

Alabama Rules of Evidence

Article VI. Witnesses

Rule 605.

Competency of judge as witness.

The judge presiding at the trial may not testify in that trial as a witness. No objection need be made in order to preserve the point.

Advisory Committee's Notes

Consistent with long-recognized Alabama authority, this rule makes a judge absolutely disqualified from testifying in the trial over which he or she is presiding. See *Blackburn v. Tompkins*, 46 Ala.App. 571, 246 So.2d 459 (1971); *Estes v. Bridgforth*, 114 Ala. 221, 21 So. 512 (1897); *Dabney v. Mitchell*, 66 Ala. 495 (1880). Ala.R.Evid. 605 is adopted without change from the corresponding federal rule. See Fed.R.Evid. 605.

Violation of this rule may be determined on appeal to constitute reversible error, without regard to whether an objection was made at the trial. A party has an "automatic" objection.