

FILED

STATE OF NORTH CAROLINA  
COUNTY OF MONTGOMERY  
COUNTY OF STANLY

2020 OCT -8 P 3: 34

IN THE GENERAL COURT OF JUSTICE  
SUPERIOR COURT DIVISION  
DISTRICT COURT DIVISION  
MONTGOMERY COUNTY NO. 20-R-\_\_\_  
STANLY COUNTY NO. 20-R-1

BY br

JUDICIAL DISTRICT 20A

ADMINISTRATIVE ORDER  
(RESUMPTION OF JURY TRIALS)

This matter coming on before the Honorable Kevin M. Bridges, Senior Resident Superior Court Judge in Judicial District 20A, for the establishment of a plan for the resumption of jury trials in accordance with Emergency Directive 22 issued by the Honorable Cheri Beasley, Chief Justice of the North Carolina Supreme Court; and the Court makes the following:

**FINDINGS OF FACT:**

1. Since March 13, 2020, the Chief Justice has issued many Emergency Directives to slow the spread of COVID-19 in the court system while maintaining critical court functions. On May 21, 2020, the Chief Justice issued Emergency Directive 10 which halted all jury trials in the state as an additional safety precaution against the emerging pandemic.
2. Montgomery County joined Stanly County to comprise Judicial District 20A as a result of judicial re-districting which took effect in 2019. The Montgomery County Courthouse was constructed in 1921 with only one courtroom and no jury assembly room. There is a makeshift courtroom in the basement which is utilized by District Court when Superior Court is in session, but space is limited. The maximum capacity of the main courtroom gallery while observing social distancing is 40. The maximum capacity of the grand jury room while observing social distancing is 15. The jury room is not practical for use by a trial jury during recesses or deliberations while observing social distancing.
3. The Montgomery County court facility is in full compliance with each of the Emergency Directives issued by the Chief Justice in response to the COVID-19 outbreak. Currently, all members of the public are screened at the entrance with temperatures taken with contactless thermometers along with a visual assessment. If anyone has a fever, appears to be symptomatic, or refuses to have their temperature taken, he/she is denied entrance to the courthouse. The local health department has made face coverings available to people entering the courthouse who do not have them. All safety measures shall apply to prospective jurors.
4. The Stanly County Courthouse is a newer facility with a Superior Court courtroom and a District Court courtroom. The Superior courtroom has a social distancing maximum capacity of 20 in the gallery. Additional space at the court facility has been adapted for

other purposes which may be utilized to resume jury trials. Both the Small Claims and the Administrative Court courtrooms have maximum capacities while observing social distancing of 30. Also, there is space in the former County Commissioners' hearing room which is now utilized as a Civil Courtroom. It also has a maximum capacity of 30 allowing for social distancing. The grand jury room has a social distancing maximum capacity of 15. The jury room has a maximum capacity of 12 allowing for social distancing.

5. The Stanly County court facility is in full compliance with each of the Emergency Directives issued by the Chief Justice in response to the COVID-19 outbreak. Currently, all members of the public are screened at the entrance with temperatures taken with contactless thermometers along with a visual assessment. If anyone has a fever, appears to be symptomatic, or refuses to have their temperature taken, he/she is denied entrance to the courthouse. The local health department has made face coverings available to people entering the courthouse who do not have them. All safety measures shall apply to prospective jurors.

#### **CONCLUSIONS OF LAW:**

1. That the Chief Justice has determined and declared that catastrophic conditions have existed and continue to exist throughout all counties of North Carolina.
2. That it is in the best interests of the citizens of Judicial District 20A that a plan for the resumption of jury trials be formulated to facilitate the administration of justice, while maintaining the health and safety of the public, to be implemented at such time as the Chief Justice deems it appropriate to do so.

#### **IT IS THEREFORE ORDERED, ADJUDGED, AND DECREED:**

#### **MONTGOMERY COUNTY**

##### **A. Jury Summonses/Orientation/Excuses**

1. The Clerk shall prepare, or have electronically prepared, a randomized list of names from the master jury list which shall not exceed 75 names. In the event that a particular trial is likely to require more jurors in order to impanel a jury for trial, the Clerk and the Senior Resident Superior Court Judge (or the Chief District Court Judge for District Court trials) shall confer in advance to determine an appropriate number of randomized names to be drawn for that session of court.
2. No more than 55 jurors shall be required to report to the courthouse per day. In the event that a particular trial is likely to require more jurors in order to impanel a jury for trial, the jurors shall be directed to report in a staggered fashion, across several days, so that no

more than 55 jurors shall be required to report to the courthouse per day. If more than 55 jurors report for jury duty on a given day, the Clerk shall defer the excess jurors to a later session of court.

3. The jury summonses shall direct prospective jurors to call for additional instructions before reporting to the courthouse. The jury summonses shall encourage prospective jurors to bring their own personal protective equipment.
4. Prospective jurors shall report to the main courtroom. Once the maximum capacity has been reached, excess jurors shall report to the grand jury room.
5. The Clerk shall handle orientation in the main courtroom. In the event that the jurors in the grand jury room are needed for jury selection, they will be brought to the main courtroom and the Clerk shall handle orientation for them at that time.
6. The Clerk is authorized to rule on excuses when the jurors report for jury duty.

#### B. Jury Selection

1. No more than 2 jurors shall be called into the jury box at one time so that social distancing can be maintained during voir dire. When a juror is acceptable to both the attorneys for the State/Plaintiff and the attorneys for the Defendant to serve on that trial, the juror shall be released and given instructions as to when to return to be impaneled and to begin the trial. Jurors who are excused during voir dire shall be released and given instructions as to if, or when, they need to return. This process shall continue until all trial jurors, including alternates, are selected.
2. Jurors who are selected to serve shall be situated in the main courtroom gallery on the left side according to their assigned number. The jurors shall be impaneled and shall remain in their assigned spaces for the duration of the trial.

#### C. Trial Logistics

1. Since the courtroom shall remain open to the public, members of the public shall be permitted to sit on the right side of the main courtroom gallery until the maximum capacity is reached. Only trial jurors shall be permitted on the left side of the main gallery in order to prevent any inappropriate contact with members of the public.
2. The tables for the State and the defense shall be re-positioned so that the attorneys do not have their backs to the jury or the Presiding Judge, and so that they will be able to see and question the witnesses with minimal inconvenience.

3. Witnesses shall be directed to a designated seat in the jury box which shall maximize the jury's ability to see and hear the witness while maintaining social distancing. A microphone shall be utilized to amplify the testimony of the witnesses.
4. The court reporter shall be re-positioned between the tables for the State/Plaintiff and the Defendant where the reporter will be able to observe as well as hear the witnesses.
5. The Presiding Judge shall remain on the bench because re-positioning the judge would compromise his/her safety.
6. The court bailiffs shall inform the Presiding Judge of the best routes for entering and exiting the courtroom for the jurors.
7. Exhibits received into evidence shall be published to the jury on television and/or overhead monitors. A monitor shall be utilized to display exhibits to the Presiding Judge.
8. Social distancing shall be maintained in the grand jury room and it shall be used by the trial jurors during the handling of matters which must be addressed outside the presence of the jury, recesses and deliberations.

D. COVID-19 Response

1. If any individual becomes symptomatic at the court facility, 911 shall be called immediately if the symptoms are serious. Serious symptoms include, but are not limited to, trouble breathing, persistent pain or pressure in the chest, a high fever, confusion or inability to arouse, or bluish lips or face.
2. If any individual exhibits less serious symptoms, tests positive for COVID-19, or has been exposed to someone who has tested positive for COVID-19, the individual shall be immediately excused from further jury service and encouraged to seek medical advice.
3. If anyone is symptomatic, tests positive for COVID-19, or has been exposed to someone who has tested positive for COVID-19, the local health department shall be contacted immediately to provide public health guidance, and to assist court officials with determining the contact that the individual may have had with others at the court facility.
4. The Presiding Judge shall halt the trial and declare a mistrial, if necessary, upon a determination of pervasive contact by the affected individual with others at the court facility which makes it impossible to continue the trial in a manner that is safe for all participants.

## STANLY COUNTY

### A. Jury Summonses/Orientation/Excuses

1. The Clerk shall prepare, or have electronically prepared, a randomized list of names from the master jury list which shall not exceed 75 names. In the event that a particular trial is likely to require more jurors in order to impanel a jury for trial, the Clerk and the Senior Resident Superior Court Judge (or the Chief District Court Judge for District Court trials) shall confer in advance to determine an appropriate number of randomized names to be drawn for that session of court.
2. No more than 75 jurors shall be required to report to the courthouse per day. In the event that a particular trial is likely to require more jurors in order to impanel a jury for trial, the jurors shall be directed to report in a staggered fashion, across several days, so that no more than 75 jurors shall be required to report to the courthouse per day.
3. The jury summonses shall direct prospective jurors to call for additional instructions before reporting to the courthouse. The jury summonses shall encourage prospective jurors to bring their own personal protective equipment.
4. The Clerk shall determine what jury assembly areas prospective jurors shall report to for that session of court depending upon the other court sessions that may be held during that time.
5. The Clerk shall handle orientation in the jury assembly areas.
6. The Clerk is authorized to rule on excuses when the jurors report for jury duty.

### B. Jury Selection

1. Jury selection will proceed in the normal fashion while adhering to social distancing.

### C. Trial Logistics

1. Additional seats shall be placed in front of the jury box, and the jury box shall be utilized as normal while maintaining social distancing.
2. The court bailiffs shall inform the Presiding Judge of the best routes for entering and exiting the courtroom for the jurors.
3. Social distancing shall be maintained in the jury room and the grand jury room. The Presiding Judge shall have the option of utilizing either room for the trial jurors during

the handling of matters which must be addressed outside the presence of the jury, recesses and deliberations.

4. Exhibits received into evidence shall be published to the jury on television and/or overhead monitors. A monitor shall be utilized to display exhibits to the Presiding Judge.

D. COVID-19 Response

1. If any individual becomes symptomatic at the court facility, 911 shall be called immediately if the symptoms are serious. Serious symptoms include, but are not limited to, trouble breathing, persistent pain or pressure in the chest, a high fever, confusion or inability to arouse, or bluish lips or face.
2. If any individual exhibits less serious symptoms, tests positive for COVID-19, or has been exposed to someone who has tested positive for COVID-19, the individual shall be immediately excused from further jury service and encouraged to seek medical advice.
3. If anyone is symptomatic, tests positive for COVID-19, or has been exposed to someone who has tested positive for COVID-19, the local health department shall be contacted immediately to provide public health guidance, and to assist court officials with determining the contact that the individual may have had with others at the court facility.
4. The Presiding Judge shall halt the trial and declare a mistrial, if necessary, upon a determination of pervasive contact by the affected individual with others at the court facility which makes it impossible to continue the trial in a manner that is safe for all participants.
5. This Order shall take effect when entered and shall remain in effect until modified or terminated by further Orders.

This the 1<sup>st</sup> day of September, 2020.

  
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KEVIN M. BRIDGES  
SENIOR RESIDENT SUPERIOR COURT JUDGE  
JUDICIAL DISTRICT 20A

WITH APPROVAL BY:

/s/JOHN R. NANCE

JOHN R. NANCE  
CHIEF DISTRICT COURT JUDGE  
JUDICIAL DISTRICT 20A

/s/JOHN K. DEATON

JOHN K. DEATON  
CLERK OF SUPERIOR COURT FOR  
MONTGOMERY COUNTY

/s/MICHAEL HUNEYCUTT

MICHAEL HUNEYCUTT  
CLERK OF SUPERIOR COURT FOR  
STANLY COUNTY

/s/T. LYNN CLODFELTER

T. LYNN CLODFELTER  
DISTRICT ATTORNEY

/s/WALTER I. JENKINS, III

WALTER I. JENKINS, III  
DISTRICT BAR PRESIDENT

/s/CHRIS WATKINS

CHRIS WATKINS  
MONTGOMERY COUNTY SHERIFF

/s/JEFF CRISCO

JEFF CRISCO  
STANLY COUNTY SHERIFF

/s/DAVID JENKINS

DAVID JENKINS  
STANLY COUNTY HEALTH DIRECTOR

/s/MARY PEREZ-BALDWIN

MARY PEREZ-BALDWIN  
MONTGOMERY COUNTY HEALTH DIRECTOR