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ALABAMA COURT OF CRIMINAL APPEALS

OCTOBER TERM, 2019-2020

CR-16-0012

Michael Gregory Hubbard

v.

State of Alabama

Appeal from Lee Circuit Court
(CC-14-565)

On Remand from the Alabama Supreme Court

COLE, Judge.

Michael Gregory Hubbard, the former Speaker of the Alabama House of Representatives, was indicted by a special grand jury on 23 charges related to alleged abuses of the official position or public office he occupied at the time of

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the offenses. Hubbard was tried by a jury and was convicted of 12 of the 23 counts--Counts 5, 6, 10-14, 16-19, and 23.¹ The trial court sentenced Hubbard. He appealed the convictions and sentences.

On August 27, 2018, this Court issued an opinion affirming Hubbard's "convictions and sentences on Counts 6, 10, 11-14, 16-19, and 23. We reverse[d] and render[ed] a judgment on Count 5." Hubbard v. State, [Ms. CR-16-0012, Aug. 27, 2018] ___ So. 3d ___, ___ (Ala. Crim. App. 2018). After this Court overruled Hubbard's application for rehearing, Hubbard petitioned the Alabama Supreme Court for certiorari review of the 11 counts affirmed by this Court. The Supreme Court granted certiorari review on March 11, 2019.

On April 10, 2020, the Supreme Court issued an opinion affirming this Court's judgment as to Hubbard's convictions on Counts 6, 10, 11, 12, 13, and 14. See Ex parte Hubbard, [Ms. 1180047, April 10, 2020] ___ So. 3d ___, ___ (Ala. 2020). The

¹This Court's opinion on original submission, Hubbard v. State, [Ms. CR-16-0012, Aug. 27, 2018] ___ So. 3d ___ (Ala. Crim. App. 2018), and the Alabama Supreme Court's opinion, Ex parte Hubbard, [Ms. 1180047, April 10, 2020] ___ So. 3d ___ (Ala. 2020), detail Hubbard's charges and the facts underlying each of those charges. There is no need to recount them here.

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Supreme Court, however, unanimously reversed this Court's judgment as to Counts 16, 17, 18, 19, and 23, holding that the State's evidence as to those counts was insufficient. Id. at _____. The Supreme Court then remanded Hubbard's case to this Court "for further proceedings consistent with" its opinion. Id. at _____.

In accordance with the Alabama Supreme Court's opinion, we reverse Hubbard's convictions and sentences as to Counts 16, 17, 18, 19, and 23 and render a judgment in his favor as to those counts. We again affirm Hubbard's convictions and sentences as to Counts 6, 10, 11, 12, 13, and 14.

AFFIRMED IN PART; REVERSED AND JUDGMENT RENDERED IN PART.

Kellum, McCool, and Minor, JJ., concur. Windom, P.J., recuses herself.