

2021 MAR 11 PM 2 04

SHEILA STUDDARD, CLERK ⁵

Fayette County – Jury Trial Reopening Plan
State of Georgia
Griffin Judicial Circuit
Effective April 1, 2021

*****This Plan shall be filed with the Clerk of Court and shall be made available to the public*****

In accordance with the Guidance for Resuming Jury Trials, released by the Supreme Court, a committee of judicial system participants was held on September 24, 2020 and the following plan was created for resuming jury trials.

Exhibits A, B and C to this Reopening Plan shall be mailed to prospective grand and trial jurors with their subpoena. Exhibits D and E to this Reopening Plan shall be utilized by the Clerk's Office for pre-screening of both grand and trial jurors.

Courthouse Preparation and Sanitation

1. The county will ensure that the cleaning policy is adequate for when the courthouse and courtroom are reopened for jury trial. This shall be the responsibility of the building engineer.
2. The county has purchased antibacterial / viral atomizers for use at the courthouse.
3. The atomizer will be operated by the bailiffs or other individuals identified by the building engineer.
4. During jury empaneling, the atomizer will be operated after each panel is dismissed in all locations used by potential jurors, including jury assembly rooms, courtrooms, lobbies, elevators, stairwells, and restrooms.
5. Once a jury is empaneled and the jury trial has begun, the atomizer will be used at all locations used by jurors, trial participants, and the public, including jury assembly rooms, courtrooms, lobbies, elevators, stairwells and restrooms at the conclusion of each trial day, or in the morning before court resumes.
6. The county will ensure that the air filtration system is upgraded to a MERV-13 or the maximum capacity air filter available for the system. This shall be the responsibility of the building engineer.
7. At the conclusion of each trial session, all areas will be deep cleaned.
8. All restrooms will be cleaned and disinfected after breaks in the proceedings, including restrooms available to the jurors, public and trial participants. Disinfectant products will remain in the restrooms for use. This shall be the responsibility of the building engineer.

ADMINISTRATIVE ORDER #2021-01

Fayette County – Jury Trial Reopening Plan

9. Mask and face covering and social distancing protocols will be posted prominently around the courthouse. This shall be the responsibility of the Clerk.
10. Social distancing directional markers have been placed or will be placed around the courthouse, with specific focus on entryways to the courthouse, courtrooms and restrooms, elevators and stairwells. This shall be the responsibility of the Clerk and building engineer.
11. The county has placed or will place hand sanitizer dispensers at courthouse entrances, near security checkpoints, and in every room where trial participants or the public will be present. This shall be the responsibility of the building engineer.
12. Plexi-glass barriers have been or will be installed between court personnel, witnesses, and trial participants. This shall be the responsibility of the building engineer.
13. Where possible, doors will be held open by door stoppers or court personnel as jury panels and trial participants are entering and exiting rooms to avoid individuals touching door handles.
14. Disinfectant products will be provided for the jury and in the restrooms. This shall be the responsibility of the building engineer.
15. Face masks will be provided for any trial participant who does not have one.
16. Face shields will be available for use, where necessary. This shall be the responsibility of the Clerk.
17. Bailiffs or clerks will monitor the number of individuals using elevators to ensure that individuals are able to socially distance within the elevator.
18. In the event a trial participant tests positive for COVID-19, has a recent exposure to COVID-19, or is experiencing new symptoms of COVID-19, that individual shall contact a deputy or a Clerk. A form will be completed by the individual receiving the report that includes the individual's name and contact information. The contact form will be provided to the Clerk and to the presiding Judge. The Judge shall determine the status of that individual's participation and the status of the trial, in accordance with the guidelines. The Clerk or Judge shall notify the Department of Health.

Courtroom

1. Markers or tape have been placed to delineate proper socially distanced seating in the courtroom for the jurors and the public.
2. The courtroom has dedicated, socially distanced seating for the defendant's family, victim, victim's family, general public, and media, if necessary.

3. At the start of each trial session, it will be confirmed that each juror, party and counsel can see and hear the proceedings from their place in the courtroom, using digital devices, where necessary and available. This shall be the responsibility of the Presiding Judge.
4. Where necessary, additional monitors will be added throughout the courtroom to allow all trial participants to see witnesses and evidence.

Security

1. A screening plan has been created with the assistance of courthouse security and law enforcement. The screening plan includes temperature checks and COVID-19 screening questions to be conducted. Where possible, the screening will occur outside, prior to entry to the courthouse. This shall be the responsibility of the Sheriff.
2. Additional deputies will be provided for jury management, transport of in-custody defendants and in-court witnesses. This shall be the responsibility of the Sheriff.
3. In the event a trial participant cannot wear a mask or refuses to wear a mask, courtroom security shall complete the contact form and notify the Clerk and the presiding Judge. The Judge shall determine the status of that individual's participation and the status of the trial, in accordance with the guidelines. The use of face shields will be considered.
4. All trial participants will be placed in a way that allows courtroom security access to the courtroom.

Jury Trial Scheduling

1. Fewer cases shall be scheduled for a given trial term, giving consideration to the capacity guidelines for the courthouse. No more than three (3) cases will be called at any specific time. Priority will be given to criminal cases. Cases not called for immediate trial shall be placed "on call" at the discretion of the presiding judge.
2. A master calendar for all judges in the courthouse will be prepared to avoid scheduling conflicts. The calendar shall be maintained by the Clerk and shared with the Judges, Sheriff and bailiffs.
3. Judges will cooperate with one another to restrict and/or limit other in-person court calendars during jury selection and jury trials to limit the number of individuals entering the courthouse. This includes coordination with Superior, State, Magistrate, Juvenile and Probate Courts, where necessary.
4. Pre-trial conferences and calendar calls will be conducted via virtual means, or socially-distanced, unless directed otherwise by the presiding judge. At the pre-trial conference, all pending motions and pre-trial issues will be discussed, and a hearing date will be set for all pre-trial motions and pleas to be heard prior to the start of jury selection.

Summoning the Jury

1. More jurors will be summoned in anticipation that more prospective jurors will be needed to seat a jury.
2. Summons will be sent earlier than normal to ensure that jury questionnaires are received and requests for excusals and deferments are timely reviewed.
3. A notice will accompany summons that identifies the specific steps taken by the court to ensure safety and compliance with CDC guidelines.
4. A jury questionnaire will be sent with all summons, with instructions for the prospective juror to return the questionnaire to the Clerk. The questionnaire shall include the address, phone number and email of the Clerk. The questionnaire will include COVID-19 screening questions, and general voir dire questions.
5. The Clerk shall follow up with each prospective juror with regard to COVID-19 screening via telephone.
6. Requests for excusal or deferment shall be at the discretion of the presiding Judge. The review of these requests shall occur without the potential juror appearing at the courthouse but can include a virtual interview of the potential juror by the presiding Judge.

Jury Selection

1. At least one full day will be dedicated for the selection of a jury.
2. Jurors will be summoned in panels of no more than twelve (12) at staggered times throughout the day, with consideration to any other jury trials or bench trial calendars scheduled for that day.
3. If a potential juror arrives prior to their dedicated arrival time, they will be instructed to wait outside or in their personal vehicle with cellular phone access until their time of arrival.
4. After check-in, jurors will be sent directly to the room designated for jury selection.
5. Jury selection shall occur in the courtroom gallery, jury assembly room or other available room large enough to accommodate panels of twelve (12) with appropriate social distancing.
6. A minimum of two alternate jurors will be selected with each jury.
7. When answering voir dire questions, potential jurors shall use face shields or be spaced with social distancing, of at least 10 feet or more, to allow removal of masks while speaking, if necessary to be understood.

8. Counsel will use separate tables or microphones while questioning jurors. In the event separate tables or microphones are not available, the tables, podiums and microphones will be disinfected after each person has questioned the potential jurors. Disposable microphone covers will be utilized, where available.
9. Where a potential juror cannot be heard by counsel, a microphone shall be provided to the potential juror. Microphones will be disinfected after each juror. Disposable gloves and microphone covers will be utilized. This shall be performed by the bailiffs.
10. Strikes for cause shall be brought up immediately when the challenge arises, or immediately prior to the panel being excused for the next panel.
11. Unless specifically objected to by a party, striking the jury will occur outside the presence of the potential jurors, after panels are released. Jury panels can be released after questioning and the Clerk will notify the potential jurors by telephone if they have been selected or if they have been excused.
12. Jurors will be empaneled for up to four (4) weeks but will be instructed to report for only one (1) of the four (4) weeks, unless they are continuing a case that has already started.

Jury Management

1. The jury will be socially distanced at least six (6) feet apart throughout the courtroom utilizing the jury box, the gallery and additional seating, at the discretion of the presiding Judge.
2. Hand sanitizer will be provided in all locations where the jury will be located.
3. Jurors will be provided restrooms close to their location. These restrooms will be designated for juror use only and will be monitored by deputies. Where necessary, jurors will be released in smaller groups for restroom breaks to avoid jurors congregating outside of restrooms.
4. Breaks for jurors will occur in a room large enough to accommodate all jurors, plus alternates, socially distanced. The jury can be divided into smaller groups if necessary to accommodate social distancing. Additional bailiffs will be present in all locations where jurors are present.
5. Jurors will be encouraged to bring sealed snacks and drinks from home. Jury staff will remind jurors prior to the jurors report date.
6. Jurors will be provided single use notebooks and writing utensils for taking notes during the trial. At the conclusion of each day, each juror shall place their notebook and writing utensil in a large resealable bag which shall be collected by the Clerk, sanitized, and placed in the Clerk's office. At the conclusion of the trial, the used pages of the notebook will be shredded and the unused pages and writing utensils will be disposed of or taken home by the individual juror.

7. Seats will be assigned to jurors during the trial and jurors will be instructed to sit only in their assigned seat.

Conducting the Trial

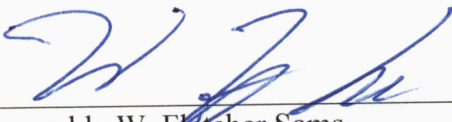
1. All trial participants, including all jurors, will be screened and asked COVID-19 questions prior to entering the courthouse each time they enter.
2. In the event a trial participant fails the screening by courthouse security, a form will be completed by security that includes the individual's name and contact information. The individual will be instructed to wait in their vehicle or outside until further instruction. The contact form will be provided to the Clerk and to the presiding Judge. The Judge shall determine the status of that individual's participation and the status of the trial, in accordance with the guidelines. The Clerk shall notify the Department of Health immediately.
3. If no witness room allowing social distancing is available, trial witnesses will be encouraged to remain outside or in their personal vehicles with cellular phone access until they are called to testify.
4. Witnesses will be placed behind plexi-glass and will be permitted to remove their face masks while testifying, if necessary to be understood.
5. Counsel is encouraged to stipulate as to authenticity and admissibility of exhibits prior to trial. Objections to evidence can be presented to the Judge at the pre-trial conference or pre-trial motions hearing.
6. Counsel is encouraged to utilize digital exhibits wherever feasible to reduce handling of paper or physical evidence in the courtroom. Digital exhibits will be presented to the jury via monitors located in the courtroom and/or individual devices given to the jurors.
7. Counsel must provide a hard copy of all digitized exhibits for the Judge and the court reporter prior to the start of the trial to reduce handling of paper in the courtroom.
8. In the event that exhibits must pass between trial participants, one court staff member, as designated by the Presiding Judge, shall be responsible for transferring the exhibits, using gloves and disinfectant.
9. Side bar conversations will be discouraged. However, to the extent necessary, side bar conversations shall occur at the bench, with plexi-glass between counsel and the judge and all attorneys wearing face masks. Where available, a microphone will be utilized which will transmit the content of the side bar to the Defendant and to the court reporter. If a microphone is unavailable, side bar conversations must be done outside of the presence of the jury, unless presence is waived by all parties.

10. The Court shall ensure that there is an opportunity for confidential attorney client communications. Counsel will be encouraged to use written or digital means of communication. Where available, dedicated microphone and headsets will be available for communication. Alternatively, the Court can take a recess to allow the attorney/client conferences outside of the presence of the jury.
11. If counsel uses a podium for questioning witnesses and addressing the jury, the podium and microphone will be sanitized after each use. Disposable microphone covers will be utilized where available.
12. Defense counsel should be provided access to incarcerated defendants beginning at least thirty (30) days prior to the start of the trial for trial preparation. This can be conducted via virtual means, where available.

Jury Deliberations

1. Jury deliberation shall occur in the courtroom gallery, jury assembly room or other room enough to accommodate twelve (12) jurors with appropriate social distancing, at the discretion of the presiding Judge. For trials with six (6) jurors, the attorney lounge may be used as a jury room. The Court shall ensure that all audio and visual equipment is turned off in the room utilized for jury deliberation. A bailiff will be placed outside every door of the room used for deliberations.
2. Dedicated restrooms will be available for jurors for use during deliberations.
3. Counsel must provide a hard copy of all digitized exhibits for the jury to review during deliberations.
4. Disposable gloves, disinfectant, and hand sanitizer will be provided to the jury for the review and handling of hard copies of exhibits. One set of the hard copies will be available to the jury on a separate table with each juror reviewing the evidence individually and socially distanced.

Entered and effective this 11th day of March, 2021.



Honorable W. Fletcher Sams
Chief Judge, Superior Court of Fayette County
Griffin Judicial Circuit

Ex: A



W. Fletcher Sams, Judge
Superior Courts
Griffin Judicial Circuit

Fayette County Justice Center
One Center Drive
Fayetteville, GA 30214
770-716-4282
Fax: 770-716-4862

Fayette County
Pike County
Spalding County
Upson County

March 11, 2021

***The right to trial by jury is more important to the preservation of this
government than is the right to vote.
~Thomas Jefferson~***

Dear Potential Jurors:

The above sentiment was shared by many of our Founding Fathers who risked life and liberty securing our rights to jury trials and Grand Jury indictment. Patriots' blood has been shed procuring these rights which survive only with the sacrifice of citizens willing to serve. Jury service is a patriotic duty.

We are mindful, however, of the COVID-19 pandemic which has frozen jury proceedings for over a year. We must get back to work, but we will do so taking every reasonable precaution to protect your safety. Everyone entering the courthouse will be screened for COVID-19 exposure and required to wear a mask. Social distancing of six feet or more is required. Hand sanitizer stations are maintained throughout the courthouse. Courtrooms and jury rooms will be sanitized on a regular basis. Extra accommodations, such as increased social distancing, will be offered to those at high risk. Instead of in the Grand Jury room, you will meet in either the larger jury assembly room or a larger trial courtroom where there is plenty of room for increased social distancing.

Accompanying your summons is a list of legal reasons for excusal. In addition to those, we will consider excusal or accommodations for anyone with medical conditions or factors that make them "vulnerable persons". (See Questionnaire).

As soon as possible please fill out the enclosed questionnaire and return it per its instructions. We will use this information to contact and notify you of your report time and date. This will help keep attendance staggered and will enhance social distancing for your safety.

Please also note that you are required to call the number listed on the questionnaire within forty-eight hours in advance of your appearance date to confirm when and if you should appear and to confirm that you are not experiencing any symptoms of and have no known exposure to COVID-19.

Thank you in advance for your consideration and service.

CHIEF JUDGE W. FLETCHER SAMS
Superior Court of Fayette County

JUDGE SCOTT L. BALLARD
Superior Court of Fayette County

JUDGE BENJAMIN D. COKER
Superior Court of Fayette County

JUDGE BEN J. MILLER, JR.
Superior Court of Fayette County

JUDGE JASON THOMPSON
State Court of Fayette County

Fayette County Superior Court
Post Office Box 130
Fayetteville, GA 30214

Ex: B
jury.fayette@gmail.com
(770) 716-4310

TRIAL JUROR QUESTIONNAIRE

Please fill out this Questionnaire and deliver it by mail or e-mail to the Clerk of Court at the address listed above. It is important that this information is provided accurately and completely to the best of your ability. We will use this information to contact you to assign your specific appearance time in order to maintain social distancing.

Please note that you are required to call the number listed above within forty-eight (48) hours in advance of your appearance date to confirm when and if you should appear and to confirm that you are not experiencing any symptoms of and have no known exposure to COVID-19.

Your Name: _____

Cell Phone: _____

E-mail address: _____

Are you seeking to be excused? Yes _____ No _____

If yes, please fill out the form on the back of your summons and send it in (it does not need to be notarized).

Have you tested positive for COVID-19? Yes _____ No _____

If yes, when? _____

Have you recently been exposed to anyone who has tested positive to COVID-19? Yes _____ No _____

If yes, when and what was the length of exposure? _____

Are you ill or sick in any way, or do you have any symptoms of COVID-19? Yes _____ No _____

Are you a "vulnerable person" or do you provide custodial or residential care for a "vulnerable person"? ("Vulnerable persons" are defined as individuals who are over age 60, and individuals with serious underlying health conditions, such as high blood pressure, chronic lung disease, diabetes, obesity, asthma, and those whose immune systems are compromised by chemotherapy or other treatments or medical conditions.)

Yes _____ No _____

Have you received the COVID-19 vaccine? Yes _____ No _____ Prefer not to answer _____

If yes, date of first shot? _____ Date of second shot? _____

Are you otherwise able to serve on a Fayette County Jury? Yes _____ No _____

If not, please explain why: _____

If you need help completing this form, please call the Court's representative at the number listed at the top of this form.

Signature: _____

Date: _____

Fayette County Superior Court
Post Office Box 130
Fayetteville, GA 30214

Exc
jury.fayette@gmail.com
(770) 716-4310

GRAND JURY QUESTIONNAIRE

Please fill out this Questionnaire and deliver it by mail or e-mail to the Clerk of Court at the address listed above. It is important that this information is provided accurately and completely to the best of your ability. We will use this information to contact you to assign your specific appearance time in order to maintain social distancing.

Please note that you are required to call the number listed above within forty-eight (48) hours in advance of your appearance date to confirm when and if you should appear and to confirm that you are not experiencing any symptoms of and have no known exposure to COVID-19.

Your Name: _____

Cell Phone: _____

E-mail address: _____

Are you seeking to be excused? Yes _____ No _____
If yes, please fill out the form on the back of your summons and send it in (it does not need to be notarized).

Have you tested positive for COVID-19? Yes _____ No _____
If yes, when? _____

Have you recently been exposed to anyone who has tested positive to COVID-19? Yes _____ No _____
If yes, when and what was the length of exposure? _____

Are you ill or sick in any way, or do you have any symptoms of COVID-19? Yes _____ No _____

Are you a "vulnerable person" or do you provide custodial or residential care for a "vulnerable person"? ("Vulnerable persons" are defined as individuals who are over age 60, and individuals with serious underlying health conditions, such as high blood pressure, chronic lung disease, diabetes, obesity, asthma, and those whose immune systems are compromised by chemotherapy or other treatments or medical conditions.)
Yes _____ No _____

Have you received the COVID-19 vaccine? Yes _____ No _____ Prefer not to answer _____
If yes, date of first shot? _____ Date of second shot? _____

Are you otherwise able to serve on the Fayette County Grand Jury? Yes _____ No _____
If not, please explain why: _____

If you need help completing this form, please call the Court's representative at the number listed at the top of this form.

Signature: _____

Date: _____

Have you received the COVID-19 vaccine? Yes _____ No _____ Prefer not to answer _____
If yes, date of first shot? _____ Date of second shot? _____

Do you have any questions or concerns about the safety precautions being taken during Grand Jury service? If yes, explain the safeguards in place.

Please contact the Clerk immediately if before jury service, you experience new symptoms or exposure to COVID-19.

If we don't hear from you otherwise, we will contact you to confirm your attendance and report time no later than 48 hours prior to your report time. In the event that you do not hear from us by that time, you are required to contact us at the number listed above to confirm your attendance and report date/time.

Please note that you are required to call the number listed above within forty-eight (48) hours in advance of your appearance date to confirm when and if you should appear and to confirm that you are not experiencing any symptoms of and have no known exposure to COVID-19.

Individual Excused Yes _____ No _____

If yes, reason Excused _____

If no,
Assigned Date _____
Assigned Report Time _____

Fayette County Superior Court
Post Office Box 130
Fayetteville, GA 30214

68 D
jury.fayette@gmail.com
(770) 716-4310

CLERK – TRIAL JUROR SCRIPT

Date of Call: _____ Time of Call: _____ Staff Member Initials: _____

Confirm Name: _____

Confirm Phone and Email: _____

Are you seeking to be excused for any reason listed on the summons? Yes _____ No _____

Are you seeking to be excused for reasons related to COVID? Yes _____ No _____

Are you a "vulnerable person" or do you provide custodial or residential care for a "vulnerable person"?
Yes _____ No _____

("Vulnerable persons" are defined as individuals who are over age 60, and individuals with serious underlying health conditions, such as high blood pressure, chronic lung disease, diabetes, obesity, asthma, and those whose immune systems are compromised by chemotherapy or other treatments or medical conditions.)

- If yes, do you wish to be excused or wish to serve on grand jury?
 - o If they want to be excused, they are excused.
 - o If they want to serve, explain safeguards and offer additional social distancing.
- If no, continue to additional questions.

Have you been tested positive for COVID-19 in the last 30 days? Yes _____ No _____

- If yes, what is the last day that you tested negative? _____

If you have tested positive in the last 30 days, but have not yet had a negative test, please keep the Court updated as to when you plan to take another test.

Have you been exposed to anyone who has tested positive to COVID-19 in the 14 days?

Yes _____ No _____

- If yes, have you been tested or had any symptoms of COVID?

Do you feel ill or sick in any way, or do you have any symptoms of COVID-19?

Yes _____ No _____

(Symptoms include: fever of over 100.4, dry cough, tiredness, aches and pains, sore throat, diarrhea, headache, loss of taste or smell, rash on skin, difficulty breathing or shortness of breath, chest pain or pressure, loss of speech or movement)

Ex E

CLERK – TRIAL JUROR SCRIPT (SECOND PHONE CALL)

Date of Call: _____ Time of Call: _____ Staff Member Initials: _____

Confirm Name: _____

Confirm Phone and Email: _____

Has the individual tested positive for COVID-19 since they completed the questionnaire?

Yes _____ No _____

- If yes, they are excused.
- If no, continue to additional questions.

Has the individual been exposed to anyone who has tested positive to COVID-19 since they completed the questionnaire?

Yes _____ No _____

- If yes, they are excused.
- If no, continue to additional questions.

Does the individual feel ill or sick in any way, or do you have any symptoms of COVID-19 since they completed the questionnaire?

Yes _____ No _____

(Symptoms include: fever of over 100.4, dry cough, tiredness, aches and pains, sore throat, diarrhea, headache, loss of taste or smell, rash on skin, difficulty breathing or shortness of breath, chest pain or pressure, loss of speech or movement)

- If yes, they are excused.
- If no, continue to additional questions.

Have you received the COVID-19 vaccine? Yes _____ No _____ Prefer not to answer _____

If yes, date of first shot? _____ Date of second shot? _____

Confirm appearance date and time.

Individual Excused Yes _____ No _____

If yes, reason Excused _____

CONFIRMED:

Assigned Date _____

Assigned Report Time _____