

**IN THE CRIMINAL COURT
FOR THE THIRTIETH JUDICIAL DISTRICT
AT MEMPHIS**

DIVISION III

| | | |
|----------------------------|---|---------------------------------|
| JASON WHITE, |) | |
| PETITIONER, |) | |
| |) | |
| VS. |) | INDICTMENT NO.: 17-01568 |
| |) | |
| |) | |
| STATE OF TENNESSEE, |) | |
| RESPONDENT. |) | |

ORDER DENYING MOTION FOR RECUSAL

This cause came to be heard on the Petitioner's Motion for Recusal filed on May 15, 2020, and upon the entire record in this cause.

FROM ALL OF WHICH IT APPEARS TO THE COURT AS FOLLOWS:

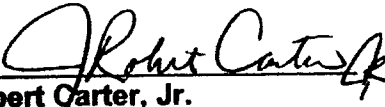
Petitioner has filed a Motion for Recusal in this cause. Pursuant to Tennessee Supreme Court Rule 10 B, no action has been taken on this matter pending the disposal of Petitioner's Motion.

As a basis for the Motion, Petitioner cites this court's rulings during the pre-trial portion of Petitioner's case, at the trial and even after the trial. Such adverse rulings do not create a basis for this court to recuse itself. All of the rulings were able to be (and generally were) the subject of Petitioner's direct appeal.

Petitioner further complains of what he calls an unfair ex parte communication between the State's attorney and the court. He refers to a brief colloquy in open court that accompanied the entry of an Order to transport the Petitioner from the Tennessee Department of Corrections back to Shelby County for purpose of arrangement on this charge. (Petitioner was serving a separate sentence when the actions that gave rise to this case occurred.) This type of communication is specifically allowed for purposes of "scheduling, administrative, or emergency purposes" and ultimately concerned allegations that were to be (and were) determined by the trier of fact which was a jury in this case. There was simply no prejudice to Petitioner.

In the case at hand this court has no prejudice against or partiality for the parties.
Accordingly, the Motion to Recuse is hereby denied.

This is the 28 day of August, 2020.



J. Robert Carter, Jr.
Judge - Division III

Filed 8-28-20
Heidi Kuhn, Clerk
BY HW D.C.