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SUPREME COURT OF ALABAMA

OCTOBER TERM, 2006-2007

1050389

Ex parte State of Alabama

**PETITION FOR WRIT OF CERTIORARI
TO THE COURT OF CRIMINAL APPEALS**

(In re: State of Alabama

v.

Jackie Sue Woodall)

**(Morgan Circuit Court, CC-04-641;
Court of Criminal Appeals, CR-04-1599)**

BOLIN, Justice.

1050389

We granted the State's petition for certiorari review of the Court of Criminal Appeals' decision dismissing the State's pretrial appeal from an order of the trial court granting Jackie Sue Woodall's motion to dismiss count I of the indictment against her. State v. Woodall, [Ms. CR-04-1599, November 23, 2005] ___ So. 2d ___ (Ala. Crim. App. 2005). The issue presented in this case is the same issue addressed in State v. Wilson, [Ms. 1050390, June 23, 2006] ___ So. 2d ___ (Ala. 2006), a case involving a codefendant of Woodall's and the same facts as those here: Whether the State's appeal was timely filed as required by Rule 15.7(b), Ala. R. Crim. P., thereby invoking the original appellate jurisdiction of the Court of Criminal Appeals. In State v. Wilson we held that the notice of appeal, filed three days before the trial court entered its order dismissing count I of Wilson's indictment, was timely. Because the facts presented here are the same as those in State v. Wilson, the rationale in that case controls our decision. Accordingly, the judgment is reversed and the cause is remanded on the authority of State v. Wilson.

REVERSED AND REMANDED.

Nabers, C.J., and See, Lyons, Harwood, Woodall, Stuart, Smith, and Parker, JJ., concur.