

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ALABAMA
NORTHEASTERN DIVISION

RAY CHARLES SCHULTZ, et al.,
Plaintiffs,

v.

STATE OF ALABAMA, et al.,
Defendants.

Case No. 5:17ev-00270MHH

RANDALL PARRIS, on behalf of
himself and those similarly situated,
et al.,

Plaintiff -Intervenor,

v.

MARTHA WILLIAMS, et al.,
Defendants.

BRADLEY HESTER, on behalf of
himself and those similarly situated,
Plaintiff -Intervenor,

v.

MATT GENTRY, et al.,
Defendants.

explained why the Court finds preliminarily that Cullman County's bail procedures are unconstitutional (Doc. 159). In its memorandum opinion, the Court identified a variety of procedural modifications that Cullman County could use to cure the constitutional deficiencies in the county's current bail procedures. (Doc. 159, pp. 62-63).

On September 6, 2018, the Court held a telephone conference with the parties and offered the parties the opportunity to meet and propose terms for a preliminary injunction. (September 6, 2018 docket entry) The Court explained to counsel for the parties that it was willing to consider remedies other than the remedies that the Court described in the memorandum opinion. Mindful of the Eleventh Circuit Court of Appeals' decision in *Walker v. City of Calhoun*, 838 F.3d 1111, 2018 WL 4000252 (11th Cir. Aug. 22, 2018), and conscious of the fact that more than one option is available to the county to cure the constitutional deficiencies in its current bail procedures, the Court recognized the importance of giving Cullman County an opportunity to provide input, so that Cullman County could help select procedures best suited to the unique demands of its jurisdiction. The defendants declined the Court's invitation to participate in the process of drafting a preliminary injunction. (September 6, 2018 docket entry).

Therefore, the Court ORDERS as follows:

¹ *Walker*, 2018 WL 4000252 at *15 ("Indeed, the law cuts the other way and indicates that federal courts should give States wide latitude to fashion procedures for setting bail.").

1. Subject to the exceptions identified below S10.6 (o)-8.ns((i)12-61(t)02b

evidence that the defendant poses a significant risk of flight or danger to the community.

5. Before an initial appearance, the Sheriff must provide the defendant with a questionnaire eliciting information relevant to flight risk and danger to the community. The questionnaire must inform the defendant of the 14 factors that a judge must consider in setting bail per Rule 7.2(a) of the Alabama Rules of Criminal Procedure. The questionnaire must notify the defendant that the judge may consider other factors. The Sheriff must confirm that the defendant understands the questionnaire and either must have one of his court liaison deputies assist defendants who are unable to complete the questionnaire themselves or provide notice to the judge conducting a defendant's initial appearance that the defendant was unable to complete the questionnaire without assistance.

6. Before an initial appearance, the Sheriff must provide the defendant with an affidavit form on which the defendant may provide information about his or her financial means. The form must notify the defendant that a judge will use the information on the form to assess whether the defendant is entitled to court-appointed counsel. The form must also notify the defendant that the judge request additional financial information during an initial appearance. The Sheriff must confirm that the defendant understands the affidavit form and either must

have one of his court liaison deputies assist defendants who are unable to complete the affidavit form themselves or provide notice to the judge conducting the defendant's initial appearance that the defendant was unable to complete the affidavit form without assistance.

7. Before an initial appearance, the Sheriff must deliver to the Clerk of Court the questionnaire, the affidavit, and any other information relating to the initial appearance that the defendant provided to the Sheriff.

8. The Sheriff may delegate the tasks described above to members of his staff after the Sheriff provides training to his staff concerning the procedures set forth in this order. The Sheriff shall also provide training to the staff of the Sheriff's Office.

