

# NAVARRO COUNTY

MELISSA BUTLER  
COURT COORDINATOR



LESLIE KIRK  
OFFICIAL REPORTER

## JAMES LAGOMARSINO

JUDGE, 13TH JUDICIAL DISTRICT COURT  
NAVARRO COUNTY COURTHOUSE  
300 W. 3RD AVE., SUITE 202  
CORSIANA, TEXAS 75110  
(903) 654-3020 PHONE (903) 872-2704 FAX  
WEBSITE: WWW.CO.NAVARRO.TX.US/IPS/CMS

October 16, 2020


Counsel, Litigants, and the Public (VIA E-MAIL / NAVARRO COUNTY WEBSITE)

RE: Jury Proceeding Addendum to COVID-19 Operating Plan for the Navarro County  
Judiciary

Dear Counsel, Litigants, and the Public:

Please find attached the Jury Proceeding Addendum to COVID-19 Operating Plan for the Navarro County Judiciary with attachments which was approved on October 15, 2020 by Judge Billy Ray Stubblefield. This plan will be posted to the websites of Navarro County and the Office of Court Administration. Please note that the County Court and Justice Court courtrooms will only be used for jury deliberations. The Court appreciates your patience and consideration during these challenging times.

Respectfully,

 10/16/20 5:08 PM

James Lagomarsino  
State District Judge / Local Administrative Judge

cc: The Honorable Billy Ray Stubblefield (VIA E-MAIL)  
The Honorable Amanda Putman (VIA E-MAIL)  
The Honorable H.M. Davenport, Jr. (VIA E-MAIL)  
The Honorable Phillip Arrien (VIA E-MAIL)  
The Honorable Jackie Freeland (VIA E-MAIL)  
The Honorable Connie Hickman (VIA E-MAIL)  
The Honorable Darrell Waller (VIA E-MAIL)  
The Honorable Greta Jordan (VIA E-MAIL)  
The Honorable Cody Beauchamp (VIA E-MAIL)

The Honorable Josh Tackett	(VIA E-MAIL)
Navarro County Commissioners Court	(VIA E-MAIL)
Chief Paul Henley	(VIA E-MAIL)
Assistant Chief Wade Gillen	(VIA E-MAIL)
Sheriff Elmer Tanner	(VIA E-MAIL)
Dr. Kent Rogers	(VIA E-MAIL)
Ms. Emily Carroll	(VIA E-MAIL)
Ms. Terry Guillen	(VIA E-MAIL)
Mr. Eric Meyers	(VIA E-MAIL)

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October 7, 2020

The Honorable Billy Ray Stubblefield (VIA E-MAIL)  
Administrative Judge of the 3<sup>rd</sup> Administrative Judicial Region

RE: Jury Proceeding Addendum to COVID-19 Operating Plan for the Navarro County  
Judiciary

Dear Judge Stubblefield:

Please find attached the Jury Proceeding Addendum to COVID-19 Operating Plan for the Navarro County Judiciary with attachments for your review and approval. If you approve this addendum, the Court will forward this addendum to counsel, litigants, and the public. Thank you in advance for your consideration. Please contact me if you have any questions.

Respectfully,



James Lagomarsino  
State District Judge / Local Administrative Judge

cc: The Honorable Amanda Putman (VIA E-MAIL)  
The Honorable H.M. Davenport, Jr. (VIA E-MAIL)  
The Honorable Phillip Arrien (VIA E-MAIL)  
The Honorable Jackie Freeland (VIA E-MAIL)  
The Honorable Connie Hickman (VIA E-MAIL)  
The Honorable Darrell Waller (VIA E-MAIL)  
The Honorable Greta Jordan (VIA E-MAIL)  
The Honorable Cody Beauchamp (VIA E-MAIL)  
The Honorable Josh Tackett (VIA E-MAIL)  
Navarro County Commissioners Court (VIA E-MAIL)

Chief Paul Henley  
Assistant Chief Wade Gillen  
Sheriff Elmer Tanner  
Dr. Kent Rogers  
Mr. Eric Meyers

(VIA E-MAIL)  
(VIA E-MAIL)  
(VIA E-MAIL)  
(VIA E-MAIL)  
(VIA E-MAIL)

**Jury Proceeding Addendum to COVID-19 Operating Plan for the  
Navarro County Judiciary**  
*Effective on and after October 7, 2020*

Recognizing the need to ensure the health and safety of jurors, litigants, attorneys, visitors, court staff, judges, and other individuals entering the buildings housing the courts, the courts of Navarro County will implement, in addition to the procedures and protocols in the previously submitted COVID-19 Operating Plan, the following protective measures for jury proceedings:

**General**

1. All judges will comply with the Emergency Orders issued by the Supreme Court of Texas and Court of Criminal Appeals, including conducting in-person jury proceedings according to the guidance issued by the Office of Court Administration.
2. The justice courts will not conduct an in-person jury proceeding until the Supreme Court permits such proceedings.
3. Judges of the district courts, constitutional and statutory county courts, and statutory probate courts will conduct in-person jury proceedings in accordance with the previously approved Operating Plan and this addendum only after this jury proceeding addendum is submitted and accepted by the Regional Presiding Judge.
4. Not more than five days before an approved in-person jury proceeding is scheduled to occur, the local administrative district judge or designee will consult with the local public health authority to verify that local health conditions and plan precautions are appropriate for the jury proceeding to proceed.
5. Except for criminal cases where confinement in jail or prison is a potential punishment, judges may conduct remote jury proceedings if the court follows the requirements of the hearings on objections or motions section below and ensures that all potential and selected petit jurors have access to technology to participate remotely. Judges may conduct remote jury proceedings in a criminal case where confinement in jail or prison is a potential punishment only with appropriate waivers and consent obtained on the record from the defendant and the prosecutor.

**Jury Proceeding Approval Process**

1. Judges wishing to conduct a jury proceeding will follow the procedure detailed below to obtain approval to proceed with the jury proceeding from the local administrative district judge and Regional Presiding Judge:
  - a. Seek permission in writing from the local administrative judge who will forward the request to the Regional Presiding Judge;
  - b. Upon the local administrative judge conferring with the Regional Presiding Judge, the local administrative judge will convey to the requesting court in writing if approval to proceed is granted.
2. The local administrative district judge will, not more than five days before the jury proceeding, consult with the local public health authority to verify that the local health conditions and plan precautions are appropriate for the jury proceeding to proceed with the following procedure:
  - a. Communicate via phone or in writing with the local health authority;
  - b. After communicating with the local health authority, the local administrative judge will convey to the requesting court if it is appropriate for the jury proceeding to proceed.

### **Hearings on Objections or Motions Related to Proceeding**

1. Parties who are scheduled for a jury proceeding are encouraged to make any objections or motions related to proceedings at least 10 days prior to the trial setting.
2. Any objections or motions related to proceeding with a jury proceeding will be heard by the judge presiding over the case at least seven days prior to the jury proceeding or as soon as practicable if the objection or motion is made or filed within seven days of the jury proceeding.

### **Communication Protocols**

1. Each judge with an approved in-person jury proceeding will require the parties to communicate with the court if any participant in the jury proceeding, including attorneys, parties, attorney support staff, or witnesses, has tested positive for COVID-19 within the previous 30 days prior to any portion of the jury proceeding, currently has symptoms of COVID-19, or has had recent known exposure to COVID-19.
2. If the approved in-person jury proceeding involves an incarcerated participant, the judge will require the sheriff to report any positive COVID-19 test of the incarcerated participant within the previous 30 days prior to any portion of the jury proceeding, any current symptoms of COVID-19, or any recent known exposure to COVID-19.

### **Scheduling**

1. A judge who obtains approval for an in-person jury proceeding will schedule no more than ten cases for that jury trial setting, unless pre-approval for larger dockets is obtained from the Regional Presiding Judge.
2. Judges should attempt to alert parties who will not be proceeding prior to the day of trial to reduce attendance at the court facility.

### **Summoning Jurors**

1. The jury clerk must include with in-person juror summonses information regarding precautions that have been taken to protect the health and safety of prospective jurors (see Attachment A) and COVID questionnaires (see Attachment B) that elicit from prospective jurors information about their exposure or vulnerability to COVID-19.
2. Judges will consider using juror questionnaires for voir dire to assist in shortening the length of voir dire or the number of venirepersons.
3. Excuses or requests to reschedule from in-person prospective jurors who have been potentially exposed, who are symptomatic, and who are vulnerable or live with someone vulnerable to COVID-19 will be liberally granted.

### **Location for Jury Selection, Trial, and Deliberation**

1. The following locations have sufficient space to permit adequate social distancing and will be used for in-person jury proceedings:
  - a. Jury Qualification: As of October 7, 2020, the I.O.O.F. Event Center, 601 N 45<sup>th</sup> Street, Corsicana, Texas 75110.
  - b. Voir Dire: As of October 7, 2020, I.O.O.F. Event Center, 601 N 45<sup>th</sup> Street, Corsicana, Texas 75110

- c. Trial: As of October 7, 2020, I.O.O.F. Event Center, 601 N 45<sup>th</sup> Street, Corsicana, Texas 75110 and the Navarro County Courthouse, 300 West 3<sup>rd</sup> Avenue, Corsicana, Texas 75110.
  - d. Jury Deliberation: As of October 7, 2020, I.O.O.F. Event Center, 601 N 45<sup>th</sup> Street, Corsicana, Texas 75110; the Navarro County Courthouse, 300 West 3<sup>rd</sup> Avenue, Corsicana, Texas 75110; and the Navarro County Justice Court, 300 West 2<sup>nd</sup> Avenue, Corsicana, Texas 75110.
2. Security protocols at the locations for jury proceedings have been reviewed with the appropriate courthouse security personnel and are adequate for the proceeding.

### **Screening**

1. In addition to the requirements of the previously submitted in-person Operating Plan, all court participants and observers attending an in-person jury proceeding will be screened for elevated temperatures and will be questioned to determine if the individual has recently had symptoms of COVID-19 or been exposed to COVID-19.
2. All participants in a trial who are incarcerated will be screened by the jail/prison prior to transport to the courtroom and any known exposure, symptoms, or COVID-19 positive test results within the past 30 days will be reported to the judge presiding over the jury trial prior to the transport of the participant to the courtroom.

### **Face Coverings**

1. In addition to the requirements of the previously submitted in-person Operating Plan, all persons entering the common areas of a courthouse, including a courtroom or any other location being used to conduct a jury trial, will be required to wear a face covering and face shield at all times unless the person is an individual that is not recommended to wear a mask by the Centers for Disease Control or the Texas Department of State Health Services.
2. All court participants will be required to wear face coverings and face shields from jury qualification through the end of trial.
3. Court participants who may need to lower their face mask to speak or for a short period of time will be required to wear a face shield. When speaking, judges will permit a court participant to lower his or her mask so long as a face shield is worn, and the person speaking is immobile.

### **Social Distancing**

1. Social distancing of all court participants and observers will be maintained at all times during the jury proceeding, including during the trial and deliberation.
2. Special attention will be paid by courts to ensure adequate social distancing and managed exits of individuals during breaks, especially when dismissing large groups of people for a break.

### **Alternate Jurors**

1. Each judge with an approved in-person jury proceeding will be encouraged to consider selecting alternate jurors to permit the trial to continue in the event of a juror becoming ineligible to serve for a reason unrelated to that person's exposure to or contraction of COVID-19.

### **Arrangement of Courtroom**

1. The following floorplans attached detail how each of the courtrooms or facilities will be arranged during the jury proceeding:
  - a. I.O.O.F. Event Center (Attachment C)
  - b. Navarro County Courthouse – District Courtroom (Attachment D)
  - c. Navarro County Courthouse – County Court at Law Courtroom (Attachment E)
  - d. Navarro County Courthouse – County Courtroom (Attachment F)
  - e. Navarro County Justice Court (Attachment G)

### **Microphone Protection Protocols**

1. Judges will limit, to the degree possible, the shared use of microphones during the jury proceeding.
2. If a microphone must be shared, judges will limit the passing of the microphone unless the microphone is cleaned between each user.
3. Disposable microphone covers will be placed on shared microphones and changed between each user or in the alternative an individual will be placed at the microphone to disinfect it after each use.

### **Exhibit/Evidence Management**

1. Judges will limit, to the degree possible, the use of physical or paper exhibits/evidence where feasible or appropriate by converting the exhibit/evidence to a digital form.
2. When physical or paper exhibits/evidence is required, judges will reduce the exchange of that exhibit/evidence to the number of persons necessary and will limit passing the exhibit/evidence to the individual members of the jury.
3. If an exhibit/evidence is required to be transferred from person-to-person, single use gloves will be provided, worn, and discarded immediately after handling the exhibit/evidence.
4. During jury deliberations, judges will make efforts to provide the jury with access to digital exhibits/evidence that would normally be shared with the jury during deliberation. Where digital exhibits/evidence is not feasible, judges will consider limiting the transfer of the exhibits/evidence from juror-to-juror by spreading the exhibits/evidence on a table for inspection from the table in the jury deliberation room.

### **Witnesses**

1. Judges will inquire whether witnesses to the proceedings have COVID-related issues.
2. To the degree constitutionally permissible or with the consent of the parties, judges will permit witnesses to testify remotely via videoconference, especially if that witness has symptoms of or a recent positive test for COVID-19, has been recently exposed, or is vulnerable to contracting COVID-19.

### **Food Precautions**

1. Courts that provide food to jurors or other participants during a jury proceeding will ensure individual food portions, such as individually boxed meals, are provided.



## Cleaning

1. In addition to the requirements of the previously submitted in-person Operating Plan, frequent cleaning protocols in the courtrooms and facilities will be maintained throughout the jury proceeding as appropriate.
2. Shared spaces such as witness stands, seating in the gallery, and seating during qualification/voir dire will be cleaned during transitions of those spaces.
3. Seats for members of the jury panel and selected jurors will be assigned to reduce potential transmission and the need for more frequent cleaning.

I have attempted to confer with all judges of courts with courtrooms in the court building regarding the Jury Proceeding Addendum to the Operating Plan. In developing the plan, I consulted with the local health authority and county judge, documentation of which is attached to this plan. I will ensure that the judges of courts with courtrooms in the court building covered by this Operating Plan conduct proceedings consistent with the plan.

Date: October 7, 2020



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District Judge / Local Administrative Judge

Certification

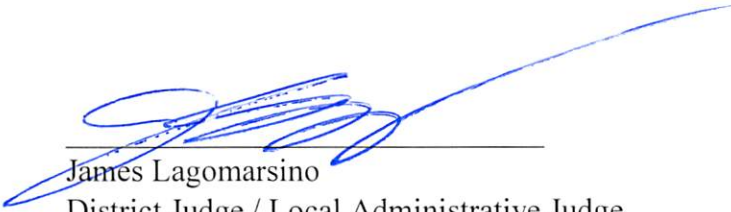
I, James Lagomarsino, Judge of the 13<sup>th</sup> District Court and Local Administrative Judge for the County of Navarro, hereby swear that pursuant to the orders and guidelines of the Texas Supreme Court, the Court of Criminal Appeals of Texas, and the Office of Court Administration that I attempted to meet with all the judges in Navarro County. Specifically, the Court met with the county judge and local health authority as required. The following are the dates and times the Court met with the individuals either in person, video-conference, or teleconference. These dates do not represent any follow-up discussions regarding clarification or additional information requested:

Judge Greta Jordan – September 25, 2020  
Judge Phillip Arrien – September 25, 2020

Dr. Kent Rogers – September 29, 2020

Judge Amanda Putman – October 1, 2020  
Judge H.M. Davenport – October 1, 2020

Submitted on the 7<sup>th</sup> day of October 2020



James Lagomarsino  
District Judge / Local Administrative Judge

Attachment A

## NAVARRO COUNTY



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COURT COORDINATOR

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**JAMES LAGOMARSINO**  
JUDGE, 13TH JUDICIAL DISTRICT COURT  
NAVARRO COUNTY COURTHOUSE  
300 W. 3RD AVE., SUITE 202  
CORSICANA, TEXAS 75110  
(903) 654-3020 PHONE (903) 872-2704 FAX  
WEBSITE: WWW.CO.NAVARRO.TX.US/IPS/CMS

[Date]

Dear Prospective Jury Member:

The COVID-19 pandemic has caused disruptions to our society in all arenas including the court system. Throughout the United States, jury trials have been canceled or severely curtailed in an effort to stop the spread of COVID-19. This Court, like all courts in the State of Texas, has been operating under orders from the Texas Supreme Court and Court of Criminal Appeals. In addition, the Office of Court Administration gives guidance to all courts in Texas on how to conduct hearings including jury trials with the primary goal being to protect all participants in court proceedings including jury members.

This Court has been working with all judges in Navarro County, the Regional Presiding Judge Billy Ray Stubblefield, the Office of Emergency Management, the Corsicana Fire Department, the Navarro County Sheriff, the District Clerk, and Dr. Kent Rogers, our local health authority, to ensure that the health and safety of all participants in the court system is of the utmost priority all the while ensuring that the rule of law is protected. To date, all court proceedings have been conducted remotely except for the empanelment of a grand jury this past July.

On September 18, 2020, the Supreme Court of Texas issued its Twenty-Sixth Emergency Order Regarding The COVID-19 State of Disaster which covered a multitude of issues including the resumption of jury trials as long as the local administrative judge had developed a plan for jury trials that covered the safety of all participants in a jury trial. In addition to that order and guidance from the Office of Court Administration, this Court drafted a written plan as ordered by the Supreme Court of Texas. The written plan was submitted to the Regional Presiding Judge for approval on October 7, 2020.

In addition to the jury summons and the COVID-19 screening questionnaire, the Court has included a copy of the COVID-19 Operating Plan for the Navarro County Judiciary (dated June 8, 2020) and the Jury Proceeding Addendum to COVID-19 Operating Plan for the Navarro County Judiciary (dated October 7, 2020). These plans can also be found on Navarro County's

website. In essence, these plans detail the precautions that have been taken to protect the health and safety of all court participants including prospective jurors. The Court hopes you will review both plans closely as well as the jury summons which does include qualifications and exemptions.

In closing, I thank you for your service during these difficult and challenging times. Also, I appreciate your patience as this Court and all courts learn to adapt to a different way of conducting jury trials for the foreseeable future.

Respectfully,

James Lagomarsino  
State District Judge / Local Administrative Judge



JURY SERVICE COVID-19 PRE-SCREENING QUESTIONNAIRE

Dear Prospective Juror:

As part of the court's ongoing measures to protect against the spread of the COVID-19 disease, we ask that you complete the following before reporting for Jury Service on \_\_\_\_\_, 2020. Bring this completed questionnaire with you or email it to [dcjury@navarrocounty.org](mailto:dcjury@navarrocounty.org) or fax it to 903-875-3973 BEFORE (insert date of jury service, 2020):

1. SYMPTOMS NOW OR BETWEEN (insert date that is 14 days before date of jury service), 2020 AND (insert date of jury selection proceeding), 2020: check any that apply to YOU or A MEMBER OF YOUR HOUSEHOLD

\_\_\_\_ Fever (above 100.0) \_\_\_\_ Change in taste or smell \_\_\_\_ Cough \_\_\_\_ Nausea or Vomiting

\_\_\_\_ Headache \_\_\_\_ Shortness of Breath/Difficulty Breathing \_\_\_\_ Diarrhea \_\_\_\_ Chills

\_\_\_\_ Muscle pain or body aches \_\_\_\_ Sore throat \_\_\_\_ Fatigue \_\_\_\_ Congestion or Runny Nose

\_\_\_\_ I certify that NONE of the symptoms above have been experienced by me or a member of my household between (insert date that is 14 days before date of jury service) and (insert date of jury selection, 2020).

IF YOU ARE EXPERIENCING ANY OF THE ABOVE SYMPTOMS, CALL THE DISTRICT CLERK'S OFFICE at (903) 875-3973 BEFORE REPORTING ON \_\_\_\_\_, 2020.

2. CONTACT HISTORY - check any that apply to YOU or A MEMBER OF YOUR HOUSEHOLD:

\_\_\_\_ I or a member of my household has been diagnosed with COVID-19 within the past 30 days;

\_\_\_\_ I or a member of my household has been in close contact with someone exposed to or infected with COVID-19 in the last 14 days;

\_\_\_\_ I or a member of my household are currently on a watch list or self-quarantining because of possible COVID-19 exposure;

\_\_\_\_ NONE of the above apply.

IF ANY OF THE ABOVE APPLY, CALL THE DISTRICT CLERK'S OFFICE at (903) 875-3973 BEFORE REPORTING ON \_\_\_\_\_, 2020.

3. COVID-19 RELATED EXCUSE OR POSTPONEMENT - Individuals who are over age 65 and individuals with serious underlying health conditions, such as high blood pressure, chronic lung disease, diabetes, obesity, asthma, and those whose immune systems are compromised, such as by chemotherapy for cancer or other conditions requiring such therapy, are considered to be vulnerable populations and may request to postpone or be excused from jury service at this time. If you wish to be excused or request that your jury service be postponed, check the box below.

I certify that I meet the above-described conditions and I am requesting to be excused from jury service or desire to have my service date postponed because of those conditions.

IF YOU ARE REQUESTING TO BE EXCUSED OR YOUR SERVICE DATE BE POSTPONED DUE TO A COVID-19 RELATED REASON, CALL THE DISTRICT CLERK'S OFFICE at (903) 875-3973 BEFORE REPORTING ON \_\_\_\_\_, 2020.

4. FACE COVERINGS:

Prospective jurors are required to wear a face covering and face shield while they are in the courthouse. Individuals are encouraged to bring a cloth face covering with them. If an individual does not have a cloth face covering, a disposable face mask will be provided. Disposable face shields will be provided.

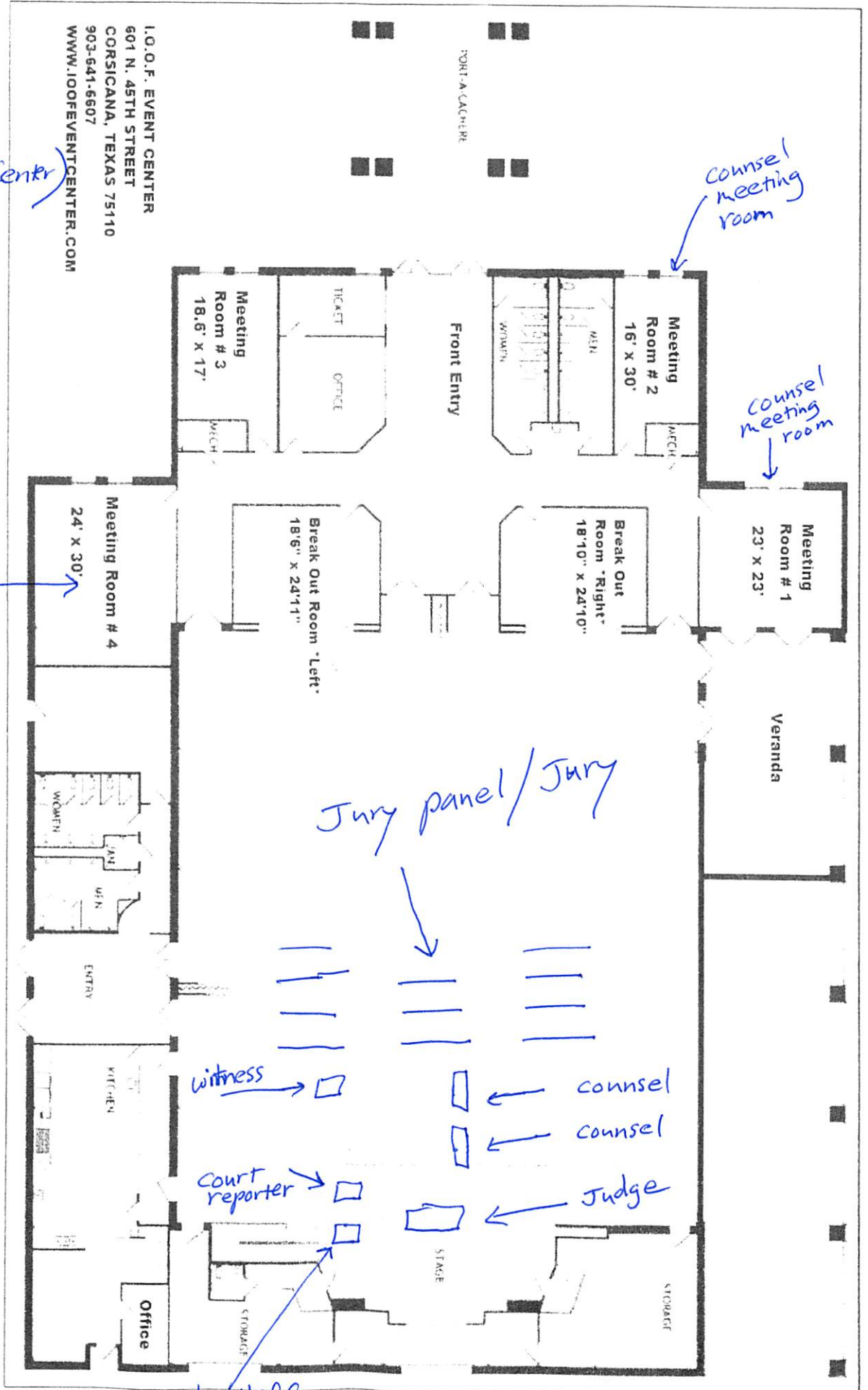
I certify the above is true and correct:

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Printed Name

Attachment C  
(IOOF Event Center)

I.O.O.F. EVENT CENTER  
601 N. 45TH STREET  
CORSIKANA, TEXAS 75110  
903-641-6607  
WWW.IOOFEVENTCENTER.COM



Attachment

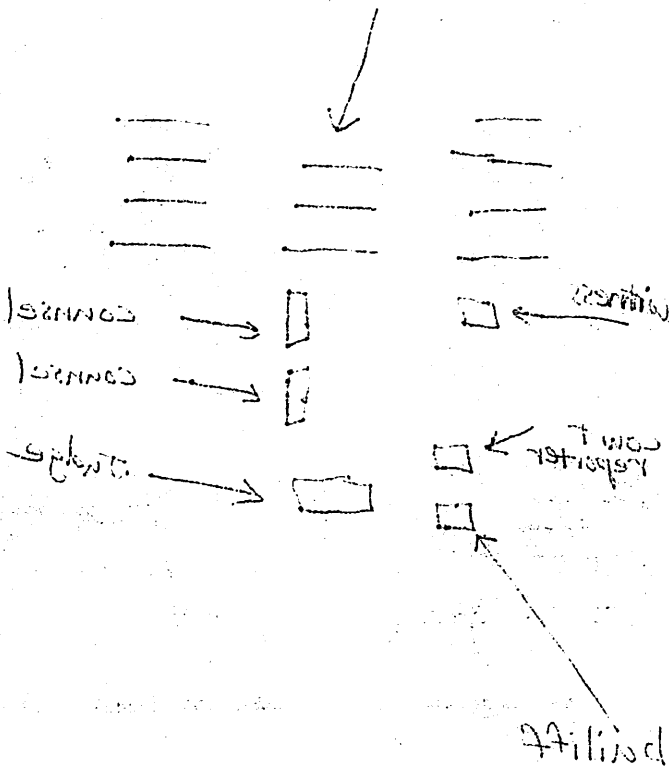
(TOP Event Core)

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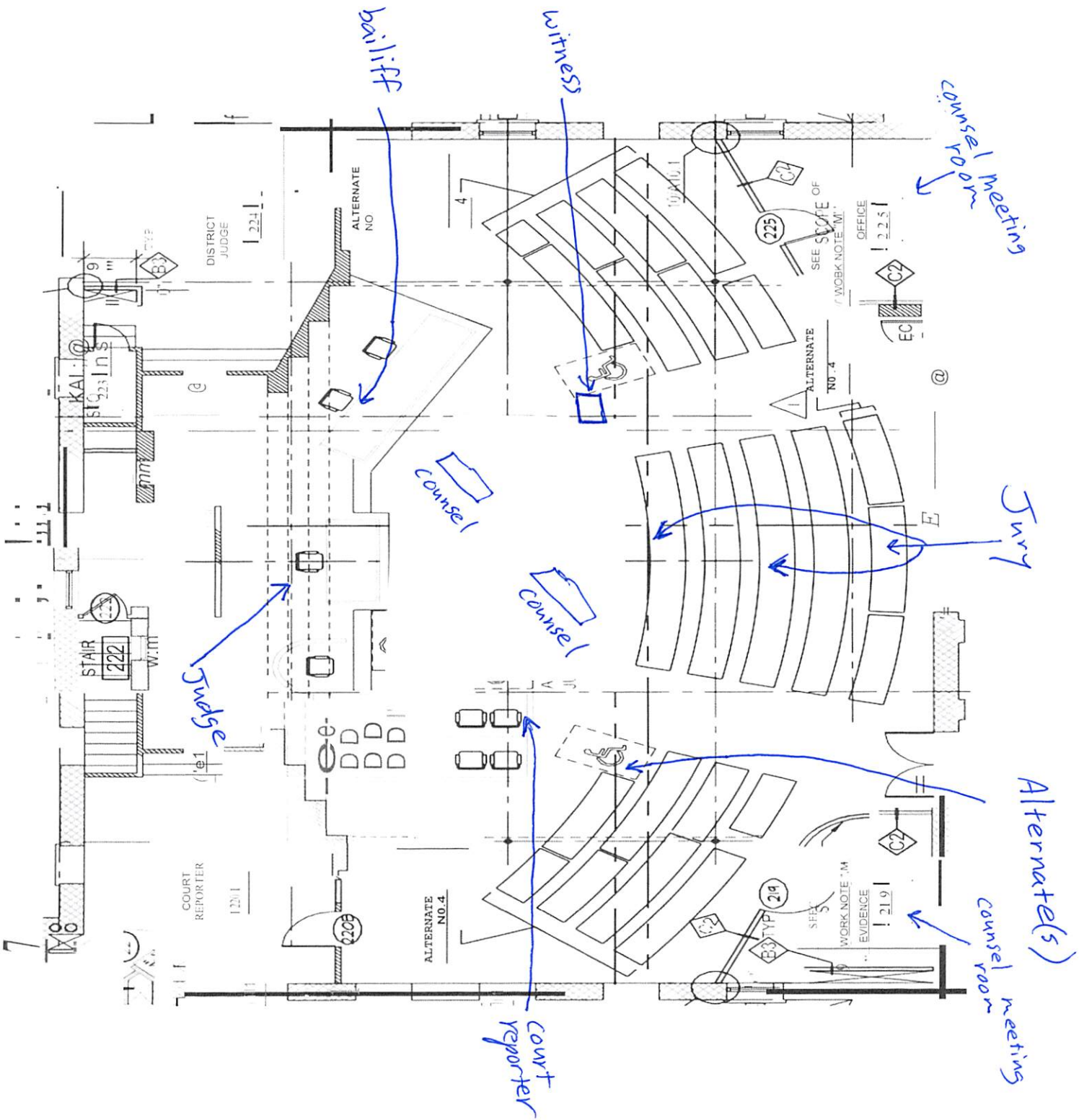
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Attachment D  
(District Courtroom)





Attachment V  
(District Courtroom)

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Two

Alternates (2)

enter  
exit

enter

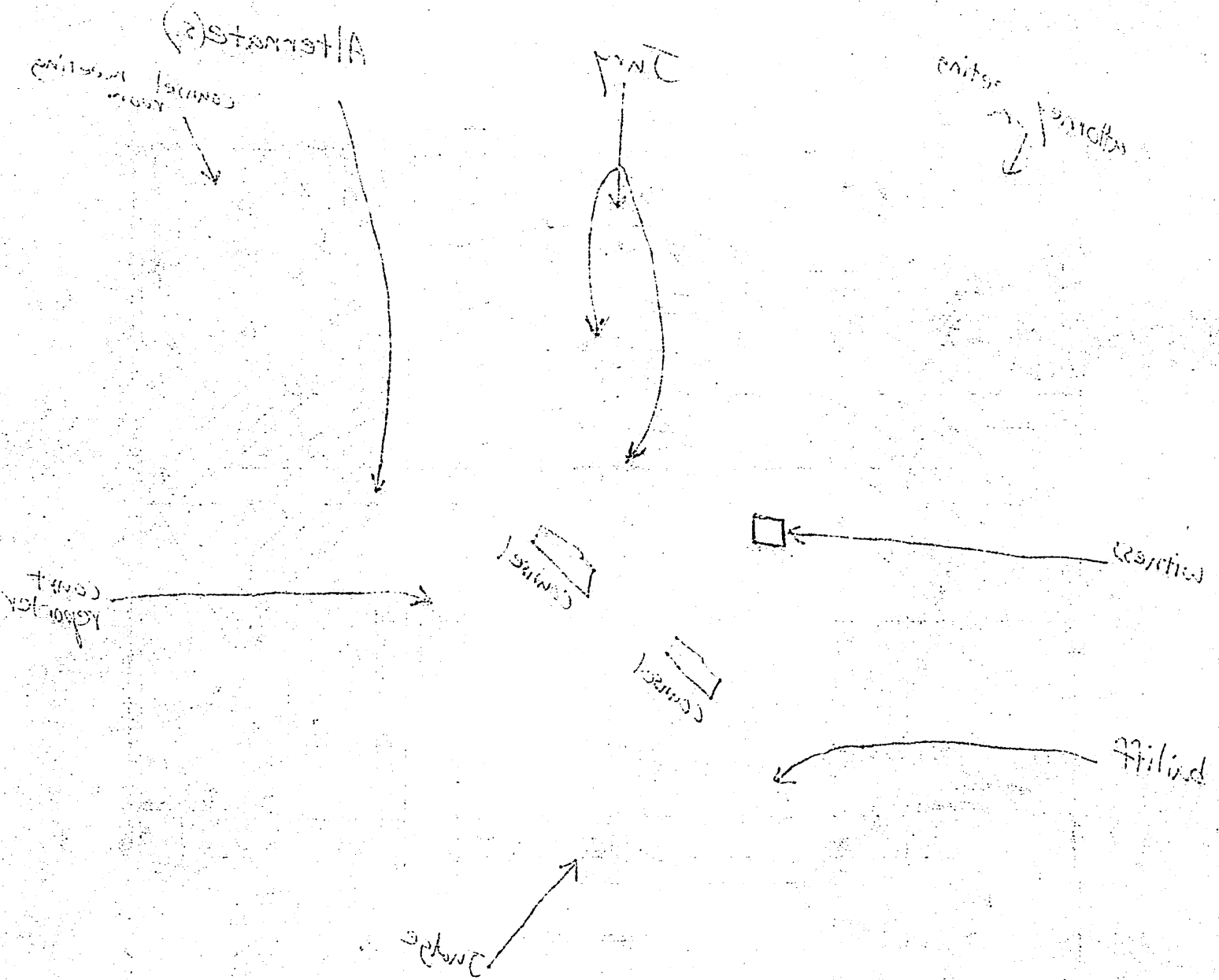
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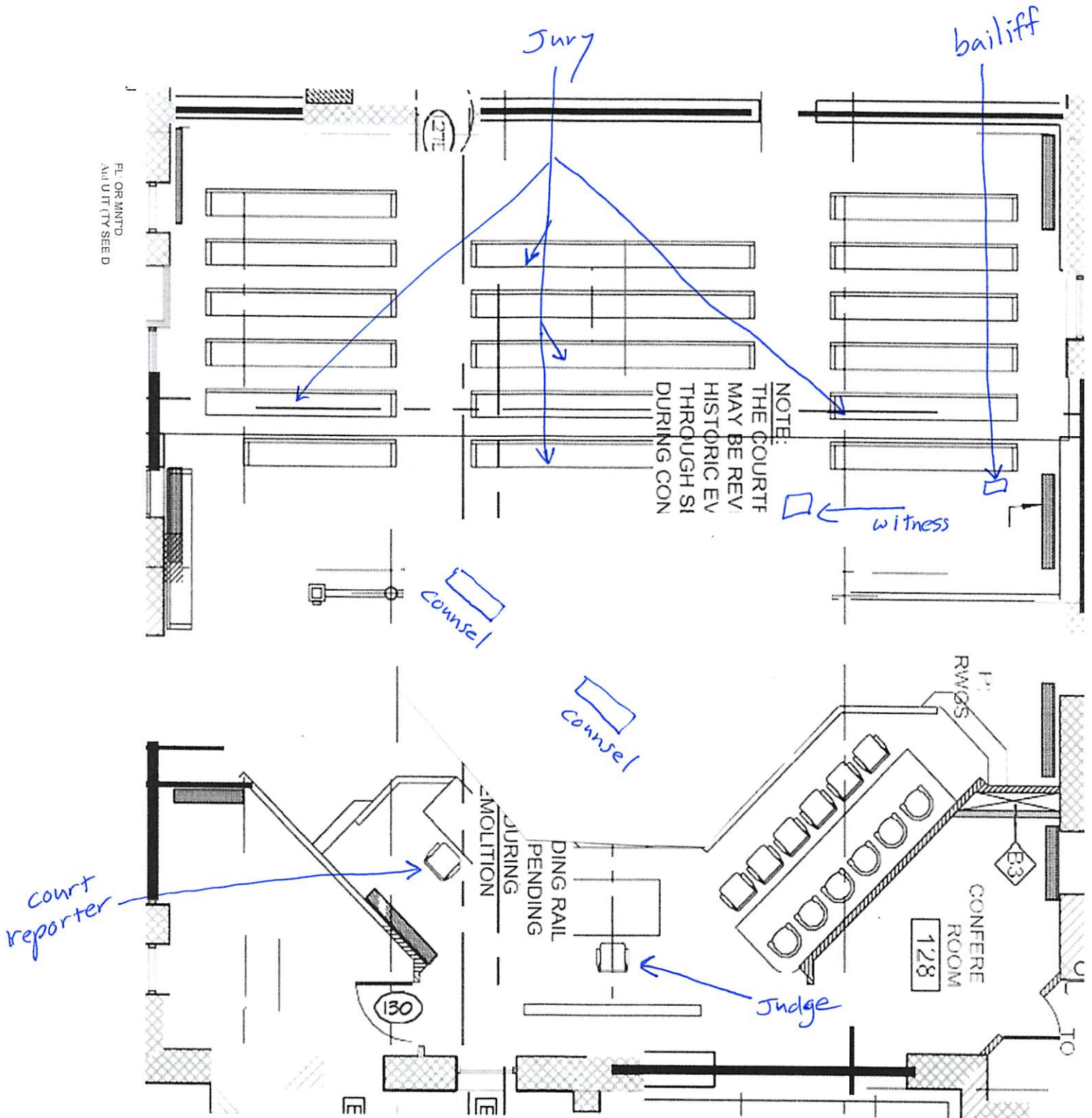
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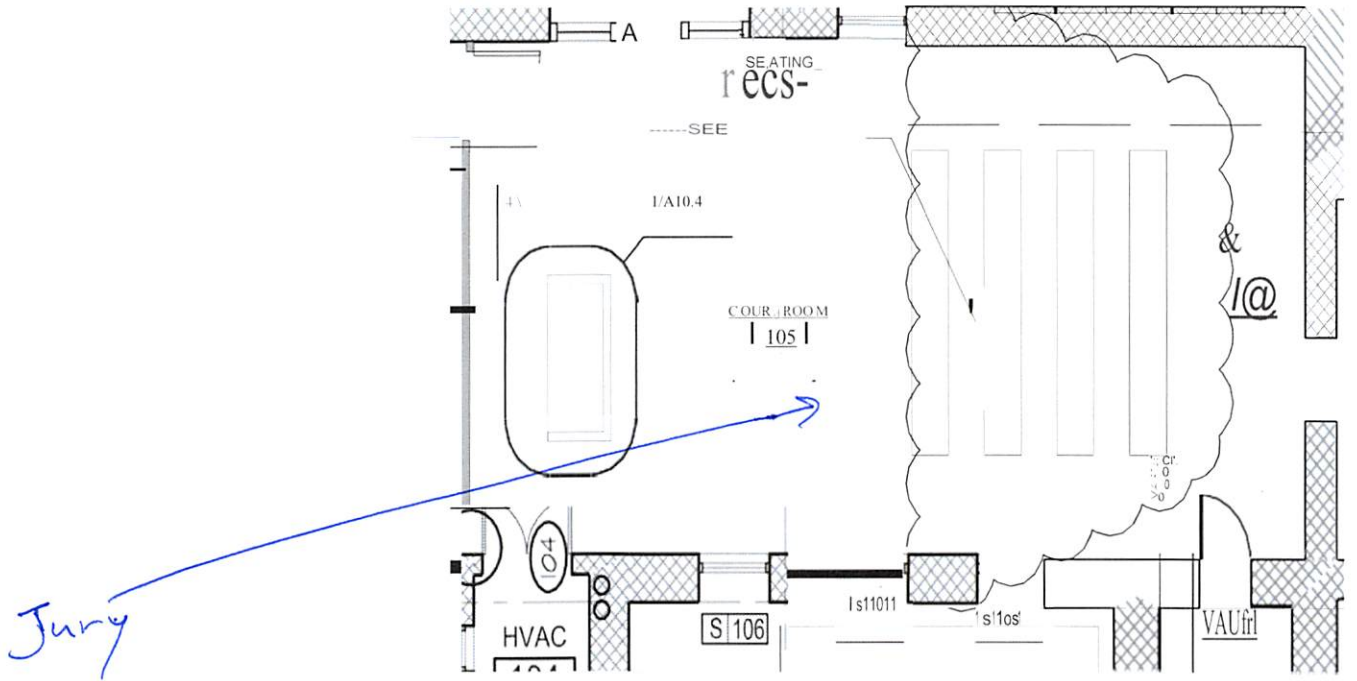
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Attachment E  
(County Court at Law Courtroom)



Attachment F  
(County Courtroom)



# J.P. Courtroom

## Attachment G (Justice Court)

