

STATE OF TENNESSEE  
OFFICE OF THE ATTORNEY GENERAL

March 13, 2015

Opinion No. 15-20

**Multiple Crimes in Single Warrant**

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**Question**

Can an individual arrest warrant issued by a judicial commissioner contain more than one criminal charge?

**Opinion**

No. Ideally, an arrest warrant should contain a single criminal charge.

**ANALYSIS**

The issuance of an arrest warrant is one way to commence a criminal prosecution. Tenn. Code Ann. § 40-2-104. The process for issuing an arrest warrant and the requirements for the form and contents of an arrest warrant are controlled by statute. *See* Tenn. Code Ann. §§ 40-6-201 through -217. An arrest warrant is defined as “an order, in writing, stating the substance of the complaint, directed to a proper officer, signed by a magistrate, and commanding the arrest of the defendant.” Tenn. Code Ann. § 40-6-201. An arrest warrant “gives notice of *the charge* which must be answered.” Tenn. R. Crim. P. 4 (emphasis added), Advisory Comm’n Cmts; *Jones v. State*, 206 Tenn. 245, 332 S.W.2d 662, 667 (Tenn. 1960) (“The purpose of a warrant is to give an accused person notice that he is charged with some offense.”).

Before an arrest warrant may be issued, a magistrate must examine the affidavit of complaint and be satisfied that there is probable cause to believe “*an offense*” has been committed and that the defendant committed “*the offense*.” Tenn. Code Ann. §§ 40-6-203 through -205 (emphasis added); *see also* Tenn. R. Crim. P. 4(a). The warrant is required to “state *the offense* either by name, or so that *it* can be clearly inferred.” Tenn. Code Ann. § 40-6-208(b) (emphasis added); *see also* Tenn. R. Crim. P. 4(c)(1)(D) (“The arrest warrant shall describe *the* offense charged in the affidavit of complaint.”)

In fact, the suggested form of an arrest warrant is set out in the statute itself as follows:

Information on oath having been made to me [the issuing magistrate] that *the offense* of (designating or describing *it*) has been committed . . . You [any lawful officer of the state] are, therefore, commanded . . . to arrest C.D., and bring C. D. before me . . . to answer *the charge*.

Tenn. Code Ann. § 40-6-207 (emphasis added).

Since the process, the form, and the contents of an arrest warrant are set by statute, whether a single arrest warrant may be issued for more than one criminal charge is a question of statutory construction. “The most basic principle of statutory construction is to ascertain and give effect to the legislative intent without unduly restricting or expanding a statute’s coverage beyond its intended scope.” *Owens v. State*, 908 S.W.2d 923, 926 (Tenn. 1995); *see also Carter v. Bell*, 279 S.W.3d 560, 564 (Tenn. 2009). Legislative intent is to be discerned from the precise wording of the statute, giving those words their natural and ordinary meaning within the context of the legislation as a whole and not utilizing any forced construction that would extend the statute’s meaning. *Chapman v. Davita, Inc.*, 380 S.W.3d 710, 714 (Tenn. 2012); *Lee Medical, Inc. v. Beecher*, 312 S.W.3d 515, 526 (Tenn. 2010).

Here, the legislature’s precise language is unambiguous. All references to “offense” and “charge” in the statutes that govern the warrant process, contents, and form are singular, as shown by the terms emphasized in the statutory language quoted above. *See* Tenn. Code Ann. §§ 40-6-203 through -208 (referencing “the offense,” “the offense charged,” “it,” “the charge.”) Likewise, Tennessee Rules of Criminal Procedure 4(a) and 4(c)(1)(D) are couched in the singular, mirroring that statutory language. *See also State v. Tait*, 114 S.W.3d, 518, 523 (Tenn. 2003) (“The statute mandates that the warrant state *the offense* either by name, or so that *it* can be clearly inferred, and . . . the contents of a warrant for arrest must inform the accused of the nature of *the charge*.”) (emphasis added).<sup>1</sup>

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<sup>1</sup> Moreover, as a practical matter, including multiple offenses in a single warrant may create procedural difficulties relating to the resolution of those charges at the general sessions level. For instance, a clerk’s record-keeping system may tie a conviction to an individual warrant number such that it cannot reflect a second/separate conviction based on the same number. In such a circumstance, the court clerk would be unable to enter multiple convictions based on a single warrant for future use by the prosecution to enhance charges or impose mandatory incarceration in appropriate cases. *See e.g.*, Tenn. Code Ann. § 39-14-202(f)(1) and (2) (A first conviction for animal cruelty is a Class A misdemeanor; a second or subsequent conviction is a Class E felony); Tenn. Code Ann. § 39-13-111(c)(1)-(3) (providing for mandatory incarceration of 30, 60 or 90 days depending on the number of prior domestic assault convictions).

The consistent use of the singular when referring to the offense or charge to be included in a warrant leaves no ambiguity. Since there is no ambiguity, there is no need to look to rules of statutory construction. When the statutory language is plain, as it is here, the words must be given their natural and ordinary meaning and the scope of the governing provisions should not be extended. The statutory language, given its natural and ordinary meaning, plainly contemplates that an arrest warrant will contain only one criminal charge.

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