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SUPREME COURT OF ALABAMA

SPECIAL TERM, 2015

1141027

Ex parte Corderious McLellan

**PETITION FOR WRIT OF CERTIORARI
TO THE COURT OF CRIMINAL APPEALS**

(In re: Corderious Domini McLellan

v.

State of Alabama)

**(Jefferson Circuit Court, CC-13-3316;
Court of Criminal Appeals, CR-14-0143)**

MAIN, Justice.

WRIT DENIED. NO OPINION.

Stuart, Bolin, Parker, Shaw, Wise, and Bryan, JJ.,
concur.

Moore, C.J., and Murdock, J., dissent.

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MOORE, Chief Justice (dissenting).

I respectfully dissent from the denial of the petition for a writ of certiorari filed by Corderious McLellan, who is serving a sentence of life imprisonment without the possibility of parole on a capital-murder conviction. He appealed his conviction to the Court of Criminal Appeals, which affirmed by unpublished memorandum. McLellan v. State (No. CR-14-0143, May 29, 2015), ___ So. 3d ___ (Ala. Crim. App. 2015) (table). I would grant McLellan's petition to determine whether, under the doctrine of transferred intent, the factual circumstances that elevate the killing to a capital offense as defined in § 13A-5-40, Ala. Code 1975, may be transferred along with the intent to kill. I do not believe Alabama cases adequately answer this question. See, e.g., Ex parte Jackson, 614 So. 2d 405 (Ala. 1993); State v. Phillips, 842 So. 2d 27 (Ala. Crim. App. 2002).