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ALABAMA COURT OF CRIMINAL APPEALS

OCTOBER TERM, 2010-2011

CR-10-0498

Jerry Dale Bennett

v.

State of Alabama

Appeal from Jackson Circuit Court
(CC-95-56.66)

PER CURIAM.

AFFIRMED BY UNPUBLISHED MEMORANDUM.

Welch, P.J., and Windom, Burke, and Joiner, JJ., concur.

Kellum, J., concurs specially, with opinion.

CR-10-0498

KELLUM, Judge, concurring specially.

I write specially to note that this action appears to be Jerry Dale Bennett's seventh Rule 32, Ala. R. Crim. P., petition challenging his 1995 guilty-plea conviction for capital murder. I believe that allowing Bennett to file multiple petitions for postconviction relief in which his claims are either precluded or without merit wastes scarce judicial resources. Therefore, I would encourage the circuit court to consider adopting sanctions like those proposed in Peoples v. State, 531 So. 2d 323 (Ala. Crim. App. 1988), and Procup v. Strickland, 792 F.2d 1069 (11th Cir. 1986), to prevent future frivolous litigation on the part of Bennett and other similarly situated inmates. See Ex parte Thompson, 38 So. 3d 119 (Ala. Crim. App. 2009).