

## **Alabama Rules of Appellate Procedure**

### **Rule 45.**

#### **Error without injury.**

No judgment may be reversed or set aside, nor new trial granted in any civil or criminal case on the ground of misdirection of the jury, the giving or refusal of special charges or the improper admission or rejection of evidence, nor for error as to any matter of pleading or procedure, unless in the opinion of the court to which the appeal is taken or application is made, after an examination of the entire cause, it should appear that the error complained of has probably injuriously affected substantial rights of the parties.

#### **Committee Comments**

Rule 45 is former Alabama Supreme Court Rule 45, slightly modified. The former reference in the rule to reversal of judgments or new trials granted “by this Court or by any other Court of this State” has been deleted, since the rule is now intended to apply to the courts of appeals as well as to the Supreme Court, but inasmuch as these are appellate rules, the reference to “any other court of this State” is inappropriate. It should be noted that ARCP Rule 61, Harmless Error, is substantially equivalent to this rule.

Prior Rule 45 was broad enough in its language to permit a liberal application within the spirit of these rules.