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ALABAMA COURT OF CRIMINAL APPEALS

OCTOBER TERM, 2007-2008

CR-06-1574

Arthur Felton Holbert

v.

State of Alabama

Appeal from Morgan Circuit Court
(CC-05-1386 and CC-05-1387)

On Remand from the Alabama Supreme Court

BASCHAB, PRESIDING JUDGE

In accordance with the Alabama Supreme Court's opinion in Ex parte Holbert, [Ms. 1070456, July 11, 2008] ___ So. 2d ___ (Ala. 2008), we reverse the trial court's judgment as to the

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appellant's sentence on the driving under the influence conviction and remand this case to the trial court for proceedings that are consistent with that opinion.

REVERSED AND REMANDED.

McMillan, Shaw, Wise, and Welch, JJ., concur.