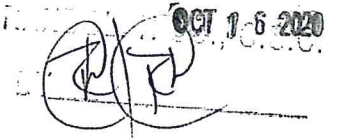


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Juror Safety Protocols for Judicial District 19-B

SCREENING FOR ALL PERSONS ENTERING THE COURTHOUSE

- I. All persons including court officials and jurors are admitted to the Randolph County Courthouse, ONLY AFTER, successful compliance with the Randolph County Sheriff's Covid 19 Protocol in place since May of 2020. The Covid screening includes providing your name, answers to several Covid related health questions and temperature check. A positive answer to any of the health questions or a higher than normal temperature bars entry for any person. This Covid screening takes place each time every individual enters the Courthouse.

II. JURY TERMS DEFINED

The Protocol set out below shall apply to all jury venires summoned and each jury trial held in Randolph County until ordered otherwise. Only criminal trials will be held for the first 60 days, at a minimum, after the Chief Justice allows for jury trials to commence.

COMPLIANCE WITH EMERGENCY DIRECTIVES

- III. The Randolph County Courthouse in Asheboro, North Carolina, is the only facility in which court will be held in Randolph County. The Randolph County Courthouse is in compliance with each of the Emergency Directives issued by the Chief Justice of the North Carolina Supreme Court.

IV. SUMMONING AND EXCUSING JURORS PRIOR TO ENTERING THE COURTHOUSE

1. Jurors shall be summoned by the Clerk of Superior Court by first class mail postage prepaid as occurred prior to the Covid Pandemic.
2. The juror summons shall include language that the jurors shall call the juror line and leave a message as directed: if within 15 days of jury service, the juror believes the juror was exposed to the Covid virus or has checked positive for the virus within 30 days of jury service or has an unexplained cough at the time of jury service, or has been out of the country within the 15 days next preceding jury service or the juror has a medical excuse not to wear a mask. The Clerk of Superior Court upon notification of any of the above, shall defer the juror and assign the juror a new term within 6 months to one year.

3. Jurors will be instructed to call a jury information line prior to their service to determine if their service is needed.
4. No juror shall be deferred or excused because of their unwillingness to wear a mask without a medical excuse.
5. All jurors will be screened by the Sheriff on the date of their service and will be barred from entry, should the juror's answers to health questions reveal a Covid concern. The Sheriff will inform the Clerk's Office of any barred jurors. The clerk will then defer their service for 60 days.

V. NUMBER OF JURORS TO BE SUMMONED, REPORTING TIMES, TYPE OF TRIALS

1. The provisions of Section V below rest largely on the date that jury trials are allowed to begin and any accompanying restrictions issued with the resumption order.
2. The Clerk shall summon 75 jurors for each session. To facilitate social distancing between jurors and others summoned to the courthouse, the court orders: the jurors shall be summoned to report in 3 groups of 19 and one group of 18 at 10:00 am, 10:30 am, 11:00 am and 11:30 am. As the jurors are checked in by the Sheriff, they shall remain six feet apart pursuant to the marked intervals in the parking lot. If needed the Sheriff shall add additional marked intervals in the parking lot.
3. No trial shall be conducted for a Class C or higher level felony for the first 60 days in which trials are allowed with the following two exceptions: all Habitual Felonies shall be categorized at the felony level of the underlying offense and all drug trafficking charges are eligible for trial regardless of the felony chart categorization of the penalty.
4. The District Attorney shall make a good faith effort to prioritize the trial of confined Defendants and a good faith effort to select cases to be completed during same term of court.
5. Should counsel in a case set for trial assert that the Covid Pandemic has in some way prejudiced a litigant from preparing for trial, the opposing counsel shall be immediately notified and if the parties are unable to resolve the issue, the Court shall conduct a hearing that makes findings as to the nature of the prejudice and the ability or inability of the Court to proceed.
6. The Court may revisit the provisions set out in Protocol V above, owing to the large backlog of criminal cases and the number of confined Defendants demanding their jury trial; if it remains in the Court's discretion to do so and if jury trials are not allowed on November 1, 2020.
7. If the Covid Protocols are in place at the time of the trial for Class C felonies or above and it is determined that a larger jury venire is needed, then the jury shall be summoned in panels of 75 to report two days apart. When the jury reports the same protocol shall be followed as set out above. Jurors will be instructed with their summons to call the jury information line, prior to reporting, to determine if their service is needed or the date to report.

VI.

JURY SELECTION AND TRIAL

1. All jurors will be required to wear mask upon entry to the Courthouse. Masks will be provided to all jurors on a daily basis. In addition plastic shields will also be provided, but not required.
2. All trial participants including counsel, bailiffs, clerks, and judges shall wear masks with the exception of any mask writer court reporter. When speaking it may become necessary for trial participants to remove their masks.
3. After entering the Courthouse jurors will report to the jury assembly room. The first 30 jurors will be placed in the jury assembly room which will allow for social distancing. The next 22 jurors will be placed in Courtroom 4C which will allow for social distancing. The next 10 jurors will be placed in Courtroom 4B which will allow for social distancing. Trial experience in Randolph County reflects that the maximum number of jurors reporting in non-covid conditions out of 75 summoned, will be 45-55. Jurors shall continue to wear masks while waiting to report.
4. The jurors will be brought to Courtroom 4A for jury selection. Each juror shall be spaced at least six feet from the jurors beside and in front and behind them. If the number of jurors reporting will not allow for 6 feet distancing in Courtroom 4A, the Court initially will select 40 jurors at random to be brought to Courtroom 4A for jury selection and the clerk shall call at random jurors from the 40 to the box for selection. Should jury selection exhaust 35 of the 40 jurors, then the balance of jurors waiting in the assembly room or overflow courtrooms will be brought to courtroom 4A and required to space six feet apart. The venire will then be re-randomized for selection.
5. The jury will be required to wear masks at all times in the jury box, except as set out below. The jury will be required to wear masks at all times in Courtroom 4A during the selection process unless the judge finds on the record the venire contained in Courtroom 4A is properly socially distanced.
6. If jury selection is required to be recorded and the court reporter is unable to understand the jurors while wearing masks, it may be necessary to allow jurors to answer questions without a mask. If required the Judge, may in the judge's discretion limit selection to 4 jurors to the box. This will allow for full social distancing within the jury box. The Clerk will record and announce the trial jury seat that the juror is assigned regardless of the seating array of the jurors during selection. Each juror will continue to wear a mask except when questioned by counsel. The selected jurors will be excused with a time or date to report and the Court will continue the process until a full panel is selected.
7. The jurors selected to serve will be placed in the jury box in every other seat on the back row and every other seat in the front row. The front row shall be offset so that no jurors will be seated directly in front of any other juror. Each juror will be 4'5" from the juror to their side. Each juror will be approximately 5' from the juror diagonally in front of them. The other five jurors will be placed in chairs outside of the jury box, directly in front of the box, in a row of three and then a row of two set diagonally in front of the row of three. Each juror again placed approximately 4'5"

inches apart from the juror to the side with approximately five feet from the juror behind or in front of them.

8. Counsel tables shall be placed so that counsel will be at least six feet from the closest juror.
9. While selection is proceeding, the Court shall take longer breaks and allow the jurors the option of going outside. Otherwise they shall take breaks wearing masks and observing social distancing.
10. After the trial begins, any time the jury is sent out, they shall be placed in the jury assembly room which will provide ample space for social distancing for the trial jury.
11. Jury deliberations shall take place in the jury assembly room.
12. Closing arguments and opening statements will be given at least six feet from the closest juror.

VII.

PLANS FOR COVID TRIAL DISRUPTION

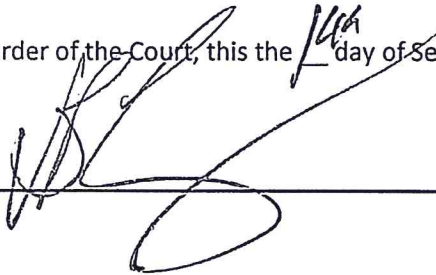
1. As set out above, no person is allowed to enter the Courthouse if they acknowledge symptoms, have a positive test within 15 days, or have a fever. Again, this is true for each entry into the courthouse by all persons. The provisions will hopefully mitigate against a Covid disruption of the trial.
2. Should a Defendant or Defendant's counsel or the District Attorney be required to quarantine, after the trial has begun the Court will have no choice but to declare a mistrial. The jury will be informed as to the reasons for the mistrial and the Randolph County Health Department will be so informed. All information of everyone involved in the trial will be forwarded to the health department. While the jurors will not be within six feet of the Defendant or counsel, the jurors will be informed to self-quarantine until contacted by the Health Department.
3. As to a Covid event involving someone involved with the trial other than the Defendant or Counsel, the trial judge shall be compelled to consult with the Randolph County Health Department and describe the Covid event, the person's connection to the trial, the duration and nature of any exposure to the courtroom, to determine if the trial can proceed safely. The Court shall determine after consultation with the Health Department if the trial may proceed safely. Whether the trial continues, the judge shall follow the recommendations of the Health Department as to notifying all trial participants including jurors as to the event and any action required.
4. Should a juror suffer some type of Covid event, the trial judge shall be required to consult with the Randolph County Health Department. The judge shall fully describe the event and the contact between the juror and other jurors and after consultation with the Health Department determine if the trial can proceed safely. Whether the trial continues, the Court shall follow the recommendations of the Health Department as to notifying jurors and all trial participants as to the event and advising them as to the action required.

VIII.

DEFENSE COUNSEL'S EXECUTION OF PROTOCOL

1. The Court, complying with the Chief Justice's Directive, requires execution of the Protocols by the following defense attorneys, on behalf of the Defense bar, Clark R. Bell, experience trial counsel and State Bar Counselor for Judicial District 19-B and Taylor Browne, experienced trial counsel and Secretary of the Judicial District 19-B Bar.

With the Consent of all parties set out below, by order of the Court, this the 14th day of September, 2020.

A handwritten signature in black ink, appearing to read 'Vance Bradford Long', is written over a horizontal line. The signature is stylized and cursive.

Vance Bradford Long

Senior Resident Superior Court Judge

Judicial District 19-B

Please find attached signatures of the following officials; to Judicial District 19-B Jury Protocols.

Hon. Lee W. Gavin, **District Court Judge**

Hon. Andrew M. Gregson, **District Attorney**

Gregory J. Seabolt, **Randolph County Sherriff**

Hon. Pamela L. Hill, **Clerk of Court**

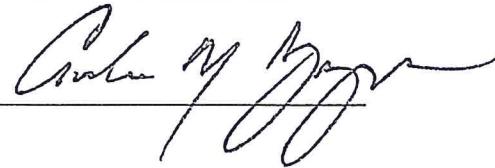
Susan D. Hayes, **Director of Randolph County Health Department**

Clark R. Bell, **Attorney and 19-B Bar Counselor**

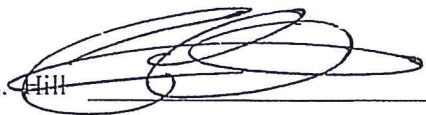
Taylor Browne, **Attorney and Secretary of Judicial District 19-B Bar**

I approve and consent to the protocol set out above.

Lee W. Gavin  8-27-20


Andrew M. Gregson 

Gregory J. Seabolt _____

Pamela L. Hill 

Susan D. Hayes _____

Clark R. Bell 

Taylor Browne 

I approve and consent to the protocol set out above.

Lee W. Gavin _____

Andrew M. Gregson _____

Gregory J. Seabolt _____

Pamela L. Hill _____

Susan D. Hayes *Susan D. Hayes*

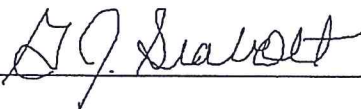
Clark R. Bell _____

Taylor Browne _____

I approve and consent to the protocol set out above.

Lee W. Gavin _____

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Pamela L. Hill _____

Susan D. Hayes _____

Clark R. Bell _____

Taylor Browne _____