FIFTH JUDICIAL DISTRICT
PLAN FOR RESUMPTION OF FULL OPERATIONS

v. 6.20.2020

Projected date for resumption of full operations: June 29, 2020 (Opening Date).

Introduction

The following is the plan of the Fifth Judicial District to resume full operations including reinstitution of jury trials (Resumption Plan). The resumption of operations will take place with appropriate COVID-19 precautions and restrictions set out in the plan. The precautions and restrictions will (i) minimize the number of people coming into the courthouses, (ii) allow the resumption of jury trials, (iii) protect the safety of judicial officers and staff, and (iv) protect the safety of those coming into the courthouses.

It is anticipated that case filings will soon return to or exceed levels existing prior to implementation of the scaled back plans. There is very limited capability to have clerk staff work effectively from home. Therefore, the Resumption Plan anticipates that all clerk staff will be on site in each of the courthouses. Implementation of shift work has been considered but is not considered a realistic alternative at this time.

The Resumption Plan assumes the continued suspension of rules of procedure that allow for expansive use of remote appearance at hearings and trials. Remote appearance by attorneys and parties will be the presumed method to conduct hearings and many bench trials. The Resumption Plan assumes that there will be proceedings where, in the interest of the administration of justice, some in-person proceedings will be necessary consistent with Supreme Court Orders.

The Resumption Plan set out below first sets out actions that will be taken District-wide at all courthouses. Following the general plan, there are protocols for jury trials for each courthouse.

Public Access to Courthouse and Court Facilities

A. <u>Signage and Posters</u>

Posters and Notices will be posted at the entrance of each courthouse, at the entrance of each courtroom and at other locations in the courthouse. These include

the posters provided by the Emergency Response Team. They will be in both English and Spanish.

Signs to be posted:

- Facemask must be worn
- Facemask required
- COVID screening questions
- Stop the Spread of Germs
- Handwashing
- Social Distancing

B. Face Coverings and Masks

1. Supreme Court Order No. 20-8500-017, and any subsequent Order, requiring protective face coverings by the public and judicial officers and employees will govern the use of face coverings and masks in the courthouses. That Order will be followed as long as it remains in effect or until further notice from the Supreme Court or other public health order affecting the Judiciary.
2. The Judiciary will provide disposable masks for use by jurors, parties and witnesses.
3. Staff is prohibited from assisting anyone outside the courthouse who refuses to wear a facemask other than to obtain a cell phone number for the Court and tell them to wait in their car until they are called by the Court or counsel.
4. Everyone who works in or enters the court facilities will be required to wear personal facemasks or disposable facemasks while within the court facility. If a party to a proceeding or witness refuses to wear a mask, then they will be asked to provide a telephone number where they can be reached. They will then be asked to wait in their car until the court or their attorney can reach them. If the court is conducting an in-person proceeding, the Judge will be alerted and may allow the person to remain in or return to the courthouse if they comply with the face-covering requirement. If the person is a party or a witness, they will be informed that refusal may constitute contempt of court and result in a contempt hearing. If a party refuses to wear a mask, the court may make a finding that the party has voluntarily absented themselves from the hearing after making a record. The court may, alternatively, issue an order to appear and/or show cause and reschedule the hearing. If any other member of the public or press refuses to wear their

personal facemask or a disposable facemask as provided, the person will be asked to leave the building. A member of the press will be provided means to listen to the proceedings remotely.

5. Deputies providing security will be required to wear masks while in the courtroom or any other court area. At other times in areas of the courthouse not used by the court, the Deputies will follow any directive or policy of the Sheriff's Office. Any law enforcement officer coming to a court facility, whether to request warrants or to testify, shall be required to wear a mask at all times when in any court area, including courtrooms and Judges' offices.

C. Cleaning and Sanitation

1. District Court facilities, and the Magistrate Court in Roswell, are cleaned daily by the individual county facilities maintenance divisions. Each County reports they are following the appropriate cleaning guidelines on a daily basis. We will work with our county facilities maintenance divisions to post restroom cleaning logs in each restroom. We will continue to work with the Counties to ensure the appropriate cleaning continues and request restroom cleaning be conducted every two hours.
2. Magistrate Courts facilities, excluding Roswell, are cleaned by cleaning companies hired by each facilities property owner. The Administrative Office of the Courts (AOC) has been in contact with each property owner to ensure the facilities are cleaned according to appropriate standards. We will work with our Magistrate Court Cleaning companies to post restroom cleaning logs in each restroom.
    - Artesia Magistrate – cleaned daily
    - Carlsbad Magistrate – cleaned daily
    - Lovington Magistrate – cleaned twice a week, we are working with AOC facilities department to increase cleaning at this facility.
    - Hobbs Magistrate – cleaned daily
    - Eunice Magistrate – cleaned 3 times a week, 3 day a week circuit court
    - Jal Magistrate – cleaned 2 times a week, 2 day a week circuit court

D. Personal Hygiene Supplies and Courtroom Surface Sanitizing

The District will provide the following personal hygiene supplies to the public while attending court proceedings or visiting the clerk's office. Trash receptacles with trash liners have been places in each lobby and courtroom area.

1. Hand Sanitizer stands will be placed at the entrance to each courtroom and in the clerk's lobby areas.
2. Facemask – if an individual does not have personal facemask to use.
3. Facial Tissues.
4. Gloves upon request.

Public use equipment in Clerk's Office lobbies will be sanitized once every two hours and hand sanitizer provided.

Courtroom equipment touched during a proceeding will be sanitized between each individual in-person appearance.

E. COVID-19 Questions

1. The attached screening questions will be used to screen all individuals entering the court facility. These questions may be modified as required by the Supreme Court.
2. The questions will be posed to all persons entering the court facilities. Any person answering "yes" to any of the questions will be excluded from the court facility.
3. Judges will continue to ask appropriate COVID-19 questions at the beginning of any court session where there are persons in the courtroom.
4. In District Courts, where the Sheriff's Office provides security, they will be asked to alert persons coming into the courthouse of the questions. Sheets with the questions in English and Spanish will be available to hand out. Posters with the questions will also be posted. Jurors will be provided the questions in advance and asked not to come to the courthouse if they answer yes to any question. They will report that by phone to the Clerk so they can be excused.

F. Filing Pleadings

1. Fax Filing: fax filing of documents by self-represented litigants and attorneys into non-Odyssey E-filing categories has been allowed in the District and Magistrate Courts for many years and will continue as normal.

2. E-mail Filing: email filing of documents by self-represented litigants and attorneys into non-Odyssey E-filing categories will continue with potential modifications to the current email addresses used during the initial implementation. Modifications may need to take place if concerns regarding virus-infected documents or attachments become an issue.
3. Self-represented litigants may continue to file documents in-person as long as they meet the required screening standards set to enter a court facility. The District will explore additional technologies that could eliminate or reduce the number of documents being exchanged at clerk windows.

G. Social Distancing:

1. Clerk's Office lobbies: Will be marked with social distancing floor markers to maintain social distancing while customers are in line and post signs limiting the number of people in the following manner.
   - Roswell District Court lobby – 1218 sq. ft. = 10 people
   - Roswell Magistrate Court lobby – 1600 sq. ft. = 14 people
   - Artesia Magistrate Court lobby – 341 sq. ft. = 3 people
   - Carlsbad Magistrate Court lobby – 1296 sq. ft. = 11 people
   - Carlsbad District Court lobby DV – 63 sq. ft. = 1 person
   - Carlsbad District Court lobby main – 90 sq. ft. = 1 person
   - Lovington District Court lobby – 160 sq. ft. = 1 person
   - Lovington Magistrate Court main lobby – 209 sq. ft. = 1 person
   - Lovington Magistrate Court window lobby – 70 sq. ft. = 1 person
   - Hobbs Magistrate Court lobby – 575 sq. ft. = 5 people
   - Eunice Magistrate Court lobby – 40 sq. ft. = 1 person
   - Jal Magistrate Court lobby – 127 sq. ft. = 1 person
2. Other public common areas: Signs will be posted limiting number of people in any particular area.
3. Courtroom galleries: Will be monitored by bailiffs, other court staff and Judge.
4. Courtroom well: Will be monitored by the bailiff and Judge
5. Hallways/Public areas outside courtrooms: Signs will be posted limiting the number of people in any particular area.
   - Roswell District Court 1st Floor Rotunda – 3286 sq. ft. = 29 people

- Roswell District Court 2nd Floor Rotunda – 1490 sq. ft. = 13 people
- Carlsbad District Court Hallway courtroom 1 – 1065 sq. ft. = 9 people
- Carlsbad District Court Hallway courtroom 2 – 750 sq. ft. = 6 people
- Carlsbad District Court Hallway courtroom 3 – 1440 sq. ft. = 12 people
- Lovington District Court Escalator area – 576 sq. ft. = 5 people
- Lovington District Court Hallway courtroom 2 – 226 sq. ft. = 2 people
- Lovington District Court Hallway courtroom 1/3 – 228 sq. ft. = 2 people

6. Elevators: Signs will be posted limiting passenger numbers to a maximum of 1 or 2 persons depending on the size of the elevator.
7. Restrooms: Signs limiting restrooms to one person at a time will be posted on restroom doors.
8. Witness Rooms: Signs will be posted limiting numbers to a maximum of 1 or 2 persons depending on the size of the witness room.
9. Sidewalk caulk will be used to make social distancing marks outside of the court facilities.

There are no break/snack rooms available to the public in our court facilities.

H. Ingress and Egress from the court facilities:

Because of the enormous security risk involved in multiple entry and exit points, the use of multiple ingress/egress points is **not an option**. In each of the ten (10) courthouses in the District, there is no potential secondary entry/exit available. Use of other doors would expose segregated secure areas to COVID-19 exposure and/or would create unacceptable security risks for Judges and court staff. This is true for entry and exit to the courthouse, to the courtrooms, and to Clerk's Office lobbies.

I. Decreasing potential exposure of Employees to the COVID-19 virus:

1. Court employees and judicial officers will adhere to the Protective Face Coverings Policy implemented May 15, 2020 and maintain appropriate social distancing.
2. On an interim basis, at least some employees will continue the week in-office/week at-home schedule as allowable.

3. Clerk's Offices that are unable to work modified schedules will continue to work their normal schedule while wearing facemasks and adhering to social distancing techniques.
4. As caseloads increase and telework becomes insufficient to allow the court to perform its constitutionally mandated role, the clerk's offices will be allowed to increase staff as needed until a return to full staff is achieved as determined by the Chief Judge and Chief Executive Officer.
5. To the extent practical, the District will continue to follow "pod distancing."
6. Clerk's Offices will be provided with protective barriers between employees where the 6-foot social distance cannot be maintained. See descriptions below.
7. All employee within common areas will continue to adhere to the proper social distancing.
8. All employee "celebrations" are suspended until further notice.

J. <u>Procedure for confirmed positive COVID-19 exposure when office fully staffed:</u>

1. All employees will be informed of any confirmed exposure to the COVID-19 virus.
2. The contaminated area will be sanitized before employees are allowed to return to the work area.
3. Employees will be encouraged to be tested for the COVID-19 virus.
4. The Office will be placed on the Tier 3 emergency plan for the 14-day quarantine period.
5. Any employee who was not in direct contact with or not present when the potential exposure occurred, will be required to return to work.
6. Quarantined employees who have the ability and equipment to telework will be required to perform duties remotely.
7. Temporary reduced public hours of operations may be instituted to allow employees greater time to process caseloads during the 14-day quarantine period.
8. If the non-exposed employees and teleworking employees cannot maintain a functioning clerk's office, clerks from other counties within the district may be called upon to help the affected court for the duration of the 14-day quarantine period.

K. Office and Courtroom Protective Barrier Modifications:

Courtrooms: In all courtrooms throughout the District, protective barriers will be installed to isolate the witness stand from the bench and monitor/clerk stations. Additional barriers will be placed on counsel tables and elsewhere if necessary. The placement of the barriers are reflected on the courtroom diagrams included with the jury trial protocols.

Chaves County District Court - Administrative Offices: The staff in these areas are in separate, individual offices and no additional protective barriers are necessary. This area needs no modification to resume the normal work schedule.

Chaves County District Court - Clerk's Office: The open office area contains 15 total cubicle style workstations in three separate arrangements. Each cubicle has 42" walls and allows for a 6-foot distance between each individual. The court will be adding 42" of shielding attached to the top of the cubical walls to extend the barrier to 7 feet in height. No clerk who works in this office area is over 6 feet in height. The clerk's office is equipped with a glass barrier between the public lobby and the clerk's office work area.

Chaves County District Court – Judge, TCAA, Monitor and Bailiff Offices: The staff in these areas are in separate, individual offices and no additional protective barriers are necessary. This area needs no modification to resume the normal work schedule.

Chaves County Magistrate Court – Clerk's Office: The open office area contains 11 total cubicle style workstations in two separate arrangements. Each cubicle has 42" walls. The court will be adding 42" of shielding attached to the top of the cubical walls to extend the barrier to 7 feet in height. No clerk who works in this office area is over 6 feet in height. The clerk's office is equipped with a glass barrier between the public lobby and the clerk's office work area.

Chaves County Magistrate Court – Judge's Office: The staff in these areas are in separate, individual offices and no additional protective barriers are necessary. This area needs no modification to resume the normal work schedule.

Eddy County District Court - Clerk's Office: The open office area contains 12 total cubicle style workstations in two separate arrangements. Each cubicle has 42" walls. The court will be adding 42" of shielding attached to the top of the cubical walls to extend the barrier to 7 feet in height. No clerk who works in this office area is over 6 feet in height. The clerk's office is equipped with a glass barrier between the public lobby and the clerk's office work area.

Eddy County District Court - Judge, TCAA, Monitor and Bailiff Offices: The staff in these areas are in separate, individual offices and no additional protective barriers are necessary. This area needs no modification to resume the normal work schedule.

Eddy County Magistrate Court – Artesia Clerk's Office: The open office area contains 2 workstations. The court will be adding shielding between the two clerk's workstations to a height of 7 feet. No clerk who works in this office area is over 6 feet in height. The clerk's office is equipped with a glass barrier between the public lobby and the clerk's office work area.

Eddy County Magistrate Court – Artesia Judge's Office: The staff in these areas are in separate, individual offices and no additional protective barriers are necessary. This area needs no modification to resume the normal work schedule.

Eddy County Magistrate Court – Carlsbad Clerk's Office: The open office area contains 5 individual desks separated by more than a 6 foot distance. The clerk's office is equipped with a glass barrier between the public lobby and the clerk's office work area.

Eddy County Magistrate Court – Carlsbad Judge's Office: The staff in these areas are in separate, individual offices and no additional protective barriers are necessary. This area needs no modification to resume the normal work schedule.

Lea County District Court – Clerk's Office: The open office area contains 11 individual desks. Where employees are seated less than 6 feet apart, barriers will be erected to a height of 7 feet. No clerk who works in this office area is over 6 feet in height. The clerk's office is equipped with a plastic barrier between the public lobby and the clerk's office work area.

Lea County District Court - Judge, TCAA, Monitor and Bailiff Offices: The staff in two of the four judge areas are in separate, individual offices and no additional protective barriers are necessary. The third TCAA/Court Monitor open office area provides a 10-foot social distance. The fourth TCAA/Court Monitor area will require a barrier to be placed between the TCAA and Monitor.

Lea County Magistrate Court – Lovington Clerk's Office: The open office area contains 4 individual desks. Where employees are seated less than 6 feet apart, barriers will be erected to a height of 7 feet. No clerk who works in this office area is over 6 feet in height. The clerk's office is equipped with a glass barrier between the public lobby and the clerk's office work area.

Lea County Magistrate Court – Lovington Judge's Office: The staff in these areas are in separate, individual offices and no additional protective barriers are necessary. This area needs no modification to resume the normal work schedule.

Lea County Magistrate Court – Hobbs Clerk's Office: The open office area contains 8 total cubicle style workstations in two separate arrangements. Each cubicle has 42" walls. The court will be adding 42" of shielding attached to the top of the cubical walls to extend the barrier to 7 feet in height. No clerk who works in this office area is over 6 feet in height. The clerk's office is equipped with a glass barrier between the public lobby and the clerk's office work area.

Lea County Magistrate Court – Hobbs Judge's Office: The staff in these areas are in separate, individual offices and no additional protective barriers are necessary. This area needs no modification to resume the normal work schedule.

Lea County Magistrate Court – Eunice/Jal Clerk's Offices: The Clerk's Office contains one desk in each of these facilities for the sole employee. No additional barriers are necessary. The clerk's office is equipped with a glass barrier between the public lobby and the clerk's office work area. This area needs no modification to resume the normal work schedule.

Lea County Magistrate Court – Eunice/Jal Judge's Offices: The staff in these areas are in separate, individual offices and no additional protective barriers

are necessary. This area needs no modification to resume the normal work schedule.

L. Employee Screening for COVID-19 Symptoms:

1. Employees who become ill outside of work hours will be required to self-report to their Manager before coming to work.
2. Employees who becomes ill while at work will remain at their desk and immediately self-report to their Manager. The employee will immediately be requested leave the building and return to their home.
3. Employees will be asked to take their temperature before coming to work.
4. Screening questions will be asked of each employee and temperatures will be taken of all employees on a daily basis at the employee entrance. No employee who has a temperature equal to or greater than 100.4 degrees Fahrenheit, or who answers "yes" to any of the screening questions will be allowed to enter the building.
5. Each temperature screener will be trained on how to properly use the temperature gun, will wear a facemask at all times during the screening process, and will record results.
6. Temperature Screens: Tables will be set up for employee self-check and temperature check at the entry of courthouses. Employees will sign-in, confirm their answers to the COVID-19 questions, take their own temperature and record the results. Other temperature screening will be performed as follows:
   a. Clerk's Office – Manager, Supervisor, or designee
   b. Administration – designee
   c. Judges and Staff – Bailiff or designee

L. Screening of Visitors and Attorneys for COVID-19 Symptoms:

1. Due to security risks to employees and logistical issues, screening tables will be set up just prior to or immediately after security. All visitors, parties, witnesses and attorneys will be screened by asking the COVID-19 questions and conducting a temperature screen. Anyone answering "Yes" or having a temperature greater than 100.4 will be instructed to leave. Any item or area the person has come in contact with will be immediately sanitized and no other

person shall be allowed to enter until the sanitation has taken place. We will establish a schedule to make sure the table has someone there at all times.

- Roswell District/Magistrate Court – immediately after security but prior to entry into court areas. Entry into the rotunda area will take place through the south side of the security station. Exit from the building will take place through the north side of the security station.
- Carlsbad District Court – immediately after security but prior to entry into court areas. Entry into the building will take place through the north entrance doors. Exit from the building will take through the west-facing door.
- Lovington District Court – Due to multiple entry points into this facility and congested security screening area, COVID screening will need to take place just passed the exit from the escalator put prior to entry to the main portion of the district court area. This facility is shared with the Lea County offices and entry/exit points from the building are not in the control of the district court.

2. In Magistrate Court, there is either not space or not available staff to have a screening table set up. Everyone coming into the courthouse will be required to check in at the clerk's window before going into a courtroom. A temperature gun will be outside the window. The clerk will ask the COVID-19 questions and have the person self-administer the temperature check and show the clerk the result. Anyone answering "Yes" or having a temperature will be instructed to leave. Otherwise, the person will be given a colored "ticket" to go into the courtroom. Before the proceedings begin, the Judge or clerk will ask to make sure that everyone in the courtroom has a "ticket." If they do not, they will be instructed to leave the courtroom, go to the clerk's window, go through the screening, and get a "ticket."

   We believe the following courts fall into the "low volume" category (five or less visitors per hour) and have a clerk's window with a protective glass partition between visitors and staff where temperature and question screening can safely occur. None of these facilities have security officers.

   - Artesia Magistrate Court – low volume
   - Carlsbad Magistrate Court – low volume
   - Lovington Magistrate Court – low volume

- Hobbs Magistrate Court – low volume
- Eunice/Jal Magistrate Court – low volume
- Roswell Magistrate Court – Shared facility with District Court

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Court Proceedings

A. Docket Management

Each Judge will be responsible for managing their docket. Efforts have been made to continue hearings other than criminal jury trials in efforts to reduce the inevitable backlog of cases and hearings. Many criminal jury trials will have to be given priority in scheduling in the coming months. Priority will be given to cases where the Defendant is held in pretrial detention, is in custody for other reasons, or the case is of an age that warrants attention. Jury selection in a case will likely involve the use of more than one courtroom and will limit the availability of courtrooms for other in-person hearings. The Judges in each courthouse are committed to working together to coordinate scheduling of courtrooms to maximize the number of cases that are heard.

B. Appearance for Court Proceedings

1. Each person attending a court proceeding in-person will be required to provide staff their name and telephone number for contact tracing log purposes. The log will not be provided to anyone other than the NM Department of Health in instances where required by the New Mexico Pandemic Order. The log will be retained by the judicial entity for four weeks and then destroyed.
2. Inmates being transported from the jail to the court facility should be screened prior to transport by corrections personnel.
3. The role of the Court remains unchanged even in this pandemic. While steps must be taken to reduce the number of people in the courthouse to the greatest extent possible, the courts' essential function of the administration of justice cannot be impeded or undermined. There will remain a strong preference to conduct hearings and trials with attorneys, parties and witnesses appearing remotely. However, given the nature of certain hearings or the issues involved, in-person appearance may be necessary. Where in-

person appearance is necessary, the safety measures implemented at the courthouse are intended to protect the safety of all involved.

4. Consistent with Supreme Court Order Number 20-8500-013, each Judge will have discretion to determine if in-person appearance is necessary, whether on the Judge's own motion or a motion of a party. Determinations of in-person hearings is subject to review and approval by the Chief Judge. This policy assumes that rules of procedure that are currently suspended by Supreme Court Orders to allow remote proceedings will continue to be suspended. If that changes, it will affect what hearings can be conducted remotely.
5. In the following hearings, if they take place using remote appearance, the parties and witnesses must appear by video and not by phone:
    - Evidentiary hearing involving testimony;
    - Change of Plea / Disposition where a defendant not in custody and video appearance is permissible.
6. The Court will continue to follow the provisions of Supreme Court Order Number 20-8500-013 as it relates to exhibits and identification of defendants in remote proceedings. The District may adopt additional protocols relating to exhibits and testimony.

C. Interpreters

Interpreters will be required to appear in-person for jury trials. The District will use interpreters appearing remotely wherever possible as long as proceedings can be adequately conducted and non-English speaking parties have meaningful participation in the proceedings. The District continues to explore alternate technologies to allow remote appearance of interpreters. However, in some instances, remote appearance by the interpreter is not a viable option. This is particularly true in evidentiary hearings involving self-represented litigants who cannot appear by video. Therefore, there will be hearings and trials where interpreters will also have to be present in order to allow the hearing to be conducted. Interpreters will be provided a seat/standing area where they can maintain the appropriate 6-foot social distancing.

D. Scheduling of Proceedings:

1. Non-In-Person Proceedings: These hearings can be scheduled as needed. Based on each courthouse Jury Trial Protocol, use of courtrooms for non-in-person proceedings will be secondary to use of courtrooms for jury selection and trial. Rooms other than courtrooms will be used for these hearings where necessary provided that technology requirements are met to make an appropriate record.
2. In-person Proceedings: Judges and Judge's Staff will closely coordinate with one another regarding the scheduling of in-person hearings and jury trials. Paying particular attention to jury trial scheduling that requires an increased number of persons in the court facility and use of multiple rooms for jury selection.

Supplies Needed:

Hand Sanitizer
Disposable Face Masks
Sanitizing cleaning products
Disposable cloths
Hand Sanitizer stands
Sanitizing wipes
Temperature guns
Protective Barriers
Tissues
Wastebaskets
Trash can liners
Signage – various
Tape
Sidewalk Chalk
Portable folding tables
Sign Holders
Golf Pencils
Manilla Envelopes
Laminating Machine
Door Stops
Hand Held cleaning misters

Jury Trials Protocols

Each courthouse has developed a protocol for jury trials. The protocols are attached as Appendix A.

COVID-19 Questions

The current COVID-19 questions are attached as Appendix B.

Signs

The signs to be posted are attached as Appendix C.

APPENDIX A
JURY TRIAL PROTOCOLS

CHAVES COUNTY
JURY TRIAL PROTOCOLS

ROSWELL DISTRICT COURT
JURY TRIAL PROTOCOL

1. **Pretrial Actions**
   a. At the beginning of their term of service, Jurors will be sent a letter explaining the check-in procedures for trial and an overview of safety measures implemented at the courthouse. In the letter they will be provided with a sheet containing the COVID-19 questions in both English and Spanish.
   b. Jurors will be instructed that if, at any time during their term of service, they answer one of the questions in the affirmative, they are to immediately inform the Clerk and not come to the courthouse.
   c. Juror request for excusals:

Potential Jurors 65+:
If the juror requests to be excused due to the COVID-19 issues
- Jury Clerk should look up the jurors DOB to confirm age
- Have the Judges Form filled out
- Use the Judges excusal code "Excused-Judge Exc-form req"
- This is a temporary postponement and not a permanent excusal

Potential Jurors 75+:
If the juror requests to be excused because of age
- Juror needs to fill out the Affidavit of Age as normal

Potential Jurors 75+:
If the juror requests to be excused because of COVID-19
- Jury Clerk should look up the jurors DOB to confirm age
- Have the Judges Form filled out
- Use the Judges excusal code "Excused-Judge Exc-form req"
- This is a temporary excusal and not a permanent excusal

Potential Jurors Any Age with Medical Conditions:
If the juror requests to be excused due to a medical conditions that places them at high risk.
- The juror is required to submit a doctor's note to receive an excusal.

d. The code-a-phone recording each night will remind the jurors to review the COVID-19 screening questions and inform the court staff as soon as possible if they cannot answer "no" to each of the questions.
e. Jurors will be encouraged to take their temperature at home before coming to the courthouse.

2. Scheduling of Jury Trials

a. In order to address the backlog created by the suspension of jury trial, each Judge will review all pending criminal, juvenile delinquency, and civil cases that had or have trial settings in March, April, May, June, July or August. The Judge will create a list prioritizing the cases for trial in the following order:
   - Defendant is in custody on pretrial detention under Rule 5-409
   - Defendant is in custody for some other reason
   - Older cases where speedy trial not waived
   - All other criminal cases
   - Civil jury trials
b. Judges will create a list of cases and coordinate with each other on master schedule of jury trials. Docket calls will be set and the trials will be set on firm settings. Cases may be set trailing to each other. The Judges will coordinate the days that trials are to begin so there will only be jury selection on one case in any day.

3. **Pretrial Case Management**

a. Plea deadlines will set prior to any final pretrial hearing and will be enforced. In civil cases, deadlines for pretrial settlement will be established. Pursuant to Supreme Court Order No. 20-8500-022, courts will enforce a minimum plea or settlement deadline of five business days prior to jury selection or the commencement of a bench trial in criminal and civil cases set for trial during the COVID-19 public health emergency.
b. In criminal cases, a mandatory plea conference meeting will be required to be held at least one month before the jury trial setting, with required attendance of the prosecutor, defense counsel, and the

defendant. Counsel shall be responsible for scheduling the plea conference meeting using Google Meets (or another agreed upon platform). A Certificate of Compliance affirming that the conference was held shall be signed by both attorneys and filed. Counsel shall indicate on the Certificate if the case is proceeding to jury trial or if a Change of Plea hearing is requested.

c. Any evidentiary hearing on pretrial issues shall be conducted prior to the day of trial.
d. Costs for jurors and interpreters to appear at a trial that does not go forward may be taxed to the party or counsel causing the delay.
e. All trial exhibits must be disclosed prior to trial. Counsel will be urged to agree to authenticity and/or admission of exhibits where possible.
f. All pretrial motions must be filed sufficiently in advance of trial that they can be heard and decided without delaying trial.
g. Any issue raised on the morning of trial that could delay the trial may be deemed untimely and denied on those grounds.
h. Proposed jury instructions must be filed by Noon on the day before trial by all parties.
i. Late disclosure of discovery after the final pretrial conference will be grounds for dismissal, exclusion of evidence and/or sanctions.
j. All witnesses should be pre-screened by the District Attorney's Office or the Public Defender's Office to ensure the witness will be able to enter the courthouse on the day of the trial.

4. Jury Panel

Jury panel numbers will be called to obtain a 35 person panel for most jury trials. If a Judge believes more jurors must be brought in, the Judge must consult with the Chief Judge prior to doing so. To seat 30 jurors, we will begin by calling in approximately 50 people on any particular day. This number may need to increase due to the potential exclusion of certain groups of individuals and will be adjusted accordingly as excusal and no show rates are determined.

5. **Scheduling for other Judges in the facility**
   Scheduling of hearings in the court facility on jury trial days should be non-in-person hearings only in the morning, unless the in-person proceeding will not interfere with the trial or occupancy limit of the facility.

6. **Juror check-in process**
   a. In Roswell District Court, we believe that jury selection in almost all cases can take place in the courthouse using four courtrooms for one jury selection for one trial.
   b. At this point, using alternative off-site locations for jury selection is not being pursued as an option. However, for a trial requiring a much larger panel, we will explore whether other facilities may be available, such as Pierson Auditorium at NMMI, the City Convention Center, or the auditorium at Roswell Independent School District administration building. The theater at ENMU-R would not be big enough to use. If an alternate location will be used, the location will have to be vetted to make sure that there are rooms to conduct the necessary proceedings, that equipment for recording at remote locations works in the space available, and that the location works for jury selection and creation of a proper record. A Memorandum of Understanding with the entity will have to be entered into for use of the facilities. It is unknown whether NMMI, the City or Roswell Independent School District would allow use of their facilities without cost. Insurance may also be an issue. Prior to use of any off-sote location, approval will be requested from the ERT.
   c. For most trials in District Court, the goal will be to have a panel of 30 show up for selection. A greater number, approximately 55, will have to be called in.
   d. Juror list will be <u>pre-printed</u> and <u>randomized</u> prior to the check in process to shorten the check-in and selection process.
   e. Marks will be made outside the facility on the sidewalk indicating where jurors should stand while waiting to go through the check-in process. These marks (tape/chalk marks/etc.) will be 6 feet apart.
   f. A staff member will be outside the facility entrance to direct jurors about the process, hand out masks and remind jurors of the COVID-19 questions.

g. Juror will be provided a disposable mask, be directed to stay on the marked spots and given the form asking the four initial screening questions prior to entry to the building. If a juror answers yes to any of the questions their name will be taken and they will be required to leave.
h. Staff will then direct 3 to 4 jurors into the building at a time. Once through security/in the building, the jurors will be directed to the screening table.
i. At the screening table the jurors will be asked their name and if they answered "YES" to any of the COVID-19 questions. A poster of the questions, in English and Spanish, will be at the table for easy reference.
j. Each juror will be temperature screened and then directed to the jury clerk who will check them in and send them to the appropriate courtroom.
k. Jurors will be given a preprinted stick on label with their juror number.
l. As jurors arrive at the courtroom they will be directed to a specific seat in with the assistance of the bailiff to reduce contact/passing of jurors.
m. After voir dire jurors will be released in the reverse order as seated to allow jurors to exit in a manner to reduce contact/passing of jurors.
n. Hand Sanitizer, facial tissues, and trash receptacles will be made available for juror use while in the court facility.
o. Once screened, jurors will be directed to the appropriate courtroom. Jurors 1-35 will go to Courtroom 1. If needed, jurors 36-54 will go to Courtroom 3. If needed, jurors 55-70 will go to Courtroom 5. There will be assigned seats in each courtroom with the number indicated.
p. Courtroom doors will be propped open to reduce individuals contact with highly touched surfaces. Doors will remain propped open until they are required to be closed for trial and record purposes.
q. Seating in the courtrooms will be pre-marked with signage/tape directing individuals where they may sit. Each seat will be 6 feet from all other seating. Seating charts will be prepared for each courtroom.
r. After all jurors have arrived, jurors in courtroom 5 will then be told to sit in either Courtroom 3 or 1 in seats where the juror did not show up.
s. After jurors in Courtroom 5 have been seated in other courtrooms, the seats will be wiped down and sanitized.
t. The Clerk will modify the standard seating charts to show the numbers of jurors that have been filled in to other seats. A copy will be made and

provided to counsel. During voir dire, jurors will be referred to by number only.

u. While jurors are arriving and being seated, the Judge will meet with counsel and the defendant in courtroom 4 to address any pretrial issues.

7. Jury Voir Dire

a. Jury trials to be held in Courtroom 3 will also use Courtrooms 1, 4 and 5 for related jury selection proceedings.

b. The court will meet with counsel and the defendant in courtroom 4 to address any pretrial issues before jury selection begins.

c. The Judge may expand voir dire conducted by the court and establish time limits for voir dire by counsel.

d. The court will begin jury selection in Courtroom 1. The court will complete the introductory remarks and ask the initial questions of the jurors. The attorneys will then ask questions.

e. The Judge, monitor, counsel and the defendant will go to Courtroom 3 and repeat the process. All of those will go through the back hall so that no one has to go by the seated jurors and spacing can be maintained.

f. If Courtroom 5 is also used for jurors, the process will repeat in Courtroom 5. All of those will go through the back hall so that no one has to go by the seated jurors and spacing can be maintained.

g. The Judge, monitor, counsel and the defendant will then go to Courtroom 4 for individual examination of jurors in private, consideration of challenges, and selection of the jury. When returning to Courtroom 1, all of those will go through the back hall so that no one has to go by the seated jurors and spacing can be maintained.

h. The Judge, monitor, counsel and the defendant will go to Courtroom 1 to announce the jurors who have been selected. The remainder of the panel that was not selected will be dismissed. All of those will go through the back hall so that no one has to go by the seated jurors and spacing can be maintained.

i. The Judge, monitor, counsel and the defendant will go to courtroom 3 to announce the jurors who have been selected. Those jurors will be escorted to Courtroom 5. The remainder of the panel that was not selected will be dismissed.

j. The seats in Courtroom 3 where the jurors will be seated (combination of the jury box and the gallery) will be wiped down and sanitized before the jurors are brought in for trial.

8. Trial

a. All jury trials will begin immediately after jury selection.
b. The jurors will be brought into Courtroom 3. Jurors will be provided the packets from the ERT before they are directed into courtroom 3. The jurors will be sworn in before the trial begins.
c. Jurors will be seated in the jury box, chairs in front of the jury box and the gallery to maintain social spacing.
d. The court monitor or reporter may be in the anteroom during the trial to reduce the number of people the courtroom.
e. The parties must provide the court with the original and a copy of all exhibits prior to trial. The original set will be placed at the witness stand so that the attorney does not have to approach the witness. Evidence presentation systems are available in each trial courtroom. If the attorney wishes to provide each juror with exhibits for inspection or the attorney feels that evidence presentation system is not adequate for publication to the jury, the attorney will have individual sets of exhibits made prior to the trail commencing and provide them to the court immediately prior to the commencement of the trial.
f. Jurors will be required to sit in the same seat for the duration of the trial.
g. Available space in the gallery will then be made available first to victims and victim representatives or family, then the press, and finally to other members of the public. However, the total number in the courtroom will not exceed room capacity allows proper social spacing.
h. We plan to set up a Polycom unit or laptop webcam and using Google Meets join the systems using the new Google Meets Interface to send the audio and video into an appropriate empty courtroom/room. If a person wishes to observe the trial but there is no space, that person will be given the link to the Google Meet session. The press and public will at least be able to listen to the trial proceedings using Google Meet. The press can also set up a fixed video camera to stream the proceedings. If there is more than one press entity requesting video, they shall share the

single feed. The camera will be set up so that it does not show any of the jurors.

i. For bench conferences, the Judge and counsel will go to the anteroom while jurors remain in the courtroom. This is necessary because social distancing cannot be maintained for bench conferences in the courtroom and the conference occur outside the hearing of the jury. In addition, if plexiglass barriers are installed, they will prevent bench conferences in the courtroom. Places will be marked in the anteroom where the Judge and counsel are to stand to maintain social distancing. The Judge and counsel will enter and exit the anteroom to maintain social distancing.

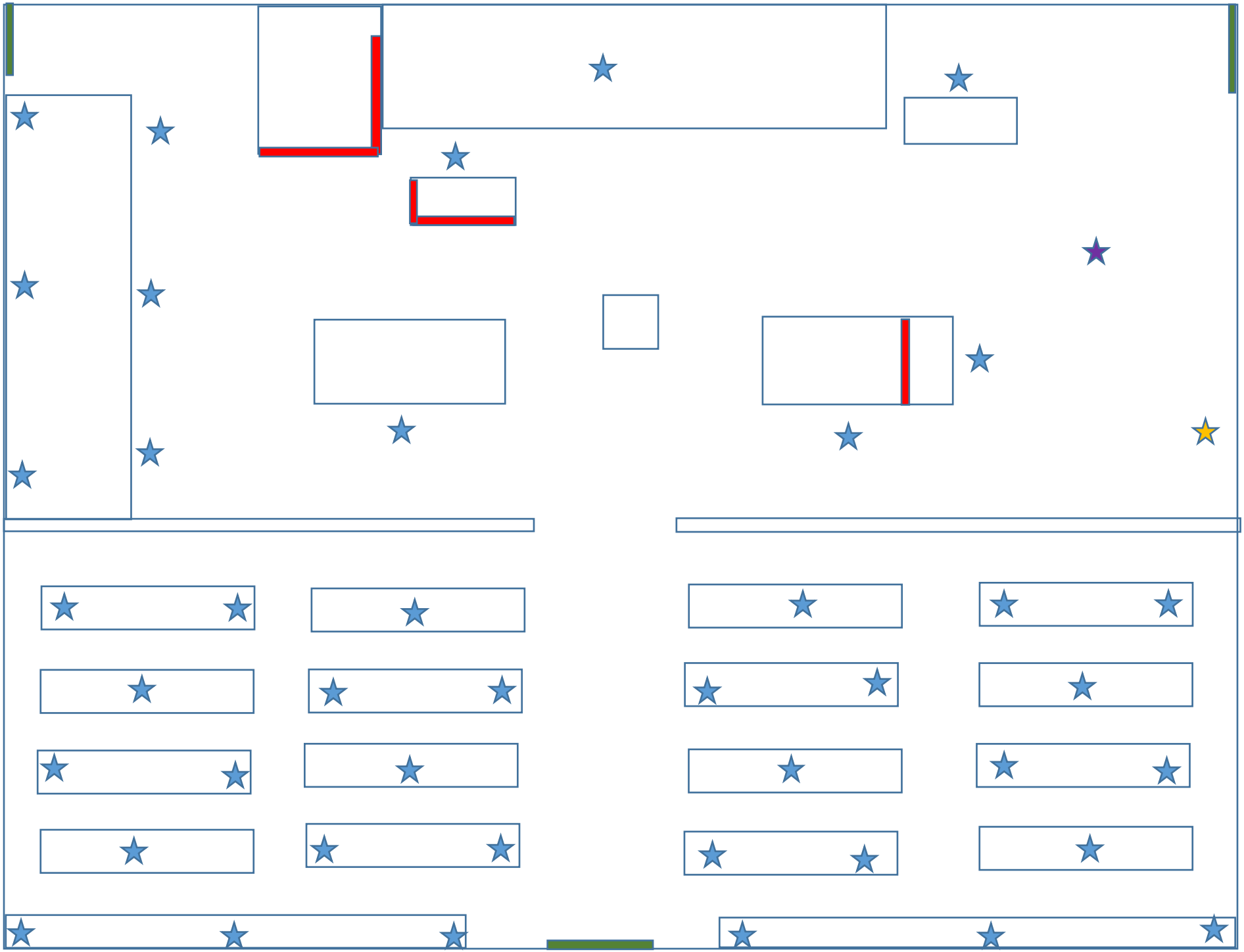
j. If issues come up during trial that must be considered outside the hearing of the jury that can't be addressed in a bench conference, the Judge, monitor, counsel and the defendant will go to courtroom 4 to address the matters. All of those will go through the back hall so that no one has to go by the seated jurors and spacing can be maintained. Any members of the public will be required to leave the courtroom. During these times and other breaks, the jurors will remain in Courtroom 3, and will have access to bathroom facilities in the jury room or hallway behind the courtroom.

k. The Defendant/Party and their attorney will be able to communicate in writing by passing notes under or around the table barrier. If greater communication is required, the Court will allow a brief break for the defendant/party and their attorney to confer. Between direct and cross-examination, a break will be taken to allow the defendant and counsel to meet briefly outside the courtroom while maintaining social distancing to discuss matters. The jury will be instructed that the break is necessary to allow communication while maintain social distancing. In remote hearings, there the defendant is in custody, a phone is available. Where the defendant is not in custody, the defense counsel must make arrangements to speak with the client. This may mean that they have to get off the Google meet to talk and then get back on the session. The Court will continue to explore technologies to allow parties and their counsel to privately communicate, while maintaining social distance.

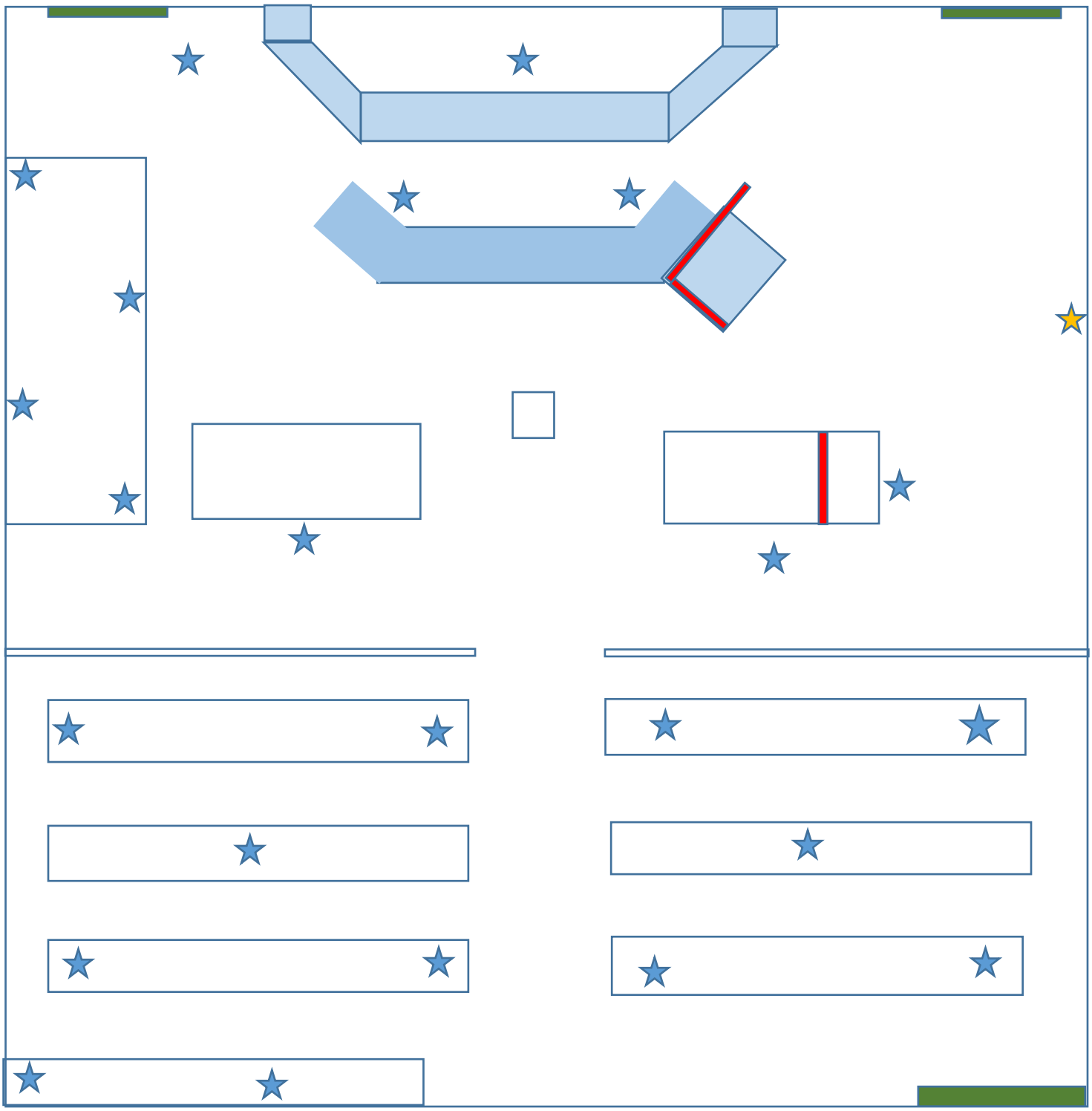
l. Jurors will be provided with disposable notepads and golf pencils for note taking. At the end of the day, they will be given a manila envelope to put their pad in, seal the envelope and write their juror name or number on the outside. The Bailiff will gather the envelopes and put them in a box or accordion folder to distribute prior to the beginning of trial the next day. This will also allow another trial to begin in Courtroom 3 the following day.
m. Individual sets of jury instructions will be copied and provided to the jurors and extra sets will be produced as the need arises.
n. Jury deliberation will take place in the courtroom. Jurors will be instructed to remain in their assigned seating for the deliberation process. All other participants and spectators will be required to take all belongings and leave the courtroom.

APPENDIX

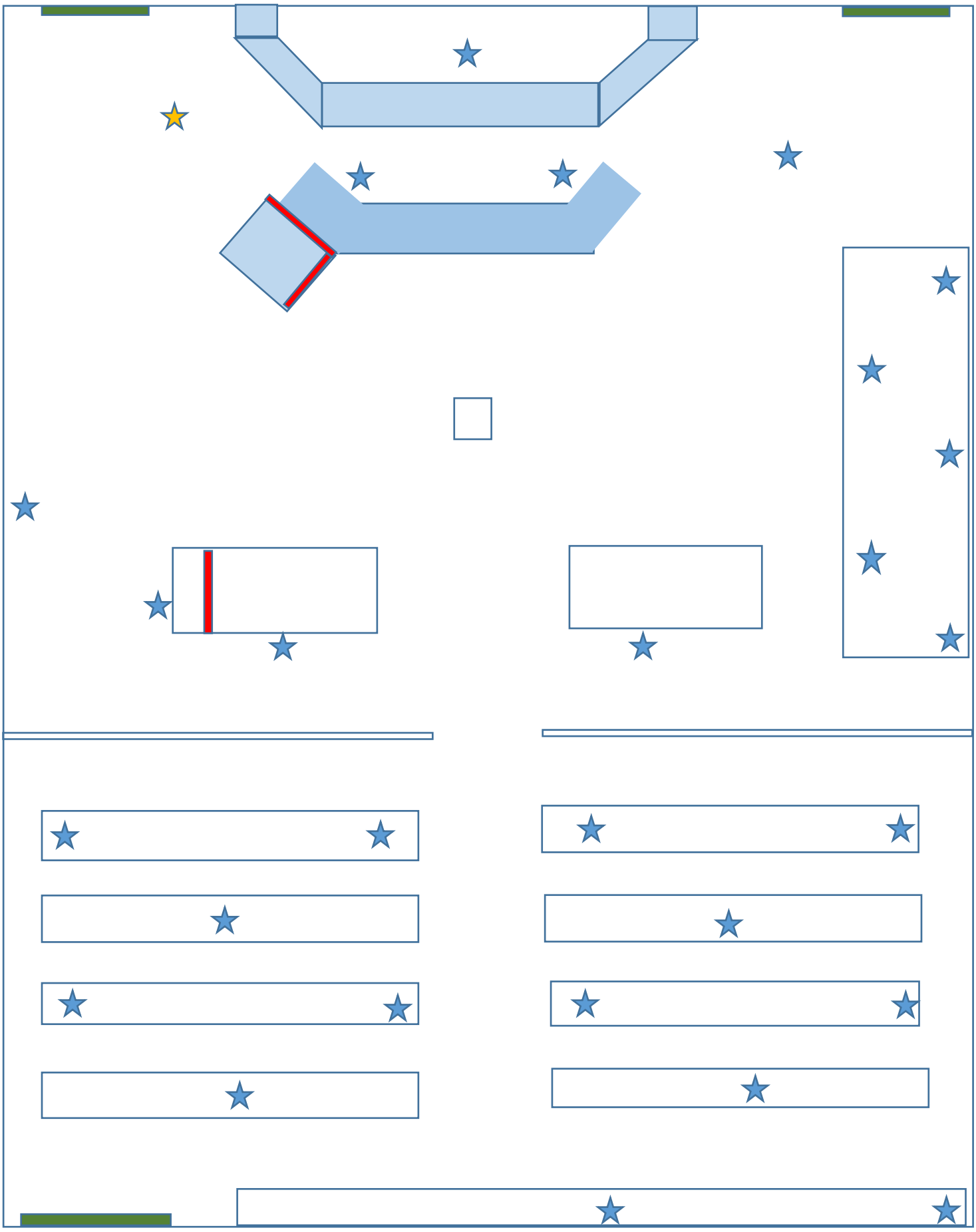
COURTROOM DIAGRAMS
AND SEATING CHARTS



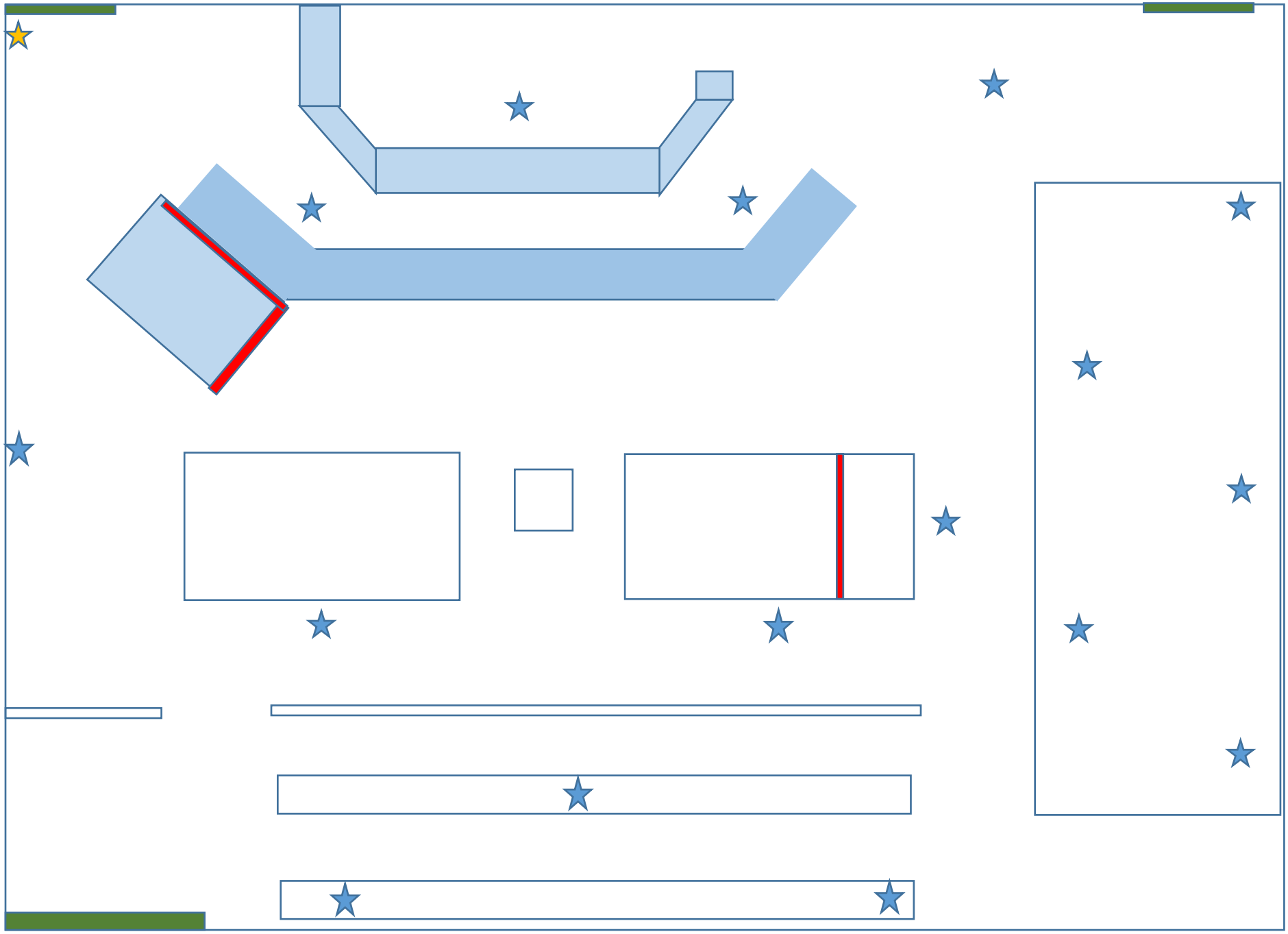
Roswell District – Courtroom 1



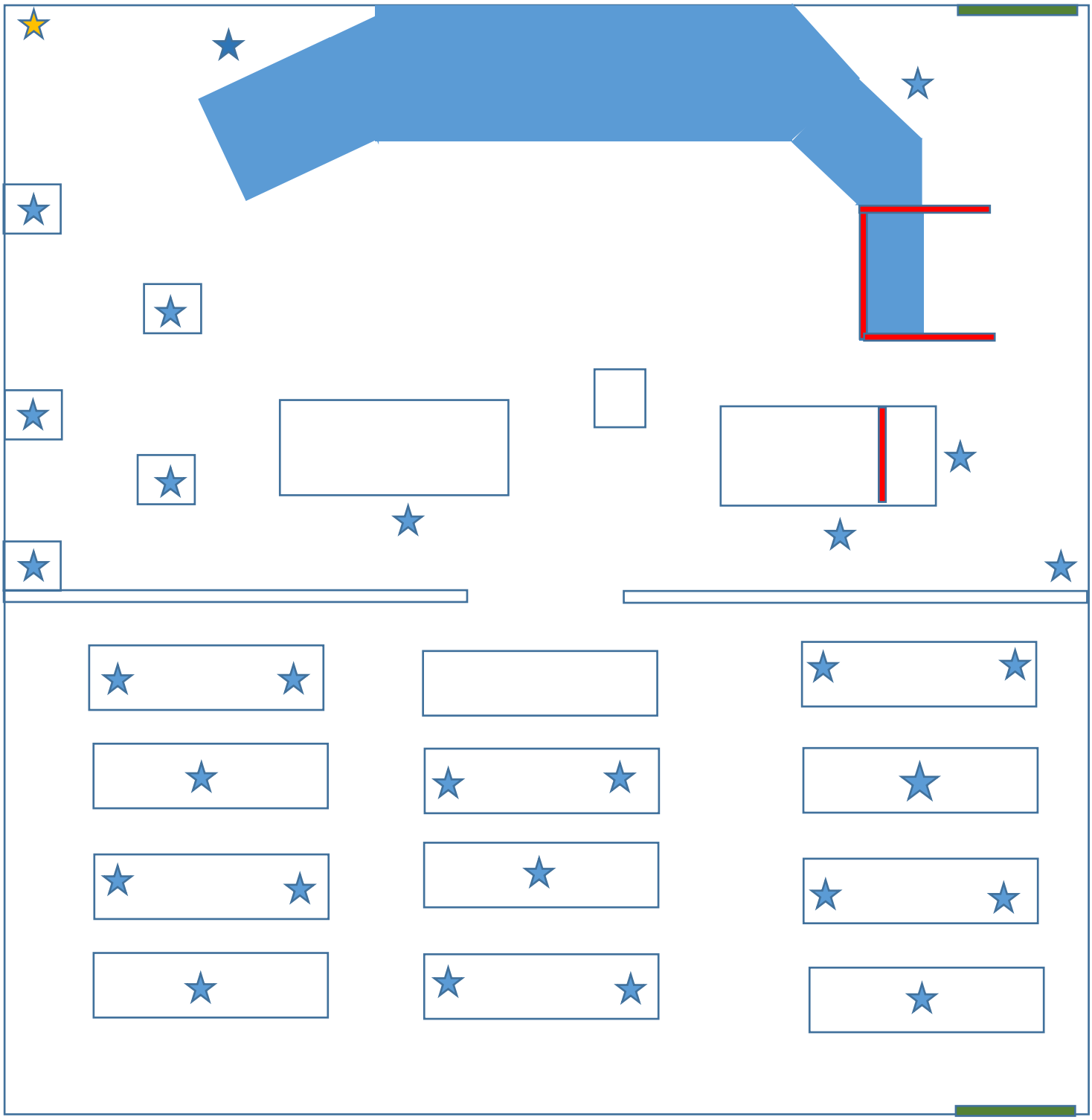
Roswell District – Courtroom 2



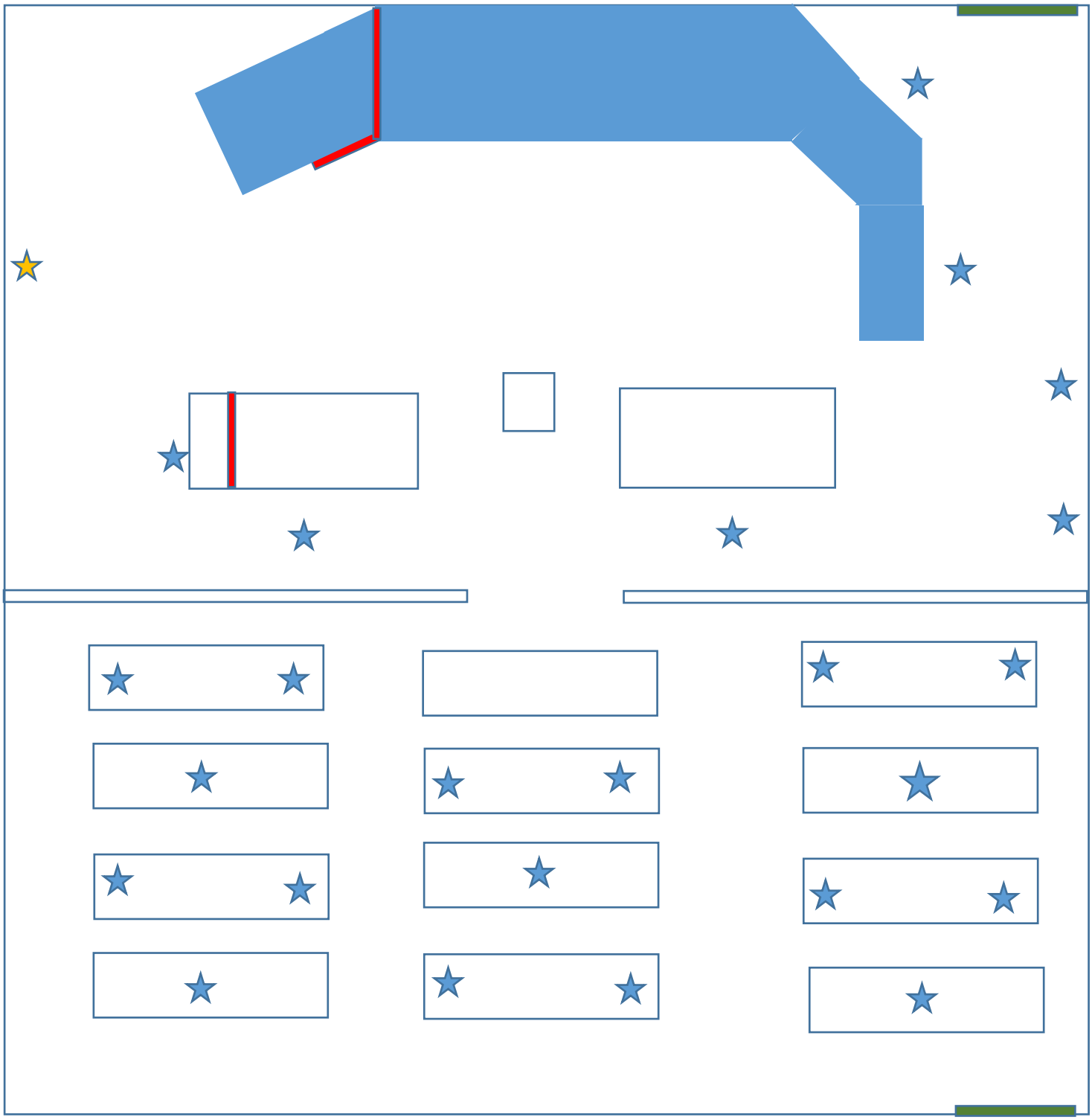
Roswell District – Courtroom 3



Roswell District - Courtroom 4



Roswell District – Courtroom 5



Roswell District – Courtroom 5

ROSWELL MAGISTRATE COURT
JURY TRIAL PROTOCOL

1. Pretrial Actions

a. At the beginning of their term of service, Jurors will be sent a letter explaining the check-in procedures for trial and an overview of safety measures implemented at the courthouse. In the letter they will be provided with a sheet containing the COVID-19 questions in both English and Spanish.

b. Jurors will be instructed that if, at any time during their term of service, they answer one of the questions in the affirmative, they are to immediately inform the Clerk and not come to the courthouse.

c. Juror request for excusals:

Potential Jurors 65+:

If the juror requests to be excused due to the COVID-19 issues

- Jury Clerk should look up the jurors DOB to confirm age
- Have the Judges Form filled out
- Use the Judges excusal code "Excused-Judge Exc-form req"
- This is a temporary postponement and not a permanent excusal

Potential Jurors 75+:

If the juror requests to be excused because of age

- Juror needs to fill out the Affidavit of Age as normal

Potential Jurors 75+:

If the juror requests to be excused because of COVID-19

- Jury Clerk should look up the jurors DOB to confirm age
- Have the Judges Form filled out
- Use the Judges excusal code "Excused-Judge Exc-form req"
- This is a temporary excusal and not a permanent excusal

Potential Jurors Any Age with Medical Conditions:

If the juror requests to be excused due to a medical conditions that places them at high risk.

- The juror is required to submit a doctor's note to receive an excusal.

d. The code-a-phone recording each night will remind the jurors to review the COVID-19 screening questions and inform the court staff as soon as possible if they cannot answer "no" to each of the questions.
e. Jurors will be encouraged to take their temperature at home before coming to the courthouse.

2. Scheduling of Jury Trials

a. In order to address the backlog created by the suspension of jury trials, each Judge will review all pending criminal and civil cases that had or have trial settings in March, April, May, June, or July. The Judge will create a list prioritizing the cases for trial in the following order:
   - Defendant is in custody
   - Older cases where speedy trial not waived
   - All other criminal cases
   - Civil jury trials

b. Judges will create a list of cases and coordinate with each other on master schedule of jury trials. Final Pre-Trial hearings will be set and trials will be set on firm settings. Cases may be set trailing to each other. Jury Trials will be set on Thursdays and Fridays of every week alternating between the two Judges and according to case type.

3. **Pretrial Case Management**

a. Plea deadlines will be set prior to any final pretrial hearing and enforced. In civil cases, deadlines for pretrial settlement will be established. Pursuant to Supreme Court Order No. 20-8500-022, courts will enforce a minimum plea or settlement deadline of five business days prior to jury selection or the commencement of a bench trial in criminal and civil cases set for trial during the COVID-19 public health emergency.
b. In criminal cases, a mandatory plea conference meeting will be required to be held at least one month before the jury trial setting, with required attendance of the prosecutor, defense counsel, and the defendant. Counsel shall be responsible for scheduling the plea

conference meeting using Google Meets (or another agreed upon platform). A Certificate of Compliance affirming that the conference was held shall be signed by both attorneys and filed. Counsel shall indicate on the Certificate if the case is proceeding to jury trial or if a Change of Plea hearing is requested.

c. Any evidentiary hearing on pretrial issues shall be conducted prior to the day of trial.
d. Costs for jurors and interpreters to appear at a trial that does not go forward will be taxed to the party or counsel causing the delay.
e. All trial exhibits must be disclosed prior to trial. Counsel will be urged to agree to authenticity and/or admission of exhibits where possible.
f. All pretrial motions must be filed sufficiently in advance of trial that they can be heard and decided without delaying trial.
g. Any issue raised on the morning of trial that could delay the trial may be deemed untimely and denied on those grounds.
h. Proposed jury instructions must be filed by Noon on the day before trial by all parties.
i. Late disclosure of discovery after the final pretrial conference will be grounds for dismissal, exclusion of evidence and/or sanctions.
j. All witnesses should be pre-screened by the District Attorney's Office or the Public Defender's Office to ensure the witness will be able to enter the courthouse on the day of the trial

4. Jury Panel

Jury panel numbers will be called to obtain a 25 person panel for trials unless prior authorization is obtained. This will require approximately 35-45 people to be requested to come in on any particular day. This number may need to increase due to the potential exclusion of certain groups of individuals and will be adjusted accordingly as excusal and no show rates are determined.

5. Juror check-in process

a. In Roswell Magistrate Court, we believe that jury selection in almost all cases can take place in the courthouse using four courtrooms for one jury selection for one trial.

b. For most trials in Magistrate Court, the goal will be to have a panel of 25-28 show up for selection. A greater number, approximately 45, will have to be called.
c. Juror list will be pre-printed and randomized prior to the check in process to shorten check-in and selection process.
d. Marks will be made outside the facility on the sidewalk indicating where jurors should stand while waiting to go through the check-in process. These marks (tape/chalk marks/etc.) will be 6 feet apart.
e. A staff member will be outside the facility entrance to direct jurors about the process, hand out masks and remind jurors of the COVID-19 questions.
f. Juror will be provided a disposable mask, be directed to stay on the marked spots and given the form asking the four initial screening questions prior to entry to the building. If a juror answers yes to any of the questions their name will be taken and they will be required to leave.
g. Staff will then direct 3 to 4 jurors into the building at a time. Once through security/in the building, the jurors will be directed to the screening table.
h. At the screening table the jurors will be asked their name and if they answered "YES" to any of the COVID-19 questions. A poster of the questions, in English and Spanish, will be at the table for easy reference.
i. Each juror will be temperature screened and then directed to the jury clerk who will check them in and send them to the appropriate courtroom.
j. Jurors will be given a preprinted stick on label with their juror number.
k. Hand Sanitizer, facial tissues, and trash receptacles will be made available for juror use while in the court facility.
l. Once screened, jurors will be directed to the appropriate courtroom. Jurors 1-12 will go to Courtroom 2. Jurors 13-22 will go to Courtroom 1. Jurors 23-35 will go to Courtroom 3. There will be assigned seats in each courtroom with the number indicated.
m. As jurors arrive at the courtroom they will be directed to a specific seat with the assistance of a clerk/bailiff to reduce contact/passing of jurors.
n. After voir dire jurors will be released in the reverse order as seated to allow jurors to exit in a manner to reduce contact/passing of jurors.
o. Courtroom doors will be propped open to reduce individuals contact with highly touched surfaces. Doors will remain propped open until they are required to be closed for trial and record purposes.

p. Seating in the courtrooms will be pre-marked with signage/tape directing individuals where they may sit. Each seat will be 6 feet from all other seating. Seating charts will be prepared for each courtroom.
q. After all jurors have arrived, jurors in courtroom 3 will then be told to sit in either Courtroom 2 or 1 in seats where the juror did not show up.
r. Hand Sanitizer, facial tissues, and trash receptacles will be made available for juror use while in the court facility.
s. After jurors in Courtroom 3 have been seated in other courtrooms, the seats will be wiped down and sanitized.
t. The Clerk will modify the standard seating charts to show the numbers of jurors that have been filled in to other seats. A copy will be made and provided to counsel. During voir dire, jurors will be referred to by number only.
u. While jurors are arriving and being seated, the Judge will meet with counsel and the defendant in courtroom 4 to address any pretrial issues.

6. Jury Voir Dire

a. The court will meet with counsel and the defendant in courtroom 4 to address any pretrial issues before jury selection begins.
b. The court will begin jury selection in Courtroom 2. The court will complete the introductory remarks and ask the initial questions of the jurors. The attorneys will then ask questions.
c. The Judge, counsel and the defendant will go to Courtroom 1 and repeat the process.
d. If courtroom 3 is also used for jurors, the process will repeat in Courtroom 3.
e. The Judge, counsel and the defendant will then go to Courtroom 4 for individual examination of jurors in private, consideration of challenges, and selection of the jury.
f. The Judge, counsel and the defendant will go to courtroom 1 to announce the jurors who have been selected. Those jurors will be escorted to Courtroom 2. The remainder of the panel that was not selected will be dismissed.
g. The Judge, counsel and the defendant will go to courtroom 3 to announce the jurors who have been selected. Those jurors will be

escorted to Courtroom 2. The remainder of the panel that was not selected will be dismissed.

h. The seats in Courtroom 2 where the jurors will be seated (combination of the jury box and the gallery) will be wiped down and sanitized before the jurors are brought in for trial.

7. Trial

a. All jury trials will begin immediately after jury selection.
b. The jurors will be brought into Courtroom 2.
c. The jurors will be sworn in before the trial begins.
d. Jurors will be provided the packets from the ERT.
e. Jurors will be seated in the jury box, chairs in front of the jury box and the gallery to maintain social spacing.
f. Jurors will be required to sit in the same seat for the duration of the trial.
g. Available space in the gallery will then be made available first to victims and victim representatives or family, then the press, and finally to other members of the public. However, the total number in the courtroom will not exceed 25 people or other limit established by the Supreme Court.
h. The parties must provide the court with the original and a copy of all exhibits prior to trial. The original set will be placed at the witness stand so that the attorney does not have to approach the witness. Evidence presentation systems are available in each trial courtroom. If the attorney wishes to provide each juror with exhibits for inspection or the attorney feels that evidence presentation system is not adequate for publication to the jury, the attorney will have individual sets of exhibits made prior to the trail commencing and provide them to the court immediately prior to the commencement of the trial.
i. The Defendant/Party and their attorney will be able to communicate in writing by passing notes under or around the table barrier. If greater communication is required, the Court will allow a brief break for the defendant/party and their attorney to confer. Between direct and cross-examination, a break will be taken to allow the defendant and counsel to meet briefly outside the courtroom while maintaining social distancing to discuss matters. The jury will be instructed that the break

is necessary to allow communication while maintain social distancing. In remote hearings, there the defendant is in custody, a phone is available. Where the defendant is not in custody, the defense counsel must make arrangements to speak with the client. This may mean that they have to get off the Google meet to talk and then get back on the session. The Court will continue to explore technologies to allow parties and their counsel to privately communicate, while maintaining social distance.

j. We are exploring ways to stream at least the audio of trial to overflow rooms, but have little or no space available to do so. The press and public will at least be able to listen to the trial proceedings using Google Meet. The press can also set up a fixed video camera to stream the proceedings. If there is more than one press entity requesting video, they shall share the single feed. The camera will be set up so that it does not show any of the jurors.

k. If issues come up during trial that must be considered outside the hearing of the jury, the Judge, counsel and the defendant will go to courtroom 4 to address the matters. Any members of the public will be required to leave the courtroom. During these times and other breaks, the jurors will remain in Courtroom 2 and will have access to bathroom facilities in the hallway out in the lobby.

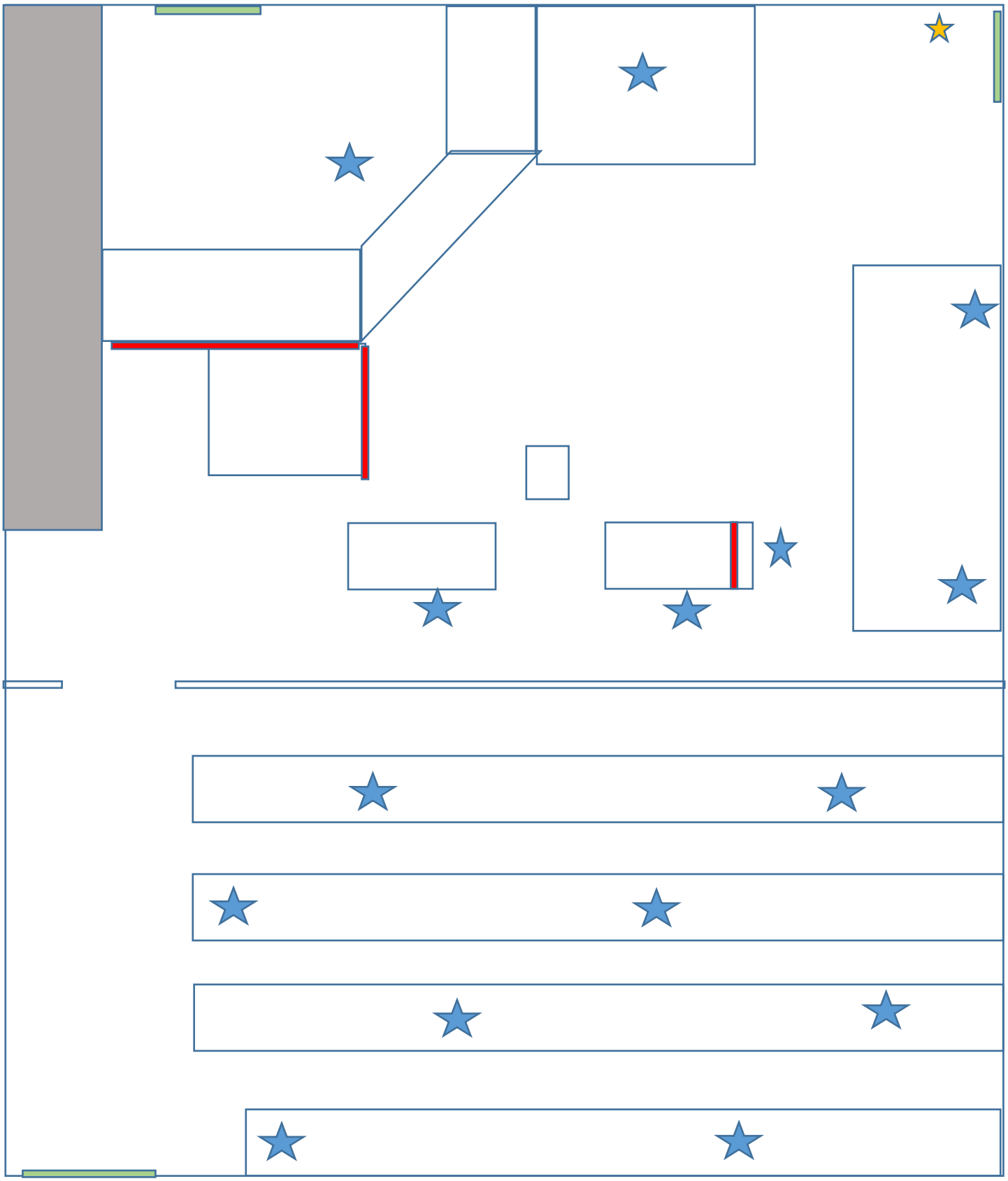
l. Jurors will be provided with notepads for note taking. At the end of the day, they will be given a manila envelope to put their pad in, seal the envelope and write their number on the outside. The envelopes will be left on their seats, and the courtroom locked overnight.

m. Individual sets of jury instructions will be copied and provided to the jurors and extra sets will be produced as the need arises.

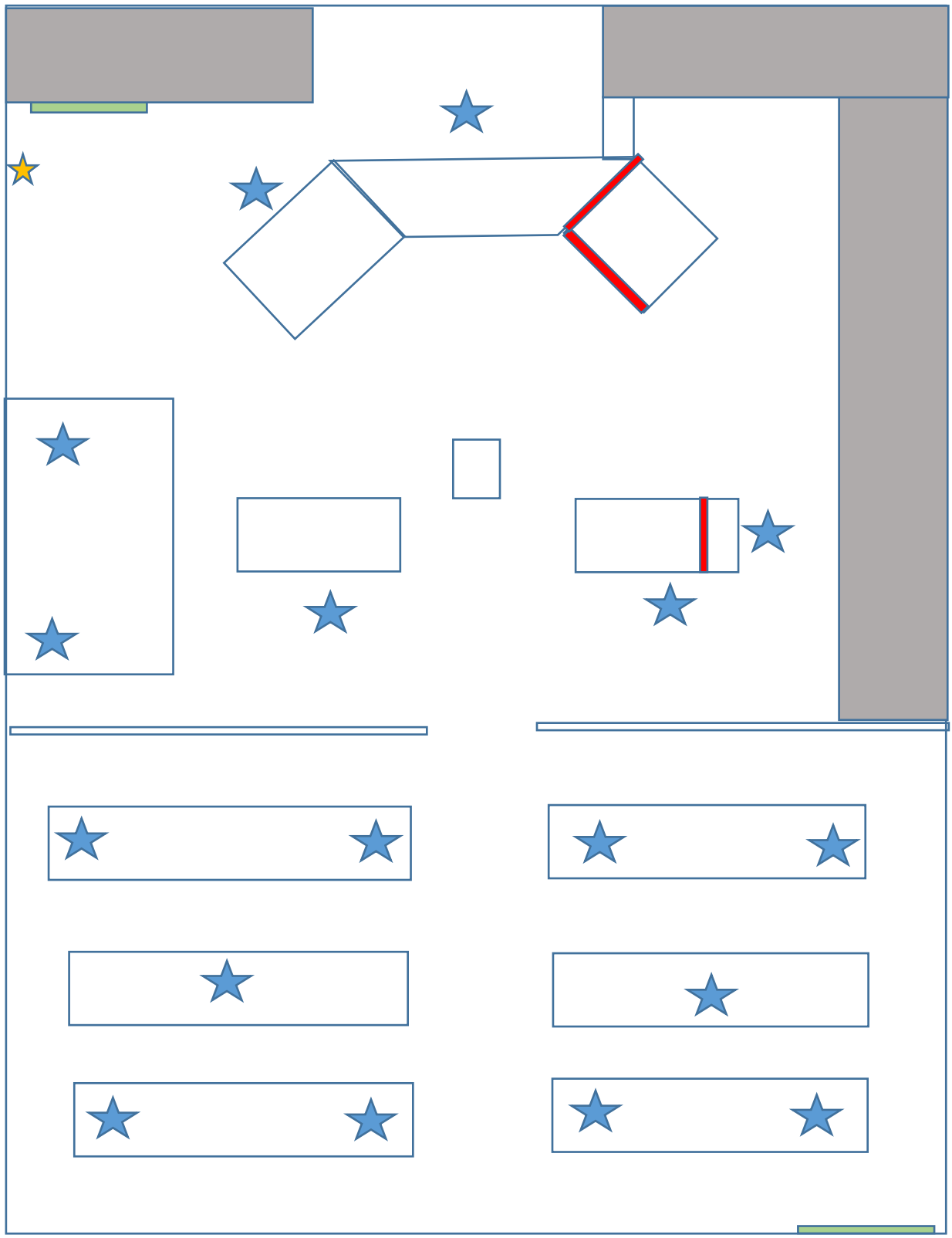
n. Jury deliberation will take place in the courtroom, and everyone else will be required to leave. Counsel will be required to take all their belongings with them.

APPENDIX

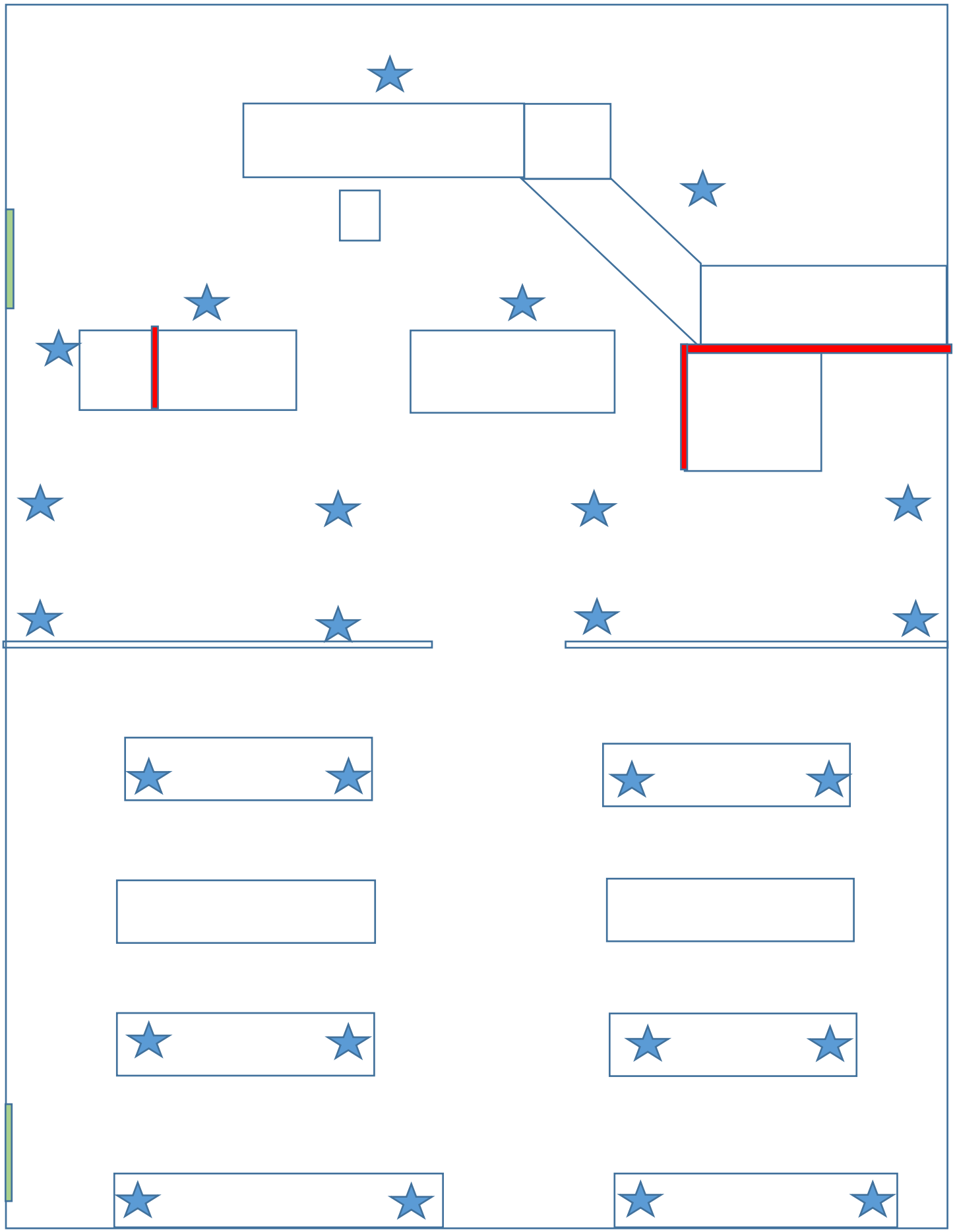
COURTROOM DIAGRAMS
AND SEATING CHARTS



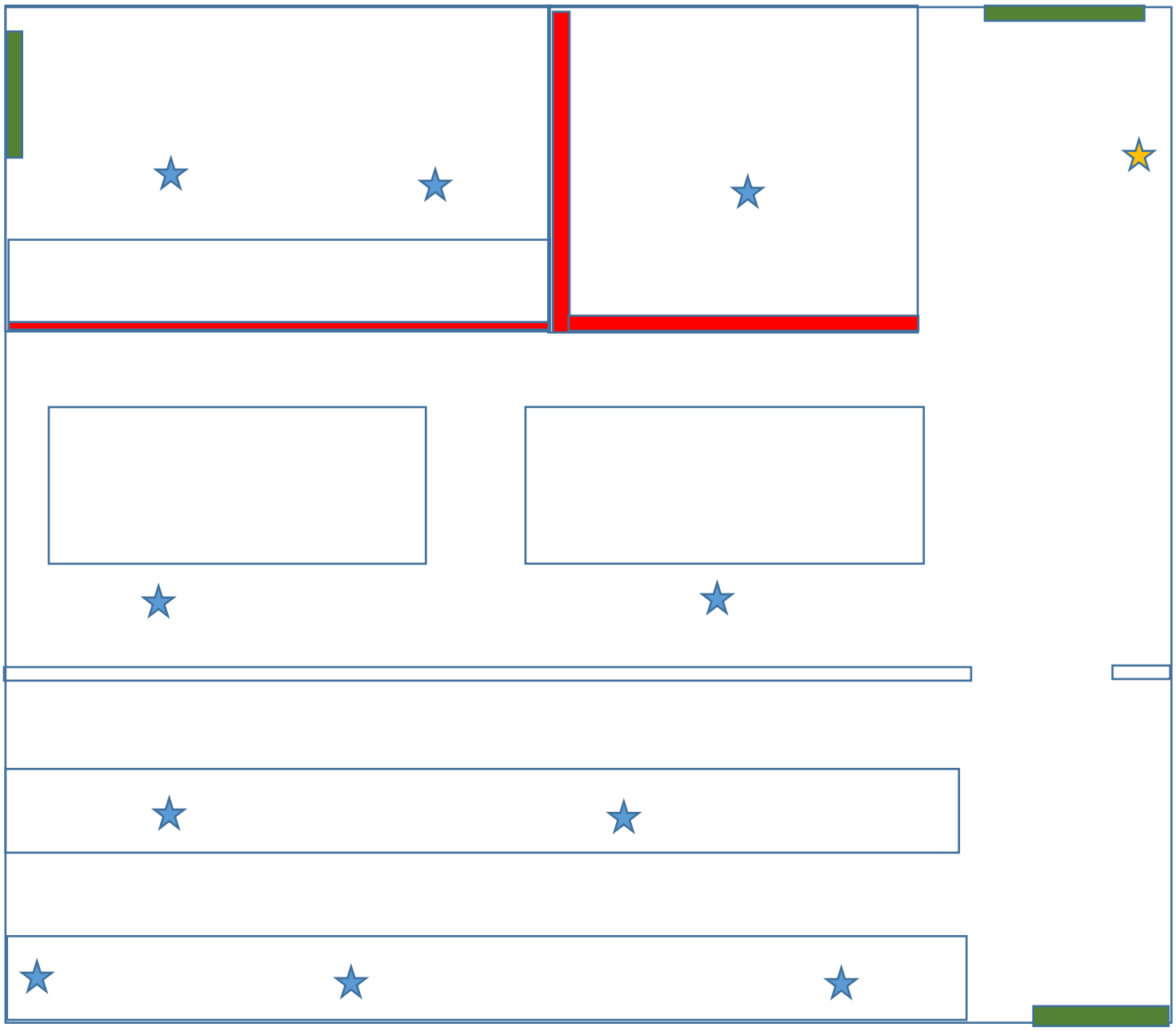
Roswell Magistrate – Courtroom 1



Roswell Magistrate – Courtroom 2



Roswell Magistrate – Courtroom 3



Roswell Magistrate – Courtroom 4

EDDY COUNTY
JURY TRIAL PROTOCOLS

CARLSBAD DISTRICT COURT
JURY TRIAL PROTOCOL

1. **Pretrial Actions**
   a. At the beginning of their term of service, Jurors will be sent a letter explaining the check-in procedures for trial and an overview of safety measures implemented at the courthouse. In the letter they will be provided with a sheet containing the COVID-19 questions in both English and Spanish.
   b. Jurors will be instructed that if, at any time during their term of service, they answer one of the questions in the affirmative, they are to immediately inform the Clerk and not come to the courthouse.
   c. Juror request for excusals:

Potential Jurors 65+:
If the juror requests to be excused due to the COVID-19 issues
- Jury Clerk should look up the jurors DOB to confirm age
- Have the Judges Form filled out
- Use the Judges excusal code "Excused-Judge Exc-form req"
- This is a temporary postponement and not a permanent excusal

Potential Jurors 75+:
If the juror requests to be excused because of age
- Juror needs to fill out the Affidavit of Age as normal

Potential Jurors 75+:
If the juror requests to be excused because of COVID-19
- Jury Clerk should look up the jurors DOB to confirm age
- Have the Judges Form filled out
- Use the Judges excusal code "Excused-Judge Exc-form req"
- This is a temporary excusal and not a permanent excusal

Potential Jurors Any Age with Medical Conditions:
If the juror requests to be excused due to a medical conditions that places them at high risk.
- The juror is required to submit a doctor's note to receive an excusal.

d. The code-a-phone recording each night will remind the jurors to review the COVID-19 screening questions and inform the court staff as soon as possible if they cannot answer "no" to each of the questions.
e. Jurors will be encouraged to take their temperature at home before coming to the courthouse.

2. **Scheduling of Jury Trials**

a. In order to address the backlog created by the suspension of jury trial, each Judge will review all pending criminal, juvenile delinquency, and civil cases that had or have trial settings in March, April, May, June, July or August. The Judge will create a list prioritizing the cases for trial in the following order:
    - Defendant is in custody on pretrial detention under Rule 5-409
    - Defendant is in custody for some other reason
    - Older cases where speedy trial not waived
    - All other criminal cases
    - Civil jury trials
b. Judges will create a list of cases and coordinate with each other on schedule of jury trials. Docket calls will be set and the trials will be set on firm settings. Cases may be set trailing to each other. The Judges will coordinate the days that trials are to begin so there will only be jury selection on one case in any day.

3. **Pretrial Case Management**

a. Plea deadlines will be set prior to any final pretrial hearing and will be enforced. In civil cases, deadlines for pretrial settlements will be set. Pursuant to Supreme Court Order No. 20-8500-022, courts will enforce a minimum plea or settlement deadline of five business days prior to jury selection or the commencement of a bench trial in criminal and civil cases set for trial during the COVID-19 public health emergency.
b. In criminal cases, a mandatory plea conference meeting will be required to be held at least one month before the jury trial setting, with required attendance of the prosecutor, defense counsel, and the defendant. Counsel

shall be responsible for scheduling the plea conference meeting using Google Meets (or another agreed upon platform). A Certificate of Compliance affirming that the conference was held shall be signed by both attorneys and filed. Counsel shall indicate on the Certificate if the case is proceeding to jury trial or if a Change of Plea hearing is requested.

c. Any evidentiary hearing on pretrial issues shall be conducted prior to the day of trial.
d. Costs for jurors and interpreters to appear at a trial that does not go forward may be taxed to the party or counsel causing the delay.
e. All trial exhibits must be disclosed prior to trial. Counsel will be urged to agree to authenticity and/or admission of exhibits where possible.
f. All pretrial motions must be filed in compliance with any pretrial order and sufficiently in advance of trial that they can be heard and decided without delaying trial.
g. Any issue raised on the morning of trial that could delay the trial may be deemed untimely and denied on those grounds.
h. Proposed jury instructions must be filed by Noon on the day before trial by all parties, or earlier if ordered by judge.
i. Late disclosure of discovery after the final pretrial conference will be grounds for dismissal, exclusion of evidence and/or sanctions.
j. All witnesses should be pre-screened by the District Attorney's Office or the Public Defender's Office to ensure the witness will be able to enter the courthouse on the day of the trial.

4. **Jury Panel**

a. Jury panel numbers will be called to obtain two 24 person panels for most jury trials. If a Judge believes one panel of 24 is sufficient, only one will be called. If a judge believes more than 48 jurors must be brought in, the Judge must consult with the Chief Judge prior to doing so. This number may need to increase due to the potential exclusion of certain groups of individuals and will be adjusted accordingly as excusal and no show rates are determined.

5. **Scheduling for other Judges in the facility**

Scheduling of hearings in the court facility on jury trial days should be non-in-person hearings only in the morning, unless the in-person proceeding will not interfere with the trial or occupancy limit of the facility.

6. **Juror check-in process**

a. In Carlsbad District Court, we believe that jury selection in almost all cases can take place in the courthouse by calling the jurors in two smaller panels for voir dire.
b. At this point, using alternative off-site locations for jury selection is not being pursued as an option, due to security and logistical issues. However, for a trial requiring a much larger panel, we will explore whether other facilities could possibly be used.
c. For most trials in District Court, the goal will be to have a panel of 35-38 show up for selection. A greater number, approximately 55, will have to be called in.
d. Juror list will be pre-printed and randomized prior to the check in process to shorten the check-in and selection process.
e. Marks will be made outside the facility on the sidewalk indicating where jurors should stand while waiting to go through the check-in process. These marks (tape/chalk marks/etc.) will be 6 feet apart.
f. A staff member will be outside the facility entrance to direct jurors about the process, hand out masks and remind jurors of the COVID-19 questions.
g. Juror will be offered a disposable mask, be directed to stay on the marked spots and given the form asking the screening questions prior to entry to the building. If a juror answers yes to any of the questions, their name will be taken and they will be required to leave.
h. Staff will then direct 3 to 4 jurors into the building at a time. Once through security/in the building, the jurors will be directed to the screening table.
i. At the screening table the jurors will be asked their name and if they answered "YES" to any of the COVID-19 questions. A poster of the questions, in English and Spanish, will be at the table for easy reference.
j. Each juror will be temperature screened and then directed to the jury clerk who will check them in and send them to the appropriate courtroom.

k. As jurors arrive at the courtroom they will be directed to a specific seat with the assistance of a bailiff to reduce contact/passing of jurors.
l. After voir dire jurors will be released in the reverse order as seated to allow jurors to exit in a manner to reduce contact/passing of jurors.
m. Jurors will be given a preprinted stick on label with their juror number.
n. Hand Sanitizer, facial tissues, and trash receptacles will be made available for juror use while in the court facility.
o. Once screened, jurors will be directed to Courtroom 1.
p. Courtroom doors will be propped open to reduce individuals contact with highly touched surfaces. Doors will remain propped open until they are required to be closed for trial and record purposes.
q. Seating in the courtrooms will be pre-marked with signage/tape directing individuals where they may sit. Each seat will be 6 feet from all other seating. Seating charts will be prepared for each courtroom.
r. These increased procedures cannot be performed by the customary one bailiff and two jury clerks, but will require assistance from other staff members, such as clerks and bailiffs. The District Court Clerk will designate staff members to assist the regular jury clerks, and those judges not presiding over the jury trial will make their bailiffs available to assist during the voir dire jury selection process. Court monitors may also be called on to assist, if not monitoring hearings for their judge. The TCAAs will coordinate with each other as to which days other staff members will be needed for trials.

7. **Jury Voir Dire**

a. Because Carlsbad has only three courtrooms, two jury rooms (one of which is very small) and no other meeting rooms available, it is not possible to seat jurors in multiple courtrooms for voir dire. In addition, the other judges will likely need to use their courtrooms for remote hearings during jury selection, as there are no other rooms in the courthouse available for this purpose.
b. Additionally, the CDC has noted the greatest danger of COVID-19 Infection is in indoor spaces, and this danger increases with the extended time of exposure. Therefore, a pool of 48 jurors will be called in, divided into two panels of 24, designated as Panel A and Panel B.
c. Panel A will report at 8:30 AM, and Panel B will report at 10:30 AM. Panel A will be released before Panel B arrives.

d. Upon arrival, and screening as described above, Panel A will be seated in Courtroom 1 (the largest courtroom).
e. Prior to trial, counsel will submit up to 7 questions for voir dire . In order to ensure that voir dire is completed within the allotted time, the judge will conduct voir dire, asking the general questions and those submitted by counsel unless deemed inappropriate.
f. After questioning the panel, the judge, counsel and defendant will go to another courtroom, if available, to conduct individual interviews. The jury panel will remain in Courtroom 1. The second courtroom will be cleaned and sanitized prior to individual interviews. The area where the juror sits/stands during the interview will be cleaned and sanitized between each interview.
g. If no other courtroom is available for interviews, the judge will inquire of counsel and the jury panel to determine which jurors will be interviewed. Those jurors will wait in the hallway with instructions to maintain social distancing using the marks on the floors for guidance. The remaining jurors will be excused from the courthouse with instruction they will be called/ call code-a-phone/ emailed to announce those jurors selected to serve. The individual interviews will then be conducted in Courtroom 1. The area where the juror stands/sits during the interview will be cleaned and sanitized between each interview. The juror will be excused from the courthouse after the interview, with appropriate instructions.
h. After individual interviews of Panel A, time permitting, the court will hear requests for for-cause strikes. If, after any for-cause strikes, there are enough jurors from Panel A to pick a jury, then Panel B will be cancelled and jury selection will take place. If not, then the voir dire process will be repeated with Panel B after their 10:30 AM arrival.
i. Courtroom 1 will be cleaned and sanitized before seating Panel B.
j. After voir dire and individual interviews are completed with Panel B, they will be excused from the courtroom with appropriate instructions.
k. The judges will consult with the District Court Clerk and determine the best method for notifying the jurors who were chosen to serve. Possibilities include, direct phone calls, emails or requiring the jurors to call the code-a-phone at a certain time.

8. **Trial**

a. Trials will begin at 1:30 PM unless otherwise stated by the judge.
b. The jurors will be brought into Courtroom 1. They will be provided the packets from the ERT before they are brought in. Note pads will be placed on the seats before they come in.
c. The jurors will be sworn in before the trial begins.
d. Jurors will be seated in the gallery to maintain social spacing, utilizing extra chairs and the jury box, as needed. A six person jury could possibly be seated in the jury box with added chairs.
e. The court monitor or reporter may be in the jury room during the trial to reduce the number of people in the courtroom.
f. The parties must provide the court with the original and a copy of all exhibits prior to trial. The original set will be placed at the witness stand so that the attorney does not have to approach the witness. Evidence presentation systems are available in each trial courtroom. If the attorney wishes to provide each juror with exhibits for inspection or the attorney feels that evidence presentation system is not adequate for publication to the jury, the attorney will have individual sets of exhibits made prior to the trail commencing and provide them to the court immediately prior to the commencement of the trial.
g. Jurors will be required to sit in the same seat for the duration of the trial.
h. Available space in the gallery will then be made available first to victims and victim representatives or family, then the press, and finally to other members of the public. However, the total number in the courtroom will not exceed room capacity allowing for proper social spacing.
i. We plan to set up a Polycom unit or laptop webcam and using Google Meets join the systems using the new Google Meets Interface to send the audio and video into an appropriate empty courtroom/room. If a person wishes to observe the trial but there is no space, that person will be given the link to the Google Meet session. The press and public will at least be able to listen to the trial proceedings using Google Meet. The press can also set up a fixed video camera to stream the proceedings. If there is more than one press entity requesting video, they shall share the single feed. The camera will be set up so that it does not show any of the jurors.

j. For bench conferences, the Judge and counsel will go to the jury room while jurors remain in the courtroom, unless social distancing can be maintained for bench conferences in the courtroom and the conference occurs outside the hearing of the jury. If possible, the court monitor will monitor from the courtroom in order to reduce the number of people in the jury room. Places will be marked in the jury room where the Judge and counsel are to stand to maintain social distancing. The Judge and counsel will enter and exit the jury room to maintain social distancing.

k. If issues come up during trial that must be considered outside the hearing of the jury that can't be addressed in a bench conference, the Judge, monitor, counsel and the defendant will go to another courtroom, if available, to address the matters. Any members of the public will be required to leave the courtroom. During these times and other breaks, the jurors will remain in Courtroom 1, and will have access to bathroom facilities in the jury room.

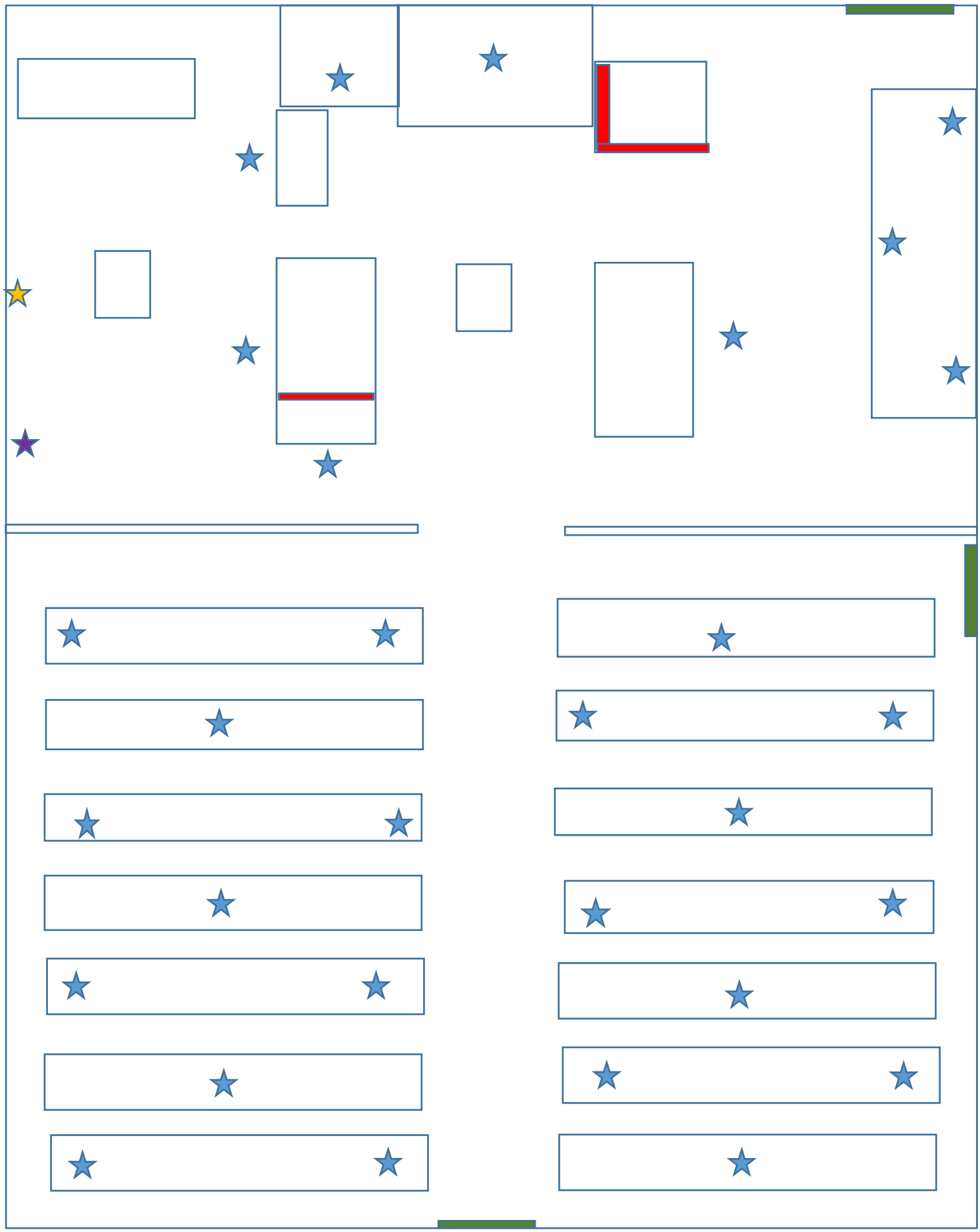
l. The Defendant/Party and their attorney will be able to communicate in writing by passing notes under or around the table barrier. If greater communication is required, the Court will allow a brief break for the defendant/party and their attorney to confer. Between direct and cross-examination, a break will be taken to allow the defendant and counsel to meet briefly outside the courtroom while maintaining social distancing to discuss matters. The jury will be instructed that the break is necessary to allow communication while maintain social distancing. In remote hearings, there the defendant is in custody, a phone is available. Where the defendant is not in custody, the defense counsel must make arrangements to speak with the client. This may mean that they have to get off the Google meet to talk and then get back on the session. The Court will continue to explore technologies to allow parties and their counsel to privately communicate, while maintaining social distance.

m. Jurors will be provided with disposable notepads for note taking. At the end of the day, they will be given a manila envelope to put their pad in, seal the envelope and write their juror name or number on the outside. The Bailiff will gather the envelopes and put them in a box or accordion folder to distribute prior to the beginning of trial the next day.

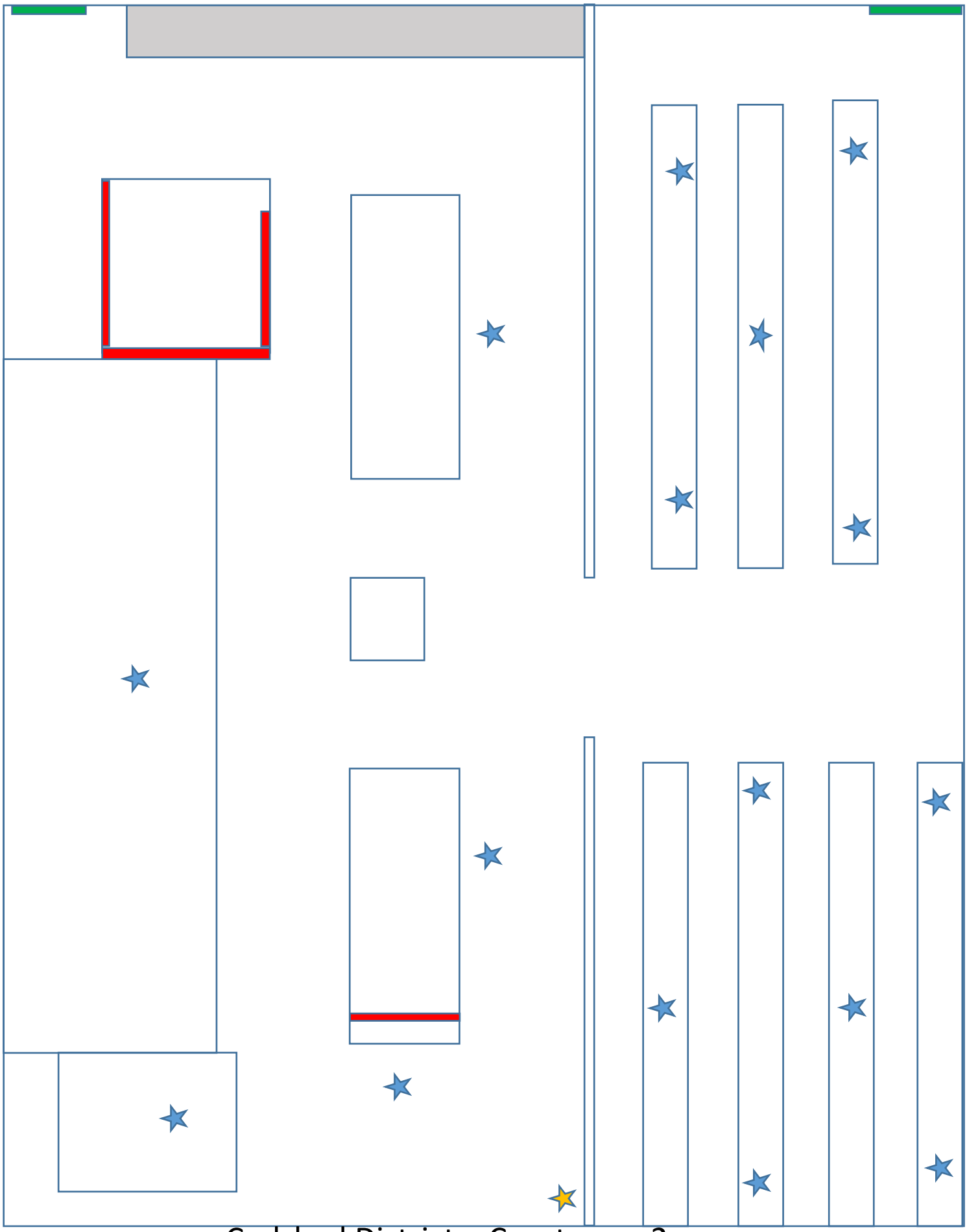
n. Jury deliberation will take place in the courtroom, and everyone else will be required to leave. Counsel will be required to take all their belongings with them once deliberations begin.

APPENDIX

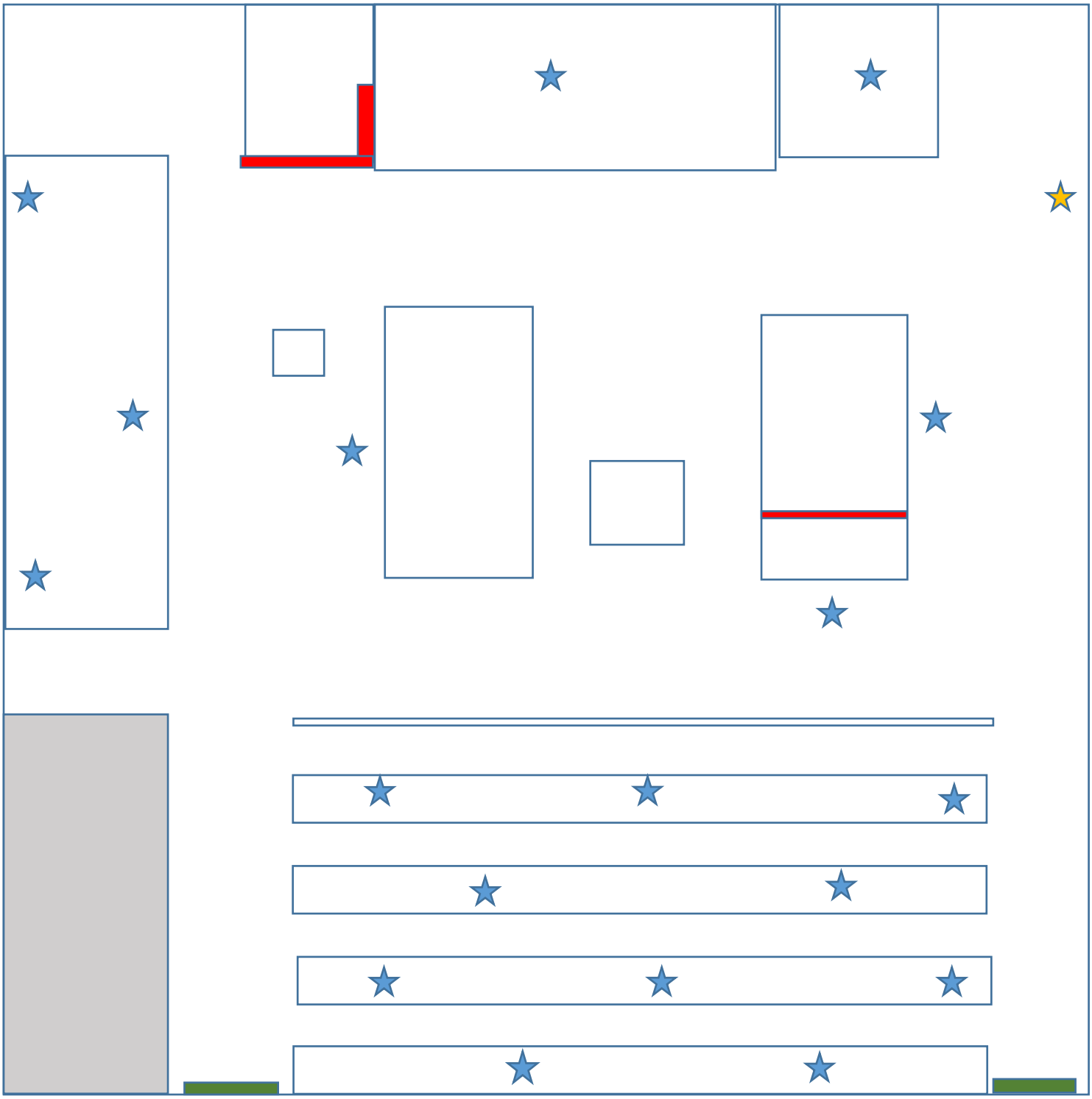
COURTROOM DIAGRAMS AND SEATING CHARTS



Carlsbad District – Courtroom 1



Carlsbad District – Courtroom 2



Carlsbad District – Courtroom 3

CARLSBAD MAGISTRATE COURT
JURY TRIAL PROTOCOL

1. **Pretrial Actions**
   a. At the beginning of their term of service, Jurors will be sent a letter explaining the check-in procedures for trial and an overview of safety measures implemented at the courthouse. In the letter they will be provided with a sheet containing the COVID-19 questions in both English and Spanish.
   b. Jurors will be instructed that if, at any time during their term of service, they answer one of the questions in the affirmative, they are to immediately inform the Clerk and not come to the courthouse.
   c. Juror request for excusals:

Potential Jurors 65+:
If the juror requests to be excused due to the COVID-19 issues
- Jury Clerk should look up the jurors DOB to confirm age
- Have the Judges Form filled out
- Use the Judges excusal code "Excused-Judge Exc-form req"
- This is a temporary postponement and not a permanent excusal

Potential Jurors 75+:
If the juror requests to be excused because of age
- Juror needs to fill out the Affidavit of Age as normal

Potential Jurors 75+:
If the juror requests to be excused because of COVID-19
- Jury Clerk should look up the jurors DOB to confirm age
- Have the Judges Form filled out
- Use the Judges excusal code "Excused-Judge Exc-form req"
- This is a temporary excusal and not a permanent excusal

Potential Jurors Any Age with Medical Conditions:
If the juror requests to be excused due to a medical conditions that places them at high risk.
- The juror is required to submit a doctor's note to receive an excusal.

d. The code-a-phone recording each night will remind the jurors to review the COVID-19 screening questions and inform the court staff as soon as possible if they cannot answer "no" to each of the questions.
e. Jurors will be encouraged to take their temperature at home before coming to the courthouse.

2. Scheduling of Jury Trials

a. There needs to be an order to address the backlog created by the suspension of jury trials, to be completed through coordination between both Magistrate Judges. Only one trial can be done in the Carlsbad Magistrate Court with the social distancing issues and the size of the courtrooms. The priority for trials is as follows:
    - Older cases where speedy trial not waived
    - Defendant is in custody for some other reason
    - All other criminal cases
b. Judges will create a list of cases and coordinate with each other on master schedule of jury trials. Docket calls will be set and the trials will be set on firm settings. Cases may be set trailing to each other. As juries are only set on Fridays as a norm for Carlsbad Magistrate and jury trials are easily completed in one day even with the COVID-19 issues presented, the Court Manager with the Judges will consider any extra available days within the scheduling docket since only one trial may be set per day. Jury trials will only have jury selection on that scheduled case in any day.

3. **Pretrial Case Management**

a. Plea deadlines will set prior to any final pretrial hearing and will be enforced. In civil cases, deadlines for pretrial settlement will be established. Pursuant to Supreme Court Order No. 20-8500-022, courts will enforce a minimum plea or settlement deadline of five business days prior to jury selection or the commencement of a bench trial in criminal and civil cases set for trial during the COVID-19 public health emergency.
b. In criminal cases, a mandatory plea conference meeting will be required to be held at least one month before the jury trial setting, with required attendance of the prosecutor, defense counsel, and the

defendant. Counsel shall be responsible for scheduling the plea conference meeting using Google Meets (or another agreed upon platform). A Certificate of Compliance affirming that the conference was held shall be signed by both attorneys and filed. Counsel shall indicate on the Certificate if the case is proceeding to jury trial or if a Change of Plea hearing is requested.Any evidentiary hearing on pretrial issues shall be conducted prior to the day of trial.

c. Costs for jurors and interpreters to appear at a trial that does not go forward may will be taxed to the party or counsel causing the delay.
d. All trial exhibits must be disclosed prior to trial. Counsel will be urged to agree to authenticity and/or admission of exhibits where possible.
e. All pretrial motions must be filed sufficiently in advance of trial that they can be heard and decided without delaying trial.
f. Any issue raised on the morning of trial that could delay the trial may be deemed untimely and denied on those grounds.
g. Proposed jury instructions must be filed by Noon on the day before trial by all parties.
h. Late disclosure of discovery after the final pretrial conference will be grounds for dismissal, exclusion of evidence and/or sanctions.
i. All witnesses should be pre-screened by the District Attorney's Office or the Public Defender's Office to ensure the witness will be able to enter the courthouse on the day of the trial

4. Jury Panel

Sufficient jury panel numbers will be called to obtain a 28 person panel for most jury trials. If a Judge believes more jurors must be brought in, the Judge must consult with the Lead Work/Jury Clerk prior to doing so. To get 28 jurors to appear may require approximately 40 people to come in on any particular day. This number may need to increase due to the potential exclusion of certain groups of individuals and will be adjusted accordingly as excusal and no show rates are determined.

5. Juror check-in process

a. Juror list will be pre-printed and randomized prior to the check in process to shorten the check-in and selection process.

b. Marks will be made outside the facility on the sidewalk indicating where jurors should stand while waiting to go through the check-in process. These marks (tape/chalk marks/etc.) will ~~need to~~ be 6 feet apart.
c. A staff member will be outside the facility entrance to direct jurors about the process, hand out masks and remind jurors of the COVID-19 questions.
d. Juror will be provided a disposable mask, be directed to stay on the marked spots and given the form asking the four initial screening questions prior to entry to the building. If a juror answers yes to any of the questions their name will be taken and they will be required to leave.
e. Staff will then direct 3 to 4 jurors into the building at a time. Once through security/in the building, the jurors will be directed to the screening table.
f. At the screening table the jurors will be asked their name and if they answered "YES" to any of the COVID-19 questions. A poster of the questions, in English and Spanish, will be at the table for easy reference.
g. Each juror will be temperature screened and then directed to the jury clerk who will check them in and send them to the appropriate courtroom.
h. As jurors arrive at the courtroom they will be directed to a specific seat with the assistance of the bailiff/clerk to reduce contact/passing of jurors.
i. After voir dire jurors will be released in the reverse order as seated to allow jurors to exit in a manner to reduce contact/passing of jurors.
j. Jurors will be given a preprinted stick on label with their juror number.
k. Hand Sanitizer, facial tissues, and trash receptacles will be made available for juror use while in the court facility.
l. Once screened, jurors will be directed to the appropriate courtroom. Jurors 1-14 will go to Courtroom 1. Jurors 15-28 will go to Courtroom 2. There will be assigned seats in each courtroom with the number indicated.
m. Courtroom doors will be propped open to reduce individuals contact with highly touched surfaces. Doors will remain propped open until they are required to be closed for trial and record purposes.
n. Seating in the courtrooms will be pre-marked with signage/tape directing individuals where they may sit. Each seat will be 6 feet from all other seating. Seating charts will be prepared for each courtroom.
o. The Clerk will modify the standard seating charts to show the numbers of jurors that have been filled in to other seats. A copy will be made and

provided to counsel. During voir dire, jurors will be referred to by number only.

p. While jurors are arriving and being seated, the Judge will meet with counsel and the defendant in the Jury Room and the hallway, with a mind to social distancing to address any pretrial issues.

6. Jury Voir Dire

a. Jury trials will be held in either Courtroom 1 or Courtroom 2. Only 14 jurors at a time can safely be allowed into either courtroom for the voir dire process.

b. The court will meet with counsel and the defendant in the jury room and hall as stated to address any pretrial issues before jury selection begins.

c. The Judge may expand voir dire conducted by the court and establish time limits for voir dire by counsel.

d. The court will begin jury selection in Courtroom 1. The court will complete the introductory remarks and ask the initial questions of the jurors. The attorneys will then ask questions.

e. The Judge, counsel and the defendant will go to Courtroom 2 and repeat the process.

f. The Judge, counsel and the defendant will then go to the jury room, with the door open and quietly and as privately as possible, do individual examination of jurors in private, consideration of challenges, and selection of the jury.

g. The Judge, counsel and the defendant will go to courtroom 1 to announce the jurors who have been selected. Those jurors will be escorted to the jury room. The remainder of the panel that was not selected will be dismissed.

h. The Judge, monitor, counsel and the defendant will go to courtroom 2 to announce the jurors who have been selected. Those jurors will be escorted to the jury room as described. The remainder of the panel that was not selected will be dismissed.

i. The seats in each Courtroom will then be wiped down and sanitized.

7. Trial

a. All jury trials will begin immediately after jury selection.

b. The jurors will be brought into whichever courtroom that has been assigned (either Courtroom 1 or Courtroom 2). Jurors will be provided the packets from the ERT which will be placed on the seats before they come in.
c. The jurors will be sworn in before the trial begins.
d. Jurors will be seated six feet apart, three in the jury boxes and 4 in the rows. Signs will be placed on the benches that stop people from sitting near the jurors. Chairs or another barrier will be placed in front of the jury box and the gallery to maintain social spacing.
e. The parties must provide the court with the original and a copy of all exhibits prior to trial. The original set will be placed at the witness stand so that the attorney does not have to approach the witness. Evidence presentation systems are available in each trial courtroom. If the attorney wishes to provide each juror with exhibits for inspection or the attorney feels that evidence presentation system is not adequate for publication to the jury, the attorney will have individual sets of exhibits made prior to the trail commencing and provide them to the court immediately prior to the commencement of the trial.
f. Jurors will be required to sit in the same seat for the duration of the trial.
g. Available space in the gallery will then be made available first to victims and victim representatives or family, then the press, and finally to other members of the public. However, the total number in the courtroom will not exceed room capacity allows proper social spacing.
h. We plan to set up a Polycom unit or laptop webcam and using Google Meets join the systems using the new Google Meets Interface to send the audio and video into an appropriate empty courtroom/room. If a person wishes to observe the trial but there is no space, that person will be given the link to the Google Meet session. The press and public will at least be able to listen to the trial proceedings using Google Meet. The press can also set up a fixed video camera to stream the proceedings. If there is more than one press entity requesting video, they shall share the single feed. The camera will be set up so that it does not show any of the jurors.
i. For bench conferences, the Judge and counsel will go to the hallway while jurors remain in the courtroom. This is necessary because social

distancing cannot be maintained for bench conferences in the courtroom and the conference occur outside the hearing of the jury. In addition, if plexiglass barriers are installed, they will prevent bench conferences in the courtroom. Places will be marked in the anteroom where the Judge and counsel are to stand to maintain social distancing. The Judge and counsel will enter and exit the hallway to maintain social distancing.

j. If issues come up during trial that must be considered outside the hearing of the jury that can't be addressed in a bench conference, the Judge, counsel and the defendant will stay in either courtroom as assigned to address the matters. Any members of the public will be required to leave the courtroom. During these times and other breaks, the jurors will be brought to the jury room, as described. There they will have access to bathroom facilities in the jury room or hallway behind the courtroom.

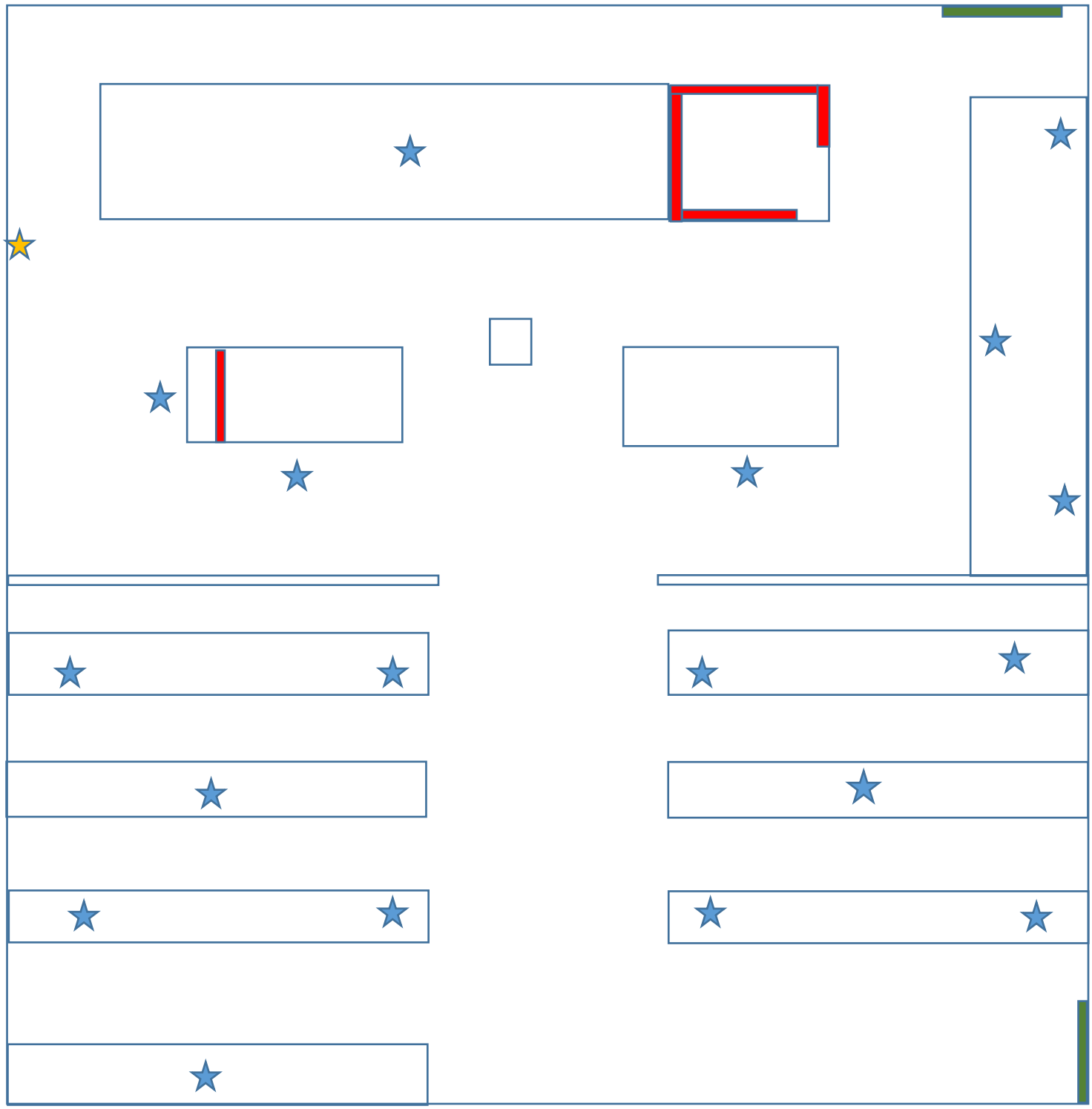
k. The Defendant/Party and their attorney will be able to communicate in writing by passing notes under or around the table barrier. If greater communication is required, the Court will allow a brief break for the defendant/party and their attorney to confer. Between direct and cross-examination, a break will be taken to allow the defendant and counsel to meet briefly outside the courtroom while maintaining social distancing to discuss matters. The jury will be instructed that the break is necessary to allow communication while maintain social distancing. In remote hearings, there the defendant is in custody, a phone is available. Where the defendant is not in custody, the defense counsel must make arrangements to speak with the client. This may mean that they have to get off the Google meet to talk and then get back on the session. The Court will continue to explore technologies to allow parties and their counsel to privately communicate, while maintaining social distance.

l. Individual sets of jury instructions will be copied and provided to the jurors and extra sets will be produced as the need arises.

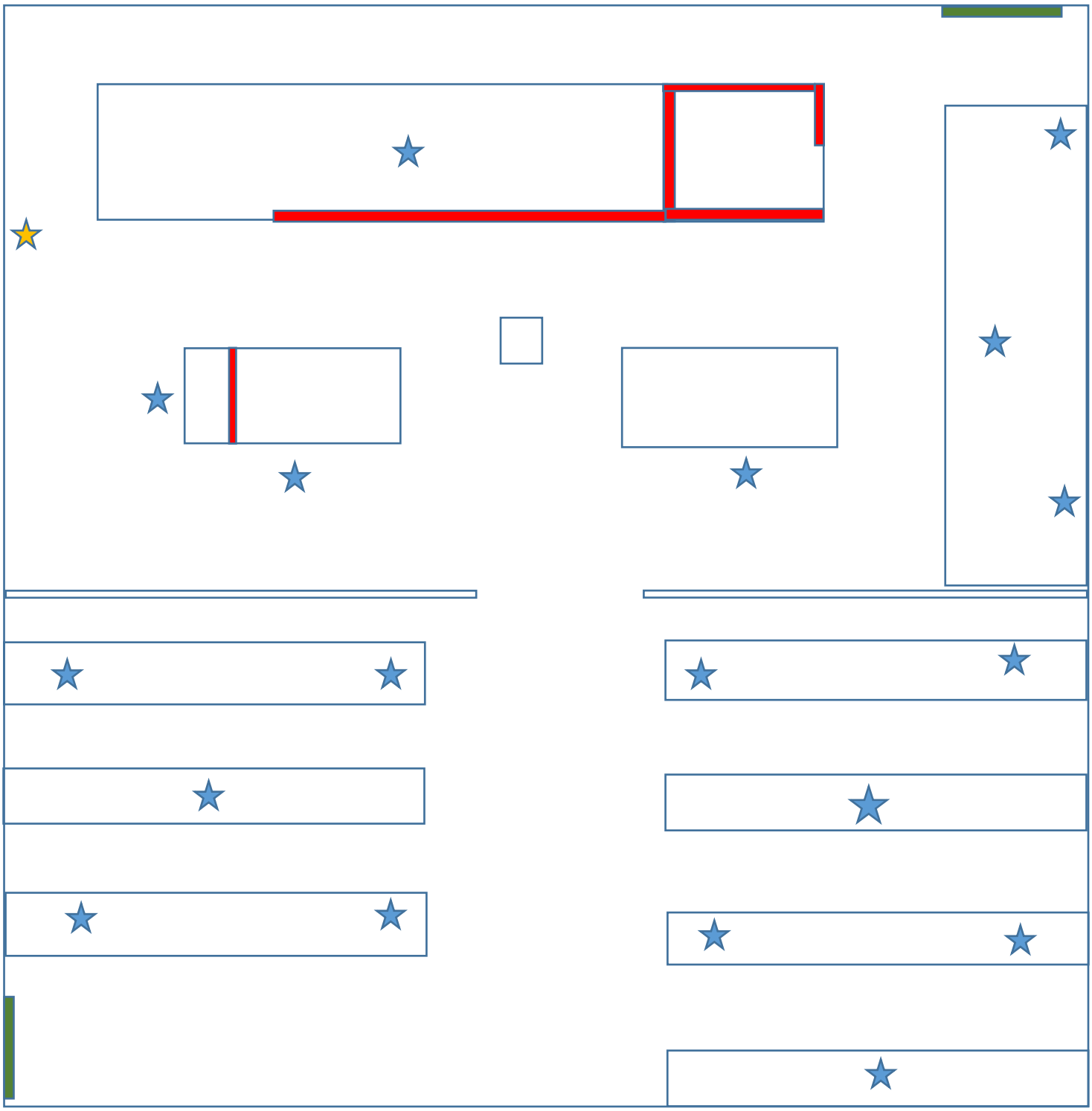
m. Jury deliberation will take place in the courtroom, and everyone else will be required to leave. Counsel will be required to take all their belongings with them once deliberations begin.

APPENDIX

COURTROOM DIAGRAMS
SEATING CHARTS



Carlsbad Magistrate – Courtroom Calicoat



Carlsbad Magistrate – Courtroom Read

ARTESIA MAGISTRATE COURT
JURY TRIAL PROTOCOL

PRETRIAL ACTIONS

a. At the beginning of their term of service, Jurors will be sent a letter explaining the check-in procedures for trial and an overview of safety measures implemented at the courthouse. In the letter they will be provided with a sheet containing the COVID-19 questions in both English and Spanish.
b. Jurors will be instructed that if, at any time during their term of service, they answer one of the questions in the affirmative, they are to immediately inform the Clerk and not come to the courthouse.
c. Juror request for excusals:

Potential Jurors 65+:

If the juror requests to be excused due to the COVID-19 issues

- Jury Clerk should look up the jurors DOB to confirm age
- Have the Judges Form filled out
- Use the Judges excusal code "Excused-Judge Exc-form req"
- This is a temporary postponement and not a permanent excusal

Potential Jurors 75+:

If the juror requests to be excused because of age

- Juror needs to fill out the Affidavit of Age as normal

Potential Jurors 75+:

If the juror requests to be excused because of COVID-19

- Jury Clerk should look up the jurors DOB to confirm age
- Have the Judges Form filled out
- Use the Judges excusal code "Excused-Judge Exc-form req"
- This is a temporary excusal and not a permanent excusal

Potential Jurors Any Age with Medical Conditions:

If the juror requests to be excused due to a medical conditions that places them at high risk.

- The juror is required to submit a doctor's note to receive an excusal.

d. The code-a-phone recording each night will remind the jurors to review the COVID-19 screening questions and inform the court staff as soon as possible if they cannot answer "no" to each of the questions.
e. Jurors will be encouraged to take their temperature at home before coming to the courthouse.

SCHEDULING OF JURY TRIALS

1. In order to address the backlog that has been created by the suspension of jury trials, the Judge will review all pending criminal cases that have had or have trial settings in March, April, May, June, July, or August. The judge will create a list prioritizing the cases for trial in the following order:
    a. Defendant is in custody with revoked bond
    b. Defendant is in custody for some other reason
    c. Older cases in which the defendant is not in custody
    d. More recent cases in which the defendant is not in custody
    e. All other criminal cases
2. The Judge will coordinate with other Judges who are set to hold jury trials in Artesia Magistrate.
3. Jury trials will be set on firm settings. Cases may be set in a trailing fashion.

PRETRIAL CASE MANAGEMENT

1. Plea deadlines will be set prior to any final pretrial hearing and enforced. Pursuant to Supreme Court Order No. 20-8500-022, courts will enforce a minimum plea or settlement deadline of five business days prior to jury selection or the commencement of a bench trial in criminal and civil cases set for trial during the COVID-19 public health emergency.
2. In criminal cases, a mandatory plea conference meeting will be required to be held at least one month before the jury trial setting, with required attendance of the prosecutor, defense counsel, and the defendant. Counsel shall be responsible for scheduling the plea conference meeting using Google Meets (or another agreed upon platform). A Certificate of Compliance affirming that the conference was held shall be signed by both attorneys and

filed. Counsel shall indicate on the Certificate if the case is proceeding to jury trial or if a Change of Plea hearing is requested.

3. Any hearings on pretrial issues shall be conducted prior to the day of the trial.
4. Costs for jurors and interpreters to appear at a trial that does not go forward may be taxed to the party or counsel causing the delay.
5. All trial exhibits must be disclosed prior to trial. Counsel will be urged to agree to authenticity and/or admission of exhibits where possible.
6. All pretrial motions must be filed sufficiently in advance of trial that they can be heard and decided without delaying trial.
7. Any issue raised on the morning of trial that could delay the trial may be deemed untimely and denied on those grounds.
8. Proposed jury instructions must be filed by 12:00 pm on the day before trial by all parties.
9. Late disclosure of discovery after the final pretrial conference will be grounds for dismissal, exclusion of evidence, and/or sanctions.
10. All witnesses should be pre-screened by the District Attorney's Office or the Public Defender's Office to ensure the witnesses will be able to enter the courthouse on the day of the trial.

JURY PANEL

Jury trials at this time are only scheduled to occur on Thursdays in Artesia Magistrate Court. The jury pool is split into four groups. Each group consists of approximately twenty-five jurors. Each group is pre-scheduled for the entire six-month term on a four-week rotation. The jurors call in on the Wednesday prior to their scheduled trial date after hours to the code-a-phone to see if a jury trial will be held the next morning or not.

SCHEDULING FOR OTHER JUDGES IN THE FACILITY

Artesia Magistrate is a one courtroom facility. Only one hearing can be held at a time. There are some cases that were assigned to other judges prior to COVID-19 by either excusal or recusal. The Artesia Judge and the visiting Judges will evaluate the overlapping cases prior to the trial dates to determine the priority of these cases.

JUROR CHECK-IN PROCESS

1. At the Artesia Magistrate Court, there is not a room big enough (including the courtroom) to have all jurors, staff, attorneys, and the Judge in the same room at once and be able to adhere to the social distancing rules. Jury selection may have to be completed offsite. Some offsite locations being considered at this time are any auditorium owned and operated by the City of Artesia or the Artesia Public School System. Another possible location is the Artesia Municipal Court. Once a jury is selected, the jurors that are not selected will be released from that location. The jurors selected will then commute to the Artesia Magistrate Court to begin the trial that same day. These locations will be vetted to make sure there are enough rooms to conduct the necessary proceedings and that the location works for jury selection. A Memorandum of Understanding with the entity will have to be entered into for use of the facility. Recording devices will not be needed as jury trial proceedings are not recorded. It is unknown at this time which facilities will be available and if the use of any of these facilities would create any cost.
2. Juror lists will be pre-printed and randomized prior to the check-in process to shorten the check-in and selection process.
3. Marks will be made outside the facility on the sidewalk indicating where jurors should stand while waiting to go through the check-in process. These marks (tape/chalk marks, etc.) will need to be at minimum of six feet apart.
4. A staff member will be in the lobby of the facility or outside of the facility entrance to direct jurors about the process, hand out masks, and remind jurors of the COVID-19 questions.
5. Juror will be provided with a disposable mask, be directed to stay on the marked spots and given the form containing the COVID-19 questions. If a juror answers yes to any of the questions, their name will be taken, and they will be required to leave.
6. Staff will then direct jurors to the screening table where they will meet with another clerk.
7. At this screening table, the juror will be asked their name and if they answered “yes” to any of the COVID-19 questions. A poster containing the questions in both English and Spanish will be at the table for easy reference.

8. Each juror will be temperature scanned, given a pre-printed stick on label with their juror number, and directed into the auditorium to be seated. There will be predetermined assigned seating in the auditorium.
9. Jurors will be given a preprinted stick on label with their juror number.
10. As jurors arrive at the courtroom they will be directed to a specific seat with the assistance of a bailiff or staff to reduce contact/passing of jurors.
11. After voir dire jurors will be released in the reverse order as seated to allow jurors to exit in a manner to reduce contact/passing of jurors.
12. Hand sanitizer, facial tissue, and trash receptacles will be provided for use by jurors during proceedings.
13. Doors to the auditorium will be propped open to reduce contact with highly touched surfaces. Doors will remain open for the duration of the jury selection process.
14. A copy of the seating chart will be given to counsel with the absent jurors crossed off.
15. While jurors are being seated, the Judge will meet with counsel and the defendant to discuss any pretrial issues.
16. Jury selection will begin as soon as possible after the jurors have been cleared and seated. The Judge will complete the introductory remarks and ask the initial questions of the jurors. The attorneys will ask questions after the Judge has completed them.
17. After questioning has been completed, the Judge, counsel, and the defendant will move to another room for individual examination of the jurors in private, consideration of challenges, and selection of the jury.
18. The Judge, counsel, and the defendant will return to the auditorium and announce the jurors who have been selected. Those jurors will be instructed to travel to the Artesia Magistrate Court and given a timeframe in which to be present at the court. The remaining jurors will be dismissed and free to leave at that time.
19. The facility will be wiped down and sanitized before leaving.

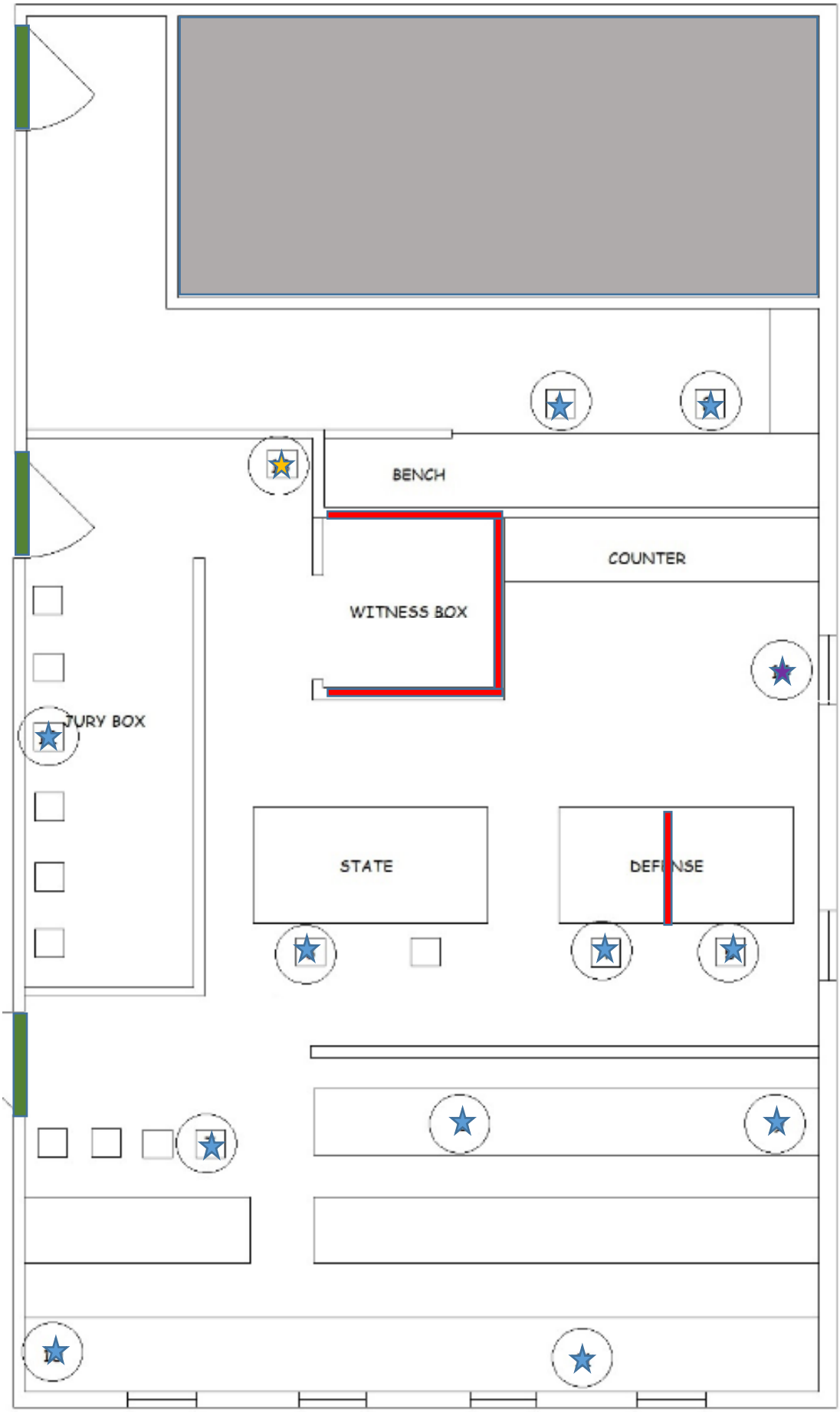
JURY TRIAL

1. Jury trials will begin immediately after all parties have returned to the courthouse.

2. The jurors will be seated in the gallery and jury box per the pre-determined seating chart. This will allow for the required social distancing.
3. Jurors will be required to remain in the same seat for the duration of the trial.
4. There is no additional space in the courtroom for any other people other than those essential to the jury trial itself. Victims, victim representatives or family, press, and any other members of the public will be provided with the Google Meets link/phone number to be able to view/hear the trial proceedings. The jury trial will only be available by audio. All parties linking into the Google Meets set up will be required to mute their device on their end and remain muted. The Judge will remove anyone from the Google Meets media for interruption.
5. If issues come up during the trial that must be considered outside the hearing of the jury, the Judge, counsel, the defendant will go to the jury room to address the issues. The Google Meets conference will be muted from the court side. During these times, and other breaks, the jurors will remain in the courtroom and will have access to the bathroom facilities in the lobby of the courthouse.
6. The parties must provide the court with the original and a copy of all exhibits prior to trial. The original set will be placed at the witness stand so that the attorney does not have to approach the witness. Evidence presentation systems are available in each trial courtroom. If the attorney wishes to provide each juror with exhibits for inspection or the attorney feels that evidence presentation system is not adequate for publication to the jury, the attorney will have individual sets of exhibits made prior to the trail commencing and provide them to the court immediately prior to the commencement of the trial.
7. Jurors will be provided the packets from the ERT .
8. The Defendant/Party and their attorney will be able to communicate in writing by passing notes under or around the table barrier. If greater communication is required, the Court will allow a brief break for the defendant/party and their attorney to confer. Between direct and cross-examination, a break will be taken to allow the defendant and counsel to meet briefly outside the courtroom while maintaining social distancing to discuss matters. The jury will be instructed that the break is necessary to allow communication while maintain social distancing. In remote hearings, where the defendant is in custody, a phone is available. Where the defendant is not in custody, the defense counsel

must make arrangements to speak with the client. This may mean that they have to get off the Google meet to talk and then get back on the session. The Court will continue to explore technologies to allow parties and their counsel to privately communicate, while maintaining social distance.

9. In the unlikely event that a jury trial goes into a second day, the jurors will be given a manila envelope to seal their note pads in. The juror will then write their juror number on the outside of the envelope and place it on their seat. The courtroom will be locked overnight.
10. Jury deliberation will take place in the courtroom. Everyone else will leave the courtroom. No one other than the jury will remain in the courtroom. Counsel will take all belongings with them. The Judge will disconnect from the Google Meets conference. The conference call will remain active allowing those logged in to remain on the line. There will be no connection to the courtroom until the jury is completed with deliberation and the Judge rejoins the call. Google Meets allows for the host of the call to disconnect while keeping the call going.
11. Once a verdict is reached, the jury will be dismissed. Prior to leaving, the jurors will be given an envelope to place their notes in. The envelope will be sealed by the juror and left on their chair at the conclusion of the trial. The envelopes will be collected after they have left and be destroyed.



Artesia Magistrate - Courtroom

LEA COUNTY
JURY TRIAL PROTOCOLS

LOVINGTON DISTRICT COURT
JURY TRIAL PROTOCOL

1. Pretrial Actions

a. At the beginning of their term of service, Jurors will be sent a letter explaining the check-in procedures for trial and an overview of safety measures implemented at the courthouse. In the letter they will be provided with a sheet containing the COVID-19 questions in both English and Spanish.

b. Jurors will be instructed that if, at any time during their term of service, they answer one of the questions in the affirmative, they are to immediately inform the Clerk and not come to the courthouse.

c. Juror request for excusals:

Potential Jurors 65+:

If the juror requests to be excused due to the COVID-19 issues

- Jury Clerk should look up the jurors DOB to confirm age
- Have the Judges Form filled out
- Use the Judges excusal code "Excused-Judge Exc-form req"
- This is a temporary postponement and not a permanent excusal

Potential Jurors 75+:

If the juror requests to be excused because of age

- Juror needs to fill out the Affidavit of Age as normal

Potential Jurors 75+:

If the juror requests to be excused because of COVID-19

- Jury Clerk should look up the jurors DOB to confirm age
- Have the Judges Form filled out
- Use the Judges excusal code "Excused-Judge Exc-form req"
- This is a temporary excusal and not a permanent excusal

Potential Jurors Any Age with Medical Conditions:

If the juror requests to be excused due to a medical conditions that places them at high risk.

- The juror is required to submit a doctor's note to receive an excusal.

d. The code-a-phone recording each night will remind the jurors to review the COVID-19 screening questions and inform the court staff as soon as possible if they cannot answer "no" to each of the questions.
e. Jurors will be encouraged to take their temperature at home before coming to the courthouse.

2. Scheduling of Jury Trials

a. In order to address the backlog created by the suspension of jury trial, each Judge will review all pending criminal, juvenile delinquency, and civil, cases that had or have trial settings in March, April, May, June, July or August. The Judge will create a list prioritizing the cases for trial in the following order:
   - Defendant is in custody on pretrial detention under Rule 5-409
   - Defendant is in custody for some other reason
   - Older cases where speedy trial not waived
   - All other criminal cases
   - Civil jury trials
b. Judges will create a list of cases and coordinate with each other on master schedule of jury trials. Docket calls will be set and the trials will be set on firm settings. Cases may be set trailing to each other. The Judges will coordinate the days that trials are to begin so there will only be jury selection on one case in any day.

3. **Pretrial Case Management**

a. Plea deadlines will set prior to any final pretrial hearing and enforced. In civil cases, deadlines for pretrial settlement will be established. Pursuant to Supreme Court Order No. 20-8500-022, courts will enforce a minimum plea or settlement deadline of five business days prior to jury selection or the commencement of a bench trial in criminal and civil cases set for trial during the COVID-19 public health emergency.
b. In criminal cases, a mandatory plea conference meeting will be required to be held at least one month before the jury trial setting, with required attendance of the prosecutor, defense counsel, and the defendant. Counsel shall be responsible for scheduling the plea

conference meeting using Google Meets (or another agreed upon platform). A Certificate of Compliance affirming that the conference was held shall be signed by both attorneys and filed. Counsel shall indicate on the Certificate if the case is proceeding to jury trial or if a Change of Plea hearing is requested.

c. Any evidentiary hearing on pretrial issues shall be conducted prior to the day of trial.
d. Costs for jurors and interpreters to appear at a trial that does not go forward may be taxed to the party or counsel causing the delay.
e. All trial exhibits must be disclosed prior to trial. Counsel will be urged to agree to authenticity and/or admission of exhibits where possible.
f. All pretrial motions must be filed sufficiently in advance of trial that they can be heard and decided without delaying trial.
g. Any issue raised on the morning of trial that could delay the trial may be deemed untimely and denied on those grounds.
h. Proposed jury instructions must be filed by Noon on the day before trial by all parties.
i. Late disclosure of discovery after the final pretrial conference will be grounds for dismissal, exclusion of evidence and/or sanctions.
j. All witnesses should be pre-screened by the District Attorney's Office or the Public Defender's Office to ensure the witness will be able to enter the courthouse on the day of the trial.

4. Jury Panel

Jury panel numbers will be called to obtain a 35 person (district)/25 person (magistrate) panel for trials unless prior authorization is obtained. This will require approximately 45/35 people to be requested to come in on any particular day. This number may need to increase due to the potential exclusion of certain groups of individuals and will be adjusted accordingly as excusal and no show rates are determined.

5. Scheduling for other Judges in the facility

Scheduling of hearings in the court facility on jury trial days should be non-in-person hearings only, unless the in-person proceeding will not interfere with the trial or occupancy limit of the facility.

6. **Juror check-in process**
   a. In Lovington District Court, we believe that jury selection in almost all cases can take place in the courthouse using available courtrooms for one jury selection for one trial.
   b. At this point, using alternative off-site locations for jury selection has not been successful. However, for a trial requiring a much larger panel, we will explore whether other facilities may be available, such as the county fairgrounds and Lovington High School. If an alternate location was to be used, the location will have to be vetted to make sure that there are rooms to conduct the necessary proceedings, that equipment for recording at remote locations work, and that the location works for jury selection. A Memorandum of Understanding with the entity would have to be entered into for use of the facilities. It is unknown whether the county or Lovington School District would allow use of their facilities without cost.
   c. For most trials in District Court, the goal will be to have a panel of 35-38 show up for selection. A greater number, approximately 55, will have to be called.
   d. Juror list will be pre-printed and randomized prior to the check in process to shorten check-in and selection process.
   e. Marks will be made outside the facility on the sidewalk indicating where jurors should stand while waiting to go through the check-in process. These marks (tape/chalk marks/etc.) will be 6 feet apart.
   f. A staff member will be outside the facility entrance to direct jurors about the process, hand out masks and remind jurors of the COVID-19 questions.
   g. Juror will be provided a disposable mask, be directed to stay on the marked spots and given the form asking the four initial screening questions prior to entry to the building. If a juror answers yes to any of the questions their name will be taken and they will be required to leave.
   h. Staff will then direct 3 to 4 jurors into the building to the screening table. The screening table will be prior to security in the large lobby on the west side of the building.
   i. At the screening table the jurors will be asked their name and if they answered "YES" to any of the COVID-19 questions. A poster of the questions, in English and Spanish, will be at the table for easy reference.

j. Each juror will be temperature screened and then directed to the jury clerk who will check them in and send them to the appropriate courtroom.
k. Jurors will be given a preprinted stick on label with their juror number.
l. Hand Sanitizer, facial tissues, and trash receptacles will be made available for juror use while in the court facility.
m. Once screened, jurors will be directed to the appropriate courtroom.
n. Courtroom doors will be propped open to reduce individuals contact with highly touched surfaces. Doors will remain propped open until they are required to be closed for trial and record purposes.
o. Seating in the courtrooms will be pre-marked with signage/tape directing individuals where they may sit. Each seat will be 6 feet from all other seating. Seating charts will be prepared for each courtroom.
p. As jurors arrive at the courtroom they will be directed to a specific seat with the assistance of the bailiff to reduce contact/passing of jurors.
q. After voir dire jurors will be released in the reverse order as seated to allow jurors to exit in a manner to reduce contact/passing of jurors.
r. The Clerk will modify the standard seating charts to show the numbers of jurors that have been filled in to other seats. A copy will be made and provided to counsel.
s. While jurors are arriving and being seated, the Judge will meet with counsel and the defendant in chambers to address any pretrial issues.

7. Jury Voir Dire

a. The court will meet with counsel and the defendant in chambers to address any pretrial issues before jury selection begins.
b. The court will begin jury selection. The court will complete the introductory remarks and ask the initial questions of the jurors. The attorneys will then ask questions.
c. The Judge, monitor, counsel and the defendant will go to other courtrooms and repeat the process.
d. The seats in Courtroom where the jurors will be seated (combination of the jury box and the gallery) will be wiped down and sanitized before the jurors are brought in for trial.

8. Trial

a. All jury trials will begin immediately after jury selection.

b. The jurors will be brought into Courtroom.
c. Jurors will be provided the packets from the ERT.
d. The jurors will be sworn in before the trial begins.
e. Jurors will be seated in the jury box and the gallery to maintain social spacing.
f. The parties must provide the court with the original and a copy of all exhibits prior to trial. The original set will be placed at the witness stand so that the attorney does not have to approach the witness. Evidence presentation systems are available in each trial courtroom. If the attorney wishes to provide each juror with exhibits for inspection or the attorney feels that evidence presentation system is not adequate for publication to the jury, the attorney will have individual sets of exhibits made prior to the trail commencing and provide them to the court immediately prior to the commencement of the trial.
g. Jurors will be required to sit in the same seat for the duration of the trial.
h. Available space in the gallery will then be made available first to victims and victim representatives or family, then the press, and finally to other members of the public. However, the total number in the courtroom will not exceed 25 people or other limit established by the Supreme Court.
i. The press and public will at least be able to listen to the trial proceedings using Google Meet. The press can also set up a fixed video camera to stream the proceedings. If there is more than one press entity requesting video, they shall share the single feed. The camera will be set up so that it does not show any of the jurors.
j. If issues come up during trial that must be considered outside the hearing of the jury, the Judge, monitor, counsel and the defendant will go to chambers to address the matters. During these times and other breaks, the jurors will remain in the Courtroom, and will have access to bathroom facilities in the jury room or hallway behind the courtroom.
k. The Defendant/Party and their attorney will be able to communicate in writing by passing notes under or around the table barrier. If greater communication is required, the Court will allow a brief break for the defendant/party and their attorney to confer. Between direct and cross-examination, a break will be taken to allow the defendant and counsel

to meet briefly outside the courtroom while maintaining social distancing to discuss matters. The jury will be instructed that the break is necessary to allow communication while maintain social distancing. In remote hearings, there the defendant is in custody, a phone is available. Where the defendant is not in custody, the defense counsel must make arrangements to speak with the client. This may mean that they have to get off the Google meet to talk and then get back on the session. The Court will continue to explore technologies to allow parties and their counsel to privately communicate, while maintaining social distance.

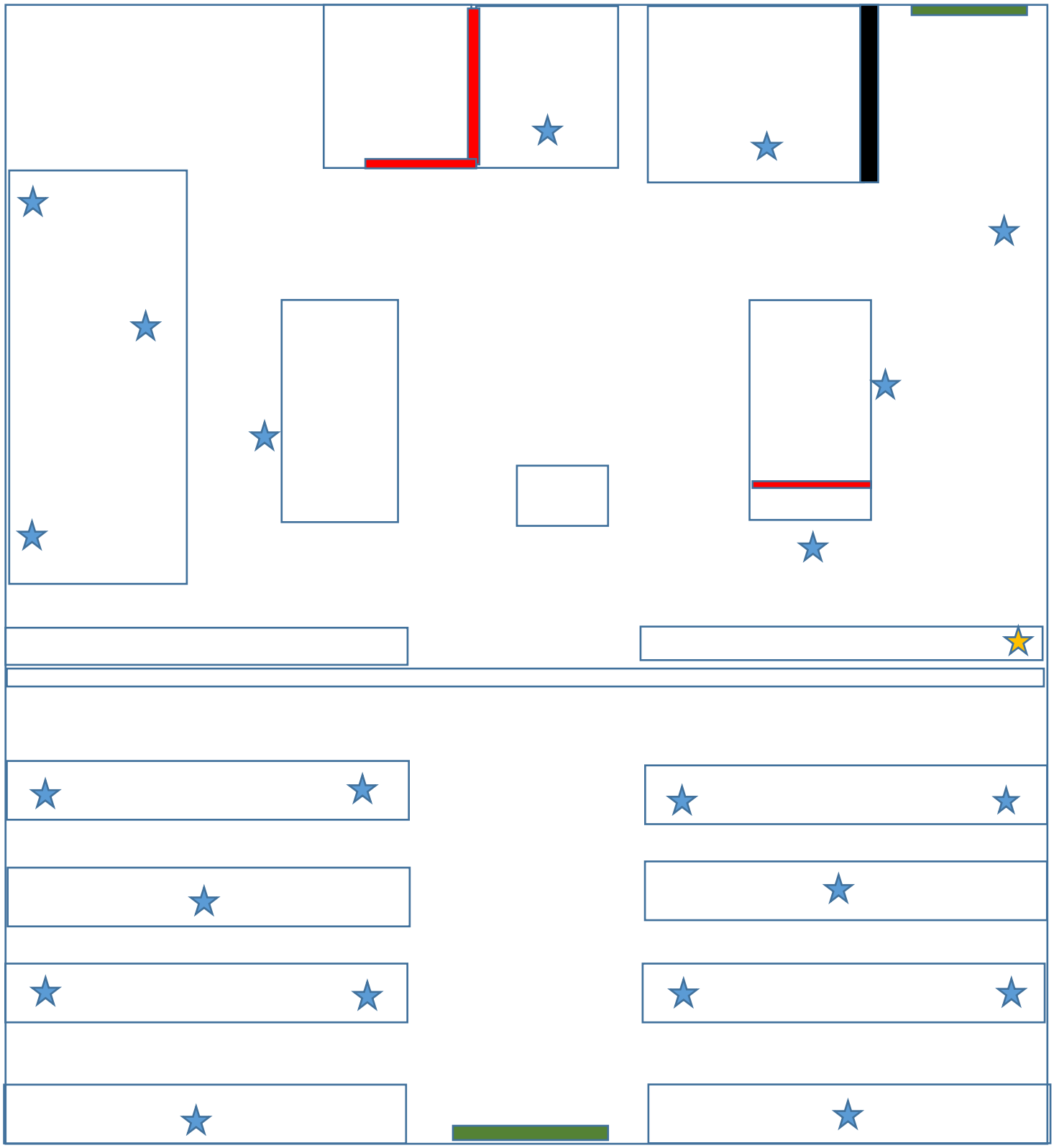
l. Individual sets of jury instructions will be copied and provided to the jurors and extra sets will be produced as the need arises.

m. Jurors will be provided with notepads for note taking. At the end of the day, they will be given a manila envelope to put their pad in, seal the envelope and write their number on the outside. The envelopes will be left on their seats, and the courtroom locked overnight.

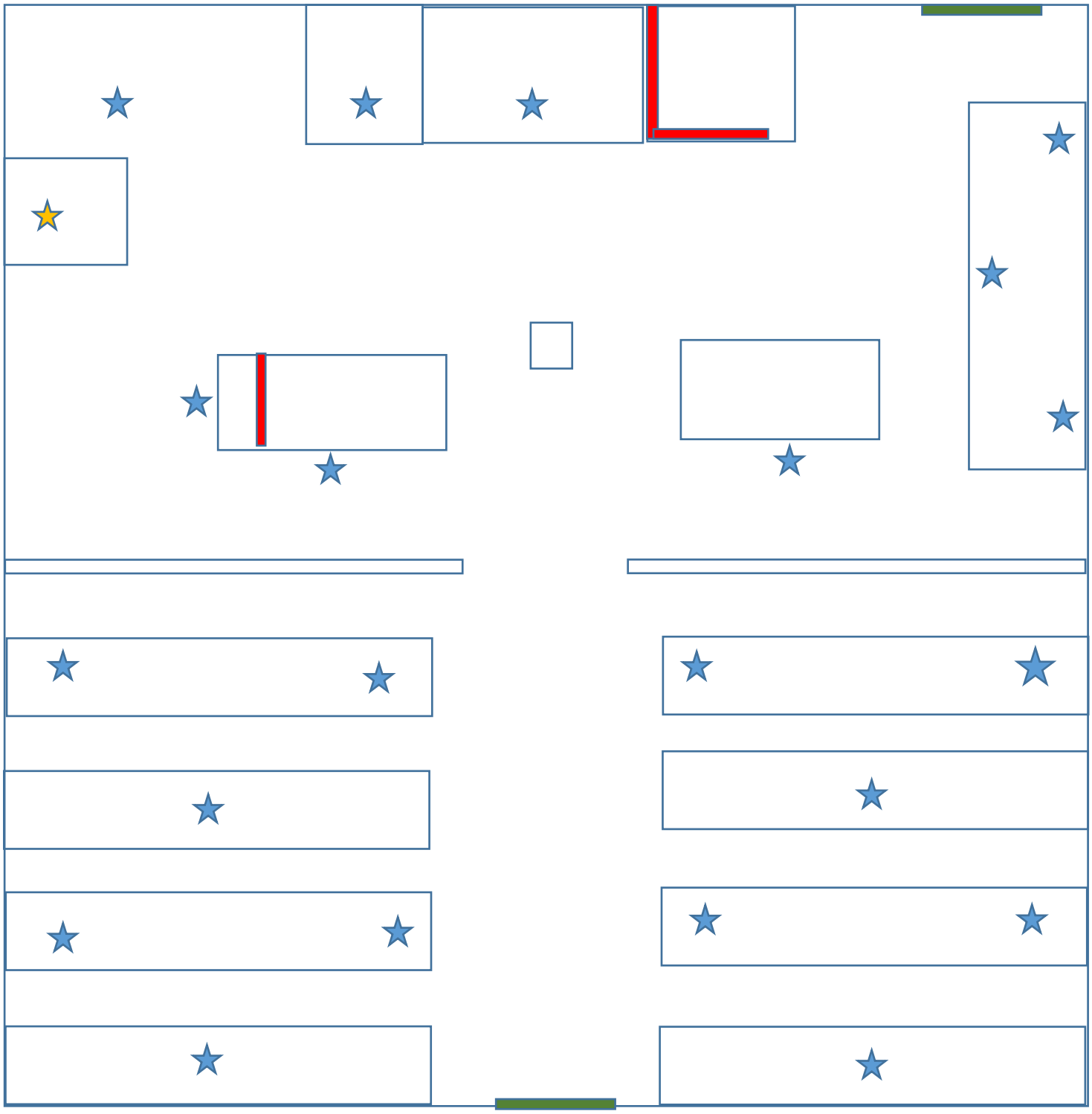
n. Jury deliberation will take place in the courtroom, and everyone else will be required to leave. Counsel will be required to take all their belongings with them.

APPENDIX

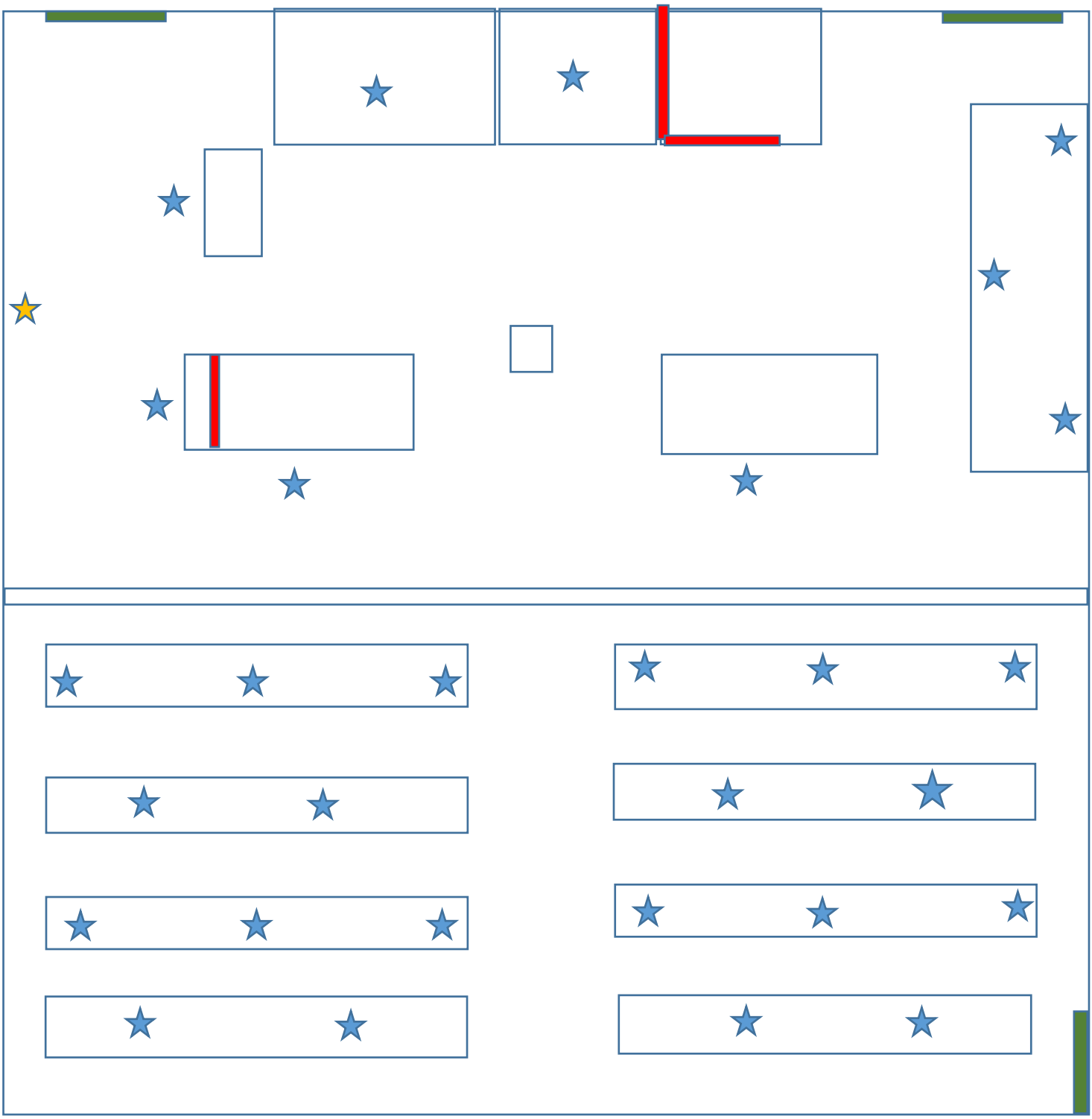
COURTROOM DIAGRAMS AND SEATING CHARTS



Lovington District – Courtroom Kirksey



Lovington District – Courtroom Sanchez



Lovington District – Courtroom Shoobridge

LOVINGTON MAGISTRATE COURT
JURY TRIAL PROTOCOL

Pretrial Actions

a. At the beginning of their term of service, Jurors will be sent a letter explaining the check-in procedures for trial and an overview of safety measures implemented at the courthouse. In the letter they will be provided with a sheet containing the COVID-19 questions in both English and Spanish.
b. Jurors will be instructed that if, at any time during their term of service, they answer one of the questions in the affirmative, they are to immediately inform the Clerk and not come to the courthouse.
c. Juror request for excusals:

Potential Jurors 65+:

If the juror requests to be excused due to the COVID-19 issues

- Jury Clerk should look up the jurors DOB to confirm age
- Have the Judges Form filled out
- Use the Judges excusal code "Excused-Judge Exc-form req"
- This is a temporary postponement and not a permanent excusal

Potential Jurors 75+:

If the juror requests to be excused because of age

- Juror needs to fill out the Affidavit of Age as normal

Potential Jurors 75+:

If the juror requests to be excused because of COVID-19

- Jury Clerk should look up the jurors DOB to confirm age
- Have the Judges Form filled out
- Use the Judges excusal code "Excused-Judge Exc-form req"
- This is a temporary excusal and not a permanent excusal

Potential Jurors Any Age with Medical Conditions:

If the juror requests to be excused due to a medical conditions that places them at high risk.

- The juror is required to submit a doctor's note to receive an excusal.

d. The code-a-phone recording each night will remind the jurors to review the COVID-19 screening questions and inform the court staff as soon as possible if they cannot answer "no" to each of the questions.
e. Jurors will be encouraged to take their temperature at home before coming to the courthouse.

Case Management

- On the morning of jury trials, other Judges will avoid scheduling in-person hearings.
- Plea deadlines will set prior to any final pretrial hearing and enforced. Pursuant to Supreme Court Order No. 20-8500-022, courts will enforce a minimum plea or settlement deadline of five business days prior to jury selection or the commencement of a bench trial in criminal and civil cases set for trial during the COVID-19 public health emergency.
- In criminal cases, a mandatory plea conference meeting will be required to be held at least one month before the jury trial setting, with required attendance of the prosecutor, defense counsel, and the defendant. Counsel shall be responsible for scheduling the plea conference meeting using Google Meets (or another agreed upon platform). A Certificate of Compliance affirming that the conference was held shall be signed by both attorneys and filed. Counsel shall indicate on the Certificate if the case is proceeding to jury trial or if a Change of Plea hearing is requested.
- Any evidentiary hearing on pretrial issues shall be conducted prior to the day of trial.
- Costs for jurors and interpreters to appear at a trial that does not go forward may be taxed to the party or counsel causing the delay.
- All trial exhibits must be disclosed prior to trial. Counsel will be urged to agree to authenticity and/or admission of exhibits where possible.
- All pretrial motions must be filed sufficiently in advance of trial that they can be heard and decided without delaying trial.
- Any issue raised on the morning of trial that could delay the trial may be deemed untimely and denied on those grounds.
- Proposed jury instructions must be filed by Noon on the day before trial by all parties.

- Late disclosure of discovery after the final pretrial conference will be grounds for dismissal, exclusion of evidence and/or sanctions.

Juror Arrival and Screening

- For most trials in the Lovington Magistrate Court, the goal will be to have a panel of 20-25 show up for selection. A greater number, approximately 40, will have to be called.
- The panel will be randomized prior to the arrival of the jurors and the jurors will be assigned to seats in either the courtroom (7 total) and then the overflow "Workforce Solutions" offices (the remaining 18, spread out in those rooms).
- Marks will be made outside the facility on the sidewalk indicating where jurors should stand while waiting to go through the check-in process. These marks (tape/chalk marks/etc.) will be 6 feet apart.
- Prior to the entry into the courthouse, jurors will be greeted by court staff or a LCSO Deputy and given a form to complete indicating they answer "NO" to the COVID-19 questions. Training and protective equipment will be needed for the court staff performing this function. This form will include their name, signature and date. Jurors' entry into the building to go through security will be controlled to maintain social spacing.
- After going through security but before they go to their assigned waiting room, court staff will take the juror's temperature. Training and protective equipment will be needed for the court staff performing this function. Any juror with a temperature will be instructed to leave and will be excused for the day.
- Jurors will be given a preprinted stick on label with their juror number.
- As jurors arrive at the courtroom they will be directed to a specific seat in the furthest portion of the courtroom and the bailiff will continue to fill seats in a manner to reduce contact/passing of jurors.
- After voir dire jurors will be released in the reverse order as seated to allow jurors to exit in a manner to reduce contact/passing of jurors.
- Hand Sanitizer, facial tissues, and trash receptacles will be made available for juror use while in the court facility.
- Courtroom doors will be propped open to reduce individuals contact with highly touched surfaces. Doors will remain propped open until they are required to be closed for trial and record purposes.

- Seating in the courtrooms will be pre-marked with signage/tape directing individuals where they may sit. Each seat will be 6 feet from all other seating. Seating charts will be prepared for each courtroom.
- The juror will then go to either the courtroom or the waiting room. The juror will provide the completed form to the Bailiff, and the Bailiff will place a checkmark on the list indicating that the form has been provided.

Voir Dire and Jury Selection

- Jury trials to be held in the courtroom will start with Jurors 1-7 for jury selection.
- The court will meet with counsel and the defendant in the jury deliberation room to address any pretrial issues before jury selection begins.
- The court will begin jury selection in the courtroom. The court will complete the introductory remarks and ask the initial questions of the jurors. The attorneys will then ask questions.
- The Judge, monitor, counsel and the defendant will then have the jurors wait outside the courthouse and then bring in jurors 8-14 and then repeat the process. This process will be repeated for jurors 15-21 and, if needed, 22-25.
- The Judge, monitor, counsel and the defendant will then go to the jury deliberation room for individual examination of jurors in private, consideration of challenges, and selection of the jury.
- The Judge, monitor, counsel and the defendant will bring in jurors 1-7 to announce the jurors who have been selected and dismiss the remainder of the panel in that room.
- The Judge, monitor, counsel and the defendant will bring in jurors 8-14 to announce the jurors who have been selected and dismiss the remainder of the panel in that room. This process will be repeated with jurors 15-21 and 22-25.
- After the jury is announced and sworn in, and the remaining panel dismissed, the seating areas for the jurors for trial will be cleaned and disinfected before the trial proceeds.
- Trials will begin following completion of jury selection.

Trial

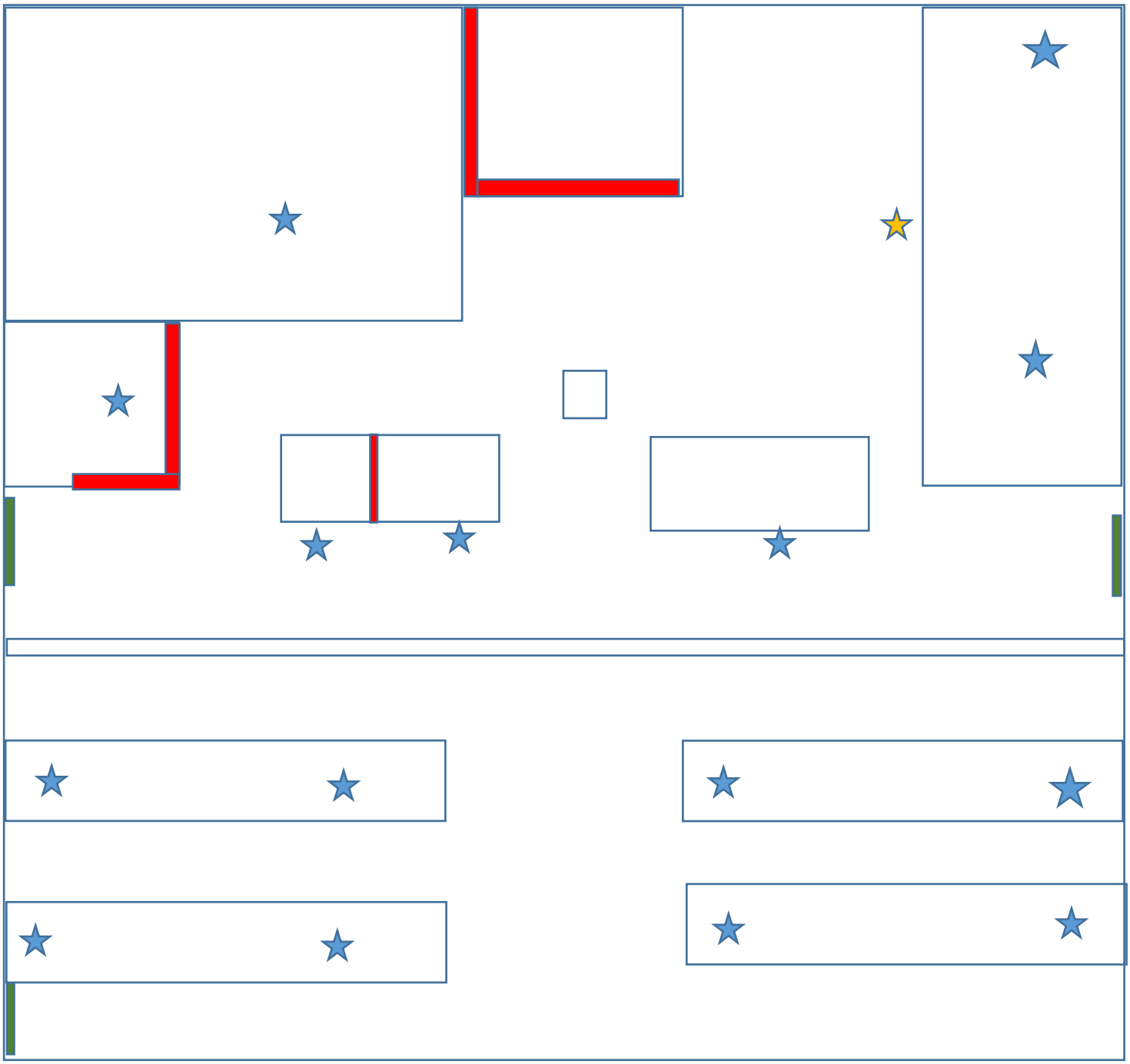
- Jurors will be seated in the jury box and in chairs in the gallery to maintain social spacing. Jurors will be required to sit in the same seat for the duration of the trial.
- Available space in the overflow offices for "Workforce Solutions" will be made available to either the victim and their family or the defendant's family. But not both at the same time. Others will be provided with the Google Meets log in and will be allowed to log into Google Meet where the proceeding will be available online. The press and other members of the public will only have the Google Meet option to watch the trial. However, the total number in the courtroom will not exceed 14 people or other limit established by the Supreme Court.
- We are exploring ways to stream at least the audio of trial to overflow rooms, but have little or no space available to do so. The press will at least be able to listen to the trial proceedings using Google Meet.
- Interpreters will log in via Google Meet. Any juror, witness, or defendant who needs and interpreter will be allowed to bring in their cell phone and call into Google Meets. We will provide headphones to this individual and, if need be, a connection cable. If a witness is testifying and needs an interpreter this court will then turn on the speaker so that all parties in the courtroom can hear the translation of the testimony from Google Meet.
- If issues come up during trial that must be considered outside the hearing of the jury, the Judge, monitor, counsel and the defendant will go to the jury deliberation room to address the matters. Any members of the public will be required to leave the courtroom. During these times and other breaks, the jurors will remain in the courtroom, and will have access to bathroom facilities in the jury room or hallway behind the courtroom.
- The parties must provide the court with the original and a copy of all exhibits prior to trial. The original set will be placed at the witness stand so that the attorney does not have to approach the witness. Evidence presentation systems are available in each trial courtroom. If the attorney wishes to provide each juror with exhibits for inspection or the attorney feels that evidence presentation system is not adequate for publication to the jury, the attorney will

have individual sets of exhibits made prior to the trail commencing and provide them to the court immediately prior to the commencement of the trial.

- Jurors will be required to sit in the same seat for the duration of the trial.
- The Defendant/Party and their attorney will be able to communicate in writing by passing notes under or around the table barrier. If greater communication is required, the Court will allow a brief break for the defendant/party and their attorney to confer. Between direct and cross-examination, a break will be taken to allow the defendant and counsel to meet briefly outside the courtroom while maintaining social distancing to discuss matters. The jury will be instructed that the break is necessary to allow communication while maintain social distancing. In remote hearings, there the defendant is in custody, a phone is available. Where the defendant is not in custody, the defense counsel must make arrangements to speak with the client. This may mean that they have to get off the Google meet to talk and then get back on the session. The Court will continue to explore technologies to allow parties and their counsel to privately communicate, while maintaining social distance.
- Jurors will be provided with disposable notepads and golf pencils for note taking. At the end of the day, they will be given a manila envelope to put their pad in, seal the envelope and write their juror name or number on the outside. The Bailiff will gather the envelopes and put them in a box or accordion folder to distribute prior to the beginning of trial the next day. This will also allow another trial to begin in Courtroom 3 the following day.
- Individual sets of jury instructions will be copied and provided to the jurors and extra sets will be produced as the need arises.
- Jury deliberation will take place in the courtroom. Jurors will be instructed to remain in their assigned seating for the deliberation process. All other participants and spectators will be required to take all belongings and leave the courtroom.

APPENDIX

COURTROOM DIAGRAM AND SEATING CHARTS



Lovington Magistrate – Courtroom 1

HOBBS MAGISTRATE COURT
JURY TRIAL PROTOCOL

1. Pretrial Actions

a. At the beginning of their term of service, Jurors will be sent a letter explaining the check-in procedures for trial and an overview of safety measures implemented at the courthouse. In the letter they will be provided with a sheet containing the COVID-19 questions in both English and Spanish.

b. Jurors will be instructed that if, at any time during their term of service, they answer one of the questions in the affirmative, they are to immediately inform the Clerk and not come to the courthouse.

c. Juror request for excusals:

Potential Jurors 65+:

If the juror requests to be excused due to the COVID-19 issues

- Jury Clerk should look up the jurors DOB to confirm age
- Have the Judges Form filled out
- Use the Judges excusal code "Excused-Judge Exc-form req"
- This is a temporary postponement and not a permanent excusal

Potential Jurors 75+:

If the juror requests to be excused because of age

- Juror needs to fill out the Affidavit of Age as normal

Potential Jurors 75+:

If the juror requests to be excused because of COVID-19

- Jury Clerk should look up the jurors DOB to confirm age
- Have the Judges Form filled out
- Use the Judges excusal code "Excused-Judge Exc-form req"
- This is a temporary excusal and not a permanent excusal

Potential Jurors Any Age with Medical Conditions:

If the juror requests to be excused due to a medical conditions that places them at high risk.

- The juror is required to submit a doctor's note to receive an excusal.

d. The code-a-phone recording each night will remind the jurors to review the COVID-19 screening questions and inform the court staff as soon as possible if they cannot answer "no" to each of the questions.
e. Jurors will be encouraged to take their temperature at home before coming to the courthouse.

2. Scheduling of Jury Trials

a. In order to address the backlog created by the suspension of jury trials, each Judge will review all pending criminal cases that had or have trial settings in March, April, May, June, or July. The Judge will create a list prioritizing the cases for trial in the following order:
    - Defendant is in custody
    - Older cases where speedy trial not waived
    - All other criminal cases
b. Judges will create a list of cases and coordinate with each other on master schedule of jury trials. Final Pre-Trial hearings will be set and trials will be set on firm settings. Cases may be set trailing to each other. The Judges will coordinate the days that trials are to begin so there will only be jury selection on one case in any day.

3. **Pretrial Case Management**

a. Plea deadlines will set prior to any final pretrial hearing and will be enforced. In civil cases, deadlines for pretrial settlement will be established. Pursuant to Supreme Court Order No. 20-8500-022, courts will enforce a minimum plea or settlement deadline of five business days prior to jury selection or the commencement of a bench trial in criminal and civil cases set for trial during the COVID-19 public health emergency.
b. In criminal cases, a mandatory plea conference meeting will be required to be held at least one month before the jury trial setting, with required attendance of the prosecutor, defense counsel, and the defendant. Counsel shall be responsible for scheduling the plea conference meeting using Google Meets (or another agreed upon platform). A Certificate of Compliance affirming that the conference

was held shall be signed by both attorneys and filed. Counsel shall indicate on the Certificate if the case is proceeding to jury trial or if a Change of Plea hearing is requested.

c. Any evidentiary hearing on pretrial issues shall be conducted prior to the day of trial.
d. Costs for jurors and interpreters to appear at a trial that does not go forward may be taxed to the party or counsel causing the delay.
e. All trial exhibits must be disclosed prior to trial. Counsel will be urged to agree to authenticity and/or admission of exhibits where possible.
f. All pretrial motions must be filed sufficiently in advance of trial that they can be heard and decided without delaying trial.
g. Any issue raised on the morning of trial that could delay the trial may be deemed untimely and denied on those grounds.
h. Proposed jury instructions must be filed by Noon on the day before trial by all parties.
i. Late disclosure of discovery after the final pretrial conference will be grounds for dismissal, exclusion of evidence and/or sanctions.
j. All witnesses should be pre-screened by the District Attorney's Office or the Public Defender's Office to ensure the witness will be able to enter the courthouse on the day of the trial

4. Jury Panel

Jury panel numbers will be called to obtain a 23 person panel for most jury trials. If a Judge believes more jurors must be brought in, the Judge must consult with the Chief Judge prior to doing so. To get between 23 jurors it will require approximately 40 people will be requested to come in on any particular day. This number may need to increase due to the potential exclusion of certain groups of individuals and will be adjusted accordingly as excusal and no show rates are determined.

5. Juror check-in process

a. In Hobbs Magistrate Court, jury selection in almost all cases can take place in the courthouse using the two courtrooms for the jury selection process.
b. If an alternate location is required to be used, the location will be vetted to ensure the appropriate spacing and rooms were available to conduct the

necessary proceedings, that equipment for recording at remote locations work, and that the location works for jury selection. A Memorandum of Understanding with the entity would have to be entered into for use of the facilities.

c. For most trials in Magistrate Court, the goal will be to have a panel of 23 jurors present for selection. A greater number, approximately 40, will need to be called.
d. Juror list will be pre-printed and randomized prior to the check in process to shorten check-in and selection process.
e. Marks will be made outside the facility on the sidewalk indicating where jurors should stand while waiting to go through the check-in process. These marks (tape/chalk marks/etc.) will be 6 feet apart.
f. A staff members will be outside the facility entrance to direct jurors about the process, hand out masks and remind jurors of the COVID-19 questions.
g. Jurors will be provided a disposable mask, be directed to stay on the marked spots and given the form asking the approved COVID screening questions prior to entry to the building. If a juror answers "yes" to any of the questions, their name will be taken and they will be required to leave.
h. Jurors will be directed to approach the screening and check-in table just outside the front entrance to the court. At the screening table the jurors will be asked their name~~, age, and if they have any underlying health issue that would exclude them from service~~ and again be asked if they answered "YES" to any of the COVID-19 questions. A poster of the questions, in English and Spanish, will be at the table for easy reference.
i. Each juror will be temperature screened. If the juror passes the temperature screen, they will be given a preprinted stick-on label with their juror number, directed by the clerk to enter the building and proceed to the appropriate courtroom. If the juror does not pass the temperature screening, they will not be allowed to enter the building.
j. As jurors arrive at the courtroom they will be directed to a specific seat with the assistance of a bailiff/clerk to reduce contact/passing of jurors.
k. After voir dire jurors will be released in the reverse order as seated to allow jurors to exit in a manner to reduce contact/passing of jurors.
l. Hand Sanitizer, facial tissues, and trash receptacles will be made available for juror use while in the court facility.

m. Courtroom doors will be propped open to reduce individuals contact with highly touched surfaces. Doors will remain propped open until they are required to be closed for trial and record purposes.
n. Seating in the courtrooms will be pre-marked with signage/tape directing individuals where they may sit. Each seat will be 6 feet from all other seating. See attached seating charts.
o. The Clerk will modify the standard seating charts to show the numbers of jurors that have been filled in to other seats. A copy will be made and provided to counsel. During voir dire, jurors will be referred to by number only.

6. Jury Voir Dire

a. The court will meet with counsel and the defendant in the courtroom not being used to seat jurors or the large foyer area immediately behind the courtroom to address any pretrial issues before jury selection begins.
b. The court will begin jury selection. The court will complete the introductory remarks and ask the initial questions of the jurors. The attorneys will then ask questions.
c. The Judge, counsel and the defendant will then go to the courtroom not being used to seat jurors for individual examination of jurors in private, consideration of challenges, and selection of the jury.
d. The Judge, counsel and the defendant will go to the jury courtroom to announce the jurors who have been selected. The remainder of the panel that was not selected will be dismissed.

7. Trial

a. All jury trials will begin immediately after jury selection.
b. The jurors will be sworn in before the trial begins.
c. Jurors will be seated in the jury box, chairs in front of the jury box and the gallery to maintain social spacing.
d. Jurors will be provided the packets from the ERT.
e. The parties must provide the court with the original and a copy of all exhibits prior to trial. The original set will be placed at the witness stand so that the attorney does not have to approach the witness. Evidence

presentation systems are available in each trial courtroom. If the attorney wishes to provide each juror with exhibits for inspection or the attorney feels that evidence presentation system is not adequate for publication to the jury, the attorney will have individual sets of exhibits made prior to the trail commencing and provide them to the court immediately prior to the commencement of the trial.

f. Jurors will be required to sit in the same seat for the duration of the trial.
g. Available space in the gallery will then be made available first to victims and victim representatives or family, then the press, and finally to other members of the public. However, the total number in the courtroom will not exceed room capacity allows proper social spacing.
h. We plan to set up a Polycom unit or laptop webcam and using Google Meets join the systems using the new Google Meets Interface to send the audio and video into an appropriate empty courtroom/room. If a person wishes to observe the trial but there is no space, that person will be given the link to the Google Meet session. The press and public will at least be able to listen to the trial proceedings using Google Meet. The press can also set up a fixed video camera to stream the proceedings. If there is more than one press entity requesting video, they shall share the single feed. The camera will be set up so that it does not show any of the jurors.
i. If issues come up during trial that must be considered outside the hearing of the jury, the Judge, counsel and the defendant will go to the courtroom where the jurors are not seated or the large foyer area immediately behind the courtroom to address the matters. Any members of the public will be required to leave the courtroom. During these times and other breaks, the jurors will remain in the courtroom and will have access to bathroom facilities.
j. The Defendant/Party and their attorney will be able to communicate in writing by passing notes under or around the table barrier. If greater communication is required, the Court will allow a brief break for the defendant/party and their attorney to confer. Between direct and cross-examination, a break will be taken to allow the defendant and counsel to meet briefly outside the courtroom while maintaining social distancing to discuss matters. The jury will be instructed that the break

is necessary to allow communication while maintain social distancing. In remote hearings, there the defendant is in custody, a phone is available. Where the defendant is not in custody, the defense counsel must make arrangements to speak with the client. This may mean that they have to get off the Google meet to talk and then get back on the session. The Court will continue to explore technologies to allow parties and their counsel to privately communicate, while maintaining social distance.

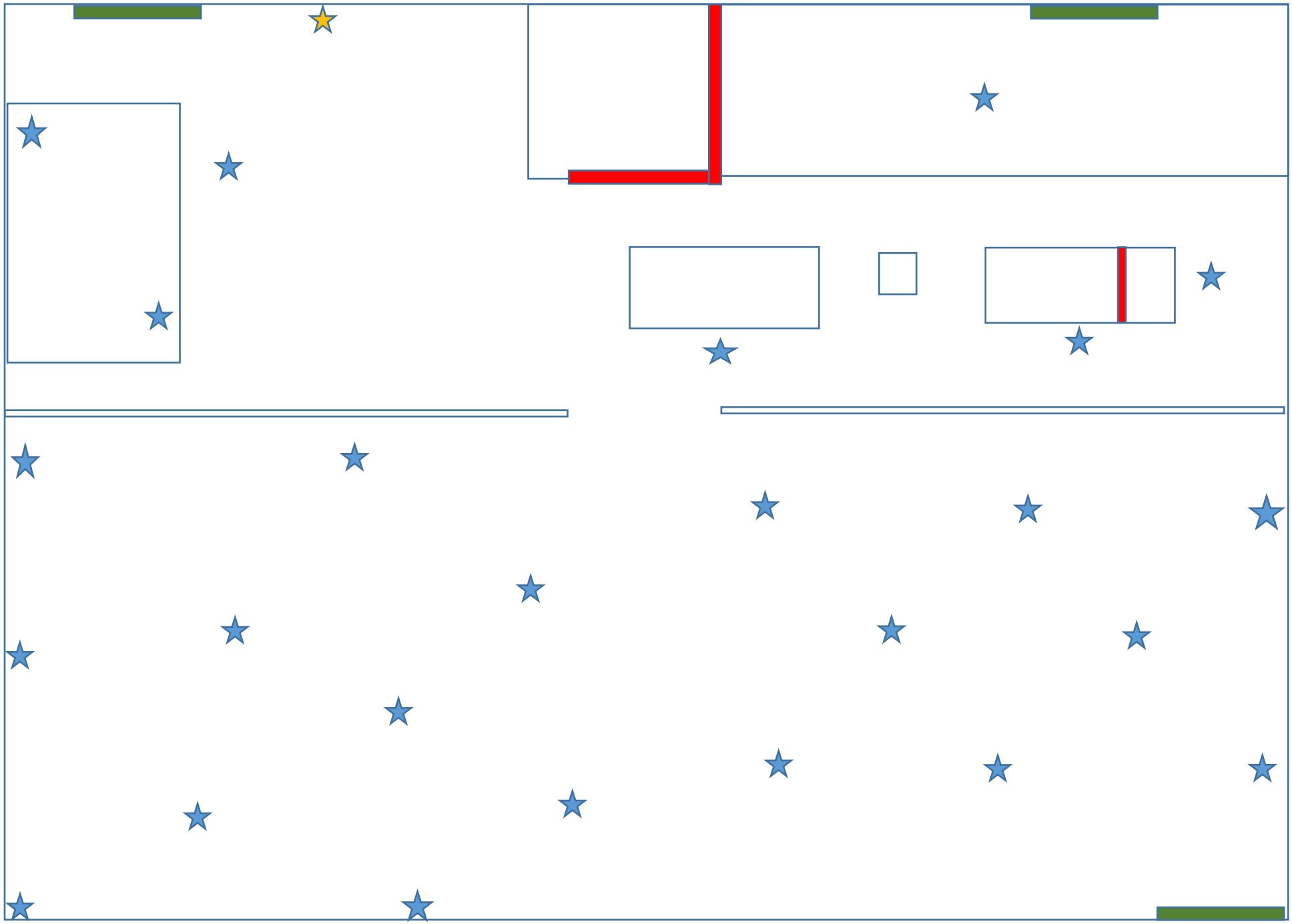
k. Jurors will be provided with disposable notepads and golf pencils for note taking. At the end of the day, they will be given a manila envelope to put their pad in, seal the envelope and write their number on the outside. The envelopes will be left on their seats, and the courtroom locked overnight.

l. Individual sets of jury instructions will be copied and provided to the jurors and extra sets will be produced as the need arises.

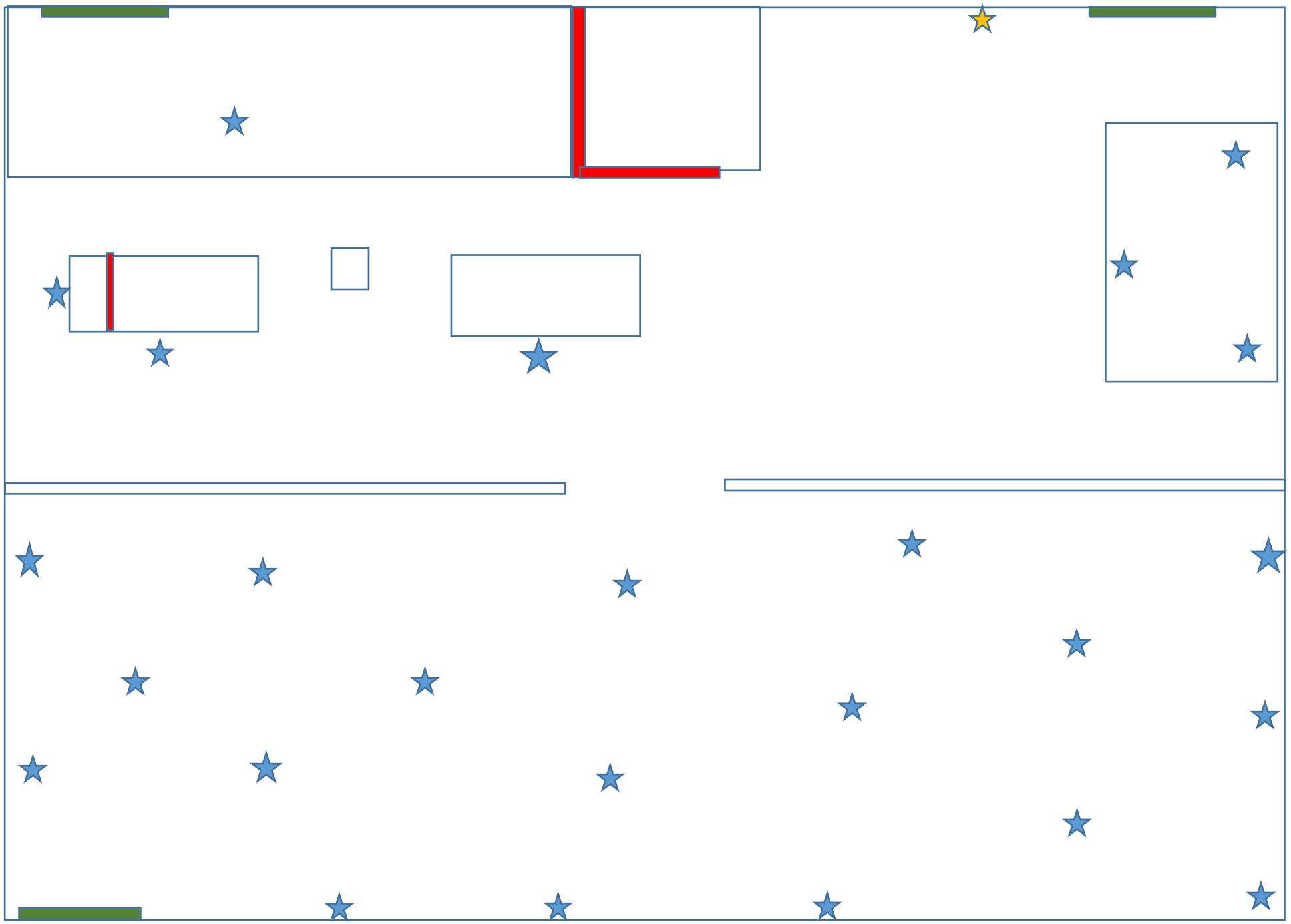
m. Jury deliberation will take place in the courtroom. Jurors will be instructed to remain in their assigned seating for the deliberation process. All other participants and spectators will be required to take all belongings and leave the courtroom.

APPENDIX

COURTROOM DIAGRAMS AND SEATING CHARTS



Hobbs Magistrate – Courtroom 1



Hobbs Magistrate – Courtroom 2

EUNICE MAGISTRATE COURT
JURY TRIAL PROTOCOL

Pretrial Actions

- At the beginning of their term of service, Jurors will be sent a letter explaining the check-in procedures for trial and an overview of safety measures implemented at the courthouse. In the letter they will be provided with a sheet containing the COVID-19 questions in both English and Spanish.
- Jurors will be instructed that if, at any time during their term of service, they answer one of the questions in the affirmative, they are to immediately inform the Clerk and not come to the courthouse.
- Juror request for excusals:

Potential Jurors 65+:

If the juror requests to be excused due to the COVID-19 issues

- Jury Clerk should look up the jurors DOB to confirm age
- Have the Judges Form filled out
- Use the Judges excusal code "Excused-Judge Exc-form req"
- This is a temporary postponement and not a permanent excusal

Potential Jurors 75+:

If the juror requests to be excused because of age

- Juror needs to fill out the Affidavit of Age as normal

Potential Jurors 75+:

If the juror requests to be excused because of COVID-19

- Jury Clerk should look up the jurors DOB to confirm age
- Have the Judges Form filled out
- Use the Judges excusal code "Excused-Judge Exc-form req"
- This is a temporary excusal and not a permanent excusal

Potential Jurors Any Age with Medical Conditions:

If the juror requests to be excused due to a medical conditions that places them at high risk.

- The juror is required to submit a doctor's note to receive an excusal.

- The code-a-phone recording each night will remind the jurors to review the COVID-19 screening questions and inform the court staff as soon as possible if they cannot answer "no" to each of the questions.
- Jurors will be encouraged to take their temperature at home before coming to the courthouse.

Case Management

- On the morning of jury trials, the Judge will avoid scheduling in-person hearings.
- Plea deadlines will set prior to any final pretrial hearing and enforced. Pursuant to Supreme Court Order No. 20-8500-022, courts will enforce a minimum plea or settlement deadline of five business days prior to jury selection or the commencement of a bench trial in criminal and civil cases set for trial during the COVID-19 public health emergency.
- In criminal cases, a mandatory plea conference meeting will be required to be held at least one month before the jury trial setting, with required attendance of the prosecutor, defense counsel, and the defendant. Counsel shall be responsible for scheduling the plea conference meeting using Google Meets (or another agreed upon platform). A Certificate of Compliance affirming that the conference was held shall be signed by both attorneys and filed. Counsel shall indicate on the Certificate if the case is proceeding to jury trial or if a Change of Plea hearing is requested.
- Any evidentiary hearing on pretrial issues shall be conducted prior to the day of trial.
- Costs for jurors and interpreters to appear at a trial that does not go forward may be taxed to the party or counsel causing the delay.
- All trial exhibits must be disclosed prior to trial. Counsel will be urged to agree to authenticity and/or admission of exhibits where possible.
- All pretrial motions must be filed sufficiently in advance of trial that they can be heard and decided without delaying trial.
- Any issue raised on the morning of trial that could delay the trial may be deemed untimely and denied on those grounds.
- Proposed jury instructions must be filed by Noon on the day before trial by all parties.

- Late disclosure of discovery after the final pretrial conference will be grounds for dismissal, exclusion of evidence and/or sanctions.

Juror Arrival and Screening

- ▪ For most trials in the Eunice Magistrate Court, the goal will be to have a panel of 23 show up for selection. A greater number, approximately 40, will have to be called.
- The panel will be randomized prior to the arrival of the jurors and the jurors will be assigned to seats in either the courtroom (10 total) and then the overflow seated in the "Eunice Police Department" offices/back hall, and front hall (the remaining 15, spread out in those rooms). Weather permitting, the outdoor patio areas could/would be used as seating.
- Marks will be made outside the facility on the sidewalk indicating where jurors should stand while waiting to go through the check-in process. These marks (tape/chalk marks/etc.) will be 6 feet apart.
- Prior to the entry into the courthouse, jurors will be greeted by court staff and/or a Eunice Police Officer and given a form to complete indicating they answer "NO" to the COVID-19 questions. Training and protective equipment will be needed for the court staff performing this function. This form will include their name, signature and date. Jurors' entry into the building to go through security will be controlled to maintain social spacing.
- After going through security but before they go to their assigned waiting room, court staff will take the juror's temperature. Training and protective equipment will be needed for the court staff performing this function. Any juror with a temperature will be instructed to leave and will be excused for the day.
- The juror will then go to either the courtroom or designated waiting area. The juror will provide the completed form to the Bailiff, and the Bailiff will place a checkmark on the list indicating that the form has been provided.

Voir Dire and Jury Selection

- Jury trials to be held in the courtroom will start with Jurors 1-10 for jury selection.

- The court will meet with counsel and the defendant in the judge's chambers to address any pretrial issues before jury selection begins.
- The court will begin jury selection in the courtroom. The court will complete the introductory remarks and ask the initial questions of the jurors. The attorneys will then ask questions.
- Jurors 1-10 will then be moved outside the courthouse. Staff will ensure surfaces are quickly cleaned before jurors 11-20 are brought inside. This process will be repeated for jurors 21-25.
- The Judge, monitor, counsel and the defendant will then go to the judge's chamber for individual examination of jurors in private, consideration of challenges, and selection of the jury.
- The Judge, monitor, counsel and the defendant will return to the courtroom while jurors 1-10 are brought into the courtroom to announce the jurors who have been selected and dismiss the remainder of the panel in that room. This process will be repeated for jurors 11-20 and 21-25.
- After the jury is announced and sworn in, and the remaining panel dismissed, the seating areas for the jurors for trial will be cleaned and disinfected before the trial proceeds.
- Trials will begin following completion of jury selection.

Trial

- Jurors will be seated in the jury box and in chairs in the gallery to maintain social spacing. Jurors will be required to sit in the same seat for the duration of the trial.
- Available space in the overflow offices of the "Eunice Police Department" will be made available to either the victim and their family or the defendant's family. But not both at the same time. Others will be provided with the Google Meets log in and will be allowed to log into Google Meet where the proceeding will be available online. The press and other members of the public will only have the Google Meet option to watch the trial. However, the total number in the courtroom will not exceed 14 people or other limit established by the Supreme Court.

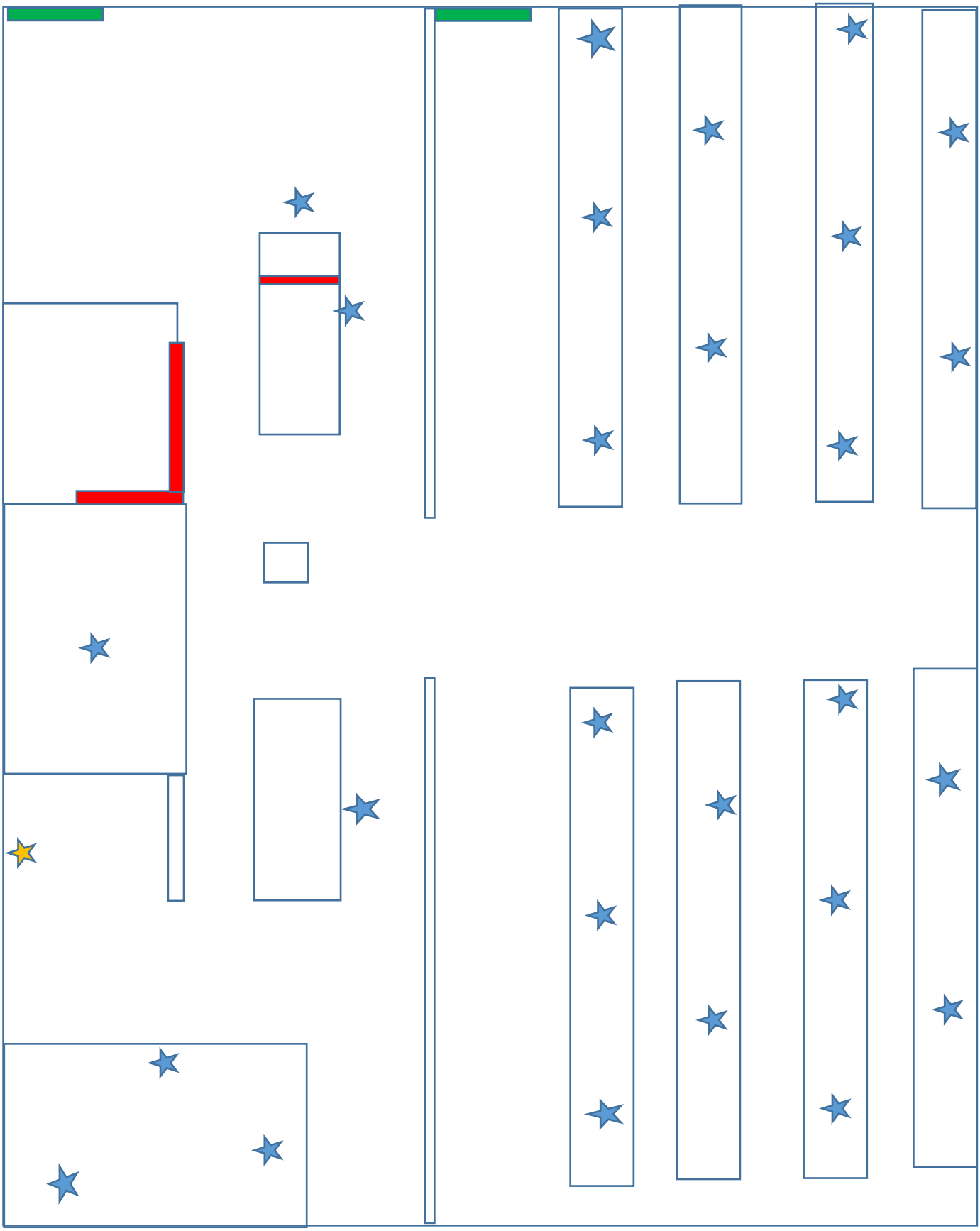
- We are exploring ways to stream at least the audio of trial to overflow rooms, but have little or no space available to do so. The press will at least be able to listen to the trial proceedings using Google Meet.
- Interpreters will log in via Google Meet. Any juror, witness, or defendant who needs and interpreter will be allowed to bring in their cell phone and call into Google Meets. We will provide headphones to this individual and, if need be, a connection cable. If a witness is testifying and needs an interpreter this court will then turn on the speaker so that all parties in the courtroom can hear the translation of the testimony from Google Meet.
- If issues come up during trial that must be considered outside the hearing of the jury, the Judge, monitor, counsel and the defendant will go to the judge's chambers to address the matters. Any members of the public will be required to leave the courtroom. During these times and other breaks, the jurors will remain in the courtroom, and will have access to bathroom facilities in the hallway.
- The parties must provide the court with the original and a copy of all exhibits prior to trial. The original set will be placed at the witness stand so that the attorney does not have to approach the witness. Evidence presentation systems are available in each trial courtroom. If the attorney wishes to provide each juror with exhibits for inspection or the attorney feels that evidence presentation system is not adequate for publication to the jury, the attorney will have individual sets of exhibits made prior to the trail commencing and provide them to the court immediately prior to the commencement of the trial.
- The Defendant/Party and their attorney will be able to communicate in writing by passing notes under or around the table barrier. If greater communication is required, the Court will allow a brief break for the defendant/party and their attorney to confer. Between direct and cross-examination, a break will be taken to allow the defendant and counsel to meet briefly outside the courtroom while maintaining social distancing to discuss matters. The jury will be instructed that the break is necessary to allow communication while maintain social distancing. In remote hearings, there the defendant is in custody, a phone is available. Where the defendant is not in custody, the defense counsel must make arrangements to speak with the client. This may mean that they have to get off the Google meet to

talk and then get back on the session. The Court will continue to explore technologies to allow parties and their counsel to privately communicate, while maintaining social distance.

- Individual sets of jury instructions will be copied and provided to the jurors and extra sets will be produced as the need arises.
- Jury deliberation will take place in the courtroom. Jurors will be instructed to remain in their assigned seating for the deliberation process. All other participants and spectators will be required to take all belongings and leave the courtroom.

APPENDIX

COURTROOM DIAGRAM
AND SEATING CHART



Eunice Magistrate – Courtroom

APPENDIX B
SCREENING QUESTIONS

Screening Questions				
Have you been asked to self-quarantine because of COVID-19 *and* are you still within the quarantine period?	If No, Next Question	If Yes > DO NOT ENTER		
Within the past 14 days, have you been diagnosed with COVID-19 by a doctor?	If No, Next Question	If Yes > Have you received a clearance letter from the Department of Health?	If No > DO NOT ENTER	If Yes, Next Question
Within the past 14 days, have you had a positive test results for COVID-19 from a testing center or by the Department of Health?	If No, Next Question	If Yes > Have you received a clearance letter from the Department of Health?	If No > DO NOT ENTER	If Yes, Next Question
In the past 14 days, have you been in contact with anyone who you know has COVID-19?	If No, Next Question	If Yes > DO NOT ENTER		
Within the past 14 days, have you had a fever above 100.4 degrees, chills, sore throat, body aches, or headaches?	If No, Next Question	If Yes > DO NOT ENTER		
Within the past 14 days, have you developed new shortness of breath, difficulty breathing, or dry cough?	If No, Next Question	If Yes > DO NOT ENTER		
Have you recently developed a loss of taste or smell?	If No, CAN ENTER BUILDING	If Yes DO NOT ENTER		

APPENDIX C
SIGNS

A facemask MUST be worn to enter the court facility

Supreme Court Order NO. 20-850-017 signed May 15, 2020

Effective May 16, 2020, the use of a mask or other protective face covering that covers the nose and mouth shall be required by anyone entering and while in a courthouse, judicial building, or other physical space used, occupied, or operated by the New Mexico Judiciary, provided that this order shall not apply to the following individuals:

(1) young children who are unable to remove the face covering without assistance;

(2) anyone who has trouble breathing; or

(3) anyone who is unconscious, incapacitated, or otherwise unable to remove a face covering without assistance;

STOP

FACE MASK REQUIRED

www.AllFreePrintable.com

ALTO

SE REQUIERE MASCARILLA

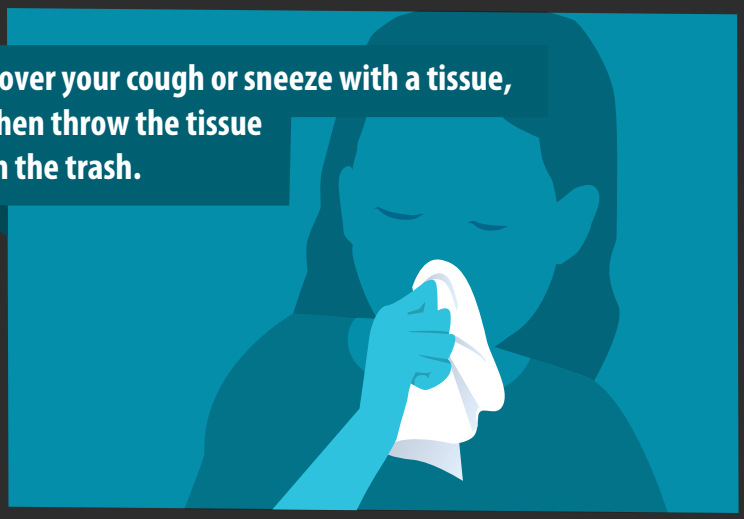
COVID 19
CORONAVIRUS DISEASE

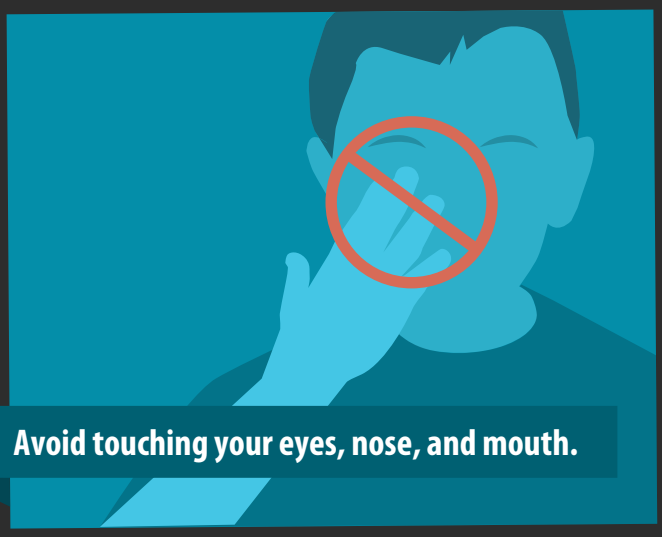
STOP THE SPREAD OF GERMS

Help prevent the spread of respiratory diseases like COVID-19.

Avoid close contact with people who are sick.

Cover your cough or sneeze with a tissue, then throw the tissue in the trash.





Avoid touching your eyes, nose, and mouth.

Clean and disinfect frequently touched objects and surfaces.

Stay home when you are sick, except to get medical care.

Wash your hands often with soap and water for at least 20 seconds.

NEW MEXICO DEPARTMENT OF HEALTH

For more information: **cv.nmhealth.org**

CS314915-A

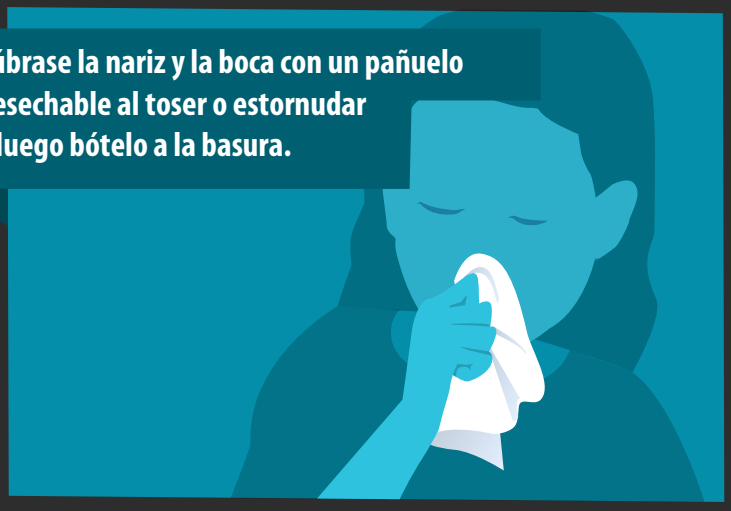
COVID 19
ENFERMEDAD DEL CORONAVIRUS

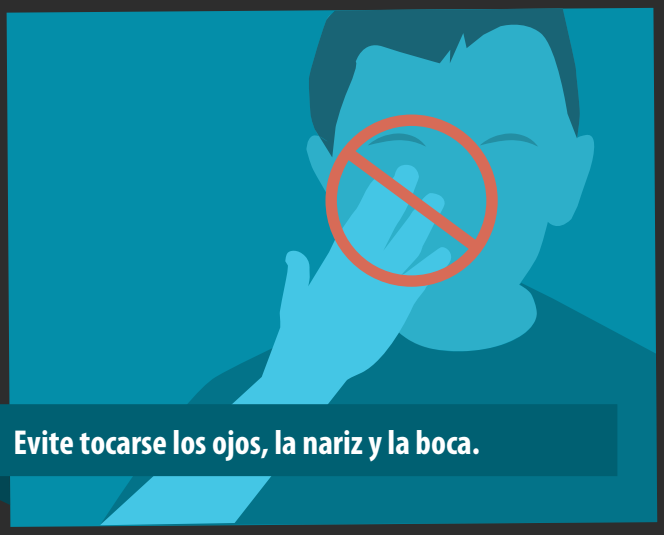
DETENGA LA PROPAGACIÓN DE LOS MICROBIOS

Ayude a prevenir la propagación de virus respiratorios como el nuevo COVID-19.

Evite el contacto cercano con las personas enfermas.

Cúbrase la nariz y la boca con un pañuelo desechable al toser o estornudar y luego bótelo a la basura.

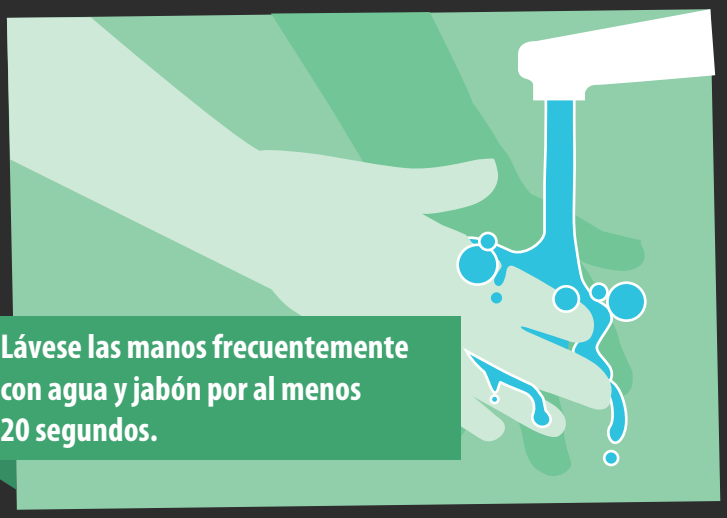




Evite tocarse los ojos, la nariz y la boca.

Limpie y desinfecte los objetos y las superficies que se tocan frecuentemente.

Quédese en casa si está enfermo, excepto para buscar atención médica.



Lávese las manos frecuentemente con agua y jabón por al menos 20 segundos.

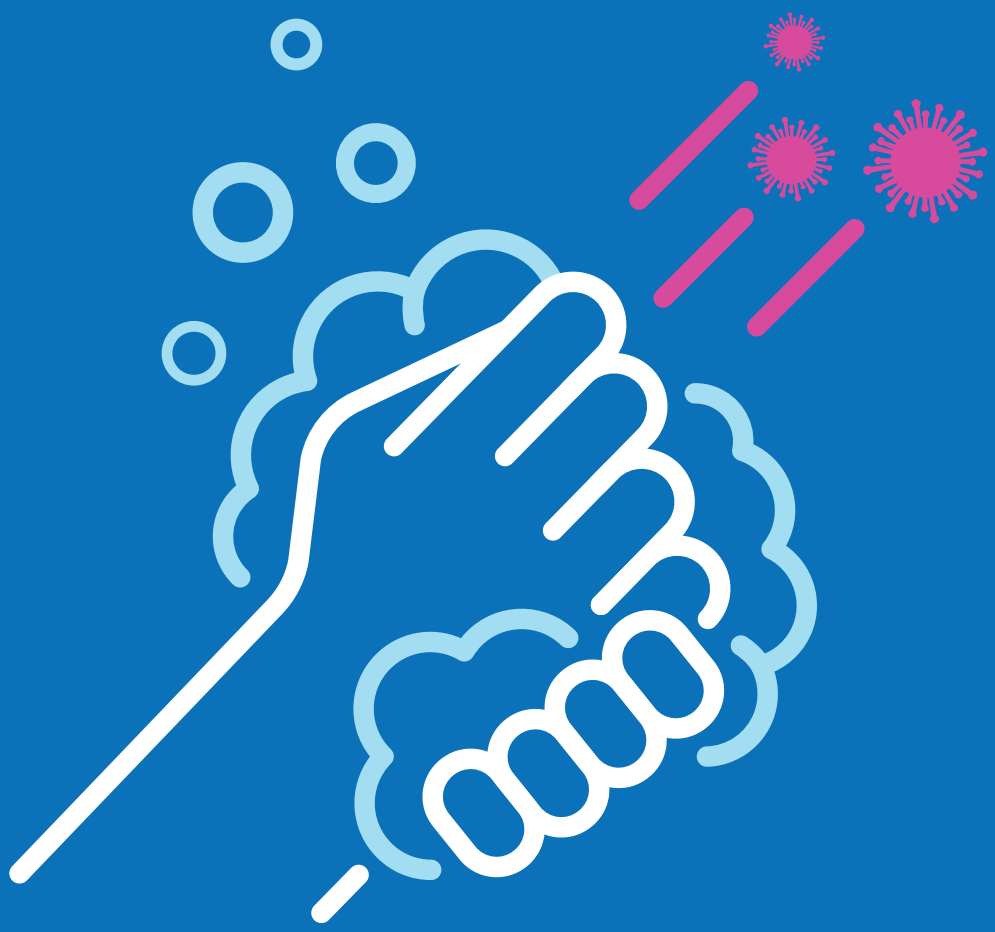
NEW MEXICO DEPARTMENT OF HEALTH

Para obtener más información: **cv.nmhealth.org**

CS314915-B

WASH YOUR HANDS

FIGHT CORONA VIRUS (COVID-19)



Handwashing is your best protection against the flu, COVID-19, and other diseases.

1.

Wet your hands. Then turn off the water.

2.

Apply soap.

3.

Lather up every nook and cranny.

4.

Scrub for two "Happy Birthday!" songs or 20 seconds.

5.

Rinse your hands.

6.

Dry with air or paper towel. Close tap with towel.

Concept and design by ThinkArgus
thinkargus.com

Keep **6 ft**. between you and other people