S T A T E O F T E N N E S S E E
OFFICE OF THE
ATTORNEY GENERAL
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October 17, 2000

Opinion No. 00-157

Appeal from Juvenile Court

QUESTION

A defendant charged with contributing to the delinquency of a child has submitted to the jurisdiction of the juvenile court and waived his right to a jury trial on that charge. The defendant is convicted and wishes to file an appeal. In which court should that appeal be filed?

OPINION

The defendant should file his appeal in either the circuit court or the criminal court.

ANALYSIS

When a defendant is charged with contributing to the delinquency of a minor, juvenile court is statutorily authorized to adjudicate the matter. Upon a plea of not guilty, the defendant can request that the juvenile court conduct a hearing without a jury if the defendant expressly waives an indictment, presentment, grand jury investigation and jury trial in writing.[1]

A juvenile court conducting such a hearing exercises concurrent jurisdiction with the general sessions court.[2] A defendant can appeal from a conviction in general sessions court to either the circuit court or the criminal court of the county. The circuit or criminal court shall then conduct a trial, de novo, either with or without a jury.[3] This same appeal process lies from a final order or judgment of a juvenile court in a delinquency proceeding. Such an appeal may be filed in the criminal court or court having criminal jurisdiction which shall try the case de novo.[4]

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[1]Tenn. Code Ann. § 37-1-156(b).

[2]Tenn. Code Ann. § 37-1-104(b).

[3]Tenn. Code Ann. § 27-3-131; Tenn. R. Crim. P. 5(c)(2).

[4]Tenn. Code Ann. § 37-1-159(a). *See also* Tenn. R. Juv. P. 36(a).

Although the legislature has not explicitly directed the process for a defendant seeking to appeal a conviction of contributing to the delinquency of a minor from juvenile court, based on the

appeal process in other misdemeanor appeals from general sessions court and the appeals process in delinquency proceedings from juvenile court, it appears that the same process is to be followed. Therefore, it is the opinion of this Office that the defendant should file his appeal in either the circuit court or the criminal court of the county.

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