

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

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

**ORDER FURLOUGHING DEFENDANT TO THE  
HAMILTON COUNTY DRUG RECOVERY COURT**

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:

1. The Defendant is hereby furloughed to the Hamilton County Drug Recovery Court (“**Drug Recovery Court**”). However, absent a court order granting earlier release, the Defendant shall remain in the custody of the Sheriff until such time that the Defendant may be placed into a designated treatment facility.

2. 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.

3. While a participant in the Drug Recovery Court program, the Defendant is not permitted to leave the supervision of the Drug Recovery Court or its staff without expressed permission granted in advance.

4. 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voluntarily withdrawn from the program, and the Drug Recovery Court shall enter an Order of Removal without further hearing.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.

5. While on furlough, the Defendant shall abide by all local, state, and federal laws. The Defendant shall not leave Hamilton County, Tennessee at any time, or for any reason whatsoever, without the expressed permission of the Drug Recovery Court granted 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 Defendant’s participation in the Drug Recovery Court program has been terminated by Court Order, 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 post-graduation 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 the above case(s).

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. 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