



**LIST OF DECISIONS ANNOUNCED BY
THE SUPREME COURT OF ALABAMA
ON FRIDAY, SEPTEMBER 24, 2010**

Lyons, J.

- 1090806 Ex parte Randy Lamont Lewis. PETITION FOR WRIT OF CERTIORARI TO THE COURT OF CRIMINAL APPEALS (In re: Randy Lamont Lewis v. State of Alabama) (Jefferson Circuit Court: CC06-3554; CC06-3555; Criminal Appeals : CR-06-1770).

Writ Denied. No Opinion.

Circuit Judge, Gloria Bahakel, (205) 325-5323
Pet. Atty., Sophia F. Bernhart, (334) 269-1803
Pet. Atty., Charles E. Caldwell, (205) 323-2444
Pet. Atty., Angela Setzer, (334) 269-1803
Pet. Atty., Randall S. Susskind, (334) 269-1803
Resp. Atty. General, Troy Robin King, (334) 242-7401
Resp. Asst. Atty. Gen., James Clayton Crenshaw, (334) 242-7423
Resp. Asst. Atty. General, Thomas Govan, Jr., (334) 242-7300

- 1091117 Ex parte State of Alabama. PETITION FOR WRIT OF CERTIORARI TO THE COURT OF CRIMINAL APPEALS (In re: Carlton Reashard Lane v. State of Alabama) (Calhoun Circuit Court: CC07-552; Criminal Appeals : CR-07-1354).

Reversed And Remanded.

Circuit Judge, Brian P. Howell, (256) 231-1821
Pet. Atty. General, Troy Robin King, (334) 242-7401
Pet. Asst. Atty. General, William Duncan Little, (334) 242-4162
Resp. Atty., Joshua J. Lane, (256) 241-2603

- 1091159 Ex parte State of Alabama. PETITION FOR WRIT OF CERTIORARI TO THE COURT OF CRIMINAL APPEALS (In re: Jodey Wayne Waldrop v. State of Alabama) (Franklin Circuit Court: CC-06-321; Criminal Appeals : CR-07-0148).

Writ Denied. No Opinion.

Circuit Judge, Terry Lee Dempsey, (256) 332-8893
Pet. Atty., Kristen M Nelson, (334) 269-1803
Pet. Atty., Angela Setzer, (334) 269-1803
Pet. Atty., Bryan Stevenson, (334) 269-1803
Pet. Atty., Randall S. Susskind, (334) 269-1803
Resp. Atty. General, Troy Robin King, (334) 242-7401
Resp. Dep. Atty. General, Thomas Govan, (334) 242-7300

Woodall, J.

- 1090679 Ex parte Esaw Jackson. PETITION FOR WRIT OF CERTIORARI TO THE COURT OF CRIMINAL APPEALS (In re: Esaw Jackson v. State of Alabama) (Jefferson Circuit Court: CC06-2138; CC06-2139; CC06-2140; CC06-2141; Criminal Appeals : CR-06-1398).

Reversed And Remanded.

Circuit Judge, Gloria Bahakel, (205) 325-5323
Pet. Atty., Charles E. Caldwell, (205) 323-2444
Pet. Atty., Alicia A. D'Addario, (334) 269-1803
Pet. Atty., Randall S. Susskind, (334) 269-1803
Resp. Atty. General, Troy Robin King, (334) 242-7401
Resp. Asst. Atty. Gen., James Clayton Crenshaw, (334) 242-7423
Resp. Dep. Atty. General, Thomas Govan, (334) 242-7300

- 1091355 Ex parte Hattie B. Shanklin. PETITION FOR WRIT OF CERTIORARI TO THE COURT OF CIVIL APPEALS (In re: Hattie B. Shanklin v. New Pilgrim Towers, L.P., and Schindler Elevator Corporation) (Jefferson Circuit Court: CV-08-901381; Civil Appeals : 2090076).

Writ Denied.

Circuit Judge, Robert S. Vance, Jr., (205) 325-5035
Pet. Atty., Peter J Davis, (205) 324-9006
Pet. Atty., Ronald Otto Gaiser, Jr, (205) 870-1088
Pet. Atty., John C. Johnston, (205) 870-1088
Resp. Atty., James A. Harris, III, (205) 871-5777
Resp. Atty., Stephanie Zohar Lynton, (205) 871-5777
Resp. Atty., Rosemary S. Moore, (205) 252-3300

Stuart, J.

- 1091480 Ex parte Chad Lingefelt et al. PETITION FOR WRIT OF CERTIORARI TO THE COURT OF CIVIL APPEALS (In re: Chad Lingefelt et al. v. International Paper Company et al.) (Autauga Circuit Court: CV-07-247; Civil Appeals : 2081192).

Writ Denied. No Opinion.

Circuit Judge, John B. Bush, (334) 567-1148
Pet. Atty., David M. Cowan, (205) 879-9661
Pet. Atty., Ted L. Mann, (205) 879-9661
Pet. Atty., John Robert Potter, (205) 879-9661
Resp. Atty., Richard E Broughton, (334) 387-7680
Resp. Atty., Emily C Marks, (334) 387-7680
Resp. Atty., Christopher Waller, Jr., (334) 387-7680

Smith, J.

- 1090150 Ex parte Ronda McMichael. PETITION FOR WRIT OF MANDAMUS: CIVIL (In re: Forney McMichael v. Ronda McMichael) (Calhoun Circuit Court: CV-09-340).

Motion To Dismiss Petition Denied. Petition Granted. Writ Issued.

Circuit Judge, John Thomason, (256) 231-1830
Pet. Atty., Susan Perrilloux Billeaud, (404) 558-7771
Pet. Atty., Arthur F. Fite, III, (256) 231-9330
Pet. Atty., Michael Shane Lucado, (205) 278-0025
Resp. Atty., Christopher M. Hopkins, (256) 238-8543

1090179 Ex parte Forney L. McMichael. PETITION FOR WRIT OF MANDAMUS: CIVIL (In re: Forney McMichael v. Ronda McMichael) (Talladega Circuit Court: DR-09-331; DR-09-331.01; Civil Appeals : 2090099).

Petition Transferred.

Circuit Judge, Jeb Stuart Fannin, (256) 761-2113
Pet. Atty., Christopher M. Hopkins, (256) 238-8543
Resp. Atty., Steven D. Adcock, (256) 362-3848
Resp. Atty., Susan Perrilloux Billeaud, (404) 558-7771

Bolin, J.

1090675 Wesley Kire Pullum v. Peggy Kent Pullum and the Estate of James W. Kelly (Appeal from Geneva Circuit Court: CV-08-85).

Affirmed.

Circuit Judge, Philip B. McLauchlin, Jr., (334) 774-8011
Apl. Atty., Lee Franklin Knowles, (334) 684-8022
Aple. Atty., William Terry Bullard, Sr, (334) 793-5665
Aple. Atty., Alan C Livingston, (334) 792-4156
Aple. Atty., William W Nichols, (334) 792-4156

1090933 Mary S. Downing, individually and as administratrix of the estate of Larry Downing v. The City of Dothan (Appeal from Houston Circuit Court: CV-07-120).

Affirmed.

Circuit Judge, Larry K. Anderson, (334) 671-8761
Apl. Atty., M. Adam Jones, (334) 794-8000
Aple. Atty., Freddie Lenton White, (334) 615-3130

Parker, J.

1091429 Ex parte B.W.G. PETITION FOR WRIT OF CERTIORARI TO THE COURT OF CIVIL APPEALS (In re: B.W.G. v. J.W.K.) (Geneva Circuit Court: CS-05-66; Civil Appeals : 2090220).

Writ Denied. No Opinion.

Murdock, J.

1061043 Michael S. Sullivant and Sandy Sullivant v. Estate of Susan Tolar Sullivan (Appeal from Montgomery Probate Court: No. 38360).

Affirmed. No Opinion.

Probate Judge, Reese McKinney, Jr., (334) 832-4950
Apl. Atty., Anthony J. Bishop, (251) 578-5286
Aple. Atty., D. Mitchell Henry, (334) 264-9472
Aple. Atty., William H. Webster, (334) 264-9472

1081557 Steve Strickland v. Take-Two Interactive Software, Inc., et al. (Appeal from Fayette Circuit Court: CV-05-19).

Affirmed. No Opinion.

Circuit Judge, James W. Moore, Jr., (205) 932-3169
Apl. Atty., Stephen D. Heninger, (205) 326-3336
Aple. Atty., Robert R BAugh, (205) 930-5100
Aple. Atty., Stephen R. Geisler, (205) 930-5100
Aple. Atty., J. Rushton McClees, (205) 930-5100
Aple. Atty., Jack Merrell Nolen, Jr, (205) 932-3281

Aple. Atty. - Pro Hac, James T. Smith, (215) 569-5500
Aple. Atty. - Pro Hac, Rebecca D. Ward, (215) 569-5500

- 1081643 Take-Two Interactive Software, Inc., et al. v. Steve Strickland, as personal representative of the estate of Arnold Strickland (Appeal from Fayette Circuit Court: CV-05-19).

Dismissed. No Opinion.

Circuit Judge, James W. Moore, Jr., (205) 932-3169
Apl. Atty., Robert R BAugh, (205) 930-5100
Aple. Atty., Stephen D. Heninger, (205) 326-3336

Shaw, J.

- 1081276 Jennifer Precise, as administrator ad litem of the estate of Khamora Witherspoon, deceased, and Mioka Witherspoon, as mother and next friend of Khamora Witherspoon, deceased v. Harvey Edwards, M.D., et al. (Appeal from Tuscaloosa Circuit Court: CV-08-900523).

Affirmed.

Circuit Judge, Brad Almond, (205) 464-8252
Apl. Atty., Benjamin Lee Woolf, (205) 464-0020
Aple. Atty., Alan Courtney Crowder, (205) 345-5100
Aple. Atty., Allison Garton, (205) 868-6000
Aple. Atty., Jeffrey Todd Kelly, (256) 535-1100
Aple. Atty., Stanley Rodgers, (256) 535-1100
Aple. Atty., Scott M Salter, (205) 868-6000
Aple. Atty., Terri Olive Tompkins, (205) 345-5100

PER CURIAM

- 1090342 Ex parte Autauga Heating & Cooling, LLC and Richard Alexander Rogers. PETITION FOR WRIT OF MANDAMUS: CIVIL (In re: Lori Lee Wright v. Autauga Heating & Cooling, LLC and Richard Alexander Rogers) (Montgomery Circuit Court: CV-09-900393).

Petition Granted. Writ Issued.

Circuit Judge, Johnny Hardwick, (334) 832-1380
Pet. Atty., Paul M. James, Jr, (334) 206-3148
Resp. Atty., Julia A. Beasley, (334) 269-2343

- 1090388 Ex parte Attorney General Troy King. PETITION FOR WRIT OF MANDAMUS: CIVIL (In re: District Attorney E. Paul Jones v. CVS Caremark Corporation; Wal-Mart Stores, Inc.; and Rite Aid Headquarters Corporation) (Tallapoosa Circuit Court: CV-09-900057).

Petition Granted. Writ Issued.

Circuit Judge, Thomas F. Young, Jr., (256) 234-7901
Pet. Asst. Atty. General, Weldon Rushing Payne, Jr., (334) 353-4591
Pet. Asst. Atty. General, Cheairs M. Porter, (334) 353-8811
Pet. Atty., Gregory C. Cook, (205) 251-8100
Pet. Atty., Jason B. Tompkins, (205) 251-8100
Resp. District Atty., E Paul Jones, (256) 215-3057
Resp. Atty., Marc James Ayers, (205) 521-8598
Resp. Atty. - Pro Hac, Jonathan Chally
Resp. Atty. - Pro Hac, Dwight J. Davis
Resp. Atty., Charles McDonald Ferguson, Jr, (205) 521-8000
Resp. Atty., Wesley B. Gilchrist, (205) 581-0735

Resp. Atty. - Pro Hac, Barry Goheen
Resp. Atty., John Edward Goodman, (205) 521-8000
Resp. Atty., W. Lee Gresham, III, (205) 326-3336
Resp. Atty., Christopher Hood, (205) 326-3336
Resp. Atty., Clay Hornsby, (205) 324-4008
Resp. Atty., David G Hymer, (205) 521-8289
Resp. Atty., Larry W. Morris, (256) 329-2000
Resp. Atty., Harlan I Prater, IV, (205) 581-0720
Resp. Atty., William Larkin Radney, III, (256) 329-8438
Resp. Atty., Stephen A. Rowe, (205) 250-5000
Resp. Atty., John D. Watson, III, (205) 521-8000
Amicus Apt. Atty., Matthew Clay McDonald, (251) 432-1414
Amicus Apt. Atty., Kenneth S. Steely, (251) 439-7535
Amicus Resp. District Atty., Kristi A. Valls, (256) 233-6416
Amicus Resp. Atty., Thomas W. Sorrells, (334) 242-4191

1090399 Ex parte CVS Caremark Corporation et al. PETITION FOR WRIT OF MANDAMUS (In re: District Attorney E. Paul Jones v. CVS Caremark Corporation; Wal-Mart Stores, Inc.; and Rite Aid Headquarters Corporation) (Tallapoosa Circuit Court: CV-09-900057).

Petition Dismissed as Moot.

Circuit Judge, Thomas F. Young, Jr., (256) 234-7901
Pet. Atty., Marc James Ayers, (205) 521-8598
Pet. Atty., Jonathan Chally
Pet. Atty., Dwight J. Davis
Pet. Atty., Charles McDonald Ferguson, Jr, (205) 521-8000
Pet. Atty., Wesley B. Gilchrist, (205) 581-0735
Pet. Atty., Barry Goheen
Pet. Atty., David G Hymer, (205) 521-8289
Pet. Atty., Harlan I Prater, IV, (205) 581-0720
Pet. Atty., Stephen J. Rowe, (205) 581-0700
Pet. Atty., John D. Watson, III, (205) 521-8000
Resp. Asst. Atty. General, Weldon Rushing Payne, Jr., (334) 353-4591
Resp. Asst. Atty. General, Cheairs M. Porter, (334) 353-8811
Resp. Atty., W. Lee Gresham, III, (205) 326-3336
Resp. Atty., Clay Hornsby, (205) 324-4008
Resp. Atty., Larry W. Morris, (256) 329-2000

1070066 Jones Express, Inc. v. Edward E. Jackson, Sr., and Jacqueline F. Jackson, individually and as custodial parents of Joshua L. Jackson, a minor, deceased (Appeal from Morgan Circuit Court: CV-04-296).

**ON REHEARING EX MERO MOTU: OPINION OF JUNE 30, 2010,
WITHDRAWN; OPINION SUBSTITUTED; REVERSED AND REMANDED.**

Circuit Judge, Steven Ellis Haddock, (256) 351-4750
Apt. Atty., Robert Coleman Black, Jr, (334) 264-9472
Apt. Atty., Doy Leale McCall, (334) 834-7600
Apt. Atty., Gary A. Phillips, (256) 340-8034
Aple. Atty., Derek W Simpson, (256) 539-7575
Aple. Atty., James Barton Warren, (256) 539-7575

1090663 Edward E. Jackson, Sr. and Jacqueline F. Jackson, individually and as custodial parents of Joshua L. Jackson, a minor, deceased v. Charles Quada and Jones Express, Inc. (Appeal from Morgan Circuit Court: CV-04-296).

Reversed And Remanded.

Circuit Judge, Steven Ellis Haddock, (256) 351-4750
Apl. Atty., Derek W Simpson, (256) 539-7575
Apl. Atty., James Barton Warren, (256) 539-7575
Aple. Atty., Robert Coleman Black, Jr, (334) 264-9472
Aple. Atty., Gary A. Phillips, (256) 340-8034
Aple. Atty., William H. Webster, (334) 264-9472