

**IN THE SUPREME COURT OF TENNESSEE
AT JACKSON**

STATE OF TENNESSEE,

PROSECUTION,

v.

DELCHON WEATHERSPOON,

DEFENDANT.

NO. W2017-00779-SC-R8-CO

**SHELBY COUNTY CRIMINAL
NO. P-43279**

MOTION FOR LEAVE TO FILE *AMICI CURIAE* BRIEF

Pursuant to Rule 31 of the Tennessee Rules of Appellate Procedure, Civil Rights Corps and ACLU of Tennessee, Inc. respectfully move this Court for leave to file a brief as *amici curiae* in this case.

Civil Rights Corps is a non-profit civil rights organization that has worked extensively in Tennessee and around the country. Civil Rights Corps lawyers have worked with prosecutors, state court judges, local government officials, academic researchers, law enforcement officers, public defenders, state attorneys general, and federal officials to reform approaches to pretrial release and detention practices. Civil Rights Corps lawyers have also challenged the improper use of secured money bail in federal and state courts in Alabama, California, Georgia, Illinois, Kansas, Louisiana, Massachusetts, Mississippi, Missouri, Tennessee, and Texas. Information regarding Civil Rights Corps and the organization's work in this area can be found at <http://www.civilrightscorps.org/>.

The American Civil Liberties Union of Tennessee ("ACLU-TN") is the state affiliate of the American Civil Liberties Union ("ACLU"), with over eleven thousand members throughout Tennessee. ACLU is a nationwide, nonprofit, nonpartisan organization with over one million

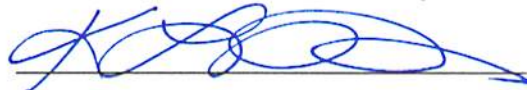
members dedicated to defending the principles embodied in the Constitution and our nation's civil rights laws. Since its founding in 1920, the ACLU has long been committed to protecting the rights of persons held in jail while awaiting trial. ACLU-TN is dedicated to the principles of liberty and equality embodied in the United States Constitution and the Tennessee Constitution. The above-styled case and controversy squarely implicates the ACLU-TN's efforts to institute smart justice reforms in Tennessee, including battling against the institution of debtors' prisons and addressing a system of money bail that unfairly discriminates against those living in poverty. ACLU-TN regularly participates in cases in state and federal court involving constitutional and civil rights questions, as counsel and *amicus curiae*.

Civil Rights Corps and ACLU-TN seek to intervene to assist the Court in evaluating the important constitutional claims at issue. Civil Rights Corps has developed extensive expertise on bail systems throughout the country and on the proper and improper uses of secured money bail, and it seeks to offer its perspective as the Court considers the parties' positions. ACLU-TN is a leading civil rights organization in Tennessee and believes its perspective, developed from decades of defending the civil liberties of Tennesseans and engaging with the communities, will aid the Court in making its decision.

WHEREFORE, for the reasons set forth herein, Civil Rights Corps and ACLU-TN respectfully request that their Motion For Leave to File the accompanying brief as *amici curiae* be granted and that the brief, which is submitted conditionally, be filed with the Court.

Respectfully Submitted,

BAKER, DONELSON, BEARMAN,
CALDWELL & BERKOWITZ, PC

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CERTIFICATE OF SERVICE

I hereby certify that on this 1st day of June, 2017, a copy of the foregoing Motion for Leave to File Amici Curiae Brief was sent by U.S. Mail, postage prepaid, to the following counsel:

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A handwritten signature in blue ink, appearing to be "H. Slatery III", is written over a horizontal line.