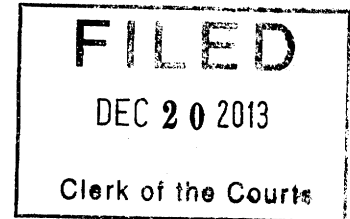


IN THE SUPREME COURT OF TENNESSEE
AT NASHVILLE

IN RE RULE 12, SECTION 4(C),
RULES OF THE TENNESSEE SUPREME COURT

No. ADM2013-02793

ORDER



Rule 12, Rules of the Tennessee Supreme Court, addresses certain procedures unique to capital cases, including the setting of execution dates. Due to the time constraints inherent in such procedures, and recognizing certain advances in the technology since the adoption of the Rule, the Court has decided to amend Section 4(C) of Rule 12 to permit electronic filing of documents related to motions to set execution dates.

Accordingly, the Court hereby amends Rule 12, Section 4(C) as set out in the Appendix to this order. The amendments shall take effect on January 1, 2014, and shall apply to any filings related to a motion to set an execution date on or after that date.

The Clerk shall provide a copy of this order to LexisNexis and to Thomson Reuters. In addition, this order shall be posted on the Tennessee Supreme Court's website.

IT IS SO ORDERED.

PER CURIAM

APPENDIX

[Tenn. Sup. Ct. R. 12, § 4(C) is amended as indicated below by underlining (new text) and ~~overstriking~~ (deleted text).]

Rule 12. First-Degree Murder Trial Reports and Appeals in Capital Cases

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

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

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3. Setting Execution Date at Conclusion of State Post-Conviction Proceedings.

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4. Setting Execution Date at Conclusion of Standard Three-Tier Appeals Process.

(A) Motion/Response.

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(B) Designation of Attorney of Record.

* * * *

(C) Place of Filing/Number of Copies/Service.

Regardless of the Grand Division in which the case originated, the motion, response, and all subsequent filings in the matter shall be filed with the Office of the Appellate Court Clerk in Nashville. ~~The original and ten (10) copies of the motion, response, and any other filing in the matter shall be filed.~~ If the motion, response or any other filing in the matter exceeds fifty pages in length, a syllabus summarizing the contents shall accompany the filing. In addition, ~~a 3.5" computer diskette containing the text to an original copy of the motion, response or other filing, an electronic copy of the filing shall also be submitted to the Clerk at the time of filing. At the request of the Court, a copy of the filing shall also be submitted by E-mail or facsimile~~ by e-mail, in Adobe .pdf format.

Filing shall not be timely unless the papers/documents are *RECEIVED* by the Clerk within the time fixed for filing. **Mailing the papers within the time fixed for filing by**

certified return receipt mail or registered return receipt mail shall NOT be considered timely filing. Copies of all filings shall be served upon the opposing attorney of record contemporaneously with their filing, either by hand delivery, facsimile, or E-mail. ~~If service is by facsimile or E-mail, a hard copy of the filing shall be furnished to the opposing attorney of record as expeditiously as possible.~~

(D) Computation of Time Periods.

* * * *

(E) Date of Execution/Stays and Reprieves.

* * * *

Explanatory Comment: Section 4(C) was amended to account for developments in technology. The amendment deletes both the requirement that an original and ten (10) copies of papers be filed with the Clerk, and the requirement that a 3.6" computer diskette containing the text of the filing be filed with the Clerk. Instead, parties are directed to simultaneously file an original document and an electronic copy by e-mail. The amendment also deletes the requirement that parties furnish a hard copy of the filing to the opposing attorney, deeming an electronic copy via facsimile or e-mail sufficient.

[end of Appendix]