

IN THE CHANCERY COURT FOR THE STATE OF TENNESSEE
TWENTIETH JUDICIAL DISTRICT, DAVIDSON COUNTY

STATE EX REL. THE)
METROPOLITAN GOVERNMENT OF)
NASHVILLE & DAVIDSON COUNTY)

Petitioner,)

v.)

Case No. 26-0916-II

COMMISSIONER FRANK STRADA,)
IN HIS CAPACITY AS)
COMMISSIONER OF THE)
TENNESSEE DEPARTMENT OF)
CORRECTION; THE TENNESSEE)
DEPARTMENT OF CORRECTION;)
and THE STATE OF TENNESSEE,)

Respondents.)

FINAL ORDER

This matter came before the Court on July 23, 2026 upon a show cause hearing to determine whether the Court should issue a peremptory writ of mandamus pursuant to Tenn. Code Ann. § 29-25-102(c). On July 10, 2026, the Court issued an alternative writ of mandamus, commanding Commissioner Frank Strada of the Tennessee Department of Corrections (“TDOC”) to take physical custody of certain inmates currently housed by the Davidson County Sheriff’s Office (“DCSO”) or show cause why a peremptory writ should not issue.

The Metropolitan Government of Nashville and Davidson County (“Metro”) requests that this Court issue a writ of mandamus requiring Commissioner Strada and TDOC to fulfill their statutory obligation to take physical custody of 149 inmates in DCSO’s custody.¹ Specifically, those TDOC inmates serving sentences longer than six (6) years in which more than fourteen (14)

¹ Metro originally sought acceptance of 151 inmates by TDOC. However, Jesse Mashburn and Kenneth Wilson were mistakenly included because of misinterpretations of their sentencing documents.

days have passed since TDOC received certified copies of their sentencing documents or TDOC inmates who were arrested on parole violations in Davidson County.

Both parties filed briefs in support of their respective positions along with declarations and affidavits. Metro included the Declarations of Daron Hall, Davidson County Sheriff, Jason Garrett, Davidson County State Trial Courts Director for the Criminal Court Clerk, Keli Oliver, Deputy Chief of Staff at DCSO, Kristie Bratcher, Director of Finance for DCSO, Robert Gaskell, special project coordinator at DCSO, Ruby Joyner, Chief of Corrections for DCSO, and Wally Dietz, Director of Metropolitan Department of Law. Respondents included the Affidavit of Valerie Burgess, an employee of TDOC as a Correctional Administrator Designation and Transportation.

The Court has heard oral argument, reviewed the briefings and the relevant law, and is ready to rule.

BACKGROUND AND FACTUAL FINDINGS

County jails are tasked with the responsibility of housing inmates before trial. Tenn. Code Ann. § 41-4-103(a)(1). Convicted felons sentenced to one year or more of incarceration are generally sentenced to TDOC and serve their time at a state penitentiary. *Id.* §§ 40-35-314(a) and 41-8-106(a). Under the County Correctional Incentives Act of 1981 (the “Act”), Tenn. Code Ann. §§ 41-8-106 through -118, counties can contract with TDOC to locally house certain felony offenders. In exchange, a contracting county receives financial incentives, such as per diem reimbursements, subsidies, or grants. Tenn. Code Ann. § 41-8-106. No county is required to house convicted felons sentenced to more than one year of confinement unless the county has chosen to contract with TDOC. Tenn. Code Ann. § 41-8-106(a)-(b). In relevant part:

The department shall take into its custody all convicted felons from any county that had not contracted with the state as authorized by subsection (b). The department shall not be required to take actual physical custody of any of the felons until

fourteen (14) days after the department has received all certified sentencing documents from the clerk of the sentencing court.

Tenn. Code Ann. § 41-8-106(g)(1).

DCSO houses four kinds of inmates in its jails: those with “non-TDOC” sentences (such as misdemeanors), those awaiting trial, inmates locally sentenced to terms of imprisonment between one (1) and six (6) years (called locally sentenced felons), and “TDOC inmates” (those sentenced in excess of six years). (Decl. of Robert Gaskell ¶ 5, Decl. of Daron Hall ¶ 4). Under the Act, Metro and TDOC entered into a contract wherein Metro agreed to house certain felons that were sentenced in Davidson County to terms of imprisonment between one (1) and six (6) years. (Decl. of Wally Dietz, ¶ 3, Attachment 1). These are the only inmates that DCSO has contracted with TDOC to house. Metro contends that TDOC has a statutory obligation to take those TDOC inmates sentenced in excess of six (6) years within fourteen (14) days upon receipt of the certified sentencing documents or TDOC inmates arrested on out-of-county parole violations.

When a Davidson County Criminal Court Judge sentences a felon, the prosecutor prepares the judgment on a standard form promulgated by the Tennessee Supreme Court. (Jason Garrett Decl. ¶ 4). The court clerk transmits the judgment to the minute clerk, who stamps and initials it, updates the court file, scans it, and emails the certified judgment directly to a TDOC-designated email address. (*Id.* at ¶ 34). Upon receipt, TDOC sends an automated email response confirming it has received the judgment and will contact the clerk if additional information is needed. (*Id.* at ¶ 8, Attachment 3).

TDOC then reviews the court documents, verifies sentencing information, and evaluates available institutional resources, transportation logistics, available bed space, staffing levels, and institutional security needs. (Burgess Aff. ¶ 9). Prioritization across all 95 counties is determined by county rotation with scheduling and consideration of the Roberts Order, unusual circumstances,

and population management. (*Id.* at ¶ 8). According to TDOC, once it is ready to accept physical custody, it initiates the transfer by providing notice to the county sheriff “that it has the capacity to house some or all of” the inmates which the county is holding. Tenn. Comp. R. & Regs. 0420-02-03-.05; Tenn. Code Ann. § 40-35-212(d)(2).

Inmates entering TDOC custody are initially transferred to a diagnostic facility. (Burgess Aff. ¶ 12). Bledsoe County Correctional Complex (“BCCX”) serves as the diagnostic facility for all incoming male inmates and Debra K. Johnson Rehabilitation Center (“DJRC”) serves as the equivalent for incoming female inmates. (*Id.* at ¶ 11). BCCX has 512 beds for intake and DJRC has 64. (*Id.*) According to TDOC, the diagnostic assessment is a 30-day process, as required by American Correctional Association standards. (*Id.* at ¶ 12). Once the diagnostic process is complete, TDOC determines the appropriate permanent facility for each individual offender, which requires consideration of various population management factors, including bed availability, security threat group assignments, medical and mental health status, incompatibilities, classification, programs, release date, and a Prison Rape Elimination Act screening. (*Id.* at ¶ 13).

To date this year, TDOC has taken physical custody of 2,378 felony offenders across all 95 counties. (*Id.* at ¶ 15). On average, TDOC has completed intake of 338 offenders per month since January 2026. (*Id.* at ¶ 16). Despite these efforts, there are still approximately 1,200 inmates sentenced to the department in local jails across the state. (*Id.* at ¶ 6).

DCSO maintains a list of inmates who should serve their time with TDOC. (Gaskell Decl. ¶ 7). Every week, Mr. Gaskell also sends the list of TDOC inmates (with new inmates highlighted) to the appropriate administrators at TDOC to ensure that TDOC is fully appraised. (*Id.* at ¶ 7). When TDOC indicates that they are ready to accept one or more inmates, DCSO then transports those inmates to the facility that TDOC designates. (*Id.* at ¶ 9). Despite receiving the certified

sentencing documents, the inmates remain in DCSO's custody for several months before TDOC accepts physical custody. (Gaskell Decl. ¶ 10, Garrett Decl. ¶ 10, Attachment 4).

It is Metro's position that it has been forced to house between 100 and 200 inmates whom TDOC is obligated to accept—either inmates serving sentences longer than six years or inmates sentenced outside Davidson County, including parole violators. (Gaskell Decl. ¶¶ 8, 18, Attachment 2). The failure of TDOC to accept felons in a timely manner has created jail overcrowding. (Dietz Decl. ¶ 4). This overcrowding has eroded safety conditions, strained medical and mental-health resources, and increased assaults on correctional officers. (Ruby Joyner Decl. ¶¶ 4-9, Hall Decl., ¶¶ 12-22). Inmate intake has been overwhelmed, forcing arrestees to remain for extended periods and increasing the intensity and frequency of Response to Subject Behavior incidents. (Joyner Decl. ¶¶ 5-6). Overcrowding has also compromised DCSO's ability to classify and house inmates appropriately, sometimes forcing disruptive inmates into general population rather than restricted housing. (*Id.* at ¶¶ 7-8). DCSO facilities have been unable to meet Tennessee Corrections Institute standards for space and plumbing fixtures, and “boats” have been regularly used for sleeping in overcrowded cells, reducing movement space and creating unsanitary conditions. (*Id.* at ¶ 10).

Generally, it is best practice for detention facilities not to exceed 95% capacity so that facilities have a level of flexibility to adequately address issues that may arise related to inmate safety, staff safety, and physical plant concerns. (Hall Decl. ¶ 9). DCSO has one jail operating at 110% capacity. (*Id.* at ¶ 8). Three of its other detention facilities are also operating well over capacity. (*Id.*).

In addition to operational strain, TDOC's delays have created substantial financial hardship for Metro. TDOC reimburses Metro at a rate of \$41 per inmate per day, while Metro's actual cost

to house these inmates is \$116.34 per day. (Decl. Kristie Bratcher ¶ 10). Over the past six years, this reimbursement deficit has cost Metro taxpayers approximately \$18 million. (*Id.* at ¶ 13).

On December 12, 2025, Metro mailed a letter to Governor Bill Lee advising of these concerns. (Dietz Decl. ¶ 5, Attachment 2). On January 15, 2026, Commissioner Strada responded indicating that “TDOC cannot accept inmates from any county, including Davidson County, at a rate that would exceed secure bed availability, violate classification or separation standards, or compromise staff and inmate safety,” and that “the law does not mandate immediate transfer.” (*Id.* at ¶ 6, Attachment 3).

Currently, Metro seeks the immediate transfer of 149 inmates to TDOC’s custody.

ANALYSIS

The law of mandamus in Tennessee has been described as “well-settled,” and it is universally recognized that “mandamus will only lie to enforce a ministerial act or duty and will not lie to control a legislative or discretionary duty.” *State ex rel. Weaver v. Ayers*, 756 S.W.2d 217, 221 (Tenn. 1988) (quoting *Lamb v. State ex rel. Kisabeth*, 207 Tenn. 159, 338 S.W.2d 584, 586 (1960)). The difference between ministerial and discretionary duties is generally:

where the law prescribes and defines the duties to be performed with such precision and certainty as to leave nothing to the exercise of discretion or judgment, the act is ministerial, but where the act to be done involves the exercise of discretion and judgment it is not deemed merely ministerial.

Id. (quoting *State ex rel. Millers Nat’l Ins. Co. v. Fumbanks*, 177 Tenn. 455, 151 S.W.2d 148, 150–51 (1941)). The purpose of mandamus is to execute, not to adjudicate, and if the claim for which mandamus is sought is doubtful or uncertain, mandamus is not appropriate. *Id.* However, “even in those cases in which a ministerial duty may clearly be found, enforcing that duty by mandamus may not always be automatic when the consequences of enforcement would manifestly prejudice the public interest, and the court may decline to exercise its discretion upon considering all the

facts and circumstances of the case.” *Id.* (citing *Harris v. State ex rel. Turney*, 96 Tenn. 496, 517–518, 34 S.W. 1017, 1022 (1896); *State v. Wilbur*, 101 Tenn. 211, 220, 47 S.W. 411, 413 (1898)).

Thus,

The writ of mandamus will not lie to control official judgment or discretion, but it is the proper remedy where the proven facts show a clear and specific legal right to be enforced, or a duty which ought to be and can be performed, and relator has no other specific or adequate remedy.

Id. (quoting *State ex rel. Ragsdale v. Sandefur*, 215 Tenn. 690, 389 S.W.2d 266, 269 (1965) (citations omitted)). A writ of mandamus may only be issued by a court where the plaintiff’s right to the relief sought is “clearly established,” the defendant has a “clear duty to perform the act,” and “ ‘no other plain, adequate, and complete method of obtaining the relief’ ” exists. *State ex rel. Metro. Gov’t of Nashville & Davidson Cnty. v. State*, 534 S.W.3d at 931 (quoting *Manhattan, Inc. v. Shelby Cnty.*, No. W2006-02017-COA-R3-CV, 2008 WL 639791, at *7 (Tenn. Ct. App. Mar. 11, 2008)).

Respondents argue that the issuance of a peremptory writ of mandamus would be improper because TDOC’s duty to take custody of TDOC’s inmates is not ministerial. Further, that even if it were, TDOC could not comply with a command to immediately take physical custody of hundreds of inmates. The Court addresses each argument below.

Ministerial or Discretionary Act

Metro contends that Tenn. Code Ann. § 41-8-106 creates a non-discretionary, ministerial duty for TDOC to take physical custody of inmates within fourteen (14) days of receiving the inmates’ sentencing documents, and thus mandamus is an appropriate remedy.

In response, TDOC does not dispute that it is statutorily required to take physical custody of TDOC sentenced felons and that the requirement is tolled the first fourteen (14) days after receipt of certified sentencing documents. *See* Tenn. Code Ann. § 41-8-106(g)(1). However,

TDOC argues that the act of taking physical custody of felony offenders is not purely ministerial. Specifically, that before taking physical custody, TDOC must use its discretion to assess available bed space at the appropriate diagnostic facility, determine which offenders to prioritize, and balance these competing demands across 95 counties. Further, that this is highlighted by the Commissioner's discretionary authority to determine the institutional location of inmates within the various security classifications, pursuant to Tenn. Code Ann. § 41-1-403(2), and to alleviate overcrowding at TDOC through any means permitted by law, pursuant to Tenn. Code Ann. § 4-3-603(b). Moreover, that the statutory authority does not obligate TDOC to take the inmates within fourteen (14) days, but rather gives TDOC the discretion to take physical custody at some point in time *after* fourteen (14) days, when TDOC has performed the discretionary function of where to place the inmates.

In support, TDOC relies on *State ex rel. Metro. Gov't of Nashville & Davidson Cnty. v. State*, in which the city and county sought to compel the state to provide funding for English language learner ("ELL") teachers and translators in accordance with statutory ratios. The Court held that Metro had not established a clear and specific legal right to be enforced or a corresponding duty on the part of the State to fully fund ELL, and that Metro had an adequate remedy in the form of a funding lawsuit that could address several unanswered questions requiring factual discovery. *State ex rel. Metro. Gov't of Nashville & Davidson Cnty. v. State*, 534 S.W.3d 928, 932 (Tenn. Ct. App. 2017). The Court found that "[m]andamus proceedings were not designed to provide answers to the myriad questions swirling around the adequate funding of BEP items" including whether less than ELL funding in the formula still met constitutional requirements, which required evidence of whether Metro actually needed more ELL teachers and translators, whether the inclusion of specific ratios in the applicable statute was intended by the

legislature as an immediate standard or a goal for the future, and other concerns. *Id.* TDOC contends that taking physical custody of felony offenders similarly involves a myriad of questions, determinations, and considerations, and that the act requires the exercise of professional judgment and operational discretion. While Tennessee law establishes TDOC’s obligation to assume custody, Respondents contend that it does not prescribe the precise way that obligation must be fulfilled, and, therefore, the act of taking physical custody of a felony offender is discretionary.

While the Court understands and appreciates the difficulties asserted by both parties in housing inmates, there is no doubt that the act of taking physical custody is a ministerial act arising from a statutory obligation. Tenn. Code Ann. § 41-8-106 clearly provides that “no county shall be required to house convicted felons” unless the county has entered into a contract with TDOC, that TDOC “shall take into its custody all convicted felons from any county” that does not have a contract with TDOC, and that TDOC “shall not be required to take actual physical custody of any of the felons until fourteen (14) days” after receiving the sentencing documents. Tenn. Code Ann. § 41-8-106(a), (g)(1). Although TDOC argues that taking physical custody includes several steps that involves discretionary judgment, the Court does not find that TDOC’s internal process to place the inmates demonstrates that the act of taking physical custody is a non-ministerial or discretionary act. The Court finds distinguishable *State ex rel. Metro. Gov’t of Nashville & Davidson Cnty. v. State* as that case involved several questions around adequate funding that required discovery which could not be resolved in a mandamus proceeding. *State ex rel. Metro. Gov’t of Nashville & Davidson Cnty. v. State*, 534 S.W.3d 928, 932 (Tenn. Ct. App. 2017). Here, the statute does not create any additional unanswered questions requiring fact finding and leaves nothing to the exercise of discretion or judgment—instead, TDOC is mandated to take physical custody after fourteen (14) days from receipt of the sentencing documents.

This is also supported by the Attorneys General Opinions dated May 6, 2008 and June 6, 2016, in which the Attorney General opined that “as a general rule, TDOC is directed by statute to take into physical custody felons sentenced to more than one (1) year of continuous confinement within fourteen (14) days after the department has received all certified sentencing documents from the clerk of the sentencing court unless the county has contracted with . . . the state to house certain prisoners.” (Tenn. Op. Atty. Gen. No. 08-103, 2008 WL 2011163 (Tenn. A.G.). In addition, “[p]ursuant to Tenn. Code Ann. 41-8-106(g)(1), TDOC must take into its custody felons from any county that has not contracted with TDOC, [b]ut TDOC is not required to take actual physical custody of any of the felons until 14 days after it has received all certified sentencing documents from the clerk of the sentencing court.” (Tenn. Op. Atty. Gen. No. 16-21, 2016 WL 4921365 (Tenn. A.G.).

Based on the foregoing, the Court finds that TDOC’s duty to take physical custody of the inmates at issue is a ministerial act.

Impossibility

Even if TDOC’s duty is deemed ministerial, Respondents argue that it is impossible for TDOC to take physical custody of all felony offenders from DCSO. A writ of mandamus commands performance of “a duty which ought to be and can be performed.” *State ex rel. Weaver*, 756 S.W.2d at 221. “[E]ven in those cases in which a ministerial duty may clearly be found, enforcing that duty by mandamus may not always be automatic when the consequences of enforcement would manifestly prejudice the public interest[.]” *Id.* Respondents contend there are not enough beds available at one time for the 149 offenders Metro seeks to have transferred.

Despite this, Respondents have failed to demonstrate overcrowding or impossibility; rather, Respondents demonstrated that the use of one diagnostic facility each for male and female

inmates creates a bottleneck preventing TDOC from taking all the inmates at once. On the other hand, DCSO has one jail operating at 110% capacity, (Decl. Hall, ¶ 8), and Metro has demonstrated that the overcrowding has resulted in an increase in incident response, safety risk and homicide, demands for medical evaluations, mental health interventions, crisis response, staff workload, and creates significant sanitary and health issues. (Decl. Joyner, ¶¶ 6-10; Decl. Hall ¶¶ 10-22). DCSO facilities have been unable to meet Tennessee Corrections Institute standards for space and plumbing fixtures, and “boats” have been regularly used for sleeping in overcrowded cells, reducing space and creating unsanitary conditions. (Joyner Decl. ¶ 10). Further, that overcrowding has created a substantial financial impact on Metro, costing Metro taxpayers approximately \$18 million. (Decl. Bratcher ¶ 13). According to Metro, the average time it takes TDOC to accept their inmates has recently fluctuated between 153 to 221 days, depending on the week. (Decl. Gaskell, ¶ 8).

In addition, the Court cannot ignore that Metro has more limited tools and financial resources available to remedy this problem. Rather than burdening local jails, the General Assembly has provided the governor with emergency powers to remedy any overcrowding. *See* Tenn. Code Ann. §§ 41-1-503 and -504. Metro has demonstrated that the overcrowding has created alarming circumstances in its local jails, including inappropriate safety, security, and sanitary conditions. While DCSO and TDOC are both penal institutions, TDOC is in a better position to resolve its own bottleneck issue and remedy any overcrowding that results instead of requiring Metro to house TDOC inmates in light of TDOC’s clear statutory obligation. Thus, from a public policy standpoint, TDOC has not shown sufficient hardship on their part that would outweigh Metro’s overcrowding concerns.

Based on the foregoing, the Court cannot find that enforcing this ministerial duty by mandamus creates an impossibility for TDOC or manifestly prejudices the public interest. Under the facts and circumstances of this case, Metro has shown that the public interest weighs in its favor to issue the writ of mandamus.

CONCLUSION

IT IS THEREFORE, ORDERED, ADJUDGED, AND DECREED, that Metro's Petition for Writ of Mandamus is GRANTED, and the Court hereby ISSUES a preemptory mandamus mandating that Commissioner Frank Strada and the Tennessee Department of Corrections perform its nondiscretionary duty to immediately and unconditionally accept physical custody of the 149 inmates listed in the alternative writ of mandamus (except Jesse Mashburn and Kenneth Wilson) within ten (10) calendar days of this Order.

Costs are taxed to Respondents.

It is so ORDERED.

s/Anne C. Martin

ANNE C. MARTIN
CHANCELLOR, PART II

cc:

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RULE 58 CERTIFICATION

A copy of this Order has been served by U.S. Mail or the Court's Electronic Filing System upon all parties or their counsel named above.

s/Megan Carter
Deputy Clerk & Master

July 24, 2026
Date