

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE**

Just City, Inc., and class representatives
Deangelo Towns and
Marshawn Barnes,
on behalf of themselves and all others similarly
situated,

Plaintiffs,

v.

Floyd Bonner Jr.,
Shelby County Sheriff;

Lee Wilson,
**Presiding Shelby County General
Sessions Criminal Court Judge;** and

John Marshall, Robert Barber, Rhonda Harris,
Kevin Reed, Christopher Ingram, Shayla Purifoy,
Ross Sampson, Serena Gray, Terita Hewlett,
Mischelle Best, Kenya Smith, Zayid Saleem,
Kathy Kirk Johnson, Leslie Mazingo,
**Shelby County Judicial
Commissioners,**

in their official capacities,

Defendants.

Case No. 2:24-cv-2540-TLP-tmp

**PLAINTIFFS' SUPPLEMENTAL MEMORANDUM IN SUPPORT OF
THEIR MOTION FOR CLASS CERTIFICATION**

Plaintiffs Just City, Inc., and putative class representatives Deangelo Towns and Marshawn Barnes respectfully submit this supplemental memorandum in support of their Motion for Class Certification, ECF No. 76, and in response to the Court’s Order, ECF No. 104, dated October 10, 2025.

INTRODUCTION

Plaintiffs claim that Tennessee’s recent bail law, HB 1719, violates the Due Process Clause for three reasons: (1) HB 1719 violates fundamental fairness, (2) HB 1719 causes impermissible wealth-based detention, and (3) HB 1719 is void for vagueness. Plaintiffs moved to certify a class pursuant to Federal Rule 23(b)(2) defined as: “All people in the custody of the Shelby County Sheriff who are detained under bail orders issued by Shelby County judges pursuant to Tenn. Code Ann. § 40-11-118(b), as amended by HB 1719, without consideration of their ability to pay.” Pls.’ Mot. for Class Certification at 2, ECF No. 76.¹ The Sixth Circuit’s recent *en banc* decision in *Speerly v. General Motors, LLC*, 143 F.4th 306 (6th Cir. 2025) further supports certification of this proposed class. The Sixth Circuit held that, in assessing commonality, district courts must analyze each cause of action and determine whether each one raises at least one common question that can be resolved for the entire class based on common evidence. *Id.* at 317-319. Here, each claim is entirely subject to common proof and a common yes-or-no answer for all potential class members. HB 1719 either violates due process for all class members, or it does not for any class members. The claims do not require any individualized proof or determinations. Accordingly, Plaintiffs easily meet the *Speerly* standard for commonality under Federal Rule 23(a)(2) and the Court should certify the proposed class.

¹ This brief and Plaintiff’s Motion for Class Certification, ECF No. 76, use the term “judge” to refer to any judicial officer who sets bail, including the Shelby County Judicial Commissioners. *See* Pls.’ Mot. for Class Certification at 1 n.1.

ARGUMENT

Under Fed. R. Civ. P. 23(a)(2), a class action plaintiff must show that “there are questions of law or fact common to the class.”² In *Speerly*, the Sixth Circuit held that to satisfy this requirement, a question “must (1) yield a common answer with common evidence and (2) meaningfully progress the lawsuit.” *Speerly*, 143 F.4th at 316. “The decisionmaker must be able to resolve the question with a yes-or-no answer for the class in one stroke.” *Id.* (cleaned up). The question must also “be central to the claim at hand” such that it “tie[s]” to each claim. *Id.* at 319.

In their Amended Complaint, ECF No. 75-2, Plaintiffs allege that HB 1719 violates the Fourteenth Amendment because it deprives arrestees of due process. Specifically, Plaintiffs claim that HB 1719: mandates fundamentally unfair procedures for a bail hearing (Count I); causes discriminatory wealth-based detention (Count II); and is void for vagueness (Count III). Pls.’ Am. Compl. at 15–16, ECF No. 75-2. The commonality requirement is satisfied with respect to each of these three claims. The claims are subject to common proof and legal rulings that will resolve each claim’s central questions for the class in one stroke. While Plaintiffs’ due process claims do not break down into distinct legal elements like the product liability claims in *Speerly*, they all raise central common questions for the Court’s resolution as a “yes-or-no answer for the class in one stroke.” *Speerly*, 143 F.3d at 316. HB 1719 either violates due process for the entire class or it does not for any individual arrestees. *See Doster v. Kendall*, 54 F.4th 398, 434-35 (6th Cir. 2022), *vacated as moot*, 144 S. Ct. 481 (2023) (affirming certification of class asserting religious liberty claims where employer’s policy either denied rights of everyone in the class or no one).

² Since Plaintiffs moved to certify a class under Rule 23(b)(2), and not Rule 23(b)(3), the Court need not consider whether common questions “predominate over any questions affecting only individual members,” or whether the collective approach is superior to other methods. *Amchem Prods. v. Windsor*, 521 U.S. 591, 615 (1997). Rule 23(b)(2)’s “requirements are tailor-made for civil-rights cases seeking to stop a general policy or practice.” *Doster v. Kendall*, 54 F.4th 398, 439 (6th Cir. 2022), *vacated as moot*, 144 S. Ct. 481 (2023).

A. Count I: Fundamentally Unfair Bail Hearing Procedures

Plaintiffs claim that HB 1719 violates fundamental fairness under the Fourteenth Amendment because it prevents arrestees from receiving a “meaningful” opportunity to be heard before depriving them of their pretrial liberty. *See Mathews v. Eldridge*, 424 U.S. 319 (1976). To determine the procedural safeguards required before the government may deprive an individual of a liberty interest, the Sixth Circuit balances the *Mathews* factors: (1) “the private individual’s interests,” (2) “the value of the suggested procedural requirements,” (3) “the risk of erroneous deprivation of the individual’s rights that is inherent in current procedures,” and (4) “the government’s interests, including the fiscal and administrative burdens at stake.” *United States v. Brandon*, 158 F.3d 947, 953 (6th Cir. 1998) (citing *Mathews*, 424 U.S. at 355).

Whether HB 1719 allows arrestees to receive a meaningful opportunity to be heard is a question central to Plaintiffs’ claim that yields one common answer. HB 1719 applies equally to all bail hearings and prevents judges from considering an arrestee’s ability to pay when setting bail for *all* members of the proposed class. This common question therefore invites “a yes-or-no answer for the class in one stroke” based on common evidence. *Speerly*, 143 F.4th at 316.

The Court’s due process determination based on weighing the *Mathews* factors also presents a common question central to Plaintiffs’ claim for all members of the proposed class. The private individual’s interest is the same for all class members—their interest in physical pretrial liberty. The risk of erroneous deprivation of this interest “that is inherent in current procedures,” *Brandon*, 158 F.3d at 953, is the same for all class members because the procedure is the same for all class members. Finally, the government’s interest in bail setting procedure under HB 1719 is the same for all class members. These questions can be resolved with a yes-or-no answer for all class members in one stroke.

B. Count II: Discriminatory Wealth-Based Detention

Plaintiffs claim that HB 1719 causes discriminatory wealth-based detention in violation of the Fourteenth Amendment under *Bearden v. Georgia*, 461 U.S. 660 (1983). A plaintiff “who can show that the indigent are being treated systematically worse solely because of their lack of financial resources—and not for some legitimate State interest” will be able to show a *Bearden* violation. *Walker v. City of Calhoun*, 901 F.3d 1245, 1260 (11th Cir. 2018) (cleaned up); *see also McNeil v. Cmty. Prob. Servs., LLC*, No. 1:18-cv-00033, 2019 WL 633012 at *13 (M.D. Tenn. Feb. 14, 2019), *aff’d*, 945 F.3d 991 (6th Cir. 2019). Whether HB 1719 treats the indigent systematically worse because of their inability to pay bail as opposed to a legitimate state interest is a common question central to Plaintiffs’ claim. The evidence of whether HB 1719 arbitrarily increases pretrial detention of indigent arrestees without furthering legitimate state interests is common to all class members. Therefore, this central question can be resolved with a yes-or-no answer for all class members in one stroke.

C. Count III: Void for Vagueness

Plaintiffs claim that HB 1719 is unconstitutionally vague in violation of the Fourteenth Amendment. The Due Process Clause requires that “laws must provide explicit standards for those who apply them” to avoid “arbitrary and discriminatory enforcement.” *Ass’n of Cleveland Fire Fighters v. City of Cleveland*, 502 F.3d 545, 551 (6th Cir. 2007) (quoting *Grayned v. City of Rockford*, 408 U.S. 104, 108 (1974)). Whether HB 1719 is unconstitutionally vague is a common question central to Plaintiffs’ claim that does not depend on any evidence that varies from member to member of the proposed class. The Court can resolve whether HB 1719 is void for vagueness with a yes-or-no answer for the class in one stroke.

D. Courts Have Repeatedly Found Similar Claims Raise Common Questions.

The Sixth Circuit has routinely held that cases asserting similar civil rights claims raise common questions of law or fact that support class certification. *See, e.g., Pickett v. City of Cleveland*, 140 F.4th 300, 308 (6th Cir. 2025). So have district courts in this circuit and elsewhere.³ In *Doster v. Kendall*, the Sixth Circuit affirmed commonality where plaintiffs claimed an Air Force policy limiting exemptions for the COVID-19 vaccine violated the First Amendment and RFRA, which would have the same answer for the entire class. 54 F.4th at 433–35. The *Doster* court cited cases certifying classes alleging common questions of whether government policies violated Equal Protection and the Eighth Amendment. *Doster*, 54 F.4th at 434 (citing *Gratz v. Bollinger*, 539 U.S. 244, 263–68 (2003); *Postawko v. Mo. Dep’t of Corrs.*, 910 F.3d 1030, 1038 (8th Cir. 2018)).⁴

Significantly, Defendants have never suggested that Plaintiffs’ due process claims require individualized proof or determinations. Nor have they disputed that the due process claims asserted raise central questions that can be resolved in one stroke. Instead, Defendants argued that “to meet commonality standard [*sic*] Plaintiffs would need to show that a sufficient subsection of the Shelby County Jail pre-trial detention population faces a similar harm (presumably continued

³ *See, e.g.,* Order Granting Mot. For Class Certification at 8, *Torres v. Collins, et al.*, No. 2:20-cv-00026 (E.D. Tenn. May 5, 2021), ECF No. 116 (finding commonality where all members of the proposed class “are subject to Defendants’ policy of setting bond without any individualized hearing.”); *Graham v. Parker*, No. 3:16-cv-01954, 2017 WL 1737871, at *4–5 (M.D. Tenn. May 4, 2017) (holding variations in the merits of individual cases do not defeat commonality or typicality for class raising systemwide constitutional challenge); *Malam v. Adducci*, 475 F. Supp. 3d 721, 735–36 (E.D. Mich. 2020) (finding commonality for class challenge to conditions of confinement); *Robinson v. Purkey*, 326 F.R.D. 105, 167 (M.D. Tenn. 2018) (finding commonality where plaintiffs asserted claim based on a “categorical right”); *Powers v. Hamilton Cnty. Pub. Def. Comm’n*, 501 F.3d 592, 619 (6th Cir. 2007) (finding commonality based on claim that public defender’s practice of failing to seek indigency hearings violated class members’ due process rights); *Barbara v. Trump*, No. 25-cv-244, 2025 WL 1904338, at *6 (D.N.H. July 10, 2025) (finding commonality based on constitutional challenge to an executive order).

⁴ The *Doster* Court also held that the issues of commonality and typicality “tend to merge in a case like this one. A plaintiff’s claims generally will be typical of the class’s when all of them arise from the same course of conduct and assert the same legal theory.” 54 F.4th at 438 (cleaned up).

detention in the Jail) based upon only the HB 1719 prohibition on considering a detainee's ability to pay, *and nothing else.*" Defs.' Opp'n to Class Certification at 4, ECF No. 79. Defendants did not cite any authority for this argument. Their argument was inconsistent with *Doster* when they filed it, and it is precluded by *Speerly* now. Contrary to Defendants' position, *Doster* only required plaintiffs to show that central questions to their religious liberty claims would have common answers based "on a pattern of improper decisionmaking." *Id.* at 435-36 (cleaned up). The Court should reject Defendants' suggested commonality standard because it is not tied to the central issues raised in Plaintiffs' due process claims.

While no additional evidence is necessary to establish commonality here, the undisputed record shows that after HB 1719 was enacted, Shelby County changed its bail procedures for all arrestees. The County deleted all language about affordable bail from the bail forms used in all bail proceedings. Ex. A, Marshall Dep. 51:1-52:1 (June 30, 2025). In addition, the County's Pretrial Services Agency stopped providing judges with information about an arrestee's ability to pay for all bail proceedings. Ex. B, Greer Dep. 24:13-25:3 (June 30, 2025). Plaintiffs are not challenging the merits of any individual bail determinations, and any such individual determinations are irrelevant to the commonality analysis for their due process claims. Plaintiffs are asserting three due process challenges to HB 1719, and the Court can resolve these claims for the class in one stroke.

CONCLUSION

Because each of Plaintiffs' three claims raise common questions subject to common proof and central to each claim, Plaintiffs' proposed class satisfies the commonality requirement under *Speerly*. Plaintiffs respectfully request that the Court grant their Motion for Class Certification.

Dated: October 22, 2025

Respectfully submitted,

/s/ David Elbaum

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*Admitted *pro hac vice*.

CERTIFICATE OF SERVICE

I, Jared Quigley, certify that on October 22, 2025, I caused a true and correct copy of the foregoing document to be filed electronically via the ECF system.

Respectfully submitted,

/s/ Jared Quigley

Jared Quigley

Exhibit A:

Judicial Commissioner

John Marshall

Rule 30(b)(6)

Deposition Transcript

(Excerpted)

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IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE

JUST CITY, INC. and CLASS
REPRESENTATIVES DEANGELO TOWNS
and MARSHAWN BARNES, on Behalf
of Themselves and All Others
Similarly Situated,
Plaintiffs,

v.

Case No.

FLOYD BONNER JR., SHELBY COUNTY
SHERIFF; LEE WILSON, PRESIDING
SHELBY COUNTY GENERAL SESSIONS
CRIMINAL COURT JUDGE, and JOHN
MARSHALL; ROBERT BARBER; RHONDA
HARRIS; KEVIN REED; CHRISTOPHER
INGRAM; SHAYLA PURIFOY; ROSS
SAMPSON; SERENA GRAY; TERITA
HEWLETT; MISHELLE BEST; KENYA
SMITH; ZAYID SALEEM; KATHY KIRK
JOHNSON; and LESLIE MOZINGO,
SHELBY COUNTY JUDICIAL
COMMISSIONERS,

2:24-cv-2540-TLP-tmp

1 in Their Official Capacities,
2 Defendants.

3
4 DEPOSITION OF 30(b)(6) CORPORATE REPRESENTATIVE FOR
5 DEFENDANTS - JOHN MARSHALL

6 DATE: Monday, June 30, 2025

7 TIME: 2:30 p.m.

8 LOCATION: Remote Proceeding

9 Memphis, TN 38103

10 REPORTED BY: Jay Frederick

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1 - shall constitute written stipulation
2 of such.

3 At this time, will everyone in
4 attendance please identify yourself for the record,
5 beginning with the witness.

6 MR. MARSHALL: I'm John Marshall, lead
7 Shelby County judicial commissioner.

8 MR. QUIGLEY: I'm Jared Quigley
9 representing Plaintiffs.

10 MR. DURRENCE: Jasen Durrence, Shelby
11 County Attorney's Office, representing the defendants.

12 MS. VERRIEST: Ashika Verriest, ACLU
13 National Criminal Law Reform Project, representing the
14 plaintiffs.

15 MS. YARBROUGH: Stella Yarbrough from
16 ACLU of Tennessee, also here for the plaintiffs.

17 MR. ENRIGHT: Brian Enright on behalf
18 of the Attorney General's Office here for the third
19 party intervenor, State of Tennessee

20 MS. GATES: Clio Gates, paralegal at
21 ACLU National Criminal Law Reform Project, here for
22 the plaintiffs as well.

23 THE REPORTER: Thank you. Hearing no
24 objection, I will now swear in the witness.

1 Please raise your right hand.

2 WHEREUPON,

3 JOHN MARSHALL,

4 called as a witness and having been first duly sworn
5 to tell the truth, the whole truth, and nothing but
6 the truth, was examined and testified as follows:

7 THE REPORTER: Thank you.

8 You may proceed.

9 EXAMINATION

10 BY MR. QUIGLEY:

11 Q Good afternoon, Commissioner Marshall. My
12 name is Jared Quigley. I'm with the law firm of
13 Simpson Thacher & Bartlett LLP. And we represent
14 Plaintiffs in this proceeding.

15 Can you state your full name for the record?

16 A Full name is John Walker Marshall.

17 Q Is there any reason why you can't testify
18 fully and completely today?

19 A No, there's not.

20 Q Have you had your deposition taken before?

21 A No, I have not. Never.

22 Q But I assume you're familiar with deposition
23 procedure?

24 A A little bit. I have mostly been in

1 Q Why don't we back up a step? Did Shelby
2 County make any changes to its bail setting practices
3 after the passage of HB1719?

4 A Yes.

5 Q What were those changes?

6 A We took out the language and the forms that
7 referred to affordable and unaffordable bail.

8 Q Who was responsible for making those
9 changes?

10 A The judges directed us to do that. I spoke
11 to the County Attorney's office. All the changes have
12 always been made by the County Attorney's office.

13 The -- the physical going in and changing
14 the form with the knowledge of the ACLU, every time
15 we've changed the form.

16 The forms were changed because the judges
17 told us in the court as of the new state law to change
18 the forms to take out that language.

19 Q When you say the judges, who are the judges?

20 A The general sessions criminal court judges.

21 Q And when you say you, you mean yourself and
22 who else?

23 A The general sessions criminal court judges
24 instructed me to get back with the County Attorney's

1 office to make sure the forms were changed.

2 Q How did they instruct you to do so?

3 A In a meeting.

4 Q When was the meeting?

5 A An in-person meeting. I have no idea what
6 date the meeting was. I would assume it was
7 right -- right as the law was about to go into effect.

8 Q Can you just describe the meeting to me?
9 Tell me about the meeting.

10 A It was in a -- one of the divisions
11 downstairs in general sessions -- I can't remember
12 which division -- with the judges and myself and
13 possibly County Attorney Iverson was there. I'm
14 pretty sure she was.

15 Q You said that there were judges there.
16 Which judges?

17 A All -- all of them. All, to my knowledge.
18 All eight of them. If not all eight of them, most of
19 them.

20 Q And then yourself and then --

21 A I -- I believe County Attorney Iverson was
22 there. I believe she was.

23 Q Were any other judicial commissioners there?

24 A No.

1 Q How long did the meeting last?

2 A Not long. Probably 30 minutes at the most,
3 probably.

4 Q Who led the meeting?

5 A Whoever the administrative judge would have
6 been at that time, which I can't remember exactly if
7 that was May of '24.

8 Can't remember if that was still Judge
9 Montesi or -- or who it would've been. It might've
10 been -- there was a year that Judge Anderson was both
11 administrative judge and supervising judge with the
12 commissioners. So it might've been Judge Anderson
13 that called the meeting.

14 Q And what did Judge Anderson say at the
15 meeting?

16 A I can't remember exactly straightforward.
17 But the state law has been changed. So we've got to
18 comply with it.

19 Q And this was Judge Anderson telling the room
20 that State law has changed and we need to comply with
21 this?

22 A Yeah.

23 Q And then was there a debate at all? Like,
24 what --

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CERTIFICATE OF DEPOSITION OFFICER

I, JAY FREDERICK, the officer before whom the foregoing proceedings were taken, do hereby certify that any witness(es) in the foregoing proceedings, prior to testifying, were duly sworn; that the proceedings were recorded by me and thereafter reduced to typewriting by a qualified transcriptionist; that said digital audio recording of said proceedings are a true and accurate record to the best of my knowledge, skills, and ability; that I am neither counsel for, related to, nor employed by any of the parties to the action in which this was taken; and, further, that I am not a relative or employee of any counsel or attorney employed by the parties hereto, nor financially or otherwise interested in the outcome of this action.



JAY FREDERICK
Certified Reporter in and for the
State of Tennessee

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CERTIFICATE OF TRANSCRIBER

I, **ANDREW TINGLEY-BARRAZA**, do hereby certify that this transcript was prepared from the digital audio recording of the foregoing proceeding, that said transcript is a true and accurate record of the proceedings to the best of my knowledge, skills, and ability; that I am neither counsel for, related to, nor employed by any of the parties to the action in which this was taken; and, further, that I am not a relative or employee of any counsel or attorney employed by the parties hereto, nor financially or otherwise interested in the outcome of this action.



ANDREW TINGLEY-BARRAZA

Exhibit B:

Llana Greer

Rule 30(b)(6)

Deposition Transcript

(Excerpted)

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IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE

JUST CITY, INC. and CLASS
REPRESENTATIVES DEANGELO TOWNS
and MARSHAWN BARNES, on Behalf
of Themselves and All Others
Similarly Situated,
Plaintiffs,

v.

Case No.

FLOYD BONNER JR., SHELBY COUNTY
SHERIFF; LEE WILSON, PRESIDING
SHELBY COUNTY GENERAL SESSIONS
CRIMINAL COURT JUDGE, and JOHN
MARSHALL; ROBERT BARBER; RHONDA
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SAMPSON; SERENA GRAY; TERITA
HEWLETT; MISHELLE BEST; KENYA
SMITH; ZAYID SALEEM; KATHY KIRK
JOHNSON; and LESLIE MOZINGO,
SHELBY COUNTY JUDICIAL
COMMISSIONERS,

2:24-cv-2540-TLP-tmp

1 in Their Official Capacities,
2 Defendants.

3
4 DEPOSITION OF 30(b)(6) CORPORATE REPRESENTATIVE FOR
5 DEFENDANTS - LLANA GREER

6 DATE: Monday, June 30, 2025

7 TIME: 10:55 a.m.

8 LOCATION: Remote Proceeding

9 Memphis, TN 38103

10 REPORTED BY: Jay Frederick

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1 Reform Project, on behalf of the plaintiffs.

2 MS. GATES: Clio Gates, ACLU Criminal
3 Law Reform Project, on behalf of the Plaintiffs.

4 THE REPORTER: Thank you. Hearing no
5 objection, I will now swear in the witness.

6 Please raise your right hand.

7 WHEREUPON,

8 LLANA GREER,

9 called as a witness and having been first duly sworn
10 to tell the truth, the whole truth, and nothing but
11 the truth, was examined and testified as follows:

12 THE REPORTER: Thank you.

13 You may proceed.

14 MR. QUIGLEY: Thank you.

15 EXAMINATION

16 BY MR. QUIGLEY:

17 Q Good morning. My name is Jared Quigley.
18 I'm with the law firm of Simpson Thacher & Bartlett,
19 LLP. We represent the plaintiffs in this proceeding.

20 Now that we're on the record, can you please
21 state your full name?

22 A My full name? Llana Renee [ph] Greer.

23 Q Thank you. Is there any reason why you
24 can't testify fully and completely today?

1 or not they want a head start for their children. We
2 do referrals for that. So if they do, they will sign
3 off on that.

4 And also courtesy text messaging, if they
5 want to be -- to receive a text message, they can sign
6 a form saying they want a text message.

7 Q So those are the two, like, physical paper
8 forms and then everything else is on the computer?

9 A Correct.

10 Q What questions are asked during this initial
11 interview?

12 A Their address; residency; how long they've
13 been in Shelby County; how long they've lived at that
14 address; who do they live with; telephone numbers;
15 references; employment; highest education; if they
16 have arrests in any other jurisdiction; do they have
17 anything that they would like to report; again, are
18 they interested -- if they have children 3 to 5, would
19 they like a referral to Head Start; if they would like
20 text messaging; if it's a domestic violence case, how
21 are they related to the victim; are they on parole or
22 probation; and do they have any other cases pending;
23 and military.

24 Q Are the same questions asked every time?

1 A Yes.

2 Q And those are all of the questions?

3 A Those are all the questions that I can think
4 of right now. Yes.

5 Q So there -- are there any questions asked
6 about the person's income?

7 A Oh, well, I said employment. But yes,
8 that's not the interview itself. That's the
9 affordable bail calculator. We still complete that.

10 Q So you still complete the affordable bail
11 calculator even today?

12 A Yes.

13 Q What do you do with the information once
14 you've received it for the affordable bail calculator?

15 A Nothing.

16 Q So you ask the questions, you collect
17 the -- like, the answers to the questions about the
18 affordable bail calculator.

19 And then it just -- it -- that's recorded on
20 the, like, interview sheet. But that's it. There's
21 no further action?

22 A It is not a part of the actual interview.
23 It is a separate document. And it is just, you know,
24 stored in the file, in the Pretrial file.

1 Q But it is not transmitted to the judicial
2 commissioners?

3 A No.

4 Q How long do the interviews typically take?

5 A It really depends on the -- the employee.
6 So I'm going to average it out to say 7 to 12 minutes
7 based on whether they're senior employees or new
8 employees.

9 Q Got it. What documents are filled out
10 during the initial screening?

11 A During the initial bail interview?

12 Q Yeah, the bail interview we were just
13 discussing.

14 A The interview itself is completed. And the
15 affordable bail calculator is completed. The courtesy
16 text messaging, if they elect to do that, and the
17 referral to Head Start if they want that as well.

18 Q I'm going to introduce -- I'm going to mark
19 as an exhibit a document that was produced in this
20 litigation, which is a bail packet we've received
21 those produced by the defendants. And I'm going to
22 show it on my screen right now. I believe this is
23 Exhibit 2.

24 //

1 (Plaintiff Exhibit 2 was marked for
2 identification.)

3 This is a bail packet. Does this -- not
4 this specific one, but does this generally look like a
5 bail packet, the -- you have the order on the first
6 page?

7 A Yes.

8 Q This form. So this form is called the
9 Shelby County Pretrial Services Bail Setting Form. Is
10 this filled out during the initial interview?

11 A No.

12 Q What -- when is it filled out?

13 A When they complete the bail packet.

14 Q Got it. And the same thing is true for this
15 report, the Offender Interview and Public Safety
16 Assessment, PSA report?

17 A That is the interview itself.

18 Q So is this form filled out during the
19 initial interview?

20 A Yes, that is the interview.

21 Q Got it. And this is the only form that is
22 filled out during the interview other than Head Start
23 and text messaging, I believe you said.

24 A And the affordable bail.

CERTIFICATE OF DEPOSITION OFFICER

I, JAY FREDERICK, the officer before whom the foregoing proceedings were taken, do hereby certify that any witness(es) in the foregoing proceedings, prior to testifying, were duly sworn; that the proceedings were recorded by me and thereafter reduced to typewriting by a qualified transcriptionist; that said digital audio recording of said proceedings are a true and accurate record to the best of my knowledge, skills, and ability; that I am neither counsel for, related to, nor employed by any of the parties to the action in which this was taken; and, further, that I am not a relative or employee of any counsel or attorney employed by the parties hereto, nor financially or otherwise interested in the outcome of this action.



JAY FREDERICK

Certified Reporter in and for the
State of Tennessee

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CERTIFICATE OF TRANSCRIBER

I, ANDREW TINGLEY-BARRAZA, do hereby certify that this transcript was prepared from the digital audio recording of the foregoing proceeding, that said transcript is a true and accurate record of the proceedings to the best of my knowledge, skills, and ability; that I am neither counsel for, related to, nor employed by any of the parties to the action in which this was taken; and, further, that I am not a relative or employee of any counsel or attorney employed by the parties hereto, nor financially or otherwise interested in the outcome of this action.



ANDREW TINGLEY-BARRAZA