

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.

SUPREME COURT OF ALABAMA

SPECIAL TERM, 2007

1060840

Ex parte William Crews

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

(In re: William Crews

v.

State of Alabama)

**(Morgan Circuit Court, CC-95-441;
Court of Criminal Appeals, CR-06-0291)**

BOLIN, Justice.

We hereby suspend the provisions of Rule 39(g) and (h), Ala. R. App. P., allowing the petitioner and the respondent to

1060840

file a brief and to request oral argument, and we summarily grant the writ. In an opinion released today, this Court overrules Wells v. State, 941 So. 2d 1008 (Ala. Crim. App. 2005), to the extent that it created a limitation on a trial court's jurisdiction to consider successive § 13A-5-9.1, Ala. Code 1975, motions. See Ex parte Gunn, [Ms. 1051754, September 21, 2007] ___ So. 2d ___ (Ala. 2007). The Court of Criminal Appeals relied solely on Wells in affirming the trial court's judgment. Therefore, we reverse the judgment of the Court of Criminal Appeals and remand the case for proceedings consistent with Gunn.

WRIT GRANTED; REVERSED AND REMANDED.

See, Lyons, Woodall, Smith, Parker, and Murdock, JJ., concur.

Stuart, J., concurs specially.

Cobb, C.J., recuses herself.

1060840

STUART, Justice (concurring specially).

See my writing in Ex parte Gunn, [Ms. 1051754, Sept. 21, 2007] ___ So. 2d ___, ___ (Ala. 2007).