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# ALABAMA COURT OF CRIMINAL APPEALS

OCTOBER TERM, 2006-2007

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CR-97-1258

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Jerry Jerome Smith

v.

State of Alabama

Appeal from Houston Circuit Court  
(CC-97-270)

On Remand from the Alabama Supreme Court

BASCHAB, PRESIDING JUDGE

In accordance with the Alabama Supreme Court's opinion in Smith v. State, [Ms. 1060427, May 25, 2007] \_\_\_ So. 2d \_\_\_ (Ala. 2007), we remand this case to the trial court with

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instructions that that court conduct proceedings that are consistent with that opinion. On remand, the trial court shall take all necessary action to see that the circuit clerk makes due return to this court at the earliest possible time and within 56 days after the release of this opinion. The return to remand shall include the trial court's written findings of fact and a transcript of the Atkins hearing.

REMANDED WITH INSTRUCTIONS.

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