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ALABAMA COURT OF CRIMINAL APPEALS

OCTOBER TERM, 2010-2011

CR-06-1398

Esaw Jackson

v.

State of Alabama

Appeal from Jefferson Circuit Court
(CC-06-2138; CC-06-2139; CC-06-2140; CC-06-2141)

On Remand from the Alabama Supreme Court

MAIN, Judge.

This Court unanimously affirmed Esaw Jackson's convictions for three counts of capital murder and for two counts of attempted murder and his resulting sentence of death for the capital-murder convictions and consecutive sentences

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of life imprisonment for the attempted-murder convictions. See Jackson v. State, [Ms. CR-06-1398, Dec. 18, 2009] ___ So. 3d ___ (Ala. Crim. App. 2009). Jackson petitioned the Alabama Supreme Court for certiorari review. On September 24, 2010, the Alabama Supreme Court found that the "expression of anguish and the inseparable inadmissible opinion and victim-impact testimony" by the victim's mother rose to the level of plain error. Ex parte Jackson, [Ms. 1090679, Sept. 24, 2010] ___ So. 3d ___, ___ (Ala. 2010). Thus, the Supreme Court reversed this Court's judgment and remanded this case for this Court to remand it to the trial court for a new trial. Therefore, in accordance with the directions of the Alabama Supreme Court, the circuit court's judgment is reversed, and this case is remanded for a new trial.

REVERSED AND REMANDED.

Wise, P.J., and Welch, Windom, and Kellum, JJ., concur.