

02/25/2011

Notice: This opinion is subject to formal revision before publication in the advance sheets of Southern Reporter. Readers are requested to notify the **Reporter of Decisions**, Alabama Appellate Courts, 300 Dexter Avenue, Montgomery, Alabama 36104-3741 ((334) 229-0649), of any typographical or other errors, in order that corrections may be made before the opinion is printed in Southern Reporter.

ALABAMA COURT OF CRIMINAL APPEALS

OCTOBER TERM, 2010-2011

CR-10-0069

Kenneth James Jackson

v.

State of Alabama

**Appeal from Jefferson Circuit Court
(CC-91-3379.64)**

PER CURIAM.

AFFIRMED BY UNPUBLISHED MEMORANDUM.

Welch, P.J., and Windom, J., concur. Kellum, J., concurs specially, with opinion.

CR-10-0069

KELLUM, Judge, concurring specially.

I write specially to note that this action appears to be Kenneth James Jackson's fifth Rule 32, Ala. R. Crim. P., petition challenging his 1991 conviction for capital murder and his resulting sentence of life imprisonment without the possibility of parole. I believe that allowing Jackson 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 consider adopting sanctions like those proposed in 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 Jackson and other similarly situated inmates. See Ex parte Thompson, 38 So. 3d 119 (Ala. Crim. App. 2009).