



# IN THE SUPREME COURT OF ALABAMA

March 28, 2024

## ORDER

IT IS ORDERED that Rule 3.4 and Rule 32.1(f), Alabama Rules of Criminal Procedure, be amended to read in accordance with Appendices A and B, respectively, to this order;

IT IS FURTHER ORDERED that the Committee Comments to Rule 4.3, Alabama Rules of Criminal Procedure, Effective March 28, 2024, be adopted to read in accordance with Appendix C to this order;

IT IS FURTHER ORDERED that the amendment of Rule 3.4 and Rule 32.1(f) and the adoption of the Committee Comments to Rule 4.3 are effective immediately; and

IT IS FURTHER ORDERED that the following note from the reporter of decisions be added to follow Rule 3.4, Rule 4.3, and Rule 32.1:

"Note from the reporter of decisions: The order amending Rule 3.4 and Rule 32.1(f), Alabama Rules of Criminal Procedure, and adopting the Committee Comments to Rule 4.3, Alabama Rules of Criminal Procedure, effective March 28, 2024, is published in that volume of *Alabama Reporter* that contains Alabama cases from \_\_ So. 3d."

**Parker, C.J., and Shaw, Wise, Bryan, Sellers, Mendheim, Stewart, Mitchell, and Cook, JJ., concur.**

**Witness my hand and seal this 28th day of March, 2024.**

*Megan B. Rhodeseuk*

**Clerk of Court,  
Supreme Court of Alabama**

**FILED  
March 28, 2024  
Clerk of Court  
Supreme Court of Alabama**



# IN THE SUPREME COURT OF ALABAMA

March 28, 2024

## APPENDIX A

### **Rule 3.4. SERVICE OF SUMMONS**

The summons may be served by any law enforcement officer in the same manner as a summons in a civil action, except that service may not be by publication or by commercial carrier. At the law enforcement officer's discretion and expense, a summons may be served by certified mail, requiring a signed receipt or some equivalent thereof. In the event the summons is served by certified mail, return of the receipt signed by the defendant shall be prima facie evidence of service. The law enforcement officer serving the summons shall make return of the summons in the same manner as provided in Rule 3.3(c) for making return of an arrest warrant.



# IN THE SUPREME COURT OF ALABAMA

March 28, 2024

## APPENDIX B

### **Rule 32.1(f), Ala. R. Crim. P.**

(f) The petitioner failed to appeal within the prescribed time from the conviction or sentence itself, from the revocation of probation or participation in a community corrections program, or from the dismissal or denial of a petition previously filed pursuant to this rule and that failure was without fault on the petitioner's part.



# IN THE SUPREME COURT OF ALABAMA

March 28, 2024

## APPENDIX C

### **Committee Comments to Rule 4.3 Effective March 28, 2024**

The scheduling of a hearing pursuant to Aniah's Law, Act No. 2021-267, Ala. Acts 2021, does not negate the need for an initial-appearance hearing as required under this rule.