

STATE OF ALABAMA)
COUNTY OF JEFFERSON)

This 8th day of April 20 20
ELISABETH A. FRENCH BW
PRESIDING CIRCUIT JUDGE

TENTH JUDICIAL CIRCUIT OF ALABAMA
ADMINISTRATIVE ORDER NO. AO-2020-030

INTERIM COVID-19 EMERGENCY PANDEMIC RESPONSE
DUTY, ON-CALL ASSIGNMENTS AND JURY TRIALS

WHEREAS, on March 13, 2020, and amended on April 2, 2020, in Administrative Order No. 5, the Alabama Supreme Court issued Administrative Orders declaring a state of emergency for the entire judicial branch for the State of Alabama due to the COVID- 19 pandemic.

WHEREAS, Judges and Magistrates are integral in the process of oversight of Grand Jury case management, warrant issuance and Orders of bail during rotating duty and on-call assignments. The Court hereby seeks to decrease exposure of Judges, Magistrates, Law Enforcement Officers and members of the public while Judges and Magistrates execute their duty and on-call responsibilities.

WHEREAS, the parties are responsible for following all legal requirements under Alabama law not specifically set forth in this Order. Permission to deviate from this Order must be sought from the Presiding Judge of Circuit and will be approved given the appropriate circumstances.

NOW THEREFORE, IT IS HEREBY ORDERED by the Presiding Judge of the Tenth Judicial Circuit that the following procedures be implemented in the Birmingham and Bessemer Criminal Divisions:

I. SEARCH WARRANTS AND CASES PENDING GRAND JURY

A. Search Warrants. Pursuant to the Alabama Rules of Criminal Procedure Rule 3.8 the process for the issuance of all search warrants in Jefferson County during the COVID-19 pandemic is as follows:

1. A Judge shall issue a warrant based upon sworn testimony communicated by telephone, Zoom conferencing, Facetime or other appropriate means, including facsimile or email transmission.
2. The person requesting the warrant shall prepare a document (hereinafter "duplicate original warrant") and shall read such duplicate original warrant verbatim to the issuing Judge or transmit a copy of the original warrant by email or facsimile. The Judge shall enter what is so read or emailed on a document (hereinafter to be known as the "original warrant"). The issuing Judge may direct that the warrant be modified.
3. If the Judge is satisfied that the circumstances are such as to make it reasonable to dispense with a written affidavit, and the grounds for the application exist or there is probable cause to believe that the grounds exist, the Judge shall order the issuance of a warrant by directing the person requesting the warrant to sign the Judge's name on the duplicate original warrant. The Judge shall immediately sign the original warrant

and enter on the face of the original warrant the exact time the warrant was ordered to be issued. The finding of probable cause for a warrant upon oral testimony may be based on the same standard of evidence that is sufficient for a warrant upon affidavit.

4. When a telephone caller informs the Judge that the purpose of the telephone call is to request a warrant, the Judge shall immediately place under oath each person whose testimony forms a basis of the application, and each person applying for the warrant. If a voice recording device is available, the Judge shall record by means of such device the remainder of the call after the caller informs the Judge that the purpose of the call is to request a warrant. Otherwise, a stenographic or longhand verbatim record shall be made. If a voice recording device is used or a stenographic record made, the Judge shall have the record transcribed, certify the accuracy of the transcription, and file a copy of the original record and the transcription with the Court. If a longhand verbatim record is made, the Judge shall file a signed copy with the Court.
5. The contents of a warrant upon oral testimony shall be the same as the contents of a warrant upon affidavit.
6. The person who executes the warrant shall enter the exact time of execution on the face of the duplicate original warrant.
7. Absent a finding of bad faith, evidence obtained pursuant to a warrant issued under this Order is not subject to a Motion to Suppress on the basis that the circumstances were not such as to make it reasonable to dispense with a written affidavit.

B. Cases Pending Grand Jury & ARCrP Rule 7.4.

1. By the second day of each month, the officials having custody of Defendants who are being held in jail pending trial or on extraordinary writs shall provide the Presiding Judge, the District Attorney, and the Clerk of the Circuit Court, the names of all Defendants in their custody, the charge or charges upon which they are being held, and the date the Defendants were most recently taken into custody. For cases pending Grand Jury, this report shall be forwarded to the assigned Duty Judge. The assigned Circuit Court or Duty Judge shall review the conditions of release for every Defendant who has been in jail for more than ninety (90) days.
2. At the end of the duty assignment, but before the next scheduled Judge begins his or her duty week, the Duty Judge shall report to the Presiding Judge of the Criminal Division a full review of cases pending Grand Jury compared with the jail list and all Orders and/or directives entered for compliance with ARCrP Rule 7.4.

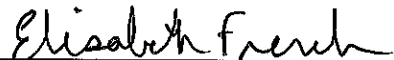
II. Bail. In accordance with Ala. Code § 15-13-1, et. seq., the process for accepting, taking and approving bail in Jefferson County and for Orders of bail during the COVID-19 pandemic is as follows:

- A.** In cases where a Defendant is arrested without a warrant and taken into custody, and when there is no standard bail schedule prescribed by the Judge presiding over the Court of jurisdiction for the amounts of bail for such arrests without warrants, then the arresting officer shall, as soon as possible, contact the judicial officer by telephone, Zoom conferencing, Facetime or other appropriate means, including facsimile or email transmission for an order of bail.

- B.** If the arresting officer is unable to contact the judicial officer having jurisdiction of the case, the arresting officer shall contact the Duty Judge or on-call Magistrate by telephone, Zoom conferencing, Facetime or other appropriate means, including facsimile or email transmission to issue the order of bail.
- C.** Circuit and District Court Clerks, including Magistrates, shall accept bail payments in a sealed envelope to a location designated by the Clerk, such as a clerk locked drop box.

III. The previously designated jury trial weeks for the Birmingham Division of April 20, 2020, May 4, 2020 and May 18, 2020 are hereby SUSPENDED. In the Bessemer Division, jury trial weeks for May 4, 2020, May 11, 2020 and May 18, 2020 are likewise SUSPENDED.

DONE AND ORDERED on this the 8th day of April, 2020.



Elisabeth A. French
PRESIDING JUDGE
10TH JUDICIAL CIRCUIT

Via Email Distribution:

Tom Parker, Chief Justice
Rich Hobson, Administrative Director of Courts
Julia Jordan Weller, Clerk, Supreme Court of Alabama
All Circuit Judges, Tenth Judicial Circuit
All District Judges, Tenth Judicial Circuit
Jacqueline Anderson Smith, Circuit Clerk, Tenth Judicial Circuit
Karen Dunn Burks, Deputy Circuit Clerk, Bessemer Division
Bonita Conley, Court Administrator