

Alabama Rules of Criminal Procedure

Rule 10. Change of place of trial.

Rule 10.3. Transfer to another county.

When a transfer to another county is ordered, the court clerk shall transmit to the clerk of the court to which the case is to be transferred all papers on file in the proceeding, any evidence in the clerk's custody, and any appearance bond, deposit, or security taken, and if the defendant is in custody, the court clerk shall provide a copy of the transfer order to the sheriff, upon receipt of which the sheriff shall transfer custody of the defendant to the sheriff of the county to which the proceeding is transferred. The judge of the transferring court shall give notice of the transfer to the presiding judge of the court to which the transfer is made.

The judge of the transferring court shall preside over the case in the court to which the case is transferred. Upon transfer of the case, the transferring judge shall contact the Administrative Office of Courts to obtain an order of assignment from the Chief Justice of the Supreme Court of Alabama.

[Amended eff. 1-1-96.]

Committee Comments, Amended Effective January 1, 1996

The judge should consider, in the transfer of a case, the needs of the defendant's attorneys and the defendant's right to meet with his attorney before the transfer of the proceedings.

The transferring trial judge will preside over the case in the circuit to which the case has been transferred, and must, before the start of the trial, receive an order of appointment from the Chief Justice of the Supreme Court of Alabama authorizing the transferring judge to try that case in the county to which it has been transferred. See Ala.Code, § 12-2-30.