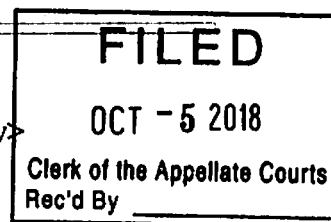


appellatecourtclerk - No. ADM2018-01748 Comments on proposed new judgment forms

From: "Kaitlin S. Mefford" <ksmefford@tndagc.org>
To: "appellatecourtclerk@tncourts.gov" <appellatecourtclerk@tncourts.gov>
Date: 10/5/2018 2:37 PM
Subject: No. ADM2018-01748 Comments on proposed new judgment forms
Cc: "John W. Carney" <jwcarney@tndagc.org>



Soon, it will be 30 years since the 1989 Sentence Reform Act took effect. I propose the pre 1989 box be eliminated. Any belated resentencing can be easily addressed in the special conditions box.

Nolle Prosequi cost issues should be addressed in the court costs box now on page 2.

Duplication exists in the release eligibility portion of the form. Child Rape and Aggravated Rape are both listed in the "catch all" provision, TCA40-35-501 (1). Or assuming this will be a 2 page form, ALL special release eligibility crimes could be split out and the "catch all" reference could then be deleted. The catch all can be tricky if proceedings are moving quickly.

In the jail credit, what procedure governs when the court intends a consecutive sentence to receive a jail credit?

An hour's box in the sentencing portion is unnecessary. This is the jailer's administrative function. Jails should be responsible for figuring hours of minimum service, not Judges. Thus, the hour's box should be eliminated from the minimum service box.

Add to page 2 "Pursuant to TCA 39-14-154 (d) the clerk shall forward this judgment to the contractor's Licensing Board"

Thank you for your consideration,

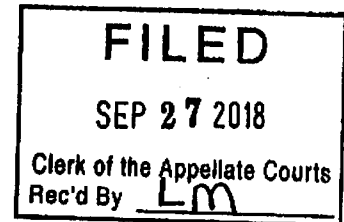
Arthur F. Bieber
Assistant District Attorney
19th Judicial District
200 Commerce St., Suite A
Clarksville, TN 37040
(931)648-5574

Chris Dotson
Assistant District Attorney
19th Judicial District
200 Commerce St., Suite A
Clarksville, TN 37040
(931)648-5574

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From: Karen Card
To: appellatecourtclerk
Date: 9/26/2018 10:19 AM
Subject: Uniform Judgment For Amendment



ADM2018-01748

Dear Mr. Hivner:

I have reviewed the draft of the proposed amendment to the Judgment Form contained in Tennessee Supreme Court Rule 17. I suggest that on the first page in the first block on the left that you add a space to reflect the entry of an Alford plea. I believe there is a distinction between a nolo contendere plea and an Alford plea which should be acknowledged in the Judgment form. Otherwise, it appears that the proposed amendment is well done.

With kindest regards, I remain

Respectfully yours,

James G. Martin, III

Karen Card
Legal Assistant
Circuit Court Judge James G. Martin, III
State of Tennessee, 21st Judicial District
135 Fourth Avenue, South
Franklin, TN 37064
Direct: 615-790-5407
Office: 615-425-4009
Fax: 615-790-4424

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FILED

SEP 28 2018

Clerk of the Appellate Courts
Rec'd By LM

appellatecourtclerk - FW: Proposed Judgment Sheet

From: "April M. Allen" <amallen@tndagc.org>
To: "appellatecourtclerk@tncourts.gov" <appellatecourtclerk@tncourts.gov>
Date: 9/28/2018 1:01 PM
Subject: FW: Proposed Judgment Sheet
Attachments: 20180928110050.pdf

Docket No. ADM2018-01748

AMENDMENT OF RULE 17 RULES OF TENNESSEE SUPREME COURT

April Allen
Victim Witness Coordinator
124 Austin Street, Ste 3
Greeneville, TN 37743

423-787-1450 *Greeneville Office*
423-787-1454 *Greeneville Fax*

423-921-0567 *Rogersville Office*
423-921-0569 *Rogersville Fax*

From: April M. Allen
Sent: Friday, September 28, 2018 1:14 PM
To: 'appellatecourtclerk@tncourts.gov'
Subject: Proposed Judgment Sheet

I do the judgment sheets in the third judicial district. I have highlighted things that don't work for our courts or we just don't use them:

In the charge/conviction area – it doesn't make sense to have a separate TCA line, an amended TCA line and conviction TCA line – not sure why the old way didn't work.

If we have a nollie or dismissal – the Clerk's office does docket sheet/minute book sheet to show a count is nollied or dismissed.

We don't do nolo contendere plea – not sure why somebody would do that to begin with.

We don't have or use anything to do with mitigated – we have standard offender at 30%.

It's not up to the court where the inmate is housed – if the sheriff's department wants somebody to go to the workhouse that's on them.

To save space and paper – put the mandatory minimum options back in a single line.

Drug court or recovery court is out of sessions court – the criminal court doesn't order any form of drug court.

We don't have any way to track or find out about community service – that would come from the probation office and if there is no community service that is done – they will do a VOP

The special conditions box don't need to be that big – if there is a certified question of law – the attorney can attach a separate motion.

If we have on occasion for the not guilty by insanity – there is an separate NGRI Order done.

This is 2018 – if a murder is committed why would you need to have 'Pre 1989 or Reform Act 1989'

The judgment doesn't need to be TWO sheets – it WILL GET LOST either by the Clerk's office or someone else who has to do something with it.

Seems this two sheet judgment form defeats the purpose of "work smarter – not harder". If you're going to do two sheets – then go back to triplicate legal judgment forms like it was back years ago when I started. Maybe legislation or somebody in the powers that be – need to streamline all the 100% for this charge and that charge or 75% for this and 70% for that.

Thank you for taking time to read what I have submitted.

*April Allen
Victim Witness Coordinator
124 Austin Street, Ste 3
Greeneville, TN 37743*

423-787-1450 *Greeneville Office*

423-787-1454 *Greeneville Fax*

423-921-0567 *Rogersville Office*

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IN THE CRIMINAL/CIRCUIT COURT FOR _____ COUNTY, TENNESSEE

Case Number: _____ Count # _____ Counsel for the State: _____
 Judicial District: _____ Judicial Division: _____ Counsel for the Defendant: _____
 Co-Counsel for the Defendant: _____

State of Tennessee

Retained Pub Def Appt Private Atty Appt
 Counsel Waived Pro Se

vs.
 Defendant: _____ Alias: _____ Date of Birth: _____ Sex: _____
 Race: _____ SSN: _____ Driver License #: _____ Issuing State: _____
 State ID #: _____ (County Offender ID # (if applicable): _____ TDOC #: _____
 Relationship to Victim: _____ Victim's Age: _____
 State Control #: _____ Arrest Date: _____ Indictment Filing Date: _____

JUDGMENT Original Amended Corrected

Come the parties for entry of judgment.

On the _____ day of _____, 20____, the defendant:

Pled Guilty
 Pled Nolo Contendere
 Pled Guilty - Certified Question Findings
 Incorporated by Reference
 Dismissed
 Nolle Prosequi with costs
 Nolle Prosequi without costs
 Is found: Guilty Not Guilty
 Not Guilty by Reason of Insanity
 Jury Verdict
 Bench Trial Merged with Count: _____

Indictment: Class (circle one) 1st A B C D E Felony Misdemeanor
 Indicted Offense Name: _____
 Indicted Offense TCA §: _____
 Amended Offense Name: _____
 Amended Offense TCA §: _____
 Offense Date: _____ County of Offense: _____
 Conviction Offense Name: _____
 Conviction Offense TCA §: _____
 Conviction: Class (circle one) 1st A B C D E Felony Misdemeanor
 Sentence Imposed Date: _____

After considering the evidence, the entire record, and in the case of sentencing, all factors in Tennessee Code Annotated Title 40, Chapter 35, all of which are incorporated by reference herein, it is ORDERED and ADJUDGED that the conviction described above is imposed hereby and that a sentence and costs are imposed as follows:

Offender Status (Check One)	Release Eligibility for Felony Offense (Check One)
<input checked="" type="checkbox"/> Mitigated <input type="checkbox"/> Standard <input type="checkbox"/> Multiple <input type="checkbox"/> Persistent <input type="checkbox"/> Career	<input checked="" type="checkbox"/> Mitigated 20% <input checked="" type="checkbox"/> Mitigated 30% <input type="checkbox"/> Standard 30% <input type="checkbox"/> Multiple 35% <input type="checkbox"/> Persistent 45% <input type="checkbox"/> Career 60%
	<input type="checkbox"/> § 40-35-501(j) 100% <input type="checkbox"/> Multiple Rapist 100% <input type="checkbox"/> Child Rapist 100% <input type="checkbox"/> Agg Rapist 100% <input type="checkbox"/> Child Predator 100% <input type="checkbox"/> § 39-13-518 100%
	<input type="checkbox"/> Agg Rob 85% <input type="checkbox"/> Agg Rob w/Prior 100% <input type="checkbox"/> § 39-17-1324(a), (b) 100% <input type="checkbox"/> Mult § 39-17-1324(j) 100% <input type="checkbox"/> Agg Assault w/Death 75% <input type="checkbox"/> Alt 1 st Deg Murder w/SBI 85%
	<input type="checkbox"/> Agg Child Neg/En 70% <input type="checkbox"/> Agg Child Neg/En 85% <input type="checkbox"/> Agg Vehicular Homicide 60% <input type="checkbox"/> Carjacking 75% <input type="checkbox"/> § 40-35-501(u) 85%

- 1st Degree Murder
- Pre 1989 ?
- Reform Act 1989
- Drug Free Zone
- Gang Related
- Repeat Violent Off

Concurrent with: _____

Consecutive to: _____

Pretrial Jail Credit Period(s):
 From _____ to _____ From _____ to _____
 From _____ to _____ From _____ to _____
 From _____ to _____ From _____ to _____
 It is not the intent of the court for duplication of Jail Credit to be applied to consecutive sentences

Sentenced To: TDOC County Jail Workhouse

Sentence Length: _____ Years _____ Months _____ Days _____ Hours Life Life w/out Parole Death

Mandatory Minimum Sentence Length: _____
 §§ 39-17-417, 39-13-513, 39-13-514, or 39-17-432 in Prohibited Zone
 § 55-10-401 DUI 4th Offense
 § 39-17-1324 Possession/Employment of Firearm
 §§ 40-39-208, -211 Violation of Sex Offender Registry
 Meth §§ (39-17-434, -417, -418)

Period of incarceration to be served prior to release on probation or Community Corrections: _____ Months _____ Days _____ Hours
 Minimum service prior to eligibility for work release, furlough, trusty status and rehabilitative programs: _____ % (Misdemeanor Only)

Alternative Sentence: Sup Prob Unsup Prob Comm Corr Prob Sup By Comm Corr (CHECK ONE BOX)
 _____ Years _____ Months _____ Days Effective: _____

WAS DRUG/RECOVERY COURT ORDERED AS A CONDITION OF THE ALTERNATIVE SENTENCE? Yes No

IN THE CRIMINAL/CIRCUIT COURT FOR _____ COUNTY, TENNESSEE

Case Number: _____ Count # _____
 Judicial District: _____ Judicial Division: _____

State of Tennessee
 vs.

Defendant: _____ Alias: _____ Date of Birth: _____ Sex: _____
 Race: _____ SSN: _____

CONTINUATION OF JUDGMENT Original Amended Corrected

Court Ordered Fees and Fines:	Costs to be Paid by
\$ _____ Court Costs	<input type="checkbox"/> Defendant <input type="checkbox"/> State
\$ _____ Fine Assessed	
\$ _____ Traumatic Brain Injury Fund (68-55-301 et seq.)	
\$ _____ Drug Testing Fund (TN Drug Control Act)	
\$ _____ CICF	
\$ _____ Sex Offender Tax	
\$ _____ Other: _____	

Restitution: Victim Name _____ Address _____ Total Amount \$ _____ Per Month \$ _____

<input checked="" type="checkbox"/> Unpaid Community Service: _____ Hours _____ Days _____ Weeks _____ Months
--

- The Defendant having been found guilty is rendered infamous and ordered to provide a biological specimen for the purpose of DNA analysis.
- Pursuant to 39-13-521, the defendant is ordered to provide a biological specimen for the purpose of HIV testing.
- Pursuant to 39-13-524 or 39-13-518, the defendant is sentenced to community supervision for life following sentence expiration.
- Pursuant to Title 68, Chapter 11, Part 10, 71-6-117, or 71-6-119, the clerk shall forward this judgment to the Department of Health.

Special Conditions:

 Judge's Name

 Judge's Signature

 Date of Entry of Judgment

 Counsel for State/Signature (optional)

 Defendant/Defendant's Counsel/Signature (optional)

I _____, clerk, hereby certify that, before entry by the court, a copy of this judgment was made available to the party or parties who did not provide a signature above.