

## **Alabama Rules of Criminal Procedure**

### **Rule 30. Appeals from municipal and district courts.**

*Rule 30.2. Appeal from district or municipal court to appropriate appellate court.*

An appeal from the district or municipal court shall go directly to the appropriate appellate court:

(1) If an adequate record or stipulation of fact is available and the right to a jury trial is waived by all parties entitled to trial by jury, or

(2) If the parties stipulate that only questions of law are involved and the district court or the municipal court certifies the question.

### **Committee Comments**

In certain instances, the appeal from a final judgment in the district court or municipal court lies directly to the appropriate appellate court and bypasses the circuit court. In order for a defendant to appeal to an appellate court directly from the district court or municipal court, the following conditions must be met:

1. There must be an adequate record or stipulation of facts available and the right to a jury trial must be waived by all parties entitled to one, or

2. The parties must stipulate that only questions of law are involved and the district court or municipal court certifies the questions.

See Ala.Code 1975, §§ 12-12-72 and 12-12-70(b) and (d). See also *Ex parte Boswell*, 558 So.2d 918 (Ala.1990), in which the Alabama Supreme Court held that the state is not entitled to a jury trial on a misdemeanor appeal.