

IN THE SUPREME COURT OF ALABAMA  
March 22, 2002

ORDER

IT IS ORDERED that the title to Rule 26.9, Alabama Rules of Criminal Procedure, is amended to read as follows:

"RULE 26.9 PRONOUNCEMENT OF JUDGMENT AND SENTENCE;  
MINUTE ENTRIES"

IT IS FURTHER ORDERED that Rule 26.9(b), Alabama Rules of Criminal Procedure, is amended to read as follows:

"(b) Pronouncement of Sentence. In pronouncing sentence, the court shall:

"(1) Afford the defendant an opportunity to make a statement in his or her own behalf before imposing sentence.

"(2) State that a credit will be allowed on the sentence, as provided by law, for time during which the defendant has been incarcerated on the present charge.

"(3) Explain to the defendant the terms of the sentence.

"(4) Inform the defendant as to the defendant's right to appeal; provided, however, in cases in which the defendant has entered a plea of guilty, the court shall advise the defendant of his or her right to appeal only in those cases in which the defendant (i) has entered a plea of guilty, but before entering the plea of guilty has expressly reserved his or her right to appeal with respect to a particular issue or issues, or (ii) has timely filed a motion to withdraw the plea of guilty and the motion has been denied, either by order of the court or by operation of law. When informing the defendant of his or her right to appeal, the court shall also advise the defendant that if he or she is indigent, counsel will be appointed to represent him or her on appeal if the defendant so desires, and that a copy of the record and the reporter's transcript will be provided at no cost to the

defendant for purposes of appeal, if the appeal is from a judgment and sentence of the circuit court."

IT IS FURTHER ORDERED that this amendment shall be effective August 1, 2002.

IT IS FURTHER ORDERED that the following note from the reporter of decisions be added to follow Rule 26.9:

"Note from the reporter of decisions: The order amending Rule 26.9(b), effective August 1, 2002, is published in that volume of Alabama Reporter that contains Alabama cases from \_\_\_ So. 2d."

Moore, C.J., and Houston, See, Lyons, Brown, Johnstone, Harwood, Woodall, and Stuart, JJ., concur.