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Jury Trial Resumption Plan  
Judicial District 11A

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Harnett and Lee Counties

HARNETT CO., C.S.C.

In response to the continuing Covid-19 Pandemic, the directives of the Chief Justice of the Supreme Court of North Carolina and the necessity for preparations to preserve the right of trial by jury, this Jury Trial Resumption Plan is hereby adopted for Harnett and Lee Counties.

Upon the resumption of jury trials, the following rules shall apply:

1. Orientation of jurors shall be conducted on-line. Instructions on accessing the orientation video will be sent with each juror's summons.
2. Jurors may seek excuses from service from a district court judge in writing by returning their jury summons to the Clerk of Court. Instructions for completing this process will be included with the jury summons.
3. After names are randomly drawn for the jury pool for a session of court, the Clerk of Court shall randomly draw names for the purpose of dividing the pool of summoned jurors into separate panels. Each panel drawn shall be designated by sequential numbers, e.g. Panel 1, Panel 2, etc. Each panel shall contain the number of potential jurors as shall be determined by the Senior Resident Superior Court Judge, or for district court trials, by the Chief District Court Judge. Each potential juror shall be informed in writing of the Panel to which they have been assigned as part of the information mailed to jurors with their jury summons.
4. Each summoned juror shall be directed, in writing, to call the jury telephone line for the county in question during a stated time before the session of court for which the jury has been summoned begins. The jurors will be instructed by recorded message when each panel of jurors should report during the session of court. Panels will be directed to report so as to avoid unnecessarily large numbers of jurors being present at the courthouse at the same time while also providing sufficient jurors to conduct jury selection. Neither the size of panels designated, nor the number of panels reporting, shall exceed available seating for jurors while socially distanced according to these rules and best current health practices.
5. Potential jurors will be notified before reaching the courthouse of the rules regarding

social distancing and of other requirements and steps being taken for the protection of their health and that of courthouse personnel and trial participants.

6. Each day before entering the courthouse, all jurors, court personnel, attorneys, witnesses and parties shall have their temperature checked and be asked if they are feeling sick in accord with the current procedure for public and employee entry into the courthouse.

Persons with an elevated temperature or reporting that they feel sick will not be allowed to enter the courthouse. If any juror or trial participant is not allowed to enter, courthouse security will immediately report the identity of the juror to the judge presiding at the session of court for which the juror has been summoned.

7. Jurors shall be randomly called from the panel or panels present at the courthouse for jury selection. Twelve potential jurors shall be called initially. The remaining members of the panels present at the courthouse shall remain in the jury assembly room until needed. Jury selection shall be conducted pursuant to statute. Replacement jurors will be called at random from the jury assembly room as needed until a jury is seated.

8. Jurors shall be seated in designated seats in the audience portion of the courtroom during jury selection and trial. Any jurors requiring special accommodations in seating (e.g., jurors unable to sit for extended periods on benches) may be seated in the jury box. At least six feet of distance shall be maintained between jurors and between all persons in the courtroom.

9. Separate space shall be provided in the audience section of the courtroom for spectators to observe the trial while maintaining social distancing. Each party to the litigation shall be allowed at least one observer. The alleged victim in a criminal case shall be allowed to be present as an observer for the State if requested.

10. During trial, the tables for counsel and the parties shall be turned at an angle or moved as necessary to allow all jurors, counsel and witnesses to be seen and heard.

11. At least six feet of distance shall be maintained at all times between all persons in the courtroom. However, the right of counsel to consult confidentially with their clients shall not be infringed.

12. The total number of persons present in the courtroom shall not exceed the maximum

number of persons it has been determined can be present in the courtroom while maintaining social distancing.

13. Masks covering the mouth and nose or face shields shall be worn by all persons in the courtroom, common areas and jury assembly room, and during jury deliberations.

14. Hand sanitizer shall be made available to jurors upon entering and leaving the courthouse and courtrooms.

15. Masks shall be provided at the front door of the courthouse to any juror, potential juror, court personnel, attorneys, witnesses or parties who do not have one.

16. The courtroom and jury assembly room shall be thoroughly cleaned at least once daily, including the cleaning of juror seats and frequently touched surfaces.

17. Video technology shall be employed during the trial to reduce or eliminate the handling of exhibits by jurors.

18. Social distancing shall be maintained among jurors at all times when they are required to leave the courtroom for any reason.

19. In Lee County, jury deliberations shall be conducted by the jury in the jury assembly room or courtroom after all other persons and court personnel have left the room. Bailiffs will secure the entrances to the deliberation area so that no one may enter during deliberations. If the courtroom is used, when a verdict is returned or a jury question arises, the judge, parties, attorneys and staff will reenter the courtroom to address these matters after notice to the jury to protect the secrecy of deliberations. The jurors will be instructed to maintain social distancing during deliberations. In the event a hearing related to the trial is necessary while deliberations are on-going in the trial courtroom, the hearing will be held in one of the other courtrooms in the courthouse, if such a courtroom is available. If a separate courtroom is not available, the presiding judge will conduct the hearing in the trial courtroom at a time determined in the judge's discretion, after notifying the jury to stop deliberations and having all jurors leave the courtroom.

20. In Harnett County, which has two Superior Courtrooms, when jury deliberations begin, jurors shall retire to Courtroom Six (with marked seating for social distancing) to conduct

deliberations. Hearings which must be conducted outside the jury's presence while deliberations are underway may be conducted in Courtroom Five, the principal Superior Courtroom. District court trials will be scheduled so that the adjoining Superior Courtrooms, or an adjoining District Courtroom, may be used in a fashion similar to Superior Court trials.

21. In the event a juror, party, witness, judge, observer, or other courtroom personnel become positive for Covid-19, has symptoms, or has a known exposure to someone who has tested positive for Covid-19 during a trial, the presiding judge shall be informed immediately. The judge will then determine in his or her discretion, based on the totality of the circumstances and consistent with due process requirements and the requirements of public health, whether the trial can continue. Generally, a positive test occurring during a trial will likely result in the declaration of a mistrial. If a positive test occurs, the judge will also inform all personnel, jurors, parties and attorneys involved in the trial of this fact so that these individuals may take appropriate steps for the protection of their health, but the judge shall not disclose the identity of the person testing positive. If exposure to someone who has tested positive occurs, or Covid-like symptoms are reported, the judge shall determine in his or her sound discretion, but consistent with sound public health practice, whether trial participants should be informed.

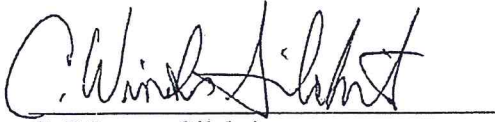
22. At the beginning of the trial, the presiding judge shall instruct jurors, attorneys, parties, observers and court personnel that they are required to report to the court immediately if they test positive for Covid-19, if they experience any symptoms of such illness or if they have a known exposure to someone who tests positive for that illness. Trial participants shall also be instructed to report to the court, through the Clerk of Court, any exposure, positive tests or symptoms of which they become aware, even after completion of the trial, which might have exposed other trial participants to the risk of infection from Covid-19.

23. Each court facility in this judicial district complies with each of the emergency orders of the Chief Justice issued in response to the Covid-19 crisis.

24. The conduct of jury trials pursuant to this Plan will ensure that operations are in compliance with each of the directives of the Chief Justice, and will be informed by the Best

Safety Practices of the N.C. Administrative Office of the Courts.

By signature of the undersigned, all necessary parties have reviewed and approved this plan:

A handwritten signature in black ink, appearing to read "C. Winston Gilchrist", written over a horizontal line.

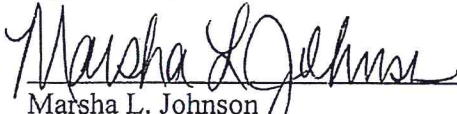
C. Winston Gilchrist  
Senior Resident Superior Court Judge  
Judicial District 11A

Approved by:

A handwritten signature in cursive script that reads "Vern Stewart". The signature is written in black ink and is positioned above a horizontal line.

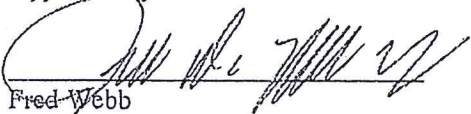
Vernon Stewart  
District Attorney

Approved by:

  
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Marsha L. Johnson  
Harnett County Clerk of Superior Court



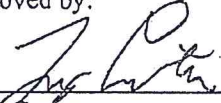
Approved by:

A handwritten signature in black ink, appearing to read 'Fred Webb', written over a horizontal line.

Fred Webb

Criminal Defense Attorney-Lee County Bar

Approved by:

  
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Tracy Carter  
Sheriff of Lee County

Approved by:

A handwritten signature in cursive script, appearing to read "Susie Thomas". The signature is written in black ink and is positioned above the printed name.

Susie Thomas

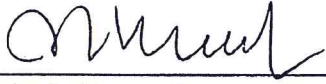
Lee County Clerk of Superior Court

Approved by:

A handwritten signature in cursive script, appearing to read "Wayne Coats", written over a horizontal line.

Wayne Coats  
Sheriff of Harnett County

Approved by:

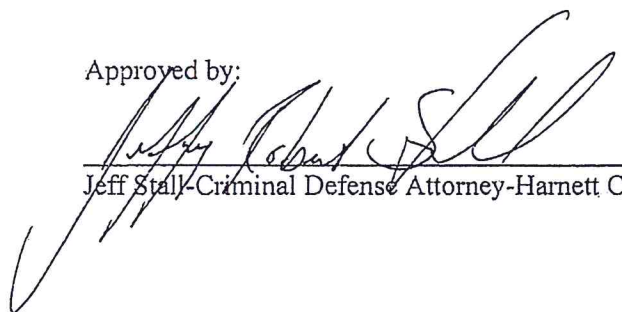
A handwritten signature in black ink, appearing to read "John L. Rouse, Jr.", written over a horizontal line.

John L. Rouse, Jr.  
Harnett County Public Health Director

Approved by:

William H. Cain 8-25-20  
William H. Cain  
Lee County Public Health Director

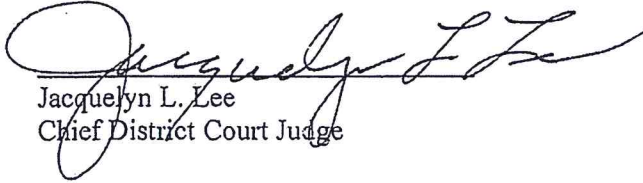
Approved by:



Jeff Stall

Jeff Stall-Criminal Defense Attorney-Harnett County Bar

Approved by:

A handwritten signature in cursive script, appearing to read "Jacquelyn L. Lee". The signature is written in black ink and is positioned above the printed name and title.

Jacquelyn L. Lee  
Chief District Court Judge