

STATE OF NORTH CAROLINA
LENOIR COUNTY

IN THE GENERAL COURT OF JUSTICE
SUPERIOR COURT DIVISION
FILE NUMBER: 20 R 127

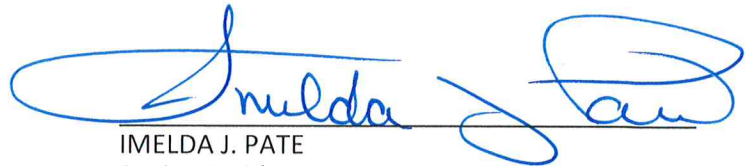
IN RE)
LENOIR COUNTY JURY TRIAL)
RESUMPTION PLAN)

ADMINISTRATIVE ORDER

In accordance with Emergency Directive 10 dated May 21, 2020 and Emergency Directive 22 dated July 16, 2022 issued by the Chief Justice of the North Carolina Supreme Court, and with approval of the Office of the Chief Justice and the North Carolina Administrative Office of the Courts, the attached Resumption of Jury Trials Plan for Lenoir County in Judicial District 8A is hereby adopted effective October 16, 2020.

This Administrative Order shall remain in effect until such time as it is modified or withdrawn by subsequent administrative order.

This the 16th day of October, 2020.



IMELDA J. PATE
Senior Resident Superior Court Judge
Judicial District 8A

Judicial District 8-A
Resumption of Jury Trials Plan
Lenoir County

The Court has an obligation to provide court related services to any person who may become involved in the criminal or civil justice system. Due to the COVID-19 health crisis, it is important that our court must restrict physical contact between members of the court and those we serve. It is imperative, however that we protect the Constitutional Rights of any person accused of a crime, while providing efficient and timely court proceedings.

Jury trials constitute a cornerstone of the American justice system, both in civil and criminal courts and a substantial number of civil and criminal cases cannot be resolved without the decision of a jury. Jurors help facilitate case dispositions. The effectiveness and fairness of the courts depend upon the availability and willingness of citizens to serve on juries. We must find new ways to conduct jury trials that are as safe as practicable for all participants and that overcome the reluctance of many potential jurors to enter a public building and serve on a jury during a pandemic.

In compliance with the Chief Justice's Emergency Directive 22 dated July 16, 2020, the following outlines the recommendations for resumption of jury trials in Lenoir County. It is the intention of this resumption of jury trials plan to provide a safe and secure environment for those who become involved in our court system.

The information below is contingent upon directives of the Chief Justice and Governor and is subject to change at the discretion of the Senior Resident Superior Court Judge and the Superior Court Trial Court Coordinator (COVID-19 Coordinator) to protect the health of court personnel and of the public.

Supplies Needed:

- Face Masks
- Gloves (staff use for sanitizing)
- Individual Hand Sanitizer
- Disinfectant Spray/Disinfectant Wipes
- Cleaning Cloths or Disposable Cloths
- Accessible Trash Receptacles
- Plexiglass/Tempered glass

I. Introduction

- A. Jurors shall submit to all screening requirements upon entering the building to include temperature screening and answering required screening questions. Jurors will be instructed to stay home if they are sick.

- B. All individuals are required to wear face masks that cover both their nose and mouth prior to entering the building and at all times while in the building in compliance with the Chief Justice's Emergency Directive 21 dated July 16, 2020.
- C. Hand sanitizer dispensers are available for jurors' use throughout the building to include the front entrance and entrances to all courtrooms being used for jury trials.
- D. After entering the building and completing the security screening process, jurors must observe six (6) feet social distancing requirements, which are clearly marked throughout the building to include hallways, stairways, jury room and courtrooms. The signs will be clearly marked with arrows indicating the correct path to the courtroom and jury deliberation room.
- E. The Superior Criminal Courtroom designated for jury trials will have two large wooden counsel tables, placed more than six (6) feet apart in distance and facing each other, the judge's bench, the court clerk's station and the court reporter station. The bench, court clerk's station and court reporter station are protected by plexiglass that has been installed on the top of the surfaces (judge's bench, clerk's station and court reporter station) and is of sufficient height and width at each station to provide a protective physical barrier for the individual seated at each station. As needed, each plexiglass barrier has an opening at the bottom to allow documents to be exchanged.
- F. The Superior Criminal Courtroom designated for jury trials is located on the second floor of the Lenoir County Courthouse. Jurors will be required to enter the courthouse at a designated location and time and will be escorted to the courtroom. The path from the entrance doors to security at the entrance will be clearly marked with arrows. Jurors will proceed through security (and screening) to the second floor either by the marked stairway or elevator (for use by individuals unable to navigate the stairway) leading up to the courtroom.

II. Summoning of Jurors

A. Number of Jurors to be Summoned

1. Sixty (60) jurors will be summoned to report on Monday and 60 jurors will be summoned to report on Tuesday of each jury trial week (both civil and criminal superior court) in Lenoir County.
2. The Clerk of Court will cause 30 jurors to be notified to report at the following staggered times:
 - a. 30 jurors to report at 9:00 AM on Monday
 - b. 30 jurors to report at 1:00 PM on Monday.
 - c. 30 jurors to report 9:00 AM on Tuesday.
 - d. 30 jurors to report at 1:00 PM on Tuesday.

B. Juror Information

1. Prior to jurors being qualified for jury service they will be sent a summons in the mail advising them of the date and time they are to report. Included in the mailed summons will be a letter to the prospective jurors from the Superior Court explaining the COVID-safe practices the courts have undertaken to ensure their safety during the time of their service. The juror summons will instruct jurors of the procedures for obtaining deferrals and/or excuses from jury service without having to appear in person at the courthouse to do so. The Clerk of Superior Court will assist a juror if they are seeking a deferral and/or excuse or if there are questions regarding qualifications for service.
2. Jurors are required to call the Juror Information line after 5:00 PM on the Friday before the Monday of their jury service to verify that they need to report the next week and the time they are to report.
3. The Friday before jury selection is to begin on the following Monday, the custodial staff will clean all areas of the Lenoir County Criminal Superior Courtroom, jury deliberation room and jury room restrooms where jury selection is to take place, to include door handles, seating areas, countertops and microphones.
4. This staggered reporting schedule will help eliminate an excessive number of jurors from reporting and being present in the courtroom at one time. Numbers of jurors actually reporting for service will be continuously monitored and adjusted as needed to account for no-shows as well as for those jurors seeking excusal on the day of service. This may also include jurors who may be exhibiting symptoms that have arisen after the time for jury deferral by mail.
5. The Jury Information line will have a message to properly instruct the reporting jurors to check in with the clerk jury staff upon their arrival at the courthouse and will remind the juror to bring a mask. If the juror arrives without a mask one will be provided to him/her before entering the building, providing that a supply of masks has been able to be obtained from the Administrative Office of the Courts. The jury phone message will also include instructions for the juror directing that if he or she is experiencing any symptoms to not appear and contact the Lenoir County Clerk of Court's Office (Jury Clerk) by phone or e-mail.
6. The court's information page will be updated to inform potential jurors of all precautionary measures the court is taking to minimize exposure and protect those serving, court staff, attorneys and judges from contracting the virus.

C. Excusal, Deferral and Failure to Appear for Jury Service

The Chief District Court Judge or her designee, pursuant to NCGS 9-6(b), will consider revising the excusal and deferral policy to consider the following:

1. Reducing the number of people who must appear in-person to request an excusal or deferral by allowing remote or telephonic request methods;
2. Allow more flexibility for excusing/deferring of individuals who may not be able to serve, taking into account COVID-19 CDC guidelines, because of being *high-risk* or who may live with or act as a caregiver for someone who is high-risk, and including this information in the jury summons; and/or
3. Allow more flexibility for excusing / deferring individuals who are at heightened risk of contracting COVID-19 and transmitting it to others, such as essential workers in the health service industry or people who have recently traveled.

D. Failure to Report for Jury Service

The present show cause policy of resending the summons with a notice advising that the individual has been rescheduled for jury service for failure to report shall remain the same. (See Attachment A)

E. Jury Summons Information

The policies presently in use in Lenoir County Superior Court regarding notification for jury service are retained to ensure obtaining jurors that represent a fair cross-section of the community. In addition to the present policies are the following additions:

1. The Clerk of Superior Court shall cause to be included in each jury summons the following:
 - Letter concerning jury service during COVID-19 (Attachment B).
 - COVID-19 Deferral Questionnaire (Attachment C).

Information in the jury summons will include information regarding how to contact the court if a juror has safety concerns, such as a recent exposure to COVID-19, *up to and including the day of jury service*, to prevent a juror from appearing in-person who may have been recently exposed but is not within the court's deadline to request an excusal or deferral.

2. At such times as jurors are being summoned for **possible grand jury selection**, the Clerk of Superior Court shall cause to be included in each jury summons the following:
 - Letter concerning jury service during COVID-19 (See Attachment B).
 - COVID-19 Deferral Questionnaire (See Attachment C).
 - Grand Jury Questionnaire (See Attachment D).

This procedure shall remain in effect until further orders of this court or until the COVID-19 state of emergency has expired.

III. Criminal Superior Courtroom Configuration for Jury Trials

- A. The Criminal Superior Courtroom gallery has been measured and it has been determined that 28 individuals may safely be in this area.
- B. For purposes of jury trials, the Lenoir County Criminal Superior Courtroom Jury Box will be reconfigured for 15 impaneled jurors (a panel of twelve (12) with three (3) alternates) to be seated in a socially distanced manner.
- C. For purposes of jury selection / voir dire the prospective jurors will be seated on the benches in what is now the spectator area (in the area located to the right of the bench facing the front of the courtroom) with no more than three (3) jurors per bench (and with two benches remaining vacant between each row).
- D. For purposes of jury selection /voir dire, jurors will be called up and seated in alternating seats in the current jury box and in chairs appropriately spaced in the area adjacent to the jury box.
- E. It is estimated that up to twenty-five (25) prospective jurors can be accommodated for purposes of jury selection/ voir dire in the courtroom using this configuration.
- F. Regarding the rest of the courtroom, currently there are two (2) counsel tables that (for purposes of description) will be designated as defense table and State's table. The tables will be moved or pivoted so that each counsel table will face the other and will be on either side of the bench. Two chairs are to be placed at each end of each counsel table. The tables are set up such that seated individuals are at least six (6) feet apart.
- G. The witness chair is located next to the bench facing counsel tables and facing the jurors seated in the jury box and spectator area so that the jurors as well as counsel will be able to clearly observe the witness.
- H. The court will have a view of the witness, those located at counsel tables and the jury, based on the configuration of the courtroom. A podium is available and can be placed in a socially distanced manner for counsel to address the jury.
- I. A large screen is presently located behind the witness stand and can be used for publishing exhibits for jury view.
- J. Microphones are positioned to accommodate the witness stand and jury area.
- K. The courtroom will be used as the jury deliberation room. All hearings that would be required to be held outside the presence of the jury will be held in the jury deliberation room that is adjacent to the courtroom and to the left of the bench.
- L. Counsel will be required to secure their work areas during any breaks so that the jurors would not be exposed to any extraneous information.

- M. The courtroom configuration has been considered and accounts for the safety of all those involved in the trial.

IV. Counsel COVID-19 Notification

- A. The Court requires that all attorneys participating in the trial be healthy and not symptomatic.
- B. Before coming to court, and each day of the trial, the attorneys will report to the court if they (or the defendant or victims or any witnesses) are not healthy or are symptomatic so the court can provide further direction.

V. Jury Selection (Voir Dire)

- A. For jury selection / voir dire only, the Clerk's staff and Lenoir County Sheriff's Office Courtroom Security staff (hereinafter referred to as "bailiff") will be increased to ensure that all areas of jury selection are covered and assistance is provided to guide the jurors into the courthouse to the second floor Lenoir County Criminal Superior Courtroom designated for jury trials.
- B. The morning of jury selection /voir dire (Monday and/or Tuesday) jurors will be instructed to arrive at the courthouse at designated times (either 9:00 AM or 1:00 PM). After entering the courthouse, the jurors will follow signs to an area clearly marked and designated for jurors only.
- C. Each juror will be screened prior to leaving the first floor. The screening will consist of the jurors answering a series of questions regarding COVID-19 symptoms, recent travel, and will be required to submit to a temperature check prior to entering the courthouse. Any juror with a temperature of 99.9 or above will be denied access to the courthouse. The jury staff, with assistance of the bailiffs, will escort jurors to the courtroom for the jury selection process.
- D. The Clerk's office jury staff and bailiffs will be strategically positioned in the Criminal Superior Courtroom, courthouse hallways and courthouse entrance to ensure social distancing and PPE requirements are met. Jurors will be directed to enter the courthouse and walk through the clearly marked hallway, stairway and/or elevator to the McLewean Street entrance to the Criminal Superior Courtroom. Clerk staff and bailiffs will communicate with each other to ensure all jurors are directed to the correct courtroom for jury selection.
- E. At the entrance of the Criminal Superior Courtroom the jurors will be instructed where they are to sit.
- F. Each juror will be seated on a bench in the courtroom that is clearly marked. Each designated seat for the juror will be marked on the bench that has been measured to be six (6) feet apart to maintain social distancing during jury selection.

- G. All jurors will be given employment letters upon check in when arriving in the Criminal Superior Courtroom. The jury clerk will put an employment letter on a portable table, step back six (6) feet and the juror can retrieve his/her letter from the table.
- H. Jurors will be given their orientation instructions by the Clerk of Court's staff while seated in the designated area.
- I. Jurors will be called for voir dire into preselected numbered seating in the jury box and the area adjacent to the jury box that has been premeasured to allow for social distancing.
- J. Counsel will be consulted regarding the ability to observe juror demeanor during jury selection. If objections are raised to jurors wearing masks during jury selection, it should be noted that the jurors will be seated in a socially distanced manner, allowing jurors to safely remove their masks if necessary.
- K. During courtroom breaks jurors will be instructed to utilize the restrooms located in the jury deliberation room. In order to maintain social distancing, only two (2) jurors will be allowed into the jury room for rest room breaks. The bailiffs will assist in this process to ensure social distancing requirements are being continuously met.
- L. Following each jury selection session (and during courtroom breaks) the Clerk's jury staff, with the assistance of the bailiffs, will guide the jurors in small groups either down the stairs or through the elevator to either the entrance/exit doors of the building or to a designated location on the first floor of the courthouse for jury breaks. This procedure is also to be followed when time for jurors to return to the courtroom where they will take their assigned seat for continued jury selection.
- M. The jurors who have not been selected to hear evidence in the trial will be excused for the week and escorted out of the courthouse by the bailiffs, six (6) feet apart, and will follow the social distance markings to exit the courthouse.
- N. The clerk's office jury staff will provide each selected juror with a letter with trial information and instructions regarding when they will be required to return for the trial. This letter will also instruct the juror of what to do if they develop symptoms of COVID-19 or if they become exposed to COVID-19 during their service.

VI. Impaneled Jurors Reporting for Trial

- A. Each morning of the trial the impaneled jurors will be required to check with the Clerk's jury staff and bailiffs at the entrance of the courthouse. Each juror will need to complete a provided COVID-19 screening questionnaire (that they will bring with them each day of the trial) and must submit to screening questions at the courthouse entrance as well as submit to a temperature check. If a juror is exhibiting any symptoms, the Clerk's jury staff and bailiffs

will immediately notify the Judge and counsel, and the juror will be denied entrance to the courthouse and sent home. The juror exhibiting the symptoms will be replaced with an alternate juror.

- B. Each morning of the trial the Clerk's office jury staff will stay in close contact with bailiffs to ensure impaneled jurors have arrived and will assist in taking the impaneled jurors to the Criminal Superior Courtroom for the trial.
- C. The impaneled jurors will use the bathroom in the jury deliberation room (which does not accommodate social distancing). There are two unisex bathrooms in the jury deliberation room. The bailiffs will take the impaneled jurors, two (2) at a time, to the bathroom by leading the two jurors from the courtroom, socially distanced and with masks on. A sign on the bathroom door will advise jurors they may not take their masks off while in the bathroom.

VII. Open Court Issues to Consider

- A. It is recognized that victims of crimes and members of the public have the right to attend court hearings. Accommodations will be made to ensure the statutory and constitutional requirements of victims with the right to attend have been met. Accommodations will be made to ensure that members of the public who desire to be present for court hearings (while maintaining social distancing), upon request, will be allowed access to the courtroom.
- B. The Court will provide access to any hearing and/or trial upon request by a media source.
- C. The Criminal Superior Courtroom gallery seating section has been measured and it has been determined that, providing for social distancing, the allowed limit for gallery seating is twenty-eight (28) individuals. Attendance may be limited during the trial, in consultation with counsel, to ensure social distancing.
- D. The bailiffs are to monitor the occupancy limits at the McLewean Street entrance to the courtroom and report the numbers to the court.

VIII. Size of Jury

A. Civil Cases

Counsel will be consulted to consider jury size and possibility of bench trials.

B. Criminal Cases

Counsel will be consulted to consider the possibility of bench trials.

IX. Trial

- A. Chairs within the jury box in the Criminal Superior Courtroom have been marked for seating allowing for social distancing. Impaneled jurors who are not seated in the jury box will be

seated in the courtroom gallery in designated marked seating, distancing the impaneled jurors by six (6) feet.

- B. Impaneled jurors seated in the gallery are to be distanced from spectators by leaving two rows between the impaneled jurors and the spectators (which is greater than six (6) feet).
- C. A “juror envelope” is to be placed on each juror seat containing a pen (or pencil), notepad, disposable juror badge “stickers”, COVID-19 instruction letter, a COVID-19 screening questionnaire, individually packaged hand wipes (as supplies allow and are supplied by the Administrative Office of the Courts), a letter for the juror’s employer indicating service that day, and a thank you card.
- D. All impaneled jurors will be reminded that they may not take their masks off while at the courthouse.
- E. Plexiglass has been installed in front of the bench facing the courtroom and plexiglass separates the judge from the location of the testifying witness. The testifying witness will be seated six (6) feet from others in the courtroom. (It is also recommended that plexiglass be installed in front of the witness stand to allow the witness to remove his/her mask while testifying).
- F. The lectern, counsel tables, court reporter, courtroom clerk and impaneled jurors will remain six (6) feet apart at all times while court is in session and when court is at recess.
- G. All persons present in the courtroom will be seated at their assigned location before the impaneled jury enters the courtroom each morning and after each break.
- H. The defendant, either in-custody or out-of-custody, will be seated at the end of the defense counsel table. Defense counsel and the defendant will communicate during the trial by use of individual writing pads and a blunt writing instrument (such as a felt-tip marker). These will be provided by the Court. These writings will be gathered by defense counsel at the close of the hearing each day, for use or disposal, in his or her discretion.
- I. During the trial, if a situation arises where defense counsel and defendant must confer verbally, the Court will allow counsel use of the area behind the courtroom where the holding cells are located to confer with his/her client. When in that contained area, defense counsel and defendant shall be required to observe social distancing. For in-custody defendants, a bailiff must accompany the defendant to this area.
- J. Counsel will be required to remain at counsel table during the trial unless given permission by the Court to move to another location. The bailiff is to handle the exhibits between attorneys and the witness and the court. Objections must be made from counsel table. The parties are to timely motion the Court on matters regarding witnesses or exhibits or on matters which would ordinarily be brought up at a bench conference.

- K. Bench conferences will occur outside the presence of the impaneled jury, who will remain in the courtroom, in the jury deliberation room located to the left of the bench.
- L. Each night the Criminal Superior Courtroom, jury deliberation room and bathrooms located in the jury deliberation room will be disinfected per the Lenoir County sanitizing policy, which has been occurring since the resumption of court operations. It should be noted that each court room at the Lenoir County Courthouse is sanitized each night.
- M. For purposes of jury deliberation, the glass windows in the courtroom doors will be covered. Also, during jury deliberations all access to electronics (laptops, etc.) otherwise normally present in the courtroom will be eliminated.

X. Witnesses

- A. Witnesses will be sworn in on a Bible under a clear, single-use plastic covering or will be affirmed.
- B. The Court will consult with counsel regarding witnesses waiting outside the courtroom in adjacent areas to maintain social distancing and to reduce the number of individuals in the courtroom.

XI. Conduct of Trial

A. During the trial:

1. Face coverings for all court participants will be required.
 - a. Face masks will be available for persons whose presence is compelled, such as witnesses, jurors and criminal defendants, as supplies, furnished by the Administrative Office of the Courts, allow.
 - b. The court will consult with counsel for the State and the Defense regarding the defendant wearing a face mask during trial. In anticipation of the defendant not wearing a face mask during trial, plexiglass is to be installed at the end of the defense counsel table designated for seating of the defendant.
2. The court will coordinate with counsel and the court clerks in advance of jury selection regarding the procedure to be used during trial to handle exhibits in a way that minimizes physical contact.
3. The court will set times (with agreement of counsel) for bench decisions on motions and other matters in order to minimize the amount of time the impaneled jury is present in the courtroom.

B. Confrontation issues:

1. The court will ensure the jury can properly observe witness testimony.
2. Plexiglass will be installed around the witness stand and the witness will be socially distanced.
3. The witness will be instructed to clean the microphone with wipes after testifying. The wipes, supplied by the Administrative Office of the Courts, will be placed beside the witness stand.

Counsel will be encouraged to pursue stipulations on uncontested issues to reduce trial time.

C. Reporting Symptoms:

1. Jurors will be instructed to immediately report any feelings of ill health. If a juror becomes sick during the day, they will be sent home immediately. Surfaces are to be cleaned and disinfected. Information on individuals who had contact with the ill juror during the time the juror had symptoms and two (2) days prior to symptoms will be obtained by the courtroom clerk.
2. Counsel will be consulted to determine if the court will replace the sick juror with an alternate juror.
3. Counsel will be consulted when the court considers declaring a mistrial because one of the jurors, court staff, attorneys or other case participants gets sick and cannot continue (based on consultation with public health officials).

D. Additions to Jury Instructions

1. The court will provide proper agreed upon instructions during the trial regarding safety measures.
2. The court will provide proper, agreed upon instructions to the jury regarding trial participants wearing masks. **(See Attachment E)**
3. Jury Deliberations:
 - a. Jurors will deliberate in the empty Criminal Superior Courtroom to allow for social distancing.

- b. All doors to the courtroom will be secured by courtroom bailiffs during jury deliberations. The bailiffs will remain in their locations during jury deliberations to provide security for all doors to the courtroom.
- c. No one is to stand outside the doors to the courtroom during jury deliberations.
- d. Jurors will be provided their own copies of the jury instructions to avoid having to pass paper back and forth. An original set of instructions with the jury verdict forms will be provided for the jury foreperson.

XII. Summary

On or after the date specified by the Chief Justice as the earliest date allowed for the resumption of jury trials:

- A. Civil Jury Trials may be calendared in Superior Court in consultation with the Trial Court Coordinator.
- B. Criminal trials may be calendared for trial by the District Attorney, subject to the following recommendations:
 - 1. The authority for calendaring of criminal trials lies with the District Attorney pursuant to N.C.G.S. 7A-49.4.
 - 2. However, during the first 90 days after the Chief Justice's orders allowing for the resumption of jury trials, the criminal cases selected for trial will be prioritized by the Senior Resident Superior Court Judge in consultation with the District Attorney (or his duly selected representative Assistant District Attorney), a representative of the defense bar and the COVID-19 coordinator's representative.
 - 3. In prioritizing criminal trials, careful consideration should be given to the following:
 - a. The extent to which a jury trial of the case can be conducted safely, with the health of all participants being the first priority;
 - b. The readiness of the case for trial, as determined by counsel for each party;
 - c. The age of the case;
 - d. Whether or not the defendant remains in custody pending trial;
 - e. The complexity, number of parties, and expected length of the trial;
 - f. The consent, or lack thereof, of the defendant and defense counsel to proceed to trial at this time, particularly with respect to legitimate concerns over health and safety or the likelihood of unfairness arising from protective measures taken during the court proceeding.

- C. It is recommended that the first jury trials set for hearing should be civil cases, lower-level felonies (e.g., Class H or I) or misdemeanor appeals that are expected to take less than one week to try.
- D. It is recommended that no complex civil case, high-level felony case (e.g., Class B2 or higher, absent consent of the parties) or any case expected to require multiple weeks for trial be calendared within the first 90 days after the date specified by the Chief Justice for the resumption of jury trials.

XIII. Conclusion

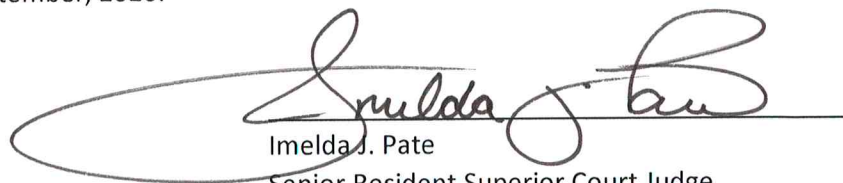
This Resumption of Jury Trial Plan does not address every contingency that might arise in the course of a jury trial during the current COVID-19 pandemic. The presiding judge must remain vigilant and address situations that jeopardize the health and safety of all participants and maintain flexibility to order such measures as necessary and reasonable to mitigate any risk to the participants, without hesitation.

The undersigned Senior Resident Superior Court Judge has reviewed the Jury Trial Resumption Plan with the following officials:

- Chief District Court Judge;
- Lenoir County Clerk of Superior Court;
- District Attorney for the Ninth (9th) Prosecutorial District;
- A criminal defense attorney;
- A civil trial attorney;
- Lenoir County Sheriff; and
- Lenoir County Public Health Director

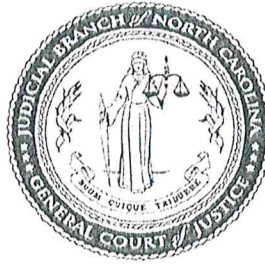
The undersigned Senior Resident Superior Court Judge, with the approval of the parties listed above, has submitted a copy of the Jury Trial Resumption Plan to the Chief Justice as required by Emergency Directive 22.

This the 24th day of September, 2020.



Imelda J. Pate
Senior Resident Superior Court Judge
Judicial District 8A

Dawn Stroud, Clerk of Superior Court
Attention: Jury Clerk
PO Box 68
Kinston, NC 28502-0068



August 14, 2019

JUROR ID # ~~9-2461~~

Year of Birth: ~~1938~~

~~XXXXXXXXXXXX~~
~~XXXXXXXXXXXX~~
~~XXXXXXXXXXXX~~

Dear ~~XXXXXXXXXX~~

You did not appear for jury service for the week beginning September 17, 2018.

I presume that your failure to do so was unintentional. Therefore, you have been assigned to a new jury pool.

You are now assigned for jury service for the week beginning Wednesday, July 18, 2018.

You will receive a new summons confirming your service requirement approximately 30 days prior to the above date. The summons will contain additional information related to the terms of jury duty.

If you do not respond to this letter or appear at the required time, it will be assumed that your failure to report is intentional. An order for you to "Show Cause" as to why you should not be held in Contempt of Court may then be issued. Please do not let this happen.

Please call the jury clerk at 252-520-5344 with any questions. Thank you for your attention to this matter.

Honorable Imelda J. Pate
Presiding Superior Court Judge Lenoir County



IMELDA J. PATE
SENIOR RESIDENT SUPERIOR COURT JUDGE

JUDICIAL DISTRICT 8A
GREENE AND LENOIR COUNTIES

PO BOX 68, KINSTON, NC, 28502-0068
O 252-520-5420
F 252-520-5421

Dear Potential Juror:

You have been summoned for jury duty. Our courts and our community depend on citizens such as yourself serving on trial juries and grand juries to provide justice. Your service is fundamental to the rights and liberties provided in the United States Constitution and the North Carolina Constitution. I look forward to working with you.

We are living in challenging times caused by the COVID-19 pandemic. The Court must continue to address emergency and time sensitive cases and must do so in a safe manner. Our Court has engaged in continuous and extensive planning since early March to keep our Court functioning and to protect the health of those who interact with us. We take public health and safety seriously and have implemented policies to minimize the risk of infection. We have taken the following precautions:

- Social distancing is required in our courthouse. The capacity of our courtrooms has been dramatically reduced and seats have been marked to provide a six (6) feet space in all directions. Jury pools will not be assembled in the customary large groups.
- Everyone entering or remaining on the second floor of the courthouse, and in all courtrooms, must wear a mask unless they meet specific exceptions.
- Hand sanitizer is provided throughout the courthouse.
- The courthouse and all courtrooms are being cleaned daily.

While your service is needed at this session of court, your summons (enclosed) provides a process to seek deferment or to be excused from jury service for those that fall within certain limited categories. Please follow those instructions if you seek to be deferred or excused for a non-COVID-19 reason. Additionally, enclosed is a COVID-19 Deferral Questionnaire. This document must be completed and returned to the Jury Clerk, Ms. Rhonda Ingram. In addition to mailing or hand-delivering the document (in a sealed envelope) to the Lenoir County Clerk of Court, you can choose to scan the document and email it back to Ms. Ingram at Rhonda.R.Ingram@nccourts.org. ***Please be aware that if you choose to email the form, you assume all of the risks associated with transmitting any confidential or personal information over email.*** If you have any questions, please call Ms. Ingram at 252-520-5350. Finally, up to the moment you arrive at the courthouse, if you need to update any of the questions on the COVID-19 Deferral Questionnaire, please call before you report to the courthouse.

You must complete and return the questionnaire one week in advance of your jury service.



The Court will do its part to provide a healthier and safer environment for you to fulfill your civic responsibility. Thank you for your unselfish service to our community. Without your fulfilling your critical role, our system of justice does not work – and the rights provided in our state and federal constitutions go unfulfilled.

Again, thank you for your service.

Sincerely yours,

Imelda J. Pate
Senior Resident Superior Court Judge
Judicial District 8A

IJP/acs

Enclosures (3)

cc: Hon. Dawn G. Stroud, Lenoir County Clerk of Superior Court





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 and will be sealed by the Court. You may be contacted by the Court if you answer YES to any of the questions below.

Instructions: Please answer the questions below based on your current health and circumstances as of the date you respond. **Please return this questionnaire by email one week in advance of your jury service to Rhonda.R.Ingram@nccourts.org, or by mail to Lenoir County Clerk of Court, P.O. Box 68, Kinston NC 28502.**

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
 - If so, when were you diagnosed/what was the date of your positive test? _____
2. In the past 14 days, have you had close contact with anyone who has been diagnosed with or tested positive for COVID-19? YES NO
 - If so, what is the approximate date of your exposure? _____
3. Have you been directed to quarantine? YES NO
 - If so, on what date were you directed to quarantine? _____
4. Have you been tested for COVID-19 and are awaiting the test results? YES NO
 - If so, on what date were you tested? _____
5. Are you considered to be an individual in a vulnerable COVID-19 population, due to age or a health condition? YES NO
6. Do you reside with a person that is considered to be an individual in a vulnerable COVID-19 population, due to age or a health condition? YES NO
7. Do you provide direct care for a person that is considered to be an individual in a vulnerable COVID-19 population? YES NO



8. Do you have children at home who require your direct supervision due to school and/or daycare closings? *Note: This applies ONLY if there is NO ONE ELSE in the household who can provide care during your service.* YES NO

○ If so, please explain. _____

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

10. Are you able to wear a mask for a sustained (e.g., up to 2 hours) period of time? YES NO

11. Are you an essential healthcare worker? YES NO

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

12. 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 is 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 should change after you have submitted your survey.
The Jury Clerk can be reached at 252-520-5350.





GRAND JURY QUESTIONNAIRE

The purpose of this document is to expedite the Court's process of selecting new members of the Grand Jury. Responses to the questions are not public record and will be sealed by the Court.

Instructions: Please answer the questions below based on your current circumstances as of the date you respond. **Please return this questionnaire by email or mail one week in advance of your jury service date.**

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

1. Number of years completed in school: _____ Age: _____

2. Have you ever served on a Grand Jury before (including the past six months)? YES NO

3. Have you ever served as foreperson or assistant/alternate foreperson of a Grand Jury? YES NO

4. Have you ever been convicted of a criminal offense (other than minor traffic convictions)? YES NO

5. Where are you employed? _____

6. How long have you worked there? _____

7. What position do you hold and/or what are your work duties? _____

8. Do you supervise other employees at work? _____

9. List any professional, religious or civic organizations to which you belong: _____

10. Whom do you recommend (including yourself) to be the foreperson of this Grand Jury? _____

11. If chosen, would you be willing to serve as foreperson for the next six months? 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 at the time I completed the form.

Date

Juror Signature



Suggested Criminal Instruction

Wearing of Masks

During the trial the [defendant], [attorneys], [court staff] and the [Judge] may wear protective safety masks. These individuals have been directed to wear safety masks during this trial. Do not concern yourself with the reasons why a participant may or may not have worn a mask. You should not draw any conclusions or prejudice any party in any way solely based on whether someone wears a protective safety mask during this trial.

Notes on Use:

This suggested instruction will be used if some or all participants in the trial have appeared wearing masks. This instruction, if used, should be given at the beginning of the trial and/or at the conclusion of the trial, as appropriate. The bracketed language should be given as applicable.