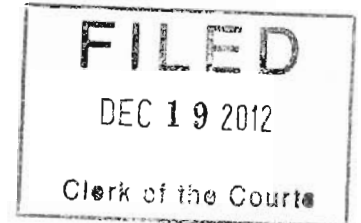


IN THE SUPREME COURT OF TENNESSEE
AT NASHVILLE

IN RE: AMENDMENT TO RULE 17A,
RULES OF THE TENNESSEE SUPREME COURT

No. M2012-02132-SC-RL2-RL



ORDER

On October 8, 2012, the Court filed an order soliciting public comments on proposed amendments to the order of deferral (judicial diversion) that Tennessee Supreme Court Rule 17A incorporates by reference. The proposed amendments were necessary due to recommendations made by interested persons and agencies following the Court's adoption of the order in 2011.

After due consideration, the Court has decided to adopt the amended order of deferral (judicial diversion), which is set out in the attached Appendix to this order. Because the District Attorneys General Conference and several counties will be required to reprogram computer systems that record case dispositions, the effective date for the amended order shall be April 1, 2013.

The Court hereby directs the Administrative Office of the Courts ("AOC") to notify the trial judges, court clerks, and affected agencies of the adoption of the amended order. The AOC also shall provide them with an updated instruction manual regarding the use of the order.

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

IT IS SO ORDERED.

PER CURIAM

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: _____ Relationship to Victim: _____ Victim's Age: _____
 State ID #: _____ County Offender ID # (if applicable): _____ State Control #: _____
 Arrest Date: _____ Indictment Filing Date: _____

ORDER OF DEFERRAL (JUDICIAL DIVERSION) Original Amended Corrected

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

<input type="checkbox"/> Pled Guilty <input type="checkbox"/> Pled Nolo Contendere Was Found Guilty By: <input type="checkbox"/> Jury Verdict <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: _____ Deferred Offense Name <u>AND</u> TCA §: _____ Deferred Offense: Class (circle one) A B C D E <input type="checkbox"/> Felony <input type="checkbox"/> Misdemeanor
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Upon review of the case, the court finds the facts stated above as well as the following (**For Item 3, Check ONE Of The Two Boxes**):

1. The defendant is eligible for deferral of the prosecution pursuant to Tennessee Code Annotated section (T.C.A.) 40-35-313;
2. The Tennessee Bureau of Investigation has certified (per attached certificate) that the defendant does not have a prior felony or Class A misdemeanor conviction;
3. The defendant was not charged with a violation of a criminal statute the elements of which constitute abuse, neglect or misappropriation of the property of a vulnerable person as defined in Title 68, Chapter 11, Part 10; **OR**
 The defendant agrees without contest or any further notice or hearing that the defendant's name shall be permanently placed on the registry governed by Title 68, Chapter 11, Part 10, whereupon a copy of this order shall be forwarded by the clerk to the department of health;
4. The defendant consents to T.C.A. 40-35-313 deferral, as evidenced by the defendant's signature below; AND
5. The defendant should be granted a deferral of charges pursuant to T.C.A. 40-35-313.

It is, therefore, **ORDERED** that the prosecution in this case is deferred pursuant to T.C.A. 40-35-313, and the defendant is placed on probation. The terms and conditions ordered by this court apply to the defendant's probation and are incorporated herein by reference thereto.

Probation Term: Total Length _____ Beginning Date _____ Ending Date _____ Supervised Unsupervised

Supervising Entity (unless otherwise provided to the defendant by the court): Name _____

Phone Number _____ Address _____

Defendant's Contact Information (unless otherwise provided to the probation officer by the court): Phone Number _____

Address _____

<p align="center">Costs</p> \$ _____ Sex Offender Tax (39-13-709) \$ _____ Sex Offender Fine (40-24-108) \$ _____ Drug Testing Fee (39-17-420) \$ _____ Treatment Expenses (40-35-313) \$ _____ Supervision Fees (40-35-313) \$ _____ Other: _____ _____ _____	<p align="center">Concurrent with:</p> _____ <p align="center">Consecutive to:</p> _____	<p align="center">Restitution</p> Victim Name _____ Address _____ _____ Total Amount \$ _____ Per Month \$ _____	<p align="center">Pretrial Jail Credit Period(s):</p> From _____ to _____ From _____ to _____ From _____ to _____ From _____ to _____
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Defendant

ENTER this the _____ day of _____, 20_____.

JUDGE'S NAME

JUDGE'S SIGNATURE

Counsel for the Defendant

Counsel for the State of Tennessee