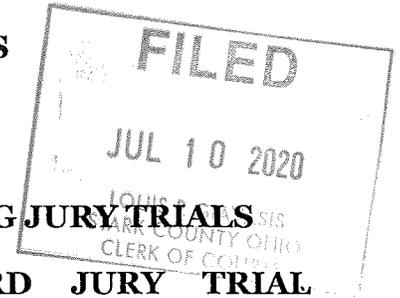


**IN THE COURT OF COMMON PLEAS  
STARK COUNTY, OHIO**



**IN RE:  
COVID-19 PANDEMIC AND ALL MATTERS INVOLVING JURY TRIALS  
ORDER ESTABLISHING TEMPORARY STANDARD JURY TRIAL  
PROTOCOL**

The matter of public health considerations and responses to the COVID-19 pandemic, and current declarations of the President of the United States, and the Governor of the State of Ohio, are before the Court this 30<sup>TH</sup> day of June 2020. In order for the Court to assist all state and local agencies in maintaining public health and safety; and to assist our healthcare community in preserving all available resources; and to protect the health and safety of the community; and to assure Constitutional protections of all individuals subject to the jurisdiction of this Court; and upon the Court's own motion, the following Temporary Standard Jury Trial Protocol hereby adopted effective immediately:

**Stark County Common Pleas Court COVID-19 Jury Trial Protocol**

1. Juror Summons Based on jury response rates and approved excused dismissal rates for "COVID-19 era" jurors summonsed for grand jury, the Court will summons the same number of jurors as always, 350
2. Temporary Remote Sites
  - a. In a prior Journal Entry, the Court designated the following locations as Temporary Court Locations pursuant to O.R.C. 2301.04:
    - i. The Cultural Center for the Arts  
1001 Market Ave. N.  
Canton, Ohio 44702
    - ii. Stark County Office Building

Room 310  
100 Central Plaza S.  
Canton, OH 44702

iii. Canton City Council Chambers at City Hall  
218 Cleveland Avenue SW  
Canton, OH 44702

b. Throughout this Order, these locations will be referred to as "Remote Site(s)".

3. Pretrial Juror Communications and Questionnaires

a. The Jury Commissioners will mail a letter to prospective jurors along with a jury service questionnaire. The letter will contain advisements for being excused from jury service and the opportunity to express a "COVID-19" reason for being excused from jury service.

b. The letter will inform the prospective jurors that, like all businesses, the Court has a strong interest in minimizing their risk of contracting the COVID-19 virus.

i. The jurors will be informed that any person who wants to be excused from jury service because they are in a high-risk category for contracting the virus, have tested positive within the last fourteen (14) days or have test results pending, have been notified by any health department that they or a household member have been in contact with an individual who has tested positive for the virus, or are currently in self-quarantine, should fill out and return the questionnaire within five (5) business days of receipt along with any other request for excusal.

4. The letter from the Court will also inform jurors of the new jury trial protocols implemented by the Court, as approved by the Canton City Public Health Department, for jury trial service.

5. Telephone Message for Jurors

a. Starting the Friday prior to their service at 5:00 p.m. and on every night during the petit jury service, phone messaging will include instructions for reporting, including venue location, report time, and a reminder regarding mask protocol and conduct.

6. Advance Setup

a. The Maintenance Department will set up the Courtrooms and the Remote

Locations with chairs socially distanced six feet apart. Directional arrows and signage for social distancing will be placed throughout the vestibule, lobby, and second floor of the Courthouse.

7. Juror Appearance for Jury Selection

- a. Jury Selection will take place at one of the Remote Sites.
- b. Jury Commissioners and bailiffs shall arrive by 7:30 a.m.
- c. All prospective jurors will be asked through the Court's letter to self-monitor whether they are experiencing any of the following symptoms within the last 2-3 days or have been exposed to someone experiencing these symptoms:
  - i. Fever more than 100.4 degrees;
  - ii. Persistent, dry cough
  - iii. Shortness of breath or difficulty breathing
  - iv. Chills, Muscle pain or Sore Throat
  - v. New loss of taste or smell
  - vi. Nausea, vomiting or diarrhea

Jurors will be instructed not come to trial if they are experiencing these symptoms or feel sick. Jurors experiencing symptoms or feeling sick will be instructed to call Court Staff (330) 451-7931 to be excused from jury service.

d. Screening

- i. Prospective Jurors will be questioned about whether or not they are experiencing any COVID-19 symptoms.

e. Check-in Protocol

- i. Once screened, prospective jurors will stand on "social distancing spaced markings" in the hallway while waiting to be checked-in by Court Staff.
- ii. A table will be staffed by a Jury Commissioner and will be supplied with the following:
  1. A plexi-glass barrier
  2. Hand sanitizer
  3. Gloves
  4. Work Excuses
- iii. Each juror shall approach the desk and display their juror summons and parking ticket then step back.

The Jury Commissioner will verify their identity and provide a work excuse and parking validation

- iv. Once verified, jurors will proceed into the designated room and be seated. Chairs will be marked with juror numbers.
- v. The juror will use that same juror number to identify themselves when answering questions during voir dire
- vi. Jurors will be provided with disposable juror badges.

7. Jury Trial Location

- a. Jury Trials will take place at the Stark County Courthouse in Courtrooms 201 and 202 to allow for social distancing. Plexi-glass dividers have been placed in the Courtrooms. The Remote Locations may be used if necessary.
- b. Selected jurors will be instructed either to report to the Courthouse on a subsequent day or given directions to report to the Courthouse from the Remote Location.

8. Screening of Trial Participants

- a. Before entering either the Remote Location or the Courthouse, the Court, Court Staff, lawyers, parties and prospective jurors will be asked if they are experiencing any COVID-19 symptoms or had any close contact with any individuals who have tested positive.

9. Facial Coverings / Gloves / Hand Sanitizer

- a. The Court requests that all lawyers, parties, prospective jurors, and trial jurors have facial coverings before entering the Remote Site or the Courthouse.
- b. Lawyers, parties and jurors will be permitted to bring and wear their own facial covering.
- c. The Court will provide any prospective juror and each trial juror who does not bring a facial covering with a baggie containing a disposable face mask
- d. The wearing of masks during voir dire and trial will be up to the discretion of the individual judge.
- e. Lawyers (except when handling exhibits during trial), parties, and jurors

(except when handling exhibits during deliberations) are not required to wear gloves, but instead will be encouraged to use hand sanitizer every time they enter the Courtroom.

- f. Hand sanitizer will be placed in the entrance to the Remote Sites and the Courtrooms.

10. Trial Witnesses

- i. Adhere to the "self-monitoring" requirements noted above.
  - ii. Comply with the "facial covering" requirements noted above.
  - iii. Shall be seated in "social distancing spaced" chairs in the hallway outside the Courtroom while waiting to testify.
- b. The party who subpoenaed the particular witness is ordered to communicate this directive to their prospective witness before trial and monitor the hallway during the trial in order to ensure that this directive is being complied with.
  - c. The Court will provide a disposable mask to any witness who comes to the Courthouse without a facial covering.

11. Public or Media Spectators

- a. In order to ensure the safety and security of jurors, court staff, the attorneys, and the defendant, public access, other than the media, will not be permitted during voir dire.
- b. Any member of the public or member of the media wishing to observe the trial shall:
  - i. Adhere to the "self-monitoring" requirements above.
  - ii. Comply with the "facial covering" request noted above.
  - iii. Sit in "social-distancing" spaced seating marked for the public.
  - iv. As necessary, the Court will stream the trial to Courtroom 102 or 101 to allow for observers.

12. Courtroom Configuration — *Voir Dire*

- a. Prospective jurors will be seated in a socially distanced manner. The bailiff will direct the jurors to their seats.
- b. In order to comply with "social distancing" requirements, the

presentation of *voir dire* will have tables and chairs arranged so that the Court, counsel, and the parties are all facing the panel of prospective jurors.

- c. The Court and both counsel will address the jurors from their respective tables.
  - d. Attempts will be made to conduct *voir dire* without the individual juror's use of a microphone. In the event amplification of the juror's voice is needed, Court Staff will instruct the juror to come forward and stand on a marked spot closer to counsel.
  - e. Challenges for cause and peremptory challenges will be made in the presence of the prospective jurors.
13. Courtroom Configuration — Trial
- a. After the jury is selected, the basic panel of twelve, plus the alternates if selected, will be instructed to report to the Courthouse on a subsequent day or given directions to the Courthouse to begin trial that afternoon.
  - b. Tables and chairs will be spaced in order to comply with social distancing requirements.
  - c. Trial jurors will be seated so as to comply with social distancing requirements.
  - d. Disposable plastic baggies will be placed on each microphone.
14. Testifying Witness
- a. A plexi-glass screen will be placed around the witness stand, and the testifying witness will remove his/her facial covering before testifying.
    - i. This configuration will enable the Court Reporter to maintain an accurate recording of the proceedings.
    - ii. This configuration will enable the Court, the jurors and counsel with the opportunity to observe the witness' demeanor and facial expressions during the examination process.
  - b. The testifying witness will utilize a microphone during testimony.
    - i. Court Staff will sanitize the plexi-glass screen and remove the

plastic baggie the from microphone at the conclusion of the testimony of each witness.

- c. Lawyers shall ask questions from counsel table.
- d. Lawyers are not to approach the witness during testimony.

15. Trial Exhibits

- a. Each counsel and the testifying witness shall wear disposable gloves when handling an exhibit.
  - i. The Court will provide each witness with disposable gloves to handle the exhibit.
- b. Exhibit(s) shall not be passed to jurors during the trial.
- c. If one of the parties desires to use the Auditorium projection screen, arrangements should be made with the Bailiff prior to trial to practice their presentation.
- d. Any exhibits that counsel does not want to publish on the document cameral shall be copied and placed by counsel on the witness stand prior to the witness testifying.
- e. Original documents shall be placed in a slip screen and wiped down by counsel between each use.
- f. All exhibits shall be marked and exchanged prior to trial.
- g. Each party is responsible for providing a copy of the exhibits to the Court and opposing counsel.
- h. During deliberations, the Court will provide each trial juror with disposable gloves so they may handle and examine any exhibits admitted into evidence.

16. Bench Conferences

- a. In an effort to adhere to social distancing recommendations, bench conferences will be attempted in a corner of the Remote Location stage during voir dire and at the conference table farthest away from the jury during trial.
- b. For anticipated prolonged bench discussions, counsel, the Judge, and the court reporter will retire to the Jury Deliberation Room to discuss and resolve the issue.

17. Juror Conduct During Trial

- a. Upon commencement of the actual trial, the trial jurors will be provided with a bottle of water and disposable notebooks containing paper and a pen.
  - i. The trial jurors will be permitted to consume water at their seats during the trial.
  - ii. The trial jurors will be permitted to take notes during the trial
  - iii. The trial jurors will be instructed that upon completion of the trial, they will keep the notebook and pen and personally place their trial notes into a box provided by the Court to be shredded.
- b. The Court will suspend the practice of allowing the jurors to ask questions during the trial.

18. Restroom Use

- a. During *voir dire* and trial, only two persons may enter the same gender specific restroom at one time.
- b. Court Staff shall monitor the restroom occupancy during a recess break.

19. Trial Recess

- a. Weather permitting, the Court will strive to permit jurors to walk outside the building during all recesses.
- b. Jurors using the Jury Assembly room will retain their designated seat throughout their service.

20. Elevator Use

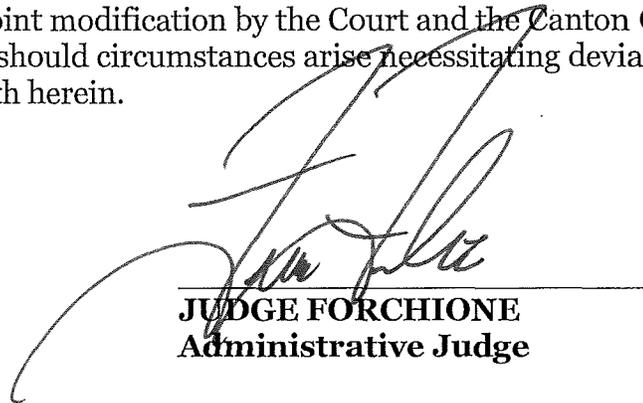
- a. Only two individuals are permitted to use the elevators at one time.

21. Deliberations

- a. All deliberations of the trial jury will occur in a Courtroom

- b. Court Staff will ensure that all recording and video equipment is off.
  - c. Court Staff will sanitize tables and chairs will be spaced in accordance with "social distancing recommendations".
  - d. Jurors will utilize these tables while deliberating
  - e. The Bailiff will remain in the Jury Deliberation Room.
  - f. Jurors will knock on the door of the Jury Deliberation Room to notify the Bailiff of the need to use the adjoining restrooms before jurors are permitted to depart the Courtroom.
  - g. Jurors will knock on the door of the Jury Deliberation Room to notify the Bailiff they have a question or have reached a verdict.
22. This protocol is subject to joint modification by the Court and the Canton City Public Health Department, should circumstances arise necessitating deviation from the procedures set forth herein.

**IT IS SO ORDERED.**



**JUDGE FORCHIONE**  
Administrative Judge

A copy of this order will be published on the Court of Common Pleas website and shall be served by regular or electronic mail upon the following:

Chief Justice of the Ohio Supreme Court  
 Stark County Prosecuting Attorney  
 Stark County Sheriff  
 Stark County Commissioners  
 Stark County Public Defender  
 Stark County Bar Association  
 Counsel of Record in affected cases

A TRUE COPY TESTE:  
 LOUIS P. GIAYASIS, CLERK  
 By *M. Giayasis* Deputy  
 Date 9-10-2020