

## **Alabama Rules of Criminal Procedure**

### **Rule 32. Post-conviction remedies.**

#### *Rule 32.9. Evidentiary hearing.*

(a) HEARING. Unless the court dismisses the petition, the petitioner shall be entitled to an evidentiary hearing to determine disputed issues of material fact, with the right to subpoena material witnesses on his behalf. The court in its discretion may take evidence by affidavits, written interrogatories, or depositions, in lieu of an evidentiary hearing, in which event the presence of the petitioner is not required, or the court may take some evidence by such means and other evidence in an evidentiary hearing. When facilities are available, the court may in its discretion order that any evidentiary hearing be held at the place of petitioner's confinement, giving at least seven (7) days' notice to the officer in charge of the confinement facility. A verbatim record of the hearing shall be made.

(b) TESTIMONY OF PETITIONER. The petitioner may be called to testify at the hearing by the court or by either party.

(c) DECISION. If the court finds in favor of the petitioner, it shall enter an appropriate order with respect to the conviction, sentence, or detention; to any further proceedings, including a new trial; and to any other matters that may be necessary and proper.

(d) FINDINGS OF FACT. The court shall make specific findings of fact relating to each material issue of fact presented.