

IN THE SUPREME COURT OF ALABAMA

July 1, 2002

ORDER

The order of this Court issued on March 22, 2002, amending Rule 32.2, Ala. R. Crim. P., provided that the amendment of Rule 32.2 was effective August 1, 2002. IT IS ORDERED that that effective-date language shall be interpreted to mean that defendants in cases in which the Court of Criminal Appeals issued its certificate of judgment or the time for filing an appeal has lapsed during the period between August 1, 2001, and August 1, 2002, would have one year from August 1, 2002, within which to file a postconviction petition pursuant to Rule 32, Ala. R. Crim. P.

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

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ORDER

IT IS ORDERED that Rule 32.2(a), Alabama Rules of Criminal Procedure, be amended to read as follows:

"(a) Preclusion of Grounds. A petitioner will not be given relief under this rule based upon any ground:

"(1) Which may still be raised on direct appeal under the Alabama Rules of Appellate Procedure or by posttrial motion under Rule 24; or

"(2) Which was raised or addressed at trial; or

"(3) Which could have been but was not raised at trial, unless the ground for relief arises under Rule 32.1(b); or

"(4) Which was raised or addressed on appeal or in any previous collateral proceeding not dismissed pursuant to the last sentence of Rule 32.1 as a petition that challenges multiple judgments, whether or not the previous collateral proceeding was adjudicated on the merits of the grounds raised; or

"(5) Which could have been but was not raised on appeal, unless the ground for relief arises under Rule 32.1(b)."

IT IS FURTHER ORDERED that this amendment shall be effective immediately.

IT IS FURTHER ORDERED that the following note from the reporter of decisions be added to follow Rule 32.2:

"Note from the reporter of decisions: The order amending Rule 32.2(a), effective July 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.