

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

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

20-MC-00004-22

ADMINISTRATIVE ORDER

THIS MATTER is 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 New Mexico Department of Health (“NMDOH”).

In late April, the U.S Attorney’s Office petitioned the Court to resume grand jury sessions in both Albuquerque and Las Cruces. They argued that there was a pressing need to have cases heard by the grand juries 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 6, 2020. The District of New Mexico also extended its moratorium on petit jury trials until July 6, 2020. This Order applies to grand and petit juries.

As of this writing, COVID-19 cases in the State of New Mexico remain a major health concern and are subject to COVID-19 spread prevention measures as proscribed by the CDC and the NMDOH. 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 deliberation. (See *Guide to Judiciary Policy*, Vol. 4, Ch. 14, 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. v. Gotti*, 459 F. 3rd 296, 2nd Cir. 2006.) The Clerk, after consulting guidance from the CDC and the NMDOH, 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.

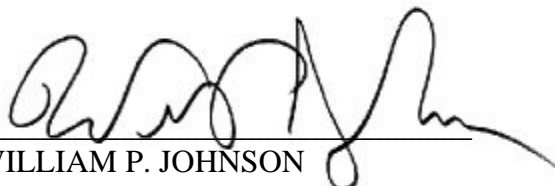
The Court will continue to provide single-serve drinks and coffee for jurors, along with single-use packets of sugar, artificial sweetener and coffee creamer. Sanitary wipes and disinfectant spray will be readily available in each juror galley so that refrigerator and cupboard handles can be wiped down after each use. Food snacks, however, will not be made available because the Court does not have the on-site staff to hand the snacks out to jurors as proscribed by Judicial Conference policy.

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 of Disease Control (“CDC”) and/or the New Mexico Department of Health (“NMDOH”). The Clerk will make such determination only after consulting guidance from the CDC and/or the NMDOH. 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.

IT IS FURTHER ORDERED that this order is effective *nunc pro tunc* as of May 6, 2020.

DONE this 9th day of June 2020.

FOR THE COURT:

A handwritten signature in black ink, appearing to read 'William P. Johnson', written over a horizontal line.

WILLIAM P. JOHNSON
CHIEF UNITED STATES DISTRICT JUDGE

Notices[1:20-mc-00004 Administrative Orders](#)**U.S. District Court****United States District Court - District of New Mexico****Notice of Electronic Filing**

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Docket Text:

ADMINISTRATIVE ORDER: In the Matter of Providing Lunches to Sitting Grand and Petit Juries during the Covid-19 Pandemic (cg)

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