

Alabama Rules of Criminal Procedure

Rule 16. Discovery.

Rule 16.4. Protective orders and conditions of discovery.

(a) **SHOWING.** Upon a sufficient showing, the court shall at any time order that the discovery, examination, or inspection permitted by this rule be denied, restricted, or deferred, or make such other order as is appropriate. Upon motion by a party, the court may permit a party to make such showing, in whole or in part, in the form of a written statement to be inspected by the judge alone.

(b) **EFFECT OF PROTECTIVE ORDER.** If the court enters an order granting relief following such a showing, the entire text of the party's statement shall be sealed and preserved in the records of the court to be made available to the appellate court in the event of an appeal.

(c) **GENERAL AND SPECIAL CONDITIONS OF DISCOVERY.** Whenever a written request for discovery is required by this rule, a copy of the request shall be filed with the court.

Committee Comments

This is substantially similar to the federal rule. See Rule 16(d), Fed.R.Crim.P. It is new to Alabama procedure. This rule is designed to protect the parties against abuses of the wide discovery power granted by these rules. The comments of the Federal Advisory Committee on Rules state that "[a]mong the considerations to be taken into account by the court will be the safety of witnesses and others, a particular danger of perjury or witness intimidation, the protection of information vital to the national security, and the protection of business enterprises from economic reprisals."