

Table of Contents

PART I. INTRODUCTION

CHAPTER 1. INTRODUCTION

§ 1:1 Scope and purpose

PART II. ARREST AND CRIMINAL INVESTIGATIVE PROCEDURES

CHAPTER 2. ARRESTS

§ 2:1 Scope
§ 2:2 Definitions of arrest
§ 2:3 Immunity from arrest
§ 2:4 Delay in making arrest
§ 2:5 Place of arrest
§ 2:6 Degree of force
§ 2:7 Right to resist illegal arrest
§ 2:8 What persons have an officer's power to arrest
§ 2:9 Overview of prerequisites for warrantless arrests
§ 2:10 Probable cause—Generally
§ 2:11 Probable cause to arrest
§ 2:12 —Illustrative cases—United States Supreme Court
§ 2:13 Arrest by officer—Generally
§ 2:14 —Offense committed in presence of officer
§ 2:15 —Domestic violence
§ 2:16 Affidavits of complaint
§ 2:17 Magistrates who may issue arrest warrants
§ 2:18 Issuance of arrest warrants
§ 2:19 Execution and return of arrest warrant
§ 2:20 Arrests by private citizens
§ 2:21 Extradition of fugitives—The Uniform Criminal Extradition Act—Generally
§ 2:22 Extradition of fugitives from Tennessee—Fugitive warrant
§ 2:23 —Governor's extradition warrant
§ 2:24 —Waiver of extradition
§ 2:25 —Habeas corpus
§ 2:26 Extradition of fugitives to Tennessee

CHAPTER 3. STOP-AND-FRISK

§ 3:1 Generally
§ 3:2 The “threshold” question—When is a person “seized”?
§ 3:3 Objective basis for “stop”—Reasonable suspicion—Generally
§ 3:4 —Personal observations
§ 3:5 —Information from third persons
§ 3:6 Scope and duration of detention of persons

- § 3:7 Objective basis for “frisk”
- § 3:8 Scope of “frisk”
- § 3:9 Sobriety checkpoints

CHAPTER 4. SEARCH AND SEIZURE

- § 4:1 Constitutional provisions
- § 4:2 Definitions of search and seizure
- § 4:3 Protected areas and interests
- § 4:4 Governmental action
- § 4:5 Property which may be seized
- § 4:6 Who may apply for a search warrant?
- § 4:7 Judicial officers who may issue search warrants
- § 4:8 Probable cause for issuance of search warrant—Generally
- § 4:9 —Hearsay information provided by officer, victim or private citizen
- § 4:10 —Hearsay information provided by “informer”
- § 4:11 —Time
- § 4:12 —Description of place to be searched
- § 4:13 —Reason for searching place
- § 4:14 —Thing to be seized
- § 4:15 Affidavit and issuance of search warrant
- § 4:16 Execution of search warrant—Generally
- § 4:17 —Detention and search of person present
- § 4:18 —Property which may be seized—Generally
- § 4:19 Return by officer
- § 4:20 Warrantless searches—Generally
- § 4:21 —Incident to lawful arrest—Generally
- § 4:22 — —Scope of search
- § 4:23 —Valid stop-and-frisk
- § 4:24 —Exigent circumstances
- § 4:25 —Officer in hot pursuit
- § 4:26 —Valid consent—Generally
- § 4:27 —Valid consent by third person
- § 4:28 —Scope and duration of consent
- § 4:29 —Abandoned property and trash
- § 4:30 —Open view and plain view doctrines—Generally
- § 4:31 — —Inadvertent discovery
- § 4:32 — —Object in plain view
- § 4:33 — —Lawful right to be at place from which view is made
- § 4:34 — —Illegality of seized items immediately apparent
- § 4:35 — —Access to property
- § 4:36 —Plain feel
- § 4:37 —Aerial surveillance
- § 4:38 —Open fields
- § 4:39 —Jails, prisons, probationers and parolees
- § 4:40 —Border searches
- § 4:41 —Administrative searches
- § 4:42 —Vehicles—Overview of some United States Supreme Court cases
- § 4:43 — —Generally

TABLE OF CONTENTS

- § 4:44 — —Incident to valid arrest
- § 4:45 — —Probable cause—Generally
- § 4:46 — —Inventory search after impound
- § 4:47 —The “so-called” community caretaking exception
- § 4:48 Results of illegal search

CHAPTER 5. CONFESSIONS AND SELF-INCRIMINATION

- § 5:1 Confessions and admissions—Generally
- § 5:2 Prompt presentation before magistrate
- § 5:3 Voluntariness—Fourteenth Amendment due process
- § 5:4 *Massiah* and *Escobedo*—Pre-Miranda theories and the Sixth Amendment
- § 5:5 Right to counsel—The confusing relationship between the Fifth and Sixth Amendments
- § 5:6 *Miranda v. Arizona*—Generally
- § 5:7 —Custody
- § 5:8 —Interrogation
- § 5:9 —Adequacy of warnings
- § 5:10 Waiver—Generally
- § 5:11 —After initial invocation of right to remain silent
- § 5:12 —After initial request to see a lawyer
- § 5:13 Comments on defendant’s silence
- § 5:14 Psychiatric evaluations
- § 5:15 Juveniles—Confessions and admissions
- § 5:16 Non-testimonial evidence
- § 5:17 Results of illegally obtained evidence

CHAPTER 6. PRE-TRIAL IDENTIFICATION

- § 6:1 Scope
- § 6:2 Summary of the law
- § 6:3 Survey of United States Supreme Court cases
- § 6:4 Right to counsel
- § 6:5 Consequences of violating right to counsel
- § 6:6 Due process standard—Generally
- § 6:7 —Requirement of state action
- § 6:8 —Lineups
- § 6:9 —Showups
- § 6:10 —Photographic identification
- § 6:11 Motions
- § 6:12 Practice tips

CHAPTER 7. THE EXCLUSIONARY RULE

- § 7:1 Generally
- § 7:2 Collateral use of evidence—Impeachment
- § 7:3 —Non-criminal trial proceedings
- § 7:4 Application of the rule—“Fruit of the poisonous tree”
- § 7:5 Attenuation exception—Generally
- § 7:6 —Discovery of prosecution witness
- § 7:7 —Confessions

- § 7:8 Independent source exception
- § 7:9 Inevitable discovery exception
- § 7:10 Good faith exception
- § 7:11 Criminal conduct committed after constitutional violation

PART III. THE COMMENCEMENT OF FORMAL PROCEEDINGS

CHAPTER 8. RIGHT TO COUNSEL

- § 8:1 General considerations
- § 8:2 Scope of right to counsel
- § 8:3 Indigency and appointment of counsel
- § 8:4 Waiver of counsel and self-representation
- § 8:5 Telephone call from defendant in custody
- § 8:6 Initial interview
- § 8:7 Contract of employment
- § 8:8 Investigation and preparation
- § 8:9 Counsel's control over the case
- § 8:10 Multiple representation—Conflicts of interest
- § 8:11 Ineffective assistance of counsel

CHAPTER 9. BAIL AND PRE-TRIAL RELEASE

- § 9:1 General considerations
- § 9:2 Capital cases
- § 9:3 Statutory and constitutional criteria in determining amount of bail
- § 9:4 Bail hearing
- § 9:5 Bail revocation hearing
- § 9:6 Appellate review of pre-trial bail orders
- § 9:7 Performance guidelines

CHAPTER 10. GENERAL SESSIONS COURT: PRELIMINARY HEARING AND MISDEMEANOR TRIAL

- § 10:1 Initial appearance
- § 10:2 General considerations and purpose of preliminary examination
- § 10:3 Right to preliminary hearing
- § 10:4 Right to counsel
- § 10:5 Evidence at preliminary hearing
- § 10:6 Probable cause standard for bindover
- § 10:7 Procedure at preliminary hearing
- § 10:8 Cross-examination concerns
- § 10:9 Waiver of preliminary hearing
- § 10:10 Dismissal or bindover from probable cause hearing
- § 10:11 Record of hearing
- § 10:12 Judicial review of preliminary examination
- § 10:13 Waiver of preliminary hearing—Misdemeanor trials and guilty pleas in general sessions court

TABLE OF CONTENTS

- § 10:14 Misdemeanors—Appeal de novo to Circuit or Criminal Court
- § 10:15 Performance guidelines
- § 10:16 Practice tips

PART IV. PRE-TRIAL JUDICIAL PROCEEDINGS

CHAPTER 11. GRAND JURY

- § 11:1 Introduction
- § 11:2 Historical background
- § 11:3 Making up jury lists
- § 11:4 Grand juror qualifications
- § 11:5 Selecting a grand jury
- § 11:6 Selecting a foreperson
- § 11:7 Swearing of foreperson and grand jury
- § 11:8 Instructing grand jury as to its powers and duties
- § 11:9 Kinds of objections and challenges to grand jury
- § 11:10 Timing of objections to grand jury and challenges to the array
- § 11:11 Constitutional challenges to the array—Equal protection, fair cross-section and due process
- § 11:12 Grand jury secrecy
- § 11:13 Recording of proceedings and discovery of grand jury testimony
- § 11:14 Witnesses and evidence before grand jury
- § 11:15 Witness immunity
- § 11:16 Handling of the indictment

CHAPTER 12. INDICTMENTS, PRESENTMENTS AND INFORMATIONS

- § 12:1 Scope
- § 12:2 Definitions and general considerations
- § 12:3 Formal requirements—Commencement, caption and conclusion
- § 12:4 —Signature of district attorney
- § 12:5 —Indorsement of prosecutor
- § 12:6 —Indorsement by foreperson
- § 12:7 —Signatures of grand jurors
- § 12:8 —Indorsement of names of witnesses
- § 12:9 Contents—General—Statement of offense
- § 12:10 —Time
- § 12:11 —Place
- § 12:12 —Name of defendant and victim
- § 12:13 —Description of property
- § 12:14 —Value and amount
- § 12:15 —Parties to crime
- § 12:16 —Conspiracy
- § 12:17 —Exceptions to criminal liability

- § 12:18 —Statute of limitations
- § 12:19 —Charging in the alternative
- § 12:20 Duplicity
- § 12:21 Multiplicity
- § 12:22 Joinder of offenses
- § 12:23 Joinder of defendants
- § 12:24 Waiver of right to indictment or presentment
- § 12:25 Information
- § 12:26 Offenses committed by juveniles
- § 12:27 Amendments
- § 12:28 Motions to dismiss—Timing
- § 12:29 Reindictments
- § 12:30 Bill of particulars
- § 12:31 Variance

CHAPTER 13. DISCOVERY

- § 13:1 Scope
- § 13:2 Historical development
- § 13:3 Arguments for expanding discovery
- § 13:4 Proceedings to which Rule 16 applicable
- § 13:5 Possession of the prosecution
- § 13:6 Statements of defendant
- § 13:7 Statements of co-defendants
- § 13:8 Prior record of defendant
- § 13:9 Tangible objects and documents
- § 13:10 Reports of examinations and tests
- § 13:11 Witnesses and informants
- § 13:12 Prosecution's right to discovery
- § 13:13 Prosecution's discovery—Documents and tangible objects
- § 13:14 —Reports of examinations and tests
- § 13:15 —Witnesses
- § 13:16 —Non-communicative evidence
- § 13:17 Continuing duty to make disclosure
- § 13:18 Work product doctrine
- § 13:19 Sanctions for failure to comply with a request
- § 13:20 Procedural considerations—Time limitations
- § 13:21 —Requests, motions and ex parte matters
- § 13:22 —Responses to requests/motions
- § 13:23 —The hearing
- § 13:24 —Order on ruling of court
- § 13:25 —Stipulations
- § 13:26 Interlocutory appeals from discovery orders
- § 13:27 Exculpatory evidence—"Brady material"
- § 13:28 Lost or destroyed evidence
- § 13:29 Performance guidelines

CHAPTER 14. PRE-TRIAL MOTIONS

- § 14:1 General considerations
- § 14:2 Time of filing
- § 14:3 Hearings on motions

TABLE OF CONTENTS

§ 14:4	Motion for bill of particulars
§ 14:5	Motion to dismiss—Generally
§ 14:6	—Defects in indictment
§ 14:7	—Defects in grand jury
§ 14:8	—Lack of preliminary hearing
§ 14:9	—Prosecutorial vindictiveness
§ 14:10	—Jurisdiction of offense
§ 14:11	—Void for vagueness
§ 14:12	—Statute of limitations
§ 14:13	—Pre-indictment delay
§ 14:14	—Speedy trial
§ 14:15	—Double jeopardy
§ 14:16	Motion to amend indictment
§ 14:17	Motion to determine competency to stand trial
§ 14:18	Motion to determine sanity at time of offense
§ 14:19	Motion to join defendants
§ 14:20	Motion to sever defendants
§ 14:21	Motion to join offenses
§ 14:22	Motion to sever offenses
§ 14:23	Motion for change of venue
§ 14:24	Motion for recusal of judge
§ 14:25	Motion to suppress—Generally
§ 14:26	—Procedural considerations and burden of proof
§ 14:27	—Standing or expectation of privacy—Generally
§ 14:28	— —United States Supreme Court cases
§ 14:29	—Standing—Criteria for establishing expectation of privacy and general rules
§ 14:30	— —State cases
§ 14:31	—False affidavits
§ 14:32	Ex parte motions
§ 14:33	Performance guidelines related to motions

CHAPTER 15. PRE-TRIAL NOTICES

§ 15:1	Notices—General considerations
§ 15:2	Notice of state’s intention to use evidence
§ 15:3	Notice of alibi
§ 15:4	Notice of insanity defense or expert testimony of mental condition
§ 15:5	Notice of affirmative defense
§ 15:6	Notice of entrapment
§ 15:7	Notice of intent to use prior conviction for impeachment purposes
§ 15:8	Notice of intent to use prior bad acts for impeachment purposes
§ 15:9	Notice of intent to seek enhanced sentence
§ 15:10	Notice of intent to seek death penalty or life without parole

CHAPTER 16. DOUBLE JEOPARDY

§ 16:1	General considerations
--------	------------------------

- § 16:2 Proceedings in which jeopardy attaches
- § 16:3 When jeopardy attaches
- § 16:4 Re-prosecution after a prior acquittal or dismissal
- § 16:5 Re-prosecution after a prior conviction or acquittal—The same or lesser-included offenses
- § 16:6 Re-prosecution after a mistrial
- § 16:7 Collateral estoppel and mandatory joinder
- § 16:8 Multiple punishments for same offense—Convictions for multiple criminal offenses under “different” statutes—“Multiple description” claims:
- § 16:9 —“Multiple description” claims—Discrete acts
- § 16:10 —Convictions for multiple offenses under the “same” statute—“Unit-of-prosecution” claims:
- § 16:11 Re-prosecution after reversal on appeal
- § 16:12 Sentencing on retrial
- § 16:13 Dual sovereignty doctrine

CHAPTER 17. INTERLOCUTORY APPEALS

- § 17:1 Generally
- § 17:2 Interlocutory appeal—General considerations
- § 17:3 —Proceedings in the trial court
- § 17:4 —Proceedings in the Court of Criminal Appeals
- § 17:5 —Stay of proceedings in trial court
- § 17:6 —Oral argument in the Court of Criminal Appeals
- § 17:7 —Ruling of the Court of Criminal Appeals
- § 17:8 —Appellate procedure after granting
- § 17:9 —Appellate review by the Tennessee Supreme Court
- § 17:10 Extraordinary appeal—General considerations
- § 17:11 —Procedure
- § 17:12 —Appellate review by the Tennessee Supreme Court

CHAPTER 18. PLEA BARGAINING AND GUILTY PLEA

- § 18:1 Plea bargaining—General considerations
- § 18:2 —Legal aspects
- § 18:3 Practice of plea bargaining
- § 18:4 The ten commandments of defense plea bargaining
- § 18:5 Pre-trial diversion—Eligibility and general considerations
- § 18:6 —Agreed cases
- § 18:7 —Contested cases
- § 18:8 Arraignment
- § 18:9 Types of pleas
- § 18:10 Plea agreements
- § 18:11 Guilty plea procedure
- § 18:12 Appeal following guilty plea
- § 18:13 Withdrawal of guilty plea

PART V. TRIAL

CHAPTER 19. PRELIMINARY MATTERS AND GENERAL REQUIREMENTS

- § 19:1 The trial—Preliminary matters
- § 19:2 —Public trial and free press
- § 19:3 Electronic and photographic news coverage of proceedings
- § 19:4 The judge
- § 19:5 The district attorney general
- § 19:6 The defendant
- § 19:7 Jury trial versus trial by judge
- § 19:8 Subpoenas—Generally
- § 19:9 —Prisoners in state or local correctional facility
- § 19:10 —Interstate witness procedures
- § 19:11 Depositions
- § 19:12 Pre-trial conferences
- § 19:13 Setting of cases and continuances
- § 19:14 Conduct of attorneys
- § 19:15 Guidelines for general trial preparation

CHAPTER 20. THE JURY

- § 20:1 Background—Trial by jury
- § 20:2 Juror qualifications, excuses and postponements
- § 20:3 Making jury list and summoning the pool
- § 20:4 Jury list and questionnaires
- § 20:5 Voir dire—Generally
- § 20:6 Challenges for cause—Generally
- § 20:7 —Death qualification
- § 20:8 Peremptory challenges—Generally
- § 20:9 —Limitations—*Batson v. Kentucky*
- § 20:10 Points for consideration in jury selection
- § 20:11 Swearing the jury and admonitions
- § 20:12 Sequestration
- § 20:13 Performance guidelines for voir dire and jury selection

CHAPTER 21. OPENING STATEMENTS

- § 21:1 General considerations
- § 21:2 “Invoking the rule”—Sequestration of witnesses
- § 21:3 Reading the indictment
- § 21:4 Purpose of opening statement
- § 21:5 State’s opening
- § 21:6 Defendant’s opening
- § 21:7 Practical considerations
- § 21:8 Objections
- § 21:9 Performance guidelines for opening statements

CHAPTER 22. PRESENTING THE STATE’S CASE

- § 22:1 General considerations

- § 22:2 Burden of proof
- § 22:3 Reasonable doubt
- § 22:4 Presumption of innocence
- § 22:5 Presumptions and inferences
- § 22:6 Venue, jurisdiction and statute of limitations
- § 22:7 Corpus delicti—Confessions—Corroboration
- § 22:8 Confessions and Jackson-Denno hearings
- § 22:9 Confessions—Admissibility in joint trials—Bruton issues
- § 22:10 Witnesses—Generally
- § 22:11 —Accomplices
- § 22:12 —Impeachment—Generally
- § 22:13 — —Prior convictions
- § 22:14 — —Bad character or conduct
- § 22:15 — —Prior inconsistent statements
- § 22:16 — — —Production of statements
- § 22:17 — —Bias or prejudice
- § 22:18 Evidence—Generally
- § 22:19 —Unfair prejudice
- § 22:20 —Circumstantial
- § 22:21 —Character and proof of other crimes—Generally
- § 22:22 —Character of the defendant
- § 22:23 —Character of the victim
- § 22:24 —Proof of other crimes by defendant
- § 22:25 —Hearsay—Confrontation Clause—Generally
- § 22:26 — —Statements of conspirators
- § 22:27 — —Excited utterance
- § 22:28 — —Fresh complaint
- § 22:29 — —Dying declaration
- § 22:30 — —Mental or emotional state or physical condition
- § 22:31 — —Former testimony
- § 22:32 —Chain of custody
- § 22:33 Objections to evidence
- § 22:34 Offers of proof
- § 22:35 Motion for mistrial
- § 22:36 Resting the state’s case
- § 22:37 Variance between indictment and proof
- § 22:38 Motion to compel election
- § 22:39 Motion for judgment of acquittal
- § 22:40 Performance guidelines for challenging the prosecution’s case

CHAPTER 23. PRESENTING THE DEFENDANT’S CASE AND ATTACKS THEREON

- § 23:1 General considerations
- § 23:2 The defendant as a witness
- § 23:3 Impeachment of a defendant—Prior convictions
- § 23:4 —Bad character or conduct
- § 23:5 Defendant’s good character
- § 23:6 Confession of a third party and prior self-serving statements

TABLE OF CONTENTS

- § 23:7 Alibi
- § 23:8 Evidence implicating another person
- § 23:9 Defenses—Generally
- § 23:10 Insanity
- § 23:11 Diminished capacity
- § 23:12 Intoxication
- § 23:13 Ignorance or mistake of fact
- § 23:14 Duress
- § 23:15 Entrapment
- § 23:16 Necessity
- § 23:17 Self-defense
- § 23:18 Defense of third person
- § 23:19 Renunciation
- § 23:20 Performance guidelines for presenting the defense case

CHAPTER 24. FROM REBUTTAL TO SPECIAL REQUESTS

- § 24:1 Rebuttal evidence
- § 24:2 Reopening the case
- § 24:3 Special requests for jury instructions

CHAPTER 25. CLOSING ARGUMENT

- § 25:1 General considerations
- § 25:2 Number, order and length of arguments
- § 25:3 Scope of argument—Prosecutorial “sandbagging”
- § 25:4 —Generally
- § 25:5 Improper argument—Prosecutorial misconduct—Generally
- § 25:6 —Comments on defendant’s failure to testify
- § 25:7 —Facts outside record or misstatement of evidence
- § 25:8 —Personal belief or opinion
- § 25:9 —Appeals to passion or prejudice
- § 25:10 —Attempts to divert jury from its duty
- § 25:11 Scope of argument—Limitations on defense counsel’s argument
- § 25:12 Objections and standards for evaluating error
- § 25:13 Performance guidelines

CHAPTER 26. SUBMITTING THE CASE TO THE JURY

- § 26:1 Special requests for jury instructions
- § 26:2 Instructions—Generally
- § 26:3 —Comment on evidence
- § 26:4 —Defining offense charged
- § 26:5 —Lesser-included offenses
- § 26:6 — —Quick reference chart
- § 26:7 —Defenses
- § 26:8 —Matters that must be charged
- § 26:9 —Flight
- § 26:10 —Missing witness rule

- § 26:11 —Multiple defendants
- § 26:12 Sequential charges
- § 26:13 Objections to charge
- § 26:14 Custody, conduct and deliberations of jury
- § 26:15 Sending evidence to jury room
- § 26:16 Sending indictment to jury room
- § 26:17 Reading testimony to jury
- § 26:18 Communicating with jury—Supplemental instructions
- § 26:19 Deadlocked jury—Allen charge and lesser-included offense
procedure
- § 26:20 Mistrial
- § 26:21 Performance guidelines

CHAPTER 27. THE VERDICT

- § 27:1 General considerations
- § 27:2 Mechanics related to verdicts
- § 27:3 Multiple counts and defendants
- § 27:4 Consistency of verdict
- § 27:5 Amending the verdict
- § 27:6 Polling the jury
- § 27:7 Impeaching the verdict—Jury misconduct

PART VI. SENTENCING

CHAPTER 28. SENTENCING

- § 28:1 Scope
- § 28:2 Sentencing laws in Tennessee
- § 28:3 Classification of offenses
- § 28:4 Sentencing ranges
- § 28:5 Special categories
- § 28:6 Release eligibility dates
- § 28:7 Presentence reports
- § 28:8 Sentencing hearing
- § 28:9 Imposition of sentence—Determining range and specific
sentence
- § 28:10 Enhancement factors—Generally
- § 28:11 —History of criminal convictions or behavior
- § 28:12 —Leader of offense
- § 28:13 —Multiple victims
- § 28:14 —Vulnerable victim
- § 28:15 —Exceptional cruelty
- § 28:16 —Great injuries or damage
- § 28:17 —Pleasure or excitement
- § 28:18 —Failure to comply with release conditions
- § 28:19 —Possession of deadly weapon
- § 28:20 —High risk to human life
- § 28:21 —Prior felony involving death or serious bodily injury
- § 28:22 —Intentional infliction of serious bodily injury
- § 28:23 —Felony committed on release status

TABLE OF CONTENTS

§ 28:24	—Abuse of public or private trust
§ 28:25	—Offense on school property
§ 28:26	—Juvenile adjudications
§ 28:27	—Hate crimes
§ 28:28	—Terrorism
§ 28:29	—Aggravated assault upon an officer
§ 28:30	—Use of drugs to commit sex offenses
§ 28:31	—Sex offenses and HIV status
§ 28:32	—Arson or vandalism of place of worship
§ 28:33	—Selling drugs to minor
§ 28:34	—Theft causing vandalism
§ 28:35	—Theft or vandalism committed during state of emergency
§ 28:36	—Robbery of pharmacy
§ 28:37	—Violent offense against uniformed personnel
§ 28:38	—Illegal alien
§ 28:39	—Theft of firearm from vehicle
§ 28:40	—Assaultive offense on hospital grounds
§ 28:41	—Offense by law enforcement officer
§ 28:42	Mitigating factors
§ 28:43	Consecutive sentences
§ 28:44	Misdemeanor sentencing
§ 28:45	Appeal of sentence
§ 28:46	Capital punishment and life imprisonment without parole

CHAPTER 29. ALTERNATIVES TO INCARCERATION

§ 29:1	Alternative sentencing—Overview
§ 29:2	—General considerations, principles, and guidelines
§ 29:3	Full probation
§ 29:4	Judicial diversion
§ 29:5	Revocation of probation
§ 29:6	Community corrections
§ 29:7	Revocation of community corrections
§ 29:8	Split or periodic confinement
§ 29:9	Restitution
§ 29:10	Fines and costs
§ 29:11	Community service

PART VII. POST-TRIAL PROCEEDINGS

CHAPTER 30. POST-JUDGMENT MOTIONS

§ 30:1	Motion for judgment of acquittal
§ 30:2	Motion in arrest of judgment
§ 30:3	Motion for new trial—Procedural considerations
§ 30:4	—Grounds
§ 30:5	Motion for reduction of sentence
§ 30:6	Motion to correct illegal sentence
§ 30:7	Motion to correct clerical mistake

CHAPTER 31. APPEALS

- § 31:1 Introduction
- § 31:2 Motion for new trial
- § 31:3 Release pending appeal
- § 31:4 Counsel's duty to protect appeal
- § 31:5 Waiver and voluntary dismissal of appeal
- § 31:6 Notice of appeal
- § 31:7 Late notice of appeal
- § 31:8 Preparation of the record
- § 31:9 Motions
- § 31:10 Briefs—Technical requirements
- § 31:11 —Practical suggestions
- § 31:12 Reply briefs
- § 31:13 Meritless briefs
- § 31:14 Oral argument and decision
- § 31:15 Petition for rehearing
- § 31:16 Withdrawal after adverse decision of Court of Criminal Appeals
- § 31:17 Appeal by permission from Court of Criminal Appeals to Tennessee Supreme Court
- § 31:18 Automatic review of death sentence

CHAPTER 32. STATE POST-CONVICTION REMEDIES

- § 32:1 Post-conviction remedies—Overview
- § 32:2 Post-Conviction Procedure Act—Generally
- § 32:3 —Grounds for relief
- § 32:4 — —Ineffective assistance of counsel—Generally
- § 32:5 — — —Deficient performance
- § 32:6 — — —Prejudice
- § 32:7 — — —Illustrative cases
- § 32:8 — —Ineffective assistance of appellate counsel
- § 32:9 — —Ineffective assistance of counsel—Raising issue on direct appeal
- § 32:10 — —Delayed appeal
- § 32:11 —Waiver of issues
- § 32:12 —Previously determined issues
- § 32:13 —Statute of limitations
- § 32:14 —The petition
- § 32:15 —Preliminary consideration, preliminary order and amendments
- § 32:16 —Answer or motion to dismiss
- § 32:17 —Mandatory obligations of counsel
- § 32:18 —Evidentiary hearing
- § 32:19 —Ruling and final order
- § 32:20 —Reopening the petition
- § 32:21 —Death penalty
- § 32:22 —Performance guidelines
- § 32:23 —Practice tips
- § 32:24 Post-Conviction DNA Analysis Act—Generally

TABLE OF CONTENTS

§ 32:25	—Petition
§ 32:26	—Preliminary procedure and summary dismissal
§ 32:27	—Testing and results
§ 32:28	—Hearing
§ 32:29	Habeas corpus—Generally
§ 32:30	—The petition
§ 32:31	—Preliminary procedure and summary dismissal
§ 32:32	—Issuance and hearing
§ 32:33	Writ of error coram nobis—Generally
§ 32:34	—Procedure
§ 32:35	Post-Conviction Fingerprint Analysis Act—Generally
§ 32:36	—Petition
§ 32:37	—Preliminary procedure and summary dismissal
§ 32:38	—Testing and results
§ 32:39	—Hearing

Table of Laws and Rules

Table of Cases

Index