

Jury Proceeding Addendum to COVID-19 Operating Plan for the SMITH COUNTY Judiciary

Effective on and after November 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 **SMITH 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 Texas 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 Texas 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:
 - A. **Each Smith County District Court and County Court at Law that desires to move forward with holding a Jury Trial shall provide a written request to the Smith County Local Administrative District Judge (or the designated District Judge named by the Local Administrative District Judge) at least 35 days before the projected jury trial date.**

- B. **The Smith County Local Administrative District Judge (or the designated District Judge named by the Local Administrative District Judge) shall determine a rotation to allow the 7th District Court, 114th District Court, 241st District Court, 321st District Court, County Court at Law, County Court at Law No. 2 and County Court at Law No. 3 to have a priority rotation in appropriate sequence to allow all seven (7) trial courts a fair opportunity to get one of their cases to jury trial in rotation and so each court shall know its probable scheduled trial week.**
 - C. **Smith County will limit jury trials to a maximum of two (2) jury trials per week (with one District Court jury trial and one County Court at Law jury trial). However, if one of the scheduled courts does not need a jury for the week, then the jury panel will be offered to one of the other courts to use in order to maximize the use of the limited jury trial opportunities.**
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 Smith County Local Administrative District Judge (or the designated District Judge named by the Local Administrative District Judge) shall timely contact the Local Smith County Public Health Authority to confirm whether it is advisable to go forward with the Jury Selection and Jury Trial of each specific jury week and let the specific court's presiding judge know (in written form) if they are allowed to proceed with their proposed jury trials for the week.

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.
3. **Each Smith County Court shall provide written notice to the Smith County Local Administrative District Judge (or the designated District Judge named by the Local Administrative District Judge) within 24 hours of said hearing of any cancellation of that court's jury week so that the Smith County Local Administrative District Judge (or the designated District Judge named by the Local Administrative District Judge) can let the next court in rotation know the jury trial week is available to them.**

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 venire persons.
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: **At the Central Jury Room in the Smith County Courthouse and the jury panel is no larger than 46 people. Alternatively, at Harvey Convention Center**

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 Court who may need to hold a proceeding outside of the courthouse should 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.

- (or a similar building where social distancing can be adhered) in Tyler, Texas if available and is needed.
- b. Voir Dire: **At the Central Jury Room in the Smith County Courthouse and the jury panel is no larger than 46 people. Alternatively, at Harvey Convention Center (or a similar building where social distancing can be adhered) in Tyler, Texas if available and is needed.**
 - c. Trial: **At the Smith County Courthouse in a trial courtroom. (See below.)**
 - d. Jury Deliberation: **At the Smith County Courthouse in the trial courtroom or a spare courtroom. (See below.)**
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. 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 (or attached drawing) details how each of the courtrooms or facilities will be arranged during the jury proceeding:⁴
 - A. See the attached drawing of the Harvey Convention Center in Tyler, Texas; (Exhibit 1)
 - B. See the attached drawing of the 7th District Courtroom in the Smith County Courthouse; [and for the public's viewing of district court jury trials in the District Courts]; (Exhibit 2)
 - C. See the attached drawing of the 114th District Courtroom in the Smith County Courthouse; [and for the public's viewing of district court jury trials in the District Courts]; (Exhibit 3)
 - D. See the attached drawing of the 241st District Courtroom in the Smith County Courthouse; (Exhibit 4)
 - E. See the attached drawing of the JECC District Courtroom in the Smith County Courthouse (for jury room deliberations on district court cases); (Exhibit 5)
 - F. See the attached drawing of the County Court at Law Courtroom in the Smith County Courthouse; (Exhibit 6)
 - G. See the attached drawing of the County Court at Law No. 2 Courtroom in the Smith County Courthouse; (Exhibit 7)
 - H. See the attached drawing of the County Court at Law No. 3 Courtroom in the Smith County Courthouse; (Exhibit 8)
 - I. See the attached drawing of the Central Jury Courtroom in the Smith County Courthouse. [for jury summoning and selection of small jury panels]; (Exhibit 9)
 - J. See the attached drawing of the Auxiliary Courtroom in the Smith County Courthouse basement; [for ZOOM hearings in the District Courts]; (Exhibit 10) and
 - K. See the attached drawing of the 321st District Courtroom in the Smith County Courthouse; [and for the public's viewing of district court jury trials in the District Courts].(Exhibit 11)

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.

⁴ Include where the judge, parties/counsel, jurors, witnesses, court reporter, and bailiff will be arranged in each courtroom or facility during each phase of the trial.

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 video conference, 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

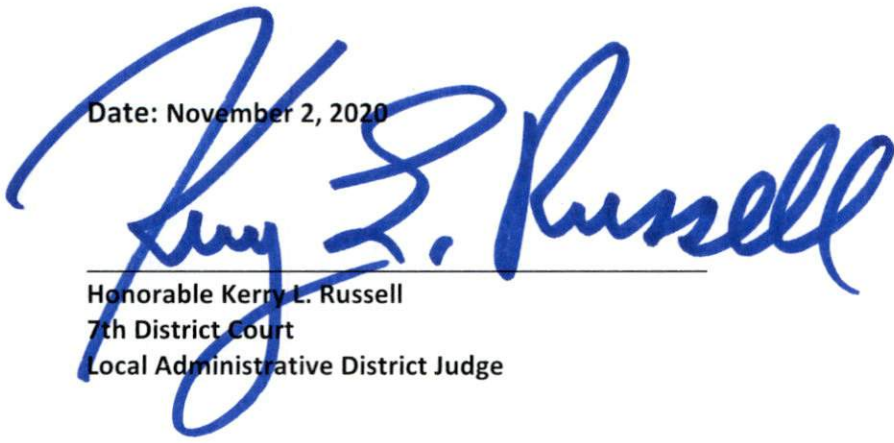
1. Courts that provide food to jurors or other participants during a jury proceeding will ensure individual food portions, such as individually boxed meals, are provided.

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: November 2, 2020

A large, stylized handwritten signature in blue ink that reads "Kerry L. Russell". The signature is written in a cursive, flowing style with large loops and is positioned above a horizontal line.

Honorable Kerry L. Russell
7th District Court
Local Administrative District Judge



Kerry L. Russell

JUDGE, SEVENTH JUDICIAL DISTRICT COURT

100 N. BROADWAY AVENUE, ROOM 203
SMITH COUNTY COURTHOUSE
TYLER, TEXAS 75702

Terry Cockrum
Court Coordinator
Toni R. White
Assistant Court Coordinator

Jennifer Lowrance, CSR
Court Reporter
903/590-1947
Facsimile
903/590-1641
Office Phone
903/590-1640

November __, 2020

To All Prospective Jurors Summoned to Appear for
Jury Selection at the Smith County Courthouse
100 North Broadway in Tyler, Texas
on Monday, December __, 2020

Dear Prospective Jurors:

This letter is attached to the Summons directing you to appear for Jury Service at 8:00 a.m. on Monday, December __, 2020 at the Smith County Courthouse Central Jury Room located at 100 North Broadway in Tyler.

This will be one of the first jury trials in which Smith County has undertaken since the advent of the Coronavirus pandemic. I want to assure you that every reasonable precaution will be taken to enhance the health and safety of the jury, the parties, the lawyers and the Court staff during jury selection and the jury trial to follow.

So that you will not be surprised when you arrive, please be aware of the following:

1. Each prospective juror will have their temperature taken via a thermal scan thermometer as they enter the building to ensure that no one with fever or an elevated temperature is admitted;
2. Once you enter the building and pass through the initial security screening, you will be separately escorted by Court Staff to the courtroom and seated to achieve the maximum distancing possible;
3. Masks will be distributed, or you may wear your own when you enter the building. The Court will also provide clear face shields as well. Until the twelve (12) person jury is actually selected, seated and sworn, everyone appearing as a prospective juror will be required to wear a mask, unless the Court directs otherwise;
4. Latex gloves will be available for those who wish to wear them, but gloves are not required. If you would like gloves, ask the Court staff for them when you are seated in the courtroom;
5. Hand sanitizer (alcohol based) will be available to you at multiple locations inside the building and you may ask Court Security Officers to make it available at your seat, once you are seated in the courtroom;

Website: www.smith-county.com

EXHIBIT A

Page Two

6. Those selected for this jury should know that twelve (12) jurors will be spaced in the Courtroom to achieve maximum distancing between jurors during the trial; and
7. The jury box, jury room and jury room bathrooms will be deep cleaned each evening when the Court recesses, and this will continue throughout the trial.

If you:

- a) have been diagnosed by a licensed physician as having Coronavirus anytime within the past 30 days; or
- b) are actively caring for a family member or loved one who has tested positive for the Coronavirus;
- c) are now in self-quarantine status and that status will continue on December ___; or
- d) have been recently tested for the Coronavirus and are waiting for your results;

then, in any of these situations: you should immediately advise the Smith County District Clerk's Office at (903) 590-1777. Their phone number is also listed in the Screening Questionnaire enclosed with this letter. You may be asked to furnish documentation regarding such from your physician for the Court.

There is more than one case now scheduled to begin trial on December __. At this time, I am not sure which of these cases will actually begin trial. However, my best estimate is that any of these trials should last from Monday, December __ through Friday, December __. That being the case, if you have a scheduled surgical procedure for yourself or a dependent that cannot be rescheduled, or if you have some other pre-existing obligation that would make it extremely difficult and create a real hardship on you to be here each day during the week of December __, then you should immediately advise the District Clerk's Office at their phone number referenced in the previous paragraph.

Please be aware that the right to trial by jury is one of the cornerstones of our democracy, and jury trials necessarily involve sacrifice from those citizens called upon to serve. This has always been true, but it is especially true during these unique and trying times. It is my personal conviction that jury service is the second highest form of public service that any American can perform (second only to service in the Armed Forces). The right to trial by jury has been enshrined within the Sixth and Seventh Amendments to our U. S. Constitution since 1791, and it was one of the stated principles in the Declaration of Independence which fueled our struggle to become an independent nation. Only those with extreme hardships should seek to be excused based on pre-existing obligations.

It is vital that you appear and present yourself for jury service on December ___; however, the Court wants you to know that we are mindful of these challenging times and we will take every reasonable precaution to maintain your health as well as that of the parties, lawyers and Court staff during this upcoming trial.

Page Three

I hope this personal letter is helpful and informative. I look forward to seeing you on December ____.

Very truly yours,

Kerry L. Russell
Local Administrative District Judge
Seventh District Court of Smith County

cc: Ms. Penny Clarkston
Smith County District Clerk's Office

JURY SERVICE COVID-19 PRE-SCREENING QUESTIONNAIRE

Dear Prospective Juror:

As part of the court's measures to protect against the spread of the COVID-19 disease, we ask that you complete the following before reporting for Jury Service on _____, 2020. Bring this completed Questionnaire with you or email it to _____@smith-county.com BEFORE _____, 2020:

1. SYMPTOMS NOW OR BETWEEN _____, 2020 AND _____, 2020:

check any that apply to YOU or A MEMBER OF YOUR HOUSEHOLD

- _____ Fever (above 100.0) _____ 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 _____ Congesting or Runny Nose

_____ I certify that NONE of the symptoms above have been experienced by me or a member of my household between _____ and _____, 2020.

IF YOU ARE EXPERIENCING ANY OF THE ABOVE SYMPTOMS, CALL THE DISTRICT CLERK'S OFFICE AT (903) 590-1660 BEFORE REPORTING ON _____, 2020.

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;
- _____ I or a member of my household are waiting for results from a recent COVID-19 test;
- _____ NONE of the above apply.

IF ANY OF THE ABOVE APPLY, CALL THE DISTRICT CLERK'S OFFICE AT (903) 590-1777 BEFORE REPORTING ON _____, 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 DISTRICT CLERK'S OFFICE AT (903) 590-1777 BEFORE REPORTING ON _____, 2020.

4. FACE COVERINGS:

Prospective jurors are required to wear a face covering while they are in the facility for jury selection and 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.

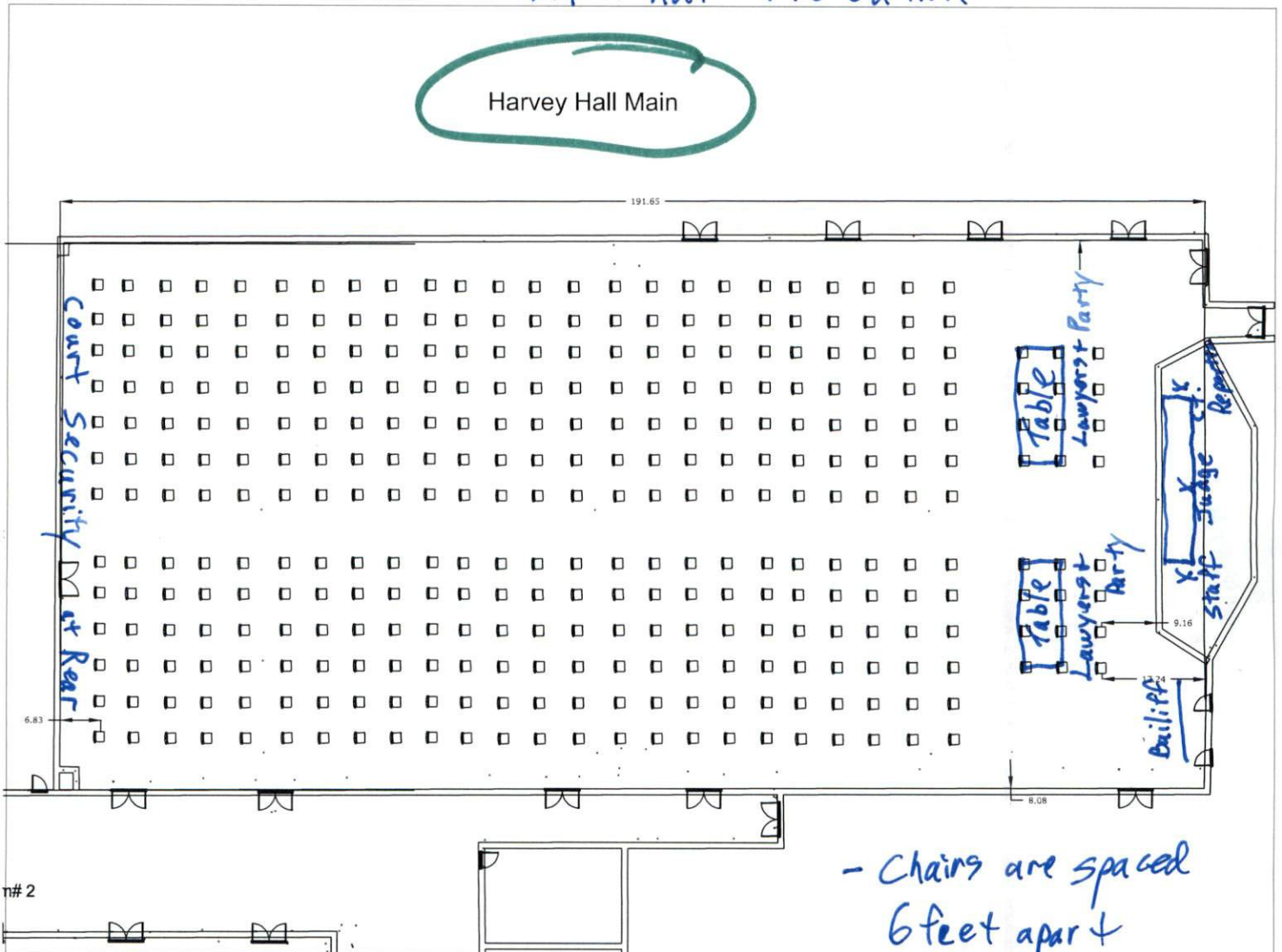
I certify the above is true and correct:

Signature
Juror Number _____

Printed Name

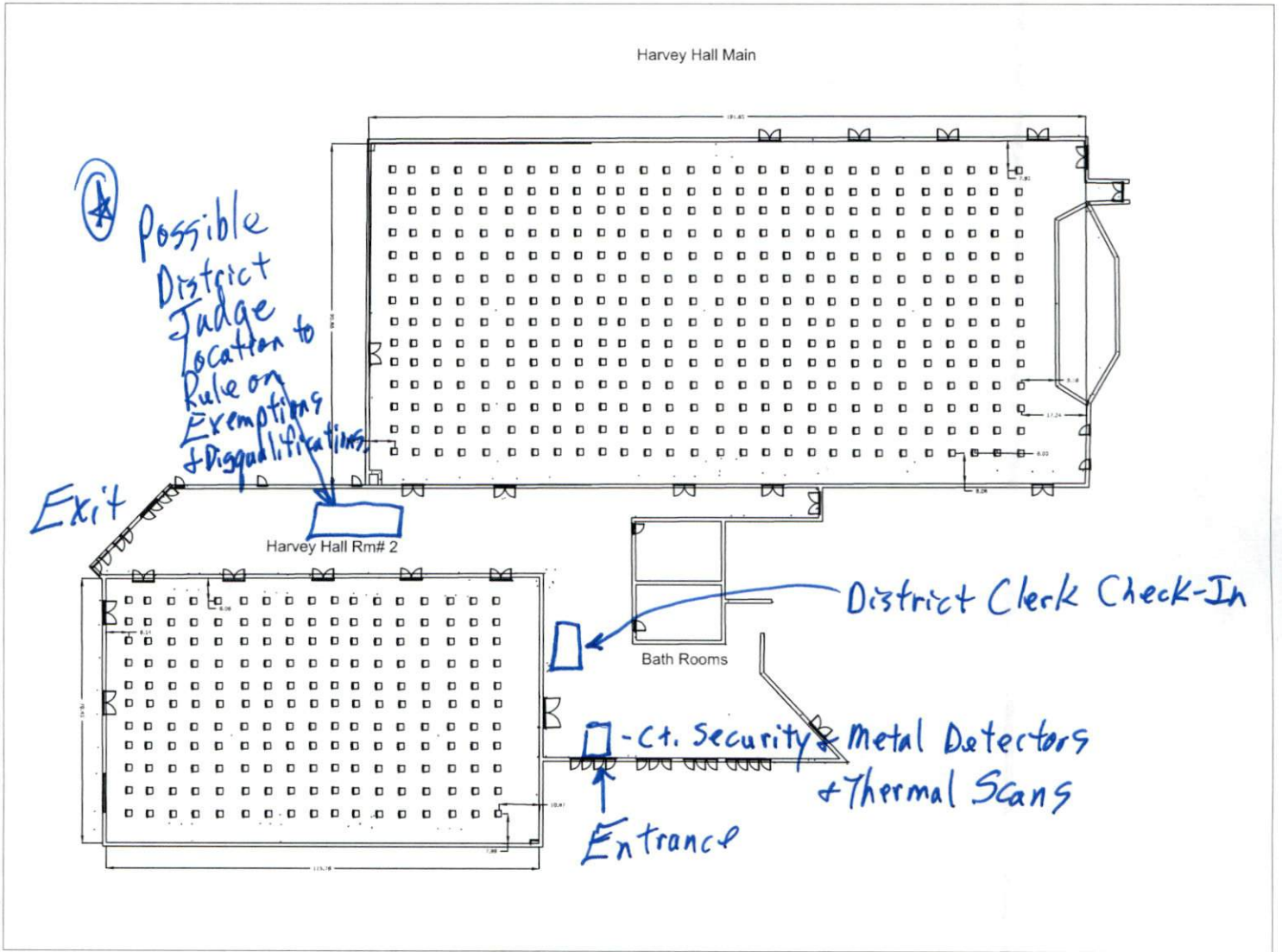
Alternate Location

Harvey Hall Main



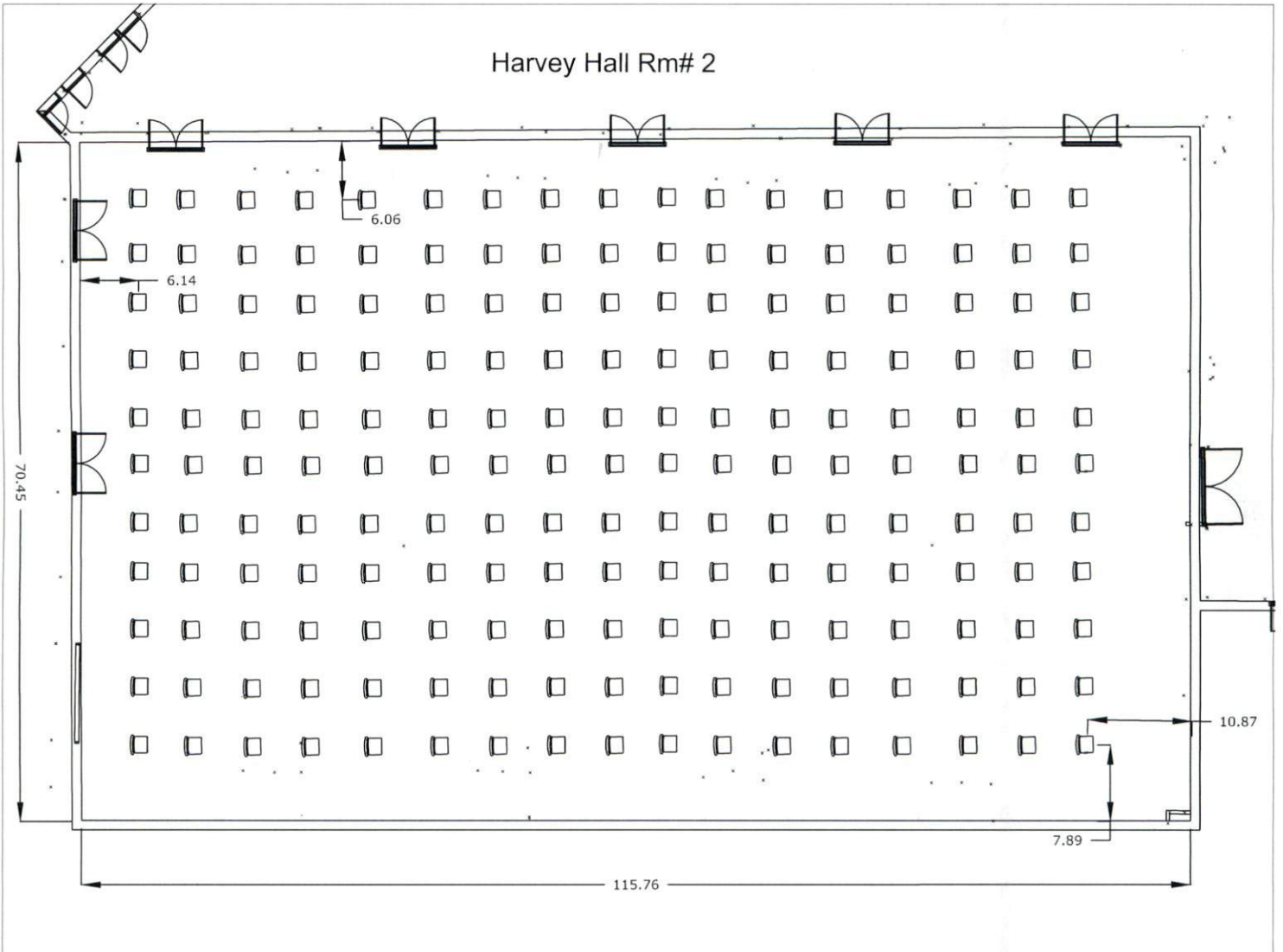
- Chairs are spaced 6 feet apart
- Room could hold ≈ 292 people socially distanced
- Other than Capital Murder Panels, Courts would likely attempt to have only max. 160-180 people





Parking Lot

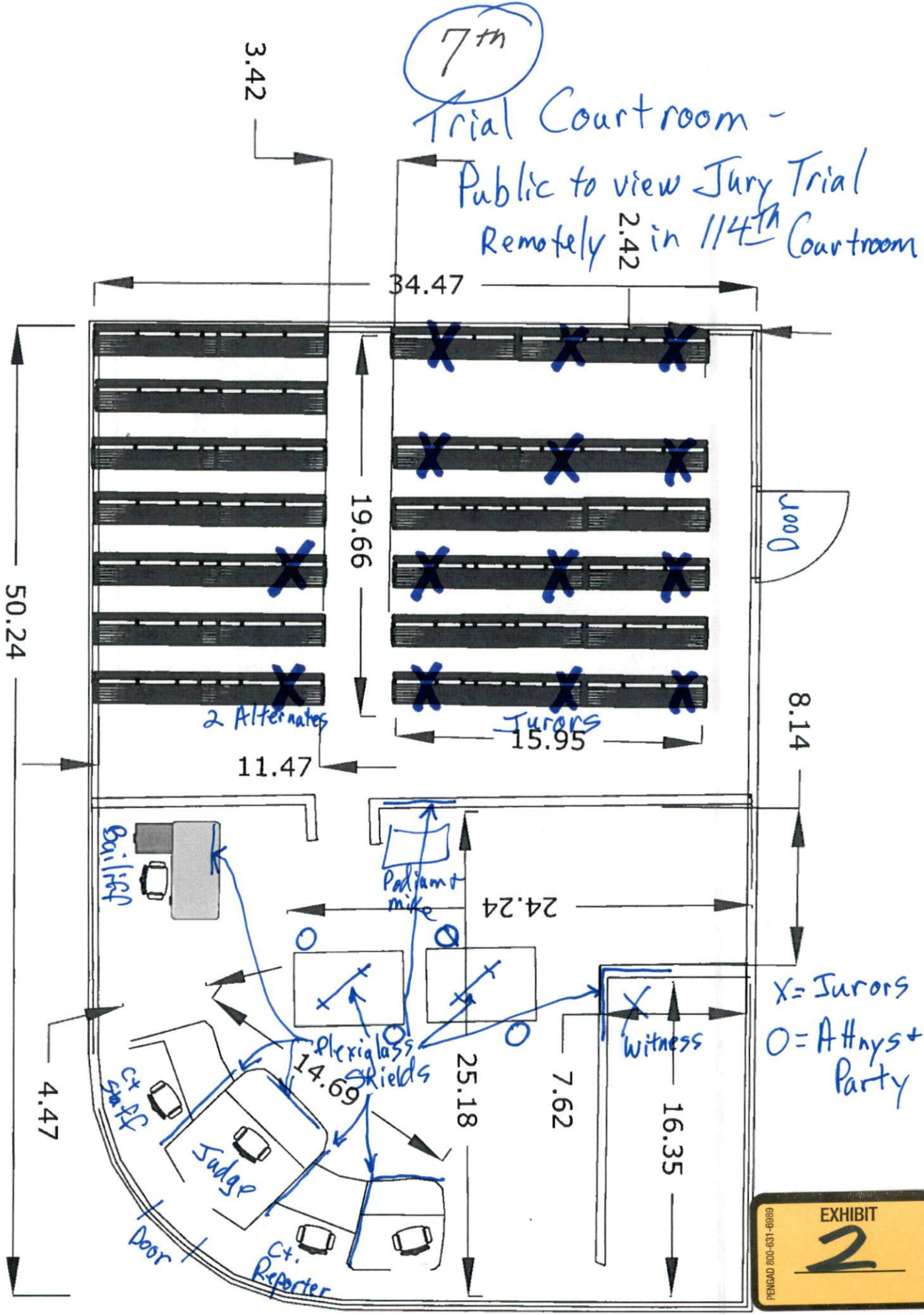
Harvey Hall Rm# 2



7th

Trial Courtroom -

Public to view Jury Trial
Remotely in 114th Courtroom



Door

8.14

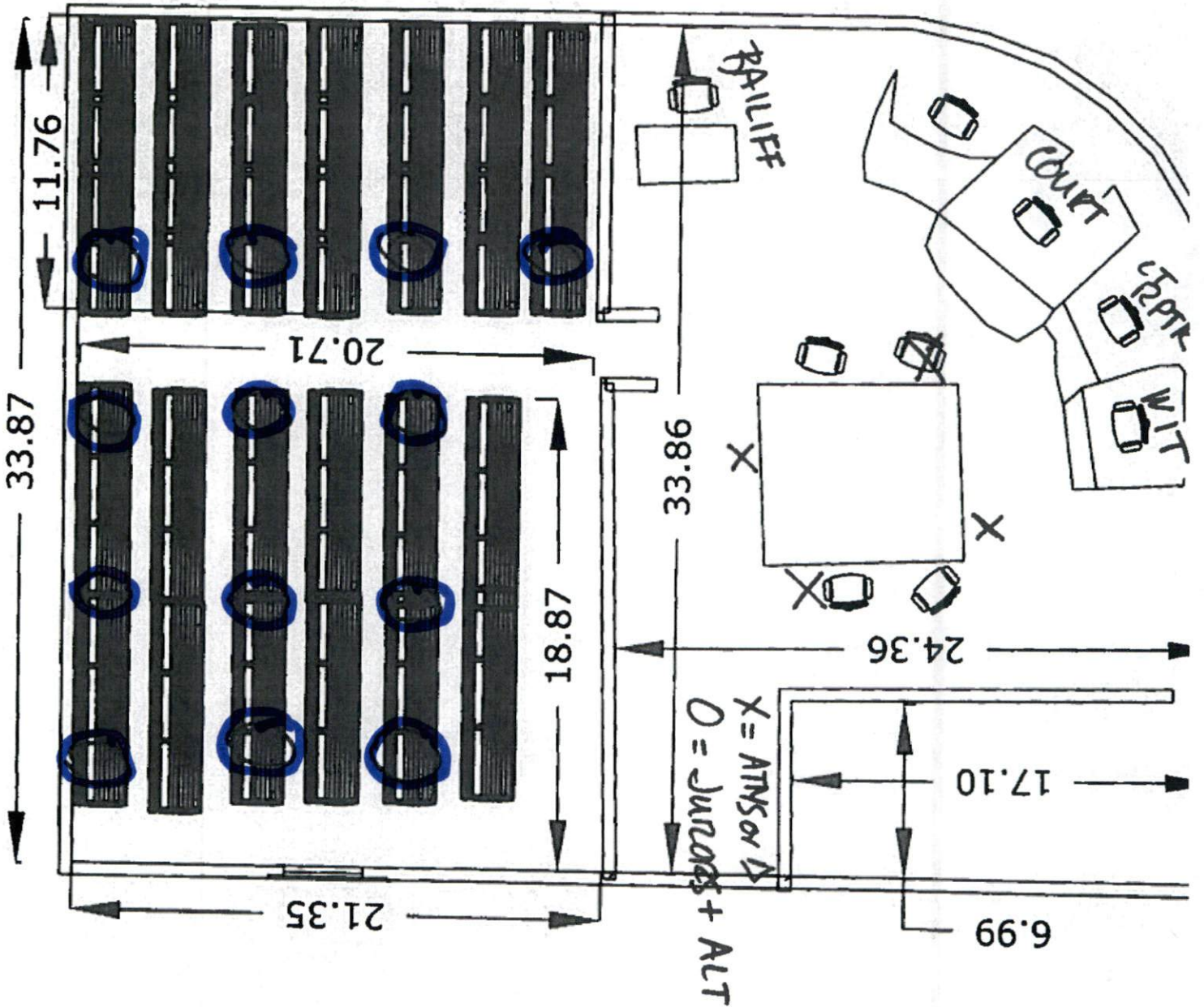
24.24

X = Jurors
O = Attys + Party

EXHIBIT
2

PENGAD 800-831-6999

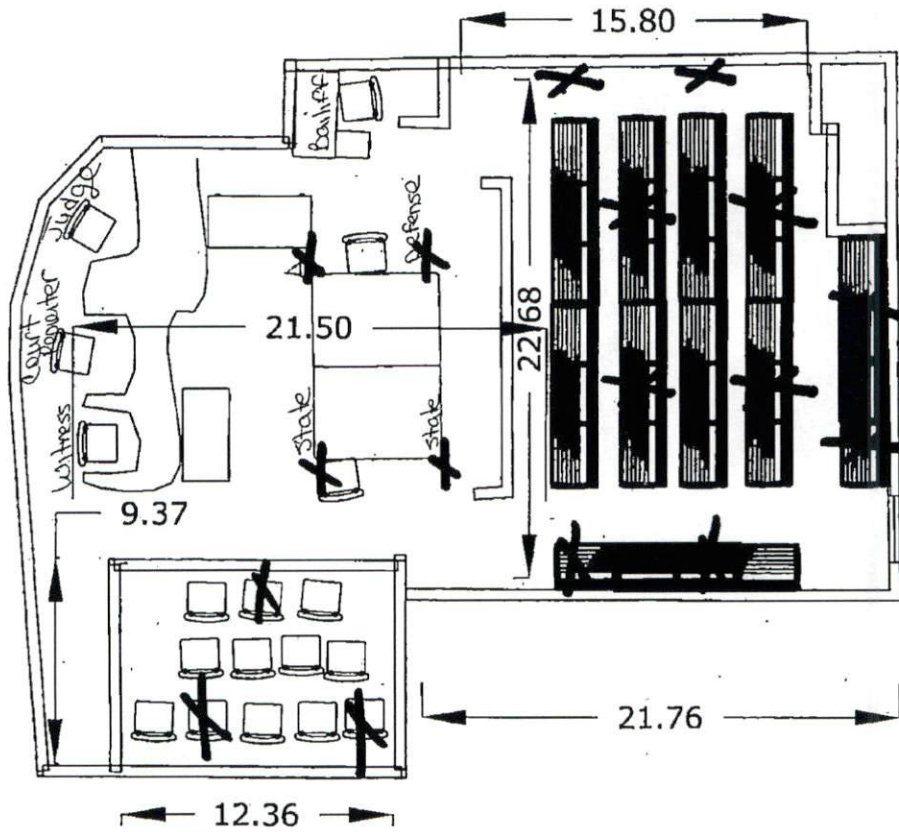
114th



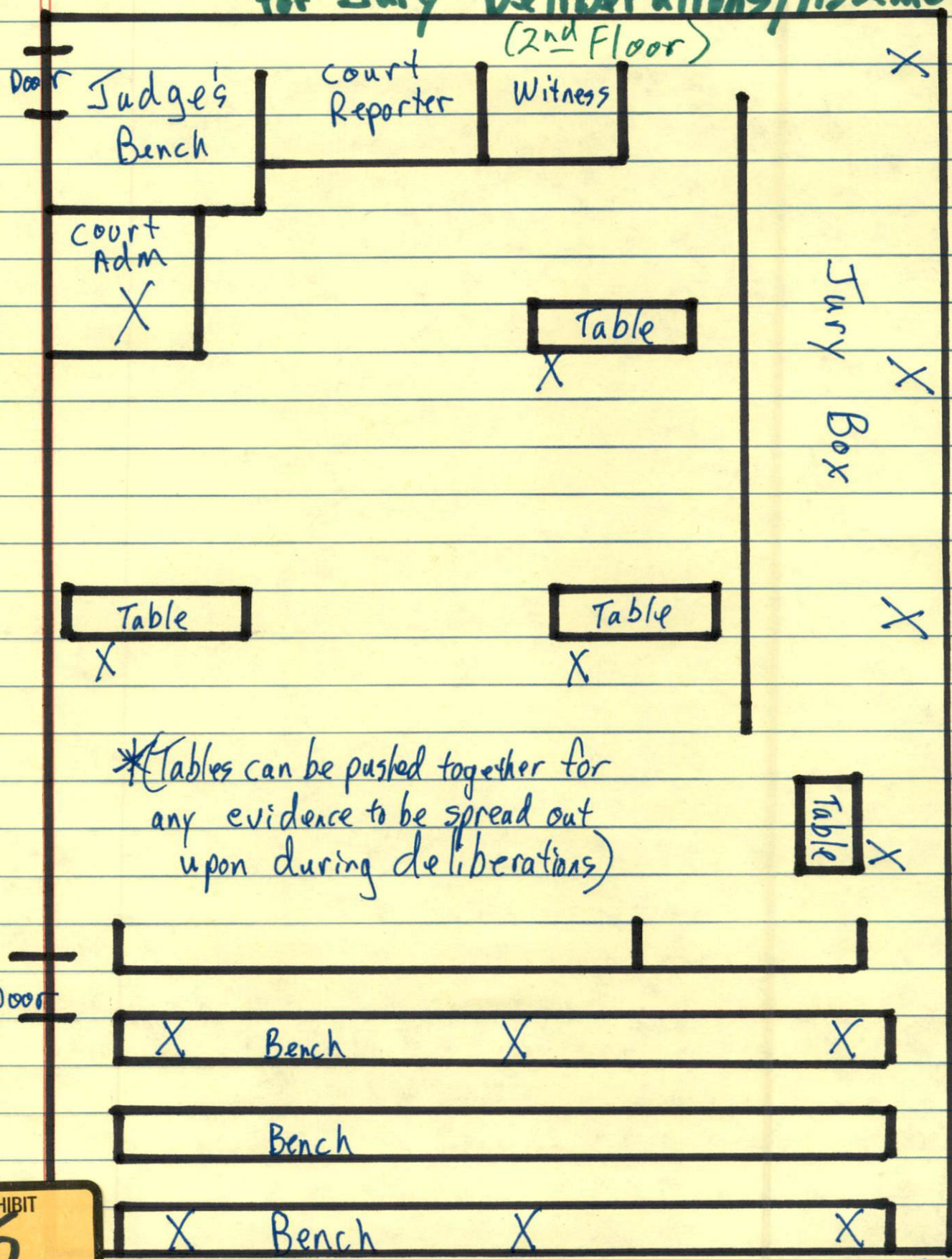
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EXHIBIT
3

241st

241st



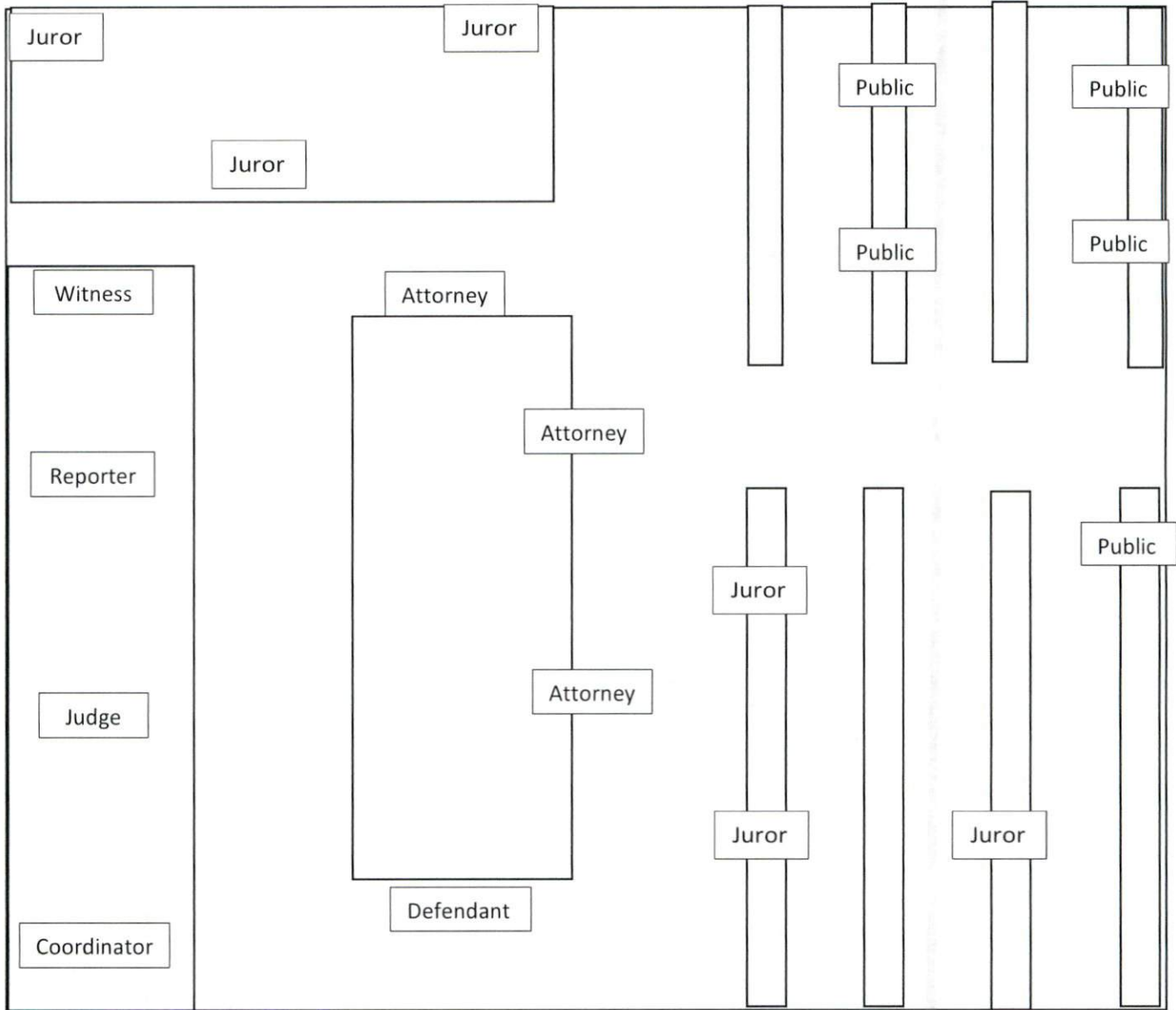
JEC C (Old 321st) Courtroom for Jury Deliberations/Assembly



(Courtroom will accommodate at least 14-15 Jurors)

EXHIBIT
5

County Court at Law Courtroom

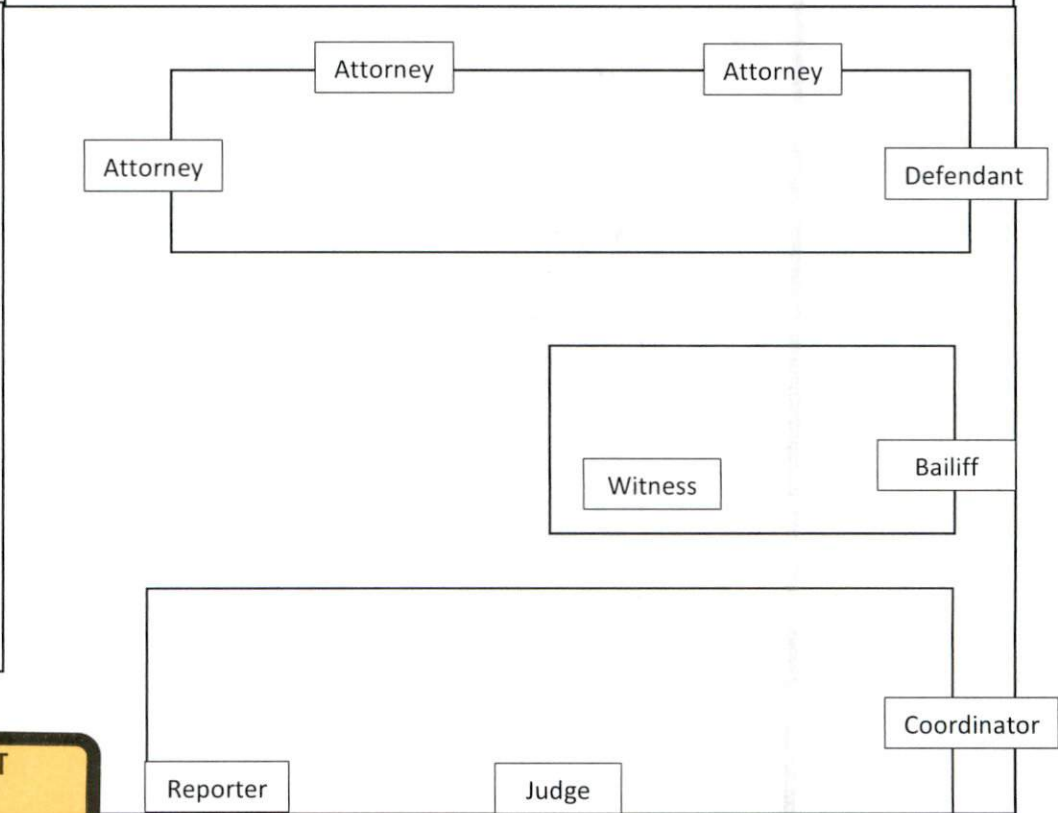
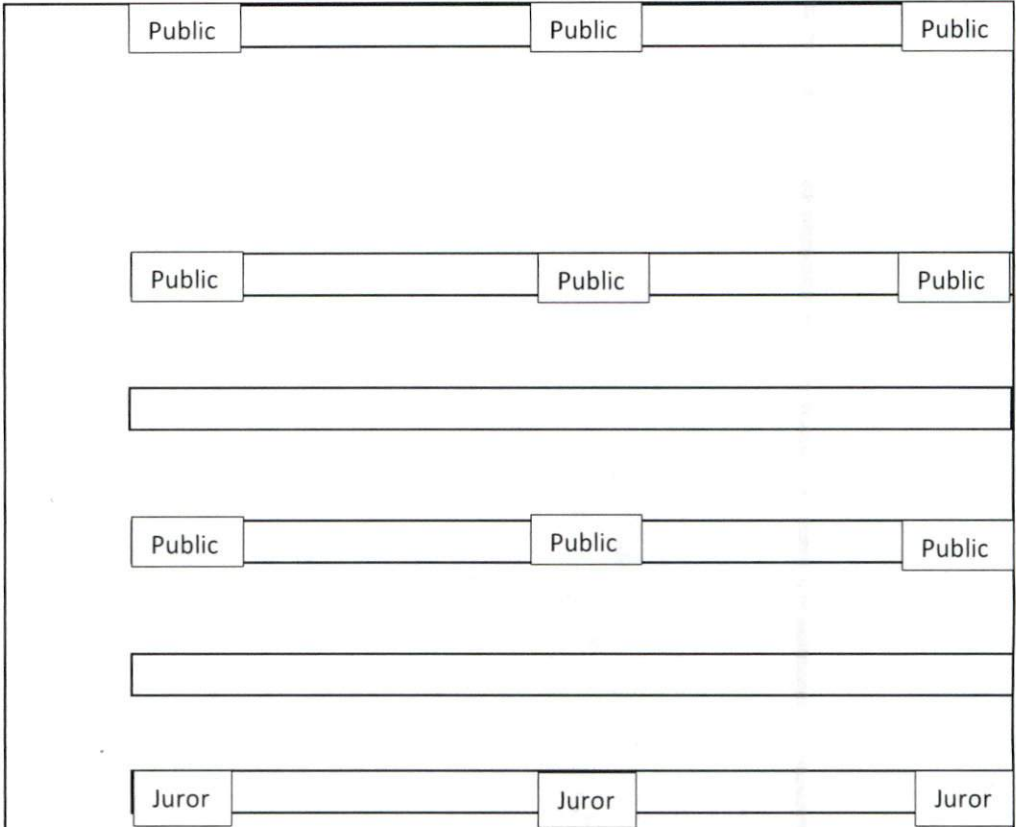


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EXHIBIT
6

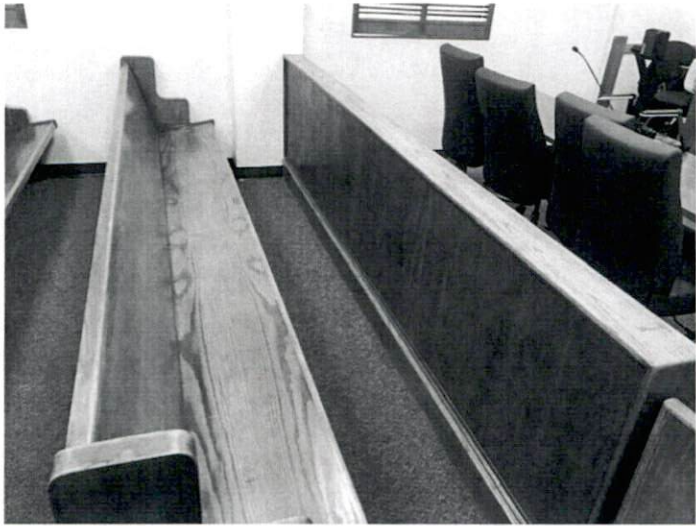


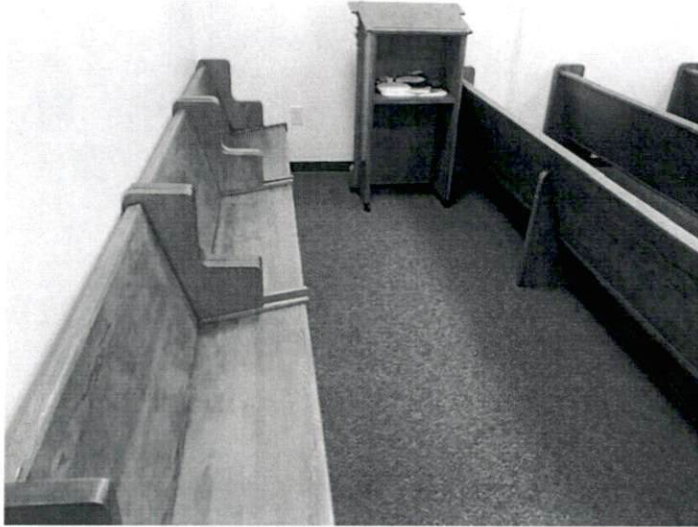


County Court at Law #2 Courtroom

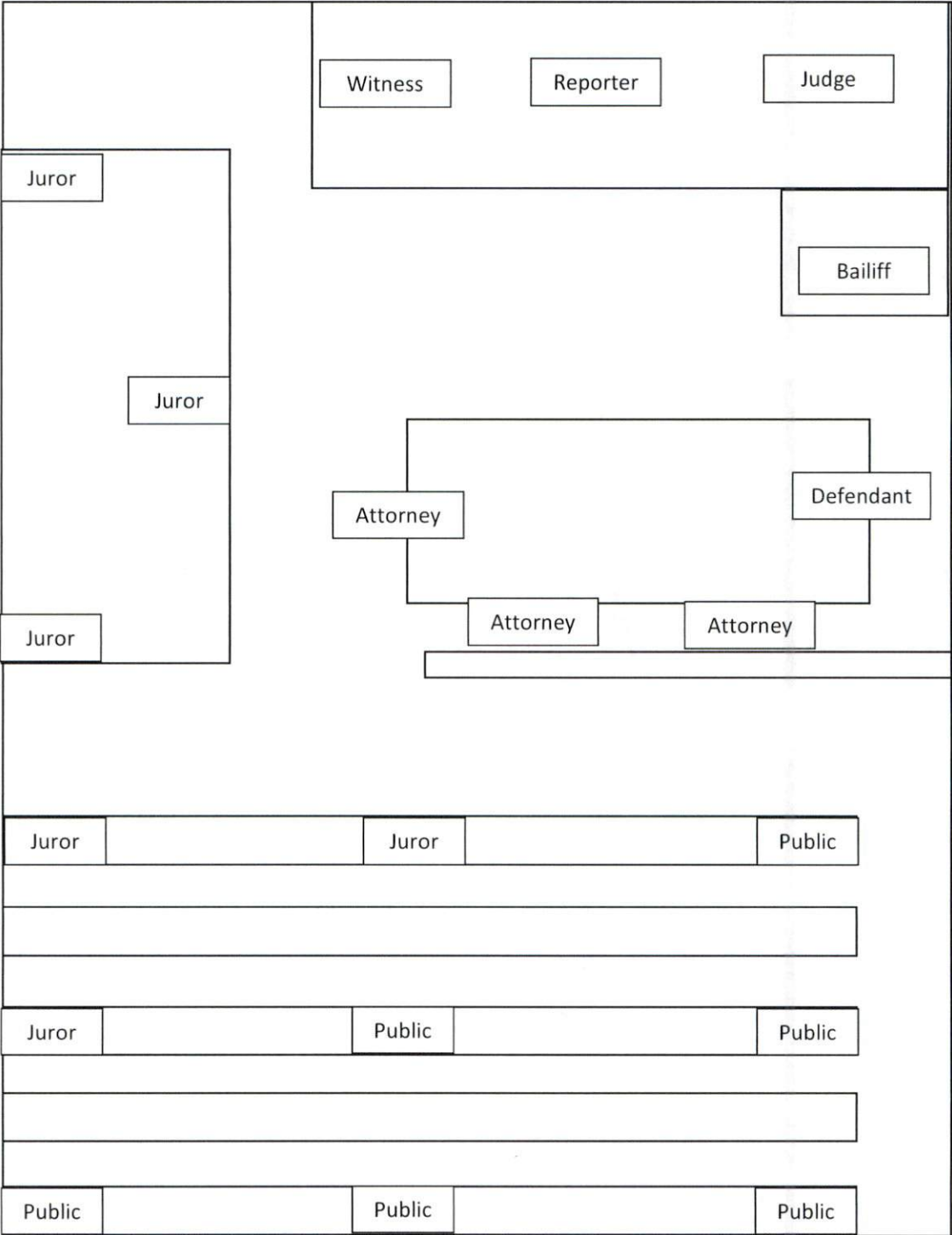




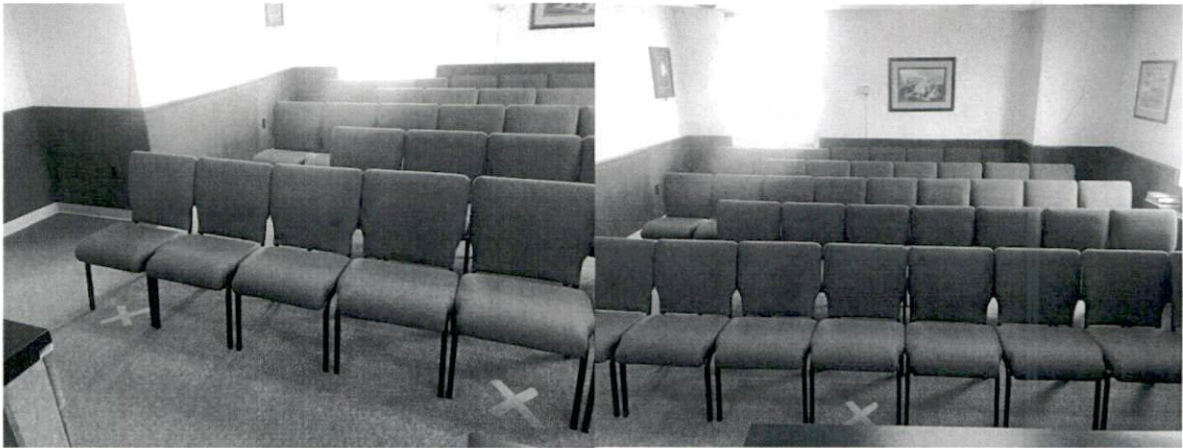


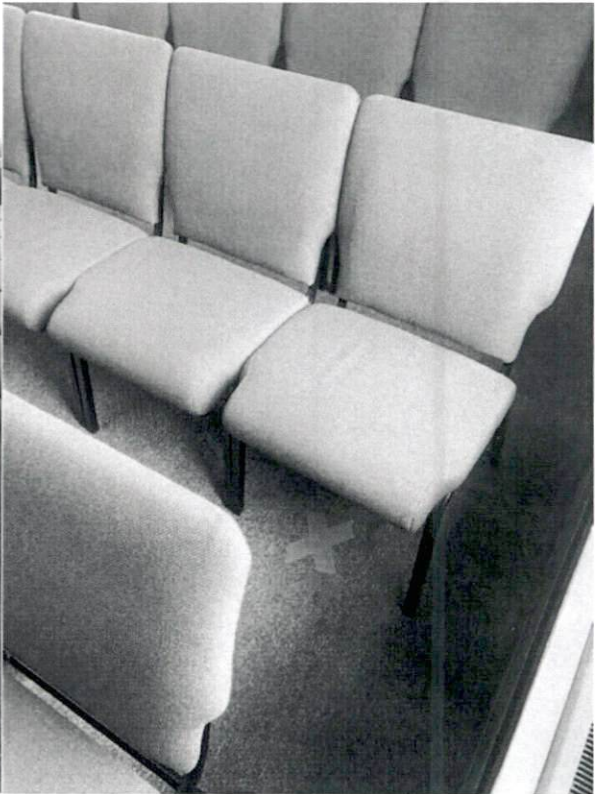


County Court at Law # 3 Courtroom









East **Exit** - Spring Street

First Floor
Entry to
Courthouse

Courthouse
Security

County Court
at Law #2

Exemptions +
Disqualified Jurors
- will be **released**
out East Door
OR
if kept sent to
Central Jury Room

321st Dct
Offices

~~Vacant space~~
District Clerk/Jury Offices

Jail
Elevators
Public
Elevators

Stairs to
2nd Floor

Central Jury Ro
Room

Thermal
Scanner
Courthouse
Security

See other
Sheet for
seating!

EXHIBIT
9A

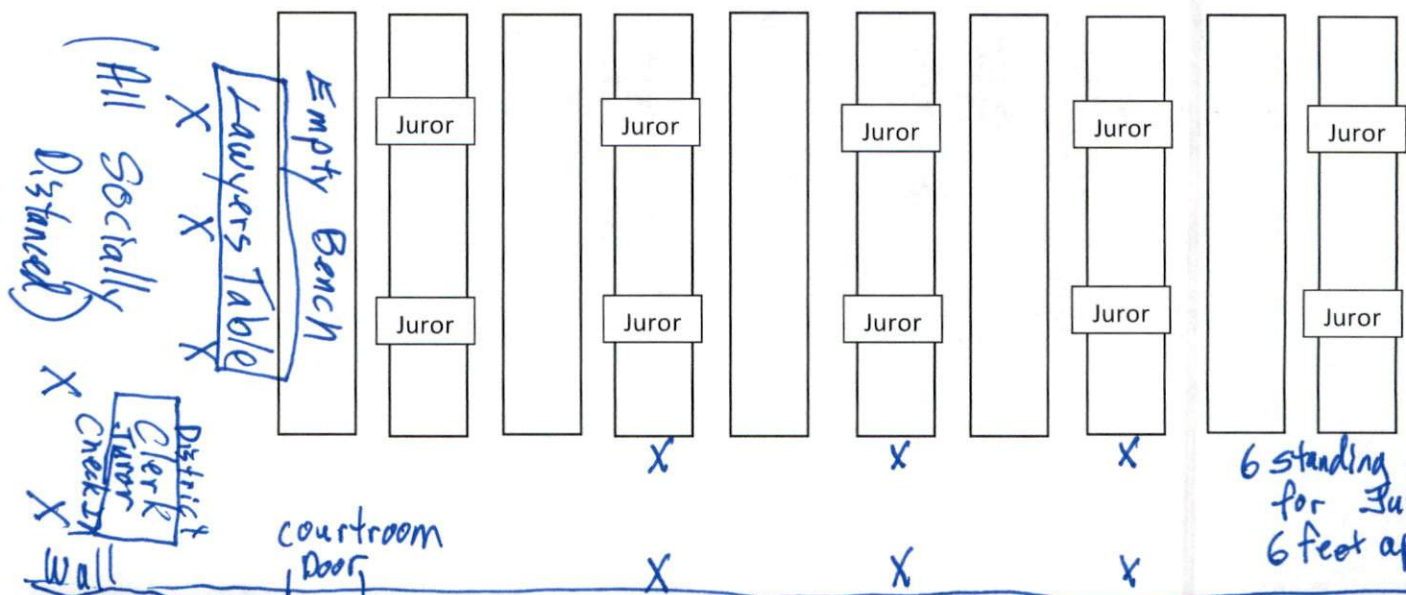
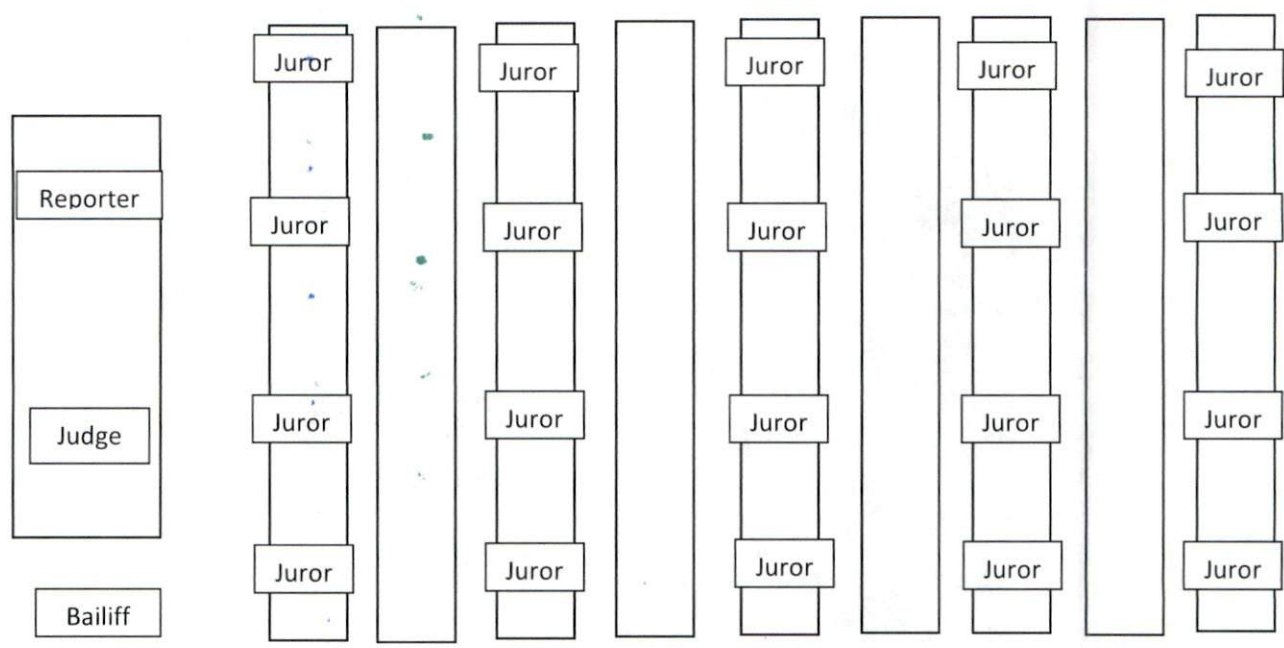
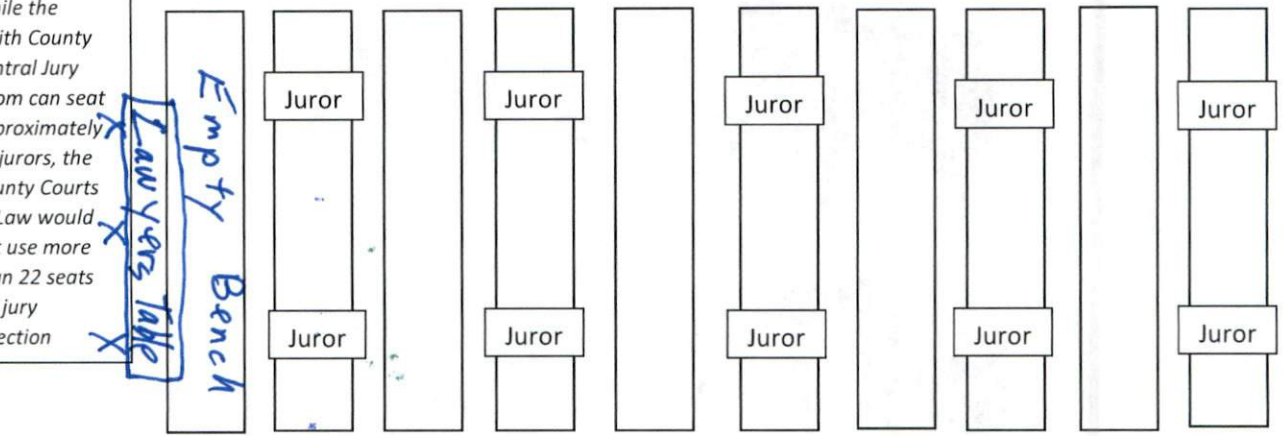
First Floor of
Smith County
Courthouse

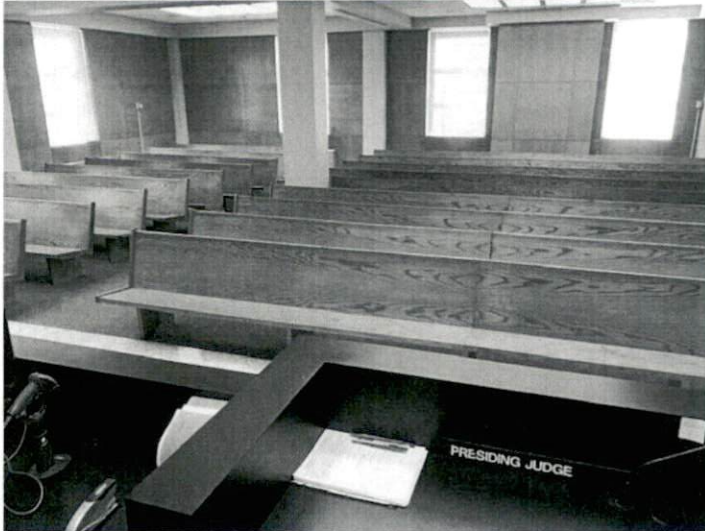
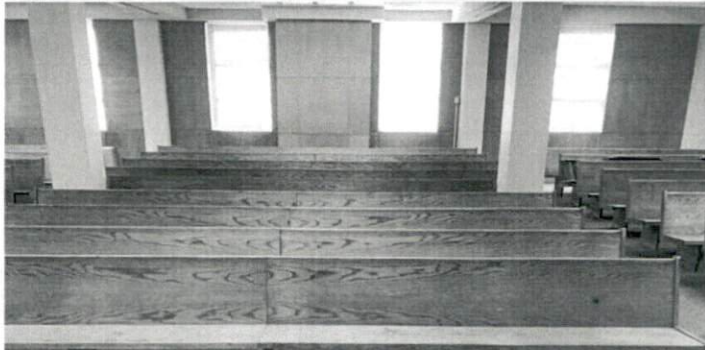
West **Entrance** - Broadway

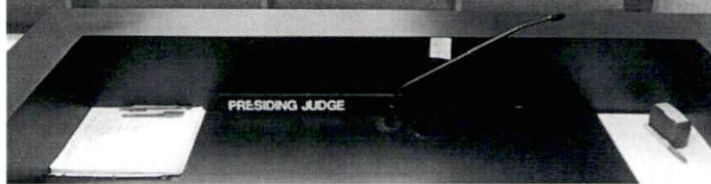
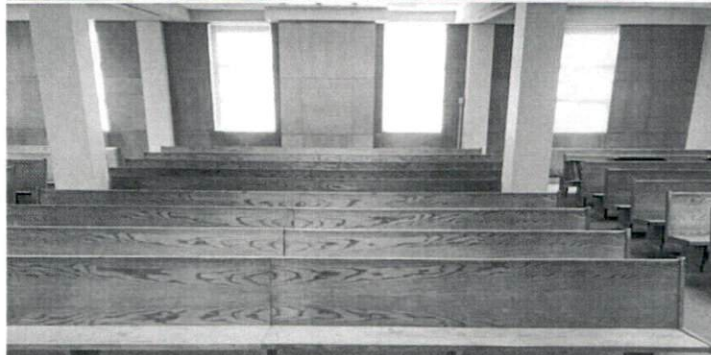


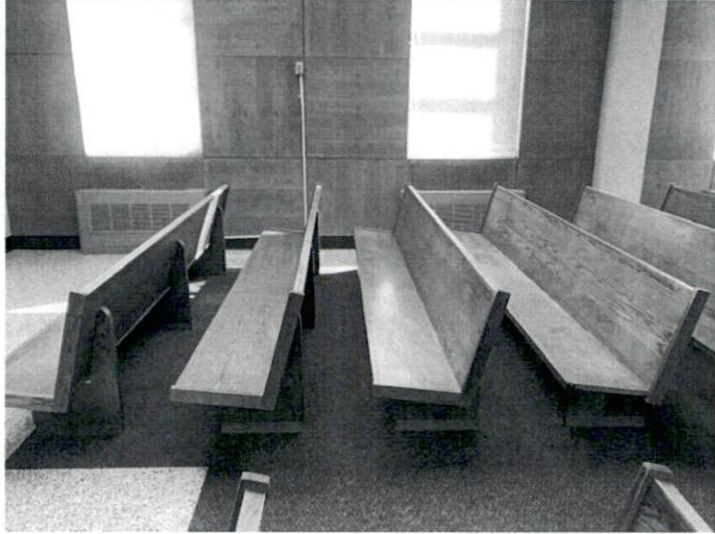
The Smith County Courthouse Central Jury Room

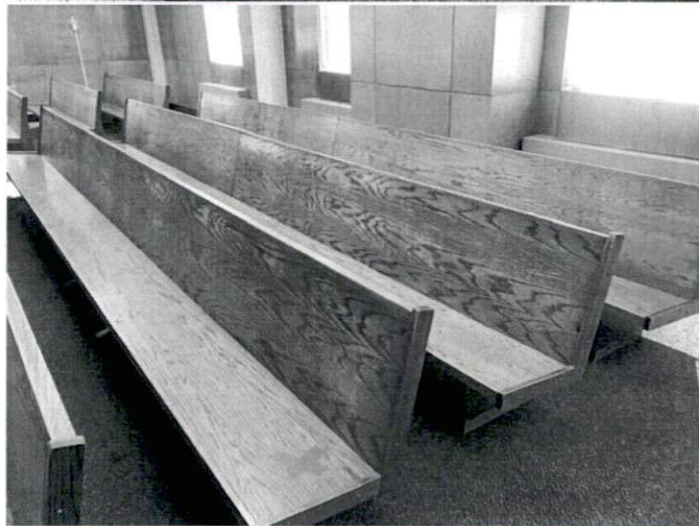
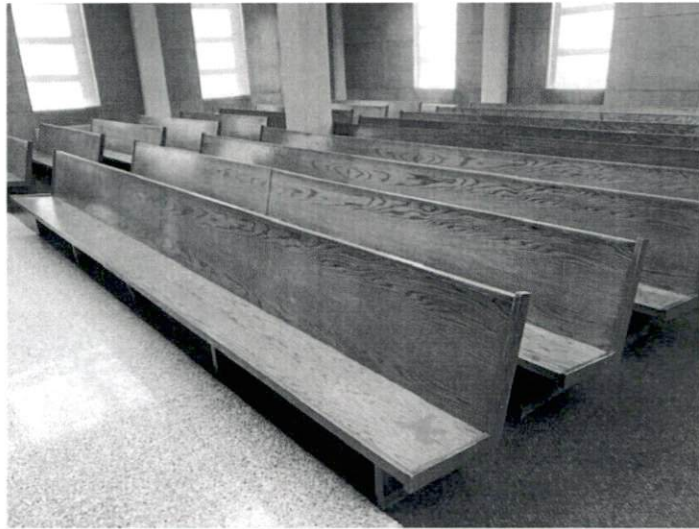
Note
While the Smith County Central Jury Room can seat approximately 40 jurors, the County Courts at Law would not use more than 22 seats for jury selection













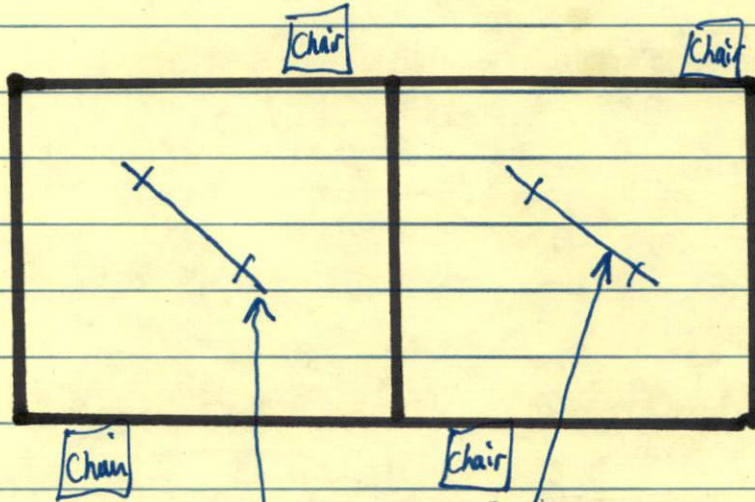
Aux. Courtroom

~ 26 ft wide

Hall to
Elevator
+
Stairs
to 1st Floor
Door

For ZOOM
Hearings

Table



Alexiglass Shield

Bench

Ct.
Reporter

Witness

~ 24 Feet deep

Door



Zoomy Room
for attorney or
Party

Table

Chair

321st Courtroom

21 occupancy

17'7" heaters

Benches

15'3"

Break room

10'

12'7"

40'6"

21'8"

15'

benches

12' benches

18'10"

16'

8'5"

Counsel table
6'

Counsel table
6'

shield
Coordinator

shield
plains

Juror
Seating
Juror Plains
plains

Inmate
box
12'

Bailiffs

Judge

Court
Reporter
Witness

18'

Juror
Deliberation
room



13'

Judge Kerry Russell

From: Judge Nathaniel Moran
Sent: Monday, November 2, 2020 12:09 PM
To: Judge Kerry Russell; McGaha, Paul
Cc: Judge Christi Kennedy; Judge Jack Skeen; Taylor Heaton; Judge Floyd Getz; Judge Jason Ellis; Denise Langston; Terry Cockrum
Subject: RE: Jury Proceeding Addendum to COVID-19 Operating Plan for the Smith County Judiciary

Thank you, Judge Russell, for your work on this document and for navigating the difficulties of putting together this plan.. I have reviewed and I approve the Jury Proceeding Addendum to the COVID-19 Operating Plan for Smith County. Please let me know if you should need anything more from me at this point to help implement the Plan and this Addendum.

Best, Regards,

Nathaniel Moran
Smith County Judge

From: Judge Kerry Russell <krussell@smith-county.com>
Sent: Thursday, October 29, 2020 2:36 PM
To: Judge Nathaniel Moran <NMoran@smith-county.com>; McGaha, Paul <Paul.McGaha@uthct.edu>
Cc: Judge Kerry Russell <krussell@smith-county.com>; Judge Christi Kennedy <CKennedy@smith-county.com>; Judge Jack Skeen <jskeen@smith-county.com>; Taylor Heaton <theaton@smith-county.com>; Judge Floyd Getz <FGetz@smith-county.com>; Judge Jason Ellis <JudgeEllis@smithcounty.mail.onmicrosoft.com>; Denise Langston <dlangston@smith-county.com>; Terry Cockrum <tcockrum@smith-county.com>
Subject: Jury Proceeding Addendum to COVID-19 Operating Plan for the Smith County Judiciary

Judge Moran and Dr. McGaha:

Please find attached the Jury Proceeding Addendum to COVID-19 Operating Plan for the Smith County Judiciary for your review and approval. The only thing missing is Judge Wilson's diagram for his 321st District Courtroom for jury trials. This final plan is almost identical to the rough preliminary draft that I sent to you on October 9, 2020.

As a result of the unavailability of the Harvey Convention Center on any regular basis, the current plan is to summon small panels (no more than 46 people in the Central Jury Room at the Smith County Courthouse) and do jury selection in the Central Jury Room. We did leave the Harvey Convention Center option in the plan as an alternate location because when we eventually do Capital Murder jury trials we will need the large area for a significant number of people to be summoned. We looked at many remote locations and none really fit our needs.

We plan to have the trial case district judge handle the jury qualifying in the Central Jury Room and subsequent voir dire process on their case. A second district judge will help as jury panel members arrive at the courthouse. As jury panel members clear security at the west side (Broadway) door, they will be asked if they plan to claim an Exemption (legal or as member of Vulnerable Population under COVID-19 OCA guidelines)

Judge Kerry Russell

From: McGaha, Paul <Paul.McGaha@uthct.edu>
Sent: Friday, October 30, 2020 7:35 PM
To: Judge Kerry Russell
Cc: Judge Nathaniel Moran
Subject: Re: Jury Proceeding Addendum to COVID-19 Operating Plan for the Smith County Judiciary

***** This is an email from an EXTERNAL source. DO NOT click or open links, or open attachments without positive sender verification. NEVER enter USERNAME, PASSWORD or any other sensitive information on linked pages from this email. *****

Judge Russell, I approve the COVID-19 Operating Plan for the Smith County Judiciary and am sending this email as confirmation.

Sincerely,

Paul McGaha, D.O., M.P.H.

Smith County Local Health Authority

From: Judge Kerry Russell <krussell@smith-county.com>

Sent: Thursday, October 29, 2020 2:35 PM

To: Judge Nathaniel Moran <NMoran@smith-county.com>; McGaha, Paul <Paul.McGaha@uthct.edu>

Cc: Judge Kerry Russell <krussell@smith-county.com>; Judge Christi Kennedy <CKennedy@smith-county.com>; Judge Jack Skeen <jskeen@smith-county.com>; Taylor Heaton <theaton@smith-county.com>; Judge Floyd Getz <FGetz@smith-county.com>; Judge Jason Ellis <JudgeEllis@smithcounty.mail.onmicrosoft.com>; Denise Langston <dlangston@smith-county.com>; Terry Cockrum <tcockrum@smith-county.com>

Subject: [EXTERNAL] Jury Proceeding Addendum to COVID-19 Operating Plan for the Smith County Judiciary

Judge Moran and Dr. McGaha:

Please find attached the Jury Proceeding Addendum to COVID-19 Operating Plan for the Smith County Judiciary for your review and approval. The only thing missing is Judge Wilson's diagram for his 321st District Courtroom for jury trials. This final plan is almost identical to the rough preliminary draft that I sent to you on October 9, 2020.

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