

Alabama Rules of Criminal Procedure

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

Rule 18.2. Jury information.

(a) JURY LIST. Prior to the voir dire examination, each party, upon request, shall be furnished with a list of the names and addresses of the prospective jurors called for the venire, together with such biographical information as to each prospective juror as the court may have obtained. Any information so obtained shall be used only for the purpose of jury selection.

(b) JUROR QUESTIONNAIRE. If a juror questionnaire containing personal information is obtained from a prospective juror in any case appealed to the Court of Criminal Appeals, that questionnaire shall not be included in the clerk's portion of the record on appeal. If any party raises an issue on appeal that relates to information contained in a questionnaire, the appellate court may order the record on appeal to be supplemented to include any or all questionnaires at issue. Upon final disposition of the appeal, any questionnaires in the appellate court's possession by virtue of supplementation of the record shall be returned to the clerk of the trial court. Any such questionnaires supplemented into the appellate record shall be available for inspection only by the court and the parties to the appeal.

[Amended eff. 8-1-2002.]

Committee Comments

Rule 18.2 is based upon the ABA, Standards for Criminal Justice, *Trial by Jury* 15-2.2 (2d ed. 1986).

The purpose of the rule is to provide to both the defendant and the prosecution certain basic information on prospective jurors so that considerable time can be saved at the voir dire. If by local rule the court has jurors complete questionnaires, the biographical information furnished to the parties will assist them in making a more intelligent exercise of challenges for cause or peremptory challenges.

The rule places the responsibility upon each party to request the list and thus takes the burden off of the court. Failure to make a timely demand as provided in the rule would be deemed a waiver of the right to obtain the list.

Some jurisdictions require that the basic biographical information include, at least: names, addresses, occupations, and ages of both juror and spouse; employers' names and addresses and number of years employed; marital status

and number and age of children; length of residence in the state and county; ownership of real estate; extent of education; length of experience, if any, as a law enforcement officer; previous service as a juror, together with designation of court and length of service; and what courses in law, if any, have been taken. The Advisory Committee recommends that similar information be obtained by local rule where feasible. Such information would afford the parties in advance much of the information necessary to select jurors who will act in the best interest of justice, and would speed up the process of juror selection by eliminating the need for tedious solicitation of such information from each juror at voir dire.

It should be emphasized that under Rule 18.2 all parties, including the state, are entitled to the list upon request.

Rule 18.2 applies to any trial by jury, not only that of a capital felony. Both the state and the defendant are entitled to the jury list under the rule, and it is suggested that, as in capital cases, the list be provided at least twenty-four (24) hours in advance of trial. According to *Dodd v. State*, 30 Ala.App. 96, 1 So.2d 670 (1941), the provisions of the Alabama statute are mandatory, while under the rule the burden is shifted to the parties to request the list. The rule is intended to give the defendant reasonable notice of the names of the persons from whom the jury is to be selected.

**Committee Comment to Amendment
Effective August 1, 2002.**

The amendment added section (b) to provide that juror questionnaires are not included in the clerk's portion of the record on appeal. The appellate court, if it believes a juror questionnaire is relevant to a question on appeal, may order the record supplemented to include the questionnaire. When the appeal is final, the questionnaire is to be returned to the clerk of the trial court.

The provision that juror questionnaires shall not be included in the record on appeal except by reference unless the appellate court orders the record supplemented to include some or all of the questionnaires is intended to help maintain the confidentiality of the information provided in the questionnaires by the prospective jurors. If juror questionnaires are routinely copied into the record on appeal, the confidentiality of the information contained in the questionnaires cannot be assured because copies of the record on appeal are served on the parties and remain with those parties after the appeal is concluded.

Note from the reporter of decisions: The order amending Rule 18.2, effective August 1, 2002, is published in that volume of *Alabama Reporter* that contains Alabama cases from 810 So.2d.