

IN THE CRIMINAL COURT OF HAMILTON COUNTY, TENNESSEE

STATE OF TENNESSEE,)
)
 Plaintiff,) SECOND DIVISION
)
 vs.)
) NO(s). 305636 - 305690
 ARTERRIUS ALLEN, ET AL.,)
)
 Defendants.)

AMENDED ORDER SETTING CONDITIONS OF RELEASE UPON PRESENTMENT

On August 14, 2018, this Court entered an Order Setting Conditions of Release Upon Presentment. Said Order referenced incorrect case numbers. Therefore, this Amended Order Setting Conditions of Release Upon Presentment is entered in order to show the correct case numbers.

This cause came before the Court pursuant to Tenn. Code Ann. § 40-13-302 and upon the need to set conditions of pretrial release in this case, including the setting of bail. This new presentment (“**Second Presentment**”) appears to be intended as a superseding presentment to the *Allen* Cases presently pending in the Second Division of the Criminal Court. *See Allen* Cases, Docket Nos. 304474 – 304525 (“**First Presentment**”). Upon permission from the First Division of the Criminal Court, which has jurisdiction over the proceedings of the Grand Jury for this term, this division of court assumes the duty of affixing conditions of release on the cases in the Second Presentment.

Pursuant to the Release from Custody and Bail Reform Act of 1978, Tenn. Code Ann. § 40-11-101 *et seq.*, the Court finds that the release on recognizance, pursuant to Tenn. Code Ann. § 40-11-115(b), is not appropriate given the nature of the alleged offense and the apparent probability of conviction and the likely sentence, insofar as these factors are relevant to the risk of nonappearance.

In addition, upon the information presently before the Court, the Court also finds that additional conditions of release are necessary, including the posting of bail, and that these conditions are the least onerous conditions reasonably likely to assure the individual Defendant’s appearance in court, as well as to protect the safety of the public and the alleged victim(s) in this matter.

Bail established as a condition of release by this order has been considered *in individual cases* upon the allegations set forth in the Second presentment and by considering the other factors set forth in Tenn. Code Ann. § 40-11-118 where facts may be known.

As to each individual case, the Court finds that the currently established bail is appropriate. Accordingly, bail amounts currently established for cases in the First Presentment shall also govern the similar cases brought as part of the Second Presentment. It is the intention of the Court that the single bail amounts currently established shall govern conditions of release in both the First and Second Presentments.

With respect to **Case No. 305688** involving Mr. Andre Thomas, which was not part of the First Presentment, the Court requires the posting of bail in the amount of \$7,500.00.

Upon execution of the capias in individual cases, the accused may petition the Court for a hearing to reconsider the terms and conditions of release.

It is so ordered.

Enter, this the 4th day of September, 2018.



TOM GREENHOLTZ, Judge