

IN THE COURT OF CRIMINAL APPEALS OF TENNESSEE
AT NASHVILLE

FILED

10/20/2026

Clerk of the
Appellate Courts

**IN RE: AMENDMENT TO RULE 8, RULES OF THE COURT OF
CRIMINAL APPEALS OF TENNESSEE**

No. ADM2026-01610

ORDER

Pursuant to Tennessee Rule of Appellate Procedure 45 and Tennessee Code Annotated section 16-3-407, the Court unanimously adopts the amendment to Tennessee Court of Criminal Appeals Rule 8 set out in the appendix to this Order. The amended rule replaces the existing rule in its entirety and shall take effect immediately upon entry of this Order.

The Clerk of the Appellate Courts is directed to provide a copy of this Order, including the appendix, to LexisNexis and Thomson Reuters. This Order, including the appendix, shall also be posted on the Tennessee State Courts website.

It is so ordered.

PER CURIAM

APPENDIX

Tenn. Ct. Crim. App. R. 8

Tennessee Court of Criminal Appeals Rule 8 (*With Changes Shown*):

Rule 8. Extensions of Time, Continuances and Waivers of Oral Argument.

- (a) Policy. Delays in the final disposition of criminal appeals are a matter of increasing and justified concern. The policy of this court is to achieve prompt preparation and disposition of criminal cases. Accordingly, motions which delay the disposition of an appeal in this court are looked upon with disfavor.
- (b) Extensions of Time. The court will grant extensions of time in compliance with Rule 21(b), T.R.A.P. Requests for an extension of time shall be by motion in conformity with Rule 22(b), T.R.A.P., ~~and shall be accompanied by an affidavit setting forth the reasons for the extension sought. The motion shall also state whether or not the opposing party consents to the extension of time.~~
- (c) No Brief or Motion may be Filed with the Clerks of this Court after the Expiration of the Time for Filing as Provided in the Rules. Such documents shall be lodged with the clerk with a written motion for permission to file the brief or motion after the expiration of the applicable ~~deadline~~time period. The motion to late-file should show good cause for suspension of the Rules in accordance with Rule 2, T.R.A.P. and Rule 2 of these Rules.
- (d) Continuances of Oral Argument. When a case is set for submission, it will not be continued or reset to the next docket except upon motion in conformity with Rule 22, T.R.A.P. The motion must state whether or not the opposing party consents to the continuance. Motions for continuance of oral argument which are filed after the ~~last Thursday before the case is set for~~ oral argument docket has been released will only be granted under exigent circumstances.
- (e) Waiver of Oral Argument. ~~Counsel may waive oral argument after it has been requested by notifying the Clerk of this Court except where the request is made after the last Thursday before the case is set for submission to the Court. In such cases, counsel must file a written motion in conformity with Rule 22, T.R.A.P., which shall be accompanied by an affidavit stating that opposing counsel is aware of the waiver~~

~~and has no objection. If opposing counsel does not agree to the waiver, the written motion will only be granted upon a showing of good cause. Moreover, in the event that counsel fails to comply with the requirements set forth in this rule, he or she may be subject to costs incurred by opposing counsel due to the waiver of oral argument.~~

- (1) Before a case is set for oral argument, counsel may withdraw a request for oral argument by notifying the Clerk, subject to Tenn. R. App. P. 35(a). For purposes of this rule, a case is deemed “set for oral argument” when the Appellate Court Clerk provides notice of oral argument pursuant to Tenn. R. App. P. 35(b).
- (2) (i) After a case has been set for oral argument, a party may waive its participation in oral argument only by order of the Court upon the party’s written motion.
 - (ii) Any motion seeking to waive oral argument under this subsection (2) shall demonstrate good cause based upon circumstances that were not reasonably foreseeable before the case was set, including any material change in circumstances arising thereafter. The motion shall comply with Tenn. R. App. P. 22. If the motion relies upon facts not appearing in the record, those facts shall be supported as required by Tenn. R. App. P. 22(a). The motion shall also state counsel’s efforts to contact adverse counsel and whether the motion is opposed, as required by Tenn. R. App. P. 22(b).
 - (iii) The Court may assess against the moving party or counsel any reasonable expenses incurred by an opposing party in preparing for or appearing at oral argument to the extent that those expenses were incurred because of, or rendered unnecessary by, the requested waiver under this subsection (2).

Tennessee Court of Criminal Appeals Rule 8 (*As Amended*):

Rule 8. Extensions of Time, Continuances and Waivers of Oral Argument

- (a) Policy. Delays in the final disposition of criminal appeals are a matter of increasing and justified concern. The policy of this court is to achieve prompt preparation and disposition of criminal cases. Accordingly, motions which delay the disposition of an appeal in this court are looked upon with disfavor.
- (b) Extensions of Time. The court will grant extensions of time in compliance with Rule 21(b), T.R.A.P. Requests for an extension of time shall be by motion in conformity with Rule 22(b), T.R.A.P.
- (c) No Brief or Motion may be Filed with the Clerks of this Court after the Expiration of the Time for Filing as Provided in the Rules. Such documents shall be lodged with the clerk with a written motion for permission to file the brief or motion after the expiration of the applicable deadline. The motion to late-file should show good cause for suspension of the Rules in accordance with Rule 2, T.R.A.P. and Rule 2 of these Rules.
- (d) Continuances of Oral Argument. When a case is set for submission, it will not be continued or reset to the next docket except upon motion in conformity with Rule 22, T.R.A.P. The motion must state whether or not the opposing party consents to the continuance. Motions for continuance of oral argument which are filed after the oral argument docket has been released will only be granted under exigent circumstances.
- (e) Waiver of Oral Argument.
 - (1) Before a case is set for oral argument, counsel may withdraw a request for oral argument by notifying the Clerk, subject to Tenn. R. App. P. 35(a). For purposes of this rule, a case is deemed “set for oral argument” when the Appellate Court Clerk provides notice of oral argument pursuant to Tenn. R. App. P. 35(b).
 - (2) (i) After a case has been set for oral argument, a party may waive its participation in oral argument only by order of the Court upon the party’s written motion.

- (ii) Any motion seeking to waive oral argument under this subsection (2) shall demonstrate good cause based upon circumstances that were not reasonably foreseeable before the case was set, including any material change in circumstances arising thereafter. The motion shall comply with Tenn. R. App. P. 22. If the motion relies upon facts not appearing in the record, those facts shall be supported as required by Tenn. R. App. P. 22(a). The motion shall also state counsel's efforts to contact adverse counsel and whether the motion is opposed, as required by Tenn. R. App. P. 22(b).
- (iii) The Court may assess against the moving party or counsel any reasonable expenses incurred by an opposing party in preparing for or appearing at oral argument to the extent that those expenses were incurred because of, or rendered unnecessary by, the requested waiver under this subsection (2).