

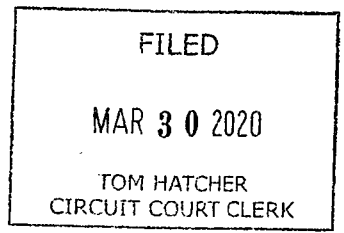
IN THE CIRCUIT COURT FOR BLOUNT COUNTY, TENNESSEE

IN RE: COVID-19 PANDEMIC

AND

NO. 615864 *SS*

IN RE: THE SCHEDULE OF THE BLOUNT COUNTY CIRCUIT, CHANCERY AND GENERAL SESSIONS COURTS, INCLUDING THE PROBATE AND JUVENILE COURTS



SUPPLEMENTAL ORDER SUSPENDING IN-PERSON COURT PROCEEDINGS

In response to the COVID-19 pandemic, and as mandated by the Orders of the Tennessee Supreme Court, No. ADM2020-00428, entered and filed March 13, 2020 and March 25, 2020, it is, herein, ORDERED, ADJUDGED and DECREED as follows:


1. Said Orders of the Tennessee Supreme Court are incorporated herein as fully as if stated herein verbatim, and attached hereto as part of Collective Exhibit 1 to this Order.
2. The previous Order of this Court entered and filed March 14, 2020 is incorporated herein as fully as if stated herein verbatim, and attached hereto as part of Collective Exhibit 1.
3. The Court's Written Plan to Affirmatively Address Issues Regarding the Incarceration of Nonviolent Offenders in Furtherance of Efforts to Reduce the Jail Population for Blount County, Tennessee is incorporated herein as full as if stated herein verbatim as Exhibit 2.
4. By Orders of the Supreme Court, all in-person proceedings before the Blount County Circuit, Chancery, and General Sessions Courts, including the Probate and Juvenile Courts, are suspended from the close of business on Friday, March 13, 2020 through Thursday, April 30, 2020, subject to the exceptions stated in the Court's previous Order of March 14, 2020, and as supplemented by the following additional or clarified exceptions:
 - a. Preliminary hearings for incarcerated individuals.
 - b. Proceedings related to statutory order of protection hearings after entry of an *ex parte* order as necessary to satisfy any due process concerns.
 - c. Proceedings related to emergency child custody or visitation orders.
 - d. Proceedings related to voluntary surrender of parental rights.
 - e. Settlements involving a minor or a person with a disability.
 - f. Department of Children's Services emergency matters related to child safety, placement, permanency, or federal funding for children in foster care.
5. For any in-person hearings that fall within the exceptions, the 10-person gathering and social distancing rules will be strictly observed. No more than 10 persons will be allowed in the courtroom at any time. All other persons authorized to be present will remain in the hallway and will be called into the courtroom as they are needed.
6. No documents, including but not limited to violation warrants, agreed orders, etc., are to be delivered to any judge's office. Any such documents are to be presented to the clerk's

office. All persons presenting any such documents are encouraged to email the documents to the clerk or to a judge's office or to use the drop box. If a given document requires immediate attention of a judge, the person presenting the document may, as always, contact the judge's office by telephone or email to bring the matter to the judge's attention, or notify the clerk by such means of the need for immediate attention.

7. As previously ordered, all hearings involving exceptions to the in-person hearing suspension are to be conducted by electronic means to the greatest extent possible. For any contested hearings, a defendant's or respondent's attorney must be with the defendant or respondent.
8. The Blount County Circuit Court Clerk is ordered to work with the Blount County IT Department to set-up a laptop computer and any other devices, equipment or supplies necessary on the first floor of the Blount County Justice Center, Room 1A, to allow the Office of the Public Defender and all criminal defense attorneys to engage in any discussions they need to have with their incarcerated clients. These conversations, however—and due to limited technical capacity—cannot take place when dockets are simultaneously going on in both General Sessions and Circuit Courts.
9. No attorney should request issuance and service of a subpoena for any hearing prior to May 6, 2020, and the clerks shall not issue any such subpoenas, without court approval.
10. In its most recent Order filed March 25, 2020, the Supreme Court has ordered that no judge, clerk, or other court official shall take any action to effectuate an eviction, ejection, or other displacement from a residence during this suspension based upon failure to make a rent, loan or other similar payment absent extraordinary circumstances as determined by a judge in a court of competent jurisdiction. Accordingly, no detainer warrants, ejections or other displacements will be issued without prior approval of the appropriate judge.
11. In its most recent Order filed March 25, 2020, the Supreme Court has encouraged judges to work with court clerks and local law enforcement to develop policies severely limiting or eliminating any new garnishments during this time. The local judiciary has done that. Accordingly, and because garnishments are good for only six months, and if a garnishment is issued but cannot be served until the suspension period is lifted; and also because if garnishments are tendered to a court clerk with the required fee, the clerk is required by the state auditor to receipt that money within three days; and therefore the six months would commence running; therefore, the clerks are ordered to return all garnishments to the attorneys who have submitted them to be re-tendered and issued after the suspension period has ended, and the clerks shall not issue any garnishments at this time, with the sole exception being upon approval of the appropriate judge.
12. If this Order does not address any attorney's, party's or citizen's specific concerns, please contact the office of the Circuit Court presiding judge or presiding judge *pro tempore*.

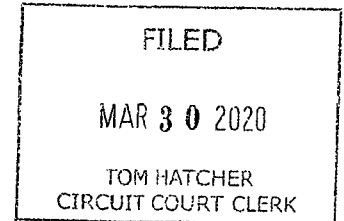
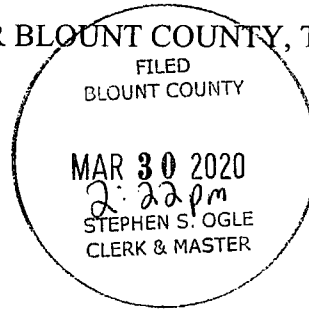
This the 30 day of March, 2020.

ENTER:


Blount County Circuit Court Presiding
Judge or Presiding Judge *Pro Tempore*

IN THE CIRCUIT COURT FOR BLOUNT COUNTY, TENNESSEE

IN RE: COVID-19 PANDEMIC



WRITTEN PLAN TO AFFIRMATIVELY ADDRESS ISSUES REGARDING THE INCARCERATION OF NONVIOLENT OFFENDERS IN FURTHERANCE OF EFFORTS TO REDUCE THE JAIL POPULATION FOR BLOUNT COUNTY, TENNESSEE

On March 25, 2020, the Tennessee Supreme Court ordered the presiding judge or the designee of the presiding judge of each judicial district in Tennessee to develop a written plan to affirmatively address issues regarding the incarceration of nonviolent offenders in furtherance of efforts to reduce the jail population of each county detention facility during the COVID-19 pandemic.

As ordered and directed by the Tennessee Supreme Court, the Blount County judiciary and the Blount County Sheriff's Office have discussed, agreed upon, and implemented the following plan:

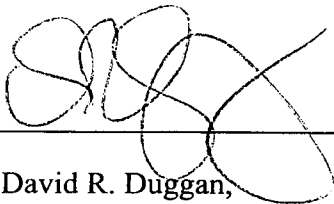
1. The Blount County Sheriff's Office has adopted contingency plans for how to address any outbreaks of, or exposure to, the COVID-19 virus in the Blount County Jail, included but not limited to the following:
 - a. All bookings are being performed in the sally port.
 - b. Any new arrestee, including those coming into custody locally on a hold from another jurisdiction, will be separated from the general jail population for 14 days unless the new arrestee is otherwise released.
 - c. Any new arrestee will be provided a court appearance before a judge on the same day the person comes into custody, or on the next available docket, whichever occurs first.
 - d. All hearings are being conducted through audiovisual or telephonic means to comport with the Supreme Court's orders suspending in-person court proceedings.
2. During the weekend of March 28-29, the Blount County Sheriff's Office has reviewed all categories of nonviolent inmates and prepared a list of those categories. The District Attorney General, the Public Defender, and all private criminal defense attorneys have been ordered and instructed to work together in consort with the Sheriff's Department to

review and discuss the list with respect to their respective clients, and pertaining to any nonviolent inmate with a scheduled court date within the next 45 days, in order to consider, discuss and where possible negotiate the release on their own recognizance, time-served agreements for, suspended sentences for, or resentencing, of any nonviolent inmate which could result in a release from jail. With respect to any inmate who falls within any of these categories who are currently unrepresented by counsel, the Office of the Public Defender is appointed to represent all such inmates. If it is determined by the Office of the Public Defender that the Public Defender has a conflict of any given inmate, the Office of the Public Defender is to state in writing the nature of the conflict and file that writing with the applicable court clerk within 24 hours of learning of the conflict.

3. For all misdemeanors other than driving under the influence of an intoxicant, assault, or domestic assault, recognizance bonds are being set upon the arrest of the alleged misdemeanor.
4. The Blount County Sheriff's Office is encouraged to approach the judiciary if any change in circumstances warrants that the matter of incarceration of nonviolent criminals be considered further, including the need for any additional releases by category of inmates, based on good behavior, or on other bases.
5. The various courts have since March 13, 2020 been adjudicating plea agreements; stipulations of violations of probation, community corrections or pre-trial release; and recognizance releases that have resulted in the release of inmates from jail. Likewise, the courts have been conducting preliminary hearings, bond hearings, and violation hearings that could result in the release of nonviolent inmates.
6. Criminal defense attorneys need not wait for a given court docket to present to the various courts any agreed plea agreement, violation stipulation, or other negotiated agreement that will result in the release of an inmate. The various courts are open at all times to accept and adjudicate any such negotiated agreements.
7. All judges are making greater use of recognizance bonds on violation warrants except where an order to hold without, including for a defendant's own safety, is considered necessary.
8. No attachments or capiases for failures to appear for court dates prior to March 13, 2020, that were not issued before March 13, 2020, will be issued. They will be held and will only be issued after the suspension period ends. Any attachments, capiases, and violations of probation or community corrections issued prior to March 13, 2020 are being handled in accordance with paragraph 1 above.
9. The Blount County Recovery Court and the Blount County Veterans Treatment Court are already making use of house arrest, GPS devices, and program furloughs in lieu of jail sanctions for program participants. Hold without bond violation warrants are being used for program violations only where deemed necessary for participants' personal safety.

This the 30th day of March, 2020.

ENTER:

A handwritten signature in black ink, consisting of several overlapping loops and a long horizontal stroke extending to the right.

David R. Duggan,
Presiding Judge, *Pro Tempore*