



**LIST OF DECISIONS ANNOUNCED BY  
THE SUPREME COURT OF ALABAMA  
ON FRIDAY, NOVEMBER 13, 2009**

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**Cobb, C.J.**

1071530 Henry Penick v. Most Worshipful Prince Hall Grand Lodge F.&A.M. of Alabama, Inc. (Appeal from Jefferson Circuit Court: CV-07-902645).

**Affirmed In Part; Reversed In Part; Remanded.**

Circuit Judge, J. Scott Vowell, (205) 325-5200  
Apl. Atty., Henry L. Penick, (205) 252-2538  
Aple. Atty., Mark N Chambless, (334) 272-2230

1081381 Ex parte Ronnie McDonald Ball, Jr. PETITION FOR WRIT OF CERTIORARI TO THE COURT OF CRIMINAL APPEALS (In re: Ronnie McDonald Ball, Jr. v. State of Alabama) (Jefferson Circuit Court: CC07-2319; Criminal Appeals : CR-08-0319).

**Writ Denied. No Opinion.**

Circuit Judge, J. William Cole, (205) 325-5290  
Pet. Atty., Glennon F Threath, Jr., (205) 581-5322  
Resp. Atty. General, Troy R. King, (334) 242-7300  
Resp. Asst. Atty. Gen., Yvonne A.H. Saxon, (334) 242-7376

1081466 Ex parte Solomon Mikail Knight. PETITION FOR WRIT OF CERTIORARI TO THE COURT OF CRIMINAL APPEALS (In re: Solomon Mikail Knight v. State of Alabama) (Houston Circuit Court: CC06-1393; Criminal Appeals : CR-07-1657).

**Writ Denied. No Opinion.**

Circuit Judge, S. Edward Jackson, (334) 677-4854  
Pet. Atty., Tilden Jeffrey Haywood, (334) 793-9009  
Pet. Atty., Billy Shaun McGhee, (334) 702-1744  
Resp. Asst. Atty. General, Stephanie Elizabeth Reiland, (334) 242-4318

1081573 Ex parte Rodgrick Cornilius Brooks. PETITION FOR WRIT OF CERTIORARI TO THE COURT OF CRIMINAL APPEALS (In re: Rodgrick Cornilius Brooks v. State of Alabama) (Montgomery Circuit Court: CC96-1094.63; Criminal Appeals : CR-08-0601).

**Writ Denied. No Opinion.**

Circuit Judge, Eugene W. Reese, (334) 832-1360  
Resp. Atty. General, Troy R. King, (334) 242-7300  
Resp. Asst. Atty. General, Stephen Norwood Dodd, (334) 242-7378

1081595 Ex parte David Alan Kelly. PETITION FOR WRIT OF CERTIORARI TO THE COURT OF CIVIL APPEALS (In re: David Alan Kelly v. Marla Kelly Asson) (Colbert Circuit Court: DR-98-361.02; Civil Appeals : 2070796).

**Writ Denied. No Opinion.**

Circuit Judge, Harold V. Hughston, Jr., (256) 386-8526

Pet. Atty., James Marks, (256) 386-7750  
Resp. Atty., Terry Lynnann Mock, (256) 386-7090

- 1081608 Ex parte Frontis Joseph Fauver. PETITION FOR WRIT OF CERTIORARI TO THE COURT OF CRIMINAL APPEALS (In re: Frontis Joseph Fauver v. State of Alabama) (Mobile Circuit Court: CC05-4106.60; Criminal Appeals : CR-08-1077).

**Writ Denied. No Opinion.**

Circuit Judge, James C. Wood, (251) 574-8475  
Resp. Atty. General, Troy R. King, (334) 242-7300  
Resp. Atty., Kristi O Wilkerson, (334) 353-8563

- 1081659 Ex parte Reginald Bernard Scott. PETITION FOR WRIT OF CERTIORARI TO THE COURT OF CRIMINAL APPEALS (In re: Reginald Bernard Scott v. State of Alabama) (Russell Circuit Court: CC06-583.60; Criminal Appeals : CR-07-2052).

**Writ Denied. No Opinion.**

Circuit Judge, George R. Greene, (334) 297-4567  
Resp. Atty. General, Troy R. King, (334) 242-7300  
Resp. Asst. Atty. General, John McGavock Porter, (334) 242-7420

**Lyons, J.**

- 1081707 Ex parte Markeith Williams. PETITION FOR WRIT OF CERTIORARI TO THE COURT OF CRIMINAL APPEALS (In re: Markeith Williams v. State of Alabama) (Jefferson Circuit Court: CC07-4676; Criminal Appeals : CR-08-0955).

**Writ Denied. No Opinion.**

Circuit Judge, Tommy Nail, (205) 327-8205  
Pet. Atty., Joseph T. Simonetti, Jr, (205) 458-1100  
Resp. Atty. General, Troy R. King, (334) 242-7300  
Resp. Asst. Atty. General, Jean-Paul Michael Chappell, (334) 242-7328

- 1081772 Ex parte Irene Elizabeth Hubbard. PETITION FOR WRIT OF CERTIORARI TO THE COURT OF CRIMINAL APPEALS (In re: Irene Elizabeth Hubbard v. State of Alabama) (Cullman Circuit Court: CC05-53.60; Criminal Appeals : CR-07-2248).

**Writ Denied. No Opinion.**

Circuit Judge, Don L. Hardeman, (256) 739-3530  
Resp. Atty. General, Troy R. King, (334) 242-7300  
Resp. Asst. Atty. General, Jean-Paul Michael Chappell, (334) 242-7328

- 1081799 Ex parte Goodyear Tire and Rubber Co., Inc. PETITION FOR WRIT OF CERTIORARI TO THE COURT OF CIVIL APPEALS (In re: Goodyear Tire and Rubber Co., Inc. v. Ronald Sentell) (Etowah Circuit Court: CV-07-536; Civil Appeals : 2071053).

**Writ Denied. No Opinion.**

Circuit Judge, David Alan Kimberley, (256) 549-5372  
Pet. Atty., Joseph H. Driver, (205) 822-2006  
Pet. Atty., Donald B. Kirkpatrick, II, (205) 822-2006  
Resp. Atty., Daniel Baker King, (256) 547-2431

1090005 Ex parte Richard J. Jenkins. PETITION FOR WRIT OF CERTIORARI TO THE COURT OF CRIMINAL APPEALS (In re: Richard J. Jenkins v. State of Alabama) (Geneva Circuit Court: CC04-396; CC04-397; Criminal Appeals : CR-07-1127).

**Writ Denied. No Opinion.**

Circuit Judge, Philip B. McLauchlin, Jr., (334) 774-8011  
Pet. Atty., David Jerome Harrison, (334) 684-8729  
Resp. Atty. General, Troy R. King, (334) 242-7300  
Resp. Asst. Atty. General, Marc Alan Starrett, (334) 353-8973

1090022 Ex parte Kenneth Harold Williford. PETITION FOR WRIT OF CERTIORARI TO THE COURT OF CRIMINAL APPEALS (In re: Kenneth Harold Williford v. State of Alabama) (Lee Circuit Court: CC00-248.60; CC00-249.60; Criminal Appeals : CR-07-1128).

**Writ Denied. No Opinion.**

Circuit Judge, John V. Denson, II, (334) 749-7141  
Resp. Atty. General, Troy R. King, (334) 242-7300  
Resp. Asst. Atty. General, Marc Alan Starrett, (334) 353-8973

1090032 Ex parte C-Sharpe Company, LLC; Dobson Sheet Metal & Roofing, Inc.; and Duro-Last, Inc. PETITION FOR WRIT OF CERTIORARI TO THE COURT OF CIVIL APPEALS (In re: Robert Wilson v. C-Sharpe Company, LLC; Dobson Sheet Metal & Roofing, Inc.; and Duro-Last, Inc.) (Baldwin Circuit Court: CV-06-900176; Civil Appeals : 2080460).

**Writ Denied. No Opinion.**

Circuit Judge, Charles C. Partin, (251) 937-0273  
Pet. Atty., Tamera K. Erskine, (205) 251-5885  
Pet. Atty., William Ewald, (989) 498-2100  
Pet. Atty., Richard B. Johnson, (251) 432-4481  
Pet. Atty., A. Joe Peddy, (205) 251-5885  
Pet. Atty., M. Lloyd Roebuck, (251) 479-9010  
Pet. Atty., Cooper C. Thurber, (251) 432-4481  
Resp. Atty., Jubal Hamil, (251) 432-6020

1090054 Ex parte Deon J. Wright. PETITION FOR WRIT OF CERTIORARI TO THE COURT OF CRIMINAL APPEALS (In re: Alabama Board of Pardons & Paroles v. Deon J. Wright) (Montgomery Circuit Court: CV08-78; Criminal Appeals : CR-07-2157).

**Writ Denied. No Opinion.**

Circuit Judge, Tracy S. McCooey, (334) 832-1365  
Resp. Atty. General, Troy R. King, (334) 242-7300  
Resp. Asst. Gen. Counsel, Steven Mallette Sirmon, (334) 242-8714

1090081 Ex parte Edwin Arthur Metzger, Jr. PETITION FOR WRIT OF CERTIORARI TO THE COURT OF CRIMINAL APPEALS (In re: Edwin Arthur Metzger, Jr. v. State of Alabama) (Montgomery Circuit Court: CV09-169; Criminal Appeals : CR-08-1744).

**Writ Denied. No Opinion.**

Circuit Judge, Eugene W. Reese, (334) 832-1360  
Resp. Atty. General, Troy R. King, (334) 242-7300  
Resp. Atty., Bart Gregory Harmon, (334) 353-3881

**Woodall, J.**

1081312 Howard Smith and Clifton International Services, Inc. v. Richard Busch (Appeal from Jefferson Circuit Court: CV-07-2850).

**Affirmed. No Opinion.**

Circuit Judge, Robert S. Vance, Jr., (205) 325-5035  
Apl. Atty., J. Timothy Francis, (205) 251-0252  
Aple. Atty., LaShanda DeJoy Curry, (205) 476-6073  
Aple. Atty., Joseph A. Fawal  
Aple. Atty., Jack Mochamer, (260) 420-1614

1081791 Ex parte Drake Enterprises, LLC; Mark Drake; and Rhonda Drake. PETITION FOR WRIT OF CERTIORARI TO THE COURT OF CIVIL APPEALS (In re: Drake Enterprises, LLC; Mark Drake; and Rhonda Drake v. Acton Corporation) (Shelby Circuit Court: CV-04-846; Civil Appeals : 2080216).

**Writ Denied. No Opinion.**

Circuit Judge, J. Michael Joiner, (205) 669-3861  
Pet. Atty., John E Medaris, (205) 663-1584  
Resp. Atty., C. Steven Ball, (205) 822-2006  
Resp. Atty., George Huddleston, III, (205) 991-1567

1081818 Ex parte Perry Ferris. PETITION FOR WRIT OF CERTIORARI TO THE COURT OF CRIMINAL APPEALS (In re: Perry Ferris v. State of Alabama) (Macon Circuit Court: CC97-31.60; Criminal Appeals : CR-08-1433).

**Writ Denied. No Opinion.**

Circuit Judge, Ray Dunn Martin, (256) 825-1084  
Resp. Atty. General, Troy R. King, (334) 242-7300  
Resp. Asst. Gen. Counsel, John J. Davis, (334) 353-9131

1090009 Ex parte Paul Gregory Chambers. PETITION FOR WRIT OF CERTIORARI TO THE COURT OF CRIMINAL APPEALS (In re: Paul Gregory Chambers, alias v. State of Alabama) (Tuscaloosa Circuit Court: CC04-2004; Criminal Appeals : CR-07-0677).

**Writ Denied. No Opinion.**

Resp. Atty. General, Troy R. King, (334) 242-7300  
Resp. Asst. Atty. General, Michael G. Dean, (334) 353-0415

1090053 Ex parte State of Alabama. PETITION FOR WRIT OF CERTIORARI TO THE COURT OF CRIMINAL APPEALS (In re: Gweneth Powers and Anthony Powers v. State of Alabama) (Colbert Circuit Court: CC05-194.60; Criminal Appeals : CR-07-1484).

**Writ Denied. No Opinion.**

Special TC Judge, Harold V. Hughston, Jr., (256) 386-8526  
Pet. Atty. General, Troy R. King, (334) 242-7300  
Pet. Asst. Atty. General, Stephen Norwood Dodd, (334) 242-7378  
Pet. Asst. District Atty., Kyle Brown, (256) 386-8520  
Resp. Atty., John R. Benn, (256) 386-7685  
Resp. Atty., Michael T. Jackson, (205) 222-0717

1090077 Ex parte Emanuel B. Ford. PETITION FOR WRIT OF CERTIORARI TO THE COURT OF CIVIL APPEALS (In re: Emanuel B. Ford v. James Marion Wooten) (Jefferson Circuit Court: CV-08-524; Civil Appeals : 2080827).

**Writ Denied. No Opinion.**

Circuit Judge, Allwin E. Horn, III, (205) 325-5365

1090080 Ex parte Gary Dewayne Alvis. PETITION FOR WRIT OF CERTIORARI TO THE COURT OF CRIMINAL APPEALS (In re: Gary Dewayne Alvis v. State of Alabama) (Walker Circuit Court: CC98-526.62; Criminal Appeals : CR-08-0168).

**Writ Denied. No Opinion.**

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

**Stuart, J.**

1080621 Hiren R. Patel v. Periyannan Ravi and Subodh K. Anathula (Appeal from Morgan Circuit Court: CV-05-622).

**Affirmed. No Opinion.**

Circuit Judge, Steven Ellis Haddock, (256) 351-4750  
Apl. Atty., William E. Shinn, Jr, (256) 340-8000  
Aple. Atty., Stephen V. Hammond, (256) 353-7031

1081578 Ex parte CUNA Mutual Insurance Society and DCH Credit Union. PETITION FOR WRIT OF MANDAMUS: CIVIL (In re: Carol J. Taggart v. CUNA Mutual Insurance Society and DCH Credit Union) (Pickens Circuit Court: CV-09-900005).

**Petition Denied. No Opinion.**

Circuit Judge, James W. Moore, Jr., (205) 932-3169  
Pet. Atty., William H Brooks, (205) 581-0758  
Pet. Atty., Sanford G. Hooper, (205) 581-0736  
Pet. Atty., Terrence W. McCarthy, (205) 581-0700  
Resp. Atty., J. Kerry Burgess, (205) 715-4466  
Resp. Atty., Tom Burgess, Jr., (205) 715-4466  
Resp. Atty., W. Ivey Gilmore, Jr, (205) 750-0750  
Resp. Atty., William Ivey Gilmore, (205) .75-0.07

1081758 Ex parte V. G. S. PETITION FOR WRIT OF CERTIORARI TO THE COURT OF CRIMINAL APPEALS (In re: V. G. S. v. State of Alabama) (Covington Circuit Court: CC-04-100; Criminal Appeals : CR-07-1843).

**Writ Denied. No Opinion.**

1081781 Ex parte John Ashley. PETITION FOR WRIT OF CERTIORARI TO THE COURT OF CIVIL APPEALS (In re: John Ashley v. Carla N. Maxwell) (Madison Circuit Court: DR-08-3350.01; Civil Appeals : 2080413).

**Writ Denied. No Opinion.**

Circuit Judge, James Peyton Smith, (256) 532-3394  
Pet. Atty., Lonzo Christopher Robinson, (256) 551-9015

1081788 Ex parte Kelvin Anderson. PETITION FOR WRIT OF CERTIORARI TO THE COURT OF CRIMINAL APPEALS (In re: Kelvin Anderson v. State of Alabama) (Barbour Circuit Court: CC08-158; CC08-159; Criminal Appeals : CR-080269).

**Writ Denied. No Opinion.**

Circuit Judge, L. Bernard Smithart, (334) 775-3408  
Pet. Atty., Thomas K Brantley, Jr., (334) 793-9009  
Resp. Atty. General, Troy R. King, (334) 242-7300  
Resp. Asst. Atty. General, Madeline H. Lewis, (334) 353-4840

1090033 Ex parte Charles Don Brownlow. PETITION FOR WRIT OF CERTIORARI TO THE COURT OF CIVIL APPEALS (In re: Charles Don Brownlow v. Greg Mattix) (Madison Circuit Court: CV-06-1925; Civil Appeals : 2080414).

**Writ Denied. No Opinion.**

Circuit Judge, Loyd H. Little, Jr., (256) 532-3440  
Pet. Atty., Robert David Lee, (256) 533-3251  
Pet. Atty., j. zach higgs, Jr, (256) 533-3251  
Resp. Atty., James Allen Sydnor, Jr, (205) /25-1119

1090047 Ex parte James Elbert Dubose. PETITION FOR WRIT OF CERTIORARI TO THE COURT OF CRIMINAL APPEALS (In re: State of Alabama) (Jefferson Circuit Court: CC84-1158.64; CC84-1159.64; CC84-1160.64; CC84-1161.64; Criminal Appeals : CR-08-0503).

**Writ Denied. No Opinion.**

Circuit Judge, Teresa Tanner Pulliam, (205) 325-5329  
Resp. Atty. General, Troy R. King, (334) 242-7300  
Resp. Asst. Atty. Gen., Jean Alexandra Therkelsen, (334) 242-7300

1090079 Ex parte Deandre Cooper. PETITION FOR WRIT OF CERTIORARI TO THE COURT OF CRIMINAL APPEALS (In re: Deandre Cooper v. State of Alabama) (Jefferson Circuit Court: CC04-4055.60; CC04-4056.60; Criminal Appeals : CR-08-1302).

**Writ Denied. No Opinion.**

Circuit Judge, Clyde E. Jones, (205) 325-5395  
Resp. Atty. General, Troy R. King, (334) 242-7300  
Resp. Asst. Atty. General, Michael G. Dean, (334) 353-0415

1081144 William D. Smallwood, Sr., et al. v. Holiday Development, LLC and Seaside Title, LLC (Appeal from Baldwin Circuit Court: CV-06-1271).

**Reversed And Remanded.**

Circuit Judge, Charles C. Partin, (251) 937-0273  
Apl. Atty., Eaton G. Barnard, (251) 478-6899  
Apl. Atty., R. Jeffrey Perloff, (251) 478-6899  
Aple. Atty., Julian B. Brackin, Jr., (251) 943-4040  
Aple. Atty., Julian Byron Brackin, III, (251) 943-4040  
Aple. Atty., Michael Anton Dasinger, III, (251) 947-4757

1081146 William D. Smallwood, Sr., et al. v. Holiday Development, LLC and Seaside Title, LLC (Appeal from Baldwin Circuit Court: CV-06-1299).

**Reversed And Remanded.**

Circuit Judge, Charles C. Partin, (251) 937-0273  
Apl. Atty., Eaton G. Barnard, (251) 478-6899  
Apl. Atty., R. Jeffrey Perloff, (251) 478-6899  
Aple. Atty., Julian B. Brackin, Jr., (251) 943-4040  
Aple. Atty., Michael Anton Dasinger, III, (251) 947-4757

**Smith, J.**

1080584 Ex parte Amerisure Insurance Company and Amerisure Mutual Insurance Company. PETITION FOR WRIT OF MANDAMUS: CIVIL (In re: Town & Country Property, LLC and Town & Country Ford, LLC v. Jones-Williams Construction Company et al.) (Jefferson Circuit Court, Bessemer Division: CV-07-1417).

**Petition Denied. No Opinion.**

Circuit Judge, Dan C. King, III, (205) 481-4175  
Pet. Atty., William Henry McKenzie, IV  
Aplt. Atty., Kile T. Turner, (205) 328-6643  
Resp. Atty., Howard K Glick, Jr, (205) 876-1600  
Resp. Atty., Candice Joy Shockley, (205) 663-3363  
Resp. Atty., W. Scott Simpson, (205) 876-1600  
Resp. Atty., Jon B. Terry, (205) 425-1606

1081672 Ex parte Phillip Lutz. PETITION FOR WRIT OF CERTIORARI TO THE COURT OF CRIMINAL APPEALS (In re: Phillip Lutz v. State of Alabama) (Houston Circuit Court: CC07-1038; CC07-1108; Criminal Appeals : CR-07-1695).

**Writ Denied. No Opinion.**

Circuit Judge, Sidney Jackson, (334) 677-4854  
Pet. Atty., Robin Cobb Freeman, (334) 677-3000  
Resp. Atty. General, Troy R. King, (334) 242-7300  
Resp. Asst. Atty. Gen., Jean Alexandra Therkelsen, (334) 242-7300

1081681 Ex parte Newlyn Lamar Henley. PETITION FOR WRIT OF CERTIORARI TO THE COURT OF CRIMINAL APPEALS (In re: Newlyn Lamar Henley v. State of Alabama) (Jefferson Circuit Court: CC07-3973; Criminal Appeals : CR-08-0785).

**Writ Denied. No Opinion.**

Circuit Judge, Teresa Tanner Pulliam, (205) 325-5329  
Pet. Atty., Sammie D. Shaw, (205) 322-7332  
Resp. Atty. General, Troy R. King, (334) 242-7300  
Resp. Asst. Atty. General, Tracy Millar Daniel, (334) 353-0074

1081727 Ex parte Jeffery Jackson. PETITION FOR WRIT OF CERTIORARI TO THE COURT OF CRIMINAL APPEALS (In re: Jeffery Jackson v. State of Alabama) (Montgomery Circuit Court: CC06-610.60; Criminal Appeals : CR-08-0842).

**Writ Denied. No Opinion.**

Circuit Judge, Eugene W. Reese, (334) 832-1360  
Resp. Atty. General, Troy R. King, (334) 242-7300  
Resp. Asst. Atty. Gen., Jack William Willis, (334) 242-7326

1081761 Ex parte Tony Lee Hill. PETITION FOR WRIT OF CERTIORARI TO THE COURT OF CRIMINAL APPEALS (In re: Tony Lee Hill v. State of Alabama) (Jefferson Circuit Court: CC01-1419.63; CC01-1420.62; Criminal Appeals : CR-08-0922).

**Writ Denied. No Opinion.**

Circuit Judge, Virginia A. Vinson, (205) 214-8683  
Resp. Atty. General, Troy R. King, (334) 242-7300  
Resp. Asst. Atty. General, Robin Denise Scales, (334) 242-4275

1081790 Ex parte Eddie Hammond. PETITION FOR WRIT OF CERTIORARI TO THE COURT OF CRIMINAL APPEALS (In re: Eddie Hammond v. State of Alabama) (Lauderdale Circuit Court: CC08-665; Criminal Appeals : CR-08-0680).

**Writ Denied. No Opinion.**

Circuit Judge, Ned Michael Suttle, (256) 760-5820  
Pet. Atty., Lindsey Mussleman Davis, (256) 766-0503  
Resp. Atty. General, Troy R. King, (334) 242-7300  
Resp. Asst. Atty. General, Marc Alan Starrett, (334) 353-8973

1081821 Ex parte Daniel Emerson. PETITION FOR WRIT OF CERTIORARI TO THE COURT OF CRIMINAL APPEALS (In re: Daniel Emerson v. State of Alabama) (St. Clair Circuit Court, Pell City Division: CC05-137.70; Criminal Appeals : CR-06-1835).

**Writ Denied. No Opinion.**

Circuit Judge, James E. Hill, Jr., (205) 338-3869  
Pet. Atty., David Gespass, (205) 323-5966  
Resp. Atty. General, Troy R. King, (334) 242-7300  
Resp. Asst. Atty. General, Laura I. Cuthbert, (334) 353-9782

1090013 Ex parte Lamar McCoy. PETITION FOR WRIT OF CERTIORARI TO THE COURT OF CRIMINAL APPEALS (In re: Lamar McCoy v. State of Alabama) (Monroe Circuit Court: CC-04-57.60; Criminal Appeals : CR-08-0176).

**Writ Denied. No Opinion.**

1090078 Ex parte Anthony R. Thompson. PETITION FOR WRIT OF CERTIORARI TO THE COURT OF CRIMINAL APPEALS (In re: State of Alabama vs. Anthony R. Thompson) (Morgan Circuit Court: CC84-152.64; Criminal Appeals : CR-08-0568).

**Writ Denied. No Opinion.**

Circuit Judge, Steven Ellis Haddock, (256) 351-4750  
Resp. Atty. General, Troy R. King, (334) 242-7300  
Resp. Asst. Atty. General, John McGavock Porter, (334) 242-7420  
Resp. District Atty., Robert L. Burrell, (256) 351-4610

**Bolin, J.**

1080186 Ex parte State of Alabama. PETITION FOR WRIT OF CERTIORARI TO THE COURT OF CRIMINAL APPEALS (In re: James Shouldis v. State of Alabama) (Baldwin Circuit Court: CC-02-260.60; Criminal Appeals : CR-06-1425).

**Writ Quashed.**

1080620 Dwight Long v. Psychomedics Corporation and Michael Turner, D.O. (Appeal from Montgomery Circuit Court: CV-08-900502).

**Affirmed. No Opinion.**

Circuit Judge, Truman M. Hobbs, Jr., (334) 832-7147  
Apl. Atty., H Lewis Gillis, (334) 270-1033  
Apl. Atty., David W. Long-Daniels, (678) 553-2100  
Aple. Atty., Thomas M. Eden, (334) 241-8000  
Aple. Atty., Richard Brett Garrett, (334) 206-3138  
Aple. Atty., Christopher W. Weller, (334) 241-8000



1080760 Lotha Kilgore v. Hoyt Baugh (Appeal from DeKalb Circuit Court: CV-06-23).

**Affirmed. No Opinion.**

Circuit Judge, Randall L. Cole, (256) 845-8540  
Apl. Atty., Ralph K Strawn, Jr, (256) 543-9790  
Aple. Atty., Tony Jennings, (256) 845-3353

1081389 Ex parte Augustus Larry Lundy. PETITION FOR WRIT OF CERTIORARI TO THE COURT OF CRIMINAL APPEALS (In re: Augustus Larry Lundy v. State of Alabama) (Jefferson Circuit Court: CC05-3627.60; Criminal Appeals : 080501).

**Writ Denied. No Opinion.**

Circuit Judge, Virginia A. Vinson, (205) 214-8683  
Resp. Atty. General, Troy King, (334) 242-7300  
Resp. Asst. Atty. Gen., Jean Alexandra Therkelsen, (334) 242-7300

1081442 Ex parte Jeffery Hatfield, alias. PETITION FOR WRIT OF CERTIORARI TO THE COURT OF CRIMINAL APPEALS (In re: Jeffery Hatfield, alias v. State of Alabama) (Mobile Circuit Court: CC05-3645; Criminal Appeals : CR-06-1613).

**Writ Denied. No Opinion.**

Circuit Judge, James C. Wood, (251) 574-8475  
Pet. Atty., Glenn L. Davidson, (251) 432-0400  
Resp. Atty. General, Troy R. King, (334) 242-7300  
Resp. Asst. Atty. General, Audrey K. Jordan, (334) 353-4338

1081443 Ex parte Famingo Feon Carthen. PETITION FOR WRIT OF CERTIORARI TO THE COURT OF CRIMINAL APPEALS (In re: Famingo Feon Carthen v. State of Alabama) (Morgan Circuit Court: CC05-257.60; Criminal Appeals : CR-07-1556).

**Writ Denied. No Opinion.**

Circuit Judge, Steven Ellis Haddock, (256) 351-4750  
Resp. Atty. General, Troy R. King, (334) 242-7300  
Resp. Asst. Atty. General, Madeline H. Lewis, (334) 353-4840

1081483 Ex parte Jimmy Neil Rhodes. PETITION FOR WRIT OF CERTIORARI TO THE COURT OF CIVIL APPEALS (In re: Jimmy Neil Rhodes v. Barbara Cameron Rhodes) (Walker Circuit Court: DR-05-636; Civil Appeals : 2070972).

**Writ Denied. No Opinion.**

Circuit Judge, Hugh D. Farris, (205) 384-7234  
Pet. Atty., Matthew K. Carter, (256) 734-9411  
Pet. Atty., S. Wayne Fuller, (256) 734-2023  
Resp. Atty., Lisa M. Ivey, (205) 384-1411  
Resp. Atty., Robert Ford Richardson, (205) 384-4025

1081545 Ex parte Quinton Devon Mosley. PETITION FOR WRIT OF CERTIORARI TO THE COURT OF CRIMINAL APPEALS (In re: Quinton Devon Mosley v. State of Alabama) (Montgomery Circuit Court: CC-07-1468; Criminal Appeals : CR-07-1808).

**Writ Denied. No Opinion.**

1081582 Ex parte Phillip Gerard Barnett. PETITION FOR WRIT OF CERTIORARI TO THE COURT OF CRIMINAL APPEALS (In re: Phillip Gerard Barnett v. State of Alabama) (Lauderdale Circuit Court: CC-08-659; Criminal Appeals : CR-08-0703).

**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, Kristi O Wilkerson, (334) 353-8563

1081591 Ex parte J. R. PETITION FOR WRIT OF CERTIORARI TO THE COURT OF CIVIL APPEALS (In re: J. R. v. State Department of Human Resources) (Bibb Juvenile Court: JU-06-199.02 and JU-07-67.02; Civil Appeals : 2070649).

**Writ Denied. No Opinion.**

1081599 Ex parte Mario S. Mims. PETITION FOR WRIT OF CERTIORARI TO THE COURT OF CRIMINAL APPEALS (In re: Mario S. Mims v. State of Alabama) (Baldwin Circuit Court: CC04-1757.60; Criminal Appeals : CR-08-0767).

**Writ Denied. No Opinion.**

Circuit Judge, Charles C. Partin, (251) 937-0273  
Resp. Atty. General, Troy R. King, (334) 242-7300  
Resp. Asst. Atty. General, Audrey K. Jordan, (334) 353-4338

1081600 Ex parte Vic Demone Houston. PETITION FOR WRIT OF CERTIORARI TO THE COURT OF CRIMINAL APPEALS (In re: Vic Demone Houston v. State of Alabama) (Limestone Circuit Court: CC06-445.61; Criminal Appeals : CR-08-1167).

**Writ Denied. No Opinion.**

Circuit Judge, James W. Woodroof, (256) 233-6410  
Resp. Atty. General, Troy R. King, (334) 242-7300  
Resp. Asst. Atty. General, Robin Denise Scales, (334) 242-4275

1081641 Ex parte Edward Kleine. PETITION FOR WRIT OF CERTIORARI TO THE COURT OF CRIMINAL APPEALS (In re: Edward Kleine v. State of Alabama) (Baldwin Circuit Court: CC05-1740.60; Criminal Appeals : CR-08-0888).

**Writ Denied. No Opinion.**

Circuit Judge, Robert Earl Wilters, (251) 580-2570  
Pet. Atty., James G. Curenton, Jr, (251) 928-3993  
Resp. Atty. General, Troy R. King, (334) 242-7300  
Resp. Asst. Atty. General, John McGavock Porter, (334) 242-7420

1081645 Ex parte Thomas K. Wu. PETITION FOR WRIT OF CERTIORARI TO THE COURT OF CIVIL APPEALS (In re: Thomas K. Wu v. Mi Cah Wu) (Madison Circuit Court: DR-08-3238; Civil Appeals : 2071125).

**Writ Denied. No Opinion.**

Circuit Judge, Charles Lawson Little, (334) 677-4889  
Pet. Atty., Dinah P. Rhodes, (256) 536-1676  
Resp. Atty., William P. Burgess, Jr, (256) 536-6011  
Resp. Atty., Amanda L. Chrisley, (256) 536-6011

1081698 Ex parte Henry R. Jones, Jr. PETITION FOR WRIT OF CERTIORARI TO THE COURT OF CRIMINAL APPEALS (In re: Henry R. Jones, Jr. v. State of Alabama) (Franklin Circuit Court: CC06-89.60; Criminal Appeals : CR-07-2237).

**Writ Denied. No Opinion.**

Circuit Judge, Terry Lee Dempsey, (256) 332-8893  
Resp. Atty. General, Troy R. King, (334) 242-7300  
Resp. Asst. Atty. Gen., Jean Alexandra Therkelsen, (334) 242-7300

**Parker, J.**

1080544 Ex parte Carol S. Clemons. PETITION FOR WRIT OF CERTIORARI TO THE COURT OF CIVIL APPEALS (In re: Advantage Sales of Alabama, Inc. v. Carol S. Clemons) (Jefferson Circuit Court: CV-03-2058; Civil Appeals : 2070113 , 2070160, 2070199).

**Writ Denied. No Opinion.**

Circuit Judge, Allwin E. Horn, III, (205) 325-5365  
Pet. Atty., Joseph H. Driver, (205) 822-2006  
Pet. Atty., Kenneth D. Haynes, (205) 879-0377  
Pet. Atty., Matthew C. Williams, (205) 949-5500  
Resp. Atty., Joseph H. Driver, (205) 822-2006  
Resp. Atty., J. Wesley Hughes, (205) 402-9598  
Resp. Atty., Donald B. Kirkpatrick, II, (205) 822-2006

1080657 Ex parte Thomas Huie and Gail Huie. PETITION FOR WRIT OF CERTIORARI TO THE COURT OF CIVIL APPEALS (In re: Hope Annette Stephens and Jason Dean Kitchens, co-personal representatives of the estates of Ronald Kitchens and Charmaine A. Kitchens v. Thomas Huie and Gail Huie) (Etowah Circuit Court: CV-08-258; Civil Appeals : 2071144).

**Writ Denied. No Opinion.**

Circuit Judge, William H. Rhea, III, (256) 549-5317  
Pet. Atty., Jack Floyd, (256) 547-6328  
Resp. Atty., Raymond Charles Bryan, (256) 237-5018

1080726 Ex parte Katherine G. Moore. PETITION FOR WRIT OF CERTIORARI TO THE COURT OF CIVIL APPEALS (In re: Chester E. Williams and Rita K. Williams v. Katherine G. Moore) (Clarke Circuit Court: CV-02-81; Civil Appeals : 2070284).

**Writ Denied. No Opinion.**

Circuit Judge, J. Thomas Baxter, Jr., (251) 847-2304  
Pet. Atty., Dennis R Bailey, (334) 206-3100  
Pet. Atty., J. Milton Coxwell, Jr., (251) 575-2146  
Pet. Atty., Martin R. Pearson, (251) 847-2237  
Pet. Atty., E. Tatum Turner, (251) 847-2237  
Pet. Atty., Edward P. Turner, Jr., (251) 847-2237  
Resp. Atty., William S. Poole, Jr., (205) 289-2006

1081051 Ex parte Steven Michael Deberry. PETITION FOR WRIT OF CERTIORARI TO THE COURT OF CIVIL APPEALS (In re: Steven Michael Deberry v. Teresa Deberry) (St. Clair Circuit Court: DR-06-229; Civil Appeals : 2070679).

**Writ Denied. No Opinion.**

Circuit Judge, James Hill, Jr., (205) 338-3869  
Pet. Atty., Horace V. O'Neal, Jr, (205) 879-0000

**Murdock, J.**

- 1080677 Commonwealth of Kentucky Environmental & Public Protection Cabinet v. Joshua K. Kent and Michael D. Kent (Appeal from Cullman Circuit Court: CV-08-900168).

**Affirmed. No Opinion.**

Circuit Judge, Harry Frank Brunner, Jr., (256) 775-4653  
Apl. Atty., Thomas Logan Davis, (888) 509-6116  
Aple. Atty., Billy W Jackson, (256) 739-2546  
Aple. Atty., Todd McLeroy, (256) 734-0456

- 1081410 Ex parte Anthony Rogers. PETITION FOR WRIT OF CERTIORARI TO THE COURT OF CIVIL APPEALS (In re: Anthony Rogers v. Penske Truck Leasing Co., L.P., and Terry Wallace) (Montgomery Circuit Court: CV-06-362; Civil Appeals : 2070915).

**Writ Denied. No Opinion.**

Circuit Judge, Truman M. Hobbs, Jr., (334) 832-7147  
Pet. Atty., George B. Azar, (334) 265-8551  
Pet. Atty., Jacob Ari Dubin, (334) 264-6776  
Pet. Atty., Elizabeth Camilla Wible, (334) 265-8551  
Resp. Atty., Leanna Pittard, (205) 324-4400  
Resp. Atty., Patricia J. Ponder, (251) 432-5511

- 1081467 Ex parte Ulysses Mayner. PETITION FOR WRIT OF CERTIORARI TO THE COURT OF CRIMINAL APPEALS (In re: Ulysses Mayner v. State of Alabama) (Talladega Circuit Court: CC08-14; Criminal Appeals : CR-08-0044).

**Writ Denied. No Opinion.**

Circuit Judge, Julian M. King, (256) 761-2106  
Pet. Atty., Jason B. Dial, (334) 260-5135  
Resp. Atty. General, Troy R. King, (334) 242-7300  
Resp. Asst. Atty. General, William Duncan Little, (334) 242-4162

- 1081580 Ex parte James Edwin Smith. PETITION FOR WRIT OF CERTIORARI TO THE COURT OF CRIMINAL APPEALS (In re: James Edwin Smith v. State of Alabama) (Covington Circuit Court: CC06-293.71; CC07-352.70; Criminal Appeals : CR-08-0300).

**Writ Denied. No Opinion.**

Circuit Judge, M. Ashley McKathan, (334) 428-2585  
Pet. Atty., Larry R. Grissett, (334) 493-9475  
Resp. Atty. General, Troy R. King, (334) 242-7300  
Resp. Asst. Atty. General, Stephen Norwood Dodd, (334) 242-7378

- 1081661 Ex parte Saweljia Tyree Floyd. PETITION FOR WRIT OF CERTIORARI TO THE COURT OF CRIMINAL APPEALS (In re: Saweljia Tyree Floyd v. State of Alabama) (Lee Circuit Court: CC07-71.60; Criminal Appeals : CR-08-0186).

**Writ Denied. No Opinion.**

Circuit Judge, John V. Denson, II, (334) 749-7141  
Resp. Atty. General, Troy R. King, (334) 242-7300  
Resp. Asst. Atty. General, Robin Denise Scales, (334) 242-4275

1081710 Ex parte Edward Dwight Coleman. PETITION FOR WRIT OF CERTIORARI TO THE COURT OF CRIMINAL APPEALS (In re: Edward Dwight Coleman v. State of Alabama) (Jefferson Circuit Court: CC93-3021.60; CC93-5521.60; Criminal Appeals : CR-08-0052).

**Writ Denied. No Opinion.**

Circuit Judge, Alfred Bahakel, (205) 325-5648  
Resp. Atty. General, Troy R. King, (334) 242-7300  
Resp. Asst. Atty. General, Stephen Norwood Dodd, (334) 242-7378

1080805 David Barber, Emory Folmar, and Christopher Murphy v. Cornerstone Community Outreach, Inc., and Freedom Trail Ventures, Ltd. (Appeal from Lowndes Circuit Court: CV-09-900019).

**Reversed And Remanded.**

Circuit Judge, Mark Kennedy, (334) 263-9899  
Circuit Judge, Robert S. Vance, Jr., (205) 325-5035  
Aplt. District Atty., Melvin David Barber, (205) 531-3375  
Aplt. Atty., Henry Theodore Reagan, II, (334) 242-7120  
Aple. Atty., Lee Hall Copeland, (334) 834-1180  
Aple. Atty., Joseph C. Espy, III, (334) 263-6621  
Aple. Atty., William Martin Espy, (334) 263-6621  
Aple. Atty., James David Martin, (334) 834-1180  
Aple. Atty., Collins - Pettaway, Jr, (334) 875-9264  
Aple. Atty., Robert D Segall, (334) 834-1180  
Amicus Aple. Atty., William Glassell Somerville, (205) 328-0480  
Amicus Aple. Atty., Susan S. Wagner, (205) 250-8310  
Amicus Aple. Atty., Andrew P. Walsh, (205) 328-0480

1080806 Governor Bob Riley v. Cornerstone Community Outreach, Inc., and Freedom Trail Ventures, Ltd. (Appeal from Lowndes Circuit Court: CV-09-900019).

**Reversed And Remanded.**

Circuit Judge, Mark Kennedy, (334) 263-9899  
Circuit Judge, Robert S. Vance, Jr., (205) 325-5035  
Aplt. Atty., Henry Theodore Reagan, II, (334) 242-7120  
Aple. Atty., Lee Hall Copeland, (334) 834-1180  
Aple. Atty., Joseph C. Espy, III, (334) 263-6621  
Aple. Atty., William Martin Espy, (334) 263-6621  
Aple. Atty., Collins - Pettaway, Jr, (334) 875-9264  
Aple. Atty., Robert D Segall, (334) 834-1180

**Shaw, J.**

1080223 Holcim (US), Inc., Edward J. Thierry, Jr. and Dennis R. Odom v. The Ohio Casualty Insurance Company and Industrial Services of Mobile, Inc. (Certified Question from the Eleventh Circuit Court of Appeals: No. 07-15931; U.S. District Court for the So. District of Alabama: No. 06-00317-CV-WS-M)).

**Question(s) Answered.**

Circuit Judge, Rosemary Barkett, (305) 536-7335  
Circuit Judge, Charles R. Wilson, (813) 301-5650  
Aplt. Atty., James Marshall Gardner, (251) 432-9772  
Aplt. Atty. - Pro Hac, Charles M. McDaniel, Jr, (404) 522-8220  
Aplt. Atty., James T Sasser, (706) 653-6109  
Aple. Atty., Jon M. Hughes, (205) 968-9900  
Aple. Atty., James A. Kee, Jr., (205) 968-9900

1081669 Ex parte E. F. PETITION FOR WRIT OF CERTIORARI TO THE COURT OF CIVIL APPEALS (In re: E. F. v. G. F. (In re: J.T.F., a minor child).) (Baldwin Juvenile Court: JU-05-79.03; Civil Appeals : 2080208 , 2080393).

**Writ Denied. No Opinion.**

## **PER CURIAM**

1080240 Ex parte Terry Graves. PETITION FOR WRIT OF CERTIORARI TO THE COURT OF CIVIL APPEALS (In re: Clifton Dabbs, Joan Dabbs, and Shane Dabbs v. Four Tees, Inc., d/b/a United True Value, and Terry Graves) (Lauderdale Circuit Court: CV-04-475, CV-05-302, CV-05-303; Civil Appeals : 2070630, 2070631, 2070632).

**Writ Denied. No Opinion.**

Circuit Judge, Ned Michael Suttle, (256) 760-5820  
Pet. Atty., Rodney B Slusher, (256) 764-4011  
Pet. Atty., James Q. Stanphill, Jr., (256) 764-1830  
Resp. Atty., Jeffrey B. Austin, (256) 764-0582  
Resp. Atty., Lindsey Mussleman Davis, (256) 766-0503

1080243 Ex parte Clifton Dabbs, Joan Dabbs, and Shane Dabbs. PETITION FOR WRIT OF CERTIORARI TO THE COURT OF CIVIL APPEALS (In re: Clifton Dabbs, Joan Dabbs, and Shane Dabbs v. Four Tees, Inc., d/b/a United True Value, and Terry Graves) (Lauderdale Circuit Court: CV-05-302, CV-05-302, CV-05-303; Civil Appeals : 2070630, 2070631, 2070632).

**Writ Denied. No Opinion.**

Circuit Judge, Ned Michael Suttle, (256) 760-5820  
Pet. Atty., Lindsey Mussleman Davis, (256) 766-0503  
Resp. Atty., Jeffrey B. Austin, (256) 764-0582  
Resp. Atty., Rodney B Slusher, (256) 764-4011  
Resp. Atty., James Q. Stanphill, Jr., (256) 764-1830

## **ON REHEARING**

1060831 Ralph Casciaro and Mary Casciaro v. Cincinnati Insurance (Appeal from Jefferson Circuit Court, Bessemer Division: CV-04-238).

**Application Overruled. No Opinion.**

Circuit Judge, Dan C. King, III, (205) 481-4175  
Apl. Atty., Thomas W Buck, (205) 252-7661  
Apl. Atty., Tom Burgess, Jr., (205) 715-4466

1070652 Clifford P. Black, M.D. v. Holley Lynn Comer (Appeal from Calhoun Circuit Court: CV-97-144).

**Application Overruled. No Opinion.**

Circuit Judge, Richard Joel Laird, Jr., (256) 231-1822  
Apl. Atty., Thomas W. Christian, (205) 795-6588  
Apl. Atty., Robert E. Cooper, (205) 250-6643  
Apl. Atty., Michael Florie, (205) 795-6588  
Apl. Atty., Deborah Alley Smith, (205) 250-6627  
Apl. Atty., David Leon Ashford, (205) 328-5330  
Apl. Atty., Bruce Jones McKee, (205) 328-5330

1070736 Billie B. Line, Jr. v. Tranquilino Ryan Ventura and Hartford Fire Insurance Company (Appeal from Marshall Circuit Court: CV-03-570).

**Application Overruled. No Opinion.**

District Judge, Howard G. Hawk, (256) 571-7776  
Aplt. Atty., Gary K. Grace, (256) 534-0491  
Aplt. Atty., L. Ann Grace, (256) 534-0491  
Aplt. Atty., Jennifer M. Matthews, (256) 534-0491  
Aple. Atty., Robert R. Hembree, (256) 582-0169  
Aple. Atty., Deborah Alley Smith, (205) 250-6627  
Aple. Atty., Richard E. Smith, (205) 795-6588  
Aple. Atty., Frank M Wilson, (334) .26-3.25

1071394 Jesse Whisenant et al. v. Nina M. King and Daniel B. King (Appeal from St. Clair Circuit Court: CV-06-219).

**Application Overruled. No Opinion.**

Circuit Judge, Charles E. Robinson, (205) 594-2187  
Aplt. Atty., Charles Cleveland, (205) 322-1811  
Aple. Atty., Stewart W. McCloud, (205) 251-1193  
Aple. Atty., James Ronald Shaw, (205) 251-1193

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).

**Application Overruled. No Opinion.**

Circuit Judge, Thomas ap Roger Jones, (334) 874-2510  
Aplt. Atty., Marc James Ayers, (205) 521-8598  
Aplt. Atty., Richard M Kemmer, Jr, (205) 926-5304  
Aplt. 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

1080847 Jefferson County Board of Health v. Birmingham Hide & Tallow Company, Inc. (Appeal from Jefferson Circuit Court, Bessemer Division: CV-07-172).

**Application Overruled. No Opinion.**

Circuit Judge, Eugene R. Verin, (205) 481-4170  
Aplt. Atty., James E. Ferguson, (205) 328-4100  
Aplt. Atty., David S. Maxey, (205) 328-4100  
Aplt. Atty., Wade C. Merritt, (205) 328-4100  
Aple. Atty., Charles Moses, III, (205) 967-0901  
Aple. Atty., James S Ward, (205) 871-5404