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SUPREME COURT OF ALABAMA

SPECIAL TERM, 2022

SC-2022-0540

Brandon Treadway

v.

Ron Abernathy, in his official capacity as Sheriff of Tuscaloosa
County

Appeal from Tuscaloosa Circuit Court
(CV-21-900781)

STEWART, Justice.

Brandon Treadway applied to Tuscaloosa County Sheriff Ron Abernathy for a "concealed carry" pistol permit. See § 13A-11-75, Ala.

Code 1975. Treadway's application was denied, and, as provided for by § 13A-11-75(a)(3), Treadway appealed that denial to the Tuscaloosa District Court ("the district court").¹ The district court entered a judgment determining that Treadway was not entitled to a "concealed carry" permit. Within 14 days of the entry of the district court's judgment, Treadway appealed that decision to the Tuscaloosa Circuit Court ("the circuit court"). The circuit court, however, dismissed Treadway's appeal, concluding that it lacked jurisdiction to consider such an appeal because § 13A-11-75(a)(3) does not expressly authorize a circuit

¹Section 13A-11-75, Ala. Code 1975, was substantially amended and reorganized by Act No. 2021-246, Ala. Acts 2021. Section 8 of Act No. 2021-246 provides that §§ 1 and 2 of that act "shall become effective immediately following ... passage and approval by the Governor"; the governor signed Act No. 2021-246 on April 20, 2021. Section 8 of Act No. 2021-246 further provides that the remainder of the act -- including § 3, which amends §13A-11-75 -- shall become effective upon certification that "the state firearms prohibited persons database is operational and fully compliant with this act"; § 2 of the act requires that the database be operational and that the certification be made "[n]o later than October 2, 2022." Upon the effective date of the amendments to §13A-11-75, the provisions regarding appeal from the denial of a pistol permit will be located at § 13A-11-75(j). Although Act No. 2022-133, Ala. Acts 2022, which will become effective January 1, 2023, removes the requirement that Alabama residents obtain a permit to carry a concealed pistol, Alabama residents may still apply for such permits under § 13A-11-75 after that date, because such a permit may, for example, confer reciprocal rights in other states.

court to review a judgment of a district court rendered pursuant to that section. Treadway then appealed the circuit court's judgment.²

Section 13A-11-75(a)(3) provides, in pertinent part, that "[a] person who is denied a permit ... may appeal the denial ... to the district court of the county where the denial ... was issued." Although § 13A-11-75 does not expressly provide for appellate review of a district court's judgment, § 12-11-30, Ala. Code 1975, grants the circuit courts general supervisory and appellate jurisdiction over the district courts. Section 12-11-30(3) provides:

"The circuit court shall have appellate jurisdiction of civil, criminal, and juvenile cases in district court and prosecutions for ordinance violations in municipal courts, except in cases in which direct appeal to the Courts of Civil or Criminal Appeals is provided by law or rule. Appeals to the circuit court shall be tried de novo, with or without a jury, as provided by law."

Furthermore, § 12-12-71, Ala. Code 1975, provides, in pertinent part, that "all appeals from final judgments of the district court shall be to the circuit court for trial de novo."

²Treadway's appeal from the circuit court's judgment was filed with the Alabama Court of Civil Appeals, which determined that it lacked appellate jurisdiction and transferred the appeal to this Court.

Here, §§ 12-11-30 and 12-12-71 confer appellate jurisdiction on the circuit court to review the final judgment of the district court in a civil proceeding initiated pursuant to § 13A-11-75(a)(3). See Ex parte Department of Pub. Safety, 560 So. 2d 765, 767 (Ala. Civ. App. 1990) (holding that, in cases in which drivers had unsuccessfully appealed license suspensions to a district court, § 12-11-30 and § 12-12-71 authorized appeals of the district court's judgments to the appropriate circuit court even though the statute authorizing the appeals to the district court was silent as to whether further appeals to the circuit court were permissible). Accordingly, we reverse the judgment of the circuit court dismissing the appeal to that court, and we remand this cause for further proceedings consistent with this opinion.

REVERSED AND REMANDED.

Parker, C.J., and Bolin, Wise, and Sellers, JJ., concur.