

**ADMINISTRATIVE ORDER**  
**JURY TRIAL RESUMPTION PLAN**  
**JUDICIAL DISTRICT 19D**

Pursuant to the Orders of the Chief Justice of the Supreme Court of North Carolina in Emergency Directive 22 issued on the 16<sup>th</sup> day of July, 2020, and as amended on the 24<sup>th</sup> day of August, 2020, this Administrative Order shall constitute the jury trial resumption plan for Superior Court Judicial District 19D (Moore and Hoke Counties).

**I. Jury Summons and Daily Screening**

- A. Each Clerk of Superior Court shall summons jurors to report on a date certain so that no more than about 25 to 30 jurors report on any one day. (It is suggested that 75 jurors be summoned to report each of the first two days of a jury term of court; this Court being informed that when 75 jurors were summoned for each county in July 2020 for grand jury selection and service, 27 jurors in each county reported.)
- B. Jurors summonsed may request to be excused for COVID-19 related reasons and other statutorily permitted reasons by written request to the Clerk of Superior Court's Office for transmittal to the Chief District Court Judge or his designee or designees for consideration.

- C. As has been the practice of this District for more than a decade before the COVID-19 pandemic, the first group of 75 jurors summonsed shall call the Clerk of Superior Court's office between 12:00 Noon and 1:00 PM on the day they were noticed to report for specific reporting instructions and the second group of 75 jurors summonsed to report on Day 2 of the trial week shall also be noticed to call the Clerk of Superior Court's Office between 12:00 Noon and 1:00 PM on the day they were noticed to report for specific reporting instructions.
- D. Absent further Orders of the Chief Justice of the Supreme Court of North Carolina, each jury notice shall inform the prospective juror that social distancing and the wearing of face coverings a.k.a. masks are mandatory and, further, that masks and sanitizers will be made available for juror use. Each Clerk is directed to include with each jury summons the following directions: "For information regarding your jury service during COVID-19 visit [www.nccourts.gov](http://www.nccourts.gov).
1. In the "Search..." bar type COVID-19 FAQs;
  2. Under "Top results," click on "COVID-19 (CORONAVIRUS) Updates"
  3. Scroll down and click on the link, "Check your county's information;"

4. Scroll down and click on your county of residence (“Moore County” or “Hoke County”);
5. Then click on your county of residence’s “*Jury Service During COVID-19 Frequently Asked Questions.*”

Copies of Moore County’s and Hoke County’s “*Jury Service During COVID-19 Frequently Asked Questions*” are attached to this **ADMINISTRATIVE ORDER.**

- E. As is the current practice, each county courthouse security detail shall deny entrance into the courthouse or alternative court facility any person, including a juror, who has a body temperature of or in excess of 100.4 degrees; is symptomatic of COVID-19 as defined by the CDC, *to wit*: fever, cough, or shortness of breath; who has been directed to quarantine, isolate, or self-monitor by a qualified health care provider; or tests positive for COVID-19 or has a known exposure to someone who has tested positive for COVID-19 or is sick.

## **II. Jury Orientation.**

- A. Jury orientation in groups of about 25 – 30 jurors should be conducted in the courtroom, unless the presiding judge directs otherwise. No more than about 25 - 30 jurors should report at any one time for jury orientation and service.

- B. Each courtroom or alternative court facility shall be marked appropriately to ensure social distancing of at least 6 feet.

### **III. Jury Trials in Hoke County**

- A. This Court is aware that before the COVID-19 pandemic in 2013, a North Carolina Administrative Office of the Courts Safety and Health Specialist inspected the century-old Hoke County Courthouse; in 2019, a North Carolina Administrative Office of the Courts Safety and Continuity of Operations Manager inspected the Hoke County Courthouse; and in June 2019, at the direction of the undersigned Senior Resident Superior Court Judge, the Hoke County Grand Jury conducted a similar inspection of the Hoke County Courthouse; and all concluded the facility to be woefully deficient and inadequate and perhaps unsafe. This Court is also informed and concludes that the Hoke County Courthouse does not have a single jury room large enough to permit juror social distancing and other COVID-19 precautions during jury deliberations.
- B. It is recommended that jury selection and trials should take place in the Hoke County Courthouse utilizing a staggered jury reporting procedure.
- C. Upon completion of jury selection and with the jury socially distanced, jury trials should take place in the Hoke County

Courthouse. During the course of the trial when the need arises to excuse the jury from the courtroom, half should be sent to the jury deliberation room and the other half should be sent to a conference room located outside of the back of the courtroom labeled “Public Defender.” Jury deliberations should take place at an off-site facility capable of allowing jury social distancing and other COVID-19 precautions as well as security such as the Hoke County Library located a short walk from the Hoke County Courthouse.

- D. Each presiding judge shall have the discretion to conduct all or part, of a jury trial at an off-site facility as suggested or recommended by local court officials such as the Robert A. Wright Hoke County Agricultural Building or some other off-site facility as long as all COVID-19 precautions and protections are observed as recited in this Administrative Order and is in full compliance with each of the Chief Justice’s Emergency Orders in response to the COVID-19 outbreak and as long as the Hoke County Sheriff can provide essential security and safety protections.
- E. This Court requests the Sheriff of Hoke County, the Clerk of Superior Court of Hoke County, the Hoke County District Attorney, the Hoke County Public Defender, and any other knowledgeable Hoke County official to submit to the senior

resident superior court judge's office and/or to the presiding judges places where a Hoke County jury trial can be conducted safely, to include social distancing, and in full compliance with each of the Chief Justice's Emergency Orders in response to the COVID-19 outbreak.

- F. Each person selected to serve on a trial jury shall be given a disposable juror badge which can be printed from the **Resources** section of the COVID-19 page on **Juno**.
- G. The Hoke County District Attorney shall give trial priority to those defendants who have been held in pretrial detention.

#### **IV. Jury Trials in Moore County**

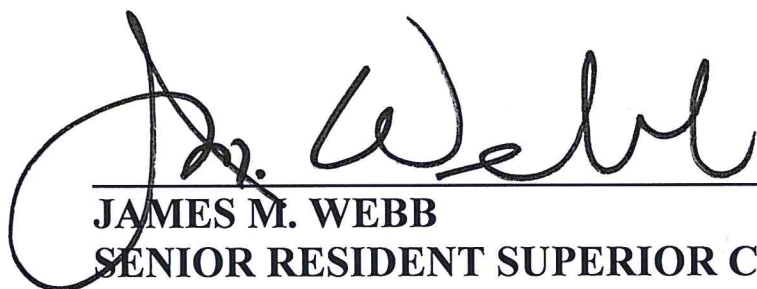
- A. Jury trials in Moore County should be held in the Moore County Courts Facility unless an alternative facility, such as the Moore County Agriculture Center, would be more feasible.
- B. This Court, in consultation with the Moore County Director of Property Management, has requested that the "Grand Jury Room" be enlarged to accommodate a trial jury of 13 jurors ensuring social distancing and other safety measures.
- C. Jurors shall be socially distanced both inside and outside of the jury box during jury selection and jury trial.
- D. The Moore County District Attorney shall give trial priority to those defendants who have been held in pretrial detention.

## V. RESPONSE PLAN

- A. In the event that a juror, defendant, attorney, witness, judge, or other courtroom personnel becomes symptomatic, tests positive for COVID-19, or has a known exposure to someone who has tested positive for COVID-19 during the trial and somehow has been permitted by security to enter the court facility, then such shall be brought to the attention of the presiding judge and the undersigned senior resident superior court judge as the district COVID-19 Coordinator.
- B. The trial judge should consider declaring a mistrial.
- C. The trial judge should disclose the development to the other trial participants.
- D. The trial judge should, based on advice from one or more of the following: the county Health Director; CDC Directives; Chief Justice of the North Carolina Supreme Court; Administrative Office of the Courts Christine E. Villaverde, MPP, Safety and Continuity of Operations Consultant; other knowledgeable court officials; and any other qualified health care provider:
1. Advise the other trial participants to quarantine;
  2. Advise the other trial participants of available testing resources.

THIS PLAN IS NOT INTENDED TO BE ALL INCLUSIVE NOR TO ANTICIPATE ALL EVENTUALITIES AS THAT WOULD BE IMPOSSIBLE. THIS PLAN IS INTENDED TO PROVIDE GUIDANCE AND FLEXIBILITY AND IS ALWAYS SUBJECT TO FURTHER REVISION BY THE UNDERSIGNED SENIOR RESIDENT SUPERIOR COURT JUDGE BASED ON DEVELOPING SCIENTIFIC AND MEDICAL DATA.

IT IS SO ORDERED AND SUBMITTED THIS THE 29<sup>TH</sup> DAY OF SEPTEMBER, 2020, AND MODIFIED THIS THE 3<sup>RD</sup> DAY OF NOVEMBER, 2020.

A handwritten signature in black ink, appearing to read "J. Webb", is written over a horizontal line. The signature is cursive and somewhat stylized.

**JAMES M. WEBB**  
**SENIOR RESIDENT SUPERIOR COURT JUDGE**  
**JUDICIAL DISTRICT 19D**