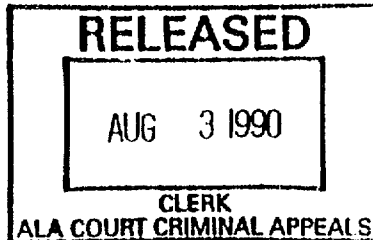


COURT OF CRIMINAL APPEALS  
STATE OF ALABAMA  
JUDICIAL BUILDING, 445 DEXTER AVENUE  
MONTGOMERY 36130



SAM TAYLOR  
Presiding Judge  
JOHN C. TYSON, III  
WILLIAM M. BOWEN, JR.  
JOHN PATTERSON  
H. WARD McMILLAN  
Judges

Clerk's Office  
(205) 242-4590

MEMORANDUM OPINION

CR-89-95

Shelby Circuit Court No. CC-88-077

Ronald Patrick Swiney, alias v. State

**Affirmed. No Opinion.** The judgment of the circuit court is affirmed because appellant's issue concerning lack of mention of his waiver of jury sentencing is without merit. His issue concerning sufficiency is also without merit. His issue concerning his motion for mistrial is also without merit. No procedural bars apply.

RE ED

AUG 3 1990

BELL

Hon. Richard W. Bell  
P.O. Box 427  
Pelham, AL 35124