Alabama Rules of Evidence

Article VI. Witnesses

Rule 602.

Lack of personal knowledge.

A witness may not testify to a matter unless evidence is introduced sufficient to support a finding that the witness has personal knowledge of the matter. Evidence to prove personal knowledge may, but need not, consist of the witness's own testimony. This rule is subject to the provisions of Rule 703, relating to opinion testimony by expert witnesses.

Advisory Committee's Notes

This rule, unchanged from Fed.R.Evid. 602, embodies the traditional firsthand-knowledge requirement under which a witness is precluded from testifying to a matter about which the witness lacks a firsthand or personal knowledge of the facts. Before a witness may testify regarding a matter, a foundation must be established to indicate that the witness was in a position to observe and did observe those facts with which the testimony is concerned. See *State Farm Mut. Auto. Ins. Co. v. Humphres*, 293 Ala. 413, 304 So.2d 573 (1974); *Gullatt v. State*, 409 So.2d 466 (Ala.Crim.App.1981).

The phrase "sufficient to support a finding" is in no way intended to embrace a threshold standard different from that applied at common law for determining whether a witness possesses personal knowledge. Such a threshold standard will often be met via the witness's own testimony reflecting what the witness thinks he or she knows from personal perception. Fed.R.Evid. 602 advisory committee's note. See C. Gamble, McElroy's Alabama Evidence § 105.01 (4th ed. 1991).

Nothing in Rule 602 prevents a witness, if authorized under Rule 801 et seq., from relating a hearsay statement. Rule 602 merely ensures that the witness relating it will have a firsthand knowledge of the making of the statement.