

Alabama Rules of Criminal Procedure

Rule 19. Trial.

Rule 19.2. Evidence and witnesses.

(a) GENERAL RULE. The law of evidence relating to civil actions shall apply to criminal proceedings, except as otherwise provided by law.

(b) COURT WITNESSES.

(1) *Calling by court.* The court may, on its own motion or at the suggestion of a party, call witnesses, and all parties are entitled to cross-examine witnesses thus called.

(2) *Interrogation by court.* The court may interrogate witnesses, whether called by the court or by a party.

(3) *Objections.* Objections to the calling of witnesses by the court or to interrogation by the court may be made at the time the witness is called or interrogation begins; provided, however, that the court shall give counsel an opportunity to make such objections outside the presence of the jury.

(c) HOSTILE WITNESSES. A party calling a witness may cross-examine the witness:

(1) If the witness demonstrates hostility to the party calling the witness, or

(2) If the testimony of the witness is necessary to prove a material matter essential to the case of the calling party and the party calling the witness is surprised by the testimony of the witness.

Committee Comments

According to case law in Alabama, the law of evidence applicable to civil proceedings is generally applicable in criminal proceedings. *Graham v. State*, 233 Ala. 387, 171 So. 895 (1937). This rule adopts that principle. Section (b) follows Rule 614, Fed.R.Evid.