

**REVISED RULES OF PRACTICE OF THE CRIMINAL COURT OF  
KNOX COUNTY, TENNESSEE**

**EFFECTIVE JUNE 1, 2014**

**RULE**

- I. ARRAIGNMENT, STATUS, AND TRIAL SETTINGS
- II. MOTIONS AND CONTINUANCES
- III. TRIAL PREPARATION
- IV. NEGOTIATED DISPOSITIONS
- V. ORDERS AND JUDGMENTS

**RULE**

- VI. MEDIA GUIDELINES
- VII. SENTENCING
- VIII. COURTROOM PROCEDURE  
AND DECORUM
- IX. EFFECTIVE DATE

It is ORDERED that all the Rules of Practice and Procedure now on the Minutes of the Criminal Court of Knox County, Tennessee, be stricken and in lieu thereof the following rules will be observed in the conduct of the business of the Criminal Court, effective June 1, 2014, the same to be spread upon the Minutes of each Division of said Court.

**I**

**ARRAIGNMENT, STATUS, AND TRIAL SETTINGS**

Upon arraignment, appointment, or appearance of counsel the Court will set a trial date or status date as determined by the Court. Counsel will be prepared for the transfer of the case among the divisions of the Knox County Criminal Court. Permitting limited appearance of counsel to move for reduction of bond will be within the discretion of the Court. Arraignment shall include the determination of the defendant's counsel of record. Once made counsel of record, counsel will not be relieved for non-payment of fees.

**II**

**MOTIONS AND CONTINUANCES**

(1) Time of Filing : All Pre-Trial Motions must be filed in accordance with any motion deadlines established by the Court and the Rules of Criminal Procedure. If a motion deadline is not set by the Court, Pre-Trial Motions shall be filed not later than 60 days before the trial date, unless good cause can be shown.

(2) Written Responses : If written responses are requested, a separate notice shall be included with the Motions. A party shall file written responses within 30 days of the receipt of the notice unless otherwise provided by law. Service of notice may be made by U.S. Mail, facsimile, electronic delivery, or direct delivery.

If electronic delivery is employed, return receipt must be requested. If return receipt is not received the moving party must make contact with opposing counsel to ensure receipt.

(3) Discovery : Defense counsel seeking discovery shall file a written request with the District Attorney General pursuant to Rule 16 of the Tennessee Rules of Criminal Procedures. A copy of this written request shall also be filed with the Court Clerk. A Motion to Compel Discovery should only be filed if the District Attorney General has failed to respond within 30 days of the initial request. The state shall file written responses when requested in writing.

(4) Continuances : Cases may not be continued by agreement and may be continued only by leave of Court. After a case has been set for trial it will not be continued except for good cause which shall be brought to the attention of the Court as soon as practicable before the date of the trial. Absence of a witness will not be grounds for a continuance unless the witness has been subpoenaed in accordance with these rules and the Tennessee Rules of Criminal Procedure. If a case is continued, a new court date will be assigned at the time of the continuance.

### III

#### TRIAL PREPARATION

(1) Juries : The state shall be responsible for calling in a jury for trials by notification to the Court Clerk.

(2) Witnesses:

(a) The state shall be responsible for the transportation of prisoners who are state witnesses by request to the Judge's Administrative Assistant at least two weeks before trial. A copy of the Order of Transportation will be made available.

(b) Defense counsel shall likewise be responsible for the transportation of prisoners who are defendants or defense witnesses by request to the Judge's Administrative Assistant at least two weeks before trial. A copy of the Order of Transportation will be made available to opposing counsel.

(3) Subpoenas : Subpoenas shall be requested at least 10 days before trial. If subpoenas are taken by counsel return shall be made to the Clerk within 5 days of service.

### IV

#### NEGOTIATED DISPOSITIONS

If the parties reach a negotiated settlement in a case, the Court must be

notified on or before the plea deadline as set by the court. The date of plea deadlines shall be in the court's discretion.

## V

### ORDERS AND JUDGMENTS

(1) All papers, including pleadings, Motions, Briefs, and proposed Orders shall be filed with or submitted to the Clerk and served on opposing counsel as provided for in section II paragraph (2) of these rules; provided however that *ex parte* Pleadings and Orders shall be filed under seal. Copies of Pleadings, Motions and Briefs may be presented to the Judge's Administrative Assistant for review prior to the hearing date. Proposed Judgments and Orders shall be presented to the Judge's Administrative Assistant upon notice to opposing counsel.

(2) When directed by the Court, counsel will prepare proposed Orders for entry by the Court. All proposed Orders must be filed with the Clerk and served upon opposing counsel within 3 business days following the day on which a ruling is made by the Court. Counsel for both parties must approve the Order prior to submission to the court. If the parties do not agree as to the contents of the Order or Judgment, the matter should be set on the docket at the first available court date.

(3) After a defendant is sentenced, the District Attorney General shall complete and file the Judgment in each case within thirty (30) days. All judgments shall be prepared in accordance with the requirements of Tennessee Code Annotated 40-35-209 (e)(1) and any other relevant rules promulgated by the Tennessee Supreme Court.

## VI

### MEDIA GUIDELINES

(1) Requests for media coverage must be made, in writing, to the Clerk at least two days before the trial or hearing to be covered.

(2) No photographs, video taping, or any other method of capturing the images of jurors will be permitted.

(3) No photographs, video taping, or any other method of capturing the images of minors will be permitted.

(4) The hallway behind the Court is considered part of chambers and no photography, interviews, or any journalistic activity will be allowed there.

## **VII**

### **SENTENCING**

- (1) The notice required by T.C.A 40-35-202 (a) shall contain the following information:
  - (a) The class designation of any alleged enhancing felony as contained in T.C.A. 40-35-118.
  - (b) The enhanced range demanded by the state.
- (2) Upon a finding of guilt, the statement set forth in T.C.A. 40-35-202 (b) shall be filed in every case 10 days before the sentencing hearing.

## **VIII**

### **COURTROOM PROCEDURE AND DECORUM**

- (1) The space within the bar is reserved for the parties engaged in the case on trial, attorneys, court officials, and assistants to counsel with permission of the Court. No one else shall be permitted in this area at any time, which includes recess periods.
- (2) 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.
- (3)
  - (a) Audience seats shall be reserved for those citizens having business with the Court, and for the immediate relatives of the parties (fathers, mothers, sisters, brothers, children and spouses).
  - (b) Prosecuting witnesses and relatives shall be seated in that section of the audience directly behind the counsel table occupied by the prosecutor and the State's attorney; and the defendant's witnesses and relatives shall be seated in that section of the audience directly behind the counsel table occupied by the defendant and his/her attorney.
- (4) Any remaining seats may be occupied by spectators on a first-come, first serve basis. No standing shall be permitted. After all seats are filled the Bailiff shall see that no other person is admitted without express permission of the Court.
- (5) No food, drink, newspaper, magazines, cameras, or recording devices are permitted in the Courtroom without permission of the Judge.

- (6) There shall be no loitering, loafing, or collecting of spectator groups outside the Courtroom doors, or in the halls adjacent to the Criminal Courtrooms, when the Courts are in session.
- (7) All persons' cell phones shall be turned off or set to a silent mode while in the Courtroom. No texting shall be permitted except by counsel or Court personnel when conducting Court business. Any electronic device that makes an audible noise during court proceedings shall be confiscated by the Bailiffs and remanded to the Court. The Court may fine the owner of the device up to \$50.00 at the Court's discretion.
- (8) Attorneys who are attending more than one court on a single day, shall check in with the Bailiff prior to court and leave his or her location or cell phone or pager number where he or she can be reached.
- (9) Cases shall not be added to the docket, nor shall files be sent to the courtroom without the permission of opposing counsel.
- (10) All defendants, witnesses, attorneys, and spectators shall conduct themselves with proper decorum at all times. There shall be no demonstrations, noise, loud talking or any act of misconduct permitted either inside the courtroom or outside the courtroom, or in any other area irrespective of its location as long as it is near enough to interfere with or to disrupt orderly proceedings of the Courts.
- (11) Each attorney, whether representing the State or the defendant, as an officer of the Court, shall be expected to insure the orderly behavior of his or her prosecutor or defendant respectively.
- (12) The sessions of the Court will convene each morning Monday through Friday, at 9:00 a.m. Recesses shall be at the Court's discretion unless otherwise scheduled.
- (13) During trial, counsel shall not exhibit familiarity with witnesses, jurors, or opposing counsel, and the use of first names for adults shall be avoided. During opening statement or argument, no juror shall be addressed individually by name.
- (14) Bench conferences should be requested only when absolutely necessary in aid of a fair trial. Counsel may never lean upon the bench nor appear to engage the Court in conversation in a confidential manner.
- (15) Counsel should refrain from interrupting the Court or opposing counsel until the statement being made is fully completed, except when absolutely necessary to protect the client, and should respectfully await the completion of the Court's statement or opinion before undertaking to point out objectionable matters.

When objection is made to a question asked, counsel should refrain from asking the witness another question until the Court has had an opportunity to rule upon the objection. Objecting counsel shall state the legal grounds without argument or discussion except by leave of Court.

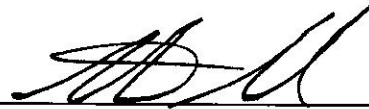
(16) No attorneys, parties, or any other person having any interest in a case set for trial shall engage in any conversation with any juror serving in that Court until the juror's term of service has ended, except by leave of the Court.

(17) The Bailiff and other officers serving the Court will be charged with the responsibility of requiring compliance with these standards of courtroom conduct and decorum.

## IX

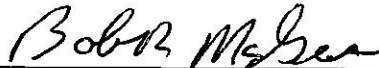
### EFFECTIVE DATE

These rules shall take effect June 1, 2014.



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STEVEN W. SWORD, JUDGE  
CRIMINAL COURT, DIVISION I



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BOB R. MCGEE, JUDGE  
CRIMINAL COURT, DIVISION II



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MARY BETH LEIBOWITZ, JUDGE  
CRIMINAL COURT, DIVISION III