

**IN THE CRIMINAL COURT OF HAMILTON COUNTY, TENNESSEE**

STATE OF TENNESSEE,	)	
	)	
<i>Plaintiff,</i>	)	SECOND DIVISION
	)	
vs.	)	
	)	NO(s).
_____	)	
	)	
<i>Defendant.</i>	)	

**ORDER OF FURLOUGH TO THE HAMILTON COUNTY DRUG RECOVERY COURT  
AND TO HAMILTON COUNTY SUPERVISION PROGRAM**

Pursuant to authority granted to this Court pursuant to Tenn. Code Ann. § 40-35-212(d)(1) and Tenn. Code Ann. § 40-35-316, the Court hereby grants a furlough to the Defendant for penological and rehabilitative purposes based upon the following conditions. Accordingly, it is hereby

1. As provided herein, the Defendant is hereby furloughed to the Hamilton County Drug Recovery Court (“**Drug Recovery Court**”) and shall be assigned the Hamilton County for supervision.<sup>1</sup> However, the Defendant shall remain in the custody of the Sheriff until such time that the Defendant may be placed into a program of supervision monitored by Hamilton County (“**County Supervision Program**”).

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<sup>1</sup> For clarity, the assignment contemplated by this furlough is *not* to the Hamilton County Community Corrections Program pursuant to Tenn. Code Ann. § 40-36-101, *et seq.* Rather, the contemplated assignment is for supervision by Hamilton County pursuant to its own supervision programs while the participant is otherwise furloughed to, and participating in, the Drug Recovery Court Program. As such, the participant is *not entitled* to any jail or sentencing credit through this furlough on the basis of participation in any community-based alternative to incarceration as authorized by Tenn. Code Ann. § 40-36-106.

2. The Defendant's assignment to the County Supervision Program is for the sole purposes of radio frequency monitoring and supervision only.

3. Should the Defendant attempt to leave or abscond from the Drug Recovery Court program at any time while this furlough is in effect, the Defendant shall be deemed to have voluntarily withdrawn from the program, and the Drug Recovery Court shall enter an Order of Removal without further hearing. In addition, an absconding defendant may be charged with escape.

4. Except as expressly provided herein, and as a condition to the granting of this furlough, the Defendant shall receive no jail or sentencing credit for time participating in the Drug Recovery Court Program.

5. While on furlough, the Defendant shall abide by all local, state, and federal laws. The Defendant shall not leave Hamilton County at any time, or for any reason whatsoever, without the expressed permission of the Drug Recovery Court given in advance.

6. In addition, while on furlough, the Defendant shall comply with the rules, regulations, terms, and conditions (collectively, "**Rules**") of the Drug Recovery Court, as those Rules are set forth in the Participant Handbook, the Participant Contract, and other orders of the Drug Recovery Court. However, unless the Drug Recovery Court notifies this Court that the Defendant's participation in the Drug Recovery Court program has been terminated, a Defendant's violation of those Rules shall not affect this furlough, and the Defendant shall instead be subject to appropriate sanction by the Drug Recovery Court under its Rules, which may include incarceration or other measures.

7. Following the successful completion of the Drug Recovery Court program evidenced by a graduation certificate, and pursuant to Tenn. Code Ann. § 40-35-212(d) and other

law, this Court may consider modifying the terms and conditions of the Defendant's sentence so that the balance of the sentence may be served upon probation, either supervised or unsupervised, and with any such additional terms and conditions as may be required by the Drug Recovery Court. Any proceedings concerning a violation of such probation shall be heard and determined in Second Division, unless the circumstances are such that transfer to another Division would be appropriate.

8. Upon successful completion of the Drug Recovery Court program evidenced by a graduation certificate, the Defendant shall be entitled to credit for time spent in the Drug Recovery Court program, up to a total of 18 months, against the original sentence imposed in this case.

9. If the Defendant's participation in the Drug Recovery Court program is unsuccessful, the Defendant shall be terminated from the program, and the furlough shall be rescinded. The Defendant shall be returned to the custody of the Sheriff, and the case shall be transferred to another Division of the Criminal Court for consideration of the disposition of the matter. This disposition may include the transfer of the Defendant to the physical custody of the Department of Corrections to begin service of the sentence imposed or other appropriate action pursuant to Tenn. R. Crim. P. 35 or Tenn. Code Ann. § 40-35-212(c), (d).

10. If the Defendant does not successfully complete the Drug Recovery Court program and is terminated from the program, the Defendant shall not be entitled to any credit for the time spent in the Drug Recovery Court program against the original sentence imposed, unless this Court issues further orders, or takes other appropriate action, pursuant to Tenn. Code Ann. § 40-35-212(c), (d).

11. With respect to the Defendant's assignment to the **County Supervision Program**, such furlough is granted under the following conditions:

- a) The Defendant will be allowed to attend work (once employment verification has been submitted) and to attend one 12-Step meeting per day;
- b) The Defendant will be allowed to leave the premises from 7:00 A.M until 7:00 P.M; and
- c) The Defendant shall comply with the guidelines of the Drug Recovery Court AND the County Supervision Program.

12. The Defendant will have no drug testing through the County Supervision Program, but SHALL submit to random drug screens with the Drug Recovery Court program during times designated by the Drug Recovery Court. All fines and fees associated with DNA testing will also be waived according to the guidelines for indigence.

13. Should the Defendant violate the guidelines or regulations of the County Supervision Program, this furlough shall be rescinded, and the Defendant shall be returned to the custody of the Sheriff. The Defendant will be given notice of the alleged violations and a hearing date will be set within fifteen (15) days of said violation. As a said hearing the Defendant will be offered the right to counsel.

14. This Division may otherwise rescind this furlough order at any time should the interests of justice so require.

It is so ordered.

Enter, this the \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

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TOM GREENHOLTZ, Judge