

REL: 06/07/2013

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ALABAMA COURT OF CRIMINAL APPEALS

OCTOBER TERM, 2012-2013

CR-10-1418

Donald Raymond Scott

v.

State of Alabama

Appeal from Chilton Circuit Court
(CC-06-366.60)

On Return to Second Remand

JOINER, Judge.

AFFIRMED BY UNPUBLISHED MEMORANDUM.

Welch, Kellum, and Burke, JJ., concur. Windom, P.J.,
dissents, with opinion.

CR-10-1418

WINDOM, Presiding Judge, dissenting.

The issue upon which this Court based its reversal of the circuit court's order denying Donald Raymond Scott's Rule 32, Ala. R. Crim. P., petition challenging the revocation of his probation was moot. See *Enfinger v. State*, [Ms. CR-11-0458, Dec. 14, 2012] ___ So. 3d ___, ___ (Ala. Crim. App. 2012) (Windom, P.J., dissenting). Therefore, I respectfully dissent.