

Alabama Rules of Criminal Procedure

Rule 2. Commencement and prosecution of criminal proceedings.

Rule 2.1. Commencement of criminal proceedings.

All criminal proceedings shall be commenced either by indictment or by complaint.

Committee Comments

The usual procedure for commencing a criminal action is by a complaint. The grand jury also may act on matters presented to it without there being a complaint, and thus the charging instrument “commencing” the action is the indictment (which encompasses also presentments). Under the Alabama Constitution of 1901, criminal actions may not be “commenced” by an information, but under the very limited procedure provided in Rule 2.2(e), *infra*, once an action is commenced by complaint, the defendant may be proceeded against by information.