

**IN THE CIRCUIT COURT OF THE THIRD JUDICIAL CIRCUIT  
WITHIN AND FOR SWEETWATER COUNTY, WYOMING**

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**COVID-19 JURY TRIAL OPERATION PLAN**

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Courthouse: Sweetwater County Justice Center – Courthouse  
Address: 50140C US Hwy 191 South, Rock Springs, Wyoming  
Judges: Judge John R. Prokos  
Judge Craig L. Jones

Proposed Start Date of Jury Trials: September 10, 2020.

The Wyoming Supreme Court has recommended that no courts conduct jury trials until October 5, 2020. Regardless of when a trial is held, it is incumbent on the trial court to have a plan to best ensure the health and safety of our jurors while providing a fair trial. The Wyoming Supreme Court's COVID-19 Orders and Guidelines require Circuit Courts to develop and submit jury trial operating plans before conducting a jury trial.

This COVID-19 Jury Trial Operating Plan is meant to operate in conjunction with the Circuit Court's COVID-19 OPERATION PLAN. This jury trial plan provides solutions to problems that may arise with parts of a trial due to COVID-19. The Operating Plan will allow for jury trials to occur while still protecting the health and safety of our jurors and others present during a jury trial.

**I. PRE-COURTHOUSE SCREENING:**

The Circuit Court shall ensure that vulnerable populations are not compelled to come to the courthouse. Potential jurors will be educated on the precautions the Court is taking to protect jurors' health and safety.

**A. Supplemental Juror Questionnaires:** A supplemental juror questionnaire will be sent with each jury summons. A copy of the questionnaire is attached as *Attachment A*. This questionnaire may be modified from time to time as necessary.

The supplemental questionnaire will allow screening of potentially high-risk individuals before they are summoned to the courthouse for jury duty. The questionnaire will be voluntary, unless a juror is requesting to be excused for reasons related to COVID-19 prior to trial.

1. Jurors may, if they do not wish to share sensitive health information in writing, discuss the matter in person with the judge on the day of jury selection.

2. Responses will be shared with the parties depending upon the circumstances (i.e., whether a potential juror clearly meets the criteria as an “at-risk” person).
3. Responses will be shared on the record prior to the beginning of trial, with the criminal defendant, if any, present.
4. If both parties agree, the potential juror will be dismissed *for cause* before the trial date, if possible.
5. If the parties do not agree, the Court will decide prior to trial, if possible, whether the juror should be excused. Both sides will be given an opportunity to be heard, on the record, prior to the Court’s decision.
6. If a potential juror brings the supplemental questionnaire to the courthouse on the day of trial, the Court will confer with counsel and excuse/retain the potential juror as soon as possible.

**B. Safety Precaution Information:** The Court will send an Informational Letter with juror summonses that provides information regarding precautions the Court and Clerk of Circuit Court are taking to protect public health and safety during jury trials. A copy of this Informational Letter is attached as *Attachment B*. A copy of this Informational Letter will be available from the Clerk of the Circuit Court. This letter may be modified from time to time as necessary.

## II. COURTHOUSE PROTECTIONS:

Social distancing, barriers, personal protective equipment (PPE), health screenings, and changes in facilities and operations can all help protect potential jurors and trial participants. If possible, adjustments will be made to the Courthouse of the Sweetwater County Justice Center to help the facility itself protect juror health and safety.

**A. Health Screening:** Court screening personnel (Court Security or other employees as designated by the Sweetwater County Sheriff’s Office) will conduct health screenings for all persons entering the Courthouse of the Sweetwater County Justice Center through security and all individuals present at the trial. This will include:

1. There will be no waiting in line for security and health screening inside the building.
2. Individuals will enter the security and health screening area one at a time, except families will be allowed to be screened together.
3. Social distancing will be required while waiting to enter the Courthouse.
4. Visual reminders are in place to remind people of social distancing including on the Courthouse lobby seating.

**B. Court Procedures Information:** Signs will be posted outlining protective measures that will take place as potential jurors enter the courthouse. This will also be included in the jurors Informational Letter. Signs will inform person entering the Courthouse that:

1. They will have their temperature taken.
2. They will have to answer some health questions.

3. They will have to wear face coverings of their choice; face coverings will be provided if they do not have any with them.

Jurors will receive information as to where to proceed and will be directed by court screening personnel to the appropriate location.

**C. Taking temperatures:** Using a touchless/infrared thermometer, court screening personnel will determine the temperature of all individuals entering the building through security and participants of the trial.

Individuals whose temperature equals or exceeds 100.4° F will be refused admittance to the building. Inmates being transported from the Sweetwater County Detention Center to the court building will be screened for symptoms of COVID-19 and have their temperature taken prior to transport. Inmates with symptoms or a temperature equal to or above 99.6° F will not be transported to the court building.

**D. Court screening personnel will ask the following screening questions:**

1. Are you experiencing any symptoms of COVID-19 such as fever or chills, cough, shortness of breath or difficulty of breathing, fatigue, muscle or body aches, headache, new loss of taste or smell, sore throat, congestion or runny nose, nausea, vomiting or diarrhea?
2. Have you tested positive for, or have you been in close contact with someone confirmed, presumed, quarantined, or who is being evaluated for COVID-19 within the last fourteen (14) days?
3. Have you visited an area that is subjected to quarantine because of COVID-19 within the last fourteen (14) days?

Persons who answer yes to any of the above questions will be denied entry and given instructions on how to proceed.

Persons who exhibit signs of illness or symptoms potentially indicating COVID-19 infections will be denied entry and given instructions on how to proceed.

Court Security deputies have the authority to deny access to persons who otherwise reasonably appear to present a health risk or fail or refuse to follow the directives for safety measures set forth herein.

Court Security deputies will set a protocol for the use of personal protective equipment while screening.

Persons entering the Courthouse will be required to complete a health screening form. A sample form is attached as *Attachment C*.

Court screening personnel will maintain information on all persons entering the courthouse through security and participating in the trial for contact tracing purposes.

This will include name, address, telephone number and date and time of entry. (*Attachment C*).

The Court will remind venire members and trial participants to notify a bailiff or the Court of any changes in their health condition. If there is a change in health condition that relates to COVID-19 symptoms, the Court will implement its Infectious Event Outline (below).

**E. Hygiene/ Face Coverings / Personal Protective Equipment (PPE):** All individuals entering the Courthouse through security and participating in or present for trial shall wear a face covering (PPE) prior to entering the building, and at all times while in the building, unless given permission by the Court. Personal cloth face coverings will be allowed. If an individual does not have a face covering upon entry, one will be provided and worn prior to security screening. Face coverings can include N95 masks, electrostatic surgical masks, other cloth face coverings as approved by court, or a combination of all. Face coverings that are of material other than cloth, or do not fully cover the nose or mouth must be approved by the Court prior to entry to the building.

Persons refusing to wear face coverings (PPE) may be denied entrance to the building. If a person believes they have a medical excuse for not wearing face coverings you should contact the clerk of court in advance to make appropriate arrangements. Please call the Clerks of the Circuit Court at 307-922-5220.

Prior to entering the courthouse, each venire member or trial participant will sanitize their hands. Disposable gloves may be worn if requested. Court screening personnel will instruct persons how to put on, take off, and correctly wear face coverings and disposable gloves.

Trial participants entering the courtroom will be encouraged to bring their own water, and for jurors to bring their own snacks. The Court will also make bottled water available for jurors.

**F. Facilities (Ventilation):** Research indicates that proper air flow can help limit the spread of COVID-19. The Court has made efforts to improve air quality within the courtroom and other rooms to be used during jury trials in the following ways:

- Increasing ventilation rates.
- Ensuring ventilation systems operate properly and provide acceptable indoor air quality for the current occupancy level for each space.
- Increasing outdoor air ventilation, using caution in highly polluted areas.
- Improving central air filtration to MERV-13 or the highest compatible with the filter rack.
- Checking air filters to ensure they are within service life and appropriately installed.

- Keeping systems running longer hours, 24/7 if possible, to enhance air exchanges in the building space.

**G. Facilities (Doors):** The Courtroom doors will remain closed during proceedings, as the Court has been advised that leaving them open would interrupt the maximum air ventilation available in the facility.

Court personnel should open and close doors when necessary during *voir dire*, and for the jury after trial has commenced, to prevent unnecessary high touch surfaces.

### **III. VOIR DIRE (JURY SELECTION):**

*Voir dire* poses special problems due to the number of people that will be congregating at the courthouse. In addition, *voir dire* is the first-time potential jurors will interact with court personnel so neither group may know what to expect.

**A. Social Distancing of Venire Members During *Voir Dire*:** Because our Courthouse cannot safely seat an entire jury venire of 20-30 persons at the same time, jurors will be directed by court screening personnel to either be split between the trial courtroom and the non-trial courtroom or will all be directed to the large meeting room of the Sweetwater County Sheriff's Department adjacent to the Courthouse.

Of those appearing who are not excused, 14-17 persons will be called to the trial courtroom to be seated in assigned numbered and marked seating within the jury box and gallery of the trial courtroom so the parties may conduct *voir dire* of them. Those not called to the trial courtroom will remain in their designated area and will be able to observe the *voir dire* proceedings via teleconferencing. If a prospective juror is excused from the trial courtroom a new panel member will be selected from those remaining outside of the trial courtroom and directed to the trial courtroom by court screening personnel.

**B. Social Distancing of other Trial Participants or Observers Within the Courtrooms During *Voir Dire*:**

Circuit courtrooms will exercise appropriate social distancing within the courtrooms. In the event appropriate distancing cannot be maintained, face coverings (PPE) such as approved masks will be required within the courtrooms.

Seating in courtrooms will be marked with places to sit that are six feet apart. Public access will be limited to courtroom capacity, not to exceed 25 total individuals in the courtroom, or such number as stated in the Statewide Public Health Order #2: Forbidding Gatherings as it may be amended from time to time. Judges will be responsible for ensuring appropriate social distancing or face coverings (PPE) within the courtrooms and may adjust the number of persons in the courtrooms to less than 25 to maintain appropriate social distancing.

The media, public, and all non-essential persons to a court hearing may have access to public proceedings through video conferencing with arrangements being made

in advance. This access will include observation rooms at the Courthouse and video monitors in the public hallways or non-trial courtroom in the courthouse. Court Security will assist with ensuring social distancing and/or face coverings (PPE) within the courtrooms.

Attorneys and parties will be required to maintain proper social distance at counsel tables. Counsel tables may be rearranged to ensure social distancing and standards of courtroom decorum (standing or remaining seated, standing at the lectern) may be modified as each courtroom requires. Witnesses, other than the parties, Defendant, and a State's designee, will need to wait in the public lobby or other location outside of the trial courtroom until they are called to testify.

**C. Hygiene/ Personal Protective Equipment:** Hand sanitizer will be available in courtrooms. PPE as herein describe will be worn in the trial courtroom, unless otherwise granted permission of the Judge.

**D. Continued Health Screening:** If any person leaves the Courthouse before conclusion of *voir dire* they will be subject to the requirements of Section 2. A-D., herein described, upon re-entry to the Courthouse.

**E. Sidebars During Voir Dire:** Social distancing at sidebars presents substantial problems. The following allows for safe, but effective sidebars. Efforts will be undertaken to ensure sidebars occur outside the hearing of the Jury but while maintaining necessary trial record. Social distancing and/or face coverings (PPE) will be observed and utilized during sidebars.

#### **IV. SEATING THE JURY:**

Those selected to serve on the Jury will be seated in the trial courtroom to be seated in assigned numbered and marked seating within the jury box. The Court, clerks of court, and Court Security bailiffs will ensure either appropriate social distancing and/or face coverings (PPE) are maintained by the jury.

#### **V. CONDUCTING THE TRIAL:**

Conducting a trial necessarily requires close, personal interaction between the participants of the trial. Not only will lawyers need to talk to their client, but attorneys in the well may need to converse regarding issues that arise during the trial. In addition, the Court must ensure that common areas are disinfected during the trial to protect the health and safety of all participants.

**A. Social distancing:** All participants, including attorneys and parties, must maintain social distancing of at least six feet. If attorneys and clients must communicate closer than six feet, a face covering (PPE) must be worn at all times, and the interaction limited in time by necessity.

Witnesses, other than the parties, Defendant, and a State's Designee, will need to wait in the public lobby or other location outside of the trial courtroom. Once the witness

is called to testify, they shall follow all face covering (PPE) and social distancing requirements as indicated herein. This includes wearing of face coverings (PPE) on the way in to and out of the trial courtroom. Once released from their subpoena or no longer subject to being called to testify they will be subject to all screening, social distancing, face covering (PPE), and observation requires stated herein as any other member of the public.

Court Security Staff /Bailiffs and Clerks of Court will be responsible to assist the Court in keeping the public separate and appropriately distanced from venire members, jurors, trial participants, and witnesses.

**B. Courtroom Areas Hygiene:** Counsel will question witnesses from counsel's table. If counsel wishes to use a half podium or other stand and have one available, they may do so and place it on counsel's table.

Counsel shall use microphones placed on counsel tables or may use lapel microphones if available. If two attorneys are conducting the trial for one party, each attorney shall use a different microphone, if available.

Disposable microphone covers will be used for the witness stand microphone, if available. Bailiffs or cleaning staff shall place a fresh disposable microphone cover over the microphone for each witness. If disposable microphone covers are not available, a bailiff or cleaning staff will clean the microphone with disinfectant after each witness.

**C. Personal Protective Equipment:** All witnesses will be subject to the screening of Section 2. A-D. herein described. They will be required to wear PPE upon entering the Courthouse, and while in any public area. They will wear required PPE when entering or leaving the trial courtroom. Upon taking the witness stand the Judge may permit them to remove PPE as long as they can remain appropriately social distanced from anyone else. After each witness testifies, cleaning staff will clean and disinfect the witness stand and chair.

All trial participants will be required to wear face coverings (PPE) during the trial unless given an exception by the Court prior to trial. Attorneys will inform participants of the face covering (PPE) requirement prior to trial. If a trial participant cannot wear a face covering due to medical reasons the attorneys will bring this to the attention of the court prior to the day of trial so that a determination can be made as to how to proceed. With approval of the Court, face shields may be used for trial participants if social distancing can be maintained. Social distancing may be increased for those using face shields instead of face masks.

**D. Exhibits and Documents:** Although there is limited evidence supporting surface transmission of COVID-19, the Court will minimize the risk of persons handling exhibits by suggesting the following alternatives:

**Alternative 1. Pre-file exhibits to allow documents and tangible items to detoxify:** The court will maintain the exhibits in a sealed form. Exhibits will be available for trial. Persons handling exhibits during trial must sanitize their hands and

wear gloves when handling exhibits. When a party seeks to admit an exhibit, the party will retrieve the exhibit from the exhibit container. Follow normal procedure for seeking admission of the exhibit. If a party seeks publish an exhibit, the party may use available technology or may have submitted sufficient copies of exhibit so that each juror receives a copy of the exhibit to avoid passing exhibits from juror to juror.

**Alternative 2. No Direct Juror Contact with Exhibits until Deliberation:** The parties will follow the procedures for pre-filing exhibits described above or only have person wearing proper PPE (gloves and face covering) handle exhibits during trial process. This will mean, if an attorney wants to work with an exhibit during trial without using available technology, the attorney will need to be masked and gloved when handling the exhibit.

Exhibits may be published only using available technology such as a document camera or digital images projected through the court's A/V system.

Exhibits, once admitted, will be placed on the exhibit table. They will be collected by the Court Clerk or Bailiff at the end of session in which the exhibit was admitted.

All documents provided to jurors for deliberation shall be provided by a single person assigned by the Court.

If the parties desire to deviate from the provided alternatives, it must be discussed in advanced with the Court before trial.

**E. Sidebars During Trial:** Social distancing at sidebars presents substantial problems. The following allows for safe, but effective sidebars. Efforts will be undertaken to ensure sidebars occur outside the hearing of the Jury but while maintaining necessary trial record. Social distancing and/or face coverings (PPE) will be observed and utilized during sidebars.

**F. Court Recesses:** The Court will limit sessions to no more than 90 minutes. Trial participants and cleaning staff will be notified of expected break times at the start of each day. Jurors will be escorted to deliberation rooms (See Section 5. I. herein) for breaks and to use restrooms and outside areas thereafter if necessary. Any person, within the trial courtroom, who leaves the courtroom into the public lobby will be required to wear face covering (PPE) upon leaving the courtroom regardless of whether they were given permission to remove the face covering (PPE) while within the courtroom.

**G. Continued Health Screening:** If any person leaves the Courthouse during the trial they will be subject to the requirements of Section 2. A-D., herein described, upon re-entry to the Courthouse.

**H. Jury Room and Jury Deliberation:** Prior to deliberations beginning, the Court will instruct jurors to not discuss the case, even with fellow jurors, when on a break. Jurors will be escorted to and from the courtroom by Court Security bailiffs. While being escorted by Court Security bailiffs, Jurors will wear face coverings (PPE). Court



Security bailiffs will direct Jurors to the appropriate restrooms for their designated jury room. While within designated jury rooms, jurors will practice appropriate social distancing and/or wear face coverings (PPE). Hand sanitizer will be available within the designated jury deliberations rooms. Jurors will sanitize their hands prior to returning to the Courtroom. Upon returning to the courtroom the Jury will return to their assigned numbered and marked seating within the jury box. The Court, clerks of court, and Court Security bailiffs will ensure either appropriate social distancing and/or face coverings (PPE) are maintained by the jury.

Once the jury begins deliberating, Court Security bailiffs will direct jurors to and from the jury room and appropriate restrooms. The Court and Court Security bailiffs will encourage jurors to take breaks periodically throughout deliberations, at least every 90 minutes. Court Security bailiffs will escort jurors to and from the courthouse back parking lot if there is a request to break for fresh air. Court Security bailiffs will supervise jurors during breaks.

**I. Verdict:** When the jury informs the Court Security bailiffs that a Verdict has been reached the Court Security bailiff will inform the Court. The Court will direct the Court Security bailiff to return the Jury to their assigned numbered and marked seating within the jury box. The Court, clerks of court, and Court Security bailiffs will ensure either appropriate social distancing and/or face coverings (PPE) are maintained by the jury. Once the jury has been seated the Court Security bailiff will deliver the Jury's Verdict to the Judge to be read.

**J. Excusal of Jury:** Once the Verdict has been accepted and the Jury is excused, a Court Security bailiff will direct jurors to the jury room to retrieve any personal belongs and out of the Courthouse. While being escorted by Court Security bailiffs, Jurors will wear face coverings (PPE). The Clerk of Court will have any juror paperwork awaiting the Jurors at the jury room to avoid any unnecessary travel of the jurors within the public lobby.

## **VI. Scheduling:**

Due to the high volume of traffic a jury trial will create, the Courthouse will be limited by space to conducting only one trial at a time. If appearing at the courthouse for non-trial related purposes on a day a jury trial is occurring the person may have such dates rescheduled and will be encouraged and advised as to methods of remote appearance or payment. Please call the Clerks of the Circuit Court at 307-922-5220.

The Court will not schedule any other in-person hearings the mornings jury trials are to begin. The court will be aware of jury trials being held and will ensure precautions are taken to limit lobby traffic and in-person hearings scheduled after commencement of jury trials for so long as such trials are on-going.

## VII. Public Access:

State and Federal Constitutions require public access to trial proceedings. All members of the media or public entering the Courthouse on trial days will be required to undergo the procedures described in Section 2. A.-D. above.

Due to the high volume of traffic a jury trial will create, Courthouse access for non-trial participants or observers will be limited on the days of trial. Seating in courtrooms will be marked with places to sit that are six feet apart. Public access will be limited to courtroom capacity, not to exceed 25 total individuals in the courtroom, or such number as stated in the Statewide Public Health Order #2: Forbidding Gatherings as it may be amended from time to time. Judges will be responsible for ensuring social distancing or PPE within the courtrooms and may adjust number of persons in the courtrooms to less than 25 to maintain appropriate social distancing. Courthouse Security will assist with ensuring social distancing and/or PPE within the courtrooms.

If there is not sufficient space for members of the public to observe the trial in the trial courtroom, the Court will make available public electronic access to anyone requesting such. This access will include observation rooms at the Courthouse and video monitors in the public hallways or non-trial courtroom in the courthouse. For further information on obtaining electronic access, please call the Clerk of the Circuit Court at 307-922-5220.

## VIII. Cleaning:

Courtrooms will be cleaned and disinfected no less than as indicated in the COVID 19 Operating Plan. During trials the trial Courtroom will be cleaned by the cleaning person at least as often as following the morning session and afternoon session or more often if necessary, as determined by the Court.

All disinfectants used will be an EPA approved disinfectant (List N), to be used according to EPA guidance. Disinfectants from List N available for cleaning include:

Name	EPA Reg. No.	Wet Time (min)
Purell	84368-1	1
Clorox Cleaner	67619-17	5
Perk Wipes	6836-340	10
Rediquat	10324-85	10
Cidequat	1839-83	10

## IX. INFECTION EVENT PROTOCOL:

**A. Trial Participant Becomes Ill (In-person Screening):** If after the commencement of trial, a trial participant becomes ill, has a temperature (100.4°F or over), answers any health screening question in the affirmative, or indicates a condition

identified in the supplemental questionnaire before entering the courtroom, the Court will:

- 1) Obtain a mobile telephone number from the participant
- 2) Instruct the person to return to their vehicle
- 3) Instruct the person to remain at the courthouse in their vehicle until they are contacted by the presiding judge.
- 4) Notify local public health officials and follow any local and State health directives.

**B. Trial Participant Becomes Ill in the Courtroom:** If during the trial, any trial participant becomes ill the person shall wear a face covering, maintain social distance from all others in the courtroom, and be escorted to their vehicle or other outside location if no vehicle, as soon as possible. If the ill person is a juror, they will be escorted by a bailiff. Any other ill trial participant will be escorted by court security.

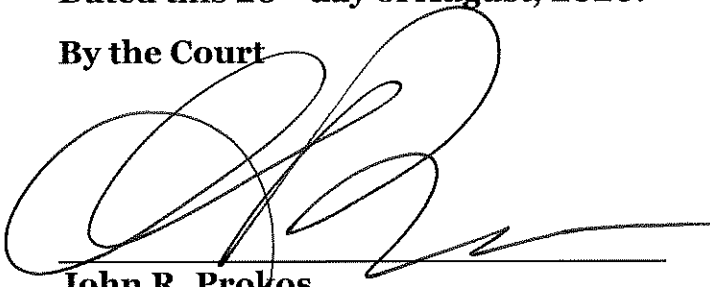
**C. Other Trial Participants:** All other trial participants shall remain in the courtroom with face coverings on and maintaining social distance. The Court or person designated by the Court will contact local public health and follow recommendations and protocol of how to proceed.

**SIGNATURES:**

*Every judge regularly conducting trials in the courthouse must approve and sign the courthouse jury trial operating plan, as well the county health official.*

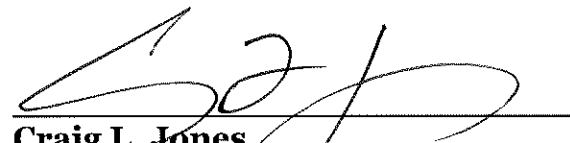
**Dated this 20<sup>th</sup> day of August, 2020.**

**By the Court**



**John R. Prokos**  
Circuit Court Judge

**By the Court**



**Craig L. Jones**  
Circuit Court Judge

**This plan has been approved by Dr. Stachon of Sweetwater County Health and Dr. Harrist of Wyoming Public Health.**

## Judge Jones

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**From:** jean stachon <jeanstachon@hotmail.com>  
**Sent:** Wednesday, August 19, 2020 7:57 PM  
**To:** Judge Jones  
**Subject:** Fw: Fw: COVID trial plan changes

Hello, Would you like this signed again or is the email ok? Dr. Stachon

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**From:** Alexia Harrist <alexia.harrist1@wyo.gov>  
**Sent:** Wednesday, August 19, 2020 4:19 PM  
**To:** jean stachon <jeanstachon@hotmail.com>  
**Cc:** Judge Jones <clj@courts.state.wy.us>  
**Subject:** Re: Fw: COVID trial plan changes

I have no further changes. Thank you Judge for your work on this.  
Ali

On Tue, Aug 18, 2020 at 3:08 PM jean stachon <jeanstachon@hotmail.com> wrote:  
Sounds good. WE will always at publi health take calls and give guidance. As Dr. Harrist stated we'd likely recommend testing and follow along with you as needed. I'm forwarding this on to Dr. Harrist again as the final.

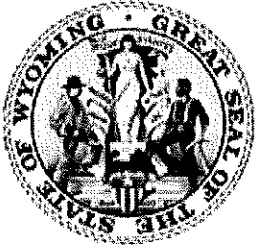
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**From:** Judge Jones <clj@courts.state.wy.us>  
**Sent:** Tuesday, August 18, 2020 1:21 PM  
**To:** jean stachon <jeanstachon@hotmail.com>  
**Subject:** COVID trial plan changes

Dr. Stachon,

In line with your and Dr. Harrist's comments I have made changes to sections II-C, II-E, V-C, and IX. I changed II-C to indicate 100.4 F would be the cut off. I have removed mention of face shields in II-E. Instead in V-C, I have tried to clarify that face shields may be a method used in trial, but will require court approval and may require additional social distancing. In section IX, I have tried to indicate that the court would merely notify public health of the concern and would follow any directives given by public health. Our policy would in no way bind public health to any course of action (eg quarantine protocols), it is merely to try to protect those within the courthouse and to state that the Court will cooperate with any public health directives.

Is there anything else you would like changed?  
Craig



Craig L. Jones  
Circuit Court Judge  
Third Judicial District  
Circuit Court of Sweetwater County  
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Rock Springs, WY 82901  
307.922.5220 (phone) 307.352.6758 (fax)

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Wyoming Department of Health  
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Act and may be disclosed to third parties.