

IN THE SUPREME COURT OF TENNESSEE
AT NASHVILLE

FILED
01/08/2018
Clerk of the
Appellate Courts

**IN RE AMENDMENT TO THE TENNESSEE RULES
OF APPELLATE PROCEDURE**

No. ADM2017-01892

ORDER


The Court adopts the attached amendments effective July 1, 2018, subject to approval by resolutions of the General Assembly. The rules amended are as follows:

- RULE 3 APPEAL AS OF RIGHT: AVAILABILITY;
METHOD OF INITIATION; and
- RULE 4 APPEAL AS OF RIGHT: TIME FOR
FILING NOTICE OF APPEAL

The text of each amendment is set out in the attached Appendix.

IT IS SO ORDERED.

FOR THE COURT:



JEFFREY S. BIVINS
CHIEF JUSTICE

APPENDIX

***AMENDMENTS TO THE
RULES OF APPELLATE PROCEDURE***

**[Deleted text is indicated by overstriking,
and new text is indicated by underlining.]**

TENNESSEE RULES OF APPELLATE PROCEDURE

RULE 3

APPEAL AS OF RIGHT: AVAILABILITY; METHOD OF INITIATION.

[Modify the text of subsection (b) of the rule to include the underlined text and eliminate the strike-through text; add new subsection (i); and add new Advisory Commission Comment (2018 Amendment).]

* * * *

(b) *Availability of Appeal as of Right by Defendant in Criminal Actions.* * * * * The defendant may also appeal as of right from an order denying or revoking probation, an order or judgment entered pursuant to Rule 36 or Rule 36.1, Tennessee Rules of Criminal Procedure, from a final judgment in a criminal contempt, habeas corpus, extradition, or post-conviction proceeding, ~~and~~ from a final order on a request for expunction, and from the denial of a motion to withdraw a guilty plea under Tennessee Rules of Criminal Procedure 32(f).

* * * *

(i) For purposes of this rule, the terms “party” and “parties” shall include any person filing a motion to intervene pursuant to Tenn. R. Civ. P. 24.

* * * *

Advisory Commission Comment [2018 Amendment]

The 2018 amendment adds to the list in subsection (b) a motion for withdrawal of a plea of guilty. *See State v. Peele*, 58 S.W.3d 701 (Tenn. 2001). The 2018 amendment also adds a new subsection (i) to clarify that the terms “party” and “parties” include persons who have filed motions to intervene and desire to take an appeal as of right, as is permitted by the 2018 amendments to Rules 24 and 54, Tennessee Rules of Civil Procedure. Effective July 1, 2018, any order granting or denying a motion to intervene shall be a final judgment, and a timely

appeal of that final judgement shall be the only method to appeal the grant or denial of a motion to intervene.

TENNESSEE RULES OF APPELLATE PROCEDURE

RULE 4

APPEAL AS OF RIGHT: TIME FOR FILING NOTICE OF APPEAL.

[Add new subsection (f); and add new Advisory Commission Comment (2018 Amendment).]

* * * *

(f) For purposes of this rule, the terms “party” and “parties” shall include any person filing a motion to intervene pursuant to Tenn. R. Civ. P. 24.

* * * *

Advisory Commission Comment [2018 Amendment]

The 2018 amendment adds a new subsection (f) to clarify that the terms “party” and “parties” include persons who file motions to intervene and desire to take an appeal as of right, as is permitted by the 2018 amendments to Rule 3, Tennessee Rules of Appellate Procedure and Rules 24 and 54, Tennessee Rules of Civil Procedure. Effective July 1, 2018, any order granting or denying a motion to intervene shall be a final judgment, and a timely appeal of that final judgement shall be the only method to appeal the grant or denial of a motion to intervene.