

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF WYOMING

FILED
U.S. DISTRICT COURT
DISTRICT OF WYOMING
2020 JUL 15 AM 11:57
MARGARET BOTKINS, CLERK
CASPER

IN THE MATTER OF PROVIDING
LUNCHES TO SITTING GRAND AND PETIT
JURIES DURING THE COVID-19 PANDEMIC

General Order 2020-09

ADMINISTRATIVE ORDER

This matter comes before the Court *sua sponte* to consider furnishing lunches to sitting grand and petit jury members from the juror fee appropriation for the period of time that COVID-19 spread prevention measures are being promoted by the Center for Disease Control (CDC) and/or the Wyoming Department of Health (WYDOH).

In April, the U.S. Attorney's Office petitioned the Court to resume grand jury sessions in the District of Wyoming. They argued that there was a pressing need to have cases heard by the grand jury because of the number of defendants in custody and the burgeoning backlog of cases in general. The Court found good cause and began facilitating grand jury sessions on May 19, 2020. The District of Wyoming placed a moratorium on petit jury trials until June 1, 2020. This Order applies to grand and petit juries.

COVID -19 cases in the District of Wyoming remain a major health concern and are subject to COVID-19 spread prevention measures as proscribed by the CDC and WYDOH. In order to do its part in "flattening the curve" and bending the new case trend downward while upholding the rights of its litigants and ensuring the safety and security


of the jurors, the Court directs the Clerk to furnish lunches to sitting grand and petit jurors as further described below.

The Clerk is charged with assuring an adequate and suitable environment is provided and maintained for jurors' comfort. An adequate and suitable environment will be applied to the check-in procedures, orientation, and movement into the courtroom for voir dire and selection, as well as the appropriate facilities for jury deliberations. (See *Guide to Judiciary Policy*, Vol. 4, Ch. 15, DCM Section 14.10.) In the current and ongoing COVID-19 pandemic, an "adequate and suitable environment" includes keeping jurors safe from potential unnecessary exposure to the COVID-19 virus. To that end, the Clerk can furnish meals from the juror fee appropriation to jurors if such jurors have been ordered sequestered or partially sequestered. (see, e.g., *U.S. vs Gotti*, 459 F. 3rd 296, 2nd Cir. 2006.) The Clerk, after consulting guidance from the CDC and the WYDOH, is hereby authorized to determine on a case-by-case basis whether or not lunches should be furnished and the jury kept together, at a socially safe distance, through the lunch break. If the Clerk determines that lunches should be furnished, the jury is considered to be partially sequestered by operation of this Order.

The Court will continue to provide single serve drinks and coffee for jurors, along with single-use packets of sugar, artificial sweetener and coffee creamer. The Court will provide single serve, individually wrapped food snacks. Sanitary wipes and disinfectant spray will be readily available in each jury room so that the refrigerator and cupboard handles can be wiped down after each use.

IT IS THEREFORE ORDERED that sitting grand and petit jurors are considered partially sequestered, subject to the Clerk's case-by-case determination, for the period of time that COVID-19 spread prevention measures are being promoted by the Center for Disease Control and the Wyoming Department of Health. The Clerk will make such a determination only after consulting guidance from the CDC and/or WYDOH. If the Clerk determines health risks dictate that lunches should be furnished, and jurors are required to serve through the lunch break, the jurors are to be kept together, at a socially safe distance, and not separate in order to ensure the safety and security of themselves and others. In these instances, the lunches will be paid for through the juror fee appropriation.

Dated this 15th day of July, 2020.


SCOTT W. SKAVDAHL
CHIEF UNITED STATES DISTRICT JUDGE