



**LIST OF DECISIONS ANNOUNCED BY  
THE SUPREME COURT OF ALABAMA  
ON FRIDAY, AUGUST 21, 2009**

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**Lyons, J.**

- 1071716 Ex parte Kenneth Wayne Sellers and Sharon Kay Sellers. PETITION FOR WRIT OF MANDAMUS: CIVIL (In re: Kenneth Wayne Sellers and Sharon Kay Sellers v. John W. Hall et al.) (Mobile Circuit Court: CV-07-901397).

**Petition Granted. Writ Issued.**

Circuit Judge, Joseph S. Johnston, (251) 574-8685  
Pet. Atty., Jimmy H. Fernandez, (251) /43-3073  
Resp. Atty., John Patrick Courtney, III, (251) 694-1001  
Resp. Atty., Stewart Howard, (251) 431-9364  
Resp. Atty., Jason D Miller, (251) 431-9364  
Resp. Atty., Leon F. Stamp, Jr, (251) 433-9930

- 1080335 Rosa Hunter and Herbert Hunter, Jr. v. Mooring Tax Asset Group, LLC (Appeal from Mobile Circuit Court: CV-08-802).

**Reversed And Remanded.**

Circuit Judge, Robert Herschel Smith, (251) 574-8485  
Apl. Atty., J. Paul Clinton, (251) 460-2400  
Apl. Atty., William B. Jackson, II, (251) 460-2400  
Aple. Atty., William S. Hereford, (205) 251-3000  
Aple. Atty., Julie W. Pittman, (205) 251-3000

**Woodall, J.**

- 1080395 Ex parte State of Alabama. PETITION FOR WRIT OF CERTIORARI TO THE COURT OF CRIMINAL APPEALS (In re: A. L. L. v. State of Alabama) (Dale Circuit Court: CC-06-240; Criminal Appeals : CR-06-1500).

**Reversed And Remanded.**

- 1080600 Ex parte Jerold Dean. PETITION FOR WRIT OF CERTIORARI TO THE COURT OF CIVIL APPEALS (In re: Regions Bank, as trustee of the J. F. B. Lowrey Trust v. Jerold Dean) (Conecuh Circuit Court: CV-05-116; Civil Appeals : 2070441).

**Writ Quashed. No Opinion.**

Circuit Judge, Dawn Wiggins Hare, (251) 743-3649  
Pet. Atty., J. B. Nix, Jr., (251) 578-1544  
Pet. Atty., Richard D.C. Nix, (251) 578-1544  
Resp. Atty., Edward A, Dean, (251) 405-1300  
Resp. Atty., Benjamin Young Ford, (251) 405-1300  
Resp. Atty., Duane A. Graham, (251) 405-1300  
Resp. Atty., Christopher L. Yeilding, (205) 226-8728

1080716 Ex parte Wallace, Jordan, Ratliff & Brandt, L.L.C., et al. PETITION FOR WRIT OF MANDAMUS: CIVIL (In re: Richard Scott Perkins and David R. Gullledge v. Wallace, Jordan, Ratliff & Brandt, L.L.C., et al.) (Jefferson Circuit Court: CV-08-902655; CV-08-902266).

**Petition Granted. Writ Issued.**

Circuit Judge, Caryl P. Privett, (205) 325-5388  
Circuit Judge, Robert S. Vance, Jr., (205) 325-5035  
Pet. Atty., Andrew C. Allen, (205) 323-1888  
Pet. Atty., Stephen P. Leara, (205) 870-0555  
Pet. Atty., J. Mark White, (205) 323-1888  
Resp. Atty., Gregory A. Brockwell, (205) 803-0051  
Resp. Atty., Andrew P. Campbell, (205) 803-0051  
Resp. Atty., Frank Corley Ellis, Jr., (205) 669-6783  
Resp. Atty., George Daniel Evans, (205) 870-1970  
Resp. Atty., N. Christian Glenos, (205) 521-8721  
Resp. Atty., E Britton Monroe, (205) 967-8822  
Resp. Atty., Kenneth Edward Sexton, II, (205) 716-3000  
Resp. Atty., Ethan T. Tidmore, (205) 521-8653  
Resp. Atty., John R. Wallis, (205) 967-8822

1081121 Ex parte Solomon B. Dacus. PETITION FOR WRIT OF CERTIORARI TO THE COURT OF CRIMINAL APPEALS (In re: Solomon B. Dacus v. State of Alabama) (Baldwin Circuit Court: CC05-1151; Criminal Appeals : CR-07-1731).

**Writ Denied. No Opinion.**

Circuit Judge, J. Langford Floyd, (251) 937-0237  
Pet. Atty., Barry Johnson Parker, (251) 281-5527  
Resp. Atty. General, Troy R. King, (334) 242-7300  
Resp. Asst. Atty. General, Marc Alan Starrett, (334) 353-8973

1081218 Ex parte Keaundrea Darnell Ward, alias. PETITION FOR WRIT OF CERTIORARI TO THE COURT OF CRIMINAL APPEALS (In re: Keaundrea Darnell Ward, alias v. State of Alabama) (Tuscaloosa Circuit Court: CC06-2250; Criminal Appeals : CR-07-2143).

**Writ Denied. No Opinion.**

Circuit Judge, Michael Bradley Almond, (205) 469-6352  
Pet. Atty., Gary L. Blume, (205) 556-6712  
Resp. Atty. General, Troy R. King, (334) 242-7300  
Resp. Asst. Atty. Gen., Jean Alexandra Therkelsen, (334) 242-7300

1081220 Ex parte Robert G. Peden. PETITION FOR WRIT OF CERTIORARI TO THE COURT OF CIVIL APPEALS (In re: Robert G. Peden v. Hazel (Penny) Dunn Peden) (Lauderdale Circuit Court: DR-03-330.02; Civil Appeals : 2070893).

**Writ Denied. No Opinion.**

Circuit Judge, Ned Michael Suttle, (256) 760-5820  
Pet. Atty., Gary L. Jester, (256) 764-3941  
Resp. Atty., Rodney B Slusher, (256) 764-4011

1081280 Ex parte Darrrious Deon Carroll. PETITION FOR WRIT OF CERTIORARI TO THE COURT OF CRIMINAL APPEALS (In re: Darrrious Deon Carroll v. State of Alabama) (Lauderdale Circuit Court: CC08-412; Criminal Appeals : CR-08-0115).

**Writ Denied. No Opinion.**

Circuit Judge, Michael T. Jones, (256) 760-5831

Pet. Atty., Basil Timothy Case, (256) 740-0488  
Resp. Atty. General, Troy R. King, (334) 242-7300  
Resp. Asst. Atty. General, Ferris Stephens, (334) 242-7300

- 1081328 Ex parte Darrell Williams. PETITION FOR WRIT OF CERTIORARI TO THE COURT OF CRIMINAL APPEALS (In re: Darrell Williams v. State of Alabama) (Baldwin Circuit Court: CC93-763.63; Criminal Appeals : CR-08-0552).

**Writ Denied. No Opinion.**

Circuit Judge, J. Langford Floyd, (251) 937-0237  
Resp. Atty. General, Troy R. King, (334) 242-7300  
Resp. Asst. Atty. Gen., Jean Alexandra Therkelsen, (334) 242-7300

- 1081329 Ex parte Eric William Hammond. PETITION FOR WRIT OF CERTIORARI TO THE COURT OF CIVIL APPEALS (In re: Eric William Hammond v. Kathy Mardis) (Marshall Circuit Court: DR-04-53.02; Civil Appeals : 2080332).

**Writ Denied. No Opinion.**

Circuit Judge, Howard G. Hawk, (256) 571-7776  
Pet. Atty., Chad A. Morgan, (256) 519-8782  
Resp. Atty., Lana K. Hawkins, (256) 586-4510  
Resp. Atty., Dan Warnes, (256) 582-6914

- 1081369 Ex parte Shirley P. Hale. PETITION FOR WRIT OF CERTIORARI TO THE COURT OF CIVIL APPEALS (In re: Shirley P. Hale v. Kroger Limited Partnership I) (Madison Circuit Court: CV-07-610; Civil Appeals : 2071237).

**Writ Denied. No Opinion.**

Circuit Judge, Bruce Edward Williams, (256) 532-3754  
Pet. Atty., Patrick O. Miller, (256) 564-7317  
Pet. Atty., Timothy P. Pittman, (256) 564-7317  
Resp. Atty., John P. Burbach, (256) 536-1711  
Resp. Atty., Travis S. Jackson, (256) 536-1711

- 1080310 Dorothy Free v. Alan B. Lasseter and Church, Seay, & Minor, P.C. (Appeal from Blount Circuit Court: CV-02-256.80).

**Reversed And Remanded With Directions.**

Circuit Judge, Jerry L. Fielding, (256) 761-2102  
Aplt. Atty., Mark Davidson Morrow, (205) 758-5596  
Aple. Atty., Jerry Craig Lewis, (205) 251-5885  
Aple. Atty., A. Joe Peddy, (205) 251-5885

- 1080344 Alan B. Lasseter and Church, Seay & Minor, P.C. v. Dorothy Free (Appeal from Blount Circuit Court: CV-02-256.80).

**Reversed And Remanded With Directions.**

Circuit Judge, Jerry L. Fielding, (256) 761-2102  
Aplt. Atty., Jerry Craig Lewis, (205) 251-5885  
Aplt. Atty., A. Joe Peddy, (205) 251-5885  
Aple. Atty., Mark Davidson Morrow, (205) 758-5596

**Stuart, J.**

1071536 Scott McDermott v. Gary Tabb (Appeal from Madison Circuit Court: CV-07-706).

**Reversed And Remanded.**

Circuit Judge, Laura W. Hamilton, (256) 532-3631  
Aplt. Atty., Cheryl Baswell-Guthrie, (256) 288-0130  
Aplt. Atty., Michael Leon Jackson, (205) 874-0315  
Aple. Atty., Kevin D. Heard, (256) 535-0817  
Aple. Atty., Mary Rebecca Hill, (256) 533-5770

1080701 Gaythor D. Lindsey a/k/a Randy Lindsey v. Deep South Properties, LLC (Appeal from Jefferson Circuit Court: CV-08-4161).

**Appeal Dismissed.**

Circuit Judge, Allwin E. Horn, III, (205) 325-5365  
Aplt. Atty., Laurie Boston Sharp, (205) 995-9537  
Aple. Atty., Douglas J Centeno, (205) 278-8000

1081035 Ex parte State of Alabama. PETITION FOR WRIT OF CERTIORARI TO THE COURT OF CRIMINAL APPEALS (In re: State of Alabama v. Warren Lex McLelland) (Houston Circuit Court: CC08-29; Criminal Appeals : CR-07-1992).

**Writ Quashed. No Opinion.**

Circuit Judge, Larry K. Anderson, (334) 671-8761  
Pet. Atty. General, Troy R. King, (334) 242-7300  
Pet. Asst. Atty. General, Michael G. Dean, (334) 353-0415  
Resp. Atty., Jason B. Dial, (334) 260-5135

1081052 Ex parte Marilyn Orr. PETITION FOR WRIT OF CERTIORARI TO THE COURT OF CIVIL APPEALS (In re: Wal-Mart Stores, Inc. v. Marilyn Orr) (Marshall Circuit Court: CV-06-200133; Civil Appeals : 2071186).

**Writ Denied. No Opinion.**

Circuit Judge, Allen Tim Jolley, (256) 878-8597  
Pet. Atty., Donald R Rhea, (256) 547-6801  
Resp. Atty., Joseph H. Driver, (205) 822-2006

1081204 Ex parte Earnest Dean. PETITION FOR WRIT OF CERTIORARI TO THE COURT OF CIVIL APPEALS (In re: Solomon Motor Company v. Earnest Dean) (Houston Circuit Court: CV-05-373; Civil Appeals : 2060957).

**Writ Denied. No Opinion.**

Circuit Judge, Larry K. Anderson, (334) 671-8761  
Pet. Atty., Jere C. Segrest, (334) 794-4144  
Pet. Atty., James Kevin Walding, (334) 794-4144  
Resp. Atty., Brigg Hails Austin, (251) 433-8088  
Resp. Atty., Robert A. Huffaker, Jr., (334) 206-3100  
Resp. Atty., Rudene C. Oldenburg, (251) 433-8088

1081272 Ex parte Joseph Lee Lewis. PETITION FOR WRIT OF CERTIORARI TO THE COURT OF CRIMINAL APPEALS (In re: Joseph Lee Lewis v. State of Alabama) (Mobile Circuit Court: CC06-4611; Criminal Appeals : CR-07-0072).

**Writ Denied. No Opinion.**

Circuit Judge, Charles A. Graddick, (251) 574-5639  
Pet. Atty., William Gregory Hughes, (251) 433-3671

Resp. Atty. General, Troy R. King, (334) 242-7300  
Resp. Asst. Atty. General, Laura I. Cuthbert, (334) 353-9782

- 1081327 Ex parte Corey Maxwell Smith. PETITION FOR WRIT OF CERTIORARI TO THE COURT OF CRIMINAL APPEALS (In re: Corey Maxwell Smith, alias v. State of Alabama) (Montgomery Circuit Court: CC07-1187; Criminal Appeals : CR-07-1709).

**Writ Denied. No Opinion.**

Circuit Judge, Charles Price, (334) 832-1331  
Pet. Atty., Thomas Martele Goggans, (334) 834-2511  
Resp. Atty. General, Troy R. King, (334) 242-7300  
Resp. Asst. Atty. General, Robin Denise Scales, (334) 242-4275

**Bolin, J.**

- 1070296 Brasfield & Gorrie, LLC v. Soho Partners, LLC (Appeal from Jefferson Circuit Court: CV-07-900648).

**Reversed And Remanded.**

Circuit Judge, Houston Brown, (205) 325-5367  
Apl. Atty., Marc James Ayers, (205) 521-8598  
Apl. Atty., Joseph B. Mays, Jr., (205) 521-8000  
Apl. Atty., Darrell Clay Tucker, II, (205) 521-8356  
Apl. Atty., Nicole Mapp Hardee, (205) 871-5777  
Apl. Atty., James A. Harris, III, (205) 871-5777

- 1081189 Ex parte C. J. K. PETITION FOR WRIT OF CERTIORARI TO THE COURT OF CIVIL APPEALS (In re: C. J. K. v. R.F.W., Jr., and J.W.) (Etowah Juvenile Court: JU-04-623.02 and JU-04-624.02; Civil Appeals : 2080120).

**Writ Denied. No Opinion.**

**Murdock, J.**

- 1061588 Russell H. Maddox v. Charles Jager and The Lockerbie Association, Inc. (Appeal from Jefferson Circuit Court: CV-05-7572).

**Affirmed. No Opinion.**

Circuit Judge, G. William Noble, (205) 325-5020  
Apl. Atty., J. Timothy Francis, (205) 251-0252  
Apl. Atty., James L. North, (205) 251-0252  
Apl. Atty., Leslie Ann Caldwell, (205) 933-7090  
Apl. Atty., Kori L. Clement, (205) 322-3040

- 1070294 Gerald McNeal v. Liberty National Life Insurance Co., et al. (Appeal from Jefferson Circuit Court: CV-07-1957).

**Affirmed. No Opinion.**

Circuit Judge, Helen Shores Lee, (205) 325-5635  
Apl. Atty., Thomas Logan Davis, (888) 509-6116  
Apl. Atty., Jay E. Tidwell, (205) 322-6060  
Apl. Atty., Charles D Stewart, (205) 581-6213

- 1070957 Ex parte Clarence Crayton. PETITION FOR WRIT OF CERTIORARI TO THE COURT OF CIVIL APPEALS (In re: Clarence Crayton v. Delphi Corporation) (Limestone Circuit Court: CV-02-427; Civil Appeals : 2060982).

**Writ Quashed. No Opinion.**

Circuit Judge, Robert M. Baker, (256) 233-8083  
Pet. Atty., Sherryl Snodgrass Caffey, (256) 551-0333

Resp. Atty., James G. Adams, Jr, (256) 353-6761  
Resp. Atty., Heather N. Hudson, (256) 353-6761

## **Shaw, J.**

1080366 Ex parte Progressive Specialty Insurance Company. PETITION FOR WRIT OF MANDAMUS: CIVIL (In re: Marvin Leatherwood v. Blakeney Company LLC, et al.) (Hale Circuit Court: CV-06-154).

### **Petition Granted. Writ Issued.**

Circuit Judge, Marvin Wayne Wiggins, (334) 624-5620  
Pet. Atty., Sandra Payne Hagood, (205) 251-1000  
Pet. Atty., J Mark Hart, (205) 254-1464  
Resp. Atty., Milton Brown, Jr, (205) 391-0620  
Resp. Atty., Matt Glover, (205) 345-1234  
Resp. Atty., Jeremiah M. Hodges, (256) 539-3110  
Resp. Atty., Robert F. Prince, (205) 345-1234  
Resp. Atty., Peter M. Wolter, (205) 980-5888

1080393 Ex parte Pritchett-Moore, Inc. and Andrew Hudson. PETITION FOR WRIT OF MANDAMUS: CIVIL (In re: Marvin Leatherwood v. Blakeney Company LLC, et al.) (Hale Circuit Court: CV-06-154).

### **Petition Granted. Writ Issued.**

Circuit Judge, Marvin Wayne Wiggins, (334) 624-5620  
Pet. Atty., Peter M. Wolter, (205) 980-5888  
Resp. Chief Counsel, Staci G. Cornelius, (205) 980-5888  
Resp. Atty., Milton Brown, Jr, (205) 391-0620  
Resp. Atty., Matt Glover, (205) 345-1234  
Resp. Atty., Sandra Payne Hagood, (205) 251-1000  
Resp. Atty., J Mark Hart, (205) 254-1464  
Resp. Atty., Jeremiah M. Hodges, (256) 539-3110

## **PER CURIAM**

1071410 Ex parte Donderrious Williams. PETITION FOR WRIT OF CERTIORARI TO THE COURT OF CRIMINAL APPEALS (In re: Donderrious Williams v. State of Alabama) (Jefferson Circuit Court: CC06-1456; Criminal Appeals : CR-07-0456).

### **Affirmed.**

Circuit Judge, Alfred Bahakel, (205) 325-5648  
Pet. Atty., Alaric Olaf May, (205) 251-3600  
Resp. Atty. General, Troy R. King, (334) 242-7300  
Resp. Asst. Atty. General, William Duncan Little, (334) 242-4162

## **ON REHEARING**

1080316 J. B. v. Lawson State Community College et al. (Appeal from Jefferson Circuit Court: CV-06-1378).

### **Application Overruled. No Opinion.**

Circuit Judge, Allwin E. Horn, III, (205) 325-5365  
Apl. Atty., Oscar W. Adams, III, (205) 458-1540  
Apl. Atty., Roderick N/A Walls, (205) 251-0334  
Aple. Atty., Mark S. Boardman, (205) 678-8000  
Aple. Atty., David R. Mellon, (205) 930-5100  
Aple. Atty., Daniel Patton Ogle, (205) 678-8000

Aple. Atty., Kyle T. Smith, (205) 930-5190

1050029 Cook's Pest Control, Inc. v. Robert Rebar and Margo Rebar (Appeal from Jefferson Circuit Court: CV-01-5380).

**Application Overruled. No Opinion.**

Circuit Judge, Caryl P. Privett, (205) 325-5388  
Aplt. Chief Counsel, Clifton Slaten, (334) 396-8882  
Aplt. Atty., Jason J. Baird, (334) 396-8882  
Aplt. Atty., Mindi C. Robinson, (334) 396-8882  
Aple. Atty., Raymond Louis Bronner, (205) 278-6650  
Aple. Atty., Thomas F Campbell, (205) 278-6650

1050128 Robert Rebar and Margo Rebar v. Cook's Pest Control, Inc. (Appeal from Jefferson Circuit Court: CV-01-5380).

**Application Overruled. No Opinion.**

Circuit Judge, Caryl P. Privett, (205) 325-5388  
Aplt. Atty., Raymond Louis Bronner, (205) 278-6650  
Aplt. Atty., Thomas F Campbell, (205) 278-6650  
Aplt. Atty., Donald Keiron McGowin, (205) 278-6650  
Aple. Chief Counsel, Clifton Slaten, (334) 396-8882  
Aple. Atty., Jason J. Baird, (334) 396-8882  
Aple. Atty., Mindi C. Robinson, (334) 396-8882

1080274 Ex parte Chuck Madison, Town of Parrish, and Parrish Police Department.  
PETITION FOR WRIT OF MANDAMUS: CIVIL (In re: Dianne Myrick, as mother and next friend, and administratrix of Nikki Short, deceased v. Town of Parrish et al.) (Walker Circuit Court: CV-03-98).

**Application Overruled. No Opinion.**

Circuit Judge, Jerry Selman, (205) 384-7237  
Pet. Atty., William Roger Gordon, Jr, (334) 834-5311  
Pet. Atty., William F Patty, (334) 834-5311  
Resp. Atty., Timothy P. Donahue, (205) 871-8858  
Resp. Atty., Richard E. Fikes, (205) 387-2171  
Resp. Atty., Garfield W Ivey, Jr, (205) 221-4644