

Rel: 12/16/2011

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ALABAMA COURT OF CRIMINAL APPEALS

OCTOBER TERM, 2011-2012

CR-04-1226

Melvin Gene Hodges

v.

State of Alabama

Appeal from Lee Circuit Court
(CC-99-264.60)

After Remand from the Alabama Supreme Court

WELCH, Presiding Judge.

On August 21, 2007, this Court affirmed the circuit court's summary denial of the Rule 32, Ala. R. Crim. P., petition for postconviction relief filed by Melvin Gene

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Hodges. See Hodges v. State, [Ms. CR-04-1226, March 23, 2007] ___ So. 3d ___ (Ala. Crim. App. 2007). The Alabama Supreme Court reversed this Court's judgment and remanded the cause for this Court, in turn, to remand the cause to the circuit court for "an evidentiary hearing on the merits of Hodges's claim that some of the jurors' answers during voir dire were untruthful." Ex parte Hodges, [Ms. 1100112, August 26, 2011] ___ So. 3d ___ (Ala. 2011). Accordingly, we remand this cause to the Lee Circuit Court for proceedings consistent with the Alabama Supreme Court's opinion.

On remand, the circuit court shall take all necessary action to see that the circuit clerk makes due return to this Court at the earliest possible time and within 77 days from the date of this opinion.

REMANDED WITH DIRECTIONS.

Kellum, Burke, and Joiner, JJ., concur. Windom, J., recuses herself.