

**LOCAL RULES OF COURT
FOR
GENERAL SESSIONS COURT
COUNTY**

**JEFF D. RADLEY
GENERAL SESSIONS JUDGE, PART II**

**DWIGHT E. STOKES
GENERAL SESSIONS JUDGE, PART II**

EFFECTIVE

AUGUST 2012

RULES OF COURT FOR THE GENERAL SESSIONS COURT OF SEVIER COUNTY, TENNESSEE

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RULE 1. AUTHORITY AND ABROGATION OF FORMER RULES

The rules of General Sessions Court of Sevier County, Tennessee, are adopted under the authority of Tenn. Code Ann. § 16-15-406 and § 16-15-714. All former rules are abrogated except as readopted herein.

RULE 2. CODE OF PROFESSIONAL RESPONSIBILITY

The ethical standards for the practice and the administration of law in General Sessions Court shall be governed by the Tennessee Court Rules Annotated, Rules of the Supreme Court, Rule 8, "Code of Professional Responsibility."

RULE 3. GENERAL SESSIONS COURT RECORDS

The General Sessions Court Clerk shall be responsible for the custody, control, and safekeeping of all court records and documents.

Only the Court Clerk or the Clerk's representative shall remove civil warrants, criminal warrants, or any other court documents from the courtrooms or the Clerk's office.

All written pleadings, orders, judgments, and executions shall be filed with the Court Clerk. Documents submitted for filing shall be in compliance with forms provided by the Clerk as to:

- a. Information contained
- b. Paper size
- c. Print size
- d. Color
- e. Number of copies

Not all pleadings have forms or rules at this time but may be implemented from time to time.

Documents not meeting required criteria **will not** be accepted for filing.

ALL ORDERS SHALL BE ACCOMPANIED BY AN ATTORNEY'S CERTIFICATE SERVING THE OTHER PARTY WITH A COPY OF THE SAME OR SHALL BE SIGNED BY ALL PARTIES OR ATTORNEYS INVOLVED IN THE CASE.

RULE 4. GENERAL SESSIONS COURT DOCKETS

The dockets for all divisions of General Sessions Court shall be posted daily in a conspicuous place at the General Sessions Court Clerk's office near the General Sessions Clerk's office and courtroom.

Docket scheduling shall be done through the office of the General Sessions Court Clerk. Unless changed by the Presiding Judge because of necessity or convenience, the schedules of the courts are:

1. General Sessions Court operates two courts daily, including criminal, civil, probate and juvenile jurisdiction.
2. All courts open at 9:00 a.m. for the daily docket. A lunch recess is generally taken at noon. The Court has a 1:30 p.m. docket on certain days announced in advance. All attorneys and parties are expected to be on time for any type of scheduled hearing.

RULE 5. COURTROOM DECORUM AND PROCEDURES

Each division of General Sessions Court shall have at least one (1) Court Officer and one (1) Deputy Clerk in attendance at all times while in session. The Bailiff and other officers serving General Sessions Court shall be responsible for compliance with courtroom procedures and decorum.

At the opening of each session of court, everyone shall rise and remain standing until the court is formally opened by the Bailiff. The area within the bar is reserved for lawyers, the participants in the case before the court, witnesses for the case, and court officers. All other people shall be seated outside of the bar.

The behavior of all participants, attorneys, witnesses, and spectators shall conform to strict standards of decency, dignity, etiquette, and propriety. Everyone shall remove hats, overcoats, raincoats and sunglasses before entering the courtroom. Demonstrations, acts of misconduct, loud talking, or noise will not be permitted inside or outside the courtroom if it is near enough to interfere with or disrupt orderly court proceedings. Loitering, loafing, or congregating will not be permitted outside the courtrooms or in the halls adjacent to the courtrooms when court is in session.

The conduct and attire of all attorneys and court attendants shall conform to the professional dignity expected of officers of the court.

All attorneys shall note their representation on civil warrants and criminal warrants. Attorneys will ensure the orderly behavior of their clients and be personally accountable to the court for all acts of misconduct or unruly behavior of their clients reasonably within the attorney's control.

Attorneys shall rise and remain standing when addressing the court, making a statement, argument, or objection to the court or questioning a witness.

Audience seats shall be occupied first by people conducting business with the court and their immediate relatives (i.e., spouses, children, parents, sisters, and brothers).

When possible, people testifying for the defense should sit on the side of the courtroom directly behind the defendants and their attorneys.

People testifying for the prosecution should sit on the side of the courtroom directly behind the prosecutors.

The defendant shall be seated at the defense table during any hearing or trial, unless waived by the defendant in writing and ordered by the Presiding Judge. Issues of identification shall be resolved with the court before any proceedings.

Unoccupied seats may be used by spectators on a first come, first served basis. When all audience seats are filled, the Bailiff shall not admit anyone into the courtroom without the court's permission. Standing will not be permitted in the audience unless absolutely necessary.

A dress code has been adopted and shall be attached as an addendum (addendum #1) to these rules and will be posted in a public place.

RULE 6. REPRESENTATION AND ATTORNEYS

Representation in General Sessions Court may be by licensed attorneys, attorneys representing legal entities, owners of single proprietorships or litigants representing themselves. No persons, corporations, L.L.C., and/or other legal entities shall be represented in any court proceeding by any person other than a duly licensed attorney in good standing in the State of Tennessee. Corporations must be represented by counsel and not by any lay person by Supreme Court ruling.

Attorneys representing litigants must be residents of and licensed to practice law in Tennessee pursuant to the *Tennessee Court Rules Annotated, Rules of the Supreme Court*, Rule 7 and qualified and registered with the State Board of Professional Responsibility pursuant to the *Tennessee Court Rules Annotated, Rules of the Supreme Court*, Rule 9.

Nonresident attorneys who do not wish to practice law regularly in Tennessee may be associated with a resident attorney in good standing. Then, as a matter of courtesy, nonresident attorneys may be allowed to appear in a case before the court without procuring a Tennessee license, after being introduced by the associated attorney, if all courts of the nonresident attorney's state grant a similar courtesy to attorneys licensed in Tennessee.

RULE 7. COURTROOM SECURITY

The Judge of each division of General Sessions Court may require all persons entering the courtroom to consent to a search of their person and belongings to ensure the safety of participants, court personnel, and government property. Sheriff Deputies will deny admission into the courtroom of anyone refusing to be searched.

RULE 8. SECURITY OF CHAMBERS AND ADJACENT AREAS

The purpose of Court security access control measures is to prevent movement of unauthorized persons into the areas occupied by Judges of General Sessions Courts. The Sevier County Sheriff's Department shall enforce these policies and procedures to ensure the integrity of the secured area.

RULE 9. CIVIL CASE DOCKETS

Civil cases shall be docketed not less than seven (7) days from the date of issuance of the civil warrant, unless an earlier date is agreed upon by all participants, or mandated by law.

Civil warrants filed on a pauper's oath shall be accompanied by a completed Affidavit of Indigency which is available at the Court Clerk's office. The court may require the affiant to appear and answer questions before ruling on the application.

Motions to set installment payments on judgments and motions to stay executions of garnishments shall be filed in duplicate by the defendant or defense counsel, signed by the defendant and sworn to before a notary or the Court Clerk. The hearing will be set not less than five (5) days after the filing date, and a copy of the motion immediately mailed to the adversary party by the defendant or defense counsel.

Process shall be accomplished as soon as possible after receipt of the civil warrant by the serving officer and return made not less than five (5) days before the trial date to the Court Clerk, unless otherwise provided for by law.

Attorney preference for a particular day for an initial case setting must be noted on the top of the civil warrant.

RULE 10. CIVIL CASE CONTINUANCES

When both parties fail to appear for a trial, the case will be continued and rescheduled for trial in approximately four (4) weeks by the Court's motion. If neither party appears at the second scheduled trial, and the Court Clerk does not receive a request for a continuance from either party, the case shall be dismissed and costs assessed to the plaintiff.

The plaintiff's proof will be heard and a judgment entered by the court when the plaintiff appears and the defendant fails to appear at the first scheduled trial. Proof by way of a sworn account pursuant to statute will be satisfactory if there is not sworn denial of the defendant or appearance by the defendant.

The case will be dismissed for failure to prosecute when the defendant appears and the plaintiff fails to appear at the first scheduled trial.

The plaintiff may have a continuance to present evidence through witnesses in collection cases filed on sworn statements when a sworn denial by the defendant is not filed before the trial date.

Sworn accounts should be filed with civil warrants and served on defendants in order to be the basis of a default judgment pursuant to a sworn act.

Attorneys taking defaults are representing to the court that appropriate service has been made on defendants, that appropriate credits have been given to defendants for all payments made, and that any amounts claimed as interest and attorney fees are pursuant to contract or applicable law.

RULE 11. COURT SCHEDULE

The General Sessions Judges have compiled a regular schedule of hearing criminal and civil cases. A copy shall be attached as an appendix to these rules (appendix #2).

RULE 12. GARNISHMENTS

An execution may be issued only on the written garnishment application by the plaintiff, the plaintiff's attorney or agent of record.

Applications must:

- (1) Be completely filled out to be accepted by the Court Clerk.
- (2) Show the amount of the unpaid judgment for each case.
- (3) Interest may be claimed.

Garnishments shall be released on authorization of a Judge or the Court Clerk.

The Court Clerk may dismiss all garnishments at the plaintiff's cost when:

- (1) The amount sought is more than the amount owed.
- (2) The defendant shows proof of payment after judgment indicating a balance less than the amount sought; or
- (3) The docket or receipts indicate the plaintiff received monies and failed to pay court costs.

Second or subsequent Petitions to Pay by Installments shall be set for a court hearing to determine good cause. The Court Clerk shall not issue any Stay of Garnishment until the court determines good cause and approves the Petition to Pay by Installments.

Motions to stay executions of garnishments shall be:

- (1) Filled out in duplicate by the defendant or defense counsel.
- (2) Signed by the defendant.
- (3) Sworn to before a notary or the Court Clerk before filing.
- (4) May be set for hearing not less than five (5) days after the filing date.

The defendant or defense counsel must immediately mail a copy of the motion with the hearing date to the adversary.

All monies received through garnishments shall be paid to the Clerk of Court.

RULE 13. CRIMINAL CASE DOCKETS

All defendants have the duty to:

- (1) Know when they are scheduled to appear in court.
- (2) Appear at each hearing, trial setting, subsequent settings, trial, and report back dates.
- (3) Be physically present during each hearing or trial unless:
 - (a) Waived in advance by the defendant in writing, and
 - (b) Approved and ordered by the court.

Failure to appear shall constitute contempt of court and be the basis of the issuance of a warrant for the defendant's arrest.

Issues of defendant's identification shall be resolved with the court before any proceedings.

All defendants shall behave in an orderly, dignified manner. Failure to do so may result in the removal of the defendant from the courtroom pursuant to the *Tennessee Court Rules Annotated, Rules of Criminal Procedure*, Rule 43.

As officers of the court, all attorneys shall be held accountable for the orderly behavior of their clients reasonably within the attorney's control.

RULE 14. CRIMINAL CASE CONTINUANCES

Motions for continuance may be granted by the Court upon agreement of the Attorney General and defense counsel (see appendix #3 for current continuance rule). Clerks of Courts are not authorized to grant continuances.

Motions for continuance will be acted upon in open court whenever practicable.

Motions for continuances will generally not be granted because of the absence of witnesses unless the witnesses were subpoenaed.

Witnesses shall be notified as far in advance as possible for any continuance granted by the Court by the party expecting to call such witness.

Once a continuance is granted to either side, the case will be reset at a date both parties agree on. The case will be heard on the new date absent extremely compelling reasons for an additional continuance.

RULE 15. PROBATION VIOLATION

Failure of a defendant to complete any condition of probation as ordered may result in the defendant being charged with a violation of probation. The case shall be set back on the Court's regular docket for a hearing before the Judge who sentenced the defendant and may result in the defendant serving the jail sentence. Defendants are expected to fully comply with all conditions of probation and cooperate with probation officers.

RULE 16. SUBPOENAS

Subpoenas shall be issued not less than seven (7) days prior to the trial date in all civil cases and criminal cases. If not, the party issuing the subpoena will be denied any continuance request due to nonappearance of a material witness.

It is the duty of the defense and the prosecution to ensure the presence of their subpoenaed witnesses. Failure to subpoena witnesses shall not be grounds for a continuance.

RULE 17. SERVICE OF PROCESS

Service of process shall be accomplished by the serving officer as soon as possible after receipt of the civil warrant. Return shall be made to the Court Clerk not less than five (5) days before the trial date unless otherwise provided for by law. Officers serving process must serve the actual defendants unless service of process is pursuant to any exception of the Tennessee Civil Rules of Procedure.

RULE 18. EXPUNGEMENT ORDERS

The General Sessions Court Clerk will only accept completed expungement orders.

(1) Expungement order must include the following information:

- (a) Name of defendant, warrant number, charge and date of arrest.
- (b) Name of trial judge and the court.
- (c) Signature of defendant or his attorney.
- (d) Attorney General's approval and signature.
- (e) A copy of the defendant's arrest warrant with the final judgment.

(2) Multiple arrests may be put on one order as long as the date of arrest is the same. Different arrest dates on one defendant require separate orders.

(3) Records will be expunged without cost on charges that have been dismissed or *nolle prossed*.

(4) A fee will be paid to the Clerk for each record expunged where the defendant was placed on a diversion program pursuant to Tenn. Code Ann. § 40-35-312 and § 40-15-102 - 40-15-105.

(5) When the expungement order is completed in accordance with (1) above, deliver the order to the Attorney General's Office. The Attorney General will review and approve the order, if appropriate, and deliver the signed order to the Sessions Clerk or to defense counsel. After the order is signed by the Judge, the attorney of record will be notified.

(6) Only records listed on the order will be expunged.

(7) The Clerk's Office is responsible for expungement of records of the General Sessions Court. The certified copies will be distributed to all other agencies included in the arrest process. They are responsible for the expungement of their records.

(8) The Clerk's Office expunges records in the order they are filed. The law allows 60 days for this process to be completed.

NOTE: THE FORM AVAILABLE IN THE CLERK'S OFFICE MUST BE USED FOR EXPUNGEMENTS.

RULE 19. JUDICIAL COMMISSIONERS

Judicial Commissioners may sign warrants for prosecutions initiated by private citizens, but only if a police report or offense report has been filed with appropriate law enforcement agency. A copy of the police report must be presented to the Judicial Commissioner on duty by the complaining individual before the warrant is signed, or a judicial commissioner may satisfy this requirement by telephone confirmation with appropriate authorities.

RULE 20. FEE PETITIONS FOR COURT APPOINTED ATTORNEYS

All fee petitions shall be submitted directly through the Administrative Office of the Court's online procedure (I.C.E.). A copy of the order appointing counsel for an indigent defendant will be attached to the warrant provided by the Court Clerk to each appointed attorney. If the Public Defender is initially appointed but cannot represent the defendant due to a conflict of interest, the order will be amended to correctly show the appointed attorney.

Claims for attorney fees submitted pursuant to Tenn. Code Ann. § 40-14-201, et seq., Tenn. Ct. Rules Ann., *Rules of the Supreme Court*, Rule 13, and 1983 Tenn. Priv. Acts 77, by attorneys appointed by the court to represent indigent criminal defendants shall be accompanied by:

- (1) The signed court order appointing them as legal counsel.
- (2) A completed order stating the Public Defender's office has a conflict of interest in the case.

Claims for attorney fees submitted pursuant to Tenn. Code Ann. § 33-3-503, Tenn. Ct. Rules Ann., *Rules of the Supreme Court*, Rule 15, and 1976 Tenn. Pub. Acts 763, by attorneys appointed by the court to represent indigent clients in proceedings under Chapter 3 through 8 of Title 33 of the *Mental Health Act*, shall be accompanied by a signed court order appointing them as legal counsel.

General Sessions Court Judges will not approve petitions unless they are accompanied by the above required documentation.

RULE 21. MEDIA COVERAGE

Pursuant to Tennessee Supreme Court Rule 30, the following procedures have been adopted by the General Sessions Court for Sevier County in order to facilitate the media coverage contemplated by the rules.

1. Requests for Media Coverage

Media requests for coverage of a particular proceeding (other than print media) shall be made in writing to the Judge and Clerk of Court not later than 4:30 PM on the third business day before the event to be covered. The Clerk shall immediately notify all counsel of record of the request for coverage. **THE JUDGE WILL DETERMINE WHAT, IF ANY, COVERAGE IS ALLOWED INSIDE THE COURTROOM.**

2. Operation of Equipment

- a. All equipment shall be battery powered to eliminate the use of wires, cables, and leads that pose a hazard for people to trip over. If the anticipated length of the proceeding is so great as to make battery-powered equipment impractical, all wires, cables, and leads shall be placed against baseboards of walls, taped down, or otherwise placed to minimize or eliminate the hazard of tripping over them.
- b. All equipment requiring installation shall be installed before the Court commences the proceeding to be covered. All equipment take down or dismantling shall take place during recess or after the Court has adjourned for the day.
- c. All photographic equipment shall be situated so as to produce the point of view of the audience. Under no circumstances, unless expressly permitted by the Presiding Judge, are any cameras, still or otherwise, to be taken beyond the Bar of the Court.

3. Courtroom Decorum

All media personnel will conduct themselves quietly and respectfully in the courtroom. In the event the Presiding Judge orders that a particular witness or other not be photographed, or that one or more cameras be turned off, said order will be followed without debate. Arguing with the Judge as well as disobeying the Judge will constitute grounds for terminating any or all photography of the proceeding.

4. Incorporation of Tennessee Supreme Court Rule 30

In all remaining aspects, media coverage of courtroom proceedings shall be governed by the letter and intent of Tennessee Supreme Court Rule 30.

RULE 22. APPEARANCE OF REPRESENTATIVE FROM DISTRICT ATTORNEY GENERAL'S OFFICE

It is the responsibility of the district attorney general's office to provide representation to the public and protection for the public for all criminal court days. The court's current schedule provides for misdemeanor (including DUI trials) trials on Tuesdays, Wednesdays and Thursdays, and felony preliminary hearings and some misdemeanor trials on Fridays. The Court must be able to have regular hearings and trials on these days. If there is no representative of the district attorney's office present, it will be assumed that the attorney general's office has vested authority in local law enforcement to make decisions regarding proceeding to trial, plea bargaining and other matters. If the district attorney's office can not be present on any particular day, it may request a continuance in compliance with these rules.

RULE 23. APPEARANCE OF LAW ENFORCEMENT OFFICERS.

Officers must appear on any date in which their cases are scheduled. If not present, cases may be dismissed for failure to prosecute. Such a dismissal would not prevent refiling of a case or taking the case to the Grand Jury where deemed appropriate by the Attorney General's office. **NOTE:** Officers up all night prior to trial will be given priority where possible on a court date. Officers need to bring this to the attention of the court at the beginning of the docket by signing the court form and telling the court during docket sounding.

RULE 24. JUDGE CONFLICTS OF INTEREST/NEED FOR RECUSAL.

The General Sessions Judges always desire to avoid any impropriety in hearing a case due to conflicts of interest, appearance of impropriety or any lawful or ethical reason. Attorneys or litigants need to bring any such issue to the attention of the Court. See Supreme Court Rule concerning recusal.

RULE 25. PRELIMINARY HEARINGS

Preliminary hearings are conducted to determine issues of probable cause. Tennessee law recognizes reasonable discovery purposes in preliminary hearings and this Court will allow reasonable discovery. The Court can restrict proof where probable

cause has been established but will exercise reasonable discretion in allowing/disallowing proof.

RULE 26. PROBATION OFFICERS

The Court expects criminal defendants and attorneys to respect all probation officers and rules. Criminal defendants are subject to violation of probation warrants or contempt of court citations for any mistreatment of probation officers.

Probation officers shall have a duty to see that criminal defendants fully meet their conditions for probation including payment of fines, costs and restitution, public service work, and any other special conditions of probation.

RULE 27. CLERK/COURT PERSONNEL

The Court expects all litigants, attorneys, parties, witnesses and participants of any nature to respect all clerks and court personnel. The Court will not tolerate abuse of these public servants. Serious, chronic or repeated problems will subject any person to restricted access to Sessions Court.

RULE 28. BONDING COMPANIES

Bonding companies must comply with the strict duties and obligations of the law. Bonding companies must secure the appearance of criminal defendants whose bond the company makes or be subject to prompt payment pursuant to law. No demands shall be made of court personnel or clerks by bonding companies or agents.

Bonding companies shall apply for all relief by written motion with the clerk. All outstanding bonds where defendant has absconded shall be reviewed every six months by the court.

RULE 29. PRETRIAL MOTIONS OR MOTIONS TO SUPPRESS

Pretrial motions or motions to suppress must be made in writing to the opposing side, whenever reasonably possible. Attorneys must bring to the attention of the Court any pretrial motions, including suppression of evidence motions and any motions pertaining to inadequacy of warrants or criminal pleadings, prior to trial or hearing on the date of the trial or hearing. The Court will seriously consider suppression motions if properly brought to the Court's attention. Failure to address any of these types of issues in advance may result in waiver of any of said issues.

RULE 30. AVAILABILITY OF ATTORNEY GENERAL'S OFFICE

The criminal days of the Sessions Court have been scheduled to encourage defense counsel to meet and consult with the Attorney General's office prior to the day of trial or hearing.

The County Prosecutor has been assigned by the Attorney General's office to handle DUI/misdemeanor trials on Tuesdays, Gatlinburg and Pigeon Forge DUI and misdemeanor trials on Wednesdays, and misdemeanor hearings in Sevierville on Thursdays. Said county prosecutor is available at his office on Mondays and Fridays for discussion of cases and other potential days following court.

The Assistant District Attorney will try the felony docket on Friday and be available to discuss these cases on other days according to their trial schedule in other courts.

The court's schedule anticipates and requires that defense counsel and the District Attorney's office discuss cases in advance of the hearing date so as to expedite the trial process and facilitate handling of numerous cases on each hearing day.

The Attorney General's office is also expected to be available for discussions at least 30 minutes (8:30 a.m.) prior to beginning the day's docket (9:00 a.m.).

RULE 31. DISCUSSIONS/STIPULATIONS BETWEEN PARTIES

All parties in civil and criminal cases are expected to discuss their cases in advance of trial and narrow the issues where possible. Discussions need to take place in advance of the trial date when possible.

RULE 32. ISSUES OF RESTITUTION IN CRIMINAL CASES

If restitution is claimed by the state as a proper issue for probation, reasonable proof of valid restitution amounts needs to be submitted on the date of trial or shortly thereafter (not to exceed 30 days) in order for the court to consider or order the same. The defendant shall be entitled to contest the amount of restitution as restitution must relate to the actual reasonable loss under the law.

RULE 33. DUI/CRIMINAL VIDEOS AND ARREST REPORTS

When law enforcement agencies video DUI stops or make other videos which are potentially to be used in General Sessions Court, said agencies must reasonably make said videos available for review by the defendant or defense counsel and by the State or allow for copying of the same. Reasonable costs for reproduction may be charged.

Arrest reports are to be made available to attorneys prior to trial if request is made for the same.

RULE 34. WRITTEN ESTIMATES OR REPORTS AS PROOF

If any party intends to use a written estimate or report as substantive evidence at a trial or hearing without having such witness who made the estimate or report available at the hearing, such party shall submit said report to the other side at least **10** days in advance of trial. The receiving party shall advise the submitting party of any objections in writing within **5** days of seeing such report. If no objection is made, the party desiring to submit this evidence may do so. If objection is made, the submitting party must produce the witness for the hearing as a live witness or by deposition, unless otherwise allowed by law or rule of evidence.

Parties are encouraged to cooperate in a reasonable manner so as to avoid unnecessary expenses, particularly on cases involving limited amounts or small claims.

RULE 35. PRETRIAL CONFERENCES

Parties can request a pretrial conference for purposes of discussing complex or dispositive issues with the Court or to request or suggest a special setting due to the nature of the case or issues. The judges have dates available for pretrial conferences with their judicial secretary. Phone requests or written requests can be made with the secretary who will coordinate a date with the appropriate judge.

RULE 36. INITIAL APPEARANCE/ARRAIGNMENT

The regular schedule of General Sessions Court now has initial appearance/arraignment days on each Monday and Friday except for holidays or special occasions.

The defendant shall appear unless waived in writing by defendant's attorney. A waiver form is attached to these rules.

At the initial appearance, the Court shall do the following:

1. Read rights to each criminal defendant as set out on the plea forms.
2. Give each defendant the opportunity to fill out a form to request a court appointed attorney. The Court will rule on this issue prior to the defendant leaving the courtroom. If the defendant does not fill out a form on the date of the initial appearance and/or no earlier than four weeks before trial or preliminary hearing, the defendant shall be deemed to have waived counsel. The defendant must be ready to proceed on the date of the hearing.
3. Address issues regarding bond for incarcerated defendants.
4. Give each defendant the date, time and location of his/her preliminary hearing or trial.

RULE 37. JUVENILE COURT RULES OF COURT

Juvenile Court Rules of Procedure are provided separately and are available with the General Sessions Clerk and/or the Juvenile Court Clerk.

The Court's policy is to try cases on the trial or hearing date absent justifiable or compelling reasons.

ENTERED this the 27th day of August, 2012, effective immediately.

S/_____
JUDGE JEFF D. RADER

S/_____
JUDGE DWIGHT E. STOKES

DRESS CODE

IN THE GENERAL SESSIONS, PROBATE & JUVENILE COURTS SEVIER COUNTY, TENNESSEE

ORDER

Effective September 1, 1998, anyone appearing in the General Sessions, Probate and/or Juvenile Courts of Sevier County, Tennessee must comply with the following dress code.

- 1) No tank tops or halter tops are permitted.
- 2) No shorts. All dresses, skirts, and like clothing must be of an appropriate length.
- 3) Tee shirts or other types of clothing with profane language, illegal substances or offensive logos shall not be worn.
- 4) Shoes or sandals will be worn at all times.
- 5) Hats, caps, etc., will not be worn in the courtroom.
- 6) With the exception of law enforcement officers, no firearms or other weapons will be allowed in the courtroom. All officers appearing in the courtroom on cases shall have their badges visible.

ORDERED this the 8th day of September, 1998.

S/_____
Jeff D. Rader, Judge

S/_____
Dwight E. Stokes, Judge

APPENDIX #1

**GENERAL SESSIONS COURT SCHEDULE
PART I & II**

WEEK ONE

	<u>MONDAY</u>	<u>TUESDAY</u>	<u>WEDNESDAY</u>	<u>THURSDAY</u>	<u>FRIDAY</u>
<u>PART I</u>	MISDMNR TRAFFIC	CRIMINAL DUI***	GBURG/PF CRIMINAL	CIVIL UNCTD CTY SPDG	CRIMINAL FELONY
<u>PART II</u>	CIVIL CONTESTED	JUVENILE CRIMINAL	JUVENILE CIVIL	CRIMINAL DUI***	TROOPER

WEEK TWO

<u>PART I</u>	CIVIL CONTESTED	JUVENILE CRIMINAL	JUVENILE CIVIL	CRIMINAL DUI***	TROOPER
<u>PART II</u>	MISDMNR TRAFFIC	CRIMINAL DUI***	GBURG/PF CRIMINAL	CIVIL UNCTD CTY SPDG	CRIMINAL FELONY

***This indicates a 9:00 A.M. and a 1:30 P.M. docket
All other courts begin at 9:00 A.M.

APPENDIX #2

CONTINUANCE POLICY

1. If State or Defendant desires a continuance, and the case is less than 90 days old and is a 1st setting:

a. contact opposing side and request continuance at as early a date as possible.

i. If it is agreeable, contact appropriate deputy clerk (Connie for Judge Stokes, Penny for Judge Rader) and obtain new date which will be a date certain and available to all parties.

Make sure all witnesses and parties are contacted and notified of new date.

ii. If not agreeable to each side, file a written motion for continuance with facts and circumstances for justifying continuance. Judge will rule on motion without argument.

iii. After one continuance, no continuance will be granted absent compelling circumstances of illness, death in family or like problems.

2. If older than 90 days and/or is not a first setting, court approval must be obtained.

**IN THE GENERAL SESSIONS COURT FOR
SEVIER COUNTY, TENNESSEE**

ORDER

Based upon General Sessions Court having problems regarding continuing cases due to failure of law enforcement and defense counsel to exchange videotapes (or review evidence) on a timely basis, the General Sessions Court Judges desire to make it clear that there are duties on law enforcement and defense counsel to cooperate to exchange the videos (or review evidence) in order not to delay trials or disposition of cases.

Due to this, the General Sessions Judges order the following in keeping with Local Rule 33:

1. Defense counsel shall make a request for videos (or review evidence) as soon as possible and preferably at least 30 days prior to trial. If retained as attorney for an accused closer to the trial date, request should be made immediately upon being hired. A copy of the written request shall also be sent to the Attorney General's Office. The request shall include the date of the hearing and the video/information requested.
2. Law enforcement agencies shall make copies of videos and send the copies to (or allow to be picked up by) defense counsel to allow preparation for trial. A reasonable charge may be required due to preparation time and expense.
3. If the video is not made available (or review of appropriate evidence) at least 10 days before the trial date, defense counsel should bring said fact to the attention of the judge immediately for corrective action so as not to delay trial. Corrective action should NOT be necessary and should be the great exception, as cooperation should take place.

4. If the video is not made available prior to trial after reasonable request pursuant to this order, the defendant upon motion may possibly have the video suppressed or the charge dismissed or other appropriate court order according to a review of all the circumstances by the hearing judge.

This shall take effect immediately in the interest of justice.

ENTER this the 27th day of August, 2012.

S/ _____
Honorable Jeff D. Rader, Part I

S/ _____
Honorable Dwight E. Stokes, Part II

**Judge Jeff D. Rader, Part I
Judge Dwight E. Stokes, Part II
General Sessions Judges
Court Avenue Suite 109W
Sevierville, TN 37862**