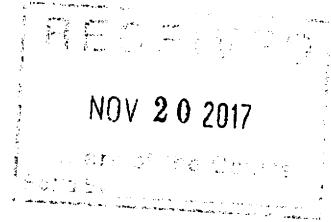


ADM 2017 - 00011



THE TENNESSEE BOARD OF JUDICIAL CONDUCT

511 Union Street
Suite 600
Nashville, TN 37219

November 15, 2017

James M. Hivner, Clerk
100 Supreme Court Building
401 Seventh Avenue, North
Nashville, TN 37219-1407
615-253-1470

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FOR PUBLIC RELEASE

The Honorable Sam Benningfield
11 Depot Street
Sparta, Tennessee 38583

RE: Board of Judicial Conduct Complaints
File Nos. B17-7052, B17-7055 and B17-7144

Dear Judge Benningfield:

This letter shall serve as a public letter of reprimand pursuant to your agreement with an investigative panel of this Board.

Complaint B17-7052 deals with a case in which, during a hearing regarding a probation violation hearing, you threatened to end the house arrest program which was then a practice in your court, and order persons currently under house arrest to be put in jail, if the defendant's attorney did not withdraw a valid objection that he had made concerning certain records being admitted in the probation violation, which you acknowledged at the time was a valid objection. Because of this statement by you, the defendant insisted that the attorney representing the defendant withdraw the objection, which the attorney did.

Complaints 17-7055 and 17-7144 are based upon two orders that were entered by you. The first order, entered on May 15, 2017, entitled Standing Order, and attached as Exhibit 1 to this letter of reprimand, provided in pertinent part that any White County inmate serving a sentence for the General

Sessions Court who satisfactorily completed a State of Tennessee, Department of Health Neonatal Syndrome Education Program would be given two (2) days credit toward the completion of his/her jail sentence. Any such female inmate who receives the free nexplanon implant or any such male inmate who has the free vasectomy as a result thereof, would be given an additional thirty (30) days credit toward the completion of his/her jail sentence.

An order rescinding this order was entered on July 26, 2017, this order being attached as Exhibit 2 to this to this letter of reprimand. This order provided that the State of Tennessee, Department of Health, has indicated to the court that it will no longer offer free vasectomies to White County inmates serving a sentence for the General Sessions Court, and will no longer provide the free nexplanon implant to White County inmates serving a sentence for the General Sessions Court who receives any credit toward the completion of their jail sentence, and as a result of this, the previous order was rescinded by you. You further provided in this order that inmates who have demonstrated to the Court the desire to improve their situations and take serious steps toward their rehabilitation by having the procedure or agreeing to have the procedure would be awarded the 30 days credit whether they ultimately received the procedure or not.

The Canon or rules violated by the above-described conduct are therefore the following, as they were in effect at the time of the conduct:

CANON 1 — A JUDGE SHALL UPHOLD AND PROMOTE THE INDEPENDENCE, INTEGRITY, AND IMPARTIALITY OF THE JUDICIARY, AND SHALL AVOID IMPROPRIETY AND THE APPEARANCE OF IMPROPRIETY.

RULE 1.1 Compliance with the Law

A judge shall comply with the law, including the Code of Judicial Conduct.

RULE 1.2 Promoting Confidence in the Judiciary

A judge shall act at all times in a manner that promotes public confidence in the independence, integrity, and impartiality of the judiciary, and shall avoid impropriety and the appearance of impropriety.

Upon receiving notice from Disciplinary Counsel in this matter, you promptly and with candor responded and have fully cooperated with the Board of Judicial Conduct.

You have fully and without hesitation or reservation indicated in your meeting with Disciplinary Counsel, and in your response to the complaint, that you fully recognized your error in making the statements concerning the termination of house arrest if the

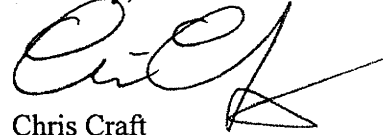
defendant in the case did not withdraw a valid and sustainable objection to evidence being introduced.

You have acknowledged that even though your were trying to accomplish a worthy goal in preventing the birth of substance addicted babies by the entry of your order of May 15, 2017, you now realize that this order could unduly coerce inmates into undergoing a surgical procedure which would cause at least a temporary sterilization, and it was therefore improper.

You also indicated that your order of July 26, 2017 was not intended to extend the 30-day jail time credit for anyone who promised to undergo those surgical procedures in the future, but was intended only to insure that inmates who had already complied with your standing order of May 15, 2017 would receive the benefit. You have entered an order clarifying the order of July 26, 2017, indicating that this credit is no longer available to any inmate.

Accordingly, this letter constitutes a Public Reprimand for your actions in the above matter, pursuant to Tenn. Code Ann. § 17-5-301.

Sincerely,

A handwritten signature in black ink, appearing to read "Chris Craft", with a long horizontal stroke extending to the right.

Chris Craft
Board Chair

CC/bep

IN THE GENERAL SESSIONS COURT OF WHITE COUNTY, TENNESSEE

EXHIBIT 1

IN RE: Services of the State of Tennessee
Department of Health;
NAS Education Program

FILED

MAY 15 2017

TIME 2:05 PM
BEVERLY F. JOLLEY
CIRCUIT COURT CLERK

STANDING ORDER

For good cause shown including judicial economy and the administration of justice, it is **ORDERED** any White County inmate serving a sentence for the General Sessions Court who satisfactorily completes the State of Tennessee, Department of Health Neonatal Syndrome Education (NAS) Program be given two (2) days credit toward completion of his/her jail sentence. Any such female inmate who receives the free nexplanon implant or any such male inmate who has the free vasectomy as a result thereof shall be given an additional thirty (30) days credit toward completion of his/her jail sentence.

ORDERED this the 15th day of May, 2017.


Sam Benningfield, Judge

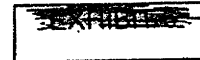
Cc: White County Circuit Court Clerk
White County Sheriff
White County Jail Administrator

IN THE GENERAL SESSIONS COURT OF WHITE COUNTY, TENNESSEE

FILED

IN RE: Services of the State of Tennessee
Department of Health;
NAS Education Program

JUL 26 2017
TIME 3:02 PM
BEVERLY F. JOLLEY
CIRCUIT COURT CLERK




ORDER RESCINDING PREVIOUS STANDING ORDER

Whereas the State of Tennessee, Department of Health has indicated to the court through its representatives that it will no longer offer free vasectomies to White County inmates serving a sentence for the General Sessions Court and will not provide the free nexplanon implant to White County inmates serving a sentence for the General Sessions Court who receives any credit toward the completion of their jail sentence as a result thereof, it is hereby ORDERED the previous order in this regard is hereby rescinded.

Those inmates who have demonstrated to the court their desire to improve their situations and take serious and considered steps toward their rehabilitation by having the procedures or agreeing to have same will not be denied the credit. You will be awarded the 30 days jail credit promised whether you ultimately receive the procedures or not. All inmates shall remain eligible for the two (2) days credit for completing the State of Tennessee, Department of Health Neonatal Syndrome Education (NAS) Program satisfactorily.

ORDERED this the 26th day of July, 2017.


Sam Benningfield, Judge

Cc: White County Circuit Court Clerk
White County Sheriff
White County Jail Administrator