

STATE OF NORTH CAROLINA
BUNCOMBE COUNTY

IN THE GENERAL COURT OF JUSTICE
SUPERIOR AND DISTRICT COURT DIVISIONS

FILED

ADMINISTRATIVE ORDER
JURY TRIAL RESUMPTION PLAN
28th Judicial District

2020 SEP 28 A 9: 22

BUNCOMBE COUNTY, C.S.C.

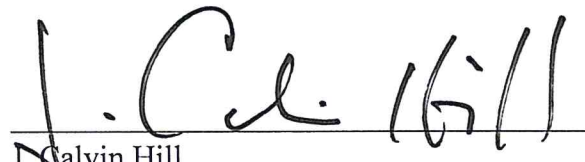
This matter comes on before Alan Z. Thornburg, Senior Resident Superior Court Judge, in the exercise of the Court's in chambers jurisdiction. The undersigned judge makes the following order subject to an order previously entered by Chief Justice Cheri Beasley of the Supreme Court of North Carolina.

1. On July 16, 2020, Chief Justice Cheri Beasley entered an order pursuant to N. C. Gen. Stat. 7A-39(b)(2) ("the Order") that catastrophic conditions resulting from the COVID-19 outbreak have existed and continue to exist in all counties of this state.
2. Pursuant to Emergency Directive 22 of the Order, the chief justice has directed that each senior resident superior court judge, in consultation with other local officials, craft a plan for the resumption of jury trials in his/her district.
3. The undersigned senior resident superior court judge, chief district court judge, clerk of superior court, district attorney, public defender, Buncombe County sheriff, and Buncombe County public health director do HEREBY MAKE the attached JURY TRIAL RESUMPTION PLAN:

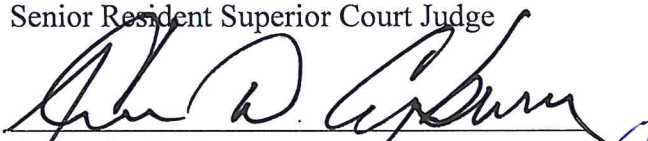
This the 30th day of September, 2020.



Alan Z. Thornburg
Senior Resident Superior Court Judge



J. Calvin Hill
Chief District Court Judge



Steven D. Cogburn
Clerk of Superior Court



Todd Williams
District Attorney



LeAnn Melton
Chief Public Defender



Quentin Miller
Buncombe County Sheriff



Stacie Saunders
Buncombe County Public Health Director

JURY TRIAL RESUMPTION PLAN

28th JUDICIAL DISTRICT

Upon notification by the chief justice of the North Carolina Supreme Court that jury trials may resume, the following safety protocols shall be implemented within the 28th Judicial District:

1. Prospective jurors will be summoned at least 4 weeks prior to the scheduled trial date(s). The trial court administrator and the jury clerk shall discuss the numbers needed per term. Predicated on historical data yield, the number of potential jurors summoned will be adjusted in anticipation of an increased number of excuses or deferrals during the pandemic.

Each jury summons shall be accompanied by a copy of *Jury Service During COVID-19 FAQ* (Attachment A) to inform potential jurors of the steps the North Carolina court system is undertaking to ensure their safety.

If a potential juror fits any of the following categories, he/she will not attend any jury proceedings:

- a. Have traveled within the preceding 14 days internationally or in high risk areas per the Center for Disease Control (hereinafter CDC) website (<http://www.cdc.gov/coronavirus/2019-ncov/travelers/map-and-travel-notices.html#travel-1>) travel map;
- b. Are experiencing fever, cough or shortness of breath or other symptoms as listed in the CDC website (<https://www.cdc.gov/coronavirus/2019-ncov/symptoms-testing/symptoms.html>);
- c. Have been directed to quarantine, isolate or self-monitor during the time of anticipated jury service;
- d. Have a known exposure to COVID-19 and have not been cleared for public reentry;
- e. Have been diagnosed with COVID-19 and have not been cleared for public reentry; or
- f. Reside with or have been in close contact with any person in any of these categories.

If a potential juror falls within any of these categories, the juror will be directed to contact the clerk's office and advise as to the applicable category. The potential juror will not report for jury service if he/she is in one of these categories. That individual's jury service will be deferred.

2. In-person jury excuses will be suspended. The jury summons will contain sufficient information/explanation indicating the communication method by which a potential juror may request to be excused or deferred.

Requests for deferrals and excuses shall be liberally granted taking into account CDC guidance with regard to high risk individuals and the special circumstances of persons who act as caregivers and essential workers in the health/service industries. Orders for Show Cause for failure to appear will not be issued for the remainder of calendar year 2020.

3. Upon entry into the courthouse, each prospective juror will have his/her temperature taken by contactless thermo reading. In addition, hand sanitizer and face masks will be made available.
4. The following CDC guidance must be followed:
 - a. Masks should be constructed of two or more layers;
 - b. Mask should be worn over the nose and mouth and secured under the chin;
 - c. Masks should be worn by people two years old and older, with limited exceptions;
 - d. Masks should NOT be worn by children younger than two, people who have trouble breathing, or people who cannot remove the mask without assistance;
 - e. Masks intended for healthcare workers, for example N95 respirators, should not be worn;
 - f. CDC does not recommend the use of gaiters or face shields.

For jurors presenting with a face covering not recommended by CDC, he/she will be informed and provided a court-issued face covering that meets CDC recommendations.

5. Each prospective juror will complete the *Juror Covid-19 Screening Document* (Attachment B) upon entry into the jury assembly room using safe distancing measures already in place in the jury assembly area.
6. Between 38-42 potential jurors can be oriented safely in accordance with CDC guidelines by utilizing safe distancing of six (6) feet between each prospective juror and the wearing of face masks.
7. The jury pool will be transported utilizing the four (4) elevators that lead to the 5th floor courtroom by allowing only three (3) people per elevator. This will be done under the auspices of two (2) bailiffs. The first bailiff will escort jurors to the elevators from the jury assembly room and the second bailiff will escort them from the elevators to the 5th floor courtroom. The jurors who are not selected to serve as members of the petit jury will be escorted back to the jury assembly room in similar fashion.
8. In the courtroom during jury selection and trial, the following safety precautions will be utilized: safe distancing of six (6) feet will be observed between all individuals in the courtroom with the exception of seated attorneys; plexiglass barriers will be placed between each attorney at counsel tables; face masks will be worn (with the exception of the testifying witness); the testifying witness will be allowed to lower his/her mask or wear a clear face shield while on the witness stand, at least ten feet from the nearest person and behind a plexiglass barrier; fresh air will be circulated and hand sanitizer will be readily available. (courtroom diagram Attachment C)
9. Exhibits shall be published to the jury by electronic means or any other method that does not require exhibits to be handled by jurors.

10. Pads of paper and pens will be provided to jurors by placing the items in a zip-lock bag with the juror number written on the bag. The paper and pen will be placed in the bag when not in use. The Court will provide instructions as to how the bags are to be gathered and stored to prevent cross-contamination and maintain juror confidentiality.
11. The jury shall be escorted back to the jury assembly room for all breaks under the auspices of two (2) bailiffs as detailed in item no. 5 above.
12. Jury deliberation shall take place in the jury assembly room with each juror observing at least six (6) distancing, the room will be sealed from view from anyone outside of the room, and a bailiff will be present outside all entry/exit doors.
13. The courtroom will be cleaned and sanitized during each lunch break and at the conclusion of court each day. The jury assembly room will be cleaned and sanitized after jurors have left the courthouse at the end of each day. The witness stand will be sanitized after each witness presents testimony.
14. Each juror will complete the *Daily Juror COVID-19 Screening Document* (Attachment D) upon entry into the courthouse for each day of service.
15. If, during jury service, a juror experiences COVID-19 symptoms or is exposed to COVID-19 while away from the courthouse, the juror shall not appear in person to report this information but shall contact the jury clerk, report the symptoms or exposure and not report for jury duty unless and until directed to do so by the presiding judge.

The juror will be given the web address: <https://ncdhhs-covid19-dtra.powerappsportals.us/en-US/> to input his/her information.

The juror will contact the Communicable Disease Nurse at 828-250-5109.

16. If, during jury service, a juror begins experiencing COVID-19 symptoms while at the courthouse, that juror shall notify the clerk, a bailiff or the presiding judge. The juror will follow the same reporting protocol referenced in Number 15 above.
17. If, at any time during jury service, a juror has concerns about his/her health or safety due to a lack of safety measures or because guidelines or directives are unclear or are not being followed (i.e. social distancing is not being properly practiced, hand sanitizer is not available at appropriate locations, face coverings are not being properly worn), the juror should bring his/her concerns to the judge, the clerk or a bailiff.

JURY SERVICE DURING COVID-19

FREQUENTLY ASKED QUESTIONS



BUNCOMBE COUNTY COURTHOUSE

Why are the courts summoning jurors when the virus is still going around and there is no cure?

Jury service is one of the cornerstones of our system of justice, expressly provided for in the U.S. Constitution and North Carolina Constitution. The Court has an obligation to uphold the constitutional rights of the citizens of this state, which includes the right to a jury trial.

At this time, the Chief Justice has ordered the postponement of jury trials in district and superior court. In a [July 16, 2020 Order](#), she indicated her intent to extend that postponement through at least the end of September 2020 to give local judicial officials additional time to prepare for the safe resumption of jury trials. We are making every effort to take the necessary steps to keep reporting jurors safe while still protecting the rights of individuals and providing meaningful access to the courts. Counties may hold grand jury proceedings as long as courts provide for social distancing and adhere to the Judicial Branch COVID-19 Task Force Best Safety Practices as set forth in [NCAOC's COVID-19 Field Guidance](#).

What safety precautions are being taken at the courthouse to protect jurors?

Chief Justice Beasley has directed each county and / or district to create a Jury Trial Resumption Plan prior to issuing juror summonses for trial. The plan must ensure that court operations comply with each of the emergency directives that the Chief Justice has issued and must be informed by the Judicial Branch COVID-19 Task Force Best Safety Practices as set forth in [NCAOC's COVID-19 Field Guidance](#).

For example, each plan must include:

- A confirmation that each court facility and any alternate facility to be used for court operations follows each of the Chief Justice's emergency orders in response to the COVID-19 outbreak;
- A plan for conducting jury selection and trials with social distancing in the courtroom and in the deliberation room;
- A plan for daily screening of jurors, court personnel, attorneys, witnesses, and parties for COVID-19 infection;
- A plan for making face coverings available to jurors, court personnel, attorneys, witnesses, and parties; and
- A plan for responding 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.



JURY SERVICE DURING COVID-19 FREQUENTLY ASKED QUESTIONS



All persons who are in a court facility are required to wear a face covering while they are in common areas or when interacting with others. Steps are being taken to clean facilities frequently according to CDC guidelines and to create an environment conducive to social distancing. Court staff is also encouraged to wash hands frequently. Some counties have installed plexiglass to serve as a barrier and are taking temperatures of anyone who enters the court facility. The Chief Justice has directed that hand sanitizer be made available, at a minimum, at all entrances to court facilities. Jury selection and / or trials may be held in a different location if the courthouse or courtroom cannot safely accommodate social distancing for jurors.

Notices have been posted at the entrance to each court facility directing that any person who has likely been exposed to COVID-19 should not enter the courthouse. Attorneys and other persons who do not have business in a courthouse should not enter a courthouse, and those who do have business in a courthouse should not prolong their visit once their business has concluded. Attorneys are strongly encouraged to submit filings by mail rather than in person.

Visit your [county's page](#) to view any local orders regarding specific procedures. See the [Judicial Branch COVID-19 page](#) for more information and emergency directives.

I am considered a high-risk individual for COVID-19 and I have been summoned for jury service. Do I have to appear?

Contact the [clerk of superior court](#) in the county where you have been summoned for juror excuse policy information.

I live with a person / I am a caretaker for a person who is a high-risk individual for COVID-19 and I have been summoned for jury service. Do I have to appear?

Contact the [clerk of superior court](#) in the county where you have been summoned for juror excuse policy information.

Do I have to wear a mask at the courthouse?

Yes. All persons who are in a court facility are required to wear a face covering while they are in common areas and when they are interacting with others. In this context, a face covering means "a covering of the nose and mouth that is secured to the head with ties, straps, or loops over the ears or is simply wrapped around the lower face."

This face covering requirement does not apply to persons who cannot wear a face covering due to health or safety reasons, who are actively eating or drinking, who are communicating with someone who is hearing-impaired in a way that requires the mouth to be visible, who are temporarily removing their face covering to secure medical services or for identification purposes, or who are under eleven years of age.



JURY SERVICE DURING COVID-19

FREQUENTLY ASKED QUESTIONS



Will a mask be provided if I do not have one?

The Chief Justice has directed each county and / or district to create a Jury Trial Resumption Plan prior to issuing juror summonses for trials. Among other considerations, the plan must include a way to make face coverings available to jurors, court personnel, attorneys, witnesses, and parties.

Do I need to bring my own hand sanitizer?

The Chief Justice has directed that hand sanitizer be made available, at a minimum, at all entrances to court facilities. Please be aware security policies may prevent you from entering the courthouse if you have your own sanitizer. Please check with the [local facility](#) before appearing for court.

If I am selected, how will the jury pool be seated to ensure social distancing?

The Chief Justice has directed each county and / or district to create a Jury Trial Resumption Plan prior to issuing juror summonses for trials. The Jury Trial Resumption Plan must include a plan for conducting trials with social distancing in the courtroom for all court participants, including the jury, as well as in the deliberation room. In addition to other protective measures, the Chief Justice has ordered that spaces where the public and jurors will congregate be marked at intervals of 6 feet to ensure social distancing. Jury selection and / or trials may be held in a different location if the courthouse or courtroom cannot safely accommodate social distancing for jurors.

If selected for a jury, will jurors be seated in a small room to deliberate?

The Jury Trial Resumption Plan must include a plan for conducting trials with social distancing in the deliberation room. The plan that is developed must be informed by the Judicial Branch COVID-19 Task Force Best Safety Practices as set forth in [NCAOC's COVID-19 Field Guidance](#) and must be approved by a wide variety of court leaders as well as the local sheriff and public health director.

The Chief Justice also ordered that each court facility designate a COVID-19 Coordinator who is directed to determine whether there is adequate space in the court facility to convene a jury trial in keeping with current public health guidance. In making this determination, the COVID-19 Coordinator will take into account the need for the jury to observe social distancing, as well as for jurors to be socially distanced in the courtroom and deliberation room. Jury selection and / or trials may be held in a different location if the courthouse or courtroom cannot safely accommodate social distancing for jurors. If you have additional questions, check with the [local facility](#) before appearing for court.

How long will the trial last?

This will vary by the policies established by each county's Jury Trial Resumption Plan. Courts have been encouraged to limit the trial duration and to prioritize less complex trials that will require less time to hear in order to shorten the time a juror must appear.



JURY SERVICE DURING COVID-19

FREQUENTLY ASKED QUESTIONS



How long will I be in court each day?

This will vary by the policies established by each county's Jury Trial Resumption Plan.

What should I do if I am experiencing COVID-19 symptoms prior to my jury service date?

Do not appear at the courthouse to report your symptoms. If you begin experiencing COVID-19 symptoms prior to your jury service date, please inform the clerk of superior court in the county where you were summoned by phone.

What should I do if I experience COVID-19 symptoms during my jury service?

If you begin experiencing COVID-19 symptoms during your period of jury service while at the court facility, please inform the nearest court official (e.g., clerk, bailiff).

What should I do if I have concerns about the safety measures in the courthouse or if I feel safety precautions are not being followed?

If at any time during your jury service you are concerned about your health or safety due to a lack of safety measures or because guidelines are not being followed (e.g., social distancing is not being practiced, there is no hand sanitizer at the courthouse entrance), please bring your concerns to the attention of the judge, the clerk, or the bailiff to be addressed.

Enter additional questions here...

Responses...





JUROR COVID-19 SCREENING DOCUMENT

The purpose of this screening document is to assist the Court in protecting the health and safety of jurors throughout jury service. Responses will be used solely for the purpose of determining whether a juror can serve or if service should be deferred; responses to the questions are not public record. You may be contacted by the Court if you answer YES to any of the questions below.

Note to Clerk: This document is not a public record. It 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).

Instructions: Please answer the questions below based on your current health and circumstances as of the date you respond. **Please return this questionnaire by mail no later than five (5) business days before the date upon which you are to appear [OR by (Date)] to _____.**

Juror Name (as it appears on the Juror Summons) _____

Telephone number/email address _____

Date completed _____

1. Have you been diagnosed with/tested positive for COVID-19? YES NO
 - o If so, when were you diagnosed/what was the date of your positive test? _____
2. In the past 14 days, have you been exposed to COVID-19? YES NO
 - o If so, what is the approximate date of your exposure? _____
3. Have you been directed to quarantine? YES NO
 - o If so, on what date were you directed to quarantine? _____
4. In the past 14 days, has anyone in your household tested positive for COVID-19? YES NO
5. In the past 14 days, have you been in close contact with anyone who has tested positive for COVID-19? YES NO
6. In the past 14 days, have you been notified by your county health department that you were or might have been in close contact with someone who tested positive for COVID-19?
 YES NO
7. Have you been tested for COVID-19 and are awaiting the test results? YES NO
 - o If so, on what date were you tested? _____

ATTACHMENT B



8. Are you considered to be an individual in a vulnerable COVID-19 population, due to age or a health condition? YES NO

9. Do you reside with a person who is considered to be an individual in a vulnerable COVID-19 population, due to age or a health condition? YES NO

10. Are you responsible for the caretaking of children, such that jury service would impose a substantial burden on you? YES NO

o If so, please explain. _____

11. Are you responsible for the caretaking of others (e.g., an ill relative), such that jury service would impose a substantial burden on you? YES NO

o If so, please explain. _____

12. Do you have any concerns related to COVID-19 that might impact your ability to serve on the jury? YES NO

o If so, please explain. _____

13. Have you traveled outside of the country in the last 30 days? YES NO

14. Are you able to wear a mask for a sustained period of time? YES NO

15. Are you an essential healthcare worker? YES NO

o If yes, where are you employed and in what capacity? _____

16. I request the Court consider deferring my jury service to a future court date, due to COVID-19 related health concerns referenced in the document. YES NO

I certify, under penalty of perjury, that I am the person named on the juror summons, and the information provided was true and accurate to the best of my knowledge at the time I completed the form.

Juror Signature

****Please contact the Court if your responses change after you have submitted your survey.*



New # 11 ?



DAILY JUROR COVID-19 SCREENING DOCUMENT

The purpose of this screening document is to assist the Court in protecting the health and safety of jurors throughout jury service. Responses will be used solely for the purpose of determining whether a juror can serve.

Note to Court: It is recommended that the Court order this document sealed in order to protect juror confidentiality.
Note to Clerk: Sealed documents shall be filed with the minutes of the court.

Juror Name (as it appears on the Juror Summons) _____

Date completed _____

1. Are you currently experiencing COVID-19 symptoms? YES NO

Since you last appeared at the courthouse:

2. Have you been diagnosed with/tested positive for COVID-19? YES NO

3. Have you been exposed to COVID-19? YES NO

4. Have you been directed to quarantine? YES NO

5. Has anyone in your household tested positive for COVID-19 or been directed to quarantine?
 YES NO

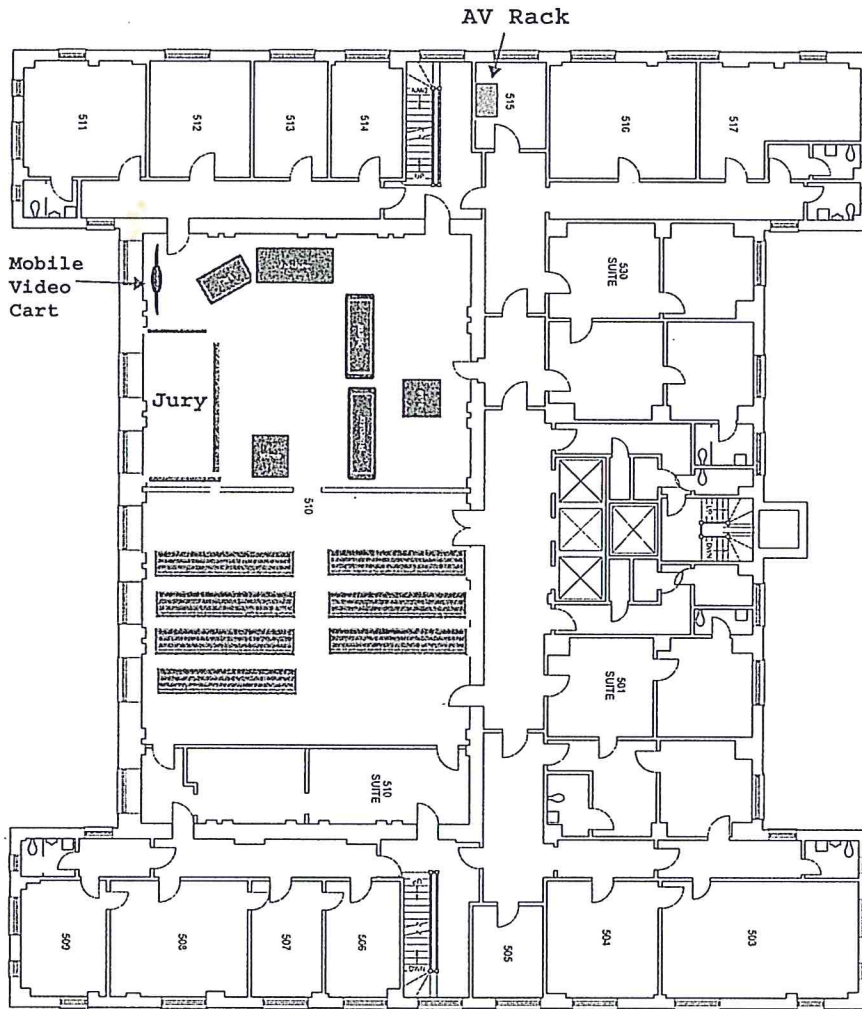
6. Have you been in close contact with anyone who has tested positive for COVID-19 or have you been notified by your county health department that you were or might have been in close contact with someone who tested positive for COVID-19? YES NO

7. Have you been tested for COVID-19 and are awaiting the test results? YES NO

I certify, under penalty of perjury, that I am the person named on the juror summons, and the information provided is true and accurate to the best of my knowledge.

Juror Signature

FIFTH FLOOR
SCALE: 1/8" = 1'-0"



[Handwritten signatures]

DATE: 7-1-2020	DATE: 7-1-2020	DATE: 7-2-2020
SHEET: A-7	SHEET: A-8	SHEET: A-9
EXISTING CONDITIONS FOR THE BUNCOMBE COUNTY COURT HOUSE Asheville, North Carolina		

Steven Cogburn 7-1-2020 Alan 2. Thornburg 7-1-2020 Todd Williams 7-2-2020

ATTACHMENT C



DAILY JUROR COVID-19 SCREENING DOCUMENT

The purpose of this screening document is to assist the Court in protecting the health and safety of jurors throughout jury service. Responses will be used solely for the purpose of determining whether a juror can serve.

Note to Court: It is recommended that the Court order this document sealed in order to protect juror confidentiality.

Note to Clerk: Sealed documents shall be filed with the minutes of the court.

Juror Name (as it appears on the Juror Summons) _____

Date completed _____

1. Are you currently experiencing COVID-19 symptoms? YES NO

Since you last appeared at the courthouse:

2. Have you been diagnosed with/tested positive for COVID-19? YES NO
3. Have you been exposed to COVID-19? YES NO
4. Have you been directed to quarantine? YES NO
5. Has anyone in your household tested positive for COVID-19 or been directed to quarantine?
 YES NO
6. Have you been in close contact with anyone who has tested positive for COVID-19 or have you been notified by your county health department that you were or might have been in close contact with someone who tested positive for COVID-19? YES NO
7. Have you been tested for COVID-19 and are awaiting the test results? YES NO

I certify, under penalty of perjury, that I am the person named on the juror summons, and the information provided is true and accurate to the best of my knowledge.

Juror Signature

☆☆☆

ATTACHMENT D