



**LIST OF DECISIONS ANNOUNCED BY
THE SUPREME COURT OF ALABAMA
ON FRIDAY, DECEMBER 18, 2009**

Lyons, J.

- 1081306 Ex parte Mario Dewayne Acoff. PETITION FOR WRIT OF CERTIORARI TO THE COURT OF CRIMINAL APPEALS (In re: Mario Dewayne Acoff v. State of Alabama) (Jefferson Circuit Court, Bessemer Division: CC03-828.60; Criminal Appeals : CR-08-0873).

Affirmed.

Circuit Judge, Teresa Petelos, (205) 481-4181
Resp. Atty. General, Troy R. King, (334) 242-7300
Resp. Asst. Atty. General, Stephen Norwood Dodd, (334) 242-7378

- 1080662 Kappa Sigma Fraternity, Kappa Nu Chapter v. Ryan Price-Williams (Appeal from Mobile Circuit Court: CV-05-4221).

Motion to Dismiss Denied; Affirmed.

Circuit Judge, Charles A. Graddick, (251) 574-5639
Apl. Atty., William Eugene Pipkin, Jr, (251) 431-9006
Aple. Atty., Robert J Hedge, (251) 432-8844
Aple. Atty., Charles Leo Miller, Jr., (251) 471-3772

- 1081134 Kappa Sigma Fraternity, Kappa Nu Chapter v. Ryan Price-Williams (Appeal from Mobile Circuit Court: CV-05-4221).

Affirmed.

Circuit Judge, Charles A. Graddick, (251) 574-5639
Apl. Atty., William Eugene Pipkin, Jr, (251) 431-9006
Aple. Atty., Robert J Hedge, (251) 432-8844
Aple. Atty., Charles Leo Miller, Jr., (251) 471-3772

Stuart, J.

- 1080728 Steven R. Sears v. Ben McCrory (Appeal from Shelby Circuit Court: CV-08-1019).

Affirmed.

Circuit Judge, Robert M. Harper, (334) 749-7158
Apl. Atty., John A. Hamilton, Jr, (205) 665-4412
Aple. Atty., Lauren G. Goodman, (205) 322-1744
Aple. Atty., James W. Porter, II, (205) 322-1744

- 1081602 Ex parte Waymon George Peterson. PETITION FOR WRIT OF CERTIORARI TO THE COURT OF CRIMINAL APPEALS (In re: Waymon George Peterson v. City of Dothan) (Houston Circuit Court: CC05-1623.60; Criminal Appeals : CR-08-1403).

Affirmed.

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

Resp. Atty. General, Troy R. King, (334) 242-7300
Resp. Atty., D. Kevan Kelly, (334) 615-3130

Smith, J.

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

Affirmed.

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

1080550 Historic Blakeley Foundation, Inc. v. Christine Elizabeth Williams and Christopher A. Williams (Appeal from Baldwin Circuit Court: CV-07-699).

Affirmed In Part; Reversed In Part; Remanded With Directions.

Circuit Judge, J. Langford Floyd, (251) 937-0237
Apl. Atty., Joshua Paul Myrick, (251) 928-0123
Apl. Atty., D. Robert Stankoski, Jr, (251) 928-0123
Aple. Atty., Robert Wills

1080641 Ex parte Harvest- Monrovia Water, Sewer and Fire Protection Authority, Inc. PETITION FOR WRIT OF MANDAMUS: CIVIL (In re: Rodger Morrison v. Harvest- Monrovia Water, Sewer and Fire Protection Authority, Inc., et al.) (Madison Circuit Court: CV-07-1892).

Petition Denied. No Opinion.

Circuit Judge, Bruce Edward Williams, (256) 532-3754
Pet. Atty., Kathryn W. Drey, (251) 338-2721
Pet. Atty., Charles Winston Sheehan, Jr, (334) 387-7680
Resp. Atty., Larry B. Ables, (256) 533-3740
Resp. Atty., James T Baxter, III, (256) 533-3740
Resp. Atty., C. Anthony Graffeo, (256) 536-8373

Parker, J.

1080782 Ex parte Kelly Lynn Miller. PETITION FOR WRIT OF CERTIORARI TO THE COURT OF CRIMINAL APPEALS (In re: Kelly Lynn Miller v. State of Alabama) (Jefferson Circuit Court, Bessemer Division: CC06-288; Criminal Appeals : CR-07-0159).

Writ Denied. No Opinion.

Circuit Judge, Teresa Petelos, (205) 481-4181
Pet. Atty., Ralph L. Armstrong, (205) 424-8255
Resp. Atty. General, Troy R. King, (334) 242-7300
Resp. Asst. Atty. General, Audrey K. Jordan, (334) 353-4338

Murdock, J.

1071224 Shelvia Graves v. Brookwood Health Services, Inc., d/b/a Brookwood Medical Center (Appeal from Jefferson Circuit Court: CV-02-4480).

Motion to Strike Granted; Reversed And Remanded.

Circuit Judge, Helen Shores Lee, (205) 325-5635
Apl. Atty., James R. Moncus, III, (205) 328-5330
Apl. Atty., S. Shay Samples, (205) 328-5330
Aple. Atty., George E. Newton, II, (205) 868-6000

Aple. Atty., Sybil Vogtle Newton, (205) 868-6000

Aple. Atty., Michael K. Wright, (205) 868-6000

- 1081606 Ex parte Patrick Ballard. PETITION FOR WRIT OF CERTIORARI TO THE COURT OF CRIMINAL APPEALS (In re: Patrick Ballard v. State of Alabama) (Baldwin Circuit Court: CC08-420; CC08-421; Criminal Appeals : CR-08-0823).

Writ Denied. No Opinion.

Circuit Judge, Charles C. Partin, (251) 937-0273

Pet. Atty., James M. Byrd, (251) 438-2973

Pet. Atty., Walter Travis Grant, (251) 219-3848

Resp. Atty. General, Troy R. King, (334) 242-7300

Resp. Atty., Kristi O Wilkerson, (334) 353-8563

- 1081655 Ex parte Richard Ballew, individually and Richard Ballew d/b/a Quality Construction. PETITION FOR WRIT OF MANDAMUS: CIVIL (In re: Nancy Elrod and Bobby Elrod v. Richard Ballew, individually and Richard Ballew d/b/a Quality Construction) (Etowah Circuit Court: CV-06-641).

Petition Dismissed. No Opinion.

Circuit Judge, Anthony Clark Hall, (256) 549-5370

Pet. Atty., Steve P. Brunson, (256) 546-9205

Pet. Atty., Russel A McGill, (256) 546-9205

Resp. Atty., Warren "Bo" Burke, Jr, (205) 980-4733

Resp. Atty., David M. Cowan, (205) 879-9661

- 1081664 Ex parte Tony Judkins. PETITION FOR WRIT OF CERTIORARI TO THE COURT OF CRIMINAL APPEALS (In re: Tony Judkins v. State of Alabama) (Jefferson Circuit Court: CC00-2640.62; Criminal Appeals : CR-08-0548).

Writ Denied. No Opinion.

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

Resp. Atty. General, Troy R. King, (334) 242-7300

Resp. Asst. Atty. General, Robin Denise Scales, (334) 242-4275

- 1081732 Ex parte Rodney Oneal Hanna. PETITION FOR WRIT OF CERTIORARI TO THE COURT OF CRIMINAL APPEALS (In re: Rodney Oneal Hanna v. State of Alabama) (Cullman Circuit Court: CC04-77.62; Criminal Appeals : CR-08-1051).

Writ Denied. No Opinion.

Circuit Judge, Don L. Hardeman, (256) 739-3530

Resp. Atty. General, Troy R. King, (334) 242-7300

Resp. Asst. Atty. Gen., Jack William Willis, (334) 242-7326

- 1081778 Ex parte Edward Randolph. PETITION FOR WRIT OF CERTIORARI TO THE COURT OF CRIMINAL APPEALS (In re: Edward Randolph v. State of Alabama) (Marion Circuit Court: CC02-173.60; Criminal Appeals : CR-06-1877).

Writ Denied. No Opinion.

Circuit Judge, T. Lee Carter, (205) 489-2400

Resp. Atty. General, Troy R. King, (334) 242-7300

Resp. Asst. Atty. Gen., Jean Alexandra Therkelsen, (334) 242-7300

1081814 Ex parte Nathaniel Harris. PETITION FOR WRIT OF CERTIORARI TO THE COURT OF CRIMINAL APPEALS (In re: Nathaniel Harris v. State of Alabama) (Mobile Circuit Court: CC96-119.63; CC96-1092.62; Criminal Appeals : CR-08-1264).

Writ Denied. No Opinion.

Circuit Judge, Michael A. Youngpeter, (251) 574-8780
Resp. Atty. General, Troy R. King, (334) 242-7300
Resp. Asst. Atty. Gen., James B. Prude, (334) 242-7300

1090051 Ex parte William O. Catrett, Jr. PETITION FOR WRIT OF CERTIORARI TO THE COURT OF CIVIL APPEALS (In re: William O. Catrett, Jr. v. City of Andalusia) (Covington Circuit Court: CV-04-141; Civil Appeals : 2070137).

Writ Denied. No Opinion.

Circuit Judge, M. Ashley McKathan, (334) 428-2585
Pet. Atty., Abner Riley Powell, IV, (334) 222-4103
Resp. Atty., Richard E. Crum, (334) 677-3000

1090098 Ex parte Charles Thomas Weed. PETITION FOR WRIT OF CERTIORARI TO THE COURT OF CRIMINAL APPEALS (In re: Charles Thomas Weed v. Richard F. Allen, Comissioner of the Alabama Department of Corrections and the State of Alabama) (Montgomery Circuit Court: CV07-1477; Criminal Appeals : CR-08-0780).

Writ Denied. No Opinion.

Circuit Judge, Tracy S. McCooey, (334) 832-1365
Resp. Atty. General, Troy R. King, (334) 242-7300
Resp. Asst. Atty. General, James W. Davis, (334) 353-1356
Resp. Atty., William G. Parker, Jr., (334) 242-7997

1090185 Ex parte Dustin Lawayne Peppers. PETITION FOR WRIT OF CERTIORARI TO THE COURT OF CRIMINAL APPEALS (In re: Dustin Lawayne Peppers v. State of Alabama) (Etowah Circuit Court: CC06-1344.02; Criminal Appeals : CR-08-1153).

Writ Denied. No Opinion.

Circuit Judge, Anthony Clark Hall, (256) 549-5368
Pet. Atty., Catherine Ann McCord, (256) 546-5882
Pet. Atty., Roy O McCord, (256) 546-5882
Resp. Atty. General, Troy R. King, (334) 242-7300
Resp. Asst. Atty. General, P. David Bjurberg, (334) 242-7365

PER CURIAM

1071774 Anniston-Calhoun Fort McClellan Development Joint Powers Authority v. James Coxswell and Donald Stewart (Appeal from Calhoun Circuit Court: CV-06-701.80).

Appeal Dismissed. No Opinion.

Circuit Judge, Richard Joel Laird, Jr., (256) 231-1822
Aplt. Atty., William Hancock, (205) 250-5000
Aple. Atty., Andrew P. Campbell, (205) 803-0051
Aple. Atty., M. Clayborn Williams, (205) 803-0051

ON REHEARING

1061640 State of Alabama Banking Department v. Gwyn Ellis Taylor and Net Axxcess, LLC
(Appeal from Coffee Circuit Court: CV-05-126).

Application Overruled. No Opinion.

Circuit Judge, Jeff W. Kelley, (334) 347-4785

Apl. Atty., W. Mark Anderson, III, (334) 242-3452

Aple. Atty., Richard W. Whittaker, (334) 393-5146