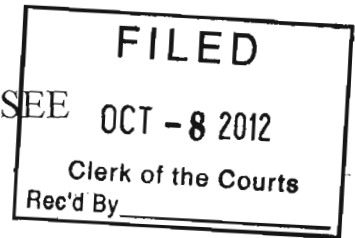


IN THE SUPREME COURT OF TENNESSEE
AT NASHVILLE



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

No. M2012-02132-SC-RL2-RL - Filed: October 8, 2012

ORDER

On July 27, 2011, the Court filed an order adopting Rule 17A, Rules of the Tennessee Supreme Court, as well as an Order of Deferral (Judicial Diversion) (“diversion order”). The order provided that the changes would take effect on November 1, 2011. Following the effective date, the Court received informal comments regarding the newly-adopted diversion order. Having considered those comments, the Court proposes amending the diversion order. The proposed diversion order is attached as Appendix A.

The Court hereby publishes the proposed diversion order for public comment and solicits written comments from the bench, the bar, and the public. Written comments shall be received by the Clerk no later than Friday, December 7, 2012. Written comments should be addressed to:

Mike Catalano, Clerk
Tennessee Appellate Courts
100 Supreme Court Building
401 7th Avenue North
Nashville, TN 37219-1407

and should reference the docket number set out above.

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 A

IN THE CRIMINAL/CIRCUIT COURT OF _____ COUNTY, TENNESSEE

Case Number: _____ Count # _____ Counsel for the State: _____
 Judicial District: _____ Judicial Division: _____ Counsel for the Defendant: _____
State of Tennessee Retained Private Atty Appt Pub Def 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