

Alabama Rules for Using Videotape Equipment to Record Court Proceedings

Rule 5.

Briefs.

To the extent that they do not conflict with these rules, the provisions of the Alabama Rules of Appellate Procedure pertaining to briefs shall apply to appeals in cases in which the record is made pursuant to these rules. The following provisions shall also apply:

(A) *Videotape reference.* Each reference in a brief to a segment of the videotape recordings (hereinafter referred to as a "videotape reference") shall set forth in parentheses the letter "T," the number of the videotape, and the month, day, year, hour, minute, and second at which the reference begins as recorded on the videotape. (For example: T No. 1; 11/27/90; 14:24:05.)

(B) *Evidentiary appendix.* An appendix of the evidence (hereinafter referred to as an "evidentiary appendix"), consisting of a transcription of evidence at trial or at other proceeding may be attached to a brief on appeal. The filing of an evidentiary appendix as provided in this rule is optional. Any such appendix (and the required index) shall be prepared in accordance with subparagraph (1). The evidentiary appendix and index attached to a brief shall not exceed fifty (50) pages if filed in the Supreme Court, or twenty-five (25) pages if filed in the Court of Civil Appeals or the Court of Criminal Appeals, except that an evidentiary appendix and index attached to a reply brief shall not exceed fifteen (15) pages. An evidentiary appendix shall contain transcriptions of only those parts of the videotape recording that support the specific issues or contentions raised in a brief on appeal, or that relate to the question of whether an alleged error was properly preserved for appellate review.

(1) ORGANIZATION OF APPENDIX. At the top of each page of an evidentiary appendix, there shall be a reference to the point on the videotape that corresponds to the transcription on that page. Each evidentiary appendix shall include an index setting forth: (a) a list of videotape references cross-indexed to pages of the appendix; (b) an alphabetical list of witnesses whose testimony is transcribed in the appendix, listing the videotape references with the pages of the appendix where each witness' testimony begins; and (c) the name of each witness and the page in the appendix where the testimony of that witness begins.

(2) PURPOSE OF APPENDIX; SANCTIONS. The purpose of this evidentiary appendix is to facilitate the efforts of appellate judges in studying the briefs in a meaningful way. Inclusion of transcript unnecessary to the disposition of the case imposes a burden on all parties. Therefore, the appellate court may deny costs to, or assess costs against, a party who has been responsible for the insertion of unnecessary material into an evidentiary appendix. In addition, if the appellate court determines that an evidentiary appendix contains unnecessary material, it

may strike any part, or all, of the evidentiary appendix or the brief to which it is attached.