



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

Lyons, J.

1080989 Debra S. Jean v. Derek P. Jean and the estate of George T. Jean (Appeal from Montgomery Circuit Court: CV-07-716).

Appeal Dismissed.

Circuit Judge, Truman M. Hobbs, Jr., (334) 832-7147
Apl. Atty., J Knox Argo, (334) 279-0088
Apl. Atty., Deborah Queen Harding, (334) 356-6070
Apl. Atty., Nicholas Cole Hughes, (334) 279-0088
Aple. Atty., James D Hamlett, (334) 263-1100
Aple. Atty., Tiernan W. Luck, III, (334) 262-5455
Aple. Atty., Charles E. Mauney, (256) 845-6686

Woodall, J.

1081482 Ex parte Eric Wade Peters. PETITION FOR WRIT OF CERTIORARI TO THE COURT OF CRIMINAL APPEALS (In re: Eric Wade Peters v. State of Alabama) (Franklin Circuit Court: CC07-380; Criminal Appeals : CR-07-1969).

Writ Denied. No Opinion.

Circuit Judge, Terry Lee Dempsey, (256) 332-8893
Pet. Atty., Nathan P. Johnson, (256) 381-3917
Resp. Atty. General, Troy R. King, (334) 242-7300
Resp. Asst. Atty. General, Kristi O Wilkerson, (334) 353-8563

Stuart, J.

1080452 Brent Belcher and Olon Belcher Properties, Ltd. v. Bettye Jan Queen, Beverly Jean Scroggins and Otha A. Belcher (Appeal from Bibb Circuit Court: CV-01-35).

Affirmed In Part; Reversed In Part; Remanded.

Circuit Judge, Thomas ap Roger Jones, (334) 874-2510
Apl. Atty., Marc James Ayers, (205) 521-8598
Apl. Atty., Richard M Kemmer, Jr, (205) 926-5304
Apl. Atty., Rickman E. Williams, III, (334) 875-7213
Aple. Atty., C Fred Daniels, (205) 716-5232
Aple. Atty., Sydney F. Frazier, Jr., (205) 716-5200

Bolin, J.

1071238 Frank K. Bynum v. Angel Barker and GMAC Mortgage, LLC (Appeal from Jefferson Circuit Court, Bessemer Division: CV-07-1052).

Affirmed.

Circuit Judge, Eugene R. Verin, (205) 481-4170
Aplt. Atty., Jesse P Evans, III, (205) 254-1431
Aplt. Atty., Michael B. Odom, (205) 251-1000
Aple. Atty., Guy V. Martin, Jr, (205) 802-1100

1080242 Richard F. Allen, individually and as commissioner of the Alabama Department of Corrections v. Mary Barksdale et al. (Appeal from Montgomery Circuit Court: CV-07-900654).

Affirmed.

Circuit Judge, Eugene W. Reese, (334) 832-1360
Aplt. Asst. Gen. Counsel, Tara Smelley Knee, (334) 353-0046
Aple. Atty., Sarah Elisabeth Geraghty, (404) 688-1202
Aple. Atty., E Jake Watson, (256) 536-8373
Aple. Atty., Herman Watson, Jr, (256) 536-7423
Amicus Aplt. Atty., Franklin Peeples Brannen, Jr, (404) 572-4693
Amicus Aplt. Atty. - Pro Hac, Merritt E. McAlister
Amicus Aplt. Atty. - Pro Hac, Bradley W. Pratt, (404) 572-4600
Amicus Aple. Atty., E. Cutter Hughes, (256) 517-5100
Amicus Aple. Atty., Daniel Kaufmann, (256) 517-5100

1081266 Ex parte Jamie Marcus Witherspoon, alias. PETITION FOR WRIT OF CERTIORARI TO THE COURT OF CRIMINAL APPEALS (In re: Jamie Marcus Witherspoon, alias v. State of Alabama) (Tuscaloosa Circuit Court: CC06-616; Criminal Appeals : CR-07-1505).

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., Beth Slate Poe, (334) 242-7377

Murdock, J.

1051539 Carlos Ivey v. Robert Carraway, M.D. (Appeal from Jefferson Circuit Court: CV-04-6350).

Affirmed.

Circuit Judge, Caryl P. Privett, (205) 325-5388
Aplt. Atty., Ralph Andrew McKinney, (205) 458-1100
Aple. Atty., J. Wilson Axon, Jr, (205) 868-6000
Aple. Atty., Crawford McGivaren, Jr, (205) 716-5200
Aple. Atty., Joseph S. Miller, (205) 868-6000

1070581 James Phillip Foster, as trustee, and Janie W. Foster, as sole beneficiary, of the James D. Foster Family Trust v. Hacienda Nirvana, Inc. (Appeal from Jefferson Circuit Court: CV-05-6889).

Affirmed.

Circuit Judge, Robert S. Vance, Jr., (205) 325-5035
Aplt. Atty., Don F Wiginton, (205) 942-9233
Aple. Atty., Clark R. Hammond, (205) 458-9400
Aple. Atty., Lindan Jerome Hill, (205) 458-9400
Aple. Atty., William D. Jones, III, (205) 458-9400

1080588 Ex parte Michael Shelley. PETITION FOR WRIT OF MANDAMUS: CIVIL (In re: Michelle Irvin, as representative of the estate of Terry Irvin, deceased v. Michael Shelley et al.) (Montgomery Circuit Court: CV-08-901086).

Petition Denied.

Circuit Judge, William A. Shashy, (334) 832-1370
Pet. Atty., Jamie K Hill, (334) 262-1850
Pet. Atty., Joseph L. Hubbard, Jr, (334) 262-1850
Pet. Atty., Kendrick E. Webb, (334) 262-1850
Resp. Atty., Bruce Jones McKee, (205) 328-5330
Resp. Atty., James R. Pratt, (205) 328-5330

1080863 Ex parte Michael Shelley. PETITION FOR WRIT OF MANDAMUS: CIVIL (In re: John Rice v. Houston County et al.) (Montgomery Circuit Court: CV-08-1840).

Petition Denied.

Circuit Judge, Loyd H. Little, Jr., (256) 532-3440
Circuit Judge, Eugene W. Reese, (334) 832-1360
Pet. Atty., Joseph L. Hubbard, Jr, (334) 262-1850
Pet. Atty., Kendrick E. Webb, (334) 262-1850
Resp. Atty., Kenneth J. Mendelsohn, (334) 213-2323
Resp. Atty., Gary C. Sherrer, (334) 678-0100

PER CURIAM

1060871 Debra Owens v. Hooters Restaurant et al. (Appeal from Jefferson Circuit Court: CV-06-1342).

Affirmed. No Opinion. (Special Writing)

Circuit Judge, G. William Noble, (205) 325-5020
Apl. Atty., Tyrone None Townsend, (205) 252-3999
Aple. Atty., Stewart M. Cox, (205) 521-8000
Aple. Atty., Brian A. Wahl, (205) 521-8000

1070824 Ex parte Folmar Kenner, LLC. PETITION FOR WRIT OF CERTIORARI TO THE COURT OF CIVIL APPEALS (In re: Andra Capaci d/b/a Andra Capaci Real Estate v. Folmar Kenner, LLC) (Mobile Circuit Court: CV-04-2311; Civil Appeals : 2060846).

Reversed And Remanded.

Circuit Judge, John Ray Lockett, (251) 574-8477
Pet. Atty., George M. Walker, (251) 694-6296
Resp. Atty., Steve C. Thornton, (251) 982-0313
Resp. Atty., William W. Watts, III, (251) 432-7200

1080014 Pelham Q, LLC v. Richard A. Brugge et al. (Appeal from Winston Circuit Court: CV-07-900018).

Affirmed. No Opinion.

Circuit Judge, Talmage Lee Carter, (205) 486-9522
Apl. Atty., Andrew P. Campbell, (205) 803-0051
Apl. Atty., M. Clayborn Williams, (205) 803-0051
Aple. Atty., LaBella Alvis, (205) 795-6588
Aple. Atty., Mano DeAyala
Aple. Atty., Arthur F. Fite, III, (256) 231-9330
Aple. Atty., Greer B. Mallette, (205) 795-6588
Aple. Atty., Deborah Alley Smith, (205) 250-6627

1080185 Ex parte Christopher Neil Cox. PETITION FOR WRIT OF CERTIORARI TO THE COURT OF CIVIL APPEALS (In re: Hokes Bluff Welding and Fabrication v. Christopher Neil Cox) (Etowah Circuit Court: CV-05-97; Civil Appeals : 2070253).

Writ Denied. No Opinion.

Circuit Judge, David Alan Kimberley, (256) 549-5372
Circuit Judge, Shaun Malone, (256) 549-5372
Pet. Atty., Elizabeth Golson McGlaughn, (256) 547-1009
Pet. Atty., James William McGlaughn, (256) 547-1009
Pet. Atty., Michael D. McGlaughn, (256) 547-1009
Resp. Atty., Steven T. McMeekin, (205) 802-7455

1081038 Ex parte D. K. PETITION FOR WRIT OF CERTIORARI TO THE COURT OF CRIMINAL APPEALS (In re: D. K. v. State of Alabama) (Lee Circuit Court: JU-96-161.12; 96-161.13; Criminal Appeals : CR-08-0289).

Writ Denied. No Opinion.

ON REHEARING

1071648 Lucky Jacks Entertainment Center, LLC, and New Gaming Systems, Inc. v. Jopat Building Corporation et al. (Appeal from Jefferson Circuit Court: CV-07-1093).

Application Overruled. No Opinion.

Circuit Judge, Joseph L. Boohaker, (205) 325-5753
Apl. Atty., Donald E. Blankenship, (205) 328-0996
Aple. Atty., William Kent Upshaw, (205) 250-7670

1080496 Jefferson County Commission et al. v. Jessica Edwards et al. (Appeal from Jefferson Circuit Court: CV-07-900873).

Application Overruled.

Circuit Judge, David Rains, (256) 927-5452
Apl. Atty., Jane L. Calamusa, (205) 344-5000
Apl. Atty., Bernard Harwood, Jr., (205) 344-5000
Apl. Atty., Mark D. Hess, (205) 251-1000
Apl. Atty., James Wallace Porter, III, (205) 251-1000
Apl. Atty., William M. Slaughter, (205) 254-1408
Aple. Atty., Allen Dodd
Aple. Atty., Samuel M. Hill, (205) 250-7776
Aple. Atty., james mcferrin, (205) 870-5704
Amicus Apl. Atty., Robert Rosenberg, (205) 254-3216
Amicus Apl. Atty., Thomas L. Stewart, (205) 254-3216

1080069 Tony R. Smith and Smith & Weems Investments, LLC v. Slack Alost Development Services of Alabama, LLC (Appeal from Baldwin Circuit Court: CV-07-900322).

Application Denied. No Opinion.

Circuit Judge, Charles C. Partin, (251) 937-0273
Apl. Atty., Carl Chamblee, Jr, (205) 856-9111
Aple. Atty., Windy C Bitzer, (251) 694-6263
Aple. Atty., Michael C Niemeyer, (251) 990-0079
Aple. Atty., Jack Smalley, III, (251) 432-5511

1080074 Jerry E. Hazel v. Slack Alost Development Services of Alabama, LLC (Appeal from Baldwin Circuit Court: CV-07-900310).

Application Overruled. No Opinion.

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

Apl. Atty., Carl Chamblee, Jr, (205) 856-9111

Aple. Atty., Windy C Bitzer, (251) 694-6263

Aple. Atty., Michael C Niemeyer, (251) 990-0079

Aple. Atty., Jack Smalley, III, (251) 432-5511