

# **Jury Proceeding Addendum to COVID-19 Operating Plan for the Hutchinson County Judiciary**

*Effective on and after October 1, 2020*

Recognizing the need to ensure the health and safety of jurors, litigants, attorneys, visitors, court staff, judges, and other individuals entering the buildings housing the courts, the courts of **Hutchinson County, Texas** will implement, in addition to the procedures and protocols in the previously submitted COVID-19 Operating Plan, the following protective measures for jury proceedings:

## **General**

1. All judges will comply with the Emergency Orders issued by the Supreme Court of Texas and Court of Criminal Appeals, including conducting in-person jury proceedings according to the guidance issued by the Office of Court Administration.
2. The justice courts will not conduct an in-person jury proceeding until the Supreme Court permits such proceedings.
3. Judges of the district courts, constitutional and statutory county courts, and statutory probate courts will conduct in-person jury proceedings in accordance with the previously approved Operating Plan and this addendum only after this jury proceeding addendum is submitted and accepted by the Regional Presiding Judge.
4. Not more than five days before an approved in-person jury proceeding is scheduled to occur, the local administrative district judge or designee will consult with the local public health authority to verify that local health conditions and plan precautions are appropriate for the jury proceeding to proceed.
5. Except for criminal cases where confinement in jail or prison is a potential punishment, judges may conduct remote jury proceedings if the court follows the requirements of the hearings on objections or motions section below and ensures that all potential and selected petit jurors have access to technology to participate remotely. Judges may conduct remote jury proceedings in a criminal case where confinement in jail or prison is a potential punishment only with appropriate waivers and consent obtained on the record from the defendant and the prosecutor.

## **Jury Proceeding Approval Process**

1. Judges wishing to conduct a jury proceeding will follow the procedure detailed below to obtain approval to proceed with the jury proceeding from the local administrative district judge (LADJ) and Regional Presiding Judge (RPJ):
  - a. Email Judge Ana Estevez (RPJ) at [aestevez@pottercscd.org](mailto:aestevez@pottercscd.org) and Judge Curt Brancheau (LADJ) at [84thjudge@hutchinsoncnty.com](mailto:84thjudge@hutchinsoncnty.com) with the style, case number(s), number of jurors to be summoned and anticipated number of days required.
  - b. The LADJ and RPJ will respond via email allowing or denying said request.

2. The local administrative district judge will, not more than five days before the jury proceeding, consult with the local public health authority to verify that the local health conditions and plan precautions are appropriate for the jury proceeding to proceed with the following procedure:
  - a. Email the public health authority with the anticipated number of jurors to be summoned and request an opinion on the risk of proceeding with a jury trial.
  - b. Local public health authority will respond via email.

#### **Hearings on Objections or Motions Related to Proceeding**

1. Parties who are scheduled for a jury proceeding are encouraged to make any objections or motions related to proceedings at least 14 days prior to the trial setting.
2. Any objections or motions related to proceeding with a jury proceeding will be heard by the judge presiding over the case at least fourteen days prior to the jury proceeding or as soon as practicable if the objection or motion is made or filed within fourteen days of the jury proceeding.

#### **Communication Protocols**

1. Each judge with an approved in-person jury proceeding will require the parties to communicate with the court if any participant in the jury proceeding, including attorneys, parties, attorney support staff, or witnesses, has tested positive for COVID-19 within the previous 30 days prior to any portion of the jury proceeding, currently has symptoms of COVID-19, or has had recent known exposure to COVID-19.
2. If the approved in-person jury proceeding involves an incarcerated participant, the judge will require the sheriff to report any positive COVID-19 test of the incarcerated participant within the previous 30 days prior to any portion of the jury proceeding, any current symptoms of COVID-19, or any recent known exposure to COVID-19.

#### **Scheduling**

1. A judge who obtains approval for an in-person jury proceeding will schedule no more than ten cases for that jury trial setting, unless pre-approval for larger dockets is obtained from the Regional Presiding Judge.
2. Judges should attempt to alert parties who will not be proceeding prior to the day of trial to reduce attendance at the court facility.

#### **Summoning Jurors**

1. The jury clerk must include with in-person juror summonses information regarding precautions that have been taken to protect the health and safety of prospective jurors (see COVID-19 JURY TRIAL PRECAUTIONS - Attachment A) and COVID questionnaires (see JURY SERVICE COVID-19 PRE-SCREENING QUESTIONNAIRE - Attachment B) that elicit from prospective jurors information about their exposure or vulnerability to COVID-19.
2. Judges will consider using juror questionnaires for voir dire to assist in shortening the length of voir dire or the number of venirepersons.

3. Excuses or requests to reschedule from in-person prospective jurors who have been potentially exposed, who are symptomatic, and who are vulnerable or live with someone vulnerable to COVID-19 will be liberally granted.

#### **Location for Jury Selection, Trial, and Deliberation**

1. The following locations have sufficient space to permit adequate social distancing and will be used for in-person jury proceedings:<sup>1</sup>
  - a. Jury Qualification: West Texas High School Field House/Gymnasium, 600 Stewart, Stinnett, TX (the “old gym”)
  - b. Voir Dire: West Texas High School Field House/Gymnasium, 600 Stewart, Stinnett, TX (the “old gym”)
  - c. Trial: 84<sup>th</sup> District Courtroom, 316<sup>th</sup> District Courtroom, and Hutchinson County Courtroom, 500 Main St., Stinnett, TX 79083.
  - d. Jury Deliberation: 84<sup>th</sup> District Courtroom, 316<sup>th</sup> District Courtroom, and Hutchinson County Courtroom, 500 Main St., Stinnett, TX 79083.
2. Security protocols at the locations for jury proceedings have been reviewed with the appropriate courthouse security personnel and are adequate for the proceeding.

#### **Screening**

1. In addition to the requirements of the previously submitted in-person Operating Plan, all court participants and observers attending an in-person jury proceeding will be screened for elevated temperatures and will be questioned to determine if the individual has recently had symptoms of COVID-19 or been exposed to COVID-19.
2. All participants in a trial who are incarcerated will be screened by the jail/prison prior to transport to the courtroom and any known exposure, symptoms, or COVID-19 positive test results within the past 30 days will be reported to the judge presiding over the jury trial prior to the transport of the participant to the courtroom.

#### **Face Coverings**

1. In addition to the requirements of the previously submitted in-person Operating Plan, all persons entering the common areas of a courthouse, including a courtroom or any other location being used to conduct a jury trial, will be required to wear a face covering at all times unless the person is an individual that is not recommended to wear a mask by the Centers for Disease Control or the Texas Department of State Health Services.
  2. All court participants will be required to wear face coverings from jury qualification through the end of trial.
  3. When speaking, judges will permit a court participant to lower his or her mask as long as and the person speaking is immobile and is wearing a face shield.
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### **Social Distancing**

1. Social distancing of all court participants and observers will be maintained at all times during the jury proceeding, including during the trial and deliberation.
2. Special attention will be paid by courts to ensure adequate social distancing and managed exits of individuals during breaks, especially when dismissing large groups of people for a break.

### **Alternate Jurors**

1. Each judge with an approved in-person jury proceeding will be encouraged to consider selecting alternate jurors to permit the trial to continue in the event of a juror becoming ineligible to serve for a reason unrelated to that person's exposure to or contraction of COVID-19.

### **Arrangement of Courtroom**

1. The following description details how each of the courtrooms or facilities will be arranged during the jury proceeding:
  - a. See attached diagram of 316<sup>th</sup> District Courtroom
  - b. See attached diagram of 84<sup>th</sup> District Courtroom
  - c. See attached diagram of Hutchinson County Courtroom

### **Microphone Protection Protocols**

1. Judges will limit, to the degree possible, the shared use of microphones during the jury proceeding.
2. If a microphone must be shared, judges will limit the passing of the microphone unless the microphone is cleaned between each user.
3. Disposable microphone covers will be placed on shared microphones and changed between each user.

### **Exhibit/Evidence Management**

1. Judges will limit, to the degree possible, the use of physical or paper exhibits/evidence where feasible or appropriate by converting the exhibit/evidence to a digital form.
2. When physical or paper exhibits/evidence is required, judges will reduce the exchange of that exhibit/evidence to the number of persons necessary and will limit passing the exhibit/evidence to the individual members of the jury.
3. If an exhibit/evidence is required to be transferred from person-to-person, single use gloves will be provided, worn, and discarded immediately after handling the exhibit/evidence.
4. During jury deliberations, judges will make efforts to provide the jury with access to digital exhibits/evidence that would normally be shared with the jury during deliberation. Where digital exhibits/evidence is not feasible, judges will consider limiting the transfer of the

exhibits/evidence from juror-to-juror by spreading the exhibits/evidence on a table for inspection from the table in the jury deliberation room.

### Witnesses

1. Judges will inquire whether witnesses to the proceedings have COVID-related issues.
2. To the degree constitutionally permissible or with the consent of the parties, judges will permit witnesses to testify remotely via videoconference, especially if that witness has symptoms of or a recent positive test for COVID-19, has been recently exposed, or is vulnerable to contracting COVID-19.

### Food Precautions

1. Courts that provide food to jurors or other participants during a jury proceeding will ensure individual food portions, such as individually boxed meals, are provided.

### Cleaning

1. In addition to the requirements of the previously submitted in-person Operating Plan, frequent cleaning protocols in the courtrooms and facilities will be maintained throughout the jury proceeding as appropriate.
2. Shared spaces such as witness stands, seating in the gallery, and seating during qualification/voir dire will be cleaned during transitions of those spaces.
3. Seats for members of the jury panel and selected jurors will be assigned to reduce potential transmission and the need for more frequent cleaning.

I have attempted to confer with all judges of courts with courtrooms in the court building regarding the Jury Proceeding Addendum to the Operating Plan. In developing the plan, I consulted with the local health authority and county judge, documentation of which is attached to this plan. I will ensure that the judges of courts with courtrooms in the court building covered by this Operating Plan conduct proceedings consistent with the plan.



Date: 9/29/2020

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Local Administrative District Judge

# **Attachment A –**

COVID-19 JURY TRIAL PRECAUTIONS



## **CURT W. BRANCHEAU**

DISTRICT JUDGE  
84TH JUDICIAL DISTRICT  
HANSFORD - HUTCHINSON - OCHILTREE  
P.O. DRAWER 3437  
STINNETT, TX 79083

84thJudge@hutchinsoncnty.com

### **STINNETT**

(806) 878-4022 • FAX: (806) 878-3117

### **SPEARMAN**

(806) 659-4160 • FAX: (806) 659-2299

### **PERRYTON**

(806) 435-8052

### **COURT ADMINISTRATOR**

JAN M. LEWIS

84@hutchinsoncnty.com

### **COURT REPORTER**

DEBBIE MARTIN

### **COURT BAILIFF**

JACK DUPY

## **COVID-19 JURY TRIAL PRECAUTIONS**

Recognizing the need to ensure the health and safety of litigants, attorneys, visitors, court staff, judges, and other individuals entering the buildings housing the court, the Courts of Hutchinson County will implement the following protective measures for all jury trial commencing 10/1/20 or after, until further notice.

### **General**

1. The Judge will comply with the Emergency Orders issued by the Supreme Court of Texas and Court of Criminal Appeals, including conducting in-person proceedings according to the guidance issued by the Office of Court Administration regarding social distancing, maximum group size, and other restrictions and precautions, as deemed appropriate by the Presiding Judge of the Court.
2. The Judge will use all reasonable efforts to conduct proceedings within the prescribed social distancing recommendations of the national, state and local health authorities.
3. The local administrative district judge will maintain regular communication with the local health authority and county judge and to ascertain current conditions in Hutchinson County.

### **Judge and Court Staff Health**

1. The judge and all court personnel will be self-monitoring and have been trained on the symptoms to monitor for exposure to COVID-19. If a staff member reports symptoms, they will be required to self-quarantine and not report to work, and will perform their work functions, as possible, remotely.
2. The Judge or court staff who feel feverish or have measured temperatures equal to or greater than 100.4°F, or with new or worsening signs or symptoms of COVID-19 such as cough, shortness of breath or difficulty breathing, chills, repeated shaking with chills, muscle pain, headache, sore throat, loss of taste or smell, diarrhea, or having known close contact with a person who is confirmed to have COVID-19 will be required to self-quarantine and seek medical advice.

3. The Judge and court staff will wear face coverings in all courtroom settings or will have screening devices in place, will be required to practice social distancing, and practice appropriate hygiene recommendations at all time.

### **Social Distancing**

1. All persons not from the same household who are permitted in the Courtroom will be required to maintain adequate social distancing of at least 6 feet.
2. Public common areas, including breakrooms and snack rooms, have been closed to the public. Hallways outside Courtrooms will be arraigned for social distancing and person limits enforced.
3. The maximum number of persons permitted in the gallery of each courtroom has been determined and posted. The maximum capacity of the Courtroom will be monitored and enforced by court staff.
4. The gallery of the Courtroom has been marked to identify appropriate social distancing in the seating.
5. In each Courtroom, the counsel tables, witness stand, judge's bench, and clerk, court reporter, and bailiff seating have been arranged in such a way so that there is social distancing of at least 6 feet between each space and person limits will be enforced.

### **Hygiene**

1. Hand sanitizer dispensers will be made available for public use in or near each Courtroom.
2. Face masks and/or face shields will be made available to all court room participants, staff, and general public attending any phase of the trial.

### **Screening**

1. When individuals attempt to enter the court building, Courthouse Security will ask the individuals if they are feeling feverish; have a cough, shortness of breath, or difficulty breathing; or have been in close contact with a person who is confirmed to have COVID-19. Individuals who indicate yes to any of these questions will be refused admittance to the court building.
2. When individuals attempt to enter the court building, Courthouse Security will use an infrared thermometer to determine the temperature of the individual. Individuals whose temperature equals or exceeds 100.4°F will be refused admittance to the Courtrooms.



3. Inmates being transported from the jail to the court buildings will be screened for symptoms of COVID-19 and have their temperature taken prior to transport. Inmates with symptoms or a temperature equal to or above 100.4.F will not be transported to the court building.
4. Staff who are screening individuals entering the courtrooms will be provided personal protective equipment.

### **Face Coverings**

1. All individuals entering the Courthouse will be offered disposable face coverings for use while in the Courthouse or awaiting hearings in portions of the Courthouse while awaiting hearings or testifying. All persons in public spaces will be required to wear face coverings pursuant to GA-29 and the orders of the local county Judge.

### **Cleaning**

1. Court building cleaning staff will clean the common areas of the court buildings so that common spaces are cleaned at least every four to five hours.
2. Court building cleaning staff will clean the county courtroom, 84th courtroom and waiting areas twice during the day (if being used that day).
3. Court building cleaning staff have been provided cleaning supplies shown to be effective with this coronavirus.
4. Court building cleaning staff have been trained on proper cleaning techniques and provided appropriate personal protective equipment.

### **Jury Qualification**

1. Jury qualification will be conducted in the West Texas High School Field House/Gymnasium, 600 S. Stewart, Stinnett, TX. Qualification will begin at 9:00 a.m. on the date reflected in your summons; qualification will occur before the judge presiding.
2. A Pre-screening questionnaire will be presented to each prospective juror with the Jury Summons. All prospective jurors who indicate an individual or household exposure to COVID-19 within 14 days prior to qualification will be turned away at the Field House/Gymnasium entrance if not already excused by the Court.
3. Prospective Jurors will be pre-screened prior to entry to the Field House/Gymnasium for qualification.
4. The Prospective Jurors will be seated with all social distancing requirements observed.

5. All prospective jurors will be provided a disposable face covering upon entry into the Central Jury Room and required to wear face covering pursuant to GA-29.

### ***Voir Dire examination and Jury Selection***

1. Voir Dire examination and Jury selection will be conducted in the Field House/Gymnasium.
2. Public access will be permitted by a rotation of the public desiring to attend in numbers that allow adequate social distancing. The public will be seated on the south side of the Field House/Gymnasium directly across from the jury panel and socially distanced from one another. Face masks will be required for the public as well.


### **Conduct of Jury Trial**

1. The Trial will be conducted in either the 84<sup>th</sup> District, 316<sup>th</sup> District, or Hutchinson County courtroom of the Hutchinson County courthouse. A closed circuit broadcast will be made available in an alternate location which will be posted on the courthouse door for any public observers in excess of who can be admitted in the courtroom.
2. The Jury will be maintained in an alternate, unused courtroom for social distancing spacing.
3. Plexiglas/glass partitions will be utilized when possible for courtroom locations requiring activities that require less than 6 foot social distance.
4. Upon reporting to the courthouse, each prospective juror, attorney, party, and court personnel will be screened for COVID-19 symptoms as set forth in the in-person operating plan for Hutchinson County Courts.
5. All trial participants will be provided face coverings daily.
6. Witness attendance will be limited to social distancing spacing throughout the courthouse. Additional witnesses can be staged in their vehicle in the parking lot to be notified to enter the courthouse for testimony. Any witness experiencing COVID-19 symptoms or actively quarantined may be offered through teleconference broadcast to the courtroom via zoom.
7. Counsel and parties will maintain social distancing requirements throughout the conduct of the trial to the extent possible
8. The 84<sup>th</sup> District courtroom and County courtroom will be arranged to accommodate social distance requirements throughout the conduct of the trial.

9. Public access will be permitted by a rotation of the public desiring to attend in numbers that allow adequate social distancing.

10. All Courtrooms and jury rooms will be cleaned a minimum of twice daily with one cleaning during lunch recesses.

Date: September 10, 2020.

  
\_\_\_\_\_  
Curt W. Brancheau, Judge Presiding  
84th Judicial District of Texas

**This plan has been approved by the Local Administrative Judge Curt Brancheau of the 84<sup>th</sup> Judicial District.**

## **Attachment B –**

JURY SERVICE COVID-19 PRE-SCREENING QUESTIONNAIRE



**CURT W. BRANCHEAU**

DISTRICT JUDGE  
84TH JUDICIAL DISTRICT  
HANSFORD - HUTCHINSON - OCHILTREE  
P.O. DRAWER 3437  
STINNETT, TX 79083

STINNETT  
(806) 878-4022 • FAX: (806) 878-3117  
**SPEARMAN**  
(806) 659-4160 • FAX: (806) 659-2299  
**PERRYTON**  
(806) 435-8052

[84thjudge@hutchinsoncnty.com](mailto:84thjudge@hutchinsoncnty.com)

COURT ADMINISTRATOR  
JAN M. LEWIS  
**COURT REPORTER**  
DEBBIE MARTIN  
**COURT BAILIFF**  
JACK DUPY

**JURY SERVICE COVID-19 PRE-SCREENING QUESTIONNAIRE**

Dear Prospective Juror:

As part of the court's ongoing measures to protect against the spread of the COVID-19 disease, we ask that you complete the following before reporting for Jury Service. Please send this document to [84@hutchinsoncnty.com](mailto:84@hutchinsoncnty.com) or by fax to (806) 878-3117 NOT LATER THAN OCTOBER 5, 2020

Name \_\_\_\_\_ Juror Number \_\_\_\_\_  
Phone# \_\_\_\_\_  
E-mail \_\_\_\_\_

**1. SYMPTOMS NOW OR IN THE LAST FOURTEEN DAYS: check any that apply to YOU or A MEMBER OF YOUR HOUSEHOLD**

Fever (above 100.4)       Change in taste, smell or appetite       Cough  
 Headache     Shortness of Breath       Diarrhea       Chills or repeated shaking with chills

Muscle pain or body aches       Sore throat

I certify that NONE of the symptoms above have been experienced by me or a member of my household during the fourteen days prior to completing this form.

**IF YOU ARE EXPERIENCING ANY OF THE ABOVE SYMPTOMS AFTER COMPLETING THIS FORM AND BEFORE REPORTING TO JURY DUTY ON OCTOBER 12, 2020, CALL THE 84th COURT COORDINATOR'S OFFICE at (806)878-4022 BEFORE REPORTING TO JURY DUTY.**

**2. CONTACT HISTORY - check any that apply to YOU or A MEMBER OF YOUR HOUSEHOLD:**

I or a member of my household has been diagnosed with COVID- 19 within the past 5 months;

I or a member of my household has been in close contact with someone exposed to or infected with COVID-19 in the last 14 days;

*[Handwritten signature]*

\_\_\_\_\_ I or a member of my household are currently on a watch list or self-quarantining because of possible COVID-19 exposure;

\_\_\_ NONE of the above apply.

**IF ANY OF THE ABOVE APPLY AFTER COMPLETING THIS FORM AND BEFORE REPORTING TO JURY DUTY ON OCTOBER 12,2020, CALL THE COURT COORDINATOR'S OFFICE at (806) 878-4022 BEFORE REPORTING ON OCTOBER 12,2020.**

3. COVID-19 RELATED EXCUSE OR POSTPONEMENT - Individuals who are over age 65 and individuals with serious underlying health conditions, such as high blood pressure, chronic lung disease, diabetes, obesity, asthma, and those whose immune systems are compromised, such as by chemotherapy for cancer or other conditions requiring such therapy,

Are considered to be vulnerable populations and may request to postpone or be excused from jury service at this time. If you wish to be excused or request that your jury service be postponed, check the box below.

\_\_\_ *I certify that I meet the above-described conditions and I am requesting to be excused from jury service or desire to have my service date postponed because of those conditions.*

**IF YOU ARE REQUESTING TO BE EXCUSED OR YOUR SERVICE DATE BE POSTPONED DUE TO A COVID-19 RELATED REASON, CALL THE 84TH COURT COORDINATOR'S OFFICE at (806) 8784022 BEFORE REPORTING ON OCTOBER 12, 2020.**

4. FACE COVERINGS: Prospective jurors are required to wear a face covering while they are in the gymnasium for jury y selection. Individuals are encouraged to bring a cloth face covering with them. If an individual does not have a cloth face covering, a disposable face mask will be provided.

I certify the above is true and correct: \_\_\_\_\_

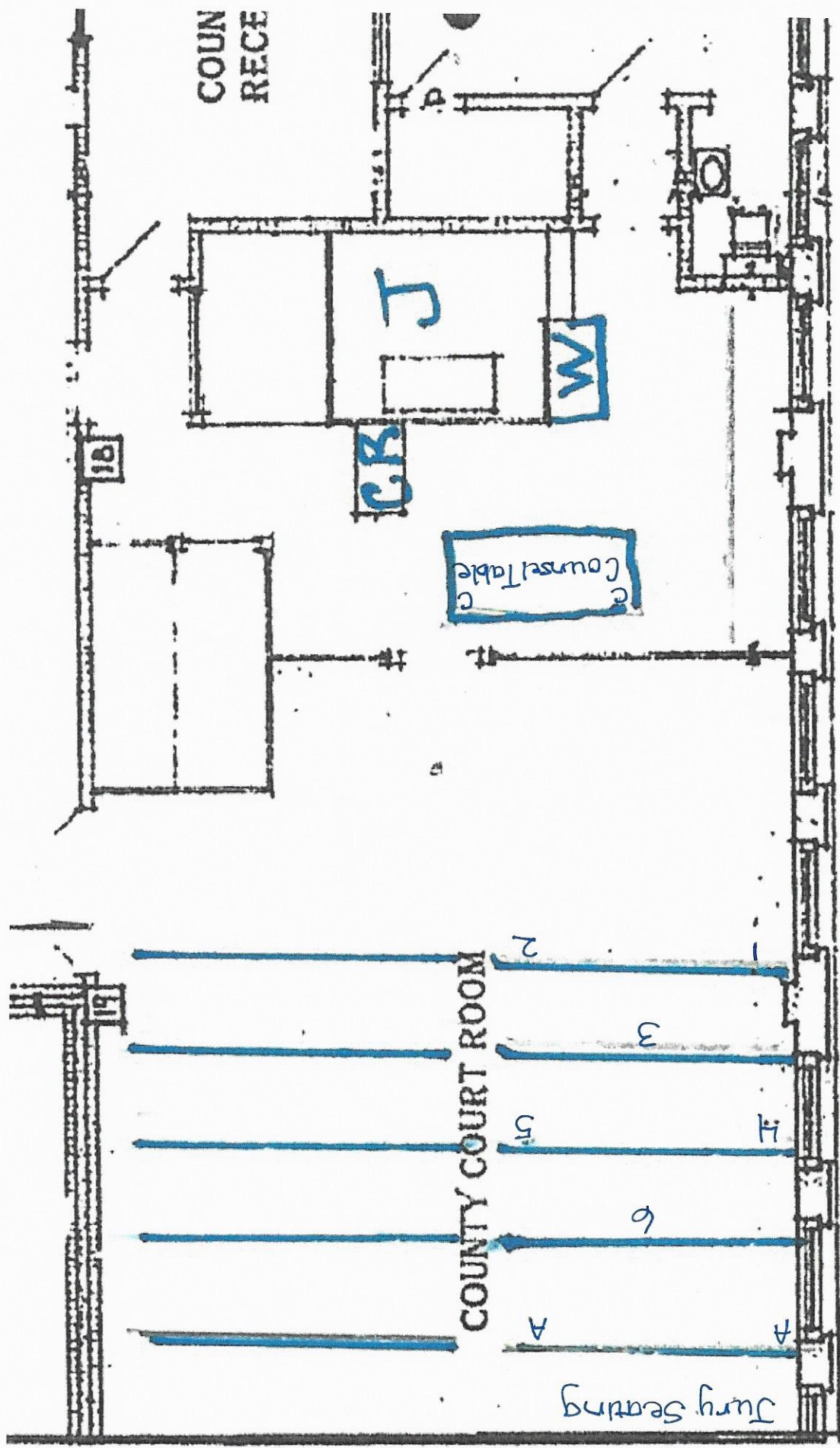
Signature

\_\_\_\_\_  
Printed Name

# Courtroom Diagrams

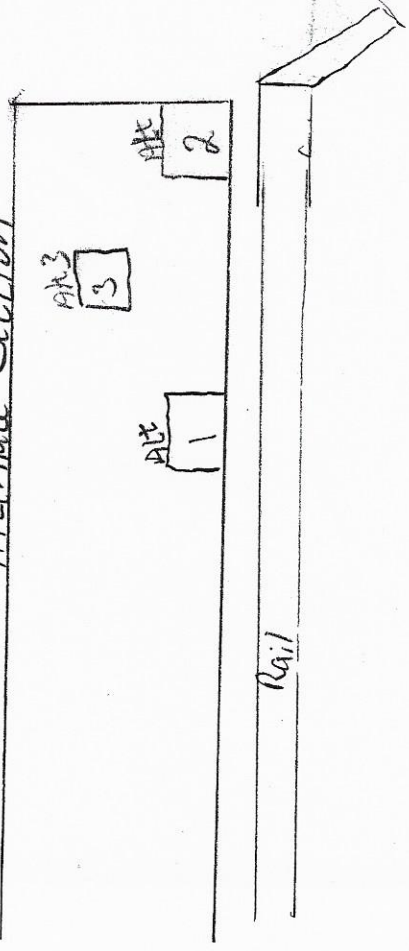


Hutchinson County Court

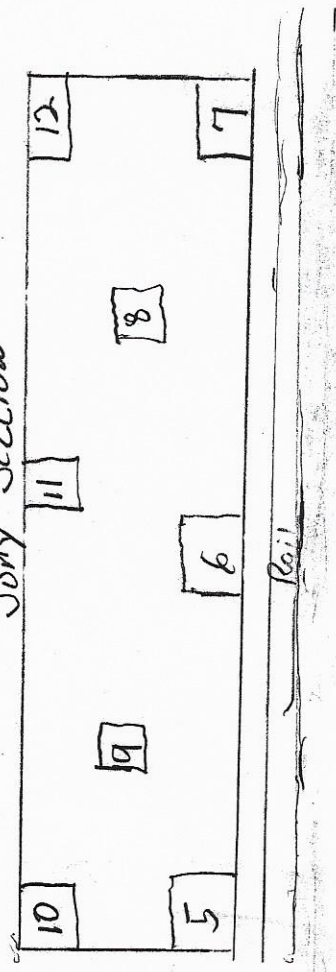


(not to scale) 84th District Courtroom

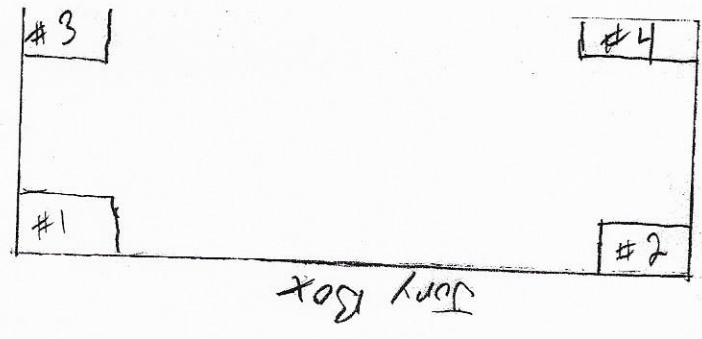
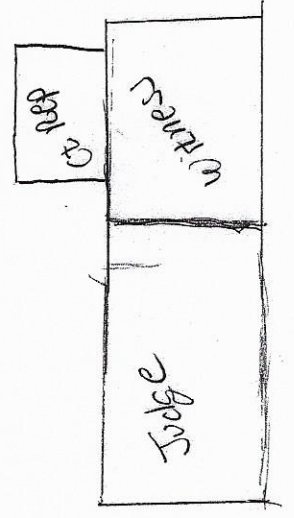
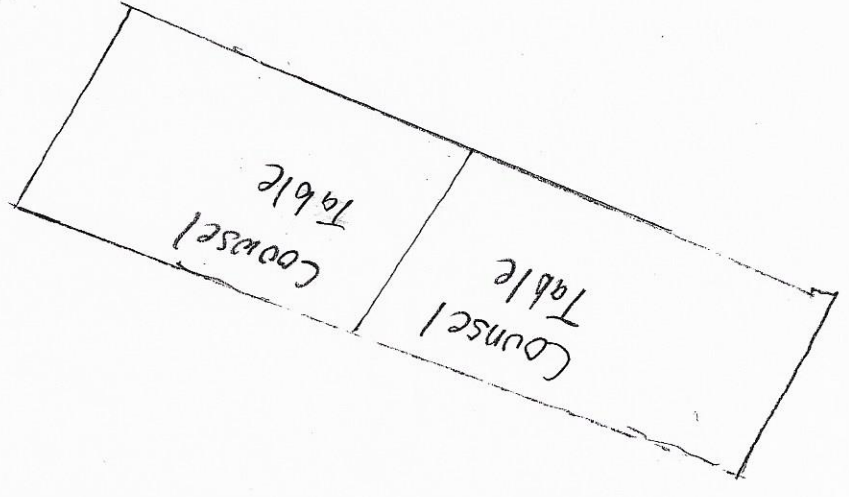
Alternate Section



Jury Section



84th District  
Court JURY  
Seating



316<sup>th</sup> District Courtroom

