



**LIST OF DECISIONS ANNOUNCED BY
THE SUPREME COURT OF ALABAMA
ON FRIDAY, APRIL 9, 2010**

Lyons, J.

- 1080762 Tennessee Health Management, Inc. v. Carol J. Rousseau Johnson, as personal representative of the estate of Dolores J. Rousseau, deceased (Appeal from Madison Circuit Court: CV-08-900469).

Reversed And Remanded.

Circuit Judge, Karen K. Hall, (256) 532-3455
Apl. Atty., Aaron McLeod, (205) 250-5000
Apl. Atty., Stephen A. Rowe, (205) 250-5000
Apl. Atty., Ralph W. Hornsby, Jr, (256) 650-5500
Apl. Atty., Jennifer L. McKown, (256) 650-5500

- 1081807 Ex parte Robert Wayne Womack. PETITION FOR WRIT OF MANDAMUS: CRIMINAL (In re: Robert Wayne Womack v. State of Alabama) (Jackson Circuit Court: CC-08-104; Criminal Appeals : CR-08-0881).

Petition Denied. No Opinion.

- 1090618 Ex parte Geraldine Mahone and Michael Mahone, a minor, by and through his next friend, Geraldine Mahone. PETITION FOR WRIT OF CERTIORARI TO THE COURT OF CIVIL APPEALS (In re: Geraldine Mahone and Michael Mahone, a minor, by and through his next friend, Geraldine Mahone v. Eastdale Mall, LLC; Carmike Cinemas, Inc.; and ERMC) (Montgomery Circuit Court: CV-07-1682; Civil Appeals : 2080843).

Writ Denied. No Opinion.

Circuit Judge, Johnny Hardwick, (334) 832-1380
Pet. Atty., Rob E. Riddle, (334) 365-6266
Resp. Atty., Jason J. Baird, (334) 396-8882
Resp. Atty., Richard E Broughton, (334) 387-7680
Resp. Atty., Emily C Marks, (334) 387-7680
Resp. Atty., John W. Marsh, (334) 387-7680
Resp. Atty., Clarence Rivers, IV, (205) 251-5885
Resp. Atty., Clifton Slaten, (334) 396-8882

- 1090643 Ex parte Eddie Lewis Gardner. PETITION FOR WRIT OF CERTIORARI TO THE COURT OF CRIMINAL APPEALS (In re: Eddie Lewis Gardner v. State of Alabama) (Madison Circuit Court: CC08-6092.70; Criminal Appeals : CR-08-1862).

Writ Denied. No Opinion.

Circuit Judge, James Peyton Smith, (256) 532-3394
Pet. Atty., Donald W. Lambert, (256) 705-0200
Resp. Atty. General, Troy Robin King, (334) 242-7401
Resp. Atty., James H Rutter, III, (334) 353-1435

1090653 Ex parte Jacqueline E. Austin. PETITION FOR WRIT OF CERTIORARI TO THE COURT OF CIVIL APPEALS (In re: Jacqueline E. Austin v. James Maxwell Austin, Jr., Executor) (Elmore Circuit Court: CV-05-362; Civil Appeals : 2080976).

Writ Denied. No Opinion.

Pet. Atty., J. Pratt Austin-Trucks, (334) 567-4874
Pet. Atty., Brenton K Morris, (205) 278-8000
Pet. Atty., Jamie A. Wilson, (205) 278-8000
Resp. Atty., Patrick D. Pinkston, (334) 567-2545

1090692 Ex parte Jimmy Darrell McCrary. PETITION FOR WRIT OF CERTIORARI TO THE COURT OF CRIMINAL APPEALS (In re: Jimmy Darrell McCrary v. State of Alabama) (Jackson Circuit Court: CC88-480.61; Criminal Appeals : CR-09-0289).

Writ Denied. No Opinion.

Circuit Judge, Johnny Hardwick, (334) 832-1380
Resp. Atty. General, Troy Robin King, (334) 242-7401
Resp. Asst. Gen. Counsel, Bart Gregory Harmon, (334) 353-3881

1090696 Ex parte State of Alabama. PETITION FOR WRIT OF CERTIORARI TO THE COURT OF CRIMINAL APPEALS (In re: State of Alabama v. Kenneth Maurice Bradley, alias) (Montgomery Circuit Court: CC08-1191; Criminal Appeals : CR-08-0704).

Writ Denied. No Opinion.

Circuit Judge, Tracy S. McCooey, (334) 832-1365
Pet. Atty. General, Troy Robin King, (334) 242-7401
Pet. Asst. Atty. Gen., J Thomas Leverette, (334) 242-7300
Resp. Atty., William Howard Turner, (334) 265-7818

1090737 Ex parte Charles Watson. PETITION FOR WRIT OF CERTIORARI TO THE COURT OF CRIMINAL APPEALS (In re: Charles Watson v. State of Alabama) (Jefferson Circuit Court: CC00-4600.61; Criminal Appeals : CR-08-2009).

Writ Denied. No Opinion.

Circuit Judge, Gloria Bahakel, (205) 325-5323
Resp. Atty. General, Troy Robin King, (334) 242-7401
Resp. Asst. Atty. General, Tracy Millar Daniel, (334) 353-0074

1090753 Ex parte Soloman Deandre McDaniels. PETITION FOR WRIT OF CERTIORARI TO THE COURT OF CRIMINAL APPEALS (In re: Soloman Deandre McDaniels v. State of Alabama) (Montgomery Circuit Court: CC06-1732.70; Criminal Appeals : CR-08-1797).

Writ Denied. No Opinion.

Circuit Judge, Truman M. Hobbs, Jr., (334) 832-7147
Pet. Atty., Jamie Johnston, (334) 262-8118
Resp. Atty. General, Troy Robin King, (334) 242-7401
Resp. Asst. Atty. General, P. David Bjurberg, (334) 242-7365

1090769 Ex parte Allen Dewitt Bibbs. PETITION FOR WRIT OF CERTIORARI TO THE COURT OF CRIMINAL APPEALS (In re: Allen Dewitt Bibbs v. State of Alabama) (Houston Circuit Court: CC09-709; CC09-710; Criminal Appeals : CR-08-1853).

Writ Denied. No Opinion.

Circuit Judge, Brady Eutaw Mendheim, Jr., (334) 677-4881

Pet. Atty., David Kenneth Hogg, (334) 699-4625
Resp. Atty. General, Troy Robin King, (334) 242-7401
Resp. Atty., James H Rutter, III, (334) 353-1435

- 1090797 Ex parte K.D. PETITION FOR WRIT OF CERTIORARI TO THE COURT OF CIVIL APPEALS (In re: K.D. v. Alabama Department of Human Resources) (Mobile Juvenile Court: JU-08-1908.92; Civil Appeals : 2081116).

Writ Denied. No Opinion.

- 1090819 Ex parte Dorsie Northard. PETITION FOR WRIT OF CERTIORARI TO THE COURT OF CRIMINAL APPEALS (In re: Dorsie Northard v. State of Alabama) (St. Clair Circuit Court, Ashville Division: CC83-86.91; Criminal Appeals : CR-09-0221).

Writ Denied. No Opinion.

Circuit Judge, James Hill, Jr., (205) 338-3869
Resp. Atty. General, Troy Robin King, (334) 242-7401
Resp. Asst. Atty. Gen., J Thomas Leverette, (334) 242-7300

- 1090834 Ex parte Camellia B. Barnes. PETITION FOR WRIT OF CERTIORARI TO THE COURT OF CIVIL APPEALS (In re: Camellia B. Barnes v. Alternative Capital Source, LLC) (Jefferson Circuit Court: CV-08-2701; Civil Appeals : 2081103).

Writ Denied. No Opinion.

Circuit Judge, G. William Noble, (205) 325-5020
Resp. Atty., David Jesse Chastain, (205) 933-2300

Woodall, J.

- 1081693 John Lary v. City of Huntsville (Appeal from Madison Circuit Court: CV-08-1187).

Affirmed. No Opinion.

Circuit Judge, Bruce Edward Williams, (256) 532-3754
Aple. Atty., David E. McGehee, (256) 427-5026

- 1090641 Ex parte James McConico, Jr. PETITION FOR WRIT OF CERTIORARI TO THE COURT OF CRIMINAL APPEALS (In re: James McConico, Jr. v. State of Alabama) (Jefferson Circuit Court: CC94-4685; Criminal Appeals : CR-09-0103).

Writ Denied. No Opinion.

Circuit Judge, Tommy Nail, (205) 327-8205
Resp. Atty. General, Troy Robin King, (334) 242-7401
Resp. Asst. Atty. General, John McGavock Porter, (334) 242-7420

- 1090726 Ex parte Christopher Dewayne Carroll. PETITION FOR WRIT OF CERTIORARI TO THE COURT OF CRIMINAL APPEALS (In re: Christopher Dewayne Carroll v. State of Alabama) (Houston Circuit Court: CC-08-986; 08-987; 08-988; Criminal Appeals : CR-08-1713).

Writ Denied. No Opinion.

- 1090727 Ex parte Leon Carmichael, Jr., alias. PETITION FOR WRIT OF CERTIORARI TO THE COURT OF CRIMINAL APPEALS (In re: Leon Carmichael, Jr., alias v. State of Alabama) (Montgomery Circuit Court: CC07-1483; Criminal Appeals : CR-08-1455).

Writ Denied. No Opinion.

Circuit Judge, Truman M. Hobbs, Jr., (334) 832-7147

Pet. Atty., Jeffery C Duffey, (334) 834-4100
Pet. Atty., Frank Snowden, III, (334) 409-7000
Resp. Atty. General, Troy Robin King, (334) 242-7401
Resp. Asst. Atty. General, Stephanie Elizabeth Reiland, (334) 242-4318

- 1090733 Ex parte Maurice C. Moore. PETITION FOR WRIT OF CERTIORARI TO THE COURT OF CRIMINAL APPEALS (In re: Maurice C. Moore v. State of Alabama) (Madison Circuit Court: CC85-1157.64; Criminal Appeals : CR-09-0031).

Writ Denied. No Opinion.

Circuit Judge, Bruce Edward Williams, (256) 532-3754
Resp. Atty. General, Troy Robin King, (334) 242-7401
Resp. Asst. Atty. General, Stephen Norwood Dodd, (334) 242-7378

- 1090735 Ex parte Jerry Kellis. PETITION FOR WRIT OF CERTIORARI TO THE COURT OF CRIMINAL APPEALS (In re: Jerry Kellis v. State of Alabama) (Baldwin Circuit Court: CC07-1668; Criminal Appeals : CR-08-1562).

Writ Denied. No Opinion.

Circuit Judge, John Ray Lockett, (251) 574-8477
Resp. Atty. General, Troy Robin King, (334) 242-7401
Resp. Asst. Atty. General, William Duncan Little, (334) 242-4162

- 1090767 Ex parte Lamond Aundrea Toney. PETITION FOR WRIT OF CERTIORARI TO THE COURT OF CRIMINAL APPEALS (In re: Lamond Aundrea Toney v. State of Alabama) (Madison Circuit Court: CC00-2925.64; Criminal Appeals : CR-08-1773).

Writ Denied. No Opinion.

Circuit Judge, James Peyton Smith, (256) 532-3394
Resp. Atty. General, Troy Robin King, (334) 242-7401
Resp. Asst. Gen. Counsel, John J. Davis, (334) 353-9131

- 1090780 Ex parte Jackie Lee Kyser. PETITION FOR WRIT OF CERTIORARI TO THE COURT OF CRIMINAL APPEALS (In re: Jackie Lee Kyser v. State of Alabama) (Covington Circuit Court: CC05-181.70; Criminal Appeals : CR-08-1758).

Writ Denied. No Opinion.

Circuit Judge, M. Ashley McKathan, (334) 428-2585
Pet. Atty., Larry R. Grissett, (334) 493-9475
Resp. Atty. General, Troy Robin King, (334) 242-7401
Resp. Asst. Atty. General, John McGavock Porter, (334) 242-7420

- 1090793 Ex parte R.C., Sr. PETITION FOR WRIT OF CERTIORARI TO THE COURT OF CIVIL APPEALS (In re: R.C., Sr. v. Alabama Department of Human Resources) (Mobile Juvenile Court: JU-08-1908.92; Civil Appeals : 2081115).

Writ Denied. No Opinion.

- 1090838 Ex parte The Lighting Fair, Inc. PETITION FOR WRIT OF CERTIORARI TO THE COURT OF CIVIL APPEALS (In re: The Lighting Fair, Inc. v. Edwin P. Grice III, et al.) (Elmore Circuit Court: CV-07-900196; Civil Appeals : 2080511).

Writ Denied. No Opinion.

Circuit Judge, Sibley G. Reynolds, (205) 755-0311
Pet. Atty., J Knox Argo, (334) 279-0088
Pet. Atty., Nicholas Cole Hughes, (334) 279-0088

Resp. Atty., D. Jason Britt, (334) 285-1976
Resp. Atty., Robert Ryan Daugherty, (205) 930-5390

Stuart, J.

1080764 Ex parte Eugene Lafayette Cravey. PETITION FOR WRIT OF CERTIORARI TO THE COURT OF CRIMINAL APPEALS (In re: Eugene Lafayette Cravey v. State of Alabama) (Jefferson Circuit Court: CC05-1007.60; Criminal Appeals : CR-07-0766).

Writ Denied. No Opinion.

Circuit Judge, Laura Petro, (205) 325-5646
Resp. Atty. General, Troy Robin King, (334) 242-7401
Resp. Asst. Gen. Counsel, John J. Davis, (334) 353-9131

1090611 Ex parte Lloyd M. Currier, et al. PETITION FOR WRIT OF CERTIORARI TO THE COURT OF CIVIL APPEALS (In re: Lloyd M. Currier, et al. v. Margaret Lampi) (Jefferson Circuit Court: CV-06-7261; Civil Appeals : 2080551).

Writ Denied. No Opinion.

Circuit Judge, Robert S. Vance, Jr., (205) 325-5035
Pet. Atty., Raymond Lykins, (205) 212-1000
Resp. Atty., Keith W. Veigas, Jr, (205) 212-1000

1090640 Ex parte Richard Ellis. PETITION FOR WRIT OF CERTIORARI TO THE COURT OF CRIMINAL APPEALS (In re: Richard Ellis v. State of Alabama) (Jefferson Circuit Court: CC92-368; Criminal Appeals : CR-09-0098).

Writ Denied. No Opinion.

Circuit Judge, Alfred Bahakel, (205) 325-5648
Resp. Atty. General, Troy Robin King, (334) 242-7401
Resp. Asst. Atty. General, Stephen Norwood Dodd, (334) 242-7378

1090729 Ex parte Tywane Tuck, alias. PETITION FOR WRIT OF CERTIORARI TO THE COURT OF CRIMINAL APPEALS (In re: Tywane Tuck, alias v. State of Alabama) (Tallapoosa Circuit Court: CC-05-174; Criminal Appeals : CR-08-1606).

Writ Denied. No Opinion.

1090734 Ex parte Ronnie Odell Parker. PETITION FOR WRIT OF CERTIORARI TO THE COURT OF CRIMINAL APPEALS (In re: Ronnie Odell Parker v. State of Alabama) (Clarke Circuit Court: CC84-131.62; Criminal Appeals : CR-08-1805).

Writ Denied. No Opinion.

District Judge, Don P. Scurlock, III, (205) 459-3828
Resp. Atty. General, Troy Robin King, (334) 242-7401
Resp. Asst. Atty. General, Marc Alan Starrett, (334) 353-8973

1090745 Ex parte Lilla Spurling Patterson. PETITION FOR WRIT OF CERTIORARI TO THE COURT OF CRIMINAL APPEALS (In re: Jerry Wayne Patterson and Lilla Spurling Patterson v. State of Alabama) (Etowah Circuit Court: CC06-651.01; CC06-652.01; Criminal Appeals : CR-08-1325).

Writ Denied. No Opinion.

Circuit Judge, William H. Rhea, III, (256) 549-5317
Pet. Atty., John Morgan Cunningham, (256) 546-1953
Pet. Atty., Catherine Ann McCord, (256) 546-5882
Resp. Atty. General, Troy Robin King, (334) 242-7401
Resp. Asst. Atty. General, Robin Denise Scales, (334) 242-4275

1090758 Ex parte Mid-Ohio Securities and Bryant Berry. PETITION FOR WRIT OF CERTIORARI TO THE COURT OF CIVIL APPEALS (In re: Mid-Ohio Securities and Bryant Berry v. All South Signs, Inc.) (Jefferson Circuit Court: CV-08-901250; Civil Appeals : 2080945).

Writ Denied. No Opinion.

Circuit Judge, Robert S. Vance, Jr., (205) 325-5035
Pet. Atty., Donald E. Blankenship, (205) 328-0996
Resp. Atty., Thomas J Skinner, IV, (205) 802-2545

1090775 Ex parte Felita Lashay Vaughn. PETITION FOR WRIT OF CERTIORARI TO THE COURT OF CRIMINAL APPEALS (In re: Felita Lashay Vaughn v. State of Alabama) (Lauderdale Circuit Court: CC09-72; Criminal Appeals : CR-08-1998).

Writ Denied. No Opinion.

Circuit Judge, Gilbert P. Self
Pet. Atty., Susan Graham James, (334) 269-3330
Resp. Atty. General, Troy Robin King, (334) 242-7401
Resp. Asst. Atty. General, Michael G. Dean, (334) 353-0415

1090836 Ex parte Karen Jan Brown. PETITION FOR WRIT OF CERTIORARI TO THE COURT OF CIVIL APPEALS (In re: Karen Jan Brown v. Julian Riley Brown, Jr.) (Montgomery Circuit Court: DR-03-486.01; Civil Appeals : 2080713).

Writ Denied. No Opinion.

Circuit Judge, Patricia Warner, (334) 832-4950
Pet. Atty., Roger M. Monroe, (334) 264-4441
Pet. Atty., Robert Troy Teague, (334) 262-8494
Resp. Atty., E. L. Brobston, (205) 425-4361
Resp. Atty., James M. Smith, (334) 256-7947

Smith, J.

1081092 New Acton Coal Mining Company, Inc. v. Tim Woods et al. (Appeal from Walker Circuit Court: CV-01-556).

Order Vacated; Appeal Dismissed.

Circuit Judge, Hugh D. Farris, (205) 384-7234
Apl. Atty., J. Mitchell Frost, Jr, (205) 879-8722
Apl. Atty., Bradley L. Hendrix, (205) 879-8722
Apl. Atty., Garfield W Ivey, Jr, (205) 221-4644
Apl. Atty., John E. Warren, III, (205) 221-1044
Apl. Atty., Grant Wilson, (205) 221-4644

1081309 Donna Krueger v. State Farm Fire and Casualty Company (Appeal from Madison Circuit Court: CV-07-1829).

Affirmed. No Opinion.

Circuit Judge, Karen K. Hall, (256) 532-3455
Apl. Atty., J. Barton Warren, (256) 539-7575
Apl. Atty., James G. Adams, Jr, (256) 353-6761

1081379 Torie Spinks v. Automation Personnel Services, Inc. (Appeal from Shelby Circuit Court: CV-09-900286).

Reversed And Remanded With Directions.

Circuit Judge, Hewitt Lawrence Conwill, (205) 669-3800
Apl. Atty., Kimberly M. Bawgus, (205) 328-0480
Apl. Atty., Wesley C. Redmond, (205) 328-0480

Aple. Atty., Bricker S. Daughtry, (205) 822-2006

Aple. Atty., Thomas L Oliver, II, (205) 822-2006

Aple. Atty., Richard E. Trehwella, (205) 822-2006

- 1090441 Ex parte Jeffrey L. Schulmerich. PETITION FOR WRIT OF CERTIORARI TO THE COURT OF CIVIL APPEALS (In re: Jeffrey L. Schulmerich v. Lynda S. Schulmerich) (Houston Circuit Court: DR-07-704; Civil Appeals : 2080412).

Writ Denied. No Opinion.

District Judge, Brady Eutaw Mendheim, Jr., (334) 677-4881

Pet. Atty., Joan Marie Kettell Dean, (256) 534-4557

Resp. Atty., Jerry Ray Herring, (334) 793-7649

- 1090502 Ex parte Harrison Cromwell. PETITION FOR WRIT OF CERTIORARI TO THE COURT OF CRIMINAL APPEALS (In re: Harrison Cromwell v. State of Alabama) (Jefferson Circuit Court: CC07-4467.60; CC07-4468.60; CC07-4469.60; Criminal Appeals : CR-08-1777).

Writ Denied. No Opinion.

Circuit Judge, Tommy Nail, (205) 327-8205

Resp. Atty. General, Troy Robin King, (334) 242-7401

Resp. Asst. Atty. Gen., Yvonne A.H. Saxon, (334) 242-7376

- 1090526 Ex parte Christopher Keion Donald, alias. PETITION FOR WRIT OF CERTIORARI TO THE COURT OF CRIMINAL APPEALS (In re: Christopher Keion Donald, alias v. State of Alabama) (Tuscaloosa Circuit Court: CC07-40; Criminal Appeals : CR-08-1279).

Writ Denied. No Opinion.

Circuit Judge, Michael Bradley Almond, (205) 469-6352

Pet. Atty., J. Paul Whitehurst, (205) 339-5151

Resp. Atty. General, Troy Robin King, (334) 242-7401

Resp. Asst. Atty. General, John McGavock Porter, (334) 242-7420

- 1090527 Ex parte Carlos Foster. PETITION FOR WRIT OF CERTIORARI TO THE COURT OF CRIMINAL APPEALS (In re: Carlos Foster v. State of Alabama) (Colbert Circuit Court: CC07-224; Criminal Appeals : CR-08-0459).

Writ Denied. No Opinion.

Circuit Judge, Jacqueline M. Hatcher, (256) 386-8528

Pet. Atty., Mitchell D. Hays, (256) 383-9444

Resp. Atty. General, Troy Robin King, (334) 242-7401

Resp. Asst. Atty. Gen., Beth Slate Poe, (334) 242-7377

- 1090673 Ex parte Travis Griffin. PETITION FOR WRIT OF CERTIORARI TO THE COURT OF CRIMINAL APPEALS (In re: Travis Griffin v. State of Alabama) (Jefferson Circuit Court: CC07-3133; Criminal Appeals : CR-08-0404).

Writ Denied. No Opinion.

Circuit Judge, Laura Petro, (205) 325-5646

Pet. Atty., Abigail P. van Alstyne, (205) 919-9447

Resp. Atty. General, Troy Robin King, (334) 242-7401

Resp. Asst. Atty. Gen., James B. Prude, (334) 242-7300

- 1090691 Ex parte J. H. PETITION FOR WRIT OF CERTIORARI TO THE COURT OF CIVIL APPEALS (In re: J. H. and C. H. v. DeKalb County Department of Human Resources) (DeKalb Juvenile Court: JU-08-43; Civil Appeals : 2080923).

Writ Denied. No Opinion.

1090756 Ex parte C.H. PETITION FOR WRIT OF CERTIORARI TO THE COURT OF CIVIL APPEALS (In re: J.H. and C.H. v. DeKalb County Department of Human Resources) (DeKalb Juvenile Court: JU-08-43; Civil Appeals : 2080923).

Writ Denied. No Opinion.

Bolin, J.

1081351 Derrick Robertson v. Gaddy Electric and Plumbing, LLC (Appeal from Marengo Circuit Court: CV-04-32).

Affirmed In Part; Reversed In Part; Remanded.

Circuit Judge, Eddie Hardaway, Jr., (205) 652-6169
Apl. Atty., Charles J. Lorant, (205) 870-9848
Aple. Atty., Windy C Bitzer, (251) 694-6263
Aple. Atty., J Mark Hart, (205) 324-4400
Aple. Atty., Jennifer Stapleton Morgan, (251) 432-5511

1090403 Ex parte A. D. M. PETITION FOR WRIT OF CERTIORARI TO THE COURT OF CRIMINAL APPEALS (In re: A. D. M. v. State of Alabama) (Jefferson Circuit Court: CC-08-877; 08-278; 08-879; Criminal Appeals : CR-08-0551).

Writ Denied. No Opinion.

1090439 Ex parte Eric Jackson. PETITION FOR WRIT OF CERTIORARI TO THE COURT OF CIVIL APPEALS (In re: Alisia Denese Rose v. Eric Jackson) (Montgomery Circuit Court: DR-06-1146; Civil Appeals : 2071057).

Writ Denied. No Opinion.

Circuit Judge, Patricia Warner, (334) 832-4950
Pet. Atty., Fred F. Bell, (334) 265-8176
Resp. Atty., Karen Masten Laneaux

1090501 Ex parte Eddie Allen. PETITION FOR WRIT OF CERTIORARI TO THE COURT OF CRIMINAL APPEALS (In re: Eddie Allen v. State of Alabama) (Sumter Circuit Court: CC08-43; Criminal Appeals : CR-08-1503).

Writ Denied. No Opinion.

Circuit Judge, Henry D. (Butch) Binford, (334) 677-4848
Circuit Judge, Eddie Hardaway, Jr., (205) 652-6169
Pet. Atty., Robert Brian Smith, (205) 652-7007
Resp. Atty. General, Troy Robin King, (334) 242-7401
Resp. Asst. Atty. Gen., Jack William Willis, (334) 242-7326

1090521 Ex parte Gregory Lawon Debardelaben. PETITION FOR WRIT OF CERTIORARI TO THE COURT OF CRIMINAL APPEALS (In re: Gregory Lawon Debardelaben v. State of Alabama) (Houston Circuit Court: CC08-1036; CC08-1037; Criminal Appeals : CR-08-1515).

Writ Denied. No Opinion.

Circuit Judge, Henry D. (Butch) Binford, (334) 677-4848
Pet. Atty., Robin Cobb Freeman, (334) 677-3000
Resp. Atty. General, Troy Robin King, (334) 242-7401
Resp. Atty., Beth Slate Poe, (334) 242-7300

1090528 Ex parte Aaron Wayne Young. PETITION FOR WRIT OF CERTIORARI TO THE COURT OF CRIMINAL APPEALS (In re: Aaron Wayne Young v. State of Alabama) (Mobile Circuit Court: CC08-3924; CC08-3925; Criminal Appeals : CR-08-1354).

Writ Denied. No Opinion.

Circuit Judge, Charles A. Graddick, (251) 574-5639

Pet. Atty., Linda Collins Jensen, (251) 441-0081
Resp. Atty. General, Troy Robin King, (334) 242-7401
Resp. Asst. Atty. General, Robin Denise Scales, (334) 242-4275

- 1090707 Ex parte M.H. PETITION FOR WRIT OF CERTIORARI TO THE COURT OF CIVIL APPEALS (In re: M.H. v. H.N.M.) (Walker Juvenile Court: JU-05-276.02; Civil Appeals : 2080686).

Writ Denied. No Opinion.

- 1090715 Ex parte Gary P. Greene. PETITION FOR WRIT OF CERTIORARI TO THE COURT OF CIVIL APPEALS (In re: Gary P. Greene v. Dr. Mark Sonnier and Correctional Medical Services) (Mobile Circuit Court: CV-09-36; Civil Appeals : 2080954).

Writ Denied. No Opinion.

Circuit Judge, Charles A. Graddick, (251) 574-5639
Resp. Atty., Rudene B Crowe, (251) 433-8088

Parker, J.

- 1071660 Jimmy W. Whited v. Long-Lewis, Inc., individually and as successor to Burrell Corporation f/k/a Long-Lewis Hardware Company, et al. (Appeal from Jefferson Circuit Court: CV-08-900759).

Affirmed. No Opinion.

Circuit Judge, Tom King, Jr., (205) 325-5025
Pet. Atty., G. Patterson Keahey, Jr., (205) 871-0707
Resp. Atty., C. Paul Cavender, (205) 251-3000
Resp. Atty., Rocky Eaton, (251) 694-1932
Resp. Atty., Frank E. Lankford, Jr., (205) 251-1193
Resp. Atty., Robert F. Northcutt, (334) 241-8000
Resp. Atty., Elizabeth Padgett
Resp. Atty., William Larkin Radney, IV, (205) 581-0786
Resp. Atty., Chadwick Shook, (601) 583-2671
Resp. Atty., Michael Anthony Vercher, (205) 250-6621
Resp. Atty., Allan R. Wheeler, (205) 458-5235

- 1081581 Ex parte Samuel Hoyt Hubbard. PETITION FOR WRIT OF CERTIORARI TO THE COURT OF CRIMINAL APPEALS (In re: Samuel Hoyt Hubbard v. State of Alabama) (Greene Circuit Court: CC07-10; Criminal Appeals : CR-07-0689).

Writ Denied. No Opinion.

Circuit Judge, Eddie Hardaway, Jr., (205) 652-6169
Pet. Atty., Richard M Kemmer, Jr, (205) 926-5304
Resp. Atty. General, Troy Robin King, (334) 242-7401
Resp. Asst. Atty. General, John J. Davis, (334) 353-9131

- 1081598 Ex parte Tony Eugene Grimes. PETITION FOR WRIT OF CERTIORARI TO THE COURT OF CRIMINAL APPEALS (In re: Tony Eugene Grimes v. State of Alabama) (Lee Circuit Court: CC94-1161; Criminal Appeals : CR-07-1651).

Writ Denied. No Opinion.

Circuit Judge, Jacob A. Walker, III, (334) 749-7156
Resp. Atty. General, Troy Robin King, (334) 242-7401
Resp. Asst. Atty. General, Robin Denise Scales, (334) 242-4275

1081614 Ex parte Rita Jones, Cynthia Dallas, Jamie Robinson, Samuel Zeigler, Carolyn Cooper, Marietta S. Gray, Lisa Hallman, Jimmy Miller and Angela Miller. PETITION FOR WRIT OF CERTIORARI TO THE COURT OF CIVIL APPEALS (In re: Rita Jones, Cynthia Dallas, Jamie Robinson, Samuel Zeigler, Carolyn Cooper, Marietta S. Gray, Lisa Hallman, Jimmy Miller and Angela Miller v. Elmore County Board of Education) (Montgomery : FMCS; Civil Appeals : 2080979).

Writ Denied. No Opinion.

Pet. Atty., Sam H Heldman, (202) 965-8884
Pet. Atty., Nancy Elaine Perry, (334) 834-9790
Resp. Atty., James R. Seale, (334) 834-7600

1081616 Ex parte Mary Simmons, Dytisha Goodgame, and Sheila Whetstone-Tuck. PETITION FOR WRIT OF CERTIORARI TO THE COURT OF CIVIL APPEALS (In re: Mary Simmons, Dytisha Goodgame, and Sheila Whetstone-Tuck v. Coosa County Board of Education and Todd Wingard, as superintendent of the Coosa County Board of Education) (Coosa Circuit Court: CV-04-69; Civil Appeals : 2071135).

Writ Denied. No Opinion.

1090591 Ex parte J.A.D. PETITION FOR WRIT OF CERTIORARI TO THE COURT OF CIVIL APPEALS (In re: J.A.D. v. Lee County Department of Human Resources) (Lee Juvenile Court: JU-06-477.03; Civil Appeals : 2081001).

Writ Denied. No Opinion.

Murdock, J.

1061806 Ex parte Judy D. Byrom. PETITION FOR WRIT OF CERTIORARI TO THE COURT OF CIVIL APPEALS (In re: Jerry T. Byrom, Jr., as administrator of the estate of Jerry Thomas Byrom v. Judy D. Byrom) (Madison Circuit Court: CV-02-650; Civil Appeals : 2050820).

Affirmed.

Circuit Judge, James Peyton Smith, (256) 532-3394
Pet. Atty., George M. Beason, Jr., (256) 533-1667
Pet. Atty., Terry Bynum, (256) 533-1667
Resp. Atty., Scott W. Faulkner, (256) 535-1100
Resp. Atty., William B. Tatum, (256) 535-1100
Resp. Atty., Edward Eugene Wilson, (256) 535-1100

1081540 Ex parte Darwin Gregory Knight. PETITION FOR WRIT OF CERTIORARI TO THE COURT OF CRIMINAL APPEALS (In re: Darwin Gregory Knight v. State of Alabama) (Mobile Circuit Court: CC94-1213.65; Criminal Appeals : CR-08-0876).

Motion to Suspend the Rules Denied. Writ Denied. No Opinion.

Circuit Judge, Michael A. Youngpeter, (251) 574-8780
Resp. Atty. General, Troy Robin King, (334) 242-7401
Resp. Asst. Atty. General, P. David Bjurberg, (334) 242-7365

1090331 Ex parte Ethan Eugene Dorsey. PETITION FOR WRIT OF CERTIORARI TO THE COURT OF CRIMINAL APPEALS (In re: Ethan Eugene Dorsey v. State of Alabama) (Conecuh Circuit Court: CC97-37.60; Criminal Appeals : CR-08-0443).

Writ Denied. No Opinion.

Circuit Judge, Mark Kennedy, (334) 263-9899

Pet. Atty., Anthony J. Bishop, (251) 578-5286
Resp. Atty. General, Troy Robin King, (334) 242-7401
Resp. Asst. Atty. General, Stephanie Elizabeth Reiland, (334) 242-4318

- 1090569 Ex parte James Freeman. PETITION FOR WRIT OF CERTIORARI TO THE COURT OF CRIMINAL APPEALS (In re: James Freeman v. State of Alabama) (Jefferson Circuit Court: CC74-31525.62; Criminal Appeals : CR-08-0877).

Writ Denied. No Opinion.

Circuit Judge, Alfred Bahakel, (205) 325-5648
Resp. Atty. General, Troy Robin King, (334) 242-7401
Resp. Asst. Atty. Gen., Yvonne A.H. Saxon, (334) 242-7376

- 1090632 Ex parte Andrew Smitherman. PETITION FOR WRIT OF CERTIORARI TO THE COURT OF CRIMINAL APPEALS (In re: Andrew Smitherman v. State of Alabama) (Dallas Circuit Court: CC97-356.61; Criminal Appeals : CR-09-0045).

Writ Denied. No Opinion.

Circuit Judge, Thomas ap Roger Jones, (334) 874-2510
Resp. Atty. General, Troy Robin King, (334) 242-7401
Resp. Asst. Atty. General, Stephen Norwood Dodd, (334) 242-7378

- 1090694 Ex parte Wanda Reed Westerdahl. PETITION FOR WRIT OF CERTIORARI TO THE COURT OF CRIMINAL APPEALS (In re: Wanda Reed Westerdahl v. State of Alabama) (Mobile Circuit Court: CC08-4633; Criminal Appeals : CR-08-1571).

Writ Denied. No Opinion.

Circuit Judge, John Ray Lockett, (251) 574-8477
Pet. Atty., William Gregory Hughes, (251) 433-3671
Resp. Atty. General, Troy Robin King, (334) 242-7401
Resp. Asst. Atty. General, William Duncan Little, (334) 242-4162

- 1090712 Ex parte Jeffrey Whilters. PETITION FOR WRIT OF CERTIORARI TO THE COURT OF CRIMINAL APPEALS (In re: State of Alabama vs. Jeffrey Whilters) (Houston Circuit Court: CC09-41; Criminal Appeals : CR-09-0306).

Writ Denied. No Opinion.

Circuit Judge, S. Edward Jackson, (334) 677-4854
Resp. Atty. General, Troy Robin King, (334) 242-7401
Resp. District Atty., Douglas A. Valeska, (334) 677-4894

- 1090766 Ex parte Elmer Dennis, Jr. PETITION FOR WRIT OF CERTIORARI TO THE COURT OF CRIMINAL APPEALS (In re: Elmer Dennis, Jr. v. State of Alabama) (Baldwin Circuit Court: CC96-1499; Criminal Appeals : CR-09-0029).

Writ Denied. No Opinion.

Circuit Judge, J. Langford Floyd, (251) 937-0237
Resp. Atty. General, Troy Robin King, (334) 242-7401
Resp. Asst. Atty. Gen., James B. Prude, (334) 242-7300

Shaw, J.

1071569 United Credit Corporation v. Dollar & Watson, LLC (Appeal from Marshall Circuit Court: CV-05-322).

Affirmed. No Opinion.

Circuit Judge, Allen Tim Jolley, (256) 878-8597
Apl. Atty., Hugh M. Flanagan, (256) 582-2878
Apl. Atty., Harvey B. Morris, (256) 536-0588
Aple. Atty., William Anthony Davis, III, (205) 868-6000

1080110 Angela Ray, as next friend of Brittany Ray, a minor child v. Lee George Aldrich, M.D. (Appeal from Montgomery Circuit Court: CV-07-589).

Affirmed. No Opinion.

Circuit Judge, William A. Shashy, (334) 832-1370
Apl. Atty., J. Scott Hooper, (334) 271-1555
Aple. Atty., Bethany L. Bolger, (334) 206-3100
Aple. Atty., L. Peyton Chapman, III, (334) 206-3225

1090592 Ex parte L. T. PETITION FOR WRIT OF CERTIORARI TO THE COURT OF CIVIL APPEALS (In re: L. T. v. W.L. and T.L.) (Lee Juvenile Court: JU-05-36.03; Civil Appeals : 2080369).

Writ Denied. No Opinion.

PER CURIAM

1071195 Ex parte Johnnie Mae Alexander Green et al. PETITION FOR WRIT OF CERTIORARI TO THE COURT OF CIVIL APPEALS (In re: Frank Stokes, Jr. v. E'Stella Alexander Webb Cottrell et al.) (Elmore Circuit Court: CV-03-321; Civil Appeals : 2060887).

Judgment Vacated in Part and Cause Remanded with Instructions.

Circuit Judge, John B. Bush, (334) 567-1148
Pet. Atty., James R Bowles, (334) 283-6548
Pet. Atty., John I. Cottle, III, (850) 664-2229
Pet. Atty., Roderick Burke Perdue, (334) 567-7373
Pet. Atty., Joseph Scarborough, Jr., (334) 283-2893
Pet. Atty., Stephen Scott Weldon, (334) 283-2893
Resp. Atty., Theron Stokes, (334) .83-4.97
Resp. Atty., Joseph William Warren, (334) 279-0088

1071204 Ex parte E'Stella Alexander Webb Cottrell. PETITION FOR WRIT OF CERTIORARI TO THE COURT OF CIVIL APPEALS (In re: Frank Stokes, Jr. v. E'Stella Alexander Webb Cottrell et al.) (Elmore Circuit Court: CV-03-321; Civil Appeals : 2060887).

Writ Quashed in Part; Judgment Vacated in Part; and Cause Remanded With Instructions.

Circuit Judge, John B. Bush, (334) 567-1148
Pet. Atty., John I. Cottle, III, (850) 664-2229
Resp. Atty., James R Bowles, (334) 283-6548
Resp. Atty., Theron Stokes, (334) .83-4.97
Resp. Atty., Joseph William Warren, (334) 279-0088

1060109 Connie Hughes, as personal representative of the estate of Charles J. Hughes, deceased v. The Mitchell Company, Inc. (Appeal from Mobile Circuit Court: CV-03-4241).

Affirmed In Part; Reversed In Part; Remanded.

Circuit Judge, Roderick P. Stout, (251) 574-8482
Apl. Atty., Irvin Grodsky, (251) 433-3657
Aple. Atty., Ian D. Rosenthal, (251) 415-7300
Aple. Atty., Donald J. Stewart, (251) 415-7303

1060201 The Mitchell Company, Inc. v. Connie Hughes, as personal representative of the estate of Charles J. Hughes, deceased (Appeal from Mobile Circuit Court: CV-03-4241).

Affirmed.

Circuit Judge, Roderick P. Stout, (251) 574-8482
Apl. Atty., Donald J. Stewart, (251) 415-7303
Aple. Atty., Irvin Grodsky, (251) 433-3657

1060570 Keith A. Kubert and Brenda C. Kubert v. Adobe, Inc., a/k/a Amerispec Home Inspection Service, Inc. (Appeal from Marshall Circuit Court: CV-04-244).

Affirmed. No Opinion.

Circuit Judge, David J. Evans, Jr., (256) 571-7776
Apl. Atty., Elisa Smith Rives, (256) 582-3559
Aple. Atty., P. Scott Arnston, (256) 535-1100
Aple. Atty., Jeffrey Todd Kelly, (256) 535-1100
Aple. Atty., Nicole Leigh Schroer, (256) 533-0202
Aple. Atty., Joseph E. Stott, (205) 967-9675

1060571 Keith A. Kubert and Brenda C. Kubert v. Tobby Scheer (Appeal from Marshall Circuit Court: CV-04-244).

Affirmed. No Opinion.

Circuit Judge, David J. Evans, Jr., (256) 571-7776
Apl. Atty., Elisa Smith Rives, (256) 582-3559
Aple. Atty., P. Scott Arnston, (256) 535-1100

1060572 Keith A. Kubert and Brenda C. Kubert v. Steele & Associates-Century 21 Realty, a corporation (Appeal from Marshall Circuit Court: CV-04-244).

Affirmed. No Opinion.

Circuit Judge, David J. Evans, Jr., (256) 571-7776
Apl. Atty., Elisa Smith Rives, (256) 582-3559
Aple. Atty., P. Scott Arnston, (256) 535-1100

1060750 Keith A. Kubert and Brenda Kubert v. Jo Ann Smith (Appeal from Marshall Circuit Court: CV-04-244).

Affirmed. No Opinion.

Circuit Judge, David J. Evans, Jr., (256) 571-7776
Apl. Atty., Elisa Smith Rives, (256) 582-3559
Aple. Atty., Nicole Leigh Schroer, (256) 533-0202

ON REHEARING

1061446 Conway W. Brooks and Helen C. Brooks v. Charles F. Miller II et al. (Appeal from Jefferson Circuit Court: CV-04-6622).

Application Overruled. No Opinion.

Circuit Judge, Caryl P. Privett, (205) 325-5388
Aplt. Atty., Daniel A. Feig, (205) 327-5550
Aplt. Atty., James F. Walsh, (205) 327-5550
Aple. Atty., Kathy Davis, (205) 822-2006
Aple. Atty., Joseph H. Driver, (205) 822-2006
Aple. Atty., David Michael Fleming, (205) 251-1193
Aple. Atty., Robert S. Lamar, Jr, (205) 326-0000
Aple. Atty., Paul A Miller, (205) 326-0000
Aple. Atty., Rick Norris, Jr, (205) 250-6618
Aple. Atty., Adam V. Vickers, (205) 822-2006
Aple. Atty., walter j price, III, (205) 251-1193

1061680 Richard F. Thompson v. Cevin Cormier, D.C., and Cormier Chiropractic and Physical Therapy Center (Appeal from Mobile Circuit Court: CV-04-3661).

Application Overruled. No Opinion.

Circuit Judge, James C. Wood, (251) 574-8475
Aplt. Atty., Brigg Hails Austin, (251) 433-8088
Aplt. Atty., L. Bratton Rainey, III, (251) 433-8088
Aple. Atty., Scott G. Brown, (251) 405-1300
Aple. Atty., W. Boyd Reeves, (251) 405-1300

1071620 Ex parte Susan S. DePaola, trustee in bankruptcy for Clifford H. Willcutt III. PETITION FOR WRIT OF MANDAMUS: CIVIL (In re: Danny Clements Builder, Inc. v. Clifford H. Willcutt III) (Montgomery Circuit Court: CV-07-709).

Application Overruled. No Opinion.

Circuit Judge, Tracy S. McCooey, (334) 832-1365
Pet. Atty., Scott Johnson, Jr., (334) 356-5200
Pet. Atty., Richard A. Lawrence, (334) 263-2000
Resp. Atty., Joseph Seawell Moore, (334) 269-3123
Resp. Atty., John G. Smith, (334) 834-6500

1080296 Woven Treasures, Inc. and Mina Esfahani v. Hudson Capital, L.L.C. (Appeal from Mobile Circuit Court: CV-07-900102).

Application Overruled; Opinion of December 18, 2009, Modified [By Substitution of Page 3]. No Opinion.

Circuit Judge, Roderick P. Stout, (251) 574-8482
Aplt. Atty., Alan C Christian, (251) 432-7682
Aple. Atty., Mack B. Binion, (251) 433-7600
Aple. Atty., Margaret McDowell Miller, (251) 433-7600

1081219 Robert Turner v. J. Scott Boman (Appeal from Lamar Circuit Court: CV-08-115).

Application Overruled. No Opinion.

Circuit Judge, James W. Moore, Jr., (205) 932-3169
Aplt. Atty., Glenn Carlyle Noe, (205) 695-7158
Aple. Atty., Thomas Matthew Jones, (205) 752-6262
Aple. Atty., Robert Spence, (205) 344-5000

1081401 Atheal Pierce v. American General Finance, Inc. (Appeal from Montgomery Circuit Court: CV-08-690).

Application Overruled. No Opinion.

Circuit Judge, Charles Price, (334) 832-1331

Aple. Atty., Lee Hassell

Aple. Atty., Charles N. Parnell, III, (334) 832-4200

1080432 Jeremiah Williams, Geneva Geeter, and Fannie Mae Buchanan v. Jefferson County Tax Assessor and Collector (Appeal from Jefferson Circuit Court: CV-06-6960).

Application Overruled. No Opinion.

Circuit Judge, Robert S. Vance, Jr., (205) 325-5035

Apl. Atty., Lee Wendell Loder, (205) 326-0566

Aple. Atty., French Andrew McMillan, (205) 325-5688

Aple. Atty., Charles S. Wagner, (205) 325-5688