

# Jury Proceeding Addendum to COVID-19 Operating Plan for the Maverick 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 **Maverick 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 and constitutional county court 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 and Regional Presiding Judge:

***Notify Judge Amado Abascal, III, in writing of the interest in conducting a jury proceeding. The notice should include the style of the case, the nature of the case, the number of parties in the case, the estimated length of the trial, and the proposed date and time and venue for jury selection.***

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:

***The Local Administrative Judge will communicate with the Local Health Authority to verify that the local health conditions and plan are appropriate for the jury proceeding.***

### **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 10 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 seven days prior to the jury proceeding or as soon as practicable if the objection or motion is made or filed within seven 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 Attachment A- Official Jury Summons Addendum) and (see Attachment B- Jury Service COVID-19 Pre-Screening Questionnaire) 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, who are vulnerable or live with someone

vulnerable to COVID-19, and who are the primary caretaker of someone in a vulnerable population will be liberally granted.

4. Exemptions and Excuses may be presented to the trial judge in advance of the summons date.

#### **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:
  - a. Jury Qualification: International Center for Trade, 3295 Bob Rogers Dr, Eagle Pass, TX 78852
  - b. Voir Dire: International Center for Trade, 3295 Bob Rogers Dr, Eagle Pass, TX 78852
  - c. Trial: District Courtroom
  - d. Jury Deliberation: District Courtroom
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, or other location being used for court proceedings, 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, or other location being used for court proceedings.

#### **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 mask 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 masks from jury qualification through the end of trial.
3. Court participants who are permitted by the judge to lower their face mask to speak or for a short period of time will be required to wear a face shield. When speaking, judges may permit a court participant to lower his or her mask so long as a face shield is worn, and the person speaking is immobile.

#### **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 (or attached drawings) detail how each of the courtrooms or facilities will be arranged during the jury proceeding:

***The International Center for Trade has a capacity of 270 socially distant individuals and is, therefore, suited for social distancing of the venire and voir dire panel.***

#### **365<sup>th</sup> District Court:**

***The gallery of the district courtroom will be used to seat the jury. The counsel tables will be rearranged to face the jury and witness, the witness will be centered in front of the bench, and monitors will be made available for viewing the witness and digital evidence that is being displayed.***

***The court reporter will be seated by the bar and the bailiff will stand by the exit door. Spectators will sit in the jury box and jury room with door ajar and, if needed, the witness stand. The Judge will sit at the bench.***

#### **293<sup>rd</sup> District Court and Constitutional County Court:**

***The gallery of the district courtroom will be used to seat the jury. The counsel tables will be rearranged to face the jury and witness. The witness will be sat in the jury box at the far end, facing the gallery. Monitors will be made available for viewing the evidence that is displayed.***

***The court reporter will be seated in the witness stand and the bailiff will stand by the exit door. Spectators will be provided with a livestream link to watch proceedings. The Judge will sit at the bench.***

### **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.

### **Virtual Jury Proceedings**

1. Courts trying virtual jury trials will include with their summonses a remote jury questionnaire (see Attachment C- Remote Juror Questionnaire) that inquires about prospective juror's available technology and ability to participate in a private space.
2. Courts shall request detailed guidance from the Office of Court Administration, including the presentation of a training video to assist the jurors in their preparation for remote participation.

3. Courts shall ensure access to technology, including OCA provided iPads with cell service, for any potential jurors who need that access to permit them to effectively participate.
4. Inailable criminal trials, virtual jury proceedings may only occur with appropriate waivers and consent of the defendant and prosecutor made on the record.
5. Courts shall consider on the record any objection or motion related to proceeding with the remote jury proceeding at least 7 days before the proceeding or as soon as practicable if the objection or motion is made or filed within seven days of the jury proceeding.

I have attempted to confer with all judges of courts with courtrooms in the court buildings 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 buildings covered by this Operating Plan conduct proceedings consistent with the plan.

Date: December 23, 2020



Amado J. Abascal, III  
Local Administrative District Judge

Approved:

\_\_\_\_\_  
Sid Harle  
Presiding Judge,  
Fourth Administrative Judicial Region

Date: \_\_\_\_\_, 2020

## OFFICIAL JURY SUMMONS ADDENDUM

I want to thank you for responding to your jury summons. Your safety and health are of the utmost concern to the Court.

1. Upon entering the Courthouse, or auxiliary location, you will be screened by Court Security. If you have a temperature of 100 degrees F. or higher, you will not be allowed entry into the Courthouse or auxiliary location. You will also be refused entry into the Courthouse, or auxiliary location, if you have any of the following symptoms:
  - Fever (100.0°F or above)
  - Cough
  - Nausea or Vomiting
  - Sore Throat
  - Muscle Pain or Body Aches
  - Chills
  - Congestion or Runny Nose
  - Malaise
  - Diarrhea
  - Shortness of Breath/Difficulty Breathing
  - Change in Taste or Smell
  - Headache
  - Fatigue
2. If any of the following applies to you, please call the \_\_\_\_\_ at \_\_\_\_\_ prior to coming to the Courthouse or auxiliary location:
  - If you are sick or not feeling well.
  - If you are under quarantine for COVID-19.
  - If you have tested positive for COVID-19.
  - If you have had contact with someone who has tested positive for COVID-19.
3. You must wear a face mask at all times while you are in the Courthouse or any other location being used for court proceedings.
4. You must maintain 6 feet social distancing at all times while you are in the Courthouse or auxiliary location.
5. You should report to the \_\_\_\_\_. Once you arrive, you will be greeted by a Jury Bailiff, who will then take you to your assigned seat. During recesses, you will be allowed to leave your seat to go outside, go to the restroom, get a drink, etc. When you come back to the Courthouse, or auxiliary location, you must return to your assigned seat.
6. The Courthouse, or auxiliary location, will be disinfected prior to your arrival. The Courthouse, or auxiliary location, will have several sanitizing stations available. One will be located at the entrance to the venue.
7. If you wish to speak to the Judge regarding an exemption or excuse prior to your service, including being part of a vulnerable population such as individuals who are 65 years or older, and persons 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, you may do so by calling at \_\_\_\_\_.

\_\_\_\_\_  
Judge \_\_\_\_\_, \_\_\_\_\_ District Court

# 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 on \_\_\_\_\_, 202\_\_. **Except as instructed below**, bring this completed questionnaire with you when you report for Jury Service, or promptly mail it to the \_\_\_\_\_ at \_\_\_\_\_ or email it to \_\_\_\_\_@\_\_\_\_\_ BEFORE \_\_\_\_\_, 202\_\_:

**1. SYMPTOMS NOW OR BETWEEN \_\_\_\_\_, 202\_\_ AND \_\_\_\_\_, 202\_\_:** check any that apply to YOU or A MEMBER OF YOUR HOUSEHOLD

\_\_\_\_ Fever (100.0°F or above)    \_\_\_\_ Change in taste or smell    \_\_\_\_ Cough    \_\_\_\_ Nausea or Vomiting  
\_\_\_\_ Headache    \_\_\_\_ Shortness of Breath/Difficulty Breathing    \_\_\_\_ Diarrhea    \_\_\_\_ Chills  
\_\_\_\_ Muscle pain or body aches    \_\_\_\_ Sore throat    \_\_\_\_ Fatigue    \_\_\_\_ Congestion or Runny Nose

\_\_\_\_ I certify that NONE of the symptoms above have been experienced by me or a member of my household between \_\_\_\_\_, 202\_\_ and \_\_\_\_\_, 202\_\_.

**IF YOU ARE EXPERIENCING ANY OF THE ABOVE SYMPTOMS, CALL THE \_\_\_\_\_ at \_\_\_\_\_ BEFORE REPORTING ON \_\_\_\_\_, 202\_\_.**

**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 30 days;

\_\_\_\_ 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;

\_\_\_\_ 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, CALL THE \_\_\_\_\_ at \_\_\_\_\_ BEFORE REPORTING ON \_\_\_\_\_, 202\_\_.**

**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.*

*I certify that I am the primary caretaker of someone in a vulnerable population and I am requesting to be excused from jury service or desire to have my service date postponed because of this reason.*

**IF YOU ARE REQUESTING TO BE EXCUSED OR YOUR SERVICE DATE BE POSTPONED DUE TO A COVID-19 RELATED REASON, CALL THE \_\_\_\_\_ at \_\_\_\_\_ BEFORE REPORTING ON \_\_\_\_\_, 202\_\_.**

**4. FACE COVERINGS:** Prospective jurors are required to wear a face mask while they are in the courthouse or any other location being used for court proceedings. Individuals are encouraged to bring a cloth face mask with them. If an individual does not have a cloth face mask, a disposable face mask will be provided.

**5. COVID-19 MEASURES:** Hand sanitizers will be provided and measures will be taken to observe social distancing during your jury service.

I certify the above is true and correct:

\_\_\_\_\_  
Signature

Juror No. \_\_\_\_\_  
(may be found on juror summons)

Date: \_\_\_\_\_

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

Telephone or cell phone number: (    ) \_\_\_\_\_ - \_\_\_\_\_



## REMOTE JUROR 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 on \_\_\_\_\_, 202\_\_.

Check any below that apply to YOU:

### 1. ACCESS TO TECHNOLOGY

\_\_\_ I do have access to the internet.

\_\_\_ I do have access to a computer, laptop, iPad, tablet, or smartphone.

\_\_\_ I do not have access to technology, but I can appear at a location where the technology is provided for me.

### 2. PRIVACY

\_\_\_ I do have a private place to meet remotely.

### 3. IN PERSON JURY SERVICE

\_\_\_ I can appear for jury service in person.

Please fill out the Remote Juror Questionnaire completely and return by \_\_\_\_\_, 202\_\_.

### RETURN VIA:

1. **TEXT:** Text a picture of your completed form to (830) \_\_\_\_\_ - \_\_\_\_\_
2. **EMAIL:** Scan/Email a copy of your completed form to \_\_\_\_\_@co.maverick.tx.us
3. **FAX:** Fax a copy of your completed form to (830) 773-\_\_\_\_\_
4. **DROP OFF:** Bring your completed form to the District Clerk's Office, 500 Quarry Street, Suite 5, Eagle Pass, Texas.

I certify the above is true and correct:

\_\_\_\_\_  
Signature

Juror No. \_\_\_\_\_  
(may be found on juror summons)

Date: \_\_\_\_\_

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

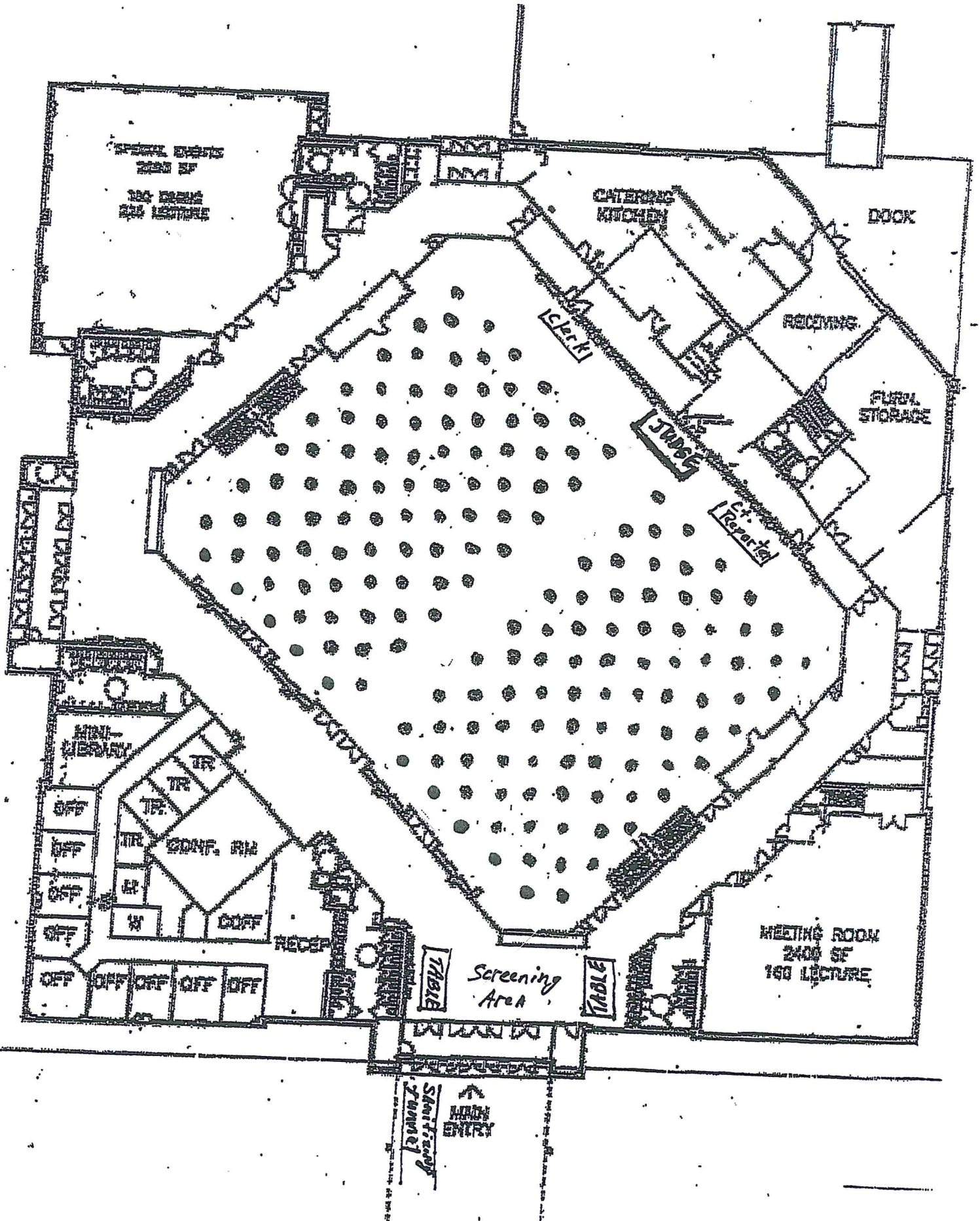
Telephone or cell phone number: ( ) \_\_\_\_\_ - \_\_\_\_\_

## NOTICE

Recognizing the need to ensure everyone's health and safety in the court building, until further notice, the following protective measures will be implemented:

1. All individuals in the building being used for court proceedings will be required to maintain adequate social distancing of at least 6 feet.
2. All individuals entering the building being used for court proceedings will be required to wear a face mask at all times.
3. When individuals attempt to enter the building being used for court proceedings the Bailiff, or staff member, will ask 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 building being used for court proceedings.
4. When individuals attempt to enter the building being used for court proceedings, the Bailiff, or staff member will use an infrared thermometer to determine the temperature of the individual. Individuals whose temperature equals or exceeds 100.0°F will be refused admittance to the building being used for court proceedings.
5. 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 population and will be accommodated by staff.
6. No more than 2 individuals will be permitted in an elevator at one time, and individuals must adhere to restroom maximum capacity limits.

# International Center for Trade







Clerk's Table

Judge's Bench

Witness Stand

Attorney Table

Attorney Table

Witness

Camera

Court Reporter

Exhibit Table

Exhibit Table

Monitor

Monitor

Juror Juror

Juror

Juror Juror

Juror Juror

Juror Juror

Juror Juror

Monitor

Door

Balk

Jury Box



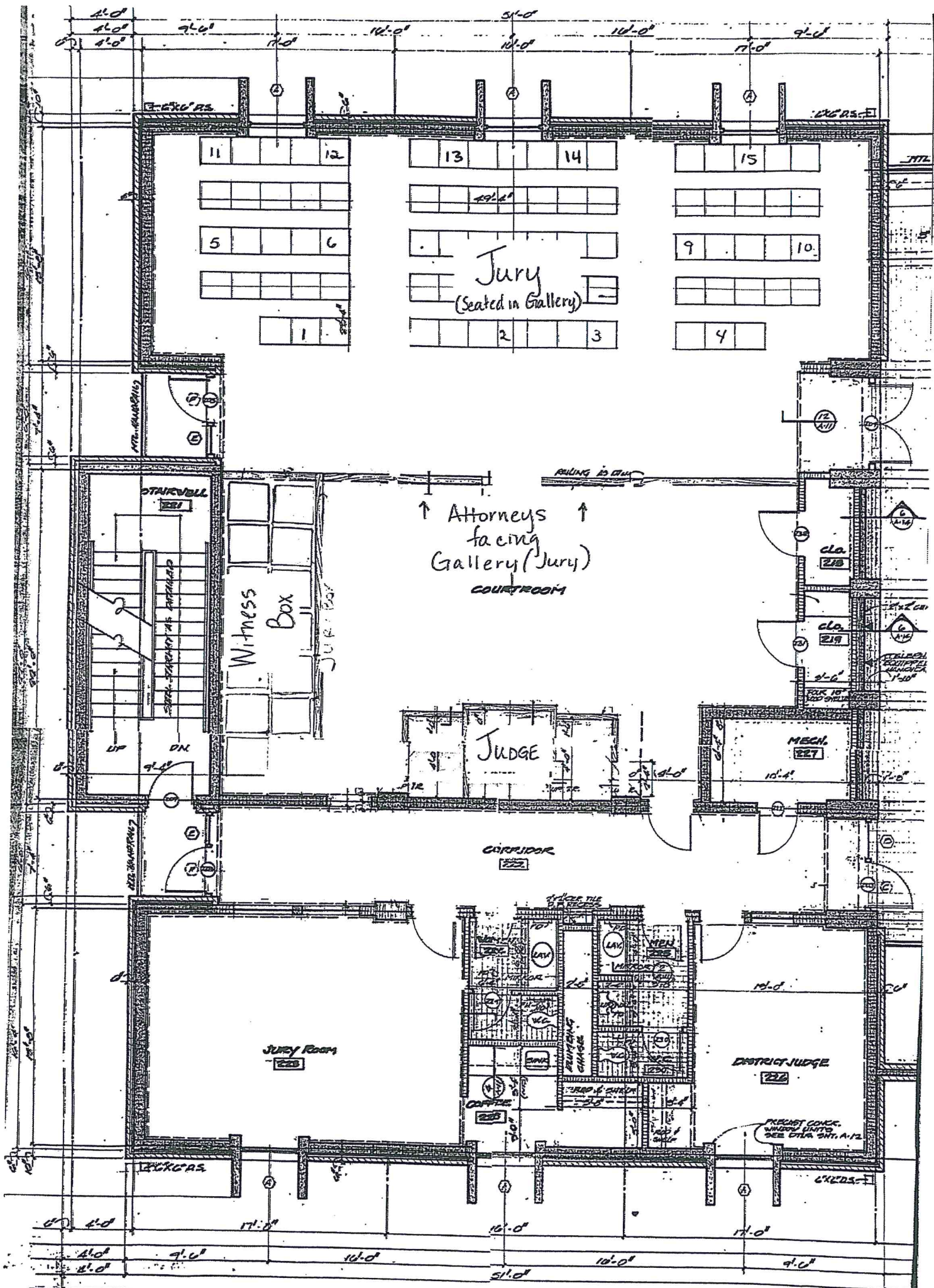
Numbers

7  
3  
3  
3

365<sup>th</sup> District Courtroom



Juror Juror



↑ Attorneys facing Gallery (Jury) ↑  
COURTROOM

Witness Box  
JURY Box

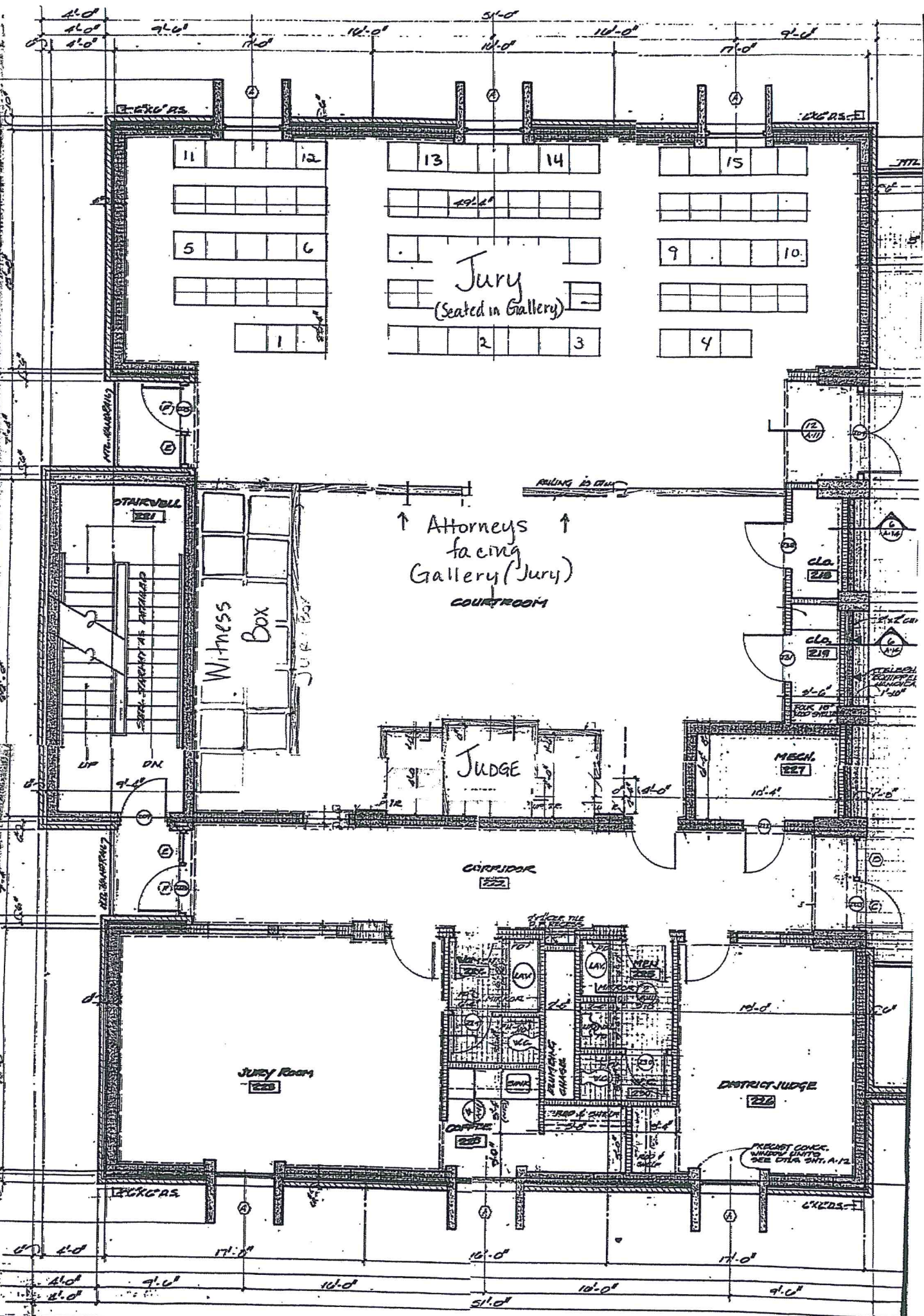
JUDGE

CORRIDOR

Jury Room

DISTRICT JUDGE

REST ROOM  
W.C.  
STAIRS  
OFFICE



↑ Attorneys facing Gallery (Jury) ↑  
COURTROOM

Witness Box  
JURY Box

JUDGE

CORRIDOR

Jury Room

DISTRICT JUDGE

REST ROOM  
W.C.  
STAIRS  
OFFICE



Maverick County/City of Eagle Pass  
Emergency Operations Center



*Victoriano Valdez, MD*  
Eagle Pass/Maverick County Local Health Authority

December 15, 2020

The Honorable Amado J. Abascal, III  
District Judge  
365<sup>th</sup> Judicial District

Dear Judge Abascal,

Please accept this correspondence as official notification that I have reviewed the proposed COVID-19 Operating Plan. I am in agreement with the proposed guidelines set out within the plan.

Please feel free to contact me with any questions, comments or concerns.

Respectfully,

A handwritten signature in black ink, appearing to read "Victoriano Valdez".

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Victoriano Valdez, M.D.





# COUNTY OF MAVERICK

Office of the County Judge

David R. Saucedo

December 18, 2020

The Honorable Amado J. Abascal, III  
District Judge  
365<sup>th</sup> Judicial District

Dear Judge Abascal,

Please accept this correspondence as official notification that I have reviewed the proposed COVID-19 Operating Plan. I am in agreement with the proposed guidelines set out within the plan.

Please feel free to contact me with any questions, comments or concerns.

Respectfully,

A handwritten signature in black ink, consisting of a large, stylized 'D' and 'S' that are intertwined. The signature is written over a horizontal line.

David R. Saucedo, Maverick County Judge