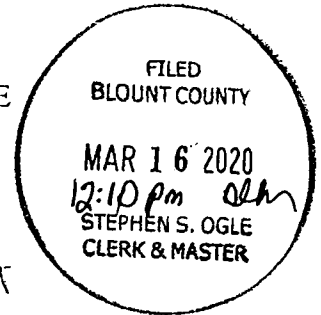


IN THE CIRCUIT COURT FOR BLOUNT COUNTY, TENNESSEE

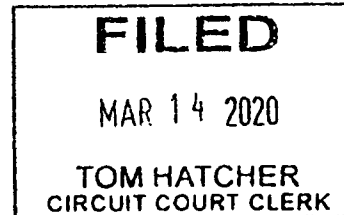


IN RE: COVID-19 PANDEMIC

AND

NO. L-15864

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



ORDER SUSPENDING IN-PERSON COURT PROCEEDINGS

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

1. Said Order of the Tennessee Supreme Court is incorporated herein as fully as if stated herein verbatim, and attached hereto as Exhibit 1 to this Order.
2. By Order 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 Tuesday, March 31, 2020, subject to the following exceptions:
 - a. Proceedings necessary to protect constitutional rights of criminal defendants, including bond-related matters, plea agreements for incarcerated individuals that will result in jail release, and stipulations of probation or community corrections violations that will result in jail release.
 - b. Civil and criminal jury trials that are in progress as of March 13, 2020, but not otherwise.
 - c. Proceedings related to relief from abuse, including but not limited to orders of protection.
 - d. Proceedings related to emergency child custody orders.
 - e. Department of Children's Services emergency matters related to child protection.
 - f. Proceedings related to petitions for temporary injunctive relief.
 - g. Proceedings related to emergency mental health orders.
 - h. Proceedings related to emergency protection of elderly or vulnerable persons.
 - i. Proceedings directly related to the COVID-19 public health emergency; and
 - j. Other exceptions as approved by the Chief Justice of the Tennessee Supreme Court.
3. Counsel, parties and witnesses in any other cases scheduled through March 31, in any of the Blount County courts, should not appear in court. All cases other than those falling within these exceptions will be continued according to the following schedule:

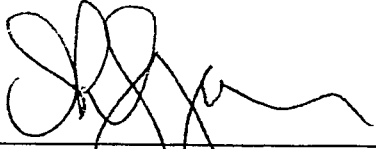
- a. All presently scheduled Blount County Circuit Court criminal matters not within the exceptions will be rescheduled by the Clerk to April 6, 13, 17, 20, 24 or 27.
 - b. All presently scheduled Blount County Circuit Court civil matters not within the exceptions will be continued beyond March 31, 2020. To reschedule such matters, attorneys or *pro se* parties should contact the judge's office to obtain new dates.
 - c. All presently scheduled Blount County Chancery Court matters will be continued beyond March 31, 2020. To reschedule such matters, attorneys or *pro se* parties should contact the Blount County Clerk and Master's Office.
 - d. Blount County General Sessions Court judges will continue to meet their regularly scheduled dockets, but only for the purposes of such emergency matters as are set forth in paragraph 2 herein.
 - i. All other presently scheduled criminal cases, or new cases that arise, in the Blount County General Sessions Courts will be scheduled on the various judges' regular dockets for the week of April 6.
 - ii. All other presently scheduled civil cases, or new cases that arise, including but not limited to detainer warrants, in the Blount County General Sessions Courts will be rescheduled on the various judges' regular dockets for the week of April 13.
 - iii. All Blount County Juvenile Court child support cases will be rescheduled as follows:
 1. Settlement cases set March 16 and 20 will be continued to May 11.
 2. Settlement cases set March 23 and 27 will be continued to May 18.
 3. Settlement cases set March 30 will be continued to June 1.
 4. Contested cases set March 18 will be continued to May 20.
 5. Contested cases set March 25 will be continued to May 27.
 6. With respect to all other Juvenile Court cases, beginning Monday, March 16 and continuing each day thereafter, the Juvenile Court will be calling the attorneys involved in each case docketed for that day, dealing with any emergency matters, and continuing any non-emergency matters to a mutually agreeable date, sometime after April 6. Detention hearings will be handled on a case-by-case basis. If any attorney or the Department of Children's Services seeks to file a petition for the emergency removal of children, they should contact Magistrate Dianne E. Lashmit.
 - e. Magistrate Clark's child support docket cases are rescheduled to April 7.
4. All Circuit Court criminal cases that fall within the exceptions stated in paragraph 2a will be conducted at the Justice Center in Judge David R. Duggan's courtroom by electronic hearing on the date presently scheduled or specially scheduled by the clerk.
 5. All General Sessions Court criminal cases that fall within the exceptions stated in paragraph 2a will be conducted at the Justice Center in Judge Robert Headrick's courtroom by electronic hearing on the date presently scheduled or specially scheduled by the clerk.
 6. With respect to all Circuit Court and General Sessions Court civil cases that fall within the exceptions in paragraph 2, attorneys should coordinate those matters with the judge hearing the case, and attorneys should strive to make arrangements, when possible, to conduct any hearings by Skype, Facetime, or telephonically, and in advance of any such

hearings. If necessary, cases that fall within the exceptions will be conducted by in-person hearing. Any in-person hearing must be approved by the judge hearing the case as well as by the Circuit Court presiding judge or presiding judge *pro tempore*. Any Circuit Court hearings will be conducted at the Justice Center in Judge David R. Duggan's courtroom. Any General Sessions Court hearings will be conducted at the Justice Center in Judge Robert Headrick's courtroom. Any Juvenile Court hearings will be conducted at the Blount County Courthouse in Magistrate Dianne E. Lashmit's courtroom.

7. The only persons who will be allowed to attend in-person hearings will be attorneys, parties, witnesses subpoenaed or named by an attorney for a party, security officers, and other necessary persons, including victims, as determined by the Circuit Court presiding judge or presiding judge *pro tempore*.
8. No attorney seeking to schedule a case that falls within paragraph 2 should come to the Justice Center and seek to approach a judge without first contacting that judge's office by telephone or email.
9. All pending and all *ex parte* orders of protection issued between this Order's date and April 6 are continued and extended to their rescheduled court date.
10. Emergency mental health hearings will continue to be heard by use of the existing video conferencing procedure.
11. All proceedings directly related to the COVID-19 public health emergency will be handled on a case-by-case basis and must be heard by the Circuit Court presiding judge or presiding judge *pro tempore*.
12. All lawyers and other persons are encouraged to communicate about their cases telephonically or electronically prior to any scheduled court date, and to the greatest extent possible, including but not limited to visiting with incarcerated clients in the Blount County jail. Through March 31, negotiations in a court setting will not be allowed. Such negotiations should take place prior to any hearing.
13. During this period of suspension any court filing may be lodged with the appropriate clerk's office by email or facsimile or by use of the dropbox, and any fees related thereto will be postponed until an order taxing costs is entered. There is a dropbox in the 24-hour lobby at the jail at the Justice Center. Any filing for the Circuit Court/General Sessions Court Clerk and the Clerk and Master's office may be filed using said dropbox. Attorneys and litigants are encouraged to use these methods to file rather than filing in person.
14. 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 14 day of March, 2020.

ENTER:



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

IN THE SUPREME COURT OF TENNESSEE
AT NASHVILLE

FILED
03/13/2020
Clerk of the
Appellate Courts

IN RE: COVID-19 PANDEMIC

No. ADM2020-00428

ORDER SUSPENDING IN-PERSON COURT PROCEEDINGS

In response to the COVID-19 pandemic, the Chief Justice of the Tennessee Supreme Court hereby declares a state of emergency for the Judicial Branch of Tennessee government and activates the following Continuity of Operations Plan for the courts of Tennessee. See Tenn. Const. Art. VI, § 1; Tenn. Code Ann. §§ 16-3-501 to 16-3-504 (2009); Moore-Pennoyer v. State, 515 S.W.3d 271, 276-77 (Tenn. 2017); Tenn. Sup. Ct. R. 49. First and foremost, the local and state courts of the State of Tennessee are open and will remain open under all circumstances, subject to the provisions of this order.

Under the constitutional, statutory, and inherent authority of the Tennessee Supreme Court, we adopt the following provisions. All in-person proceedings in all state and local courts in Tennessee, including but not limited to municipal, juvenile, general sessions, trial, and appellate courts, are suspended from the close of business on Friday, March 13, 2020 through Tuesday, March 31, 2020, subject to the exceptions below.

Exceptions to this suspension of in-person court proceedings include, but are not limited to:

- Proceedings necessary to protect constitutional rights of criminal defendants, including bond-related matters and plea agreements for incarcerated individuals
- Civil and criminal jury trials that are in progress as of March 13, 2020
- Proceedings related to relief from abuse, including but not limited to orders of protection
- Proceedings related to emergency child custody orders
- Department of Children's Services emergency matters related to child protection
- Proceedings related to petitions for temporary injunctive relief
- Proceedings related to emergency mental health orders
- Proceedings related to emergency protection of elderly or vulnerable persons
- Proceedings directly related to the COVID-19 public health emergency
- Other exceptions as approved by the Chief Justice

The presiding judge or the designee of the presiding judge of each judicial district is authorized to determine the manner in which in-person court proceedings for the exceptions listed above are to be conducted. Other exceptions to the suspension of in-person court proceedings must be approved by the Chief Justice. Any permitted in-court proceedings shall be limited to attorneys, parties, witnesses, security officers, and other necessary persons, as determined by the trial judge.

Judges are charged with the responsibility of ensuring that core constitutional functions and rights are protected. Additionally, court clerks are charged with ensuring that court functions continue. See Tenn. Code Ann. §§ 18-1-101 (2009); 18-1-105 (Supp. 2019). Nevertheless, all judges and court clerks are urged to limit in-person courtroom contact as much as possible by utilizing available technologies, including alternative means of filing, teleconferencing, email, and video conferencing. Any Tennessee state or local rule, criminal or civil, that impedes a judge's or court clerk's ability to utilize available technologies to limit in-person contact is suspended until March 31, 2020. See, e.g., Tenn. R. Civ. P. 43.01.

If it becomes necessary to close judges' offices or court clerks' offices during the period of suspension, these offices shall remain accessible by telephone and email to the extent possible during their regular business hours. If available, drop boxes should be used for conventionally filed documents.

This order expressly does not prohibit court proceedings by telephone, video, teleconferencing, email, or other means that do not involve in-person contact. This order does not affect courts' consideration of matters that can be resolved without in-person proceedings.

Deadlines set forth in court rules, statutes, ordinances, administrative rules, or otherwise that are set to expire between March 13 and March 31, 2020 are hereby extended through April 6, 2020. Statutes of limitations and statutes of repose that would otherwise expire during the period between March 13 and April 6, 2020 are hereby extended through April 6, 2020. See Tenn. Code Ann. § 28-1-116 (2017). Deadlines, statutes of limitations, and statutes of repose that are not set to expire between March 13 and April 6, 2020 are not extended or tolled by this order.

Orders of protection and temporary injunctions that would otherwise expire between March 13 and March 31, 2020 are hereby extended until April 6, 2020.


This order applies statewide to all courts and court clerks' offices except administrative courts within the Executive Branch and federal courts and federal court clerks' offices located in Tennessee.

Under the terms of this order, the courts of Tennessee remain open, consistent with the Judicial Branch's obligation to mitigate the risks associated with COVID-19.

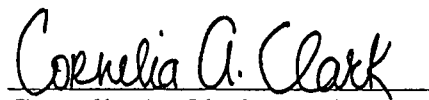
This order is intended to be interpreted broadly for protection of the public from risks associated with COVID-19.

It is so ORDERED.

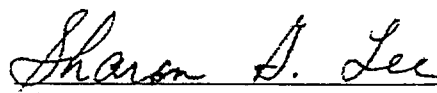
FOR THE COURT:



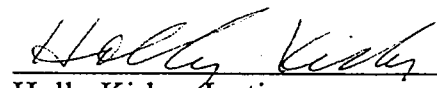
Jeffrey S. Bivins, Chief Justice



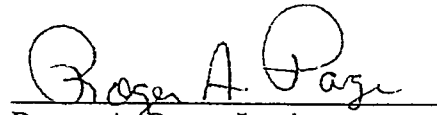
Cornelia A. Clark, Justice



Sharon G. Lee, Justice



Holly Kirby, Justice



Roger A. Page, Justice

Exhibit II
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:

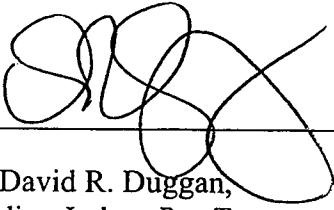
1. The Blount County Sheriff's Office has adopted contingency plans for how to address any outbreaks of, or exposure to, the COVID-19 virus in the Blount County Jail, included but not limited to the following:
 - a. All bookings are being performed in the sally port.
 - b. Any new arrestee, including 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 misdemeanant.
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:



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