

**IMPLEMENTATION OF TENNESSEE SUPREME COURT COVID-19 ORDER IN
DAVIDSON COUNTY CRIMINAL COURTS EFFECTIVE MARCH 30, 2020**

I. COURT SESSIONS

- A. The Criminal Courts will remain open for business from 8:00AM – 4:00PM, but on a restricted basis until otherwise specified as set forth herein.
- B. In an effort to reduce the number of persons in the A.A. Birch Building, the transportation of prisoners, and exposure to the C-virus, the following plan has been adopted unanimously by the Criminal Court judges.
1. In-court proceedings will occur only on Tuesday, Wednesday, and Thursday of each week.
 2. Divisions I, III, and V will preside over all court proceedings on March 31 – April 2, 2020, and continuing on alternating weeks thereafter.
 3. Divisions II, IV, and VI will preside over all court proceedings April 7 – April 9, 2020, and continuing on alternating weeks thereafter.
 4. The clerks and staff of Divisions I and II shall coordinate the dockets of those courts for the designated judge to hear by interchange on the days assigned. That is, the designated judge will preside over two separate dockets, one for each court.
 5. The clerks and staff of Divisions III and IV shall coordinate the dockets of those court for the designated judge to hear by interchange on the days assigned. That is, the designated judge will preside over two separate dockets, one for each court.
 6. The clerks and staff of Divisions V and VI shall coordinate the dockets of those courts for the designated judge to hear by interchange on the days assigned. That is, the designated judge will preside over two separate dockets, one for each court.
 7. All judges have the authority to act by interchange for any other Criminal Court judge on any matter that comes before that court on the days assigned.
- C. In-court proceedings shall be limited to jail inmates unless specifically approved by a sitting judge due to extraordinary emergency circumstances.
- D. Arraignments shall be conducted on Wednesday mornings by videoconference only at the following times:

1. Divisions V and VI – 8:30AM
 2. Divisions I and II – 9:00AM
 3. Divisions III and IV – 9:30AM
- E. Other in-court proceedings shall be limited to bond issues, guilty pleas, probation and community correction violations, and suspended sentence petitions.
- F. The following court proceedings shall be done only by videoconferencing (inmate will not be transported):
1. Agreed dispositions of probation and community corrections violations and
 2. Agreed suspended sentences.
- G. Attorneys are to make a good faith effort to resolve the above matters by agreement as they have always done. Note, however, inmates will not be transported for the sole purpose of enabling attorney-client discussions.
- H. No case shall be placed on the docket unless the attorneys have certified that an agreement has been finalized. If an anticipated guilty plea contemplates a defendant who is on bond also pleading, the attorneys are to seek and obtain approval from the court in advance of the case being placed on the docket.
- I. Agreements on bond modifications shall not be placed on a docket, but shall be submitted to the court by Agreed Order and in addition to the bond amount shall contain any special conditions of bond and be signed by the defendant.
- J. If one of the above proceedings cannot be resolved by agreement, the case will be set for hearing on a date in which both sides, including witnesses are ready and prepared to proceed. Bifurcated hearings will not be permitted. In the case of a motion to modify a bond and/or conditions a written motion must be filed prior to the hearing.
- K. Where a witness to a proceeding testified at an earlier proceeding involving the same case, including preliminary hearing testimony, that testimony shall be used in lieu of in-court testimony, provided counsel submits the recording to the Court within two business days of the scheduled court date.

II. MISCELLANEOUS

- A. Only the judge, security staff, attorneys, defendants and designated witnesses will be permitted to enter the courtroom and only then under the terms and conditions set by the court. All other persons will remain in the hallway or preferably will remain at home.
- B. All court business, regardless of the nature of the business, will be addressed in the courtroom. No one except the judge, staff and ancillary court personnel will be permitted into the judges' secured area.

- C. All attorneys are to be proactive and work in good faith to resolve as many issues as they can by agreement.
- D. Attorneys are to use emails, teleconferencing, and videoconferencing as much as possible when communicating with other attorneys, the courts or their clients. Defense attorneys are reminded that there is videoconference equipment in the A. A. Birch Building and in the trailer in the CDM parking lot (connected only to the CDM and MCC jail facilities). You are urged to use this equipment.
- E. The terms of this Emergency Protocol shall remain in effect until otherwise rescinded in writing by the Criminal Court Judges.

Attorneys can communicate with the client in person (non-contact), through use of the videoconference equipment in the A.A. Birch Building or in the video conference trailer at CDM (these connect only to CDM and MCC jail facilities).