S T A T E O F T E N N E S S E E
OFFICE OF THE
ATTORNEY GENERAL
425 FIFTH AVENUE NORTH
NASHVILLE, TENNESSEE 37243

June 12, 2000

Opinion No. 00-108

Jurisdiction of Gibson County General Sessions Court

QUESTIONS

In 1869 a separate circuit court was created within Gibson County, Tennessee, known as the Law Court of Humboldt. Today Gibson County remains divided into two jurisdictions with separate General Sessions Courts and Grand Juries, one of each in Trenton and one of each in Humboldt, with one judge presiding over both General Sessions Courts, raising the following questions:

1. May cases that arise within the geographical boundaries of the Law Court of Humboldt be prosecuted in the Gibson County General Sessions Court?

2. If the answer to that question is no, may such cases be heard in the Gibson County General Sessions Court upon agreement of all parties?

3. If the General Sessions Court of Gibson County does not have jurisdiction to hear cases arising within the territorial limits of the Law Court of Humboldt, what is the effect of guilty findings in such cases? May, for example, a conviction for DWI in such a situation be used for enhancement purposes at a later date?

4. If the answer to the above questions is that such cases must be brought in the Humboldt General Sessions Court as opposed to the Gibson County General Sessions Court, what is the effect of the convictions previously obtained in such way?

5. If the answer to the above questions is that such cases may be brought in the Gibson County General Sessions Court, to which Grand Jury would they be bound over, Humboldt or Gibson County.

OPINIONS

1. Yes. The Gibson County General Sessions Court was created with countywide jurisdiction, although it appears to have been separated into two parts, and is not precluded from hearing cases arising within the geographical boundaries of the Law Court of Humboldt. Therefore, your questions two through four need not be addressed.

5. Criminal offenses that occurred in the civil districts covered by the Law Court of

Humboldt should be brought for presentment or indictment before the Grand Jury of that court.

ANALYSIS

1. The Public Acts of 1868-69, Chapter 22, created the Law Court of Humboldt. As stated in the Act, and as interpreted by the Tennessee Supreme Court in *White v. Garner*, 241 S.W.2d 518 (Tenn. 1951)(copy attached), this court is vested with common law jurisdiction over several civil districts, including the Third Civil District of Gibson County, in which the city of Humboldt is situated. For purposes of your questions, the relevant parts of the Act provide:

> "Sec. 2. Be it further enacted, That the Law Court of Humboldt has general common law jurisdiction, original and appellate, in all cases at law, of a civil or criminal character, arising in the civil districts named in the first section of this Act, *and that no resident of said districts shall be sued in the Circuit Court of Gibson County, nor presented or indicted therein, unless the offense was committed in the county out of said districts.* Where the court has the jurisdiction of the cause of action, counterparts of writs may issue from said court for joint defendants residing out of said districts."

(Emphasis added)

> "Sec. 4. Be it further enacted, That the Law Court of Humboldt shall have all the powers within the local jurisdiction that belong by law to the Circuit Courts of this State."

Therefore, the Law Court of Humboldt has original circuit court jurisdiction of all criminal offenses committed in those civil districts. Criminal offenses committed outside those civil districts may be presented or indicted in the Circuit Court of Gibson County.

Your questions, however, address the jurisdiction of the Gibson County General Sessions Court. Based on the applicable statutory authority and the information you have provided, it appears that the Gibson County General Sessions Court is one court of countywide jurisdiction divided into two parts presided over by one judge. The Courts of General Sessions in Tennessee are established pursuant to Tenn. Code Ann. §§16-15-101, *et seq*., have the powers and duties defined by Tenn. Code Ann. §§16-15-401, *et seq*., and possess the general jurisdiction provided by Tenn. Code Ann. §§16-15-501, *et seq*. Tenn. Code Ann. §16-15-501(a) provides that the jurisdiction of the Court of General Sessions shall be coextensive with the county. Therefore, the Gibson County General Sessions Court has countywide jurisdiction to try and dispose of all misdemeanor cases, irrespective of the location of the offense in the county. Accordingly, it is the opinion of this Office that the Gibson County General Sessions Court, sitting in two parts with one judge, is not subject to the same jurisdictional limits as the Law Court of Humboldt, rendering your next three questions

inapplicable.[1]

5. Due to the jurisdictional requirements of the Public Acts of 1868-69, Chapter 22, it is the opinion of this Office that criminal offenses that occurred in the civil districts covered by the Law Court of Humboldt should be brought for presentment or indictment before the Grand Jury of that court.

PAUL G. SUMMERS
Attorney General and Reporter

MICHAEL E. MOORE
Solicitor General

MARK E. DAVIDSON
Assistant Attorney General

Requested by:

Honorable Clayburn L. Peeples
District Attorney General
Twenty-Eighth Judicial District
110 S. College Street, Suite 200
Trenton, Tennessee 38382

[1]For a detailed discussion of which part of such a court offenders should be brought before pursuant to Tenn. R. Crim. P. 3.5 and Tenn. R. Crim. P. 5(a), see Op. Atty. Gen. No. 99-149 (copy attached).