

Alabama Rules of Criminal Procedure

Rule 30. Appeals from municipal and district courts.

Rule 30.1. Right to appeal.

(a) TRIAL DE NOVO. A defendant convicted of an offense in a municipal court or a district court shall have the right to appeal the judgment, within fourteen (14) days of the date of the judgment or the denial of a timely filed post-judgment motion, to the circuit court for a trial de novo.

(b) APPEAL BY MUNICIPALITY FROM MUNICIPAL COURT. From a judgment of the municipal court holding an ordinance invalid, the municipality may appeal to the circuit court, without bond, within fourteen (14) days of the date of the judgment or the denial of a timely filed post-judgment motion.

(c) APPEAL BY STATE OR MUNICIPALITY FROM DISTRICT COURT. From a judgment of the district court holding a statute or an ordinance invalid, the state or a municipality may appeal to the circuit court within fourteen (14) days of the date of the judgment or to the appropriate appellate court under Rule 30.2 within forty-two (42) days of the date of the judgment.

Committee Comments

Under the Judicial Article Implementation Act, the circuit court has jurisdiction of appeals from municipal and district courts. Ala.Code 1975, § 12-11-30.

The right to appeal from a judgment of a municipal or district court to the circuit court is purely statutory. The right is granted to those parties in a municipal court case in the Judicial Article Implementation Act, Ala.Code 1975, § 12-14-70, and in district court cases under Ala.Code 1975, §§ 12-12-70 and 12-12-71. Ala.Code 1975, § 12-12-72, provides for appeals directly to the appellate courts in certain cases. See, also, §§ 12-12-70(b) and (d).

Pursuant to Ala.Code 1975, § 12-14-70, a defendant may appeal from the entry of a municipal court judgment in “any case.” Ala.Code 1975, § 12-12-70, provides that in a criminal or quasi-criminal case tried in district court, the defendant may appeal from a final judgment. “For a judgment to be final, it must ... reflect a complete resolution of each and every matter in controversy.... In short, [it] must be conclusive and certain.” *Potter v. Owens*, 535 So.2d 173, 174 (Ala.Civ.App.1988).

The term “convicted” in section (a) is used in its usual sense to connote a final judgment on a judicial finding of guilt or a plea of guilty; therefore, pursuant

to this rule, the defendant in a criminal case shall be allowed to appeal to the circuit court for a trial de novo even after entering a plea of guilty in district or municipal court. See ABA, Standards for Criminal Justice, *Criminal Appeals* 21-1.3(a)(iii) (2d ed. 1986). This procedure follows present practice authorizing an appeal from “a final judgment” under § 12-12-70 and an appeal “in any case ... from entry of judgment” pursuant to § 12-14-70 and specifically supersedes Ala.Code 1975, § 15-15-26, prohibiting appeal following a guilty plea.

Section (b) of Rule 30.1 changes the statutory time for a municipality to appeal from a judgment of the municipal court holding an ordinance invalid from sixty (60) days to fourteen (14) days. Ala.Code 1975, § 12-14-70(b).

Section (c) of Rule 30.1 conforms with the statutory right of a state or a municipality to appeal to the circuit court from a judgment of the district court holding a statute or ordinance invalid. Ala.Code 1975, §§ 12-12-70(c) and 12-14-70(b).