

REL: June 26, 2020

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ALABAMA COURT OF CRIMINAL APPEALS

OCTOBER TERM, 2019-2020

CR-18-1244

Colby Dewight Tucker

v.

State of Alabama

Appeal from Madison Circuit Court
(CC-16-270.70)

PER CURIAM.

AFFIRMED BY UNPUBLISHED MEMORANDUM.

Windom, P.J., and Kellum, Cole, and Minor, JJ., concur.

McCool, J., dissents, with opinion.

CR-18-1244

McCOOL, Judge, dissenting.

I respectfully dissent. For the reasons set forth in my dissent in McGowan v. State, [Ms. CR-18-0173, July 12, 2019] ___ So. 3d ___ (Ala. Crim. App. 2019), I would reverse Colby Dewight Tucker's sentence, which is illegal, and remand this case to the trial court to conduct a new sentencing hearing. Therefore, I would not reach the issues dealt with by the majority in its unpublished memorandum; thus, I respectfully dissent.