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SUPREME COURT OF ALABAMA

OCTOBER TERM, 2007-2008

1061523

Ex parte Anthony Edwards

PETITION FOR WRIT OF CERTIORARI
TO THE COURT OF CRIMINAL APPEALS

(In re: Anthony Edwards

v.

State of Alabama)

(Jefferson Circuit Court, CC-93-2600 and CC-93-3039;
Court of Criminal Appeals, CR-06-1030)

SEE, Justice.

1061523

We hereby suspend the provisions of Rule 39(g) and (h), Ala. R. App. P., allowing the petitioner and the respondent to file a brief and to request oral argument, and we summarily grant the writ. In Ex parte Gunn, [Ms. 1051754, September 21, 2007] ___ So. 2d ___ (Ala. 2007), this Court overruled Wells v. State, 941 So. 2d 1008 (Ala. Crim. App. 2005), to the extent that Wells created a limitation on a trial court's jurisdiction to consider successive motions filed pursuant to § 13A-5-9.1, Ala. Code 1975. The Court of Criminal Appeals in this case relied solely on Wells for its affirmance of the trial court's judgment. Therefore, we reverse the judgment of the Court of Criminal Appeals and remand the case for proceedings consistent with Gunn.

WRIT GRANTED; REVERSED AND REMANDED.

Lyons, Woodall, Smith, Bolin, Parker, and Murdock, JJ., concur.

Stuart, J., concurs specially.

Cobb, C.J., recuses herself.

1061523

STUART, Justice (concurring specially).

See my writing in Ex parte Gunn, [Ms. 1051754, Sept. 21, 2007] ___ So. 2d ___, ___ (Ala. 2007) (Stuart, J., concurring specially).