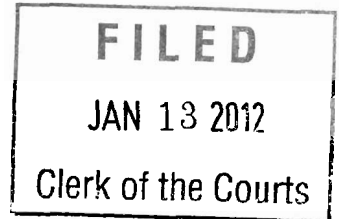


**IN THE SUPREME COURT OF TENNESSEE  
AT NASHVILLE**

**IN RE: AMENDMENTS TO TENNESSEE  
RULES OF CRIMINAL PROCEDURE**



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**No. M2011-01820-SC-RL2-RL - Filed: January 13, 2012**

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**ORDER**

The Court adopts the attached amendments effective July 1, 2012, subject to approval by resolutions of the General Assembly. The rules amended are as follows:

RULE 36 CLERICAL MISTAKES  
RULE 47 MOTIONS.

The text of each amendment is set out in the attached Appendix.

IT IS SO ORDERED.

PER CURIAM

***APPENDIX***

**2012 AMENDMENTS TO THE  
TENNESSEE RULES OF CRIMINAL PROCEDURE**

In the attached amended rule, underlining indicates added text.

# TENNESSEE RULES OF CRIMINAL PROCEDURE

## RULE 36

### CLERICAL MISTAKES

[Amend Rule 36 as indicated below (new text underlined):]

After giving any notice it considers appropriate, the court may at any time correct clerical mistakes in judgments, orders, or other parts of the record, and errors in the record arising from oversight or omission. Upon filing of the corrected judgment or order, the defendant or the state may initiate an appeal as of right pursuant to Rule 3, Tennessee Rules of Appellate Procedure.

#### Advisory Commission Comment [2012]

Tenn. R. Crim. P. 36 is amended to provide for an appeal as of right from the trial court's filing of a corrected judgment or order. A corresponding amendment to Tenn. R. App. P. 3 is also adopted.

Tenn. R. App. P. 24(a) lists the items which must be included in the record on appeal. In an appeal as of right from the entry of a corrected judgment or order pursuant to Tenn. R. Crim. P. 36, the record on appeal should include the listed items (e.g., papers filed in the trial court, exhibits, transcript or statement of the evidence or proceedings, etc.) pertaining to the original judgment or order, as well as those items pertaining to the corrected judgment or order. As provided by Tenn. R. App. P. 24(a), however, the parties may designate that only certain items be included “[i]f less than the full record on appeal. . .is deemed sufficient to convey a fair, accurate and complete account of what transpired with respect to those issues that are the bases of appeal[.]”

TENNESSEE RULES OF CRIMINAL PROCEDURE

RULE 47

MOTIONS

[Add new Comment below; the text of the rule is unchanged:]

Advisory Commission Comment [2012]

Effective July 1, 2012,, the Supreme Court adopted Tenn. Sup. Ct. R. 10B, governing motions seeking disqualification or recusal of a judge. Section 1 of Rule 10B provides a procedural framework for determining when the judge of a court of record should not preside over the case. In summary, Section 1 provides for the filing of a motion for disqualification or recusal and also provides for the judge’s prompt ruling on the motion. Section 2 of Rule 10B governs appeals from the denial of such motions, and it provides that such appeals may be effected either by filing an interlocutory appeal as of right authorized by the rule or by raising the disqualification or recusal issue in an appeal as of right at the conclusion of the case. Under Section 2.01, those two methods of appeal are “the *exclusive* methods for seeking appellate review of any issue concerning the trial court’s ruling on a motion filed pursuant to this Rule.” (Emphasis added.) As a result, “neither Tenn. R. App. P. 9 nor Tenn. R. App. P. 10 may be used to seek an interlocutory or extraordinary appeal by permission concerning the judge’s ruling on such a motion.” Tenn. Sup. Ct. R. 10B, Explanatory Comment to Section 2.

Attorneys or self-represented litigants should consult Tenn. Sup. Ct. R. 10B concerning the procedure for filing motions seeking the disqualification or recusal of a judge and for appealing from a denial of such a motion.