

Alabama Rules of Criminal Procedure

Rule 5. Preliminary hearing.

Rule 5.2. Summoning witnesses.

Process shall issue to secure the attendance of witnesses requested by the defendant, the district attorney, or the court.

Committee Comments

The provision for issuance of process to compel attendance of witnesses at a preliminary hearing comes from statutory law implying that magistrates have power to summon necessary witnesses. Ala.Code 1975, § 15-11-8. It gives the parties the right to request witnesses to be subpoenaed and recognizes the court's inherent power to call witnesses *ex mero motu*.