

Alabama Rules of Criminal Procedure

Rule 11. Incompetency and mental examinations.

Rule 11.5. Disclosure of mental health evidence.

(a) REPORTS OF APPOINTED PSYCHOLOGISTS AND PSYCHIATRISTS. Upon completion of the clinical examination of a defendant, copies of the written report(s) regarding the defendant's mental competency to stand trial shall be forwarded to the circuit judge, the defendant's attorney, the district attorney, and, upon further order of the court, to others having a proper interest therein. The original report(s) shall be filed with the clerk of the court, under seal.

(b) REPORTS OF OTHER EXPERTS. Either party, on demand, shall make available to the opposing party, for examination and reproduction, a listing of the names and addresses of experts who have personally examined a defendant or any evidence in the particular case and whose opinions counsel intends to offer on the issue of competency, together with the results of mental examinations and the results of scientific tests, experiments, or comparisons, including all written reports or statements made by them in connection with the particular case. This provision does not limit the State's duty to disclose such information under other appropriate rule or the duty to produce exculpatory evidence.

(c) TIMING OF DISCLOSURES. Disclosures required by this rule shall be made within seven (7) days after demand or receipt of the reports, whichever is later, unless otherwise ordered by the circuit court.

[Amended 10-1-96.]

Comments to Rule 11.5 as Amended Effective October 1, 1996

Subsection (a) has been revised to correct problems that were being encountered with the reports not reaching the clerk's office for filing.

All reports prepared by psychologists or psychiatrists pursuant to Rule 11 are to be disclosed to the circuit court, to the defendant's attorney, and to the district attorney. This rule is in keeping with the general philosophy of the rules, which is to keep both sides apprised of what they are to be confronted with at a competency hearing or trial. This philosophy encourages the parties to stipulate and/or settle and preserves valuable "in court" time for the trial of genuinely contested matters.

Rule 11.2 and Rule 11.8 preclude the use against a defendant of "self-incriminatory" evidence derived from a Rule 11 examination.