

IN THE CIRCUIT COURT FOR _____ COUNTY, TENNESSEE
AT _____

STATE OF TENNESSEE,

vs.

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Case No. _____

CRIMINAL PRE-TRIAL ORDER

This case is set for a _____-day contested trial on _____, 202__ before the Honorable Don R. Ash in the Circuit Court for _____ County. Pre-trial motion days will be held on _____, 202__ at _____ .M. and _____ 202__ at _____ .M. and a pre-trial conference will be held on _____, 202__ at _____ .M. Counsel shall comply with this order or, if necessary seek relief from the undersigned as soon as possible. In preparation for the above scheduled appearances, it is important to remember the following¹:

1. Counsel for all parties must be present at the pre-trial conference as issues will be narrowed in accordance with the following:
 - a. Pursuant to Tenn. R. Crim. P., Rule 12(b)(1-5) and Rule 12(f), all pre-trial motions must be listed and filed prior to trial. By way of the scheduling discretion vested in this Court under Tenn. R. Crim. P., Rule 12(c), **all pre-trial motions (including Motions in Limine) should be filed within forty five (45) days of the plea date and must be filed no later than ten (10) days before the latest pre-trial motion date. Responses to pre-trial motions must be filed at least five (5) days before the pre-trial conference or pre-trial motion day.** Motions filed after this will be deemed untimely absent a grant of

- relief from this Court for good cause. A faxed or hand delivered copy must be sent to the undersigned once a motion is filed.
- b. A Court Reporter must be present for the pre-trial conference. The Defendant must be present unless a written waiver is filed prior to the pre-trial conference. If a transport order is needed please notify the clerk three days prior to the conference.
 - c. The Tennessee Rules of Criminal Procedure have numerous time requirements with regard to timely notice. Please review these rules and comply when applicable.
 - d. If there are evidentiary issues you anticipate will become a potential conflict in the trial, please advise the court at this hearing.
 - e. To prepare for the pre-trial conference, each attorney may voluntarily elect to mail/FAX/hand-deliver to the other and file with the Criminal Court Clerk's Office his/her respective final trial briefs. If counsel elects to file a pre-trial brief, he/she shall notify the opposing counsel at least **five (5) days** before the pre-trial conference.
 - f. During pre-trial conference, attorney's for both parties should be prepared to address the following:
 - i. Estimated length of trial;
 - ii. Estimated number of witnesses including how many, if any, are from out of the county/country and subpoenas issued in a timely fashion;
 - iii. Each counsel shall provide the names and addresses of all witnesses, if appropriate to disclose, at least **seventy-two (72) hours** before the pretrial conference;
 - iv. Any unresolved motions in limine;
 - v. Any stipulations;
 - vi. Photocopies of cases any party desires the Court to review prior to trial;

¹ Counsel should refer to Chapter 15 of the Tennessee Judicial Bench Book if the case involves a self-represented litigant.

- vii. Each party's required jury questions, any lesser-included offenses with any definitions, and requested or special instructions and supply them on diskette;
 - viii. Each counsel will disclose to opposing counsel a complete list of all exhibits, if appropriate to disclose, within forty-eight hours before the pretrial conference;
 - ix. Objections to the authenticity of any exhibits or any witnesses' testimony;
 - x. Excerpts from video interviews, depositions, or Statements to be offered by each party, by page and line numbers;
 - xi. Brief Statement as to relevance and time frame on any proposed attack on the character of any witness plus listing of any prior convictions if applicable.
2. Upon request by the Defendant, but **no later than ten (10) days prior to the date set for the pre-trial conference**, counsel for the State shall provide the defense with the following:
- a. Papers accompanying the charges, convening orders, and Statements. (Tenn. Rules of Crim. Proc. 16(a)(1)(A) and (B)).
 - b. Notice of records of prior convictions of accused. (Tenn. Rules Crim. Proc. 16(a)(1)(E)).
 - c. Notice of immunity to prosecution witnesses. (Tenn Rules Crim. Proc. 6(j)(6)).
 - d. Disclosure of known evidence that is favorable to defense.
 - e. Any relevant written or recorded Statements made by the accused. (Tenn. Rules Crim. Proc. 16(a)(1)(B)).
 - f. Evidence seized from or from the property of the accused. (Tenn. Rules Crim. Proc. 16(a)(1)(F)).
 - g. Names and addresses of potential witnesses in the government's case in chief. (Tenn. Code Ann. §§ 40-13-107 and 40-17-106).
 - h. Evidence of prior identification of the accused, if any. (Tenn. Rules Crim. Proc. 16(a)(1)(F)).
 - i. Results or reports of physical or mental examinations, and of scientific tests or

experiments. (Tenn. Rules Crim. Proc. 16(a)(1)(G)).

- j. Disclosure, as required by Tenn. Rules of Evid. 404(B)
3. **Within thirty (30) days of the plea date and no later than the pre-trial conference date,** counsel shall provide written notice/disclosure to opposing counsel and court clerk's office regarding the following pursuant to Tenn. R. Crim. P., Rule 12.2:
 - a. Defendant's intention to present an insanity defense.
 - b. Intention by either party to introduce expert testimony relating to a mental disease or defect or any other mental condition of the Defendant.
 - c. The name and address of any expert witness expected to testify.
 - d. Request by either party for a Court ordered mental evaluation.
 4. In accordance with the Tenn. R. Crim. P., Rule 12.1, **Defense counsel shall file a written notice of his/her intention to present an alibi defense within ten (10) days of the State's written request for the same.** The Defendant's notice shall State the specific place or places at which the Defendant claims to have been at the time of the alleged offense and the name and the address of each alibi witness on whom the Defendant intends to rely. Said notice must be filed with the State and court clerk. If the Defendant serves a notice pursuant to this section the district attorney general shall disclose in writing to the Defendant the name and address of each witness on whom the State intends to rely to establish the Defendant's presence at the scene of the alleged offense and each witness on whom the State intends to rely to rebut testimony of any of the Defendant's alibi witnesses.
 5. If the Defendant requests disclosure under subdivision Tenn. R. Crim. P., Rule 16(a)(1), and the State complies, then the Defendant shall provide reciprocal discovery pursuant to Tenn. R. Crim. P., Rule 16(b)(1). The reciprocal discovery shall be turned over no later than the date set for the pre-trial conference.
 6. If the Defendant is accused of an offense falling under the purview of Tenn. R. Evid., Rule

412 and intends to offer reputation, opinion, or specific instances of conduct of the victim, a **written motion should be filed with the State, court clerk, and victim forty-eight (48) hours before the pre-trial motion day. Pursuant to Tenn. R. Evid., Rule 412(d)(1)(i), such motions must be filed no later than ten (10) days before trial.**

7. If either side, the State or Defense, intends on using a Flashdrive, Powerpoint presentation or any other form of evidence requiring the use of electronic equipment, an appointment must be scheduled with Court staff at least **one week prior to trial date** to review the use of technology.

IT IS SO ORDERED this the _____ day of _____, 202__.

Judge

CERTIFICATE OF SERVICE

I hereby certify that a true and exact copy of the foregoing has been delivered by U.S. Mail to the following:

Office of the District Attorney General

Attorney for Defendant

On this the _____ day of _____, 202__.

Deputy Clerk