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COUNTIES:
MADISON, CHESTER, HENDERSON

January 15, 2019

Mark Donahoe
Attorney at Law
212 East Lafayette St.
Jackson, TN 38301

Re: Jackson City Court Clerk

Dear Mr. Donahoe,

The purpose of this letter is to advise you of a issue regarding arrest warrants in Jackson City Court that I discovered recently. On January 3, 2019, a felony case involving drugs and guns was dismissed after it was determined that the Jackson City Court Clerk or one of his deputies did not have the affiant swear to the warrant as is required by T.C.A. § 40-6-203 and Rule 3 of the Tennessee Rules of Criminal Procedure. On January 4, 2019, I convened a meeting in my office attended by members of the Jackson Police Department to determine how this could have happened. During that meeting, I learned from a J.P.D. supervisor at Jackson City Court, that during the time he has been at Jackson City Court he had never been placed under oath by a clerk before signing a warrant. Furthermore, an investigation by the administration of the Jackson Police Department has determined that for a long period of time and in a large number of cases, the Jackson City Court Clerk's office has failed to place affiants under oath prior to the issuance of warrants. This failure makes the warrants legally void.

Obviously, this concerns me greatly because it means that a great number of the cases pending in Jackson City Court were/are based upon a void warrant. Furthermore, this revelation also means that many of the un-served warrants in the possession of the Jackson Police Department are void. Last but not least, some cases that are pending before the Madison County, Tennessee Grand Jury, as well as cases for which a disposition has been made in Jackson City Court, may be based upon a void warrant.

Obviously, the problem created by the failure of the Jackson City Court Clerk's office to place affiants under oath prior the issuance of a warrant has many different angles and the scope of the problems created by this failure cannot be understated. My office has taken steps to have warrants in pending cases re-issued and the earlier void warrants dismissed. At my suggestion, the Jackson Police Department is in the process of having un-served, void warrants dismissed and valid warrants issued in their stead.

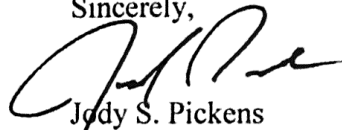
In an effort to be transparent, since learning about the problem, at my direction each Assistant District Attorney General working in Jackson City Court has explained to defense

counsel as well as defendants who are proceeding *pro se* the possible problem regarding the warrants.

Additionally, I have directed each Assistant District Attorney General to review each active indictment that has been returned by the Madison County, Tennessee Grand Jury to determine if any statute of limitation had run prior to the case being indicted. We are also in the process of evaluating cases which have yet to be presented to the grand jury to see what, if any, statute of limitation has run.

In conclusion, I am writing you this letter to be transparent by informing you of a potential problem with the warrants processed by the Jackson City Court Clerk's office so that you can take whatever steps you deem necessary to protect your clients' constitutional rights. If you have any questions in this endeavor, please do not hesitate to contact me.

Sincerely,



Jody S. Pickens
District Attorney General
26th Judicial District