

Alabama Rules of Appellate Procedure

Rule 13.

Transmission of original item from the trial court.

Any party to an appeal or any member of the appellate court in which the appeal is pending may request that an original of any photocopied paper, document, written charge, exhibit, etc., in the record on appeal, or the original of an omitted paper, document, written charge, exhibit, etc., be delivered to the appellate court. The request shall be made to the clerk of the appropriate appellate court. Upon receipt of such request, the clerk of the appellate court shall send written direction to the clerk of the trial court for the requested original and notify all parties of such direction. The clerk of the trial court shall photocopy the original and forward the original to the clerk of the appellate court, retaining the photocopy in the trial court clerk's office. Following disposition in the appellate court, the clerk of the appellate court shall return the original to the clerk of the trial court, after making a photocopy of any original which was not in the record on appeal.

[Amended 11-19-96, eff. 1-1-97.]

Committee Comments

This rule provides that a party or a member of the appellate court to which a case is taken may have an original sent to the appellate court. The procedure is straight forward and not cumbered with technicalities. See Form 20 for request.

The rule does provide that original material not included in a designated record on appeal may be brought to the attention of the appellate court. Provision is made for the appellate court clerk to photocopy such non-included original so that the appellate court record may be complete.

Court Comment to Amendment to Rule 13

Effective January 1, 1997

The amendment to Rule 13 removes gender specific pronouns.