

## ALABAMA RULES OF JUDICIAL ADMINISTRATION

### Rule 26.

#### Transfer of cases.

(A) *Records.* When a case is transferred from one court to another due to a change in venue or otherwise or is transferred or appealed from the district court to the circuit court within the same judicial circuit, the court from which the case is transferred shall transfer all original records in the case to the office of the clerk of the court to which the case is being transferred. The court transferring the case shall maintain a copy of the case action summary sheet or sheets or the uniform traffic ticket and complaint and shall maintain a copy of the fee sheet.

(B) *Fees.* Upon the transfer of a case to another court, the clerk of the court in which the case was filed shall certify to the court to which the case is transferred the fees that have been collected. Fees in a case that accrue subsequent to the transfer shall be collected and distributed by the clerk of the court to which the case was transferred.

[Adopted 11-9-76; Amended 12-6-77, eff. 12-15-77; Amended 9-28-87, eff. 10-1-87; Amended 8-28-90, eff. 1-1-91.]

#### Comment

This rule provides for the management of records and for the accounting of fees when a case is transferred from one court to another. All fees collected before transfer of a case remain in the court transferring the case.

This rule replaced former Rules 33 and 43.

#### **Comment to Correspond to Rule Amendment Effective January 1, 1991**

This rule provides for the management of records and for the accounting of fees when a case is transferred from one court to another. This rule has been amended to allow the court transferring the case to maintain a copy of the case action summary sheet or sheets or the uniform traffic ticket and complaint and the fee sheet instead of a copy of all of the original records in the case. This amendment is not intended to allow district court criminal cases bound over or waived to the grand jury to be transferred to the circuit court prior to indictment. A transfer prior to indictment would result in a circuit court filing when in actuality the filing or existence of the case in circuit court does not occur until indictment.

All fees collected before transfer of a case remain in the court transferring the case.

This rule replaced former Rules 33 and 43.