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ALABAMA COURT OF CRIMINAL APPEALS

OCTOBER TERM, 2010-2011

CR-09-1410

James E. Bagley

v.

State of Alabama

Appeal from Etowah Circuit Court
(CV-09-324)

PER CURIAM.

AFFIRMED BY UNPUBLISHED MEMORANDUM.

Welch and Main, JJ., concur. Kellum, J. concurs specially, with opinion. Wise, P.J., and Windom, J., concur in the result.

CR-09-1410

KELLUM, Judge, concurring specially.

I write specially to note that this action appears to be Bagley's fifth Rule 32, Ala. R. Crim. P., petition challenging his 1995 guilty-plea conviction. I believe that allowing Bagley to file multiple petitions for postconviction relief in which his claims are either precluded or without merit wastes scarce judicial resources. Therefore, I would encourage the circuit court to adopt sanctions pursuant to Peoples v. State, 531 So. 2d 323 (Ala. Crim. App. 1988), and Procup v. Strickland, 792 F.2d 1069 (11th Cir. 1986), to prevent future frivolous litigation on the part of Bagley. See Ex parte Thompson, 38 So. 3d 119 (Ala. Crim. App. 2009), and cases involving other similarly situated inmates.