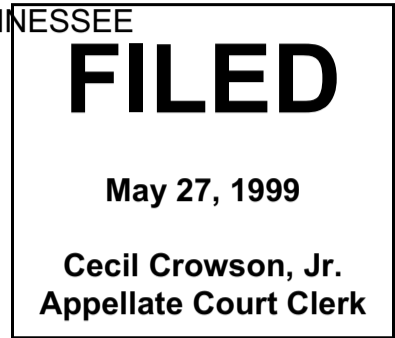


IN THE SUPREME COURT OF TENNESSEE
AT NASHVILLE



IN RE: AMENDMENT TO RULE 12,)
RULES OF THE SUPREME COURT)
OF TENNESSEE)

ORDER

Rule 12 of the Rules of the Supreme Court of Tennessee is hereby amended by deleting the Rule in its entirety and substituting in its place the following:

Rule 12. First-degree murder trial reports and appeals in capital cases.

1. Trial Judge's Report in First-Degree Murder Cases.

The report, a copy of which is appended to this rule, shall be completed in its entirety in all cases, including cases remanded by the appellate court for retrial and/or resentencing, in which the defendant is convicted of first-degree murder. This includes cases in which the defendant pleads guilty to first-degree murder. In the event more than one defendant is convicted of first-degree murder, a separate report shall be completed for each defendant.

Prior to the hearing on the motion for new trial, the defendant's counsel shall complete Section B of the report ("Data Concerning Defendant") and the district attorney general shall complete Section C ("Data Concerning the Victim, Co-Defendants, and Accomplices"). Counsel shall submit the completed sections to the trial judge at or before the hearing on the motion for new trial. The trial court shall complete all remaining parts of the report and shall submit the report to counsel for the defendant and the district attorney general for such comments as each may desire to make concerning the accuracy of the report. Such comments must be noted and delivered to the trial court no later than ten days after the trial court rules on the motion for new trial. Such comments shall be attached to and made a part of the report.

It shall be the responsibility of the trial court to compile, or cause to be compiled, all information required by this rule; to certify the accuracy of the report as to those matters within the trial court's knowledge; and to transmit the report forthwith to the Clerk of the Supreme Court, Nashville, along with a certified copy of the order disposing of the motion for new trial. This report and the order shall be transmitted to the Clerk of the Supreme Court within fifteen (15) days after the trial court rules on the motion for new trial. A duplicate copy of the report and any

comments of counsel attached thereto shall be filed with the record on appeal.

2. Appeal of Capital Case upon Affirmance by the Court of Criminal Appeals.

In accord with Tenn. Code Ann. § 39-13-206(a)(1), upon affirmance by the Court of Criminal Appeals of the conviction and sentence of death, the Appellate Court Clerk shall forthwith transmit the record to the Supreme Court for immediate docketing. The Clerk shall promptly notify the parties of the docketing, the date of filing of the record in this Court, and of the times for filing and service of briefs under T.R.A.P. 29(a). The case shall proceed in accordance with the Tennessee Rules of Appellate Procedure.

Prior to the setting of oral argument, the Court shall review the record and briefs and consider all errors assigned. The Court may enter an order designating those issues it wishes addressed at oral argument. The order shall afford the parties additional time for the filing of any supplemental briefs addressing these issues. In all cases, the Court will conduct the review as mandated by Tenn. Code Ann. § 39-13-206(c)(1).

FOR THE COURT:

E. Riley Anderson,
Chief Justice