

# BODY ATTACHMENT

TO: ALL LAWYERS AND/OR PARTIES ISSUING  
BODY ATTACHMENTS

After a discussion with Rutherford County Sheriff Truman Jones, I now understand some of the problems relating to body attachments. Although a Body Attachment is issued by the civil court, it has attributes of both a civil and criminal matter and the Sheriff is required to treat the order accordingly.

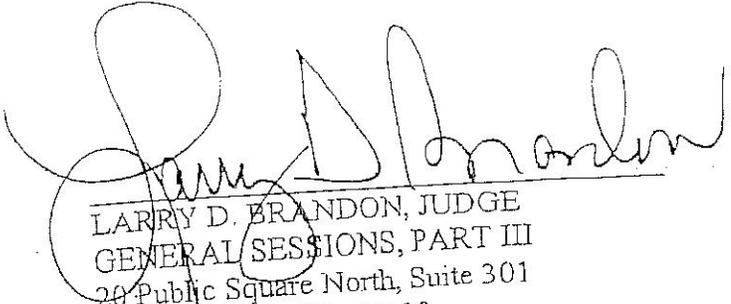
1. The Sheriff is required to treat an attachment, to the extent that it requires the defendant to be taken into custody, as a criminal matter. In criminal matters, in order to avoid liability, the Sheriff's office must have appropriate identifiers (i.e. DOB and/or SSN) to be certain that the correct person is detained in jail pending the making of bond as in any other case. The Sheriff must have enough information to confirm that the correct person is being detained.

2. When the body attachment is sent to another county to be executed, the Rutherford County Sheriff also treats the attachment as a criminal matter. The Rutherford County Sheriff (through the Rutherford County General Sessions Clerk) must have a copy of the attachment with the appropriate identifiers before they can accept custody of a defendant from another jurisdiction who has been detained on a Rutherford County body attachment. The Clerk should serve a copy of all body attachments on the Rutherford County Sheriff with notice that the original has been sent to another jurisdiction.

3. The Sheriff requires a proper address on the body attachment to be used to execute the address. It is suggested that this information along with other identifiers be located on the order in an apparent location to aid the Sheriff in the search for the defendant.

4. All body attachments must now provide for bond to be made as in any other criminal case. In the past, we have allowed for a "CASH ONLY BOND", however, the Attorney General has indicated that the Sheriff has a duty to allow bond to be made according to statute as in any other case. A cash bond is permitted; however, the Sheriff of this county or such other county which executes the attachment has authority to dictate the form of the bond. No defendant should be held for an unreasonable amount of time on any Rutherford County General Sessions, Part III, Civil Body Attachment without the issue of bond being addressed by the Sheriff or the General Sessions Court.

Dated: June 10, 2009

  
LARRY D. BRANDON, JUDGE  
GENERAL SESSIONS, PART III  
20 Public Square North, Suite 301  
Murfreesboro, TN 37130