

IN THE SUPREME COURT OF TENNESSEE
AT NASHVILLE

FILED

09/25/2018

Clerk of the
Appellate Courts

**IN RE: AMENDMENT OF RULE 17
RULES OF THE TENNESSEE SUPREME COURT**

No. ADM2018-01748

ORDER

In light of recent statutory changes, the Court is considering amending the uniform judgment document set forth in Tennessee Supreme Court Rule 17. The Court hereby publishes for public comment the proposed amended uniform judgment document attached to this Order. The Court solicits written comments on the proposal from judges, lawyers, bar associations, members of the public, and any other interested parties. The deadline for submitting written comments is Tuesday, November 27, 2018. Written comments should be emailed to appellatecourtclerk@tncourts.gov or mailed to:

James Hivner, Clerk
Re: Tennessee Supreme Court Rule 17
Tennessee Appellate Courts
100 Supreme Court Building
401 7th Avenue North
Nashville, TN 37219-1407

and should include the docket number set out above. The Clerk shall provide a copy of this order to LexisNexis and to Thomson Reuters. In addition, this order, including the Appendix, shall be posted on the Tennessee Supreme Court's website.

IT IS SO ORDERED.

PER CURIAM

APPENDIX A

PROPOSED UNIFORM JUDGMENT DOCUMENT

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: _____

Retained Pub Def Appt Private Atty Appt
 Counsel Waived Pro Se

State of Tennessee

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 type="checkbox"/> Mitigated	<input type="checkbox"/> § 40-35-501(j) 100%
<input type="checkbox"/> Standard	<input type="checkbox"/> Multiple Rapist 100%
<input type="checkbox"/> Multiple	<input type="checkbox"/> Child Rapist 100%
<input type="checkbox"/> Persistent	<input type="checkbox"/> Agg Rapist 100%
<input type="checkbox"/> Career	<input type="checkbox"/> Persistent 45%
	<input type="checkbox"/> Career 60%
	<input type="checkbox"/> § 39-13-518 100%
	<input type="checkbox"/> § 40-35-501(j) 100%
	<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"/> Att 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:

From _____ to _____ From _____ to _____
 From _____ to _____ From _____ to _____
 From _____ to _____ From _____ 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 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 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.

APPENDIX B

CURRENT UNIFORM JUDGMENT DOCUMENT

IN THE CRIMINAL/CIRCUIT COURT FOR _____ COUNTY, TENNESSEE

Case Number: _____ Count # _____ Counsel for the State: _____
 Judicial District: _____ Judicial Division: _____ Counsel for the Defendant: _____
State of Tennessee Retained Pub Def Appt Private Atty Appt
 vs. Counsel Waived Pro Se
 Defendant: _____ Alias: _____ Date of Birth: _____ Sex: _____
 Race: _____ SSN: _____ Driver License #: _____ Issuing State: _____
 State ID #: _____ County Offender ID # (if applicable): _____ TOMIS/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:

<input type="checkbox"/> Pled Guilty <input type="checkbox"/> Dismissed/Nolle Prosequi <input type="checkbox"/> Pled Nolo Contendere <input type="checkbox"/> Pled Guilty – Certified Question Findings Incorporated by Reference Is found: <input type="checkbox"/> Guilty <input type="checkbox"/> Not Guilty <input type="checkbox"/> Jury Verdict <input type="checkbox"/> Not Guilty by Reason of Insanity <input type="checkbox"/> Bench Trial	Indictment: Class (circle one) 1 st A B C D E <input type="checkbox"/> Felony <input type="checkbox"/> Misdemeanor Indicted Offense Name <u>AND</u> TCA §: _____ Amended Offense Name <u>AND</u> TCA §: _____ Offense Date: _____ County of Offense: _____ Conviction Offense Name <u>AND</u> TCA §: _____ Conviction: Class (circle one) 1 st A B C D E <input type="checkbox"/> Felony <input type="checkbox"/> Misdemeanor Is this conviction offense methamphetamine related? <input type="checkbox"/> Yes <input type="checkbox"/> No Sentence Imposed Date: _____
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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) <input type="checkbox"/> Mitigated <input type="checkbox"/> Standard <input type="checkbox"/> Multiple <input type="checkbox"/> Persistent <input type="checkbox"/> Career	Release Eligibility (Check One) <input type="checkbox"/> Mitigated 20% <input type="checkbox"/> Agg Rob w/Prior 100% <input type="checkbox"/> Mitigated 30% <input type="checkbox"/> Multiple Rapist 100% <input type="checkbox"/> Standard 30% <input type="checkbox"/> Child Rapist 100% <input type="checkbox"/> Multiple 35% <input type="checkbox"/> Child Predator 100% <input type="checkbox"/> Persistent 45% <input type="checkbox"/> Agg Rapist 100% <input type="checkbox"/> Career 60% <input type="checkbox"/> Mult 39-17-1324(j) 100% <input type="checkbox"/> Agg Child Neg/En 70% <input type="checkbox"/> Agg Rob 85% <input type="checkbox"/> 39-17-1324(a), (b) 100% <input type="checkbox"/> Agg Child Neg/En 85% <input type="checkbox"/> 40-35-501(i) 100% <input type="checkbox"/> Agg Assault w/Death 75% <input type="checkbox"/> Meth 100% <input type="checkbox"/> 39-13-518 100% <input type="checkbox"/> Att 1 st Degree Murder w/SBI 85%	Concurrent with: _____ Consecutive to: _____	Pretrial Jail Credit Period(s): From _____ to _____ From _____ to _____ From _____ to _____ From _____ to _____
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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 *or* _____ 55-10-401 DUI 4th Offense *or* _____ 39-17-1324 Possession/Employment of Firearm *or* _____ 40-39-208, -211 Violation of Sex Offender Registry *or* _____ 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 (CHECK ONE BOX) _____ Years _____ Months _____ Days Effective: _____

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

Court Ordered Fees and Fines: \$ _____ 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 type="checkbox"/> Unpaid Community Service: _____ Hours _____ Days _____ Weeks _____ Months
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- 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)