

# PRESS RELEASE

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## Federal Judge Grants Motion for Preliminary Injunction in Case Challenging Hamblen County's Bail Practices

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**HAMBLEN COUNTY, Tenn. – Last week, a federal judge granted a preliminary injunction holding that Hamblen County's bail procedures violate constitutional rights to due process and the representation of counsel. As a result of the ruling, Sheriff Esco Jarnagin must stop jailing people who are arrested and assigned money bail without taking into account their ability to pay, without individualized hearings, and without access to a lawyer.**

Civil Rights Corps, the Institute for Constitutional Advocacy and Protection (ICAP) at Georgetown Law and Tennessee-based law firm Baker Donelson filed the lawsuit earlier this year against Hamblen County officials for their roles in a cash bail system that led to the systematic jailing of presumptively innocent people solely because they are poor. The experiences of the four named plaintiffs – Michelle Torres, Robbie Johnson Loveday, Bethany Edmond and Amanda Cameron – shed light on how Hamblen County's failure to provide fair bail hearings leaves poor residents powerless in court and condemns them to suffer the hellish conditions of the Hamblen County Jail, referred to by Sheriff Jarnagin himself in the [New York Times](#) as a "cesspool of a dungeon" because of its dangerous overcrowding and lack of sanitation and medical care.

The lawsuit exposed the Defendants' practice of failing to consider people's ability to afford money bail or alternatives to money bail, leading to pretrial detention without constitutional safeguards as the default rule in Hamblen County. As Judge Clifton L. Corker of the United States District Court of the Eastern District of Tennessee, wrote, "[t]he government must actually utilize procedures that provide for a meaningful, individualized hearing where the government's interest is weighed against the liberty interest of an arrestee. Central to that inquiry is the necessity of bail and an arrestee's ability to pay bail."

"The federal court's order confirms that Hamblen County's money bail system is flagrantly unconstitutional," said Tara Mikkilineni, Senior Attorney for Civil Rights Corps. "The federal court found that the county actors routinely ignored people's ability to pay money bail, and as a result, the lives of thousands of poor people have been upended. We look forward to the county quickly implementing the requirements set forth in this order, especially as COVID-19 continues to imperil the health and safety of people trapped in the Hamblen County Jail."

Judge Corker also held that people arrested have a constitutional right to counsel at bail hearings under the Sixth Amendment, writing, "An arrestee has a right to representation at a bail hearing or at an initial appearance that also constitutes a bail hearing."

"Under the status quo in Hamblen County, presumptively innocent arrestees lack even the most basic procedural protections, including counsel to represent them at hearings implicating their fundamental right to liberty," said Seth Wayne, senior counsel at ICAP. "This ruling is a step forward for leveling the playing field for people in Hamblen County and across the country who are deprived of their freedom by unconstitutional money-bail systems."

Although the ruling marks a victory for the citizens of Hamblen County, these unfair bail practices are typical of many courts in Tennessee and across the country.

"Obviously, we are pleased with the decision and hope that it will prompt other jurisdictions in Tennessee and beyond to take a fresh look at their procedures," said [George T. "Buck" Lewis](#), an attorney with the Baker Donelson team who provided pro bono representation in the matter. "We are grateful to be able to work with our colleagues at Civil Rights Corps and ICAP."

A link to the original lawsuit, which tells the stories of the four named plaintiffs and of others harmed by Defendants' unconstitutional cash bail practices, can be found [here](#).