

SEP 9 2022

BEFORE THE ALABAMA COURT OF THE JUDICIARY

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~~Nathan P. Wilson~~

Secretary

In re *

STATE OF ALABAMA JUDICIAL INQUIRY COMMISSION *

v. *

THE HONORABLE TRACIE A. TODD *

CIRCUIT JUDGE, BIRMINGHAM DIVISION, *

CRIMINAL DIVISION, JEFFERSON COUNTY, ALABAMA *

Case 61

UNOPPOSED MOTION FOR JUDGE AGNES
 CHAPPELL TO BE PERMITTED TO TESTIFY
 REMOTELY BY VTC

Comes now Judge Tracie A. Todd, by and through counsel and respectfully moves this Honorable Court for Judge Agnes Chappell to be permitted to testify remotely by VTC in light of her specific COVID-19 health concerns. The Commission does not oppose this Motion.

Judge Chappell is 70 years old with other comorbid conditions for COVID-19. Despite precautions, she contracted COVID-19 previously, and she does not want to get it again. She conducts almost all of her court hearings remotely currently, as she has since the pandemic began. She is very concerned about being in-person in a courtroom with a large number of other persons. She has relevant, material, and favorable testimony to provide. VTC testimony is a reasonable accommodation to secure such testimony while protecting the physical safety of a witness. *See, e.g., N.T.C. v. M.S.C.*, No. 2200088, 2021 WL 2387862, at *6 (Ala. Civ. App. June 11, 2021); *United-Johnson Bros. of Alabama, LLC v. Billups*, No. 2200122, 2021 WL 4234152, at *3 (Ala. Civ. App. Sept. 17, 2021).

Judge Chappell's testimony will be brief, about 10 minutes. The Respondent has proffered her proposed testimony to the Commission. The Commission does not oppose the motion to permit Judge Chappell to testify remotely.

For these reasons, Judge Todd respectfully moves that this Court GRANT this Motion.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that we have on this 9th day of September, 2022 electronically filed the foregoing with the Court of the Judiciary, and that I have further served a copy by sending the same via email, and properly addressed as follows:

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