

May 15, 2020

Hon. Brody Kane, Presiding Judge

PROPOSAL TO OPEN GENERAL SESSIONS COURT – DIVISION II

WHEREAS, the General Sessions Court of Wilson County, Division II was authorized by the Tennessee Supreme Court to operate under the Order of March 25, 2020, and:

WHEREAS, the General Sessions Court is getting very far behind on filed cases in that continued cases and new cases are now being scheduled for November, 2020, and;

WHEREAS, the Sessions Court is desirous of hearing some cases under the same protective measures used by the 15th Circuit Court in Wilson County to the extent possible. The Rules of Safety were approved by the April Order of the Tennessee Supreme Court.

NOW, therefore the General Sessions Court requests to be authorized to proceed on Monday, June 8, 2020, as proposed herein.

- A. The Sheriff's Department is directed to restart the service of subpoenas and other process for criminal cases in Sessions Court in cooperation with the Clerk's request.
- B. COVID-19 compliant disinfectant wipes are to be made available to attorneys in all jail visitation areas.
- C. The Court will have discretion as to the form of participation by counsel, parties, witnesses and other persons at any hearing or trial. Parties are encouraged to stipulate testimony whenever possible.
- D. Each attorney is responsible for sanitizing the area to which he/she comes in contact to his/her satisfaction through the use of Clorox wipes, disinfectant to the like before and after their appearance.

- E. Court personnel permitted in the courtroom at any one time shall be composed of the following, but in no case the number of persons in the courtroom at a given time shall be limited to 10 plus the Judge, Court personnel and court security.**
- a. Judge (1)**
 - b. Court Reporter (1)**
 - c. Sheriff's Deputy (2)**
 - d. Court Officers (2)**
 - e. Probation Officer (1)**
 - f. Private Attorney (1)**
 - g. District Attorney (4)**
 - h. Public Defender (2)**
 - i. Clerk (2)**
 - j. Interpreter (1)**
- F. Attorneys and Defendants are free to remain anywhere in the courtroom to maintain social distancing, so long as the Court and Court Reporter are able to hear. No person shall be required to use the podium or microphone system except in Preliminary Hearings.**
- G. COVID-19 compliant disinfectant will be used periodically throughout the day to treat the courtroom.**
- H. Out of custody cases shall observe the following precautions:**
- 1. Defendants with representation shall remain inside his/her vehicle until such time the person is notified to enter the Criminal Justice Center. Attorneys will also wait in their vehicle or the lobby if sufficient social distancing is observed.**
 - 2. Attorneys and bondsmen shall each have the Defendant's phone number available for contact via messaging.**
 - 3. Each bonding company shall make a representative of the company available on each court date to facilitate the texting of Defendants to allow efficient handling of the docket.**
- I. The Sheriff's office will make available deputies to stand at the door to inquire of those attending, their name, to obtain their cell number, name of their attorney, to provide a copy of the "Notice to Persons Coming to Court; and direct the person to remain in their vehicle until summoned. Each deputy will have a copy of the Court Docket listing the names of all persons scheduled to be in court.**

Additionally, the Deputy will check body temperatures, via contactless infrared thermometer. Refusal will result in denial of entry to the building. Any person with a temperature of 100.4 or above will be required to immediately leave the building. All other persons will be immediately directed to use the hand sanitizer stations located at the front of the building, before proceeding further into the building. The following pre-screening questions shall be asked and the answers recorded.

1. "Do you have a cough?"
2. "Do you have a fever?"
3. "Have you had contact with anyone diagnosed with Covid-19 or anyone that is awaiting testing results for COVID-19?"
4. "Have you traveled outside of the United States within the last 14 days?"

An affirmative response to even one of the above four questions will result in the denial of entry to the building. Security will advise the defendant or anyone else who fails the entry test that they may check with their medical doctor or the Health Department. Anyone needing a new court date shall be advised to call the General Sessions Clerk's office to obtain a new court date.

- J. Social distancing shall be observed at all times during the handling of the docket with six feet between all persons. Groups of ten shall be brought in the courtroom for disposition of those cases. The Sheriff's Department is directed to mark ten spots throughout the courtroom for this purpose. The wearing face masks and protective shields is encouraged and is in the discretion of the participants.
- K. An additional group of ten Defendants shall be spread out inside the lobby or the Criminal courtroom, if available, to await entry into the courtroom. Upon the courtroom group of ten being resolved, the lobby group of ten shall be admitted and an additional group of ten then summoned from their vehicles.
- L. The local rule excluding cell phones in the Criminal Justice Center is hereby temporarily suspended in order to facilitate the efficient handling of the docket.
- M. Additionally, one Deputy will be stationed in the lobby to ensure these guidelines are followed and to assist in the rotation of the groups of ten pursuant to Paragraph J & K above.
- N. The Court's paper docket shall reflect which Assistant District Attorney and Assistant Public Defender is handling each particular case. Handwritten notations are suitable.
- O. All building employees, including SCAN and probation, shall park in the parking lot are nearest the sallyport or the far lot to assist in the efficient handling of the docket.
- P. A hand sanitizing station shall be made available to the public in the lobby of the Criminal Justice Center and courthouse.
- Q. Only parties to a case shall be allowed to enter the courtroom. Other persons coming to the parking lot who are not parties (i.e. victims or necessary witnesses) shall be directed to either remain in their vehicle and refer to the "Notice to Personal Coming to Court."

R. Currently the Sessions Court is not equipped to do ZOOM, SKYPE or any other digital court proceedings. It is unlikely with the courtroom docket load that the Court would have additional time for digital court proceedings. Hopefully, MAYBE in the future.

DOCKETS

MONDAY:

Try to limit Defendants to no more than 50. Ten at a time should be admitted to the courtroom and spaced six (6) feet apart.

When these first 10 cases are finished then ten more defendants should be admitted.

This procedure should be continued until all defendants are processed.

The Circuit Courtroom, if available, may be used for assembly of each group observing all safety rules.

The security personnel should direct defendants as they arrive to go to clerk's office to obtain a number. It is first come first served as the number order from one to the last arriving will be observed.

TUESDAY, WEDNESDAY, THURSDAY:

The Docket starting at 9:00 A.M. should contain 10 Defendants.

The Docket starting at 1:00 P.M. should contain 10 Defendants.

One Docket day must be utilized to do the Defendants in jail in order to protect their constitutional and statutory rights to proper timely hearings. The Clerk may determine which docket day to utilize. There will only be a 9:00 a.m. Docket on that Docket day which will be utilized for these proceedings.

After some experience with this docketing procedure some increases may be available.

FRIDAY:

Friday traditionally has been a Traffic Docket. No Attorney General or Public Defender is normally present.

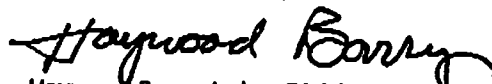
Normally, the Court has no more than 50 Defendants.

The Docket should be handled as noted for the Monday, docket with 10 Defendants in court at a time until all cases are heard.

The Security Personnel should direct Defendants as they arrive to go to the Clerk's Office to obtain a number. It is first come, first served as they number order from one to the last arriving will be observed.

While the podium has not been used for Traffic Docket in the past now for safety and separation it will be utilized. The arresting officer should be in the witness box and the defendant at the podium.

Respectfully submitted,


Haywood Barry, Judge, Division II

NOTICE TO PERSONS COMING TO COURT
WILSON COUNTY GENERAL SESSIONS COURT

- A.** If you have been told to wait in your vehicle, you must stay inside of your vehicle. A Court Officer will call out the name of your case when you need to enter the Justice Center or you will be texted by your attorney or bonding agent.
- B.** Only parties to a case are allowed to enter the courtroom. You are a party to a case if you have sued someone, someone has sued you, or you have been charged with committing some crime, including a traffic violation. If the case is in Juvenile Court involving a child that is neglected or abused, parents, foster parents and custodians are also allowed to enter the courtroom when the child's case is heard. If any friends or family members have come with you to court, they must remain in their vehicle. If someone needs to testify as a witness, they will be notified when they can enter the courtroom.
- C.** If you are the victim of a crime and the charges against the person who committed the crime is set today, you should talk to the District Attorney about the case. If you need to talk to the District Attorney you can call the General Sessions Clerk's office at 615-444-2045 or tell a Court Officer stationed at the front of the Justice Center. Be sure to give your name and the names of the person who committed the crime against you, and your phone number, so the District Attorney can call you. If you do not have a phone, the District Attorney can come talk to you outside of the courtroom.
- D.** Do not enter the Justice Center if you are sick. Common symptoms of Covid-19 are fever, cough and shortness of breath or difficulty breathing, but some people have other symptoms such as headache, chills, new loss of taste or smell, sore throat, body aches, nasal congestion, runny nose, vomiting and diarrhea. If you are sick or if you have been exposed to someone with Covid-19 within the past 14 days, or you have traveled outside of the United States within the past 14 days, you should inform the Judge and your case will be continued. You can inform the Judge by calling the General Sessions Clerk's Office at 615-444-2045 or you can inform a Court Officer located at the front of the Justice Center. Be sure to give your name and provide a phone number and address so you can be informed of your new court date.
- E.** When you enter the courtroom, you will be told where you need to sit so that you are at least six (6) feet away from other persons. You must also try to maintain a distance of at least 6 feet from other people while inside of the Justice Center, if possible. If you have a mask, you are encouraged to wear it while inside of the Justice Center.
- F.** If you or someone with you needs to use the restroom inside of the Justice Center, you must notify a Court Officer at the front door. Only one person at a time will be allowed inside to use the restroom.,