



**LIST OF DECISIONS ANNOUNCED BY
THE SUPREME COURT OF ALABAMA
ON FRIDAY, SEPTEMBER 4, 2009**

Woodall, J.

- 1080639 Ex parte Marsha Colby. PETITION FOR WRIT OF CERTIORARI TO THE COURT OF CRIMINAL APPEALS (In re: Marsha Colby v. State of Alabama) (Baldwin Circuit Court: CC05-538; Criminal Appeals : CR-06-2183).

Reversed And Remanded.

Circuit Judge, James Harvey Reid, Jr., (251) 937-0290
Pet. Atty., John W. Beck, (251) 990-5454
Pet. Atty., Rebecca Kiley, (334) 269-1803
Pet. Atty., Charlotte Morrison, (334) 269-1803
Pet. Atty., Kristen M. Nelson, (334) 269-1803
Pet. Atty., Bryan A. Stevenson, (334) 269-1803
Resp. Atty. General, Troy R. King, (334) 242-7300
Resp. Asst. Atty. General, William Duncan Little, (334) 242-4162

- 1080673 White Sands Group, L.L.C., and Jeff Valentine v. Michael Asfour and Peter Sterling (Appeal from Baldwin Circuit Court: CV-05-923).

Order Vacated; Case Remanded.

Circuit Judge, Robert E. Wilters, (251) 580-2570
Apl. Atty., C. Nelson Gill, (334) 834-1180
Apl. Atty., George W Walker, III, (334) 834-1180
Aple. Atty., Julian B. Brackin, Jr., (251) 943-4040

- 1080312 White Sands Group, L.L.C. v. PRS II, LLC, et al. (Appeal from Baldwin Circuit Court: CV-05-923).

Reversed And Remanded.

Circuit Judge, Robert E. Wilters, (251) 580-2570
Apl. Atty., C. Nelson Gill, (334) 834-1180
Apl. Atty., Richard Gill, (334) 834-1180
Apl. Atty., George W Walker, III, (334) 834-1180
Aple. Atty., Julian B. Brackin, Jr., (251) 943-4040
Aple. Atty., Anthony M. Hoffman, (251) 694-1700
Aple. Atty., Jennifer S. Holifield, (251) 694-1700
Aple. Atty., Jerome E. Speegle, (251) .69-4.17

Stuart, J.

- 1081021 Ex parte State of Alabama. PETITION FOR WRIT OF MANDAMUS TO THE COURT OF CRIMINAL APPEALS (In re: State of Alabama vs. James Bonard Fowler) (Perry Circuit Court: CC07-17; Criminal Appeals : CR-07-2281).

Petition Granted. Writ Issued.

Circuit Judge, Thomas ap Roger Jones, (334) 874-2510
Pet. Atty. General, Troy R. King, (334) 242-7300
Pet. District Atty., Michael Wayne Jackson, (334) 874-2540
Resp. Atty., George L. Beck, Jr, (334) 241-8091
Resp. Atty., Terrie S. Biggs, (334) 241-8000
Resp. Atty., Susan G. Copeland, (334) 270-0020
Resp. Atty., James Doyle Fuller, (334) 270-0020

- 1071479 Gerald W. Crews v. Otto M. McLing and Sandy M. McLing (Appeal from Elmore Circuit Court: CV-06-19).

Affirmed.

Circuit Judge, Sibley G. Reynolds, (205) 755-0311
Apl. Atty., Barry W. Hair, (205) 397-2900
Apl. Atty., Bradley J. Smith, (205) 397-2900
Aple. Atty., G. Houston Howard, II, (334) 567-4356

- 1071691 Crews Homes, Inc. v. Otto M. McLing and Sandy M. McLing (Appeal from Elmore Circuit Court: CV-07-191).

Reversed And Remanded.

Circuit Judge, Sibley G. Reynolds, (205) 755-0311
Apl. Atty., Barry W. Hair, (205) 397-2900
Apl. Atty., Bradley J. Smith, (205) 397-2900
Aple. Atty., G. Houston Howard, II, (334) 567-4356

Smith, J.

- 1080007 State Board of Education et al. v. Angela M. Mullins et al. (Appeal from Montgomery Circuit Court: CV-08-900809).

Reversed In Part; Appeal Dismissed In Part; and Remanded.

Circuit Judge, Truman M. Hobbs, Jr., (334) 832-7147
Apl. Atty., Jeffrey Garrett Miller, (251) 432-1671
Apl. Atty., David M. O'Brien, (251) 432-1671
Aple. Atty., James H Anderson, (334) 834-5311
Aple. Atty., Candis A. McGowan, (205) 314-0513
Aple. Atty., William F Patty, (334) 834-5311
Aple. Atty., Gregory B. Stein, (251) 433-2002

- 1080515 Ex parte Demarlos Mentrel Davis. PETITION FOR WRIT OF CERTIORARI TO THE COURT OF CRIMINAL APPEALS (In re: Demarlos Mentrel Davis v. State of Alabama) (Houston Circuit Court: CC-99-473; Criminal Appeals : CR-06-1997).

Reversed And Remanded.

Bolin, J.

1070980 Ex parte M. A. R. PETITION FOR WRIT OF CERTIORARI TO THE COURT OF CRIMINAL APPEALS (In re: M. A. R. v. State of Alabama) (Cherokee Circuit Court: CC-06-464; Criminal Appeals : CR-06-1823).

Writ Quashed. No Opinion.

1071635 Ex parte William Franklin Hill, alias. PETITION FOR WRIT OF CERTIORARI TO THE COURT OF CRIMINAL APPEALS (In re: William Franklin Hill, alias v. State of Alabama) (Montgomery Circuit Court: CC07-255; Criminal Appeals : CR-06-1839).

Reversed And Remanded.

Circuit Judge, Eugene W. Reese, (334) 832-1360
Pet. Atty., George L. Beck, Jr, (334) 241-8091
Pet. Atty., Terrie S. Biggs, (334) 241-8000
Pet. Atty., Todd H. Cox, (334) 241-8000
Pet. Atty., Allen Sheehan, (334) 241-8049
Resp. Atty. General, Troy R. King, (334) 242-7300
Resp. Asst. Atty. General, Michael G. Dean, (334) 353-0415

1080291 F.L.C. v. Alabama State Bar (Appeal from 05-225(A)).

Affirmed.

1071553 Jeffery Chandler v. James H. Blizzard (Appeal from Jackson Circuit Court: CV-00-259).

Affirmed. No Opinion. (Special Writing)

Circuit Judge, Jenifer C. Holt, (205) 574-9350
Apl. Atty., Daryl R. Eustace, (256) 259-5900
Apl. Atty., Jack Livingston, (256) 259-5900
Aple. Atty., Thomas W. Christian, (205) 795-6588
Aple. Atty., Deborah Alley Smith, (205) 250-6627
Aple. Atty., Michael Anthony Vercher, (205) 250-6621

1071584 Vulcan Materials Company v. James H. Blizzard (Appeal from Jackson Circuit Court: CV-00-259).

Affirmed. No Opinion. (Special Writing)

Circuit Judge, Jenifer C. Holt, (205) 574-9350
Apl. Atty., Matthew Howard Lembke, (205) 521-8560
Apl. Atty., Joseph B. Mays, Jr., (205) 521-8000
Apl. Atty., Gerald R. Paulk, (256) 574-6060
Aple. Atty., Thomas W. Christian, (205) 795-6588
Aple. Atty., J. David Dodd, (256) 845-5932
Aple. Atty., Deborah Alley Smith, (205) 250-6627
Aple. Atty., Michael Anthony Vercher, (205) 250-6621

Parker, J.

1061723 Ex parte Movie Gallery, Inc.; Movie Gallery US LLC; Movie Gallery Services, Inc.; and M.G.A., Inc. PETITION FOR WRIT OF MANDAMUS: CIVIL (In re: William Nixon v. Movie Gallery, Inc.; Movie Gallery US LLC; Movie Gallery Services, Inc.; and M.G.A., Inc.) (Montgomery Circuit Court: CV-06-2786).

Petition Granted. Writ Issued.

Circuit Judge, Johnny Hardwick, (334) 832-1380
Pet. Atty., R. Todd Derrick, (334) 793-3610

Resp. Atty., Harold L. Kennedy, III, (336) 724-9207
Resp. Atty., Ernestine S. Sapp, (334) 727-4830

- 1071528 Ex parte State of Alabama. PETITION FOR WRIT OF MANDAMUS: CRIMINAL (In re: State of Alabama v. Jason Murphy) (Elmore Circuit Court: CC03-444; Criminal Appeals : CR-07-1265).

Petition Denied.

Circuit Judge, Sibley G. Reynolds, (205) 755-0311
Pet. Atty. General, Troy R. King, (334) 242-7300
Pet. Dep. Atty. General, William A. Lisenby, Jr., (334) 242-7300
Pet. Atty., Pamela Lynn Casey, (334) 353-3915
Resp. District Atty., Randall V. Houston, (334) 567-2237
Resp. Atty., Clifford W Cleveland, (334) 365-1500
Resp. Atty., Donald Rush Jones, Jr, (334) 277-3939
Resp. , Callie Dietz

Murdock, J.

- 1061581 Ex parte City of Mobile. PETITION FOR WRIT OF CERTIORARI TO THE COURT OF CIVIL APPEALS (In re: Dickson Campers, Inc. v. City of Mobile) (Mobile Circuit Court: CV-03-205; Civil Appeals : 2050875).

Reversed And Remanded.

Circuit Judge, James C. Wood, (251) 574-8475
Pet. Atty., K. Paul Carbo, Jr, (251) 665-7200
Resp. Atty., Stephen Erwin Clements, (251) 432-7800
Amicus Resp. Atty., Albert L. Jordan, (205) 870-0555
Amicus Resp. Atty., Joseph Kulakowski, (251) 433-9549
Amicus Resp. Atty., Kenneth Smith, (334) 262-2566

Shaw, J.

- 1081171 Ex parte Clarence E. Haynes, Talladega County Circuit Clerk, and Amber Edwards, Talladega County Juvenile Intake Officer. PETITION FOR WRIT OF CERTIORARI TO THE COURT OF CIVIL APPEALS (In re: Ex parte G.L. (In the Matter of H.C.L., a minor child)) (Talladega Juvenile Court ; Civil Appeals : 2080260).

Writ Denied.

PER CURIAM

- 1071495 United States of America v. Jimmie David Parvin (Certified Question from the U.S. Dist. Ct., No. Dist. Al., NE. Div.: 5:06-CR-471-RDP-HGD)).

Question 1 Declined; Question 2 Answered.

District Judge, Harwell G Davis, (256) 539-7705
Apl. Atty., Michael B. Billingsley, (205) 244-2157
Pet. Atty., David Howard Estes, (256) 534-8285
Pet. Atty., Lane Hines Woodke, (205) 244-2001
Resp. Atty., Bruce A. Gardner, (256) 533-5756