

NORTH CAROLINA
CATAWBA COUNTY

FILED

IN THE GENERAL COURT OF JURISDICTION
SUPERIOR COURT DIVISION
JUDICIAL DISTRICT 25B

2020 OCT 27 P 4: 32

FILE NO. 20-R- 315

CATAWBA CO., C.S.C

BY _____
ADMINISTRATIVE ORDER

JURY TRIAL RESUMPTION PLAN

NOW COMES the undersigned Senior Resident Superior Court Judge and Covid-19 Coordinator for Judicial District 25B who HEREBY ENTERS the following Order related to the Resumption of Jury Trials in Catawba County in response to the Coronavirus (COVID-19) pandemic.

IT APPEARING TO THE COURT that the Chief Justice of the North Carolina Supreme Court declared in her March 13, 2020 order, and subsequent orders, that under N.C.G.S. §7A-39(b)(2), catastrophic conditions exist in all counties within the State of North Carolina. Pursuant to Emergency Directive 22 entered on July 16, 2020, and extended by orders dated August 15, 2020, September 15, 2020 and October 15, 2020, the Chief Justice has directed that the undersigned craft a plan for the resumption of jury trials. The entry of the following order is therefore necessary to the proper administration of justice in Catawba County.

1. Confirmation of Compliance.

The undersigned hereby confirms the Catawba County Justice Center is in compliance with each of the Chief Justice's emergency orders in response to the Covid-19 pandemic.

2. Summoning and excusing jurors.

a) Beginning on or after the date specified by the Chief Justice as the earliest date allowed for the resumption of jury trials, the Clerk of Superior Court shall issue summonses for jurors in an amount, as much as is possible, such that the maximum capacity of the jury assembly room is not exceeded. Alternate rooms at the Justice Center may be used as jury assembly rooms or as overflow jury assembly rooms.

b) The Clerk shall issue summonses for three separate panels of jurors for each term of court unless otherwise directed by the Senior Resident Superior Court Judge. Panel 1 shall be scheduled for the first day of the session of court, Panel 2 for the second day and Panel 3 for the third day. The daily panels will be placed on telephone standby and instructed to call after 5:00 pm on the day before they are to report for instructions regarding when and where they are to report or call back.

c) Each jury summons will be accompanied with a copy of a letter written by the Senior Resident Superior Court Judge which will explain the importance of jury service and describe the

safety procedures and protocols put in place at the courthouse in response to Covid-19. Upon arrival at the Justice Center, each juror shall be provided a copy of the memorandum “Jury Service During Covid-19” and the “Juror Covid-19 Screening Document.”

d) The Clerk of Superior Court, by and through the jury coordinator, shall have the authority to rule upon requests for excuses and deferrals from prospective jurors and such requests shall be handled by email or telephone to the extent possible. The Clerk shall excuse jurors who do not meet the qualifications of jury service set out in N.C.G.S. 9-3. Prospective jurors who are currently positive for Covid-19 or who are subject to quarantine or who are currently experiencing symptoms of Covid-19, will be instructed in the letter sent with the summons to call the jury coordinator for further instructions. These individuals will be instructed not to appear for jury service and their service will be deferred for at least one month.

3. Conducting Jury Voir Dire

Jury voir dire shall be conducted in the courtroom using the modified courtroom design approved by the Catawba County Public Health Director and the Catawba County Emergency Management Coordinator. A six-foot social distance shall be maintained among all persons present in the courtroom. Defense counsel will be exempt from this distance restriction when dealing with their client. Jurors will be allowed to remove their face coverings only while actively speaking and answering questions during jury selection.

4. Conducting Jury Trials

a) The District Attorney shall publish a priority list for trial no less than three (3) weeks prior to the scheduled trial date. That trial priority list will contain no more than three (3) incarcerated defendants. The limitation on custody cases will remain in effect until the emergency directives expire or the opening of the new jail addition.

b) The Catawba County Jail will test each incarcerated defendant listed on the trial priority list. Those defendants are then to be placed into isolation at least five (5) days prior to their scheduled court date. The defendant(s) will remain in isolation until the completion of his/her trial.

c) The State and the Defense shall meet to discuss any issues related to cases listed on the trial priority list no later than two (2) weeks prior to the scheduled trial date. Any unresolved issues will be immediately brought to the attention of the Court.

d) Jury trials shall be conducted only in the courtrooms in which the furniture has been re-arranged to allow for social distancing among all participants, court personnel and the jury.

e) A separate empty courtroom shall be used as the jury deliberation room which shall be arranged such that jurors can maintain a six foot social distance. In the event a separate courtroom is unavailable, then the courtroom in which the trial is being conducted shall serve as the jury deliberation room, with everyone who is not a member of the jury being excused from the courtroom until such time as the jury reaches a verdict or otherwise calls for the bailiff.

f) Each juror, court personnel, attorney, witness, party and spectator shall be screened daily by the presiding judge, or his or her designee, by verbally asking each such person whether they have 1) traveled internationally within the previous 14 days; 2) been directed to quarantine, isolate or self-monitor for Covid-19; 3) been exposed to anyone who has tested positive for Covid-19 within the previous 14 day period; 4) been or are currently experiencing any Covid-19 symptoms; or 5) been residing with or had close contact with anyone who falls into any of the above categories.

g) Attorneys shall not be allowed to remove their face coverings. Attorneys shall either remain seated or stand within a designated area marked with tape on the floor when addressing the jury during opening statements and closing arguments. The presiding judicial official may, upon a showing of good cause and after consideration of all appropriate health concerns, exempt a criminal defendant from the requirement to wear a face covering during his or her jury trial.

h) Witnesses shall be allowed to remove their mask only when actively speaking and answering questions and shall remain behind the plexiglass enclosure of the witness box. The witness stand shall be sanitized after each witness testifies by the bailiffs.

i) All trial exhibits, if possible, shall be published to the jury using the in court digital audio-visual technology. No exhibit shall be passed to the jury or a witness except upon express permission of the presiding judge. In the event an exhibit is passed to the jury, the witness/jurors shall be provided gloves.

j) Each juror, court personnel, attorney, witness or party shall be encouraged to bring their own face mask, but in the event they are without a face mask, the court shall provide them one.

k) In the event any participant in a trial becomes symptomatic or tests positive for Covid-19, or has a known exposure to someone who has tested positive for Covid-19 during a trial, the Presiding judge shall, after hearing from counsel, exercise his or her sound discretion and either continue the trial until such time as it can be reconvened in a safe manner, or declare a mistrial. The undersigned recognizes that each trial and each incident in this regard will present its own unique circumstances and that it would be nearly impossible to develop a hard and fast prospective plan that will address each individual case. Each incident in this regard will require a balancing of the rights of the parties and the administration of justice with the safety of all concerned.

THIS ORDER IS HEREBY ENTERED with the intent of protecting the health and well-being of the citizens of Catawba County and the employees who work within the Catawba County Justice Center while providing orderly access to our Judicial System. It is contemplated that this Order may be updated and revised as the current pandemic progresses and as scientific and medical advancements are made, such that the Court's orders will appropriately reflect and incorporate the recommendations of national and local medical and health experts.

IT IS FURTHER ORDERED that this Administrative Order shall be in addition to all previous Administrative Orders entered concerning the Coronavirus (COVID-19) pandemic and shall expire when all Emergency Directives entered by the Chief Justice expire or upon further order of the Court.

Entered this the 27 day of October, 2020.



Nathaniel J. Poovey
Senior Resident Superior Court Judge
Covid-19 Coordinator
Judicial District 25B