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# Alabama Court of Criminal Appeals

OCTOBER TERM, 2020-2021

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CR-19-0815

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Justin Tyler Davidson

v.

State of Alabama

Appeal from Russell Circuit Court  
(CC-18-287)

PER CURIAM.

AFFIRMED BY UNPUBLISHED MEMORANDUM.

Windom, P.J., and McCool, Cole, and Minor, JJ., concur. Kellum, J., concurs specially, with opinion.

CR-19-0815

KELLUM, Judge, concurring specially.

I concur with the conclusion reached by this Court that Justin Tyler Davidson waived his right to challenge the Russell Circuit Court's adverse ruling on his motion for immunity based on Alabama's stand-your-ground law, § 13A-3-23, Ala. Code 1975, because Davidson did not challenge that ruling before he pleaded guilty by filing a petition for a writ of mandamus with this Court. I write specially to invite the legislature to consider amending § 13A-3-23(d), Ala. Code 1975, to include a right to appeal a circuit court's pretrial ruling on a defense of immunity. See my special writing in Smith v. State, 279 So. 3d 1199, 1206 (Ala. Crim. App. 2018) (Kellum, J., concurring specially).