipt of summons. If you have requested an excuse or deferment, your request will be acted upon by a Judge and you will be notified by mail if your request has been granted.

NOTICE: EXCUSED OR DEFERRED IS, ACCORDING TO NCGS CHAPTER 9, ARTICLE 1, AUTHORIZED ONLY BY A DISTRICT COURT JUDGE.

Reason I wish to ask for deferment or to be excused: _____

Address (If different from above) _____

Date of Birth: Mo: _____ Day: _____ Yr: _____ Daytime Phone: _____ I hereby certify that the foregoing is a true accurate copy as taken from and compared with original on record in this office

Signature: _____ «JUROR_ID»
«NAME» Witness my hand and official seal.

Serving the citizens of Nash County with Honor, Compassion and Diligence
This 30 day of November 2020
Keith C. Jones, Sheriff
Clerk of Superior Court

EXHIBIT 2

To: All Potential Jurors
From: Quentin T. Sumner, Senior Resident Superior Court Judge
Re: Resumption of Jury Trials
Date: August 20, 2020

You have been duly selected and summonsed to appear at the next jury session for Nash County Superior Court for jury service. Jury service is one of the hallmarks of our judicial system. Your service as a juror is important for the proper administration of justice within our State. We are mindful that the COVID-19 virus has severely impacted our State. Therefore, we have taken a number of precautions to protect, not only your health and safety, but the health and safety of all that use our courthouse.

In order to ensure your safety, we have worked diligently with state and local Health Department officials to identify and implement safety precautions that will protect you as we resume normal court operations. Therefore, in order to reduce the spread of COVID-19, we have mandated the required use of face masks or face coverings at all times while in the Nash County Courthouse. In addition, six (6) feet social distancing is required. We will utilize large rooms within the courthouse to ensure six (6) feet social distancing is in effect. The hallways in the courthouse and seats in the courtroom have been marked to clearly indicate the required six (6) feet social distancing. Moreover, all persons entering the courthouse are encouraged to frequently wash their hands. We have installed hand sanitizing stations at numerous locations within the courthouse. Furthermore, all persons entering the courthouse are required to submit to temperature checks. Also, specific questions regarding COVID-19 symptoms will be asked. Finally, high touch areas will be frequently cleaned. The courthouse will be cleaned and sanitized multiples times throughout the day when not in use.

If you feel you have a 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.

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

I hereby certify that the foregoing is a true and accurate copy as taken from and compared with this original on record in this office _____ and

_____ witness my hand and official seal.

This 30 day of November, 2020

Kathy C. Jones and 15c, 2020
Clerk of Superior Court

EXHIBIT 3*

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: _____ Email: _____

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

- a. Scan and e-mail this form to: _____; OR
- b. Mail this form to: PO Box 759, Nashville, NC 27856
- c. Fax this form to: 252-220-3006

For Court Use Only

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

Denied _____ Deferred until _____

I hereby certify that the foregoing is a true and accurate copy as taken from and compared with this original on record in this office _____ and

Witness my hand and official seal.

This 30 day of November, 2020

Kathy C. Jones, Clerk
Clerk of Superior Court

ADDENDUM TO JURY RESUMPTION PLAN

Special Note:

Mrs. Linda Thorne, Nash County Clerk of Superior Court, please note that Exhibit 3 of this Plan contains COVID 19 screening questions for prospective jurors. Also note, that this document (Exhibit 3) is *not a public document*. The North Carolina Administrative Office of the Courts has directed that Exhibit 3 should be filed with other confidential juror excuse information that is maintained pursuant to G.S. 9 – 6 (e) and G.S. 9 – 6.1 (b).

I hereby certify that the foregoing is a true and accurate copy as taken from and compared with this original on record in this office _____ and

Witness my hand and official seal.

This 30 day of November, 2020

Kathy C. Jones, Asst. CLC, 2020
Clerk of Superior Court