

**IN THE CRIMINAL COURT FOR KNOX COUNTY, TENNESSEE  
DIVISION III**

<b>STATE OF TENNESSEE</b>	)	
	)	
v.	)	
	)	<b>Docket No. 116829</b>
<b>KENDRICK RODGERS,</b>	)	
	)	
Defendant.	)	

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**MOTION FOR ON-RECORD CONFERENCE TO ESTABLISH TRIAL PROCEDURES**

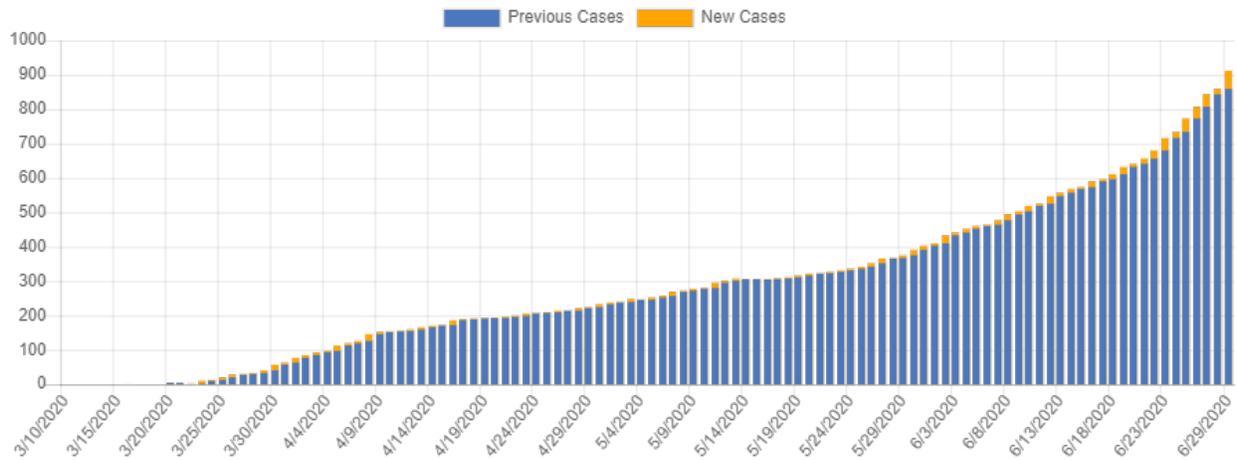
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COMES NOW THE DEFENDANT, Kendrick Rodgers, by and through counsel, and moves this Honorable Court for an on-the-record conference establishing the procedures to be used in the event that the pending motion to continue is denied. In support of this motion, Mr. Rodgers would show this Honorable Court as follows.

Pending before the Court is a motion to continue based on the inability to conduct a fair trial and the inability of defense counsel to provide effective assistance of counsel under the current conditions. When this case was heard on June 24, 2020, this Honorable Court indicated that it was waiting for guidance from the Supreme Court and the matter was reset to July 2, 2020. Although no order entered and no other hearings were had, the Knox County Criminal Courts notified the jury pool that in-person hearings would resume on July 6, 2020 and invited prospective jurors to call or email with concerns.

At the same time, the case numbers have been exploding, with daily case counts climbing at an exponential rate. State-wide we are averaging 43 hospitalizations per day. (Knoxville New Sentinel, “As new coronavirus cases mount in Tennessee, Gov. Lee extends emergency order”, available at: <https://www.knoxnews.com/story/news/politics/2020/06/29/new-coronavirus-cases-mount-gov-lee-extends-emergency-order/3280466001/>, last accessed June 29, 2020). The State of Tennessee has extended its state of emergency declaration. The District Court for the Eastern

District of Tennessee has suspended in-person hearings through September. Davidson County has suspended jury trials until September, making a clear choice to not endanger citizens called for jury service. Our county numbers appear to be climbing, as reflected in the data from the Knox County Health Department.



(Knox County Health Department, available at: <https://covid.knoxcountytn.gov/case-count.html>, last accessed June 29, 2020).

It does not appear that things are going well. It is unclear if Knox County will make the same choice as Davidson County, but if the communication to the jurors is any indication, defense counsel and his client must be assured that there is an adequate plan in place to protect themselves as well as the jurors.

The online video provided to jurors seems to indicate that there is a plan in place. (*See* Exhibit 1, “Judge Sword’s Message to Jurors”) As this plan is unknown to defense counsel, an on-the-record hearing is necessary to ensure, prior to trial, that this plan adequately protects the constitutional rights of Mr. Rodgers as well as the safety and health of the jurors and the litigants.

**CONCLUSION**

WHEREFORE, premises considered, Mr. Rodgers prays that unless this matter is to be reset, this Honorable Court hold an on-the-record conference for the purpose of setting forth the Court's plan for the conduct of this trial and permit the litigants to be heard on suggested changes to that plan.

Respectfully submitted this the 30<sup>th</sup> day of June, 2020,

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**CERTIFICATE OF SERVICE**

I hereby certify that a true and accurate copy of the foregoing has been forwarded to the District Attorney General for the Sixth Judicial District of the State of Tennessee, or to her assistants, on the date the foregoing was filed with the clerk.

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Joshua D. Hedrick,  
Attorney for Mr. Rodgers

# EXHIBIT 1

(On attached disc)