

DISTRICT OF WYOMING CRIMINAL TRIAL PROTOCOL



A. Jury Selection

- a. Identify jury pool
 1. Contact each jury panel member by telephone (maintain record) and ask the following questions and document responses:
 - a. Are they currently experiencing any COVID-19 Symptoms:
 - i. Fever or chills
 - ii. Cough
 - iii. Shortness of breath or difficulty breathing
 - iv. New loss of taste or smell
 - v. Muscle or body aches
 - b. In the last 30 days have they traveled outside their county of residence?
 - i. If so, where and when?
 - c. Do they have any reason to believe they may have been exposed to the COVID-19 virus?
 - i. If so, when and where?
 - ii. If more than 21 days past then okay—if less than bring to attention of judge.
 - d. Are they planning to travel prior to jury service date?
 - i. Where and when?
 - e. If between now and date required to report for jury service you experience any symptoms or have reason to believe you have been exposed please contact clerk of court/me by telephone or email.
 2. Depending upon county virus rates Court may, with consultation with counsel, remove certain counties from Jury Panel selection, to minimize exposure risk.
- b. COVID-19 specific Voir Dire Questions for panel
 - i. Verify jury panel members are able, despite the COVID-19 pandemic, to focus on the issues and evidence presented in this trial.

1. Despite the Pandemic are you able to set aside any concerns about that and focus on your duties as a juror, if selected?
 2. While we all have concerns about the impact and effects of COVID-19, if selected as a juror would you be able to focus on the evidence as presented and not let any concerns about COVID 19 impact your deliberations and decisions in this case?
 3. To minimize the risk of exposure to COVID-19, except when asking questions from the podium, counsel and the parties, including defendant will be required to wear masks or face shields. Does anyone have any concerns as to their ability to be fair and impartial if all parties and counsel are required to wear a face masks or shields?
 4. From time to time, to allow counsel to consult with their clients more effectively we may need to take a recess so they can discuss matters with each other. Would anyone hold that against a client or his or her attorney if such a break is needed?
 5. Once a witness takes the witness stand and is situated behind the plexiglass barrier, they will be allowed to remove their face mask or shield so you can see their face while testifying. Does that cause you any concern?
 6. Depending upon answers/responses Court will consider follow-up questions and/or granting counsel additional time to follow up on any COVID 19 issues, if necessary.
- c. Configuration of Courtroom for Jury Selection
- i. Court will use the jury box with plexiglass dividers and seat additional pool of jurors in pews at six foot spacing—the primary pool will be seated in those pews closest to the jury box. Counsel will question from the podium and so long as separated by at least six feet from anyone else counsel may remove their masks.
 - ii. Number of alternates will depend upon length of trial and Judge’s discretion.
- d. Jury Room
- i. Jury rooms will be marked for social distancing and to the extent necessary the grand jury room may be used to allow more social distancing by the jurors.
 - ii. Jury rooms will be cleaned during lunch recess and evenings.
- e. Post Jury selection monitoring
- i. Prior to trial commencing each day jurors will be asked to verify they are not experiencing any COVID 19 symptoms:
 1. Fever of 100.7 F or above, or possible fever symptoms like alternating chills and sweating

2. Cough
3. Trouble breathing, shortness of breath or severe wheezing
4. Fatigue
5. Muscle or body aches
6. Sore throat
7. New loss of smell or taste, or a change in taste
8. Nausea, vomiting or diarrhea
9. Headache
10. Congestion or runny nose
11. None of the above
12. (optional) Current Temperature: _____
 - a. If you would like to take your current temperature at this time, a thermometer will be supplied.

B. Courtroom Protocol

- a. Counsel and all parties seated at counsel table will be required to wear a mask or face shield at all times. Counsel will also be required to verify that none of the parties present are experiencing any COVID-19 symptoms or believe they may have been exposed to someone infected with COVID-19
- b. Counsel will be allowed to remove their mask/shield when situated at the podium—for voir dire questioning; openings/closings; examination of witnesses or argument presentation.
- c. Witnesses will be allowed to remove any mask/shield upon being situated in the witness box.
- d. Upon leaving the podium or prior to departing the witness box face masks/shields must be placed back on.
- e. Witness box, microphones and touch screens will be wiped down by the clerk prior to use by someone different; or any coverings shall be changed upon a new user.
- f. The Clerk will wear rubber or latex gloves during voir dire if necessary, to handle a microphone or during trial if handling papers.
- g. Prior to handling any physical exhibits counsel/clerk and/or witness will be required to glove up.
- h. Bench conferences will be handled at sidebar with all parties and the Court wearing masks.
- i. Marshal personnel will be required to wear a mask at all times unless otherwise excused by the Court.
- j. Defendant will be provided with a legal pad and a BOP pen to allow written communication with defense counsel—the pen will be wiped with disinfectant prior to Defendant touching at beginning of court proceedings and Defense counsel shall be provided his or her own writing utensil and separate pad to respond on.
 - i. Counsel may request a recess if more expansive communication is needed.

- k. Gallery seating in each courtroom and corridor seating have been marked in 6' sections. Signs have been placed on the gallery benches to comply with social distancing guidelines.
- l. Courtroom will be cleaned/sanitized by GSA over lunch hour and at the end of the day.

C. Other issues/concerns

- a. To minimize any disparity between the parties the same protocol will be followed at both tables.
- b. Utilization of JERS system for exhibit display and minimizing the handling of physical exhibits will be encouraged.
- c. General Services Administration (GSA) has adopted the cleaning guidelines from the Centers for Disease Control and Prevention (CDC) and is implementing these guidelines. These standards include the routine cleaning and disinfection of high-touch surfaces in common and high traffic areas. These high-touch surfaces include, but are not limited to: handrails, door knobs, key card readers, light switches, countertops, table tops, water faucets and handles, elevator buttons, sinks, toilets and control handles, restroom stall handles, toilet paper and other paper dispensers, door handles and push plates, and drinking fountain controls in common and high traffic areas.
- d. Hand sanitizers and disinfecting wipes are placed throughout the courtrooms, witness rooms, and jury rooms.
- e. Proposed COVID-19 related jury instructions will be considered by the Court on a case-by-case basis.
- f. Court clothing for a detained defendant shall be delivered to the US Marshal Service as least two (2) days prior to the start of trial for disinfection.