

State of Wyoming, County of Johnson
In the District Court of the Fourth Judicial District

FILED 4TH JUDICIAL DISTRICT COURT

CASE NO. _____

JUL 17 2020

ORDER
REGARDING CONDUCT OF IN-PERSON JURY TRIALS

JOHNSON COUNTY, WYOMING

Clerk of District Court

THIS MATTER, came before the Court on its own motion, pursuant to the *Order Adopting Temporary Plan to Address Health Risks Posed by the COVID-19 Pandemic* issued by the Wyoming Supreme Court on March 18, 2020, subsequent amendments to that order, including the *Fourth Order Amending March 18, 2020 Temporary Plan to Address Health Risks Posed by the COVID-19 Pandemic* issued on June 12, 2020, ordering that no in-person trial be held until August 3, 2020. To address necessary health and safety precautions for jury trials in Johnson County, **THE COURT HEREBY ORDERS:**

1. All individuals in the courtroom shall wear an approved face covering/mask.
2. Attorneys shall question witnesses from their respective counsel tables.
3. Attorneys shall provide each witness with the anticipated exhibits that will be used by that witness prior to the witness taking the stand.
4. While an attorney is questioning a witness, the witness and attorney may lower their mask.
5. The Court is aware that not all exhibits can be identified prior to a witness taking the stand and that occasions may arise when counsel wishes to impeach a witness with an unanticipated exhibit. In this event, counsel shall request permission to approach the witness, with their mask properly worn, provide the witness with the exhibit and return to their table prior to removing their mask and beginning to question the witness.
6. In the event a bench conference is needed, counsel shall request permission to approach the bench. Counsel shall wear their face masks when approaching and if possible when

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speaking. Counsel shall alternate in their statements to the Court during the conference and shall use their best efforts to speak directly into the microphone located at the center of the judge's bench. Counsel is advised that new audio/visual equipment is likely to be installed in the courtroom. Once that new equipment is installed, bench conferences will be conducted by counsel from their respective tables utilizing the new equipment.

- a. If the face covering makes hearing an issue for the Court Reporter, respective counsel may remove his/her mask while speaking, and efforts shall be made to disinfect the microphone between statements.

7. Counsel shall make their best efforts to stagger when witnesses will present themselves at the courthouse, to reduce the amount of time that an individual might be required to remain in the hallway. The court is mindful that counsel cannot be perfectly accurate about this staggering procedure and will afford brief recesses if it is necessary to await the arrival of the next witness.

8. Counsel and witnesses are directed to use their best efforts to utilize the audio equipment at each station, this will permit the court reporter to obtain the clearest possible record.

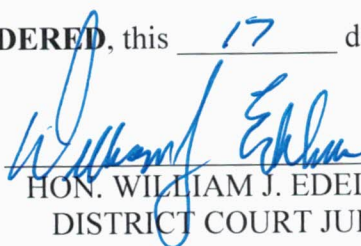
9. **JURY SELECTION AND VOIR DIRE**

10. The Clerk of Court shall coordinate with the appropriate health care official to arrange to have all potential jurors screened upon their arrival at the courthouse, this will include temperature screening and potentially brief questioning to reduce the risk of admitting potentially infected individuals.

11. The Court shall attempt to seat potential juror according to appropriate social distancing guidelines during *voir dire*. Once a jury is selected, the 13 individuals on the jury shall be provided masks to wear while acting as trial jurors. A juror may choose to bring their own mask to wear if they prefer that instead of the Court provided mask. Once selected as a juror, jurors will be expected to be wearing their mask whenever they are located inside the building. So long as social distancing is required, the jury will be seated at six foot intervals in the public area of the courtroom. Additionally, when deliberating, the jury will conduct those deliberations in an alternative courtroom, so as to permit appropriate social distancing.

12. To accommodate efficient *voir dire* and juror examination for cause, the Court will use an alternative facility to conduct *voir dire* when possible. An alternative facility will only be used if the Defendant is not in custody.
13. When *voir dire* must be conducted in the courtroom, it may be necessary to conduct multiple phases of *voir dire*, so as to permit social distancing. The court shall advise counsel of the size of each potential panel and will coordinate with the Clerk of District Court to arrange for the arrival of each panel. Once the examination of the entire pool of jurors has been concluded, counsel will exercise their peremptory disqualifications on the remaining jury pool. The Clerk of Court shall notify those individuals selected as jurors telephonically and they will be advised to be at the courthouse the following day at 8:30 a.m. to begin the trial.
14. **PUBLIC ATTENDANCE**
15. As long as social distancing is required, the public's ability to be physically present for the trial may be substantially limited, as the jurors are likely to occupy most, if not all, available space in the public seating area. In the event that members of the public wish to observe the proceedings, the Court shall make the proceedings available electronically and the access information will be available through the Clerk of District Court's office. Additionally, if alternative locations are available to view the trial remotely, the Court will advise the public and make that option available.

SO ORDERED, this 17 day of July, 2020.


HON. WILLIAM J. EDELMAN
DISTRICT COURT JUDGE