

**IN THE SECOND CIRCUIT COURT FOR DAVIDSON COUNTY, TENNESSEE
TWENTIETH JUDICIAL DISTRICT**

IN RE: DOMESTIC VIOLENCE CASES

PRETRIAL ORDER

PREAMBLE AND TABLE OF CONTENTS

PREAMBLE:

This Court, having heard *motions in limine* in preparation for numerous criminal cases, and having repeatedly granted certain *motions in limine*, hereby **ORDERS** that the following be applied to all domestic violence related criminal cases before this Court.

Further, should a party wish that the ORDER/S be lifted, that party must file a written motion stating such grounds during the applicable filing deadlines.

TABLE OF CONTENTS:

- 1.) Order to partially prohibit the State from calling the complainant a “victim” during trial.
- 2.) Order directing the exclusion of witnesses.
- 3.) Order directing the disclosure of *Brady* material.
- 4.) Order directing the timely disclosure of *Jenks* material.
- 5.) Order prohibiting the introduction of hearsay statements unless argued outside of the presence of the jury.
- 6.) Order prohibiting “classic case of domestic violence” arguments.

**IN THE SECOND CIRCUIT COURT FOR DAVIDSON COUNTY, TENNESSEE
TWENTIETH JUDICIAL DISTRICT**

IN RE: DOMESTIC VIOLENCE CASES

COURT ORDER 1:

Order to partially prohibit the State from calling the complainant a “victim” during trial.

It is hereby **ORDERED**, that the State shall not refer to the complainant as a “victim” during the course of the trial with the following exceptions:

- 1.) During *voir dire* when inquiring whether the jury will be able to find that someone is a victim of domestic violence.
- 2.) The State may, during opening statements, offer that the “State will prove. . .” or “that the evidence will show. . .” that the complainant is a “victim”, and
- 3.) In closing arguments, without limitation.



Honorable Judge Amanda McClendon
Second Circuit

Date: 2-7 2017

**IN THE SECOND CIRCUIT COURT FOR DAVIDSON COUNTY, TENNESSEE
TWENTIETH JUDICIAL DISTRICT**

IN RE: DOMESTIC VIOLENCE CASES

COURT ORDER 2:

Order directing the exclusion of witnesses.

It is hereby **ORDERED**, pursuant to Rule 615, Tennessee Rules of Evidence, that all witnesses (including rebuttal witnesses) shall be excluded from the courtroom before *voir dire*. Further, this Court **ORDERS** that all persons are not to disclose, by any means, to any excluded witnesses, any prior trial testimony or exhibits created in the courtroom by themselves or any other prior witness.



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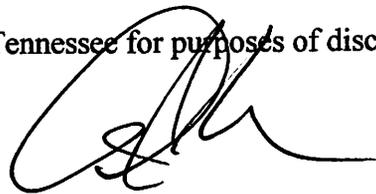
IN RE: DOMESTIC VIOLENCE CASES

COURT ORDER 3:

Order directing the disclosure of *Brady* Material to the defense.

It is hereby **ORDERED**, pursuant to the Due Process Clause of the Fourteenth Amendment to the United States Constitution as interpreted and applied by *Brady v. Maryland*, 373 U.S. 83 (U.S. 1963), *Giglio v. United States*, 405 U.S. 150 (1972) and *United States v. Bagley*, 473 U.S. 667 (1985), as well as Article I, §§ 8 and 9 of the Tennessee Constitution, that the State of Tennessee must disclose the content of any and all *Brady* material to the defense as soon as the State becomes aware of its existence. Further, it is hereby **ORDERED** that any statements by the State's witnesses that were made to any and all employees or agents of the State of Tennessee, which have not already been provided to the defense, must be disclosed, to the extent disclosure is required by the aforementioned authorities.

Further, this Court finds that employees and volunteers of the Jean Crowe Advocacy Center are not agents or employees of the State of Tennessee for purposes of discovery.



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IN RE: DOMESTIC VIOLENCE CASES

COURT ORDER 4:

Order directing the timely disclosure of *Jenks* material

It is hereby **ORDERED**, pursuant to T.C.A. §40-17-120, that the State provide the defense with any witness statements that were made prior to trial, and that the disclosure be made out of the presence of the jury so as to comport with the Due Process Clause of the 14th Amendment to the United States Constitution. *United States v. Gardin*, 382 F.2d 601 (2nd Cir. 1967), *United States v. Curry*, 512 F.2d 1299, 1302-1303 (4th Cir. 1975). Further, it is hereby **ORDERED** that the Court shall provide the defense with enough time for the defense to read these statements out of the presence of the jury, as due process requires. *See United States v. Hinton*, 631 F.2d 769, 27 Cr.L. 2256 (D.C. Cir. 1980).



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COURT ORDER 5:

Order prohibiting the introduction of hearsay statements unless otherwise litigated outside the presence of the jury.

It is hereby ORDERED, pursuant to *Crawford v. Washington*, 124 S.Ct. 1354 (2004), and Tennessee Constitution Article I, § 9, that all hearsay testimony, offered by either party, shall be excluded from trial unless they have been litigated outside of the presence of the jury, preferably during pre-trial motions.



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Second Circuit

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**IN THE SECOND CIRCUIT COURT FOR DAVIDSON COUNTY, TENNESSEE
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IN RE: DOMESTIC VIOLENCE CASES

COURT ORDER 6:

Order prohibiting “classic case of domestic violence” arguments.

It is hereby **ORDERED**, pursuant to the Fifth, Sixth and Fourteenth Amendments to the United States Constitution and Article 1, §§ 8 and 9 of the Tennessee Constitution, that neither party shall make any mention whatsoever, to the jury, of any “domestic violence” cases in general, the importance of domestic violence issues in the community or any allusion to bring to the jury’s attention such cases and or issues.



Honorable Judge Amanda McClendon
Second Circuit

Date: 2-7-2017