

Alabama Rules of Criminal Procedure

Rule 18. Trial by jury; waiver; selection and preparation of petit jurors.

Rule 18.5. Oath and preliminary instruction of jurors.

(a) OATH. The court shall either remind the jurors that they are still under oath, or may give the jurors the following oath:

“You do solemnly swear, or affirm, that you will well and truly try all issues joined between the defendant(s) and the State of Alabama and render a true verdict thereon according to the law and evidence, so help you God.”

(b) PRELIMINARY INSTRUCTION. Immediately after the jury is selected, the court may instruct the jury concerning its duties, its conduct, the order of proceedings, and such other matters as the court deems proper.

Committee Comments

Section (a) conforms to Ala.Code 1975, § 12-16-170, which prescribes the oath petit jurors are to take.

Section (b) is based on ABA, Standards for Criminal Justice, *Trial by Jury* 15-3.6(e), which reads:

“Before the taking of evidence, the court may give preliminary instructions to the jury deemed appropriate for their guidance in hearing the case. After the arguments are completed, the court should give the jury all necessary instructions.”