

# Court of Common Pleas Lake County, Ohio

**JOHN P. O'DONNELL, JUDGE**  
47 N. Park Place, Painesville, Ohio 44077



(440) 350-2662  
FAX (440) 350-5807  
judge.john.o'donnell@lakecountyohio.gov

June 18, 2020

Counsel:

RE: Jury Trial Procedure

Until further notice, jury trials shall be conducted as follows:

Prospective jurors ~~1-24~~ shall be instructed to appear at 8:00 a.m. The jurors will be checked in and will watch the jury service video. The jurors shall be seated according to the attached chart. Voir dire shall commence according to the normal procedure.

If 12 jurors and the alternate are not seated from the initial pool, a second pool with prospective jurors 25-48 will be summoned to appear at 1:00 p.m., will be checked in, and watch the jury service video. The second voir dire shall commence according to the normal procedure.

Preliminary jury instructions, opening statements and testimony shall commence immediately after the jury is seated.

Sincerely,



Judge John P. O'Donnell

JPO:mat  
Attachment

# 8 A.M. SESSION

21-24	
17-18	19-20
13	14
15-16	

TRIAL TABLE

TRIAL TABLE

7

8		9		10		11		12
JURY BOX								
3		4		5		6		

1

2

BENCH

CAUSE


PLTF PEREMPTORIES


DEFT PEREMPTORIES


# 1 P.M. SESSION

45-48

41-42

43-44

37

38

39-40

CAUSE


PLTF PEREMPTORIES


DEFT PEREMPTORIES


31

JURY BOX

32		33		34		35		36
27		28		29		30		

TRIAL TABLE

TRIAL TABLE

25

26

BENCH

# Criminal Jury - Impaneled

8	9		10		11		12		13
3	4		5						7

1	2
---	---

# Civil Jury - Impaneled

5

6

7

8

9

1

2

3

4



## NICK A. SELVAGGIO, JUDGE

Champaign County Court of Common Pleas, General Division

---

To: Champaign County Bar Association  
Attorneys on the General Division Appointment List

From: Nick A. Selvaggio, Judge

Re: Solicitation of Opinion for Jury Trial Location

Date: June 11, 2020

Greetings,

On June 2-3, 2020, the General Division successfully conducted its first "off-site" jury trial in the Champaign County Community Center Auditorium with Prosecutor Kevin S. Talebi and Defense Attorney Christopher M. Bucci as trial counsel.

Jury trials scheduled for July 9-10 and July 23-24 will likely be held at the Auditorium.

The uncertainty surrounding the duration of the current pandemic, the probability for recurrence, and lack of vaccination requires the Court to plan for future trial locations.

As a result, the Court is soliciting your feedback on three basic plans: (1) continue to hold trials in the Auditorium, (2) hold jury selection in the Auditorium and the actual trial in the Courthouse, (3) hold two sessions of jury selection in the morning and afternoon at the Courthouse, and start the actual trial in the Courthouse on day two of trial.

I will make **Wednesday, June 17, 2020 at 3:30 p.m.** available to meet at the Courthouse if you would like to discuss this in person.

Any desired written response is requested no later than **Thursday, June 18, 2020.**

If you have another suggestion outside of these plans, feel free to let me know.

If you would like to visit the Auditorium or Courtroom prior to the meeting date or requested response date, please contact Court Staff.

Because the Sheriff's Office (court security and inmate transport), Health District (approval of COVID-19 protocol), Media (court trials must be open to the public) and Board of Commissioners (owners of space) have interests in the location of the proceedings, copies of this memorandum will also be provided to Sheriff Matthew Melvin, Lt. Chris Copeland, Health Commissioner Gabe Jones, Editor Brenda Burns and Clerk/Administrator Andrea Millice for feedback as well.

## **Site Analysis**

1. The current physical facility housing the Champaign County Common Pleas, General Division courtroom:
  - a. Is the largest space in the Champaign County Courthouse (approximately 30' x 48') and houses semi-permanent furniture (i.e. furniture that is wired to audio system) including the bench, counsel tables, the witness stand, the jury box itself and public seating area;
  - b. Has wi-fi accessibility and projection screen capability;
  - c. Has a jury box consisting of two rows of side by side swivel chairs. The ability to expand the space between the jury chairs is impeded by a two-sided wooden bar that encases the jury box and by a wall on the other side of the jury box. Immediately adjoining the jury box on the non-wall side is the public entry way into the courtroom;
  - d. Has one counsel table located three feet away from the jury box.
  - e. Has counsel tables located in the center of the courtroom with two and one-half feet of space between the tables.
  - f. Has eight, four person rows of pews in the public seating area. The pews normally can seat thirty-two persons, but with "social distancing" spacing implementation, can at this point accommodate a maximum of eleven persons (i.e., eight persons in the pews plus the addition of three chairs strategically placed around the pews)<sup>1</sup>
  - g. Has an adjoining jury room (approximately 20' x 15') with a large and heavy conference room-styled table, sturdy credenza and thirteen chairs placed side-by-side and gender specific bathrooms.
  - h. Has conference room availability at the end of the courtroom hallway. Metal, floor-to-ceiling walls divide the space into two conference rooms. Without the dividing walls, the space measures approximately 25' x 13'.

---

<sup>1</sup> The short distance between the last pew and the back wall make prolonged seating difficult for taller jurors. As a result, placing additional seating behind the last pew is not being considered by the Court.









Jury Room



Jury Room



Conference Rooms

2. The Community Center is a county-owned facility that formerly housed a “retail anchor store” with a string of adjoining storefront bays. The County purchased the facility in 1997 and renovated the facility to house non-judicial county offices.
  - a. The Auditorium is located off the main lobby as one immediately enters the “anchor store” area of the Community Center.
  - b. The Auditorium is a large, flat-floored, open spaced room area, (approximately 58’ x 61’) with wi-fi accessibility, projection screen capability and no permanent fixtures except for two pillars in the room.
  - c. All tables and chairs within the auditorium are moveable. The Auditorium is approved to hold a maximum of 237 “non-socially distant” persons.
  - d. Separate gender specific restrooms are located across the hallway behind the Auditorium.

### **Plan #1 – Continue to Hold Trials in the Auditorium**

A copy of the Auditorium grid layout and actual photographs of the transformation of the Auditorium into a Courtroom are reproduced below.

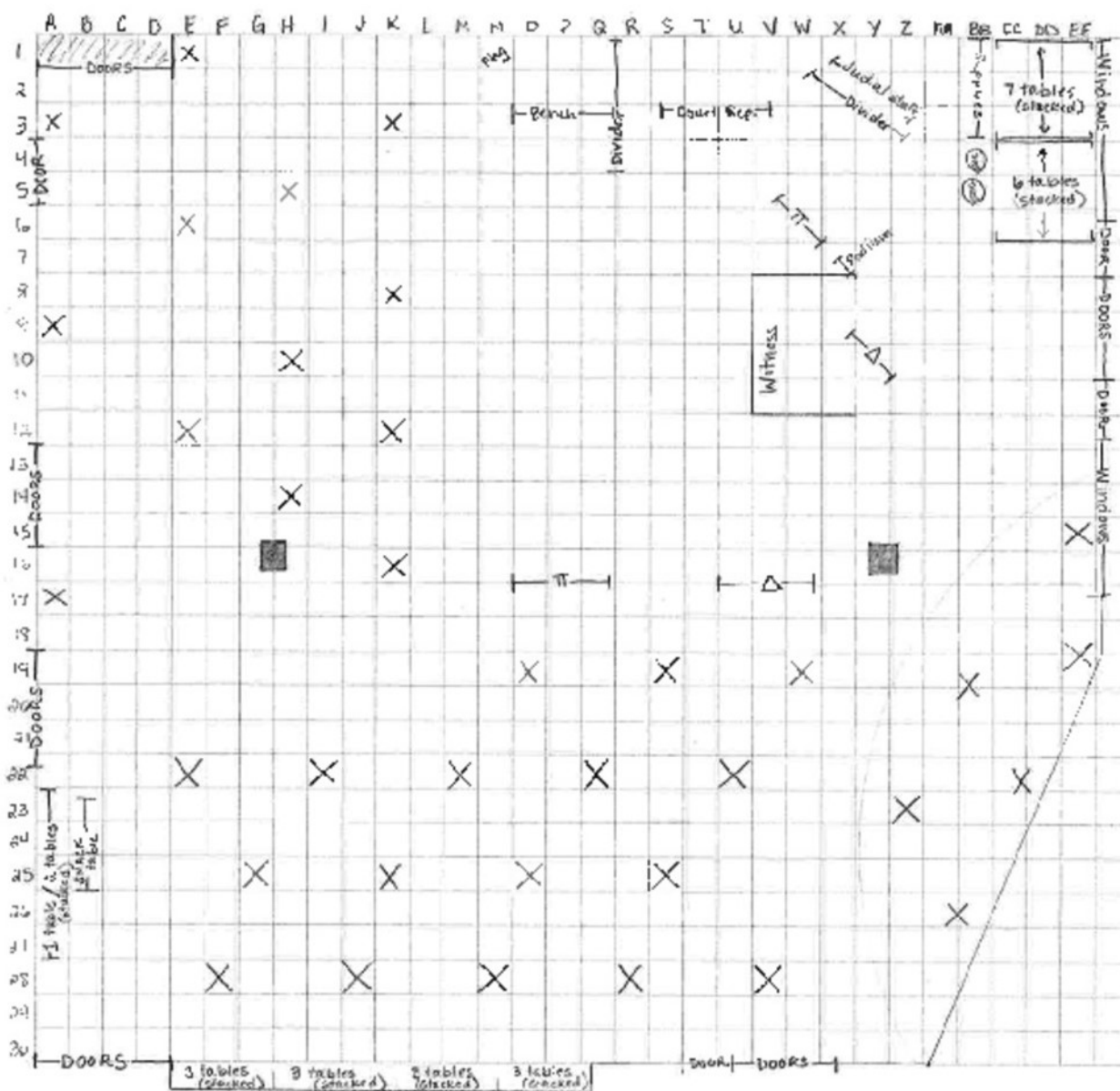
The letters and numbers on the grid borders represent the 2’ x 2’ carpet squares laid in the Auditorium, which is how we were able to memorialize placing of chairs / objects and verify 6 feet social distancing requirement.

“X” marks represent jury seating. Two shaded squares are immovable pillars.

The double door, main entrance into the Auditorium is to the far right of the diagram, marked “EE 6” – “EE 10”.

The initial public / media seating is in the bottom right hand corner (there is a faint parenthetical line separating the seating from the prospective jury seating, marked “Z 23” through “EE 15”). The availability of seating is reduced during voir dire to 3 chairs because the witness stand cubicle is stored in the area of “BB 16 – BB 19”.

Outside the far left of the diagram, through doors marked “A 19” – “A 22” are the restrooms.





**Prior to trial**, jurors enter through the Community Center lobby at pre-timed intervals where they undergo health screening and security checks before verifying their identity at the entrance to the Auditorium.



Health / Security Screening Area



Spacing for Juror Check-in



Juror Check-in Table

**During Voir Dire**, counsel tables are placed to “stage right” of the bench, with 13 prospective jurors placed on “X” marks to “stage left” of the bench / court reporter and 17 prospective jurors placed on the “X” marks directly in front of the bench.

Unbeknownst to the jurors, those thirteen jurors are seated in the “jury box”.



Bench / Ct Rptr / Parties



“Jury Box” of 13





Additional 17 jurors



View – Counsel Tables

**During Trial**, counsel tables are moved to directly in front of the bench, and the 13 trial jurors are placed on the “X” marks to “stage left” of the bench and the witness stand is moved to the location where the counsel tables stood during voir dire.

In the first trial, the attorneys conducted examination from counsel table. As a result, the witness had the natural desire to turn their body away from the jury and look directly at counsel. In our next trial, the Court is going to place the podium in between the bench and the Court Reporter, thereby hoping for a greater angle of facial exposure for jurors.

Limited public / media seating during voir dire (3 chairs against the far wall) is now expanded to include 14 chairs behind counsel table (vacated by the excused jurors).



Trial Counsel Tables



Mask-free Witness Stand



**During deliberations**, the jury remains in the Auditorium and tables are set up within the “well” of the bar:



6 Deliberation Tables



6 Deliberation Tables

### **Advantages to Auditorium:**

1. Able to accommodate thirty prospective jurors for jury selection.
2. Larger lobby area to screen prospective jurors.
3. Increased public confidence in protection of the public health as the result of social distancing during the trial.
4. Able to accommodate spectator and media seating in the courtroom.
5. Abundant parking.
6. Availability of other locations during breaks – prosecution retired to the County Commissioners Office, defense retired to Conference Room C and the Court and Court Reporter retired to the vending machine area.

### **Disadvantages to Auditorium:**

1. Compete for the Auditorium space with other county agencies and events.
2. Need to also reserve Conference Room C for trial use.
3. Must re-mark floor for each trial.
4. Sightline restrictions limit where jurors and parties can sit because the judge and witness stand are not elevated.
5. With jurors continually remaining in the Auditorium, bench conferences must take place in hallway either outside Auditorium door or down the hall for more serious conversations.
6. Burdensome for court operations to move supplies and resources to an alternative site for temporary use.
7. Less formal atmosphere.
8. Court Security is problematic:
  - a. The Auditorium has five entrance/departure points for a defendant who desires to flee.
  - b. The Community Center has multiple entry points throughout the building that are used by government staff and agency customers, thereby making it difficult for a Court Security Deputy to maintain security of the building.
9. Bathroom use has to be monitored by Court Staff to ensure members of the public are not using the bathrooms located across the hallway from the Auditorium.
10. No room to store “plexiglass” dividers.

## **Plan #2 – Jury Selection in the Auditorium and the Actual Trial in the Courthouse**

Trial in the Courthouse would require the modification of the physical courtroom layout as follows:

1. Trial counsel, prosecuting witness and the defendant would be seated in the current jury box.
  - a. An elevated floor would be temporarily constructed on the first row of the jury box, making it even with the back row. New microphone wires would be drilled under the floor to the jury box.
    - i. A second set of counsel tables would be placed in the jury box against the front of the wooden bar. The prosecution would be seated closest to the closed end of the box and defense would be seated closest to the open end of the box near the judge's bench.
    - ii. There would be sufficient room for counsel and parties to walk behind the tables to exit the jury box and approach the witness stand.
      1. No podium would be used and counsel would conduct examination from counsel table.
    - iii. The courtroom deputy would stand in the jury box entryway between the jury box and the judge's bench.
  - b. Closing arguments would be given at the podium behind the current counsel tables and in front of the wooden bar.
2. Trial jurors would be seated in the public gallery<sup>2</sup>.
  - a. Option 1 – Thirteen (13) juror seats would be arranged as follows:
    - i. 5 jurors seated in chairs behind the wooden bar, but in front of the first pew.
    - ii. 4 jurors seated in the second row of pews.
    - iii. 4 jurors seated in the fourth row of pews.
    - iv. Advantage – easier to clean the pews, keep the appearance of the courtroom intact when not having trials.
    - v. Disadvantage – pews can be uncomfortable and cushions will be needed for more comfortable seating for longer periods of time.

---

<sup>2</sup> Many judges are splitting the location of seated trial jurors, with some in the jury box, some in the gallery and some along a third wall. This Court believes that all jurors should have the opportunity to see the same thing at the same time. This Court also has reservations about jurors seated behind counsel and the parties, as that design layout removes the opportunity for jurors to observe the parties demeanor during the trial.

- b. Option 2 - Remove all four rows of pews and replace the seating with 13 socially distant chairs.
      - i. Advantage – more flexibility in placement and during deliberations
      - ii. Disadvantage – storage of pews, cleaning of chairs when used by the general public, weighing the labor intensive effort to remove and store the pews against the low number of trials and unknown length of pandemic
    - c. Option 3 – Remove the current wooden bar and replace it with a newly constructed “portable” bar.
      - i. During jury trials, the portable bar could be moved to the “bench side” of the bailiff’s desk, thereby providing more room for jurors to be spread out in the gallery.
        - 1. Depending on whether the full compliment of pews are removed, the additional space might also allow for a couple more public spectators or media members to be present in the courtroom along the side wall closest to the main courtroom door.
- 3. A single seat would be reserved for the victim or victim representative. *See, Ohio Constitution, Article I, Section 10a(A)(2) “...a victim shall have the following rights....to be present at all such proceedings.”*
  - a. This individual would be seated within the well of the wooden bar in front of the Bailiff’s desk
  - b. This individual would be prohibited from leaving their seat while the trial is in session.
- 4. A single seat would be reserved for a member of the media.
  - a. This individual would be seated against the closed end of the current jury box where the podium currently sits.
    - i. The Court was initially concerned that the media member could have viewing access to counsel table. However, current practice is to locate the media behind the wooden bar in view of counsel table. Modern camera lenses have the potential of obtaining access to counsel table now.
  - b. In the effort to minimize unintended eavesdropping, a piece of plexiglass would be placed on the closed end of the jury box so as to separate the media from counsel tables.
  - c. In developing this layout, the Court considered the “worst case scenario” (i.e., high profile case, victim wanting to be present, TV and newspaper coverage). Thankfully, not a lot of cases that fit into that scenario.

- d. In the event we have a “victimless” crime, consideration could be given to moving the non-TV media member away from the jury box and placing that individual in the seat reserved for the victim.
  - i. A TV media member cannot be placed within the well of the courtroom because the TV camera would block the view of some of the jurors.
- 5. Public spectating and remaining media staffers would view the trial via “closed circuit” transmission in a redesigned conference room at the end of the second floor hallway.
  - a. Conference Rooms A and B (at the end of the second floor hallway) would be transformed into one big conference room by removing the interior walls. A TV would be placed against the eastern wall and chairs would be placed in a socially distant manner for all to view.
    - i. It is the experience of current users of the conference rooms that the interior walls do not currently provide for much confidentiality, so removing the interior walls does not impact the usability of the space.
- 6. Witness Stand remains in current location, with “mask-free” clear enclosure placed around the stand.
- 7. Bench conferences would take place in the jury room behind the Courtroom.
- 8. Deliberations would take place in the actual Courtroom, with jurors having limited access to the jury room for bathroom and phased-in eating / drinking.
  - a. Unsuccessful attempts were made to measure out “social distancing spacing” in the jury room. Consideration was also given, but not adopted, to knocking down a massive concrete reinforced wall that houses two closets within the jury room.

#### **Advantages of Split Plan:**

- 1. Faster jury selection – spacious area at the Auditorium can accommodate 30 prospective jurors.
- 2. Only have to reserve the Auditorium for one half trial day as opposed to two or three trial days.
- 3. Do not have to reserve Conference Room C.
- 4. Actual Jury Trial at the Courthouse can occur with all of the technological accouterments and the dignity of a court proceeding.

5. Less burdensome for Court Staff to move trial supplies and resources.
6. Jury would have access to the bathroom in the jury room without need for intervention by Court Staff.

#### **Disadvantages of Split Plan:**

1. Still takes effort to get two courtrooms ready for trial.
2. As the result of required “social distancing” there is limited availability for party supporters / public spectators / multiple media outlets in the actual Courthouse Courtroom itself.
3. Unless the pews were removed, there is less room for a Courthouse jury to “turn around” and deliberate.
4. With a trial in the courthouse and the conversion of the second floor conference room into public seating, a private area is lacking for Defendant / Defense Counsel / Defense Witnesses to gather during breaks.
  - a. Courtroom Two might be available if not in use
  - b. Basement Hallway might be available
  - c. Law Library might be available
  - d. Basement Conference Room?

#### **Plan #3 – Hold Two Sessions of Jury Selection in the Morning and Afternoon at the Courthouse, and Start the Actual Trial in the Courthouse on Trial Day Two**

#### **Advantage of Two Sessions Plan:**

1. Courthouse Courtroom advantages previously mentioned.
2. No Community Center scheduling needed.

#### **Disadvantage of Two Sessions Plan:**

1. Courthouse Courtroom disadvantages previously mentioned.
2. Trials take longer because the beginning of trial is delayed



# NICK A. SELVAGGIO, JUDGE

## Champaign County Court of Common Pleas, General Division

---

Scott D. Schockling, Magistrate  
Sandi G. Perry, Court Administrator

Janelle L. Bey, Judicial Assistant  
Jennifer L. DeMarco, Judicial Assistant  
Christie L. Harrigan, Judicial Assistant

May 8, 2020

Dear Juror:

Thank you for taking the time to fill out and return your trial jury questionnaire. I am sure that you have concerns about holding a jury trial during the coronavirus (COVID-19) pandemic, and it is my desire to address some of those concerns herein.

We have adopted new protocols for the manner in which a jury trial is conducted. **These protocols have been approved by the Champaign County Health Commissioner.** Similar approved protocols were used for the April session of Grand Jury, and those grand jurors offered favorable responses to these modifications.

### Let me explain how jury trial service has changed.

1. Questionnaires are being mailed in advance in order to reduce the time you have to wait for the trial to begin.
  - a. We ask you to **fill out your questionnaire** and **return it to us by Thursday, May 21, 2020** so that we may plan for the appropriate number of jurors.
2. **The jury trial will take place in the Auditorium of the CHAMPAIGN COUNTY COMMUNITY CENTER, 1512 U.S. St. Rt. 68 South, Urbana, not the County Courthouse.**
  - a. This change enables the Court to comply with "social distancing" recommendations.
3. We will limit the number of jurors who have to physically appear for jury selection.
  - a. On or about Friday, May 22, 2020, you will receive a telephone call from my staff as to whether or not you are required to physically appear for service.
  - b. Those jurors who are not required to physically appear for service will be asked to remain at their residence on the first day of trial in an "on-call" status from 8:15 a.m. – 2:15 p.m. in case some of our initial jurors are unexpectedly unable to appear or are ill on the first day of trial. If not called, these "on-call" jurors will be then excused from this trial.
  - c. This process enables us to keep our "crowd gathering" to a minimum.
4. Regardless of whether you are required to physically appear for trial, on the day of trial, and before you come to the Community Center, we ask you to self-monitor whether you are experiencing any of the following symptoms within the last 2-3 days or have been exposed to someone experiencing these symptoms:
  - a. Fever more than 100.4 degrees;
  - b. Persistent, dry cough;
  - c. Shortness of breath or difficulty breathing;
  - d. Chills, Muscle pain, or Sore throat;

- e. New loss of taste or smell;
- f. Nausea, vomiting, or diarrhea

Do not come to trial if you are experiencing these symptoms or feel sick. Call the Court at 937-484-1000 to be excused from jury service.

5. If you are required to physically appear on the day of trial, you will see at the front entrance of the Community Center a large sign ("JURORS" with an arrow) directing you to enter a single front door.
  - a. Weather permitting, the Sheriff's Office will have a tent set up outside to take your temperature, screen you through security, and inspect your bags.
    - i. If inclement weather develops, the process will take place within the double doors of the Community Center.
  - b. We ask you to self-monitor the number of people at the front door waiting to be screened so that we don't have a large number of people waiting to enter the Community Center all at once.
  - c. Once successfully screened, you will be directed into the lobby to present your "photo ID" to Court Staff and then proceed into the Auditorium to be seated.
6. Throughout jury selection and the trial itself, jurors will be seated and spaced on marked spots in the Auditorium to comply with "social distancing" requirements.
7. Selection of the jury, presentation of the case and jury deliberation will all occur in Auditorium.
  - a. Once a jury is selected, the trial jurors will use a conference room (that has sufficient space for social distancing) for short breaks in the trial. Weather permitting, every effort will also be made to have you enjoy your trial recess outside.
8. During the trial, the Prosecutor, Defense Attorney, Defendant, Court Reporter and Testifying Witness will be spaced in the Auditorium to comply with "social distancing" from each other and from you.
  - a. A plexi-glass shield will be constructed around the witness stand to so that the Court Reporter recording the proceedings and you will have the opportunity to observe the witness give testimony without a facial covering.
9. All jury deliberations will occur in the spacious Auditorium instead of a traditional "jury room."
  - a. This enables us to give trial jurors room to comfortably and securely space themselves from each other during the deliberation-discussion process.
10. As of May 4, 2020, a sign posting at the Community Center requires that "all persons entering and remaining in the building wear a facial covering."
  - a. This policy will apply to the Court, all Court Staff, litigants, lawyers and jurors.
  - b. You are encouraged to bring a mask of your personal preference and comfort with you to jury service.



- c. Any juror who does not have a facial covering will be provided with a disposable mask. You will be required to wear a facial covering during your jury service.
  - d. Once the jury retires to deliberate, all twelve jurors will be provided disposable gloves to handle any physical exhibits that were admitted into evidence.
11. If you are selected as a juror, you will be provided with a disposable three-ringed notebook, pad of paper, pen, and a water bottle. You will be permitted to drink the water in the Auditorium during your service. At the end of the trial, you will personally shred your notes in the shredder located in the Auditorium. You will keep the notebook, pen and water bottle when you leave.
12. Up to two individuals at a time will be able to use each restroom adjoining the Auditorium and one person at a time will be able to enter each restroom adjoining the Conference Room.
13. We will not ask you to put your cell phone in one of our secured pouches. Instead, you will be asked to place your cell phone in the “off” position on a paper plate underneath your seat, with instructions not to use it during your jury trial service.
- a. During deliberations, you will place your cell phone in the “off” position in an individual one-gallon plastic baggie, to be retained by the bailiff until the verdict is read and the jury is dismissed.
14. A bottle of hand sanitizer will be available at the entry way of the Auditorium and Conference Room at all times.
15. Exhibits used during the trial will not be passed between jurors. During deliberations, jurors will be required to wear gloves to personally handle or examine any exhibit that has been admitted into evidence.

We have made these changes with your personal safety in mind. If you have another suggestion on how we can improve your experience, you will be free to share your idea with me either before, during or after the trial.

My staff and I have created innovative, pro-active, protective protocols that enables you to fulfill your duty of citizenship and your solemn responsibility of evaluating the evidence while minimizing your risk of exposure to the COVID-19 contagion. If, after review of these protocols, you want to be excused due to being in a high-risk category or feeling scared about contracting the virus, please call Court Offices (937-484-1000) and you will be excused from service.

Jurors sending in their questionnaire will receive a telephone call from my staff on or about Friday, May 22, 2020 to learn whether they are required to report in person or whether they are being asked to remain “on-call” to report in case an additional juror(s) is needed.

I thank you in advance for your understanding, courtesy and sense of duty to citizenship as shown to this process.

I look forward to seeing you in the Auditorium.

Very Truly Yours,

Nick A. Selvaggio  
Judge, Champaign County Common Pleas Court

## **COVID-19 VOIR DIRE QUESTIONS**

1. Is there any juror who has been notified by any Health Department that you tested positive for the COVID-19 virus?
  - a. When did the notification take place?
  - b. Was there a requirement to self-quarantine?
  - c. Did the self-quarantine take place?
2. Is there any juror who has a test pending regarding the COVID-19 virus?
3. Is there any juror who has been notified by any Health Department that you or a member of your household has been in contact with an individual who tested positive for the COVID-19 virus?
  - a. When did the notification take place?
  - b. Was there a requirement to self-quarantine?
  - c. Did the self-quarantine take place?
4. Have you or any member of your family been out of the State of Ohio in the past two weeks?
  - a. If so, did you or the family member self-quarantine for 14 days upon return to the State of Ohio?
5. Is there any juror who has to self-quarantine due to the COVID-19 virus?
6. Prior to trial, the Court provided the parties and the jurors with the COVID-19 Jury Trial Protocol approved by the Champaign County Health Commissioner so as to minimize the risk of exposure to the COVID-19 virus to trial participants.
  - a. In that protocol advisement, prospective jurors were advised that if a juror wanted to be excused due to being in a high-risk category or feeling scared about contracting the virus, the juror was to call Court Offices and the juror would be excused.
  - b. From the group assembled here, no one contacted Court Offices raising the concern.
  - c. You have now experienced the screening process for admission to the Auditorium, viewed the Courtroom layout and were advised by me how the trial will be conducted.
  - d. After having provided with this information and your own visual observations of spacing and hygiene measures, is there any juror who is uncomfortable serving as a juror during this trial due to the COVID-19 pandemic?
  - e. After having provided with this information and your own visual observations of spacing and hygiene measures, is there any juror who wants to be excused as a juror because of a concern related to the COVID-19 pandemic?
  - f. After having been provided with this information and your own visual observations of spacing and hygiene measures, is there any juror who has remaining COVID-19 concerns related to their service that have not been addressed by the Court?



# Champaign County Commissioners of Jurors

Nick A. Selvaggio, Judge, Common Pleas Court, General Division

## EXIT QUESTIONNAIRE - PLEASE CIRCLE YOUR RESPONSE

State v. _____, Case No. _____		Strongly agree	Agree	No opinion	Disagree	Strongly disagree
1	Overall I was satisfied with my juror experience.	5	4	3	2	1
2	Before my service, I felt the Court's COVID-19 letter eased my concerns serving during the COVID-19 pandemic.	5	4	3	2	1
3	During service, I felt the Court's explanation of the COVID-19 protocol eased my concerns serving during the COVID-19 pandemic.	5	4	3	2	1
4	I liked filling out my jury questionnaire before service.	5	4	3	2	1
5	I thought dates and deadlines were communicated in an effective manner.	5	4	3	2	1
6	I think jury trials should be held during the COVID-19 pandemic if reasonable protocols can be put in place to protect the jury's health.	5	4	3	2	1
7	I felt I was treated respectfully during the COVID-19 screening process at the door.	5	4	3	2	1
8	I felt the Court's COVID-19 protocols were excessive.	5	4	3	2	1

Please use the space below to further explain your answers or provide suggestions for improving the juror experience. Use the back of this sheet if additional space is needed.

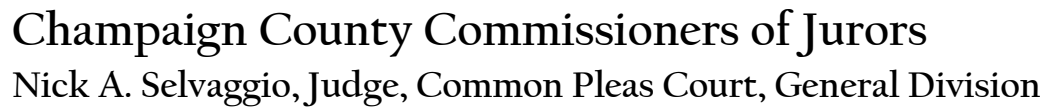
---

---

---

---

---



**State v.** \_\_\_\_\_, **Case No.** \_\_\_\_\_

Please use the space below to further explain your answers or provide suggestions for improving the juror experience. Use the back of this sheet if additional space is needed.

[illegible]

## **COVID-19 VOIR DIRE PROCEDURE**

### **PRELIMINARY**

Courtroom and Jury Room set up with ~6 ft social distancing

Need to arrange for an early transport of an incarcerated inmate to the courthouse – here by 7:45

Two Weeks prior: Summons 100 jurors with letter from the judge, notice, diagram and photo

Check-in table outside the courtroom

### **EXCUSAL**

Goal is to excuse as many questionable jurors as possible, prior to the call-in. The 34 jurors who show up should all be free of any hardships, medical conditions, CV-19 anxiety, etc.

### **CALL IN**

GOAL: 34 jurors

### **ARRIVAL/CHECK-IN**

7:45 a.m. – Brittany does a sweep of CR #3

Plexiglass panels in place at counsel table

Chair configuration in courtroom and jury room

Additional hand sanitizer in courtroom.

At least 30 masks on hand.

At least 3 bottles of hand sanitizer and boxes of Kleenex within reach of jury

Lysol wipes on the witness stand for wipe down between witnesses

Prop open both doors to the courtroom and both doors to the jury room

8:00 a.m. – front doors open

If Defendant is in custody, he will have to be in the courtroom by 8:00.

8:30 (or so) - Jurors come through the metal detector – routed down the hall by Michelle to the check-in desk, located in the lobby outside magistrate offices

Check in desk is staffed by Jen Y and Cindy. They take attendance and direct jurors to CR#3. Highlight them as you check them in.

Ginger is assigned to CR#3. She will seat the first 12 jurors in assigned seats in the jury box, the next 10 jurors in the remaining gallery seats and direct the next 12 to the jury room.

Brittany is assigned to the Jury Room. She will make sure the jurors are seated and maintain appropriate social distance.

If Jurors need to go to the restroom, they are to use the jury room.

At 9:00, Ginger will check with Jen Y and see which jurors are not accounted for.

At 9:15, Jen Y will prepare the final list and seating chart

**PERSONNEL:**

Front desk: Michelle

Juror Check In: Jen Y and Cindy

CR#3: Ginger

Jury Room: Brittany

Floater: Ali, Jen B; Jen J

PHONE CALLS: Michelle will field incoming calls from the jurors. Cindy will need to check with them periodically to advise about any no-shows, last minute issues, etc.

VOIR DIRE: Split jurors into three groups.

GROUP #1: First 12 prospective jurors – put them in the modified jury box according to the seating chart.

GROUP #2: Next 10 prospective jurors – festival seating in the gallery

GROUP #3: Last 12 prospective jurors – put them in the jury room where they can watch the voir dire on the remote feed.

EXCUSALS: When a juror is excused (from Group #1), plug the next juror on the list (from Group #2). When all of Group #2 is exhausted, bring Group #3 into the courtroom, seat them in the gallery, swear them in, repeat some of the preliminary voir dire remarks and begin to use them.

Seat 12 jurors and one alternate

MEDIA INQUIRIES, SECURITY AND FACILITIES ISSUES. Jen B. will deal with any last minute issues involving the press, security or facilities and assist with any last minute issues.

EXIT INTERVIEWS: As jurors are excused, Jen B will talk to them about the experience and how we can do better next time



# COMMON PLEAS COURT

## GENERAL DIVISION

500 Justice Drive, Lebanon, Ohio 45036

**Judge Donald E. Oda II • Judge Robert W. Peeler • Judge Timothy N. Tepe**

Dear Prospective Juror:

I recognize that in the midst of this public health crisis, receiving a summons for jury duty is likely very concerning to you, perhaps even a little scary. I want to assure you that our Court is committed to making any and all reasonable accommodations to allay your fears and keep you safe. The trial for which you were summoned is an important one to the parties involved and needs to be resolved. I would not be conducting this trial, however, if I was not completely certain that it could be done safely.

While the orders issued by the Ohio Department of Health, including the most recent Amended Director's Stay at Home Order, do not apply to judges, jurors and court personnel, we are adhering to the social distancing and other guidelines as best we can. We have modified our facilities to provide for approximately six-foot distances between individuals in the courtroom and in the waiting areas, we have hand-sanitizer readily available, we will provide a mask to anyone who wants one and we will be checking in jurors and moving them throughout the courthouse in small groups. I have attached a diagram of our courtroom and a picture for your review. I have also enclosed a Notice which outlines the procedure for requesting excusal if you are not able to serve. These new procedures were drafted in cooperation with the Warren County Health Commissioner. The advice and recommendations of the Warren County Health District have been incorporated into our operational plan.

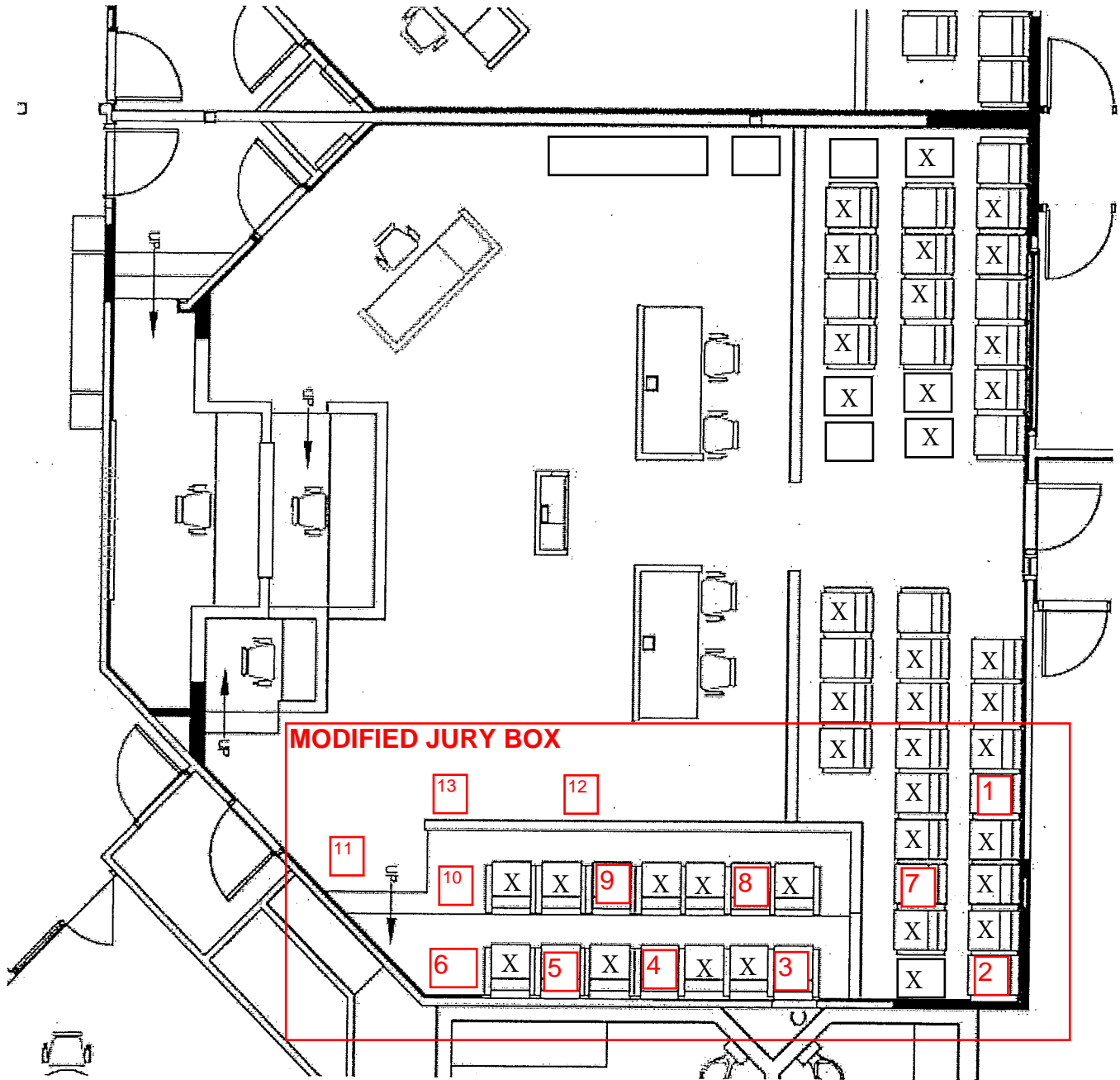
If you have reservations about serving on jury duty, please email our jury commissioner with your concerns as soon as possible. We will do our best to provide you with a prompt response. For those of you who can and are willing to serve, you will be an inspiration to others who may have been hesitant to return to their daily activities.

Thank you again for your service, and I hope to see you for jury selection. If you are unable to serve, I understand that as well.

Sincerely,

Judge Donald E. Oda II  
Warren County Common Pleas Court

Courtroom #3 - Voir Dire  
COVID-19 Layout







**STATE OF OHIO, WARREN COUNTY**  
**COMMON PLEAS COURT**  
**CRIMINAL DIVISION**

STATE OF OHIO,

Plaintiff,

v.

BRANDON REDDING

Defendant

CASE NO. 19CR36135

(JUDGE ODA)

**ENTRY AND ORDER**  
**ESTABLISHING JURY**  
**MANAGEMENT AND FACILITIES**  
**PROTOCOLS FOR JURY TRIAL IN**  
**RESPONSE TO THE PUBLIC**  
**HEALTH CRISIS**

This matter is before the Court, *sua sponte*, in advance of the jury trial scheduled to begin on [May 28, 2020](#).

On March 16, 2020, the Court entered a Temporary Order In Response to the COVID-19 (Coronavirus) Public Health Crisis and an Entry and Order For Certain Restrictions to the Use, Occupancy and Traffic for the Courthouse Facility. Those findings are incorporated by reference as if fully rewritten herein.

The Court has reviewed the record in this matter, including the indictment, the pleadings and the pretrial services bond investigation report. [The Court notes the Defendant was arraigned on November 27, 2019. Bail was set in the amount of \\$10,000, which the Defendant has been unable to post. The Court has conducted five pretrial hearings and a status conference. Plea negotiations have not been productive in reaching a mutually acceptable resolution. On February 10, 2020, before the public health crisis had fully manifested itself, the matter was set for trial. Based upon this information, the Court finds it is necessary that this matter proceed to trial. The allegations are very serious – involving a high speed chase, foot pursuit and resisting arrest.](#) The Court has concerns that the witnesses, which are currently available for trial, will become unavailable and/or suffer from fading memories concerning the incident. The Court's exercise of its essential functions and operations are critical to the furtherance of justice. Notwithstanding the current public health crisis, the wheels of justice must continue to turn. The Court has balanced the interests in delaying the adjudication of this matter to a later date against the needs of the timely administration of justice for the Defendant and the citizens of Warren County. The Court has determined that this trial shall go forward, subject to the modifications and protocols set forth herein.

The Court finds it is necessary to establish certain protective measures to enable the trial to go forward in a safe manner. The Court met with representatives from the Warren County Health District on May 7, 2020 regarding procedures, and their recommendations are incorporated herein. The Court has also reviewed the Continuing Jury Operations, prepared by the Ohio Judicial Conference Jury Service Committee, dated May 2020 and the case of State ex rel. Stone v. Forsthoefel.

The Court notes that Judge Tepe has a criminal jury trial set to begin on June 1, 2020 in State v. Edwards, 19CR36122. It is not possible, given the physical layout of the courthouse, to have two jury trials that begin on the same day and maintain sufficient staffing, social distance and the safety of prospective jurors. Judge Tepe's matter was set for trial before this one, and therefore has precedence on the docket.

**IT IS HEREBY ORDERED:**

1. CONTINUANCE. The trial of this matter shall begin on June 2, 2020 at 8:00 a.m. All parties shall be present and ready to go forward at that time.
2. ENTRY INTO THE COURTHOUSE. No prospective juror will be permitted to enter or remain in the Courthouse if ANY of the following apply:
  - He or she has a fever;
  - He or she exhibits all three of the following symptoms: 1) respiratory symptoms (chronic cough), 2) sore throat, and 3) shortness of breath/difficulty breathing.
  - He or she has traveled out of the country within the last 14 days;
  - He or she has been in contact with a person who is under investigation or has tested positive for the COVID-19 virus.
3. TEMPERATURE TESTING. Prospective jurors may not enter the Courthouse without a non-invasive temperature test.
4. SOCIAL DISTANCING. Prospective jurors and courthouse personnel shall maintain appropriate social distancing of approximately six feet.
5. MASKS. The wearing of masks or other personal protective equipment is permitted in the courthouse, but is not required. If a prospective juror desires to wear a mask but does not have one, the Court will provide one.
6. CLEANING. The Courtroom shall be wiped down and disinfected the night before trial, during the lunch recess and as-needed throughout the day.
7. HAND SANITIZER. Hand sanitizing stations have been installed throughout the Courthouse and additional hand sanitizer will be made available in the Courtroom. Frequent hand washing is also encouraged.

## **JURY SUMMONS AND SELECTION**

The Jury Commissioner is hereby directed to summons the jurors in accordance with the Court's established practice. Extra prospective jurors shall be summoned to establish a larger jury pool because the Court anticipates more requests for excusal than is customary. The Jury Commissioner shall include a letter from the trial judge and the Notice attached hereto.

Jurors may request excusal by directing their request via email to the Jury Commissioner. The Court shall give added consideration to issues concerning financial hardship, medical conditions and/or apprehension about the current public health crisis. The Court will excuse any prospective juror who has legitimate concerns that participation in the trial will jeopardize his or her health or safety.<sup>1</sup>

Upon entrance into the Courthouse, jurors shall be directed to one of the check-in stations. Courthouse personnel shall ensure that jurors do not congregate, nor stand in line closer than approximately six feet from each other. All prospective jurors will be directed immediately to the Courtroom or Jury Room.

The Courtroom and the Jury Room shall be configured so that all chairs are approximately six feet apart. Doors will be propped open, where appropriate, to reduce the amount of touch points in higher-traffic areas.

The first 12 prospective jurors shall be placed in the modified jury box set forth on the diagram attached hereto. Eight additional jurors shall be placed in the other seats in the gallery. Eight to twelve jurors shall be placed in the Jury Room. Jurors in the Jury Room will watch the proceedings remotely to minimize the repetitive nature of voir dire questioning.

The Court will swear in the prospective jurors in the courtroom and proceed with jury selection. Each side will have 20 minutes for their preliminary voir dire. The Court shall excuse jurors for cause and based upon peremptory challenges, with new prospective jurors being placed in the Modified Jury Box for questioning.

When the pool of gallery jurors has been exhausted, either for cause or by peremptory challenges, the Bailiff will retrieve the remaining jurors from the Jury Room. They will be seated in the gallery, placed under oath and jury selection will continue.

The NOTICE TO PROSPECTIVE JURORS attached hereto shall be sent to the jurors with the summons.

---

<sup>1</sup> Per the Ohio Supreme Court ruling in State ex rel Stone v. Forsthoefel

Because it is unlikely that this trial will attract any significant level of attention from the media and/or the public, the Court anticipates that any individual wishing to attend the proceedings will be able to view either from the courtroom or the media room. The proceedings will also be live-streamed to the internet.

**IT IS SO ORDERED.**

A handwritten signature in black ink, appearing to read "Donald E. Oda II". The signature is stylized with a large initial "D" and a prominent "II" at the end.

---

Donald E. Oda II, Judge  
Warren County Common Pleas Court

# **COVID-19 NOTICE TO PROSPECTIVE JUROR**

You have been summoned for Jury Duty. Due to the current public health crisis, the Court is taking additional precautions to ensure your safety.

You will be given a non-invasive temperature test when you enter the building.

**SOCIAL DISTANCING.** Prospective jurors and courthouse personnel shall maintain appropriate social distancing of approximately six feet.

**MASKS.** The wearing of masks or other personal protective equipment is permitted in the courthouse, but is not required. If you desire to wear a mask but do not have one, the Court will provide one.

**HAND SANITIZER.** Hand sanitizing stations have been installed throughout the Courthouse and additional hand sanitizer will be made available in the Courtroom. Frequent hand washing is also encouraged.

**IF YOU NEED TO BE EXCUSED FROM JURY DUTY, PLEASE CONTACT THE JURY COMMISSIONER, PREFERABLY BY EMAIL AT [Jennifer.Yeazel@co.warren.oh.us](mailto:Jennifer.Yeazel@co.warren.oh.us). SHE CAN ALSO BE REACHED BY TELEPHONE AT 513.695.1597.**

Due to the large number of jurors that are being summoned, you are encouraged to contact the Court as soon as possible if you need to request excusal.

You will be excused if ANY of the following apply:

- You have a fever;
- You exhibit a combination of the following symptoms: 1) respiratory symptoms / chronic cough; 2) sore throat; 3) shortness of breath; 4) chills; 5) muscle pain; 6) new loss of taste or smell.
- You have traveled out of the country within the last 14 days;
- You have been in contact with a person who is under investigation or has tested positive for the COVID-19 virus.
- You have a legitimate concern that participation in the trial will jeopardize your health or safety.

The Court is also giving added consideration to issues concerning financial hardship, medical conditions and/or apprehension about the current public health crisis.

**DO NOT COME TO THE COURTHOUSE  
IF YOU ARE SICK OR EXHIBIT SYMPTOMS**

# WARREN COUNTY COMMON PLEAS COURT

## JUROR SURVEY

Jury Trial 19CR036135  
State of Ohio vs. Brandon Redding

Travis Vieux, Prosecuting Attorney  
James C. Station, Attorney for Defense  
June 2, 2020

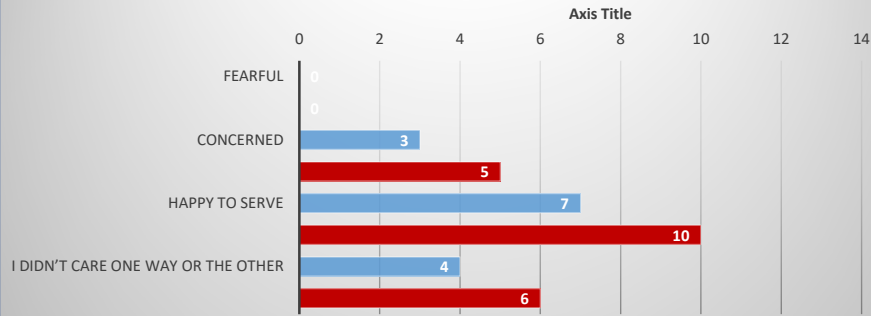
	Fearful		Concerned		Happy to Serve		I didn't care one way or the other	
	Seated	Excused	Seated	Excused	Seated	Excused	Seated	Excused
When you received the jury term notice in the mail how did you feel?	0	0	3	5	7	10	4	6
How did you feel when you were summoned to come to the courthouse for jury duty?	0	0	3	5	6	10	3	6

	Strongly Agree		Agree		Undecided/ Neutral		Disagree		Strongly Disagree	
	Seated	Excused	Seated	Excused	Seated	Excused	Seated	Excused	Seated	Excused
Did the letter from the Judge with the specific procedures and courtroom configuration help ease your concerns regarding serving as a juror?	5	4	6	13	2	4	0	0	0	0
Did you feel the noninvasive temperature check when you entered the courthouse was necessary?	8	8	1	8	3	5	0	0	1	0
Upon entering you were asked COVID-19 specific questions regarding your health and recent travel. Did you feel it was necessary for the court to ask these questions?	7	11	1	6	3	3	2	0	0	1
Did you think the check-in process ensured proper social distancing for the jurors?	4	9	8	9	1	2	0	0	0	1
Did you feel your concerns regarding the jury selection process were taken into consideration by the judge, jury commissioner, and court personnel?	8	8	4	9	1	5	0	0	0	0
Were you made aware of all the personal protection equipment (PPE) available at the courthouse, such as hand sanitizer stations, availability of masks, gloves, etc.?	11	12	2	8	0	0	0	0	0	1
Did you feel that the jury waiting room for small panels Voir Dire had proper and safe social distancing?	4	11	4	9	2	0	2	1	0	0
Did you feel you had proper safe social distancing with the configuration of the jury box?	7	9	6	9	0	2	0	1	0	0
Did you feel the jury deliberation room was configured with proper and safe social distancing?	1	0	7	0	3	0	2	0	0	0
Did you feel the court enforced proper social distancing for jurors and courthouse personnel?	4	9	7	11	2	0	0	1	0	0
Did you feel the court did enough to protect you from possible Covid-19 exposure?	4	7	6	8	2	1	0	0	0	1

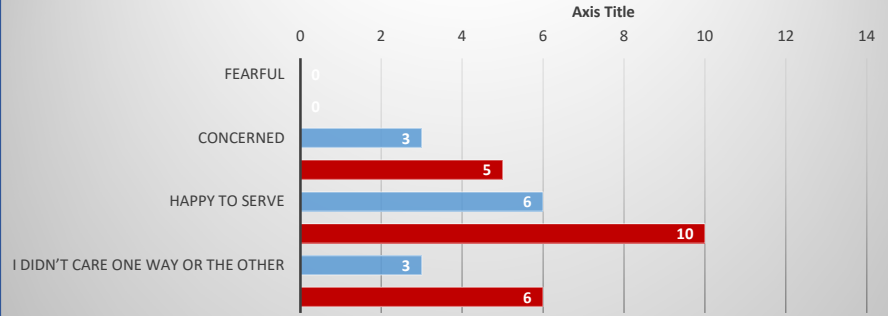
Did you think the level of protection you felt while in the courthouse was up to your expectations?	6	10	5	7	1	0	0	1	0	0
---	---	----	---	---	---	---	---	---	---	---

Blue = Seated Red = Excused

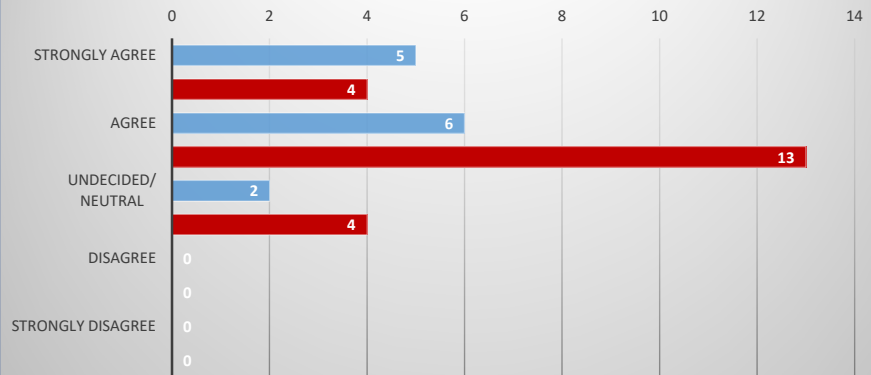
### When you received the jury term notice in the mail how did you feel?



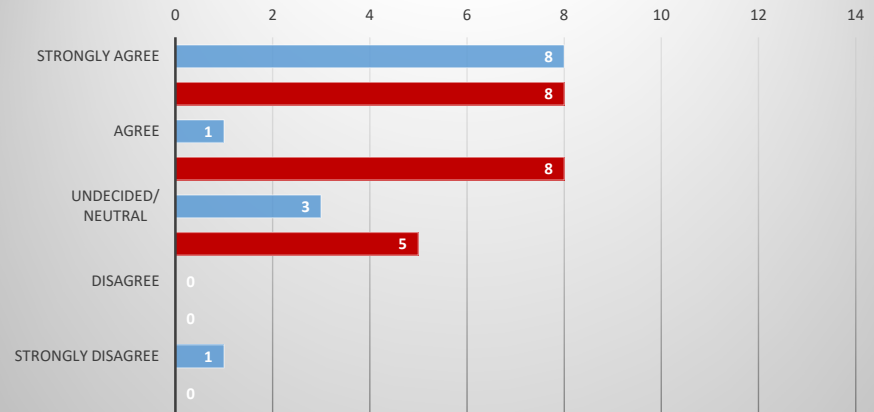
### How did you feel when you were summoned to come to the courthouse for jury duty?



### Did the letter from the Judge with the specific procedures and courtroom configuration help ease your concerns regarding serving as a juror?

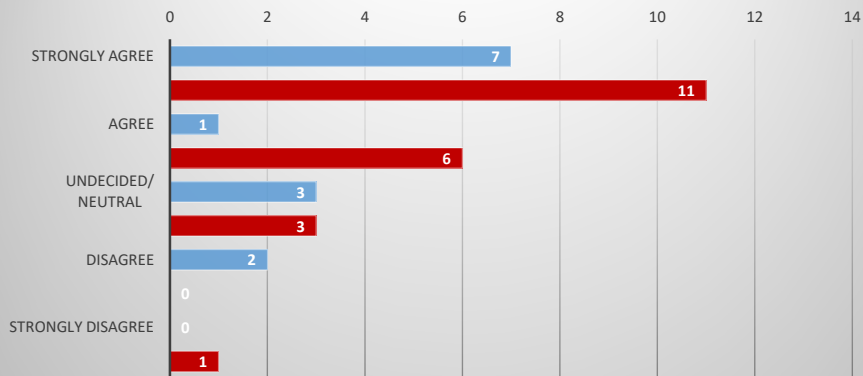


### Did you feel the noninvasive temperature check when you entered the courthouse was necessary?

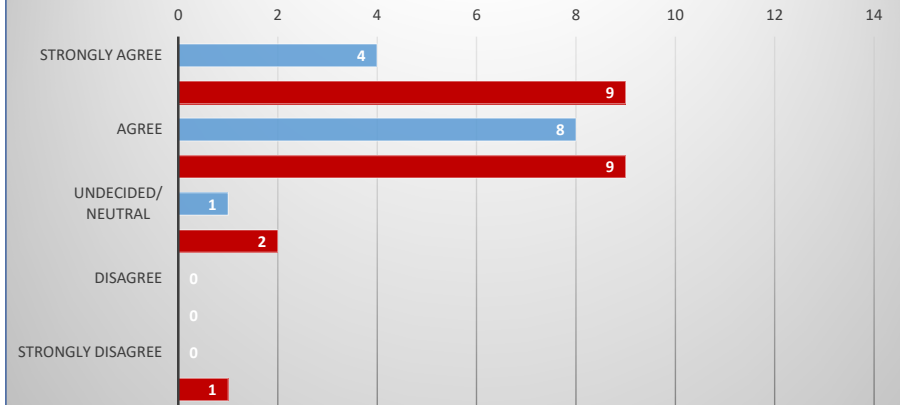




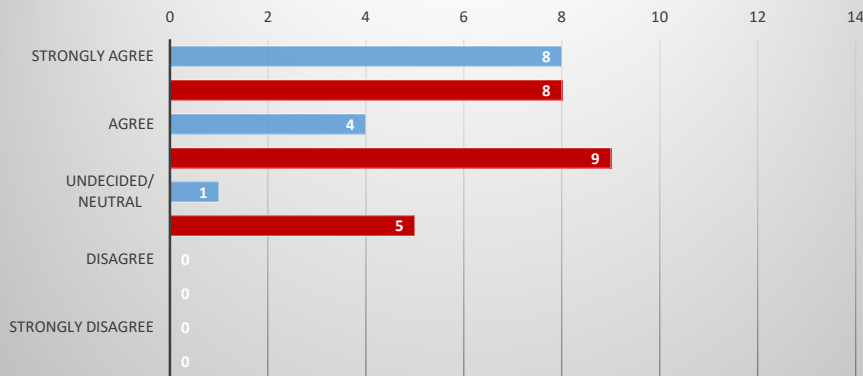
**Upon entering you were asked COVID-19 specific questions regarding your health and recent travel. Did you feel it was necessary for the court to ask these questions?**



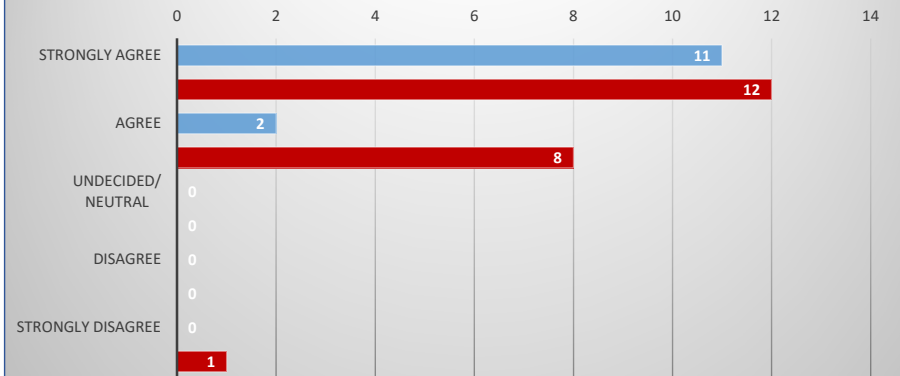
**Did you think the check-in process ensured proper social distancing for the jurors?**



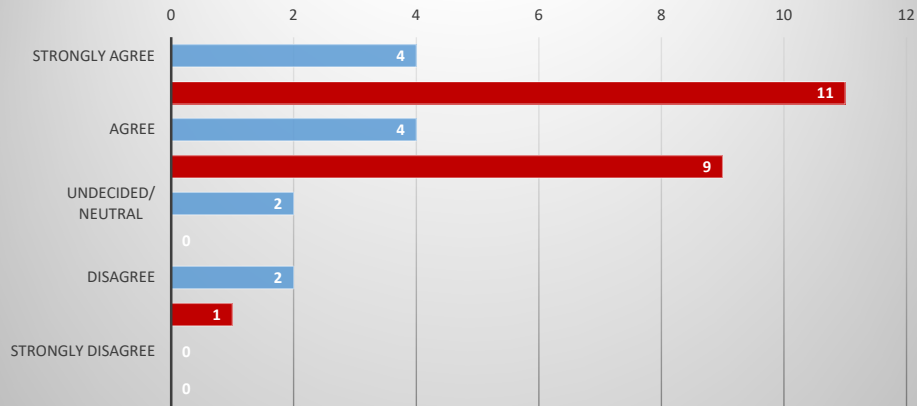
**Did you feel your concerns regarding the jury selection process were taken into consideration by the judge, jury commissioner, and court personnel?**



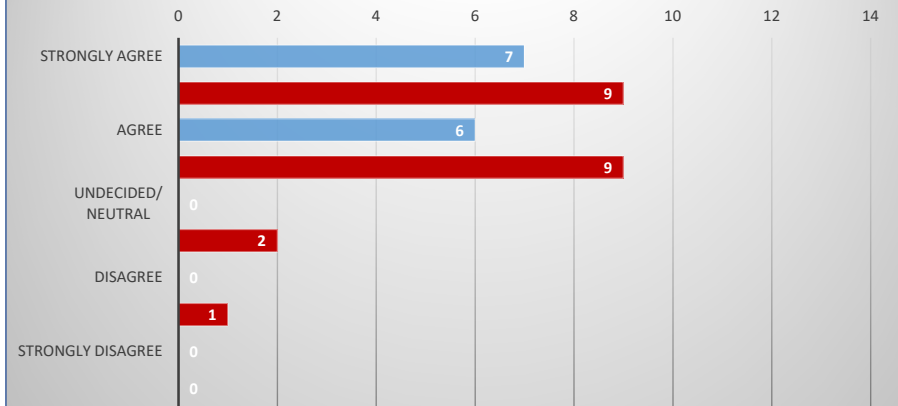
**Were you made aware of all the personal protection equipment (PPE) available at the courthouse, such as hand sanitizer stations, availability of masks, gloves, etc.?**



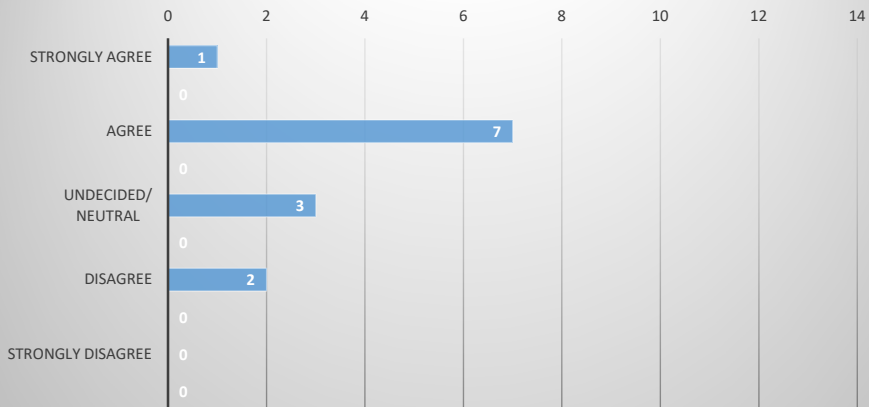
**Did you feel that the jury waiting room for small panels Voir Dire had proper and safe social distancing?**



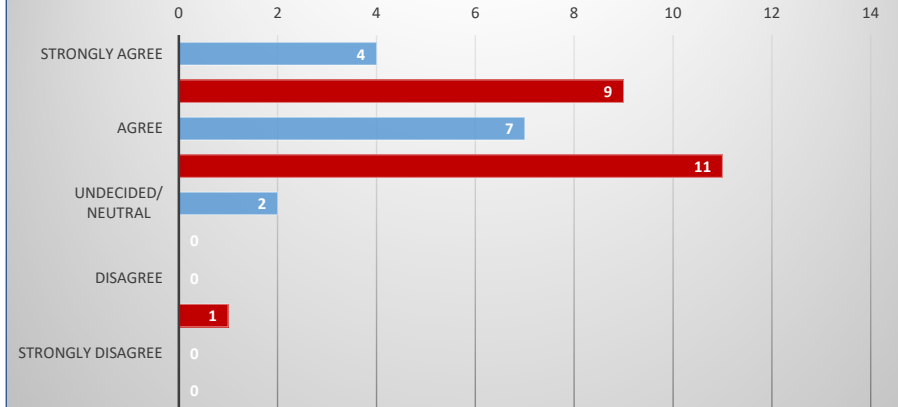
**Did you feel you had proper safe social distancing with the configuration of the jury box?**



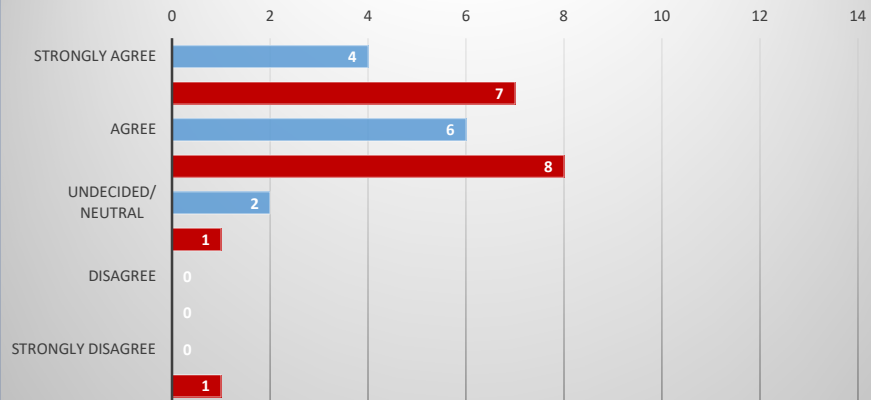
**Did you feel the jury deliberation room was configured with proper and safe social distancing?**



**Did you feel the court enforced proper social distancing for jurors and courthouse personnel?**



**Did you feel the court did enough to protect you from possible Covid-19 exposure?**



**Did you think the level of protection you felt while in the courthouse was up to your expectations?**

