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ALABAMA COURT OF CRIMINAL APPEALS

OCTOBER TERM, 2007-2008

CR-06-1126

State of Alabama

v.

Steven Ray Dubose

Appeal from Mobile Circuit Court
(CC-07-326)

SHAW, Judge.

AFFIRMED BY UNPUBLISHED MEMORANDUM.

McMillan, Wise, and Welch, JJ., concur. Baschab, P.J.
dissents, with opinion.

CR-06-1126

BASCHAB, PRESIDING JUDGE, dissenting.

I respectfully dissent for the reasons set forth in my dissent in State v. Clemons, [Ms. CR-05-1950, November 2, 2007] ___ So. 2d ___ (Ala. Crim. App. 2007).