

IN THE CIRCUIT COURT OF WINSTON COUNTY, ALABAMA

PAULK EDWARD S, STATE FIRE)
MARSHALL FOR THE STATE,)
Plaintiff,)
V.)
WINSTON COUNTY)
COMMISSION,)
TOWNSEND ED,)
Defendants.)

Case No.: CV-2009-000113.00

ORDER

From March 9, 2010 to present, the census in the Winston County Jail has exceeded 25 inmates. Since it is apparent that the Sheriff and the Commission can not together fashion any amicable resolution to this ongoing dilemma, the Court has no alternative than to direct the following:

- (1.) All inmates who have been incarcerated exclusively for nonsupport shall be moved to the work release center. Additionally, all inmates who are incarcerated for municipal offenses, failures to appear, and non-violent Class C felonies shall be moved to the work release center until all forty-four beds are fully occupied or until the lock-down census is less than 25.
- (2.) Should the census in the county jail subject to the Fire Marshal's cease and desist order exceed 25 after full compliance with #1 above, the Sheriff shall immediately move all state inmates, including jail trustees, to state institutions.
- (3.) Should the jail census subject to the State Fire Marshall's cease and desist order exceed 25 inmates upon full compliance with #1 and #2 above, the County Commission in concert with the Sheriff shall move inmates to other neighboring facilities for incarceration.
- (4.) The attached order dealing with the setting of bonds and 48/72 hour hearings is effective immediately and shall be adhered to in both Winston and Marion Counties.

DONE this 5th day of April, 2010.

/s JOHN H BENTLEY

CIRCUIT JUDGE