

Approved Scott Havel

Jury Proceeding Addendum to COVID-19 Operating Plan for the Victoria County Judiciary – 24th, 135th, 267th & 377th District Courts

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 Victoria 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: **See attached Exhibit A.**
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.

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 and COVID questionnaires (See Exhibit B) that elicit from prospective jurors information about their exposure or vulnerability to COVID-19.
2. Judges will consider using juror questionnaires for voir dire to assist in shortening the length of voir dire or the number of venirepersons.
3. Excuses or requests to reschedule from in-person prospective jurors who have been potentially exposed, who are symptomatic, and who are vulnerable or live with someone vulnerable to COVID-19 will be liberally granted.

Location for Jury Selection, Trial, and Deliberation

1. The following locations have sufficient space to permit adequate social distancing and will be used for in-person jury proceedings: See attached diagrams.
 - a. **Jury Qualification:** **Victoria County 377th Judicial District Courtroom**
 - b. **Voir Dire:** **Victoria County 377th Judicial District Courtroom**
 - c. **Trial:** **Victoria County 24th or 135th Judicial District Courtroom**
 - d. **Jury Deliberation:** **Victoria County 24th or 135th Judicial 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 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:

See attached diagrams for 24th, 135th & 377th courtrooms.

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.

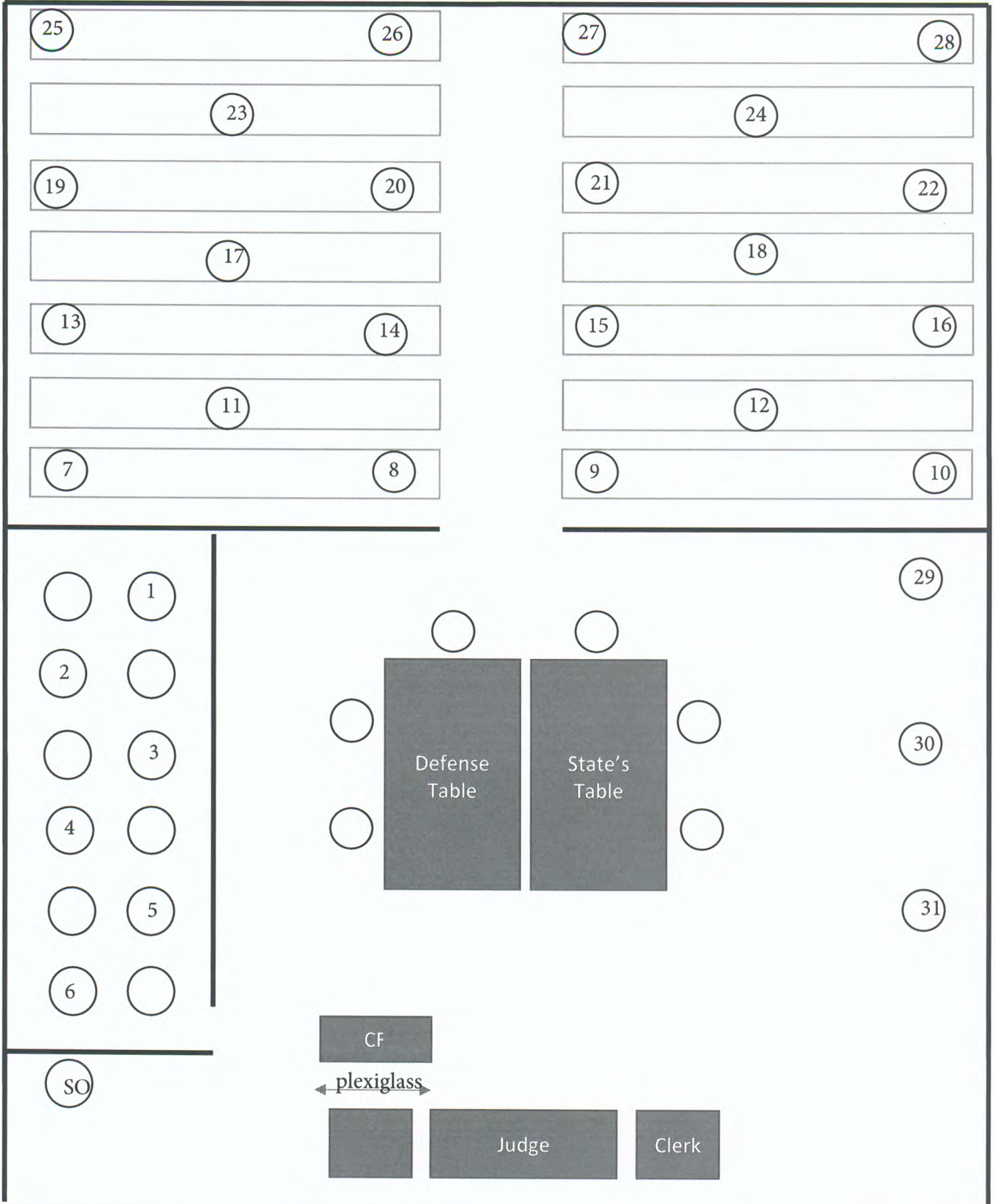
I have attempted to confer with all judges of courts with courtrooms in the court building regarding the Jury Proceeding Addendum to the Operating Plan. In developing the plan, I consulted with the local health authority and county judge, documentation of which is attached to this plan. I will ensure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

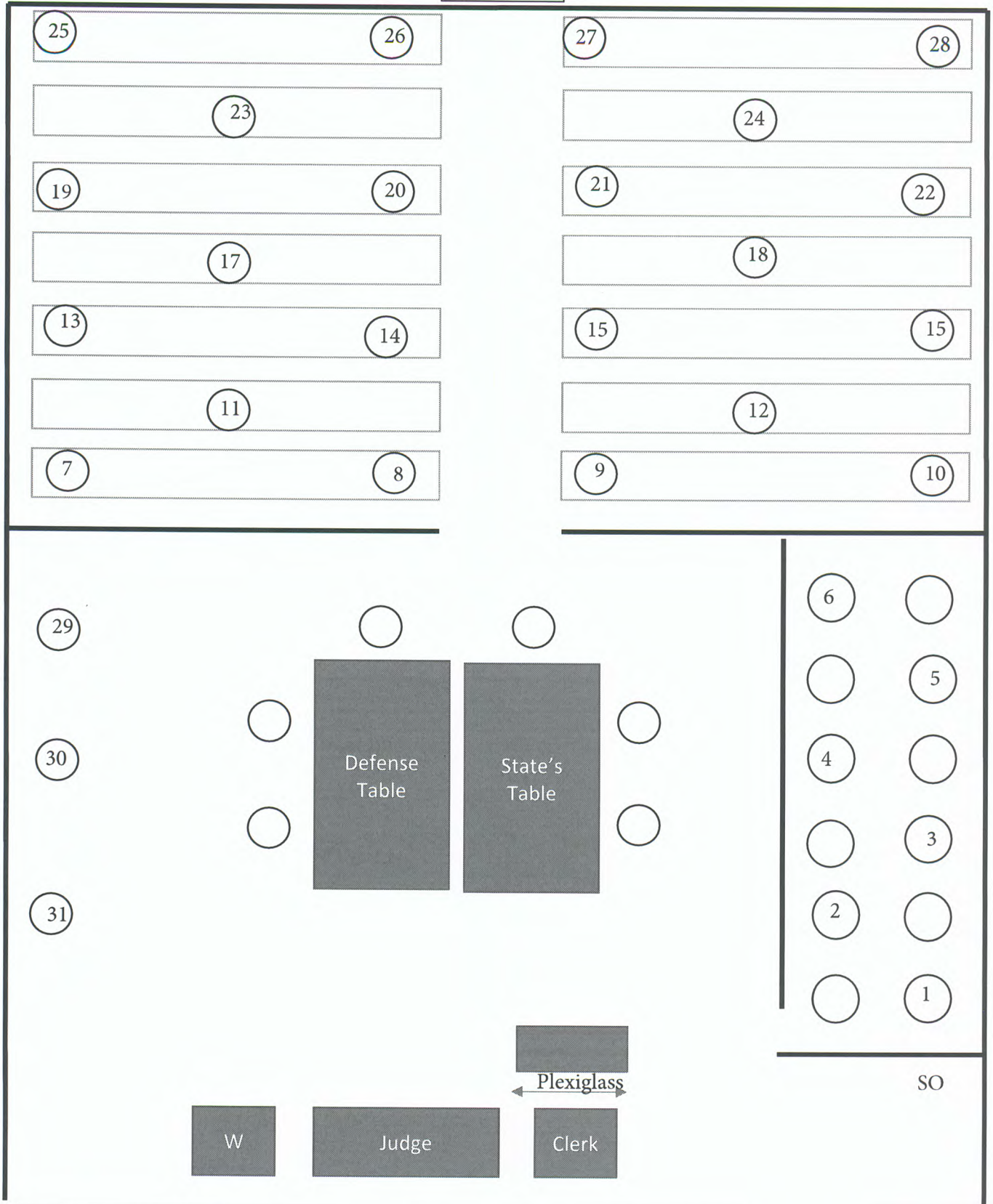
Date: _____

Local Administrative District Judge

"Exhibit A"

24th Judicial District Courtroom
Victoria, Texas - not to scale





"Exhibit B"

Empaneling and Selecting a Petite Jury for Trial COVID-19 377th Judicial District Court Elí E. Garza

Courtroom

The courtroom of the 377th Judicial District Court was built in 1892. It consists of the main courtroom with a balcony. The main courtroom floor seats approximately one hundred people.

The balcony seats approximately 40 people. See photos 1-4.

The ceilings are high and extend upwards of more than 30 feet.

In accordance with this plan for jury trial, the Court will seat jurors in both main courtroom and balcony. However, the jury panel will be limited to 59 jurors.

Summons sent to Potential Jurors.

1. The Court will summon 300 jurors; however, only 59 jurors will be asked to attend jury selection. Out of the 59 jurors present during jury selection, 12 will serve as jurors, while 2 will be chosen as alternates.
2. Prior to the issuing of summons, each party trying the case before the jury will be required to submit 20 written questions in either multiple choice or short answer format. The responses will be used by the Court and the parties to exclude potential jurors by agreement to reduce the number of jurors being asked to attend jury selection.
3. Each summons will give the juror the opportunity to "opt out" of jury service if they:
 - a. Have a fear of being exposed to infection, a possible infection or illness because of Community Spread of COVID-19.
 - b. Are members of "Vulnerable Populations." "Vulnerable Populations" are persons who are over age 65 and individuals with serious underlying health conditions.
4. If a potential juror wishes to "opt out" due to expressing a fear of infection, the juror will not be penalized for choosing to "opt out" of jury service.
5. The summons will contain a contact phone number and/or email address whereby the jury can contact the court to inform the court of their choice to "opt out" or other reasons which would require the exercise of an excuse or exemption. The court's website will also contain a phone number and/or email where the juror may contact the court with his/her concerns about jury service.

6. Potential Jurors: 1) who express to have symptoms of COVID-19, 2) who have been exposed to someone confirmed to have COVID-19, 3) who have symptoms of COVID-19, 4) who are members of a vulnerable population, and/or 5) who are the primary caretaker of someone in a vulnerable population, will be excused from Jury Service.
7. Potential Jurors will be informed that face coverings are mandatory.
8. Each Potential Juror will be required to fill out and turn in a COVID-19 Pre-screening questionnaire. See Exhibit #1.
9. Prior to the trial commencing, the jury will be informed that in the event that a juror believes that he/she has been exposed to COVID-19 or becomes ill with any of the symptoms associated with COVID-19, the particular juror shall inform the court immediately so that the juror will be excused and any potential exposure will be limited to those in attendance of the trial.

Health of Judges, Court Staff, Litigants and Potential Jurors.

1. All persons entering the courtroom will be evaluated for possible infection or illness before being allowed entry.
2. The Court or its designee, while wearing appropriate face covering, will ensure that the person entering is wearing appropriate facial covering. Should the person not have an appropriate facial covering, the court will provide one free of charge. If the person refuses to wear facial covering that individual will be asked to leave.
3. The Court or its designee will take the temperature of all individuals entering the courtroom. Any person entering the courtroom will be asked if they have any symptoms of COVID-19 or if they have had contact with someone displaying any symptoms of COVID-19.
4. Any person, regardless of whether they are Judges, Litigants, Court Staff or Jurors, who have measured temperatures equal to or greater than 99.6° F, or with new or worsening signs or symptoms of COVID-19 such as cough, shortness of breath or difficulty breathing, chills, repeated shaking with chills, muscle pain, headache, sore throat, loss of taste or smell, diarrhea, or having known close contact with a person who is confirmed to have COVID-19 will not be permitted to enter the building housing the courtroom.
5. Everyone in the courtroom will be required to wear face coverings, practice social distancing, and engage in appropriate hygiene practices to the extent consistent with the practicalities of in-person proceedings. The Court will make available hand sanitizers at every point of entry or exit. On the first day of Jury Selection and thereafter, the Court or its designee will disinfect the

courtroom at each break by spraying disinfectant spray on the benches, seating areas and common areas of the courtroom.

6. Notices of the symptoms of COVID-19 and the importance of complying with facial coverings, hand washing and social distancing will be posted at each hallway of the courthouse near the water fountains/restrooms or locations where people normally congregate.

- a. **Face Coverings.** All individuals entering the court building will be required to wear face coverings at all times, unless circumstances specific to the purpose for which that person is present at the court building require that the face covering be temporarily removed. After completing the task which required removal of the face covering, the person shall resume wearing the face covering.

All face coverings worn must cover the wearer's mouth and nose at all times, unless temporarily excused as provided in this paragraph. Failure or refusal to wear face coverings as provided in this paragraph will result in immediate expulsion of the person failing or refusing to wear the face covering in compliance with this paragraph.

Persons seeking to be admitted to the court building for the purpose of observing or participating in an in-person judicial proceeding who are not wearing a face covering, will be provided a disposable face mask, if the county government authority which owns the court building has an adequate supply of face masks. Failure or refusal to wear a face mask or face covering will result in immediate expulsion of the person failing or refusing to wear the face covering in compliance with this paragraph.

- b. **Cleaning.** Judges of the courts referenced above shall request that the county government authority which owns the court building instruct its maintenance and cleaning staff to clean the courtrooms and common areas of the court building at the beginning of each day and at the conclusion of the last hearing in each courtroom daily, in addition to normal cleaning procedures.

- c. **Social Distancing.** Social Distancing will be practiced by all persons in the courtroom at all times.

1. All persons permitted in the court building who are not from the same household will be required to maintain adequate social distancing of at least 6 feet.

2. Social distancing of at least 6 feet will be required in common areas.

3. Social distancing of at least 6 feet will be required in the courtroom.

4. Social distancing of at least 6 feet will be required in the jury room when used for conferencing. In the case of jurors participating in a jury trial, accommodations, consistent with jury privacy and security, will be made to accomplish social distancing of at least 6 feet.

5. Jurors, Parties and Litigants will practice social distancing according to the diagrams attached. See Exhibit 2 & 3.

6. During the trial, Jurors will not be confined to the “jury room.” The courtroom will serve as the “jury room.” Therefore, during breaks and/or recess the jury will be allowed to use the courtroom as the “jury room” to ensure that the rules of social distancing are complied with.

Jurors will not sit together in the jury box but will be spaced out throughout the courtroom in accordance with social distancing. See Exhibit #4. All exhibits will be pre-admitted and shown to the jurors via a projection screen. The handling of physical exhibits will not be allowed unless each juror is provided with gloves prior to the handling of the exhibit. The exhibit will be placed in a common area where each juror will view the exhibit by himself/herself.

All parties, staff and the Judge will exit the courtroom through designated exits (Exit Number 3). No party other than jurors will be allowed to use exits used by jurors. Jurors will enter and exit through a specified exit (Exit Number 2). See Exhibit Number 2 & 3. Members of the public will use a specific designated exit (Exit Number 1). See Exhibit Number 2 & 3. No one other than jurors will be allowed in the hallways while the trial is occurring.

Jury Deliberations will occur in the courtroom. The jury will take lunch breaks and smoke breaks outside of the courthouse.

d. Hygiene and Matters of Personal Comfort.

1. To the extent supplies and ancillary equipment are available to the county government which owns the court building, hand sanitizer dispensers will be made available to persons in the court building at the entrance to the building and the entrance to the courtroom.

2. Jurors will be encouraged to use the restrooms located in all three floors of the courthouse. Members of the public will be prohibited from using the same restrooms being used by jurors. Members of the public will be informed to use the restrooms located in the adjoining courthouse.

3. The Court will reduce the number of persons in the courtroom during voir dire by transmitting the live session of the trial via Zoom.
4. After voir dire, the Court will allow members of the public in the courtroom balcony. Audience members will wear facial coverings and adhere to social distancing.

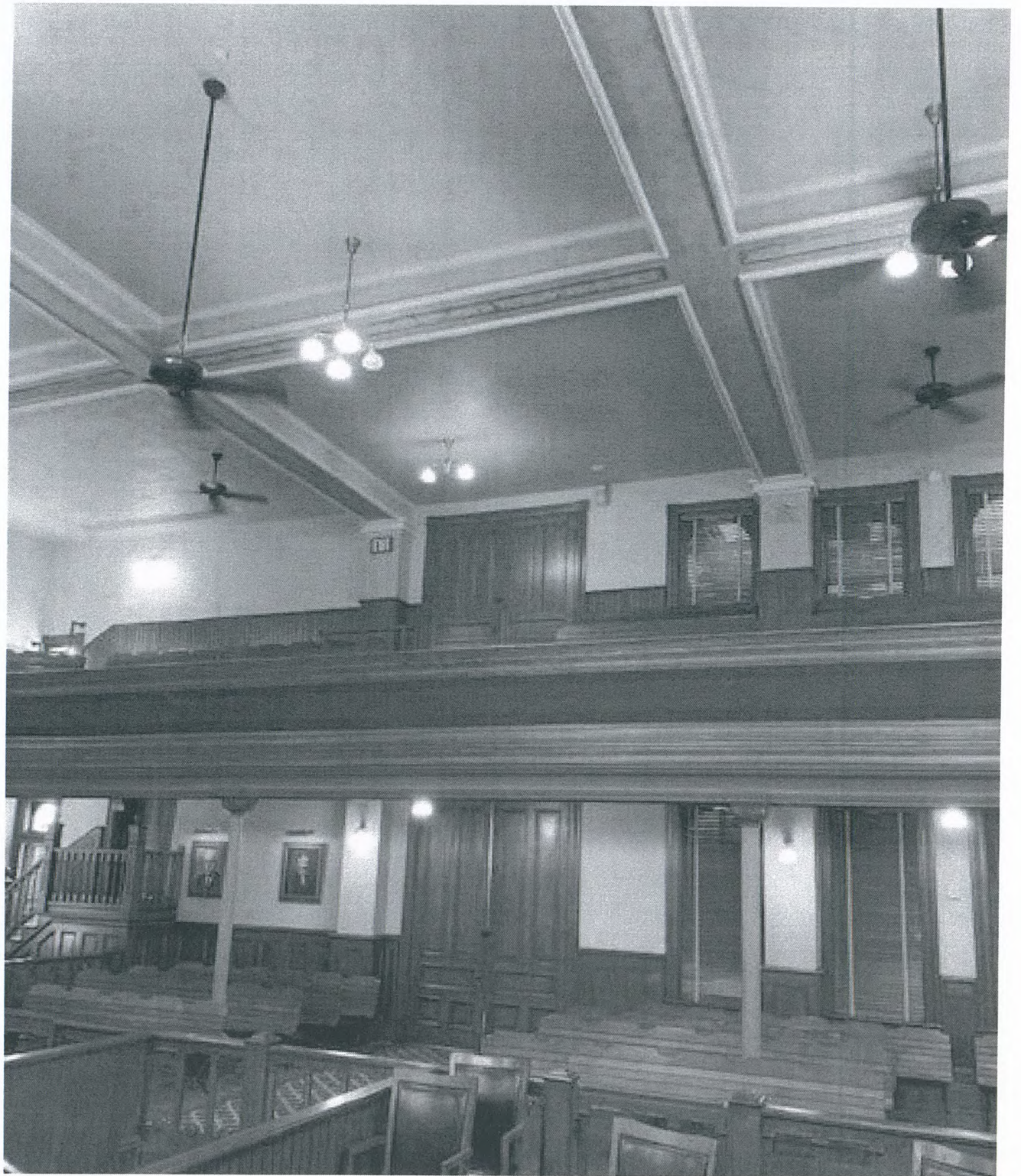
Case Preference for Jury Trial.

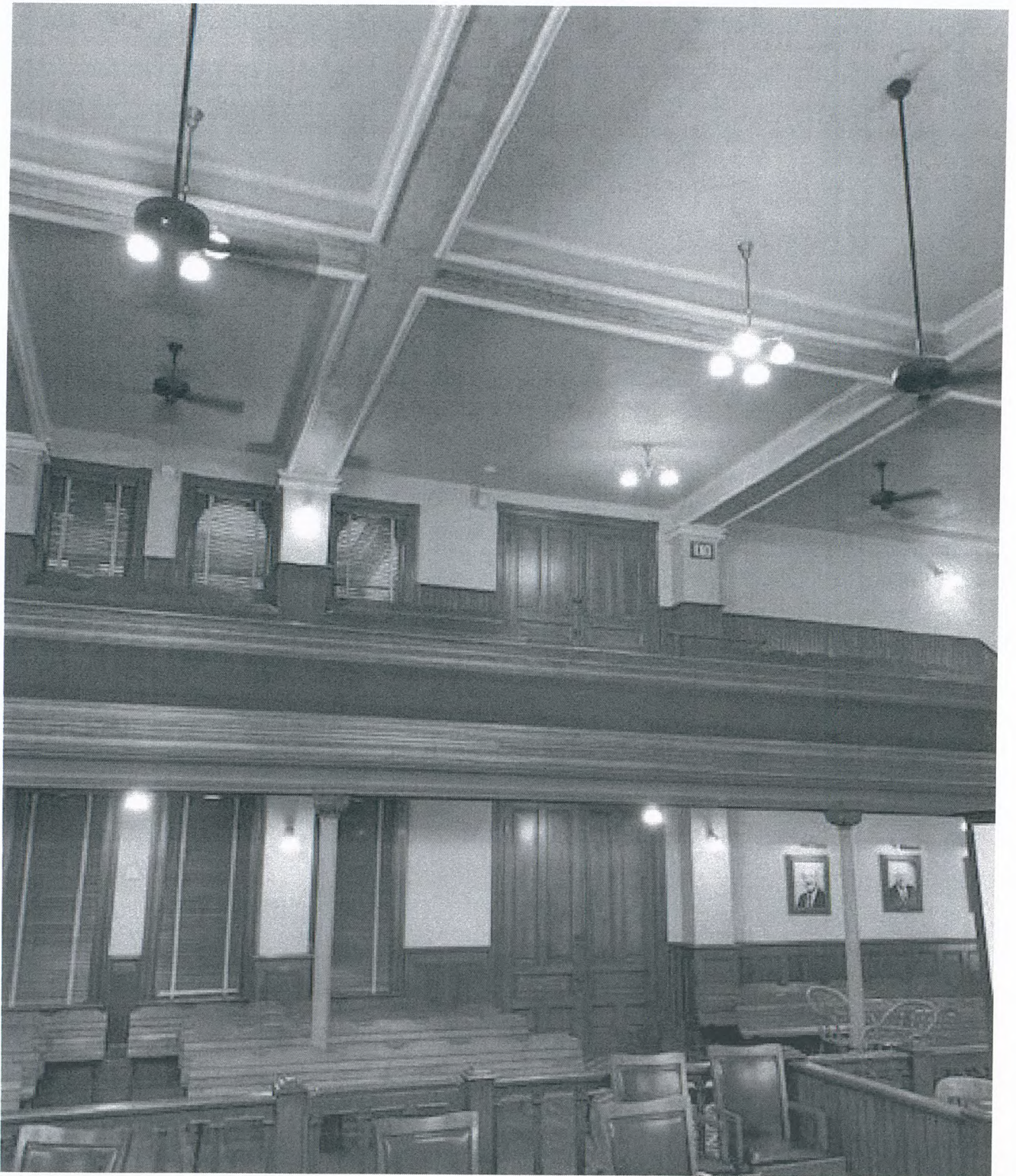
Criminal Cases where defendants are in custody and who are charged with either Capital Offenses or 1st Degree Felony Offenses will have a preferential setting for trial under this plan.

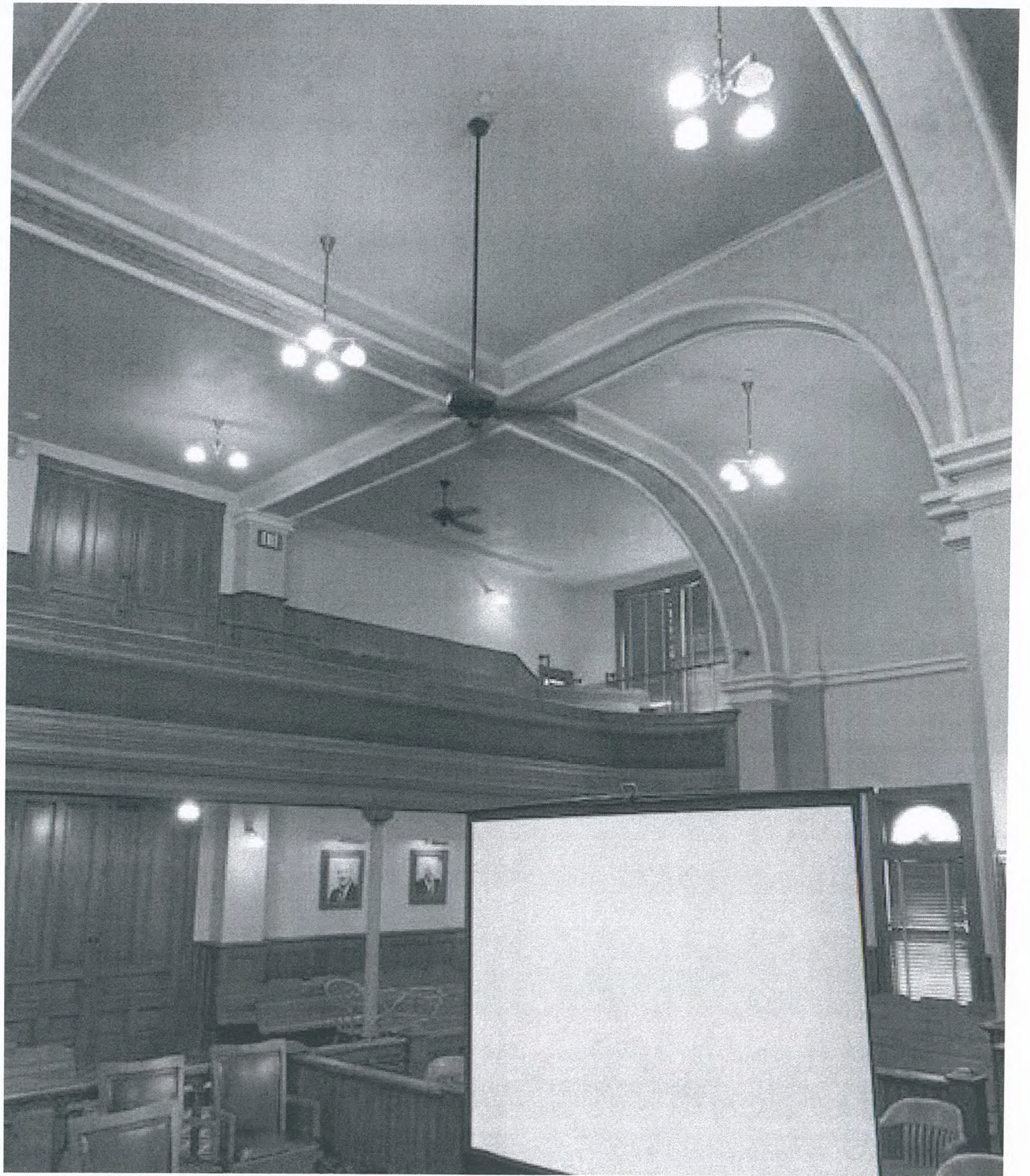
Operating Plan Decreed by Administrative Judge is still effective.

The Operating Plan promulgated by Administrative Judge Kemper Steven Williams remains and is still in effect and should be followed if not specifically mentioned in this plan.









JURY SERVICE COVID-19 PRE-SCREENING QUESTIONNAIRE

Dear Prospective Juror:

As part of the measures to protect against the COVID-19 disease, we ask that you complete the following **BEFORE** reporting for Jury Service on September 14, 2020. Please email the completed form to kandres@vctx.org in the District Clerk's office **BEFORE** September 14, 2020 or fax it to (361-572-5682). If you fax this form, provide a CALLBACK NUMBER.

1. SYMPTOMS NOW, OR BETWEEN SEPTEMBER 1 AND SEPTEMBER 14, 2020:

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

Fever (above 100.0) Change in taste, smell or appetite Shortness of Breath
 Cough Headache 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 September 1 and September 14, 2020.

2. IF YOU ARE EXPERIENCING ANY OF THE ABOVE SYMPTOMS, CALL THE DISTRICT CLERK'S OFFICE BEFORE REPORTING ON September 14, 2020 at (361)275.0931.

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

I, or a member of my household, have been diagnosed with COVID-19 within the past 4 months.
 I, or a member of my household, have 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, am currently on a watch list or self-quarantining because of possible COVID-19 exposure.
 NONE of the above apply.

4. IF ANY OF THE ABOVE APPLY, CALL THE DISTRICT CLERK'S OFFICE BEFORE REPORTING ON September 14, 2020 at (361)275-0931.

5. Individuals who are over age 65, OR 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.

I certify that I meet the above described conditions and I am requesting to be excused from jury service because of those conditions.

YOUR Juror Number: _____

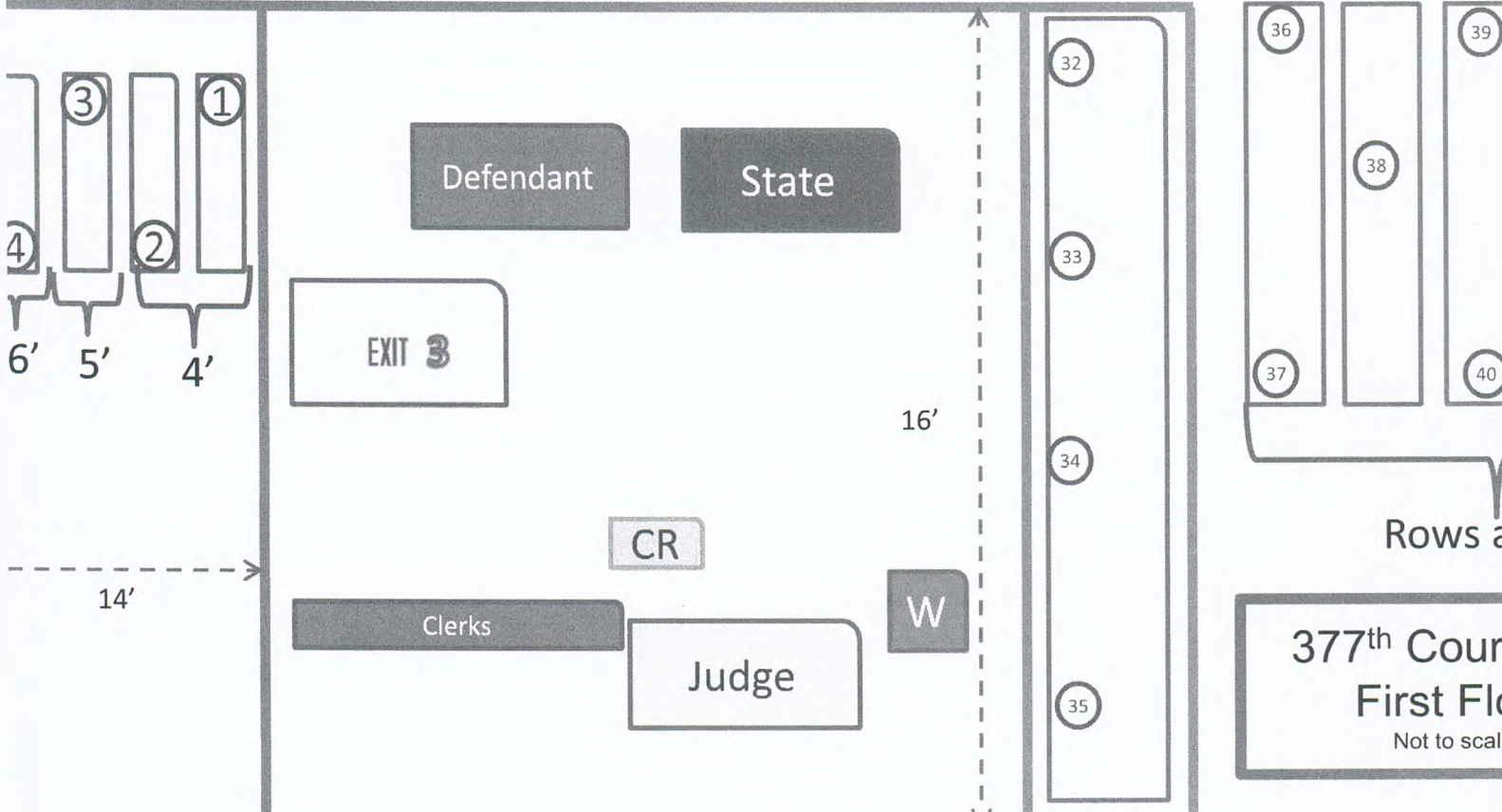
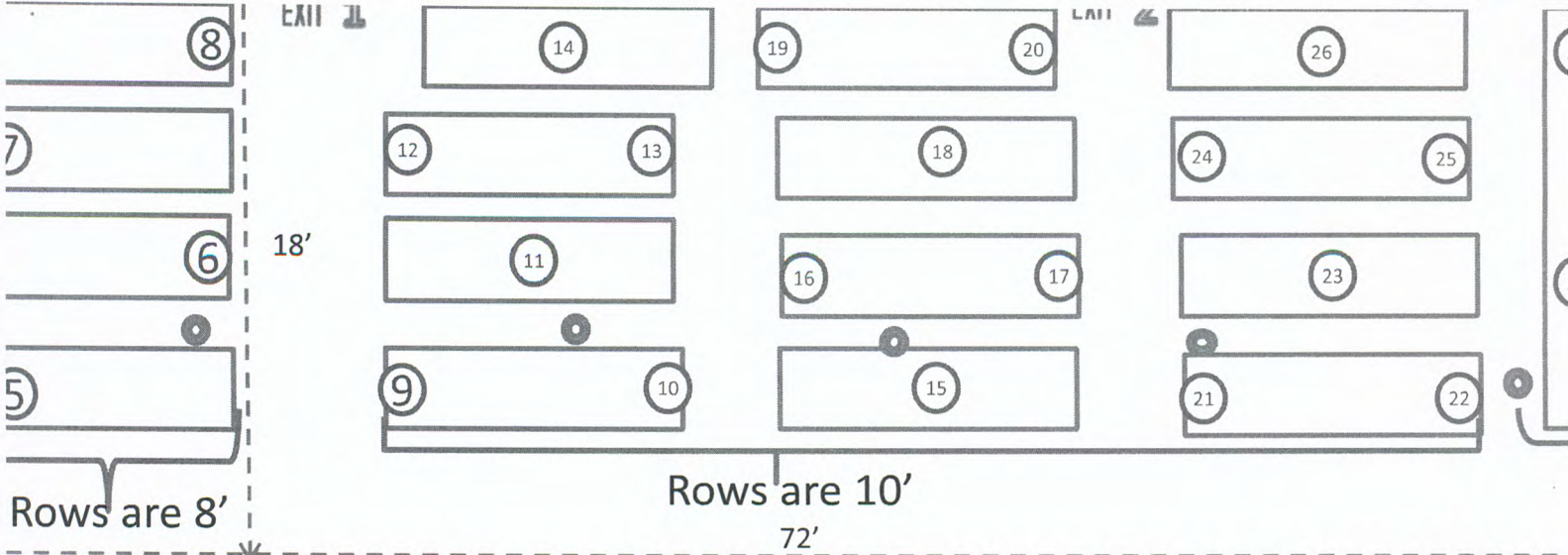
Callback number: _____

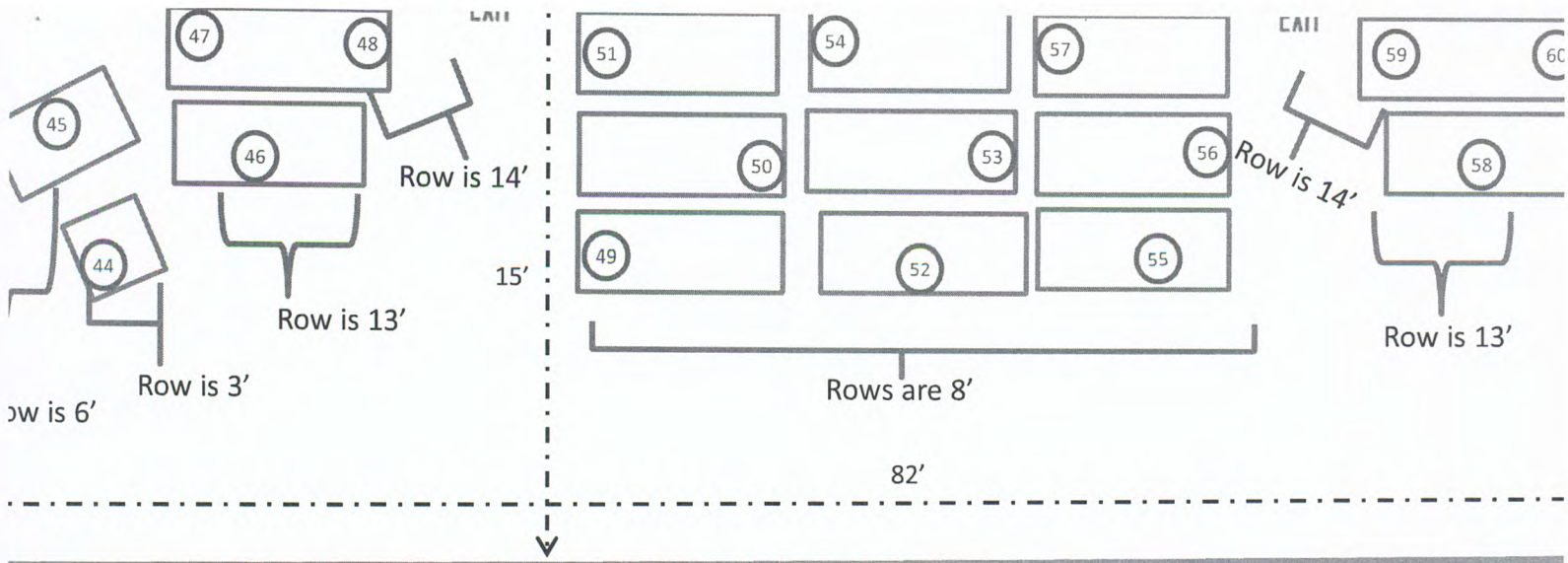
I certify the above is true and correct.

Signature

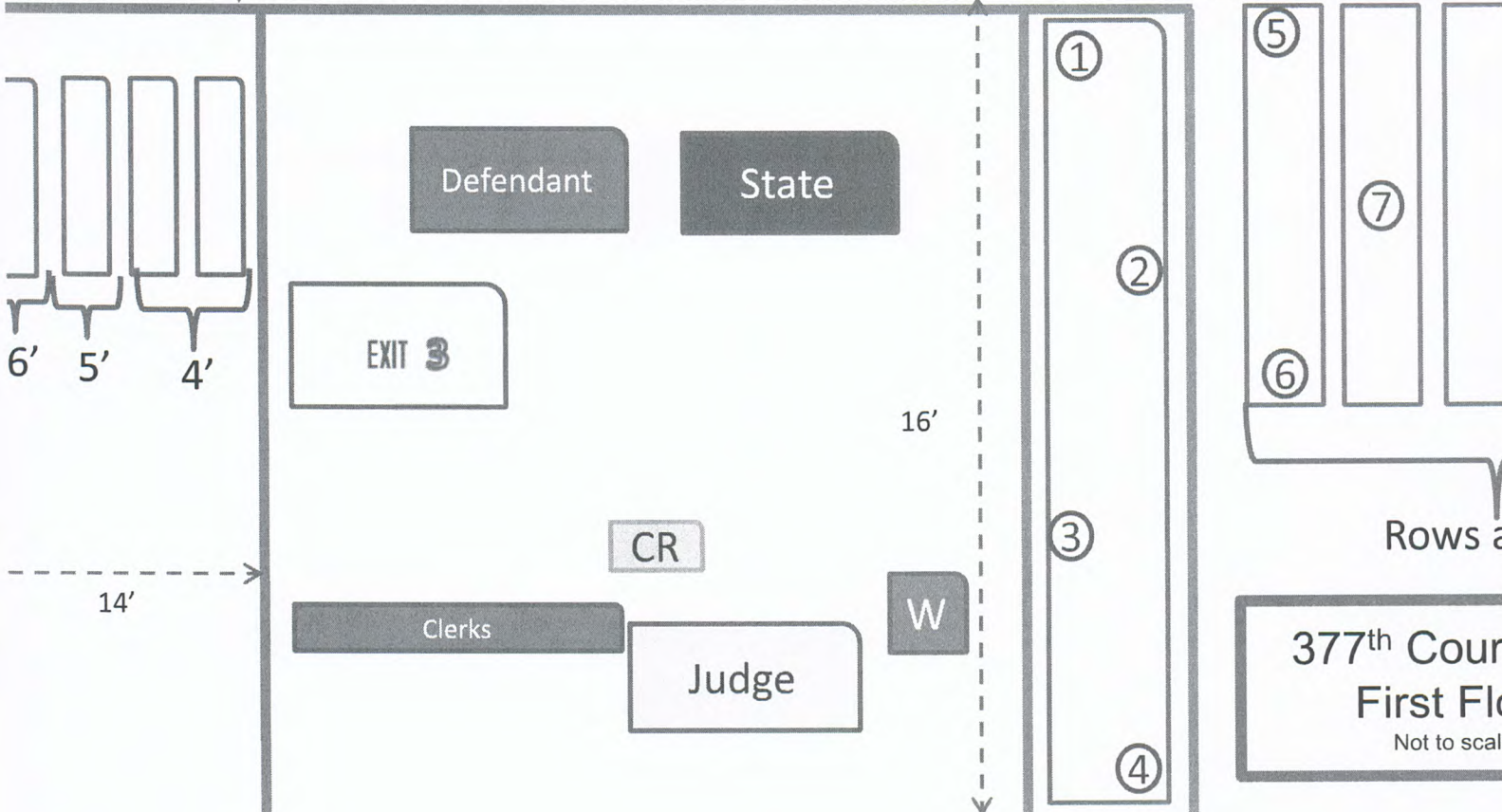
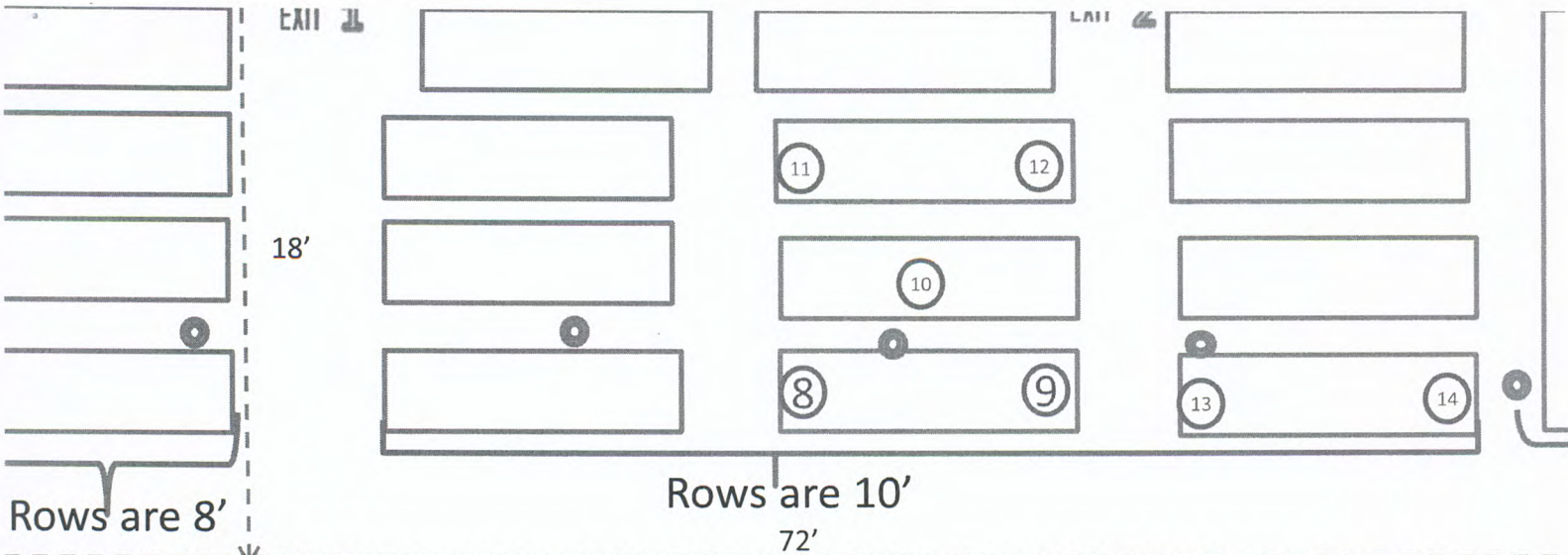
Printed Name

Exhibit #





Balcony
377th Courtroom
 Not to scale Exhibit #3



377th Cour
 First Flo
 Not to scale