

Jury Proceeding Addendum to COVID-19 Operating Plan for the Randall 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 **Randall County** 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 and Regional Presiding Judge:
The trial court judges will give the proposed jury trial date to the local administrative judge who will maintain a jury trial rotation each month in order to minimize the amount of persons that will be required to be in the courthouse and give approval as appropriate. The local administrative judge will discuss the cases requesting approval with the regional presiding judge.

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 email the local health authority and inform him/her of the jury trial and that the jury trial will be conducted in accordance with this jury proceeding addendum to the COVID-19 operating plan. If the local health authority notifies the administrative judge that the jury proceeding cannot safely proceed even with the safety procedures in place, the local health authority may add additional safety measures for the jury trial that must be complied with if the trial is to go forward, or may state that the trial cannot go forward even with additional safety measures in place if there is no reasonable probability of ensuring the safety of the jurors.***

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)¹ and COVID questionnaires (**see Attachment B**)² 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:³
 - a. **Jury Qualification**: *Jury qualification will typically take place in the central Jury room, an adjacent room, and hallway for overflow if necessary. For cases presenting special circumstances requiring a greater number of potential jurors, Randall County will seek to contract with other entities within the City of Canyon to gain access to buildings with larger seating capacities to accommodate appropriate social distancing for the greater number of potential jurors.*
 - b. **Voir Dire**: *Voir dire will take place in the same locations as jury qualification as described above.*
 - c. **Trial**: *The trials will be conducted either in the 47th, 181st, 251st, CCL #1, or CCL#2 courtrooms. With the added safety measures described below, each of the courtrooms is large enough to accommodate the jurors and the parties to safely conduct a jury trial. If necessary, a jury trial may also be conducted in the central jury room. If so, additional steps will first be taken to move and utilize the plexi-glass dividers from the courtrooms or otherwise assure proper social distancing between all persons involved in the trial.*
 - d. **Jury Deliberation**: *Another courtroom with sufficient space to ensure social distancing shall be used for deliberation after the cameras and windows have been covered.*
2. Security protocols at the locations for jury proceedings have been reviewed with the appropriate courthouse security personnel and are adequate for the proceeding.

¹ Include as Attachment A the information that the court will include with summonses.

² Include as Attachment B the COVID questionnaire that the court will include with summonses. A sample COVID questionnaire is available at <https://txcourts.gov/media/1449739/petit-juror-questionnaire-addendum-covid-19-pre-screening.pdf>.

³ A Court that needs to hold a proceeding outside of the courthouse will review Chapter 292 of the Local Government Code (related to having an auxiliary facility designated as a courthouse) and Government Code Sections 24.033(b) (district courts), 25.0019(b) (statutory county courts), 25.0032(b) (statutory probate courts), 26.009(b) (constitutional county courts), 27.0515 (justice courts), 29.015 (municipal courts), and 30.000123 (municipal courts of record)—relating to designating alternative locations for proceedings.

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. Court participants who may need 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 will 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 details how each of the courtrooms or facilities will be arranged during the jury proceeding:⁴

⁴ In addition to the written description provided below, attached is a diagram describing the arrangements that will be utilized in the individual courtrooms for the trial portion of the jury proceeding.

a. Jury qualification in the central jury room and adjacent areas: *The potential jurors will be seated six feet apart in the central jury room. All participants will be instructed to maintain use of their face coverings as set forth above. The judge will stand at the podium a minimum of six feet from the closest juror. The judge will then proceed to the overflow room and will stand in a corner, at least six feet away from the closest juror, and will qualify those jurors. If necessary, the judge will proceed to the hallway and will qualify the jurors in the hallway standing at least 6 feet away from each potential juror. To the extent the judge needs to address any qualification issues or requests to be excused from service outside the presence of other potential jurors, the judge will meet with individual jurors in a separate room, while maintaining a distance of six feet.*

b. Jury qualification at a remote location: *The jurors will be seated in a room of sufficient size to allow all potential jurors to be seated a minimum of six feet apart. All participants will be instructed to maintain use of their face coverings as set forth above. The judge will be seated at a table with the District Clerk representative, separated by a plexi-glass shield. To the extent the judge needs to address any qualification issues or requests to be excused from service outside the presence of other potential jurors, the judge will meet with individual jurors in an adjacent room or hallway, while maintaining a distance of six feet.*

c. Voir Dire in the central jury room and adjacent areas: *After qualifying the jurors, the central jury room will be rearranged in order to add tables for the judge, court staff, the counsel and the parties while still maintaining a distance of six feet between all participants. The tables will have plexi-glass dividers in the middle of the tables and plexi-glass dividers in front of the tables. Potential jurors will be provided with face shields and instructed to continue to wear face coverings during voir dire except when responding to questions, at which time a potential juror may lower the mask but keep the face shield in place. The attorneys will use the podium and microphone to conduct voir dire. If needed, the jurors in the overflow room will watch the voir dire through zoom. To the extent the judge needs to address any issues related to challenges for cause outside the presence of other potential jurors, the judge will meet with individual counsel and individual jurors in a separate room, while maintaining a distance of six feet.*

d. Voir Dire at a remote location: *After qualifying the jurors, the room will be rearranged in order to add tables for the judge, court staff, the counsel and the parties while still maintaining a distance of six feet between all participants. The tables will have plexi-glass dividers in the middle of the tables and plexi-glass dividers in front of the tables. Potential jurors will be provided with face shields and instructed to continue to wear face coverings during voir dire except when responding to questions, at which time a potential juror may lower the mask but keep the face shield in place. The attorneys will use the podium and microphone to conduct voir dire. To the extent the judge needs to address any issues related to challenges for cause outside the presence of other potential jurors, the judge will meet with individual counsel and individual jurors in a separate room, while maintaining a distance of six feet. If necessary, potential jurors may be asked to respond to counsel and the court by using a microphone supplied by court personnel directly or at a microphone*

positioned away from other jurors. The microphone will be sanitized and a disposable cover will be removed and replaced after each use as per the protocols included below.

e. During trial: The judge will be sitting at his/her bench and will have a plexi-glass divider in front of the bench. The court reporter will be seated at least six feet apart from the judge and will have a plexi-glass divider in front of her. Some of the jurors will be in the back row of the jury box with plexi-glass dividers between each of them. The other jurors will be seated in front of the jury box (no one will be seated in the front row of the jury box) with plexi-glass dividers between them. The lawyers will be located at counsel table that is at least six feet apart from the jurors and the witness table. Counsel table will have a plexi-glass divider in front of the table and a plexi-glass divider in the middle of the table to allow the client or co-counsel to consult together closer than six feet apart. The bailiff will be seated at least six feet apart from the witness stand and counsel table. The witness will have a table that is at least six feet away from the judge, court reporter, bailiff, jurors, and counsel table. The table will also have plexi-glass dividers in front and on the side.

f. Breaks: The jurors will take breaks in the central jury room. They will have designated seats to sit in during breaks and will be directed to maintain social distancing anytime they are not seated. The Court will allow extra time for breaks to make sure jurors are able to use restroom facilities in accordance with the standards in place for the building.

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

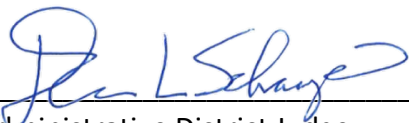
1. Courts that provide food to jurors or other participants during a jury proceeding will ensure individual food portions, such as individually boxed meals, are provided.

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: 10/9/2020



Local Administrative District Judge

**NOTICE REGARDING THE PUBLIC HEALTH MEASURES BEING IMPLEMENTED IN THE RANDALL COUNTY
TRIAL COURTS DURING THE COVID-19 PANDEMIC.**

Randall County District Courts and County Courts at Law have resumed jury trials. We want you, as juror, to know the precautions that have been taken to protect you during the COVID-19 pandemic.

Jury selection for Districts Courts will be taking place in the Central Jury Room in the Randall County Justice Center, along with adjacent rooms when necessary, to ensure there is sufficient space to meet the social distancing recommendations of our public health authorities. Before potential jurors ever enter the courthouse, they will be questioned about any exposure to the virus or symptoms of the virus. Once jurors arrive, they will have temperature checks, be required to social distance, and have several sanitizing stations available to them at all times. **All potential jurors must use a face covering at all times while in the courthouse. *If you have a health condition that will prevent you from doing so, please let us know as soon as possible.*** We urge all those receiving a summons to respond by following the instructions in your summons to call or go online. Remember, we need you, the jurors to participate, so our justice system can continue to do its job; but we also need your help to do it safely for all concerned.

Once the jury is selected, the trial will take place in one of the courtrooms at the Justice Center Building. The trial judges of Randall County will be utilizing many of the same public health measures in their courtrooms, including face coverings and sanitation practices. Those seated on the jury will be separated by either distance or a plexi-glass divider to limit contact between jurors. Social distancing will be utilized throughout your time serving in the Courts of Randall County. For your information, Randall County's written plan for jury trial proceedings may be found on the Office of Court Administration's website at www.txcourts.gov.

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 Randall County District Clerk
 Canyon, TX 79015
 (806) 468-5600

**OFFICIAL JURY SUMMONS
 FOR RANDALL COUNTY**

JUROR #
 SUMMONS #



Dear Prospective Juror

You are hereby summoned for jury service on:

Date:
Time:
Place: Randall County Justice Center
 2309 Russell Long Blvd
 Canyon, TX

BEFORE REPORTING:
 Information regarding jury reporting or cancellations call after 5:00pm the day before reporting 806-468-5602 or check online at randallcounty.com, click on Jury Information. You may also respond to this summons online at randallcounty.com

THE FOLLOWING "JUROR QUESTIONNAIRE" IS MANDATED BY GOVERNMENT CODE, SECTION 62.0132. Your answers are CONFIDENTIAL. Your answers may be disclosed only to the judge, court personnel, the litigant, the litigant's attorney, and, other than juror qualification information related to the legal accusation of, indictment for, or conviction of misdemeanor theft or a felony, to the county voter registrar.

PLEASE TYPE OR PRINT WITH INK ONLY				JUROR QUESTIONNAIRE			
Juror #	<input type="checkbox"/> Male <input type="checkbox"/> Female	Race (Required by State Law):	Age:	Date of Birth:	Are you a U.S. Citizen? Please see "Note" below	<input type="checkbox"/> Y <input type="checkbox"/> N	
Your Name:					Please check highest level of education completed:		
Home Address:					<input type="checkbox"/> No H.S. Diploma or GED <input type="checkbox"/> GED		
Primary Phone:		Alternate Phone:		County of Residence			
Your Occupation:		Work Phone:					
Your Employer:					How Long?		
Spouse's Name:					Spouse's Occupation:		
Spouse's Employer:					How Long?		
Have you ever served on a civil jury? <input type="checkbox"/> Y <input type="checkbox"/> N				Have you ever served on a criminal jury? <input type="checkbox"/> Y <input type="checkbox"/> N			
I CERTIFY THAT ALL ANSWERS ARE TRUE AND CORRECT. Please sign here _____					NOTE: If you state that you are not a U.S. citizen, you may become ineligible to vote and may be required to provide proof of U.S. citizenship to your county's voter registrar.		
					Current Marital Status: <input type="checkbox"/> Single <input type="checkbox"/> Married <input type="checkbox"/> Widowed <input type="checkbox"/> Divorced		
					Number of Children: _____ Ranges of Ages: From: _____ Years to: _____ Years:		

Directions: You must report for jury service unless you: (1) claim an **exemption**; (2) are **disqualified**; or (3) choose to **postpone** your service.
To claim an Exemption: Circle the exemption(s) that you claim. Sign the form. Mail or take the form to the Randall County District Clerk's office. NOTE: You do not have to claim an exemption and may instead choose to serve.
If you are Disqualified: Circle the qualification(s) that you do not meet. Sign the form. Mail or take the form to the Randall County District Clerk's office.
NOTE: If you claim to be disqualified because you are not a resident of this county, you may become ineligible to vote in this county. If you state that you are not a U.S. citizen, you will no longer be eligible to vote if you fail to provide proof of U.S. citizenship to your county voter registrar.
To Postpone your Service: Contact the Randall County District Clerk's office before your scheduled date of service.
Before Reporting for Jury Service: Please complete BOTH the juror questionnaire and the Jury Service COVID-19 Pre-Screening Questionnaire and bring both questionnaires with you when you report.
Questions or Special Accommodations: Please contact the Randall County District Clerk's office.

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Canyon, TX 79015
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EXEMPTIONS FROM JURY SERVICE
(Texas Government Code, Section 62.106)

1. You are over 70 years of age.
2. You have legal custody of a child or children younger than 12 years of age and service on the jury would require leaving the child or children without adequate supervision.
3. You are a student at a public or private high school.
4. You are enrolled and in actual attendance at an institution of higher education.
5. You are an officer or an employee of the senate, the house of representatives, or any department, commission, board, office, or other agency in the legislative branch of state government.
6. You are the primary caretaker of a person who is unable to care for himself or herself. (This exemption does not apply to you if you are a primary caretaker only in your capacity as a health care worker.)
7. You are a member of the United States military forces serving on active duty and deployed to a location away from your home station and out of your county of residence;
8. You have served as a juror in this county during the 24-month period prior to the date you are required to appear by this summons.
9. You have been summoned for jury service in this county and you have served as a petit juror in this county during the three-year period prior to the date you are required to appear by this summons.

QUALIFICATIONS FOR JURY SERVICE
(Texas Government Code, Section 62.102)

To be qualified to serve as a juror you *must*:

1. be at least 18 years of age;
2. be a citizen of the United States;
3. be a resident of this state and a resident of the county in which you are to serve as a juror;
4. be qualified under the Constitution and laws to vote in the county in which you are to serve as a juror (*Note: You do not have to be registered to vote to be qualified to vote.*);
5. be of sound mind and good moral character;
6. be able to read and write;
7. not have served as a juror for six days during the preceding three months in the county court or during the preceding six months in the district court; and
8. not have been convicted of, or be under indictment or other legal accusation for, misdemeanor theft or a felony.

I certify that I am exempt or disqualified from jury service for the reasons circled above.

Signature

Date

Right to Reemployment: An employer may not discharge, threaten to discharge, intimidate, or coerce any permanent employee because the employee serves as a juror, or for the employee's attendance or scheduled attendance in connection with the service, in any court in the United States. An employee who is discharged, threatened with discharge, intimidated, or coerced in violation of this section is entitled to return to the same employment that the employee held when summoned for jury service if the employee, as soon as practical after release from jury service, gives the employer actual notice that the employee intends to return. (Civil Practice and Remedies Code, Section 122.001).

Failure to Answer Summons and Provision of False Information: A person who fails to comply with this summons, or who knowingly provides false information in a request for an exemption or to be excused from jury service, is subject to a contempt action punishable by a fine of not less than \$100 nor more

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JUROR NAME:
REPORTING DATE:
JUROR # SUMMONS #

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. Bring this completed questionnaire with you when reporting for service.

1. SYMPTOMS NOW OR 14 DAYS PRIOR TO REPORTING FOR SERVICE: check any that apply to YOU or A MEMBER OF YOUR HOUSEHOLD

Fever (above 100.0) 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 between now and 14 days prior to reporting for service.

IF YOU ARE EXPERIENCING ANY OF THE ABOVE SYMPTOMS, CALL THE DISTRICT CLERK'S OFFICE at (806) 468-5600 ext. 4083 BEFORE REPORTING FOR SERVICE.

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 4 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;
 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 DISTRICT CLERK'S OFFICE at (806) 468-5600 ext. 4083 BEFORE REPORTING FOR SERVICE.

3. COVID-19 RELATED EXCUSE OR EXTENSION - 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 reschedule or be excused from grand jury service at this time. If you wish to be excused or request that your jury service date be rescheduled, 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 rescheduled because of those conditions.

IF YOU ARE REQUESTING TO BE EXCUSED OR YOUR SERVICE DATE BE RESCHEDULED DUE TO A COVID-19 RELATED REASON, CALL THE DISTRICT CLERK'S OFFICE at (806) 468-5600 ext. 4083 BEFORE REPORTING FOR SERVICE.

4. FACE COVERINGS: Prospective jurors are required to **wear a face covering** while they are in the courthouse. 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