

NAVARRO COUNTY

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JUDGE, 13TH JUDICIAL DISTRICT COURT
NAVARRO COUNTY COURTHOUSE
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April 15, 2020

Defense Counsel (SENT VIA E-MAIL & NAVARRO COUNTY WEBSITE)

RE: Inmate Consultation & Inmate Hearings

Dear Counsel:

The COVID-19 pandemic has changed the way we conduct court hearings regardless of the type of hearing. An incarcerated defendant creates even more barriers for their attorneys who are attempting to practice social distancing like we all have been called upon by our President, Governor, county, and city officials. The Court did an on-site visit to the Navarro County jail the morning of April 9, 2020 at the Navarro County Jail with Sheriff Elmer Tanner and Chief Deputy Morris Steward. Prior to entry into the jail, the Court was screened. In addition, the Court conducted a Zoom meeting on April 13, 2020 with Kerri Donica, Steve Keathley, Enoch Basnett, Judge Amanda Putman, and Sheriff Tanner present. Based on the current state of equipment and security issues that must be maintained, there are several options to curtail any face to face contact with defendants. After speaking with the Sheriff and Chief Deputy and conducting the Zoom meeting, the following are some options that address inmate consultation and inmate hearings during the COVID-19 pandemic or when current orders from federal, state, and local government are lifted.

Inmate Consultation

Other than meeting with your client at the jail in person, the following is a list of suggested methods to meet with your client, as well as some of the other options that have been explored. Obviously, anyone entering the jail will be screened for COVID-19.

Currently, there is no family visitation allowed at the Navarro County Jail. Visitation is conducted through the VizVox system which records all visits. Under normal situations, those video visits are recorded by the jail. The equipment is maintained by VizVox. The Sheriff has

contacted VizVox and all recording equipment is now turned off during the COVID-19 pandemic. The Court understands where counsel could have some apprehension about meeting with a client on this equipment which is normally recorded. However, it is again my understanding that this equipment is not recording at this time. If the attorney decided to take advantage of the VizVox system, they would simply sit at one of the monitors located outside of the lobby and meet with their client who would be in the Multi-Purpose Room with the door shut. The Sheriff has asked that you give the jail at least an hour's notice to set up this visit with your client. Other than meal times, that option would be available 24 hours a day 7 days a week.

As far as phone conferences, the Sheriff has had his office investigate the possibility of a secured phone line in the Attorney Visitation Room. There is a phone jack but that jack is not operational due to the change of phone service. There is no phone jack in the Multi-Purpose Room. All other phone lines in the jail are recorded for security purposes.

Yet another option (**although strongly discouraged due to the COVID-19 pandemic**) is for you to request that your client be brought to the courthouse with reasonable notice to the jail. This method of meeting with your client would not be available if the courts are conducting hearings via Zoom. The Sheriff indicated that 24 hours-notice would be sufficient. Your client in any District Court case would be placed into District Court jury room with a laptop where you could perform a Zoom conference with your client from your office. Obviously, the defendant would be under supervision by the jailers. The Court understands that inmates in Judge Putman's court use the laptop that is located inside her courtroom.

Inmate Hearings

Currently, the jail is bringing District Court inmates to its jury room where the inmate is appearing on Zoom on a court provided laptop equipped with a camera. This has worked well as it provides the defendant's attorney the opportunity to appear with the defendant in person or appear on Zoom from his or her office. The Court will continue this procedure until an easier procedure can be obtained that would keep the inmates from having to leave the jail.

Sheriff Tanner has assured me that his office is currently attempting to procure the technology inside the jail that will allow the use of three laptops (one for each court) that would be placed into the Multi-Purpose Room where a defendant can appear for a hearing via Zoom during the COVID-19 pandemic. This Court, the Court at Law, and County Court have agreed to procure the actual computers which would then be placed into either the Attorney Visitation Room or the Multi-Purpose Room. Again, this is dependent on the capabilities of the Navarro County Jail.

In closing, please understand that these procedures may change due to future orders that could be implemented by federal, state, and local authorities in addition to the procurement of additional technology. It is this Court's desire in addition to the County Court at Law and the County Court that you are able to meet with your client in privacy but with safeguards in place to help prevent

the spread of the COVID-19. Thank you in advance for your patience and consideration during these difficult times.

Respectfully,



James Lagomarsino
District Judge

cc: Amanda Putman (SENT VIA E-MAIL)
County Court at Law

H.M. Davenport, Jr. (SENT VIA E-MAIL)
County Judge

Elmer Tanner (SENT VIA E-MAIL)
Sheriff

Charlie York (SENT VIA E-MAIL)
Captain

Ms. Melissa Schank, CAE (SENT VIA E-MAIL)
Attorney at Law / TCDLA Chief Executive Officer

Ms. Kerri Donica (SENT VIA E-MAIL)
Attorney at Law / TCDLA President

Mr. Steve Keathley (SENT VIA E-MAIL)
Attorney at Law

Mr. Enoch Basnett (SENT VIA E-MAIL)
Assistant District Attorney