

RULES OF PRACTICE

**CRIMINAL COURT OF
THE EIGHTH JUDICIAL DISTRICT**

EFFECTIVE DATE

MARCH 1, 1999

1. **PURPOSE**

The purpose of these rules is to promote efficiency and consistency in the process of Criminal Court of the Eighth Judicial District. To that end, these rules will be strictly enforced. There are always situations, however, that strict enforcement can cause an undue hardship to one or more persons involved in the court. In recognition of this fact, enforcement of these rules will be tempered with fairness and reasonable consideration of isolated incidents beyond the control of those who may be prejudiced.

2. **SCOPE**

These rules address the practices and procedures followed in the Criminal Court for the Eighth Judicial District. A rule in direct conflict with any provision of state or federal law or state rules of law and court procedure will be subordinate to said law or rule.

3. **TERM SCHEDULE**

(A) The first two (2) days of each term will be reserved for matters such as case dispositions, pre-trial motions, bench trials and administrative functions such as payment and compliance review. During this period, no jury matters will be set.

(B) Further, each term will have a non-jury day scheduled for arraignments on new indictments. The Court will advise the Court Clerk (hereinafter the Clerk) of the date for arraignments at the beginning of each term.

(C) All motions filed in cases set for trial during that term will be heard during the non-jury period. All negotiated case dispositions should be heard during this period. The Court will extend court hours and will expend all available court resources to meet this end.

(D) All other days in the term of court will be available for jury trials.

4. HOLIDAYS

The Court will recognize all State holidays and will not hold court on these days. As of January 1, 1999, these holidays are as follows:

January 1	New Year's Day
January 15	Martin Luther King, Jr. Day
February 19	Washington Day
April 6	Good Friday
May 28	Memorial Day
July 4	Independence Day
September 3	Labor Day
October 8	Columbus Day
November 11	Veteran's Day
November 22	Thanksgiving Day
December 25	Christmas

Each year, the Court will recognize the specific date of each holiday as set out by the State of Tennessee.

5. TRIAL DAY SCHEDULE

(A) On trial day, all parties must be ready for trial at 9:00 a.m. on the date of trial. There will be no assigned order of cases for trial. Felony cases will be given priority over misdemeanors, and incarcerated defendants will be given top priority.

(B) In cases where the State is not ready for trial, the Court will summarily dismiss the indictment upon defense motion. In cases where the defendant has not appeared, a conditional forfeiture on the defendant's bond will be issued and a *capias* issued for the Defendant's arrest.

(C) On the day of trial, the case may be resolved by trial, the State's motion for dismissal with prejudice, or the defendant's plea of guilty to the offense(s) charged in the indictment. Nothing in this rule shall prohibit the defendant's election to enter a plea of guilty to one or more counts of an indictment while demanding a trial on one or more counts of the same indictment. Likewise, counsel for the State may move to dismiss with prejudice one or more counts of the indictment while demanding trial on one or more counts.

6. CONTINUANCES

(A) All Requests for continuance shall be in the form of a motion, in writing, with supporting affidavits or documentation attached.

(B) Motions for continuance will be considered by the Court before the trial date during the non-jury period.

(C) Parties may not agree to continuance without prior written Court approval.

(D) Continuances outside these situations may be granted only in the most compelling circumstances. Examples include, but are not limited to, a medical emergency of a defendant or witness supported by verifiable medical evidence or a family emergency supported written documentation.

7. COURT RECORDS

(A) All papers and records of the court shall at all times be kept under the strict control and custody of the clerk who will be responsible for their safe keeping and no person except the clerk or the clerk deputies shall be allowed access to the filing cabinets, vault or other receptacles wherein such papers and records are kept without the consent of the clerk of the Court.

(B) Where it is necessary for any person other than the clerk or the deputies to examine any paper or record under the clerk's control or custody, the clerk or deputy will obtain the paper or record for such person. The same shall be examined within the confines of the clerk's office.

(C) Under no circumstances will any paper or record in the clerk's office be removed from the clerk's office without the express consent of the clerk or the Court.

(D) All pleadings shall be filed in the Criminal Court Clerk's office. At the Court's discretion, parties may be ordered to favor a copy directly to the Court in certain situations.

(E) The clerk or deputy clerk shall be immediately available to the Court during all court proceedings.

8. PLEADINGS

(A) copies of all motions, all special pleas, notices and petitions must be filed in duplicate with the clerk, the original for filing with the clerk and the clerk to deliver the other copy to the District Attorney General, or to the defendant or the defendant's attorney, whichever applies.

(B) Pre-trial motions and other pleadings requiring court action in cases set for trial shall be filed in a timely manner. Absent unforeseen circumstances or issues, motions filed after the non-jury period of the term of court will be considered untimely and subject to denial on that basis.

(C) Each party shall have the opportunity to review, order and approve the contents of orders prior to entry. Orders for cases resolved by trial or court ruling, where appeal is sought, will not be entered unless all parties have approved the order over the signature of the parties or the respective attorneys.

9. ATTORNEYS

(A) All attorneys who have been duly licensed to practice law in the State of Tennessee shall be automatically eligible to practice law in this court, with the requirement that upon making their initial appearance, they shall be formally introduced to the court and their qualifications vouched for by a member of the Bar of the Eighth Judicial District.

(B) Attorneys from another State may, upon motion in open court by a member of the Bar of the Eighth Judicial District, be specifically permitted to act as attorney in a particular case. Out-of-state counsel must associate local counsel unless specially exempted by the court due to the simplicity of the case.

(C) All attorneys, other than those appointed by the court to represent indigent defendants, will, upon their employment to represent a defendant, immediately notify the clerk's office of their representation of such defendant, in order that their name as counsel be entered on the rule docket.

(D) All attorneys who enter an appearance in a case will be counsel of record and may not withdraw except for good cause and by leave of court upon motion and notice to all parties. Alleged failure to pay fees or balance due on fees will not be recognized as grounds for withdrawal once attorneys have caused their names to be entered on the rule docket.

(E) It will be the responsibility of the attorneys to determine the nature of charges against their clients, obtain copies thereof, and advise their clients of the day on which they are to appear.

(F) Attorneys will familiarize themselves with the Code of Judicial Ethics as specified by the appellate courts of Tennessee and conform their practice and conduct thereto.

(G) The court reserves full supervisory powers over the practice and in-court conduct of all attorneys appearing in the Criminal Court of the Eighth Judicial District.

10. SUBPOENAS

(A) All subpoenas for witnesses must be placed in the hands of the serving officers not less than three (3) whole days before the date on which the case is set for trial, and unless this is done, the absence of a material witness shall not be grounds for a continuance.

(B) All subpoenas shall state where the witness may be found. Rural route addresses will be supplemented by additional information, if available, including name of road, highway, etc., and routing directions for officers.

11. BONDS

(A) The clerk will accept no bonds for appearances in Criminal Court, unless all such bonds bear the addresses (and phone numbers, if any) of the defendant and all sureties on his bond.

(B) The sureties on a defendant's bond shall be expected to produce a defendant at any time the defendant's case is scheduled, and at such other times as the Court may request.

(C) All professional bonding companies shall file their semi-annual reports on time, January 15 and July 15, and shall pay all forfeited bonds on the due date.

(D) All professional bonding companies or persons engaging in the professional bonding business must file a certified appraisal of all real and personal property pledged as collateral subject to sale for unsatisfied forfeitures. This certified appraisal shall be filed with the semi-annual report and made part of the permanent record. Once filed, the appraisal amount shall be carried over to subsequent semi-annual reports unless the pledgor's interest in the property changes or the appraisal value changes substantially.

(E) Any bonding company or person engaging in the professional bonding business not fulfilling these requirements will be subject to immediate disqualification from making bonds in any court of the Eighth Judicial District.

12. ARRAIGNMENTS

After an indictment has been returned, the Court will hold formal arraignments on the designated date. Each defendant will appear on that day with counsel and will enter a plea on the indictment. The defendant may waive appearance at arraignment in writing or by prior written consent by the Court. If the defendant enters a plea of guilty, then the Court may dispose of his case at that time, or if circumstances require, his case will be scheduled for later submission. If a plea of not guilty is entered, then a trial date will be set, and the defendant shall appear on the date set without further notification.

13. COURTROOM DECORUM

(A) The space within the bar is reserved for the parties engaged in the case on trial, attorneys, court officials, and representatives of various news media. No one else shall be permitted in this area at any time, which includes recessed periods.

(B) At each opening of each session of the court, all persons in the courtroom will arise, and, with the Judge remain standing until court is formally opened by the Bailiff.

(C) While court is in session, all parties, attorneys, participants and spectators in the courtroom are expected to conduct themselves in a manner consistent with the respect due to all courts of law. Generally, any activity not related to Criminal Court business must be conducted outside the courtroom. Smoking in the courtroom or in rooms or areas used for official Criminal Court business such as jury rooms is prohibited. Further, actions that distract participants from court business such as reading newspapers, idle conversation, or unnecessary moving about in the courtroom is prohibited. There shall be no demonstrations, noise, loud talking, or any act of misconduct permitted in any area of close proximity to the courtroom so as to interfere with or distract the orderly proceedings of the Criminal Court.

(D) Attorneys will not approach the bench without first requesting permission to do so, and no conference will take place at the bench without counsel from both sides being present.

(E) All lawyers and court attendants will be properly attired and will not dress in a manner to distract from proper decorum in the court.

(F) Whenever addressing the Court, counsel should arise and remain standing while making any objection, argument or statement to the Court, including such time as the Court may be interrogating counsel or making observations to the Attorneys should stand while interrogating witnesses.

(G) The Bailiff and other officers serving the Court will be charged with the responsibility of requiring compliance with the standard Courtroom conduct and decorum.

IT IS SO ORDERED that all the Rules of Practice and Procedure now on the minutes of the Criminal Court of the Eighth Judicial District be stricken and in lieu thereof the following rules will be observed in the conduct of the business of the Criminal Courts of the Eighth Judicial District, the same to spread upon the minutes of said courts.

ENTER this the 15 day of January 1999.

E. SHAYNE SEXTON
CRIMINAL COURT JUDGE
EIGHTH JUDICIAL DISTRICT