



**LIST OF DECISIONS ANNOUNCED BY
THE SUPREME COURT OF ALABAMA
ON FRIDAY, JUNE 12, 2009**

Cobb, C.J.

- 1070865 QORE, Inc., d/b/a QORE Property Services v. Bradford Building Company, Inc. (Appeal from Jefferson Circuit Court: CV-06-6292).

Affirmed.

Circuit Judge, J. Scott Vowell, (205) 325-5200
Apl. Atty., Joseph C Staak, (404) 582-8026
Aple. Atty., Charles A. Burkhart, (205) 251-8100
Aple. Atty., Matthew Todd Lowther, (205) 226-3422

- 1071687 Kayla Stough, a minor, by and through her next friend and mother, Tammy Sue Stough, and Tammy Sue Stough, individually v. Bessemer Board of Education et al. (Appeal from Jefferson Circuit Court, Bessemer Division: CV-05-998).

Affirmed. No Opinion.

Circuit Judge, Dan C. King, III, (205) 481-4175
Apl. Atty., Stan Brobston, (205) 425-4361
Aple. Atty., Mark S. Boardman, (205) 678-8000
Aple. Atty., Daniel Patton Ogle, (205) 678-8000
Aple. Atty., David A. Sullivan, (205) 322-0600

- 1080745 Ex parte Jimmy Franklin Ollie. PETITION FOR WRIT OF CERTIORARI TO THE COURT OF CRIMINAL APPEALS (In re: Jimmy Franklin Ollie v. State of Alabama) (Tuscaloosa Circuit Court: CC87-286; Criminal Appeals : CR-07-1323).

Writ Denied. No Opinion.

Circuit Judge, Brad Almond
Resp. Atty. General, Troy R. King, (334) 242-7300
Resp. Asst. Atty. Gen., James B. Prude, (334) 242-7300

- 1080877 Ex parte Matthew Christoph Browder. PETITION FOR WRIT OF CERTIORARI TO THE COURT OF CRIMINAL APPEALS (In re: Matthew Christoph Browder, alias v. State of Alabama) (Montgomery Circuit Court: CC-08-169; Criminal Appeals : CR-07-1306).

Writ Denied. No Opinion.

- 1080931 Ex parte Anthony Deangelo Gardner. PETITION FOR WRIT OF CERTIORARI TO THE COURT OF CRIMINAL APPEALS (In re: Anthony Deangelo Gardner v. State of Alabama) (Lee Circuit Court: CC96-737.62; Criminal Appeals : CR-08-0454).

Writ Denied. No Opinion.

Circuit Judge, John V. Denson, II, (334) 749-7141
Resp. Atty. General, Troy R. King, (334) 242-7300

Lyons, J.

1071361 Donna Michelle Whatley v. Cory Williamson and James L. Jones, II (Appeal from Covington Circuit Court: CV-04-8).

Affirmed. No Opinion.

Circuit Judge, M. Ashley McKathan, (334) 428-2585
Apl. Atty., Christopher M Sledge, (334) 222-9115
Aple. Atty., John M Peek, (334) 427-8082

1071467 Coastal Transport, Inc. v. Larry Rawlings (Appeal from Jackson Circuit Court: CV-06-013).

Affirmed. No Opinion.

Circuit Judge, Jenifer C. Holt, (205) 574-9350
Apl. Atty., Thomas J Skinner, IV, (205) 802-2545
Aple. Atty., Gerald R. Paulk, (256) 574-6060

1080505 Ex parte Bryan Mills. PETITION FOR WRIT OF CERTIORARI TO THE COURT OF CRIMINAL APPEALS (In re: Bryan Mills v. State of Alabama) (Jefferson Circuit Court: CC07-2542; Criminal Appeals : CR-07-1722).

Writ Quashed. No Opinion.

Circuit Judge, Virginia A. Vinson, (205) 214-8683
Pet. Atty., William R. Myers, (205) 581-8023
Resp. Atty. General, Troy R. King, (334) 242-7300
Resp. Asst. Atty. General, Tracy Millar Daniel, (334) 353-0074

1080899 Ex parte Stewart Dequis Sykes. PETITION FOR WRIT OF CERTIORARI TO THE COURT OF CRIMINAL APPEALS (In re: Stewart Dequis Sykes v. State of Alabama) (Mobile Circuit Court: CC94-3182.60; Criminal Appeals : CR-07-1874).

Writ Denied. No Opinion.

Circuit Judge, Robert Herschel Smith, (251) 574-8485
Resp. Atty. General, Troy R. King, (334) 242-7300

1080929 Ex parte Robert Lopez. PETITION FOR WRIT OF CERTIORARI TO THE COURT OF CRIMINAL APPEALS (In re: Robert Lopez v. State of Alabama) (Etowah Circuit Court: CC81-269; Criminal Appeals : CR-07-2080).

Writ Denied. No Opinion.

Circuit Judge, David Alan Kimberley, (256) 549-5372
Resp. Atty. General, Troy R. King, (334) 242-7300
Resp. Asst. Atty. General, Stephanie Elizabeth Reiland, (334) 242-4318

1080963 Ex parte Nkosi A. Dubose, Sr. PETITION FOR WRIT OF CERTIORARI TO THE COURT OF CRIMINAL APPEALS (In re: Nkosi A. Dubose, Sr. v. State of Alabama) (Jefferson Circuit Court: CC04-2097.62; Criminal Appeals : CR-07-1228).

Writ Denied. No Opinion.

Circuit Judge, Alfred Bahakel, (205) 325-5648
Resp. Atty. General, Troy R. King, (334) 242-7300
Resp. Asst. Atty. General, Jean-Paul Michael Chappell, (334) 242-7328

1080975 Ex parte Melvin R. Bush. PETITION FOR WRIT OF CERTIORARI TO THE COURT OF CRIMINAL APPEALS (In re: Melvin R. Bush v. Alabama Department of Corrections) (Montgomery Circuit Court: CV07-1594; Criminal Appeals : CR-07-0838).

Writ Denied. No Opinion.

Circuit Judge, Eugene W. Reese, (334) 832-1360
Resp. Atty. General, Troy R. King, (334) 242-7300
Resp. Asst. Gen. Counsel, Albert S. Butler, (334) 353-4859

1081014 Ex parte Kenneth C. Powell. PETITION FOR WRIT OF CERTIORARI TO THE COURT OF CRIMINAL APPEALS (In re: Kenneth C. Powell v. State of Alabama) (Clarke Circuit Court: CC96-147.63; Criminal Appeals : CR-07-1272).

Writ Denied. No Opinion.

District Judge, Jerry L. Turner, (251) 847-2164
Resp. Atty. General, Troy R. King, (334) 242-7300
Resp. Asst. Atty. General, Marc Alan Starrett, (334) 353-8973

1081017 Ex parte Von Eric Miller. PETITION FOR WRIT OF CERTIORARI TO THE COURT OF CRIMINAL APPEALS (In re: Von Eric Miller v. State of Alabama) (Mobile Circuit Court: CC07-964; Criminal Appeals : CR-07-2136).

Writ Denied. No Opinion.

Circuit Judge, Joseph S. Johnston, (251) 574-8685
Pet. Atty., Glenn L. Davidson, (251) 432-0400
Resp. Atty. General, Troy R. King, (334) 242-7300
Resp. Atty., Beth Slate Poe, (334) 242-7300

1081056 Ex parte Johnny Luke. PETITION FOR WRIT OF CERTIORARI TO THE COURT OF CRIMINAL APPEALS (In re: Johnny Luke v. State of Alabama) (Russell Circuit Court: CC82-320.61; Criminal Appeals : CR-08-0090).

Writ Denied. No Opinion.

Circuit Judge, George R. Greene, (334) 297-4567
Resp. Atty. General, Troy R. King, (334) 242-7300
Resp. Asst. Atty. General, Stephanie Elizabeth Reiland, (334) 242-4318

Woodall, J.

1080886 Ex parte Burke Webb, Sr., Robert N. Webb, Laura E. Lawler, Savannah Roberts, Katie Tufts, and Lorine Griffin. PETITION FOR WRIT OF CERTIORARI TO THE COURT OF CIVIL APPEALS (In re: Burke Webb, Sr., Robert N. Webb, Laura E. Lawler, Savannah Roberts, Katie Tufts, and Lorine Griffin v. Charles G. Gilmore) (Walker Circuit Court: CV-06-405; Civil Appeals : 2070760).

Writ Denied. No Opinion.

Circuit Judge, Jerry Selman, (205) 384-7237
Pet. Atty., Nathaniel Martin, (205) 221-3736
Resp. Atty., Charles Clyde Tatum, Jr., (205) 387-0708

1080961 Ex parte Corey Devon Green. PETITION FOR WRIT OF CERTIORARI TO THE COURT OF CRIMINAL APPEALS (In re: Corey Devon Green v. State of Alabama) (Houston Circuit Court: CC07-1156; CC07-1157; CC07-1158; Criminal Appeals : CR-07-1070).

Writ Denied. No Opinion.

Circuit Judge, Charles Lawson Little, (334) 677-4889

Pet. Atty., Rebecca Henry-McCorkel, (334) 793-0057
Resp. Atty. General, Troy R. King, (334) 242-7300
Resp. Asst. Atty. Gen., James B. Prude, (334) 242-7300

- 1080970 Ex parte Christian Taylor Moore. PETITION FOR WRIT OF CERTIORARI TO THE COURT OF CRIMINAL APPEALS (In re: Christian Taylor Moore v. State of Alabama) (Winston Circuit Court: CC04-152; Criminal Appeals : CR-07-1549).

Writ Denied. No Opinion.

Circuit Judge, John Hodges Bentley, (205) 921-2200
Resp. Atty. General, Troy R. King, (334) 242-7300
Resp. Asst. Atty. Gen., Andy Scott Poole, (334) 242-7300

- 1081013 Ex parte Stephen Evers Jones. PETITION FOR WRIT OF CERTIORARI TO THE COURT OF CRIMINAL APPEALS (In re: Stephen Evers Jones v. State of Alabama) (Shelby Circuit Court: CC06-1074; Criminal Appeals : CR-07-1685).

Writ Denied. No Opinion.

Circuit Judge, J. Michael Joiner, (205) 669-3861
Pet. Atty., Sam H Heldman, (202) 965-8884
Pet. Atty., Thomas J. Spina, (205) 939-1330
Resp. Atty. General, Troy R. King, (334) 242-7300
Resp. Asst. Atty. Gen., Jack William Willis, (334) 242-7326

- 1081028 Ex parte Levi Pace. PETITION FOR WRIT OF CERTIORARI TO THE COURT OF CRIMINAL APPEALS (In re: Levi Pace v. State of Alabama) (Montgomery Circuit Court: CC87-341.62; Criminal Appeals : CR-08-0567).

Writ Denied. No Opinion.

Circuit Judge, William A. Shashy, (334) 832-1370
Resp. Atty. General, Troy R. King, (334) 242-7300
Resp. Asst. Atty. Gen., Yvonne A.H. Saxon, (334) 242-7376

Stuart, J.

- 1071298 Howard Ross v. Wachovia Bank, N.A., f/k/a First Union National Bank (Appeal from Madison Circuit Court: CV-05-2192).

Affirmed. No Opinion.

Circuit Judge, Bruce Edward Williams, (256) 532-3754
Apl. Atty., Patrick A. Jones, (256) 533-2827
Aple. Atty., Austin Eugene James, (770) 234-9181
Aple. Atty., Nickey John Rudd, Jr., (770) 234-9181

- 1071651 Melanie Capps v. Nellie Harris Smith (Appeal from Houston Circuit Court: CV-06-188).

Affirmed. No Opinion.

Circuit Judge, Lawson Little, (334) 677-4889
Apl. Atty., S. Mark Andrews, (334) 792-1420
Aple. Atty., William L. Lee, IV, (334) 792-4156
Aple. Atty., William W Nichols, (334) 792-4156

- 1080865 Ex parte Fred Chatman. PETITION FOR WRIT OF CERTIORARI TO THE COURT OF CRIMINAL APPEALS (In re: Fred Chatman v. State of Alabama) (Morgan Circuit Court: CC01-84.60; Criminal Appeals : CR-07-1248).

Writ Denied. No Opinion.

Circuit Judge, Sherrie W. Paler, (256) 351-4700

Resp. Atty. General, Troy R. King, (334) 242-7300
Resp. Asst. Atty. General, P. David Bjurberg, (334) 242-7365

- 1080883 Ex parte Charles A. Dunn. PETITION FOR WRIT OF CERTIORARI TO THE COURT OF CRIMINAL APPEALS (In re: Charles A. Dunn v. State of Alabama) (Russell Circuit Court: CC07-742; CC07-743; CC07-744; Criminal Appeals : CR-07-1193).

Writ Denied. No Opinion.

Circuit Judge, George R. Greene, (334) 297-4567
Circuit Judge, Steven David King, (205) 625-4145
Pet. Atty., Jeremy W. Armstrong, (334) 291-0410
Resp. Atty. General, Troy R. King, (334) 242-7300
Resp. Asst. Atty. General, Madeline H. Lewis, (334) 353-4840

- 1080910 Ex parte John Patrick Sharp. PETITION FOR WRIT OF CERTIORARI TO THE COURT OF CRIMINAL APPEALS (In re: John Patrick Sharp v. State of Alabama) (DeKalb Circuit Court: CC07-671; Criminal Appeals : CR-07-1574).

Writ Denied. No Opinion.

Circuit Judge, Randall L. Cole, (256) 845-8540
Pet. Atty., Angela Cochran Morgan, (256) 845-3386
Resp. Atty. General, Troy R. King, (334) 242-7300
Resp. Asst. Atty. Gen., Andy Scott Poole, (334) 242-7300

- 1080956 Ex parte Joseph Dewayne Maze. PETITION FOR WRIT OF CERTIORARI TO THE COURT OF CRIMINAL APPEALS (In re: Joseph Dewayne Maze v. State of Alabama) (Jefferson Circuit Court: CC07-3506; CC07-3507; Criminal Appeals : CR-07-1114).

Writ Denied. No Opinion.

Circuit Judge, Clyde E. Jones, (205) 325-5395
Pet. Atty., Mari Morrison, (205) 982-8515
Resp. Atty. General, Troy R. King, (334) 242-7300
Resp. Asst. Atty. General, Tracy Millar Daniel, (334) 353-0074

- 1080962 Ex parte Ricky Glenn McIntosh. PETITION FOR WRIT OF CERTIORARI TO THE COURT OF CRIMINAL APPEALS (In re: Ricky Glenn McIntosh v. State of Alabama) (Elmore Circuit Court: CC86-142.60; Criminal Appeals : CR-07-2017).

Writ Denied. No Opinion.

Circuit Judge, Sibley G. Reynolds, (205) 755-0311
Pet. Atty., Kimberly Paige Kervin, (344) 358-0085
Resp. Atty. General, Troy R. King, (334) 242-7300
Resp. Asst. Atty. Gen., Andy Scott Poole, (334) 242-7300

- 1080965 Ex parte Joe D. Holt, Jr. PETITION FOR WRIT OF CERTIORARI TO THE COURT OF CIVIL APPEALS (In re: Joe D. Holt, Jr. v. Sara Lee Corporation d/b/a Sweet Sue Kitchens, Inc.) (Morgan Circuit Court: CV-06-849; Civil Appeals : 2080163).

Writ Denied. No Opinion.

Circuit Judge, Steven Ellis Haddock, (256) 351-4750
Resp. Atty., Carla Gunnin Stone, (404) 230-6739

1080998 Ex parte Tamisha Cade. PETITION FOR WRIT OF CERTIORARI TO THE COURT OF CRIMINAL APPEALS (In re: Tamisha Cade v. State of Alabama) (Jefferson Circuit Court: CC06-4073; Criminal Appeals : CR-07-0580).

Writ Denied. No Opinion.

Circuit Judge, Alfred Bahakel, (205) 325-5648
Pet. Atty., Roger C. Appell, (205) 252-9462
Resp. Atty. General, Troy R. King, (334) 242-7300
Resp. Asst. Atty. General, Kristi O Wilkerson, (334) 353-8563

1081041 Ex parte Dennis Earl Johnson. PETITION FOR WRIT OF CERTIORARI TO THE COURT OF CRIMINAL APPEALS (In re: Dennis Earl Johnson v. State of Alabama) (Houston Circuit Court: CC-07-1509; Criminal Appeals : CR-07-1509).

Writ Denied. No Opinion.

1071020 Mobile OB-GYN, P.C. v. Wendy Godwin Baggett (Appeal from Mobile Circuit Court: CV-05-2615).

Reversed And Remanded.

Circuit Judge, Charles A. Graddick, (251) 574-5639
Pet. Atty., Mary Margaret Bailey, (251) 431-6020
Aplt. Atty., Douglas Brent Baker, (251) 431-6020
Aplt. Atty., A. Danner Frazer, Jr., (251) 431-6020
Aple. Atty., C. Randall Caldwell, Jr., (251) 943-2626
Aple. Atty., Michael S McGlothren, (251) 928-9181

1071081 Wendy Godwin Baggett v. Mobile OB-GYN, P.C. (Appeal from Mobile Circuit Court: CV-05-2615).

Dismissed.

Circuit Judge, Charles A. Graddick, (251) 574-5639
Aplt. Atty., Mary Margaret Bailey, (251) 431-6020
Aplt. Atty., Douglas Brent Baker, (251) 431-6020
Aplt. Atty., A. Danner Frazer, Jr., (251) 431-6020
Aple. Atty., Michael S McGlothren, (251) 928-9181

Smith, J.

1070900 Dolgencorp, Inc. v. Arlie Taylor (Appeal from Clarke Circuit Court: CV-05-40).

Reversed And Judgment Rendered.

Circuit Judge, Stuart Craig DuBose, (251) 275-8667
Aplt. Atty., Robert S. Lamar, Jr, (205) 326-0000
Aplt. Atty., Rick Norris, Jr, (205) 326-0000
Aple. Atty., Frederick P. Gilmore, (251) 275-3115
Aple. Atty., Wyman O. Gilmore, Jr., (251) 275-3115

1071504 Carrie Young v. Church of God Pentecostal et al. (Appeal from Mobile Circuit Court: CV-06-629).

Affirmed. No Opinion.

Circuit Judge, Roderick P. Stout, (251) 574-8482
Aplt. Atty., H Chase Dearman, (251) 445-6997
Aple. Atty., Thomas Marlowe Galloway, Jr., Jr., (251) 476-4493
Aple. Atty., Alicia M. Jacob, (251) 476-4493

1080755 Ex parte Ronald Wayne Brown. PETITION FOR WRIT OF CERTIORARI TO THE COURT OF CRIMINAL APPEALS (In re: State of Alabama) (Cullman Circuit Court: CC-07-44; Criminal Appeals : CR-06-2132).

Writ Denied. No Opinion.

1080784 Ex parte Hector Enrique Alvarez. PETITION FOR WRIT OF CERTIORARI TO THE COURT OF CRIMINAL APPEALS (In re: Hector Enrique Alvarez v. State of Alabama) (Calhoun Circuit Court: CC04-1256; Criminal Appeals : CR-06-2208).

Writ Denied. No Opinion.

Circuit Judge, Malcolm B. Street, Jr., (256) 231-1820
Pet. Atty., Thomas W. Harmon, (205) 235-1995
Pet. Atty., David Lee Johnston, Jr., (256) 235-1995
Resp. Atty. General, Troy R. King, (334) 242-7300
Resp. Asst. Atty. Gen., Andy Scott Poole, (334) 242-7300

1080905 Ex parte Michael Anthony Blair. PETITION FOR WRIT OF CERTIORARI TO THE COURT OF CRIMINAL APPEALS (In re: Michael Anthony Blair v. State of Alabama) (Mobile Circuit Court: CC90-1352; Criminal Appeals : CR-08-0509).

Writ Denied. No Opinion.

Circuit Judge, Charles A. Graddick, (251) 574-5639
Resp. Atty. General, Troy R. King, (334) 242-7300
Resp. Asst. Atty. General, Robin Denise Scales, (334) 242-4275

1080969 Ex parte Randy Joe Carlisle. PETITION FOR WRIT OF CERTIORARI TO THE COURT OF CRIMINAL APPEALS (In re: Randy Joe Carlisle v. State of Alabama) (Marshall Circuit Court, Guntersville Division: CC91-131.64; Criminal Appeals : CR-08-0452).

Writ Denied. No Opinion.

Circuit Judge, Howard G. Hawk, (256) 571-7776
Resp. Atty. General, Troy R. King, (334) 242-7300
Resp. Asst. Atty. General, Madeline H. Lewis, (334) 353-4840

1081016 Ex parte Joseph Elbert Clemments. PETITION FOR WRIT OF CERTIORARI TO THE COURT OF CRIMINAL APPEALS (In re: Joseph Elbert Clemments v. State of Alabama) (Covington Circuit Court: CC05-108.60; Criminal Appeals : CR-08-0623).

Writ Denied. No Opinion.

Circuit Judge, M. Ashley McKathan, (334) 428-2585
Resp. Atty. General, Troy R. King, (334) 242-7300
Resp. Asst. Atty. General, Madeline H. Lewis, (334) 353-4840

Bolin, J.

1060896 Edward Craig Jones and Donald Chasteen v. Regions Bank and Advanced Realty Company, Inc. (Appeal from Etowah Circuit Court: CV-98-1150).

Affirmed In Part; Reversed In Part; Remanded.

Circuit Judge, William W. Cardwell, (256) 549-5368
Circuit Judge, Willis H. Clay
Apl. Atty., J. Christopher Miller, (205) 521-7000
Apl. Atty., David O. Upshaw, (205) 521-7000
Aple. Atty., Paul H. Greenwood, (205) 226-8757
Aple. Atty., Ed R. Haden, (205) 226-8795

Aple. Atty., Jack Lee Roberts, Jr., (256) 543-3664
Aple. Atty., W. Clark Watson, (205) 251-8100

- 1071002 Citizens for the Preservation of the Shell Tower Parkway v. M. Barnett Lawley, Commissioner, Alabama Department of Conservation and Natural Resources, et al. (Appeal from Montgomery Circuit Court: CV-07-211).

Affirmed. No Opinion.

Circuit Judge, Johnny Hardwick, (334) 832-1380
Apl. Atty., Charles E. Vercelli, Jr., (334) 221-8805
Aple. Atty., Dennis R Bailey, (334) 206-3100
Aple. Atty., Bethany L. Bolger, (334) 206-3100
Aple. Atty., William Adams Gunter, IV, (334) 242-3254

- 1080413 Ex parte Rusty S. Pate and Christina E. Pate. PETITION FOR WRIT OF CERTIORARI TO THE COURT OF CIVIL APPEALS (In re: Rusty S. Pate and Christina E. Pate v. Martin Wayne Zahnd and Jennifer Ann Zahnd) (Lauderdale Circuit Court: CV-07-31; Civil Appeals : 2070609).

Writ Denied. No Opinion.

Circuit Judge, Ned Michael Suttle, (256) 760-5820
Pet. Atty., Lindsey Mussleman Davis, (256) 766-0503
Resp. Atty., Harold G. Peck, (256) 766-4490

- 1080723 Ex parte Luther H. T. Grubbs, Jr. PETITION FOR WRIT OF CERTIORARI TO THE COURT OF CRIMINAL APPEALS (In re: Luther H. T. Grubbs, Jr. v. State of Alabama) (Jefferson Circuit Court: CC84-1268.61; Criminal Appeals : CR-08-0001).

Writ Denied. No Opinion.

Circuit Judge, J. William Cole, (205) 325-5290
Resp. Atty. General, Troy R. King, (334) 242-7300
Resp. Asst. Atty. General, Tracy Millar Daniel, (334) 353-0074

- 1080750 Ex parte Alonzo Houston. PETITION FOR WRIT OF CERTIORARI TO THE COURT OF CRIMINAL APPEALS (In re: Alonzo Houston v. State of Alabama) (Jefferson Circuit Court: CC86-1217.63; Criminal Appeals : CR-08-0061).

Writ Denied. No Opinion.

Circuit Judge, Laura Petro, (205) 325-5646
Resp. Atty. General, Troy R. King, (334) 242-7300
Resp. Asst. Atty. Gen., James B. Prude, (334) 242-7300

- 1080797 Ex parte Billy Ray Rivers. PETITION FOR WRIT OF CERTIORARI TO THE COURT OF CRIMINAL APPEALS (In re: Billy Ray Rivers v. State of Alabama) (Houston Circuit Court: CC99-580.10; Criminal Appeals : CR-07-1995).

Writ Denied. No Opinion.

Circuit Judge, Charles Lawson Little, (334) 677-4889
Resp. Atty. General, Troy R. King, (334) 242-7300
Resp. Asst. Atty. Gen., James B. Prude, (334) 242-7300

Parker, J.

- 1050965 American Home Assurance Company, as subrogee for Thomas J. Wetherell v. Renea R. Gaylor, as personal representative of the estate of Charles Horton Hillman, deceased (Appeal from Mobile Circuit Court: CV-02-2206).

Affirmed. No Opinion.

Circuit Judge, Ferrill D. McRae, (251) 574-8485
Apl. Atty., Richard L. Watters, (251) 433-3753
Aple. Atty., Mark J. Everest, (251) 476-4493

- 1061768 Ex parte Greenetrack, Inc. PETITION FOR WRIT OF MANDAMUS: CIVIL (In re: Joe Estano v. Greenetrack, Inc., et al.) (Pickens Circuit Court: CV-06-900005).

Petition Granted. Writ Issued.

Circuit Judge, James W. Moore, Jr., (205) 932-3169
Pet. Atty., John M. Bolton, III, (334) 834-7600
Pet. Atty., Robert Ryan Daugherty, (205) 930-5390
Pet. Atty., J. Mason Davis, (205) 930-5100
Pet. Atty., Charles R. Driggars, (205) 930-5100
Pet. Atty., J. Rushton McClees, (205) 930-5100
Pet. Atty., John A. Owens, (205) 750-0750
Pet. Atty., Patrick L. W. Sefton, (334) 532-3400
Pet. Atty., Charlanna W. Spencer, (334) 834-7600
Resp. Atty., James E. Fleenor, Jr., (205) 397-8162
Resp. Atty., Wilson F. Green, (205) 722-1018
Resp. Atty., Clatus K. Junkin, (205) 366-0111
Resp. Atty., Samuel W. Junkin, (205) 932-4300
Amicus Pet. Atty., Bruce Barze, Jr., (205) 251-8100
Amicus Pet. Atty., Doy Leale McCall, III, (334) 834-7600
Amicus Pet. Atty., Matthew C. McDonald, (251) 439-7514
Amicus Pet. Atty., Kirkland E Reid, (251) 439-7513

- 1071473 Ex parte Brian Nelson Excavating, LLC. PETITION FOR WRIT OF MANDAMUS: CIVIL (In re: Alvin Prater, Robert Hall, and Jessie Hall v. Brian Nelson Excavating, LLC) (Montgomery Circuit Court: CV-04-3009).

Petition Denied.

Circuit Judge, Charles Price, (334) 832-1331
Pet. Atty., John W. Marsh, (334) 387-7680
Pet. Atty., Jack Owen, (334) 387-7680
Resp. Atty., Valerie Rucker Russell, (334) 727-7000
Resp. Atty., Jock M. Smith, (334) 727-0060

- 1080771 Ex parte R. C. PETITION FOR WRIT OF CERTIORARI TO THE COURT OF CIVIL APPEALS (In re: R. C. v. State of Alabama and N. K.) (Lauderdale Circuit Court: CS-82-526.08; Civil Appeals : 2070988).

Writ Denied. No Opinion.

- 1080916 Ex parte Michael Booker. PETITION FOR WRIT OF CERTIORARI TO THE COURT OF CIVIL APPEALS (In re: M. B. v. A. H.) (Madison Juvenile Court: CS-01-166.02; Civil Appeals : 2080172).

Writ Denied. No Opinion.

Murdock, J.

1061536 Pamela Hunter, as administratrix of the estate of Anthony Brown, an individual presumed deceased v. Levi Harris and M.J. McManus (Appeal from Dallas Probate Court: No. 12294).

Affirmed. No Opinion.

Probate Judge, Kimbrough Ballard, (334) 876-4830
Apl. Atty., Andrew T Citrin, (251) 626-7766
Aple. Atty. General, Troy King, (334) 242-7300
Aple. Asst. Atty. General, J. Matt Bledsoe, (334) 242-7443
Aple. Atty., Paul Thomas Beckmann, (251) 694-6274
Aple. Atty., Rod Cate, (251) 634-6274
Aple. Atty., Rebecca J. Luck, (334) 242-3038
Aple. Atty., Courtney W. Tarver, (334) 242-3038

1080535 Ex parte Jesse Earl Long, Jr. and Bettye Long. PETITION FOR WRIT OF CERTIORARI TO THE COURT OF CIVIL APPEALS (In re: Jesse Earl Long, Jr. and Bettye Long v. City of Athens) (Limestone Circuit Court: CV-06-358; Civil Appeals : 2070848).

Writ Denied. No Opinion.

Circuit Judge, Robert M. Baker, (256) 233-8083
Pet. Atty., John W. Parker, (251) 621-2216
Resp. Atty., E. Shane Black, (256) 232-0202
Resp. Atty., Anne G Burrows, (256) 232-0202

1080680 Ex parte Rodger Bolden. PETITION FOR WRIT OF CERTIORARI TO THE COURT OF CIVIL APPEALS (In re: Rodger Bolden v. Wise Alloys, LLC) (Colbert Circuit Court: CV-05-485; Civil Appeals : 2080081).

Writ Denied. No Opinion.

Circuit Judge, Jacqueline M. Hatcher, (256) 386-8528
Pet. Atty., Robert David Lee, (256) 533-3251
Pet. Atty., j. zach higgs, Jr, (256) 533-3251
Resp. Atty., Anthony N. Fox, (205) 967-9675

1080743 Ex parte Frenchon Renardo Hill. PETITION FOR WRIT OF CERTIORARI TO THE COURT OF CRIMINAL APPEALS (In re: Frenchon Renardo Hill v. State of Alabama) (Tuscaloosa Circuit Court: CC01-54.61; Criminal Appeals : CR-07-2029).

Writ Denied. No Opinion.

Circuit Judge, William Scott Donaldson, (205) 349-3870
Resp. Atty. General, Troy R. King, (334) 242-7300
Resp. Asst. Atty. Gen., Jean Alexandra Therkelsen, (334) 242-7300

1080761 Ex parte Joseph Raines. PETITION FOR WRIT OF CERTIORARI TO THE COURT OF CRIMINAL APPEALS (In re: Joseph Raines v. State of Alabama) (Jefferson Circuit Court: CC81-1438.60; Criminal Appeals : 071233).

Writ Denied. No Opinion.

Circuit Judge, Alfred Bahakel, (205) 325-5648
Resp. Atty. General, Troy R. King, (334) 242-7300
Resp. Asst. Atty. General, Tracy Millar Daniel, (334) 353-0074

1080781 Ex parte Timothy Duane McCurry. PETITION FOR WRIT OF CERTIORARI TO THE COURT OF CRIMINAL APPEALS (In re: Timothy Duane McCurry v. State of Alabama) (Madison Circuit Court: CC03-4756; Criminal Appeals : CR-07-1160).

Writ Denied. No Opinion.

Circuit Judge, Laura W. Hamilton, (256) 532-3631
Pet. Atty., Linda F. Coats, (256) 539-5584
Resp. Atty. General, Troy R. King, (334) 242-7300
Resp. Asst. Atty. Gen., J Thomas Leverette, (334) 242-7300

1080840 Ex parte Donald Earl Emery. PETITION FOR WRIT OF CERTIORARI TO THE COURT OF CRIMINAL APPEALS (In re: Donald Earl Emery v. State of Alabama) (Blount Circuit Court: CC01-173.61; Criminal Appeals : CR-07-1037).

Writ Denied. No Opinion.

Circuit Judge, Steven David King, (205) 625-4145
Resp. Atty. General, Troy R. King, (334) 242-7300
Resp. Asst. Atty. General, Stephen Norwood Dodd, (334) 242-7378

Shaw, J.

1050449 Conrad Bonham et al. v. William Coleman Smith, Jr., et al. (Appeal from Madison Circuit Court: CV-02-1017).

Affirmed. No Opinion.

District Judge, Karen K. Hall, (256) 532-3455
Aplt. Atty., Clement J. Cartron, (256) 533-0900
Aple. Atty., James C. Alison, (256) 539-3646
Aple. Atty., John Allen Brinkley, (256) 533-4534

1071252 Pavit Complex, Inc. v. Assurance Company of America, Inc. (Appeal from Montgomery Circuit Court: CV-06-724).

Affirmed. No Opinion.

Aplt. Atty., Donald Harrison
Aplt. Atty., Jackson Brett Harrison, (334) 819-8920
Aplt. Atty., J. Scott Hooper, (334) 271-1555
Aple. Atty., P. Russell Myles, (251) 432-5300
Aple. Atty., Thomas M. O'Hara, (251) 432-5300
Aple. Atty., Anne Laurie Smith, (251) 432-5300

1080232 Mobile County Water, Sewer and Fire Protection Authority, Inc. v. South Alabama Utilities, Inc. (Appeal from Mobile Circuit Court: CV-03-4309).

Affirmed. No Opinion.

Circuit Judge, Robert Herschel Smith, (251) 574-8485
Aplt. Atty., Lawrence J. Hallett, Jr, (251) 438-3700
Aplt. Atty., Joe Carl Jordan, (251) 432-5400
Aplt. Atty., Jay M. Ross, (251) 432-5400
Aple. Atty., Norman J. Gale, Jr., (251) 460-0400
Aple. Atty., Karen T Luce, (251) 432-5300
Aple. Atty., P. Russell Myles, (251) 432-5300

PER CURIAM

- 1070631 Ex parte Brandon Lee Lansdell. PETITION FOR WRIT OF CERTIORARI TO THE COURT OF CRIMINAL APPEALS (In re: Brandon Lee Lansdell v. State of Alabama) (Morgan Circuit Court: CC04-197; Criminal Appeals : CR-05-0243).

Writ denied. See Rule 39(d)(6), Ala. R. App. P. No Opinion. (Special Writing)

Circuit Judge, Glenn Edward Thompson, (256) 351-4785
Pet. Atty., Kevin Denver Teague, (256) 351-1265
Resp. Atty. General, Troy R. King, (334) 242-7300
Resp. Asst. Atty. General, Marc Alan Starrett, (334) 353-8973

- 1071260 Ex parte Stanley Permenter. PETITION FOR WRIT OF CERTIORARI TO THE COURT OF CRIMINAL APPEALS (In re: Stanley Permenter v. State of Alabama) (Fayette Circuit Court: CC99-174.63; Criminal Appeals : CR-06-1966).

Writ Denied. No Opinion.

Circuit Judge, Tommy Nail, (205) 327-8205
Resp. Atty. General, Troy R. King, (334) 242-7300
Resp. Atty., Beth Slate Poe, (334) 242-7300

ON REHEARING

- 1050483 Rose Bullock Loftin, by and through her son and attorney in fact George Joseph Bullock v. State Farm Fire & Casualty Co., Edward B. Rust, Jr., Kenneth C. Leroy, and George D. Jones (Appeal from Mobile Circuit Court: CV-05-2075).

Application Overruled. No Opinion.

Circuit Judge, James C. Wood, (251) 574-8475
Apl. Atty., Joseph J. Boswell, (251) 432-9458
Aple. Atty., Russell C. Buffkin, (251) 432-5521
Aple. Atty., James B. Newman, (251) 432-5521
Aple. Atty., John Casey Pipes, (251) 432-5521

- 1050963 RR&W, LLC et al. v. Harold A. Koons, II and Nancy Koons (Appeal from Baldwin Circuit Court: CV-06-172).

Application Overruled. No Opinion.

Circuit Judge, Charles C. Partin, (251) 937-0273
Apl. Atty., W. Craig Hamilton, (251) 432-5511
Apl. Atty., James Stephen Harvey, (251) 431-8819
Apl. Atty., Karen T Luce, (251) 432-5300
Aple. Atty., Russell J Watson, (251) 937-2303

- 1060857 William H. Phillips v. Barry Wood et al. (Appeal from Mobile Circuit Court: CV-99-3043).

Application Overruled. No Opinion.

Circuit Judge, Herman Y. Thomas, (251) 574-8799
Apl. Atty., Jason Gerth, (251) 476-3000
Apl. Atty., E. J. Saad, (251) 476-3000
Apl. Atty., David F. Walker, (251) 476-3000
Aple. Atty., Steven L. Nicholas, (251) 471-6191

1061061 Jack A. Sunseri and Consolidated Partners, Ltd. v. Bruce Lee Jones et al. (Appeal from Marshall Circuit Court: CV-05-200246).

Application Overruled. No Opinion.

Circuit Judge, Allen Tim Jolley, (256) 878-8597
Aplt. Atty., E.B. Harrison Willis, (205) 322-6060
Aple. Atty. - Pro Hac, Alan M. Herman, (305) 530-0800
Aple. Atty., James C. Inzer, III

1070114 Ex parte Allianz Life Insurance Company of North America. PETITION FOR WRIT OF MANDAMUS: CIVIL (In re: Mary-George D. Watson v. Allianz Life Insurance Company of North America and Jeffrey D. Fredrickson) (Barbour Circuit Court: CV-07-900019).

Application Overruled. No Opinion.

Circuit Judge, L. Bernard Smithart, (334) 775-3408
Pet. Atty., Haley A Andrews, (205) 581-0700
Pet. Atty., Michael L. Bell, (205) 581-0700
Pet. Atty., Haley Andrews Cox, (205) 581-1519
Pet. Atty., Melody H. Eagan
Pet. Atty., Rachel McCulley Lary, (205) 581-0700
Resp. Atty., Robert E. Battle, (205) 397-8160
Resp. Atty., Emily Sides Bonds, (205) 244-5200
Resp. Atty., Michael J. Clemmer, (205) 397-8160
Resp. Atty., Christina D. Crow, (334) 738-4225
Resp. Atty., Timothy Bledsoe Davis, (256) 329-8100
Resp. Atty., James E. Fleenor, Jr., (205) 397-8162
Resp. Atty., Wilson F. Green, (205) 722-1018
Resp. Atty., Richard A. Harrison, (334) 687-4824
Resp. Atty., Harlan F Winn, III, (205) 397-8164

1070295 Jeffrey W. Harris et al. v. City of Mobile and Probate Judge Don Davis (Appeal from Mobile Circuit Court: CV-07-901079).

Application Overruled. No Opinion.

Circuit Judge, Roderick P. Stout, (251) 574-8482
Aplt. Atty., Stephen Erwin Clements, (251) 432-7800
Aplt. Atty., Albert L. Jordan, (205) 870-0555
Aple. Atty., J. Michael Druhan, Jr., (251) 432-0738
Aple. Atty., Jason K. Hagmaier, (251) 432-0738
Aple. Atty., James Brian Rossler, (251) 432-2300
Aple. Atty., Donald J. Stewart, (251) 415-7303
Aple. Atty., Lawrence M. Wettermark, (251) 476-4493

1070634 Cherrie Lawson v. William H. Moore, Jr., M.D., and Whittington, Moore & Kouri, P.C. (Appeal from Montgomery Circuit Court: CV-05-3246).

Application Overruled. No Opinion.

Circuit Judge, Tracy S. McCooley, (334) 832-1365
Aplt. Atty., Winston D. Durant, (334) 263-2666
Aplt. Atty., Karen Masten Laneaux
Aplt. Atty., A. Wesley Pitters, (334) 265-3333
Aple. Atty., Richard Brett Garrett, (334) 206-3100
Aple. Atty., Frank J. Stakely, (334) 206-3100