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SUPREME COURT OF ALABAMA

OCTOBER TERM, 2008-2009

1080231

Ex parte James McConico, Jr.

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

(In re: James McConico, Jr.)

v.

State of Alabama)

**(Montgomery Circuit Court, CV-07-1301;
Court of Civil Appeals, 2070554)**

SHAW, Justice.

The petition for the writ of certiorari is denied.

1080231

In denying the petition for the writ of certiorari, this Court does not wish to be understood as approving all the language, reasons, or statements of law in the Court of Civil Appeals' opinion. Horsley v. Horsley, 291 Ala. 782, 280 So. 2d 155 (1973).

WRIT DENIED.

Cobb, C.J., and Woodall, Smith, and Parker, JJ., concur.