



**LIST OF DECISIONS ANNOUNCED BY
THE SUPREME COURT OF ALABAMA
ON FRIDAY, JANUARY 4, 2013**

Malone, C.J.

- 1120206 Ex parte Marshall Allen Guss. PETITION FOR WRIT OF CERTIORARI TO THE COURT OF CRIMINAL APPEALS (In re: Marshall Allen Guss v. State of Alabama) (Russell Circuit Court: CC-06-649.61; CC-06-650.61; CC-06-651.61; Criminal Appeals : CR-11-0054).

Writ Denied. No Opinion.

Circuit Judge, George R. Greene, (334) 297-4567
Resp. Atty. General, Luther Strange, (334) 242-7447
Resp. Asst. Atty. General, Beth Slate Poe, (334) 242-7300

Stuart, J.

- 1111130 Bob J. Harden v. Bennie C. Laney and Georgia Farm Bureau Mutual Insurance Company (Appeal from Cleburne Circuit Court: CV-07-38).

Appeal Dismissed.

Circuit Judge, Brian P. Howell, (256) 231-1821
Aplt. Atty., Eleanor Harden, (678) 416-3723
Aplt. Atty., Joseph Harden, (770) 834-8082
Aple. Atty., Clark Carpenter, (256) 362-0081
Aple. Atty., T. Randall Lyons, (334) 294-9472
Aple. Atty., William H. Webster, (334) 264-9472

- 1120232 Ex parte Arthur Lee Kirksey. PETITION FOR WRIT OF CERTIORARI TO THE COURT OF CRIMINAL APPEALS (In re: Arthur Lee Kirksey v. State of Alabama) (Jefferson Circuit Court: CC-08-1837.60; Criminal Appeals : CR-11-1465).

Writ Denied. No Opinion.

Circuit Judge, Tommy Nail, (205) 327-8205
Pet. Atty., Nancy Katherine Pritchett, (205) 307-6760
Resp. Atty. General, Luther Strange, (334) 242-7447
Resp. Asst. Atty. General, Tracy Millar Daniel, (334) 242-7300

- 1120236 Ex parte Michael Antonio Phillips. PETITION FOR WRIT OF CERTIORARI TO THE COURT OF CRIMINAL APPEALS (In re: Michael Antonio Phillips v. State of Alabama) (Lee Circuit Court: CC-04-982.61; Criminal Appeals : CR-11-1565).

Writ Denied. No Opinion.

Circuit Judge, Jacob A. Walker, III, (334) 749-7156
Resp. Atty. General, Luther Strange, (334) 242-7447
Resp. Asst. Atty. Gen., Jean Alexandra Therkelsen, (334) 242-7300

1120261 Ex parte John James Ashe. PETITION FOR WRIT OF CERTIORARI TO THE COURT OF CRIMINAL APPEALS (In re: John James Ashe, alias v. State of Alabama) (Montgomery Circuit Court: CC-10-1021; Criminal Appeals : CR-11-0559).

Writ Denied. No Opinion.

1120306 Ex parte Correlius Monte Rogers. PETITION FOR WRIT OF CERTIORARI TO THE COURT OF CIVIL APPEALS (In re: Correlius Monte Rogers v. State of Alabama) (Henry Circuit Court: CV-11-900039; Civil Appeals : 2110508).

Writ Denied. No Opinion.

Circuit Judge, J. Michael Conaway, (334) 677-4889
Pet. Atty., Edward M. Wayland, (334) 409-9688
Pet. , M. Wayne Sabel, (334) 271-2770
Resp. District Atty., Douglas Albert Valeska, (334) 677-4894
Resp. Atty., Banks Thomas Smith, (334) 797-3613

Bolin, J.

1111151 Ex parte Michael Bennett and Andrea Bennett. PETITION FOR WRIT OF CERTIORARI TO THE COURT OF CIVIL APPEALS (In re: Michael Bennett and Andrea Bennett v. Deutsche Bank National Trust Company as Trustee Under Pooling and Servicing Agreement Dated as of May 1, 2004, Morgan Stanley ABS Capital 1, Inc., Trust 2004 HE3 Mortgage Pass-Through Certificates, Series 2004-HE3) (Jefferson Circuit Court: CV-08-903732; Civil Appeals : 2100843).

Writ Quashed. No Opinion.

Circuit Judge, J. Scott Vowell, (205) 325-5200
Pet. Atty., Kenneth James Lay, (205) 323-4123
Resp. Atty., Robert Ryan Daugherty, (205) 930-5390
Resp. Atty., Gregory M. Deitsch, (205) 930-5225

1120209 Ex parte Nicholas McCary. PETITION FOR WRIT OF CERTIORARI TO THE COURT OF CRIMINAL APPEALS (In re: Nicholas McCary v. State of Alabama) (Jefferson Circuit Court: CC-03-1779.62; Criminal Appeals : CR-11-0993).

Writ Denied. No Opinion.

Circuit Judge, J. William Cole, (205) 325-5290
Resp. Asst. Atty. General, Beth Slate Poe, (334) 242-7300

1120237 Ex parte Franklin Acoff. PETITION FOR WRIT OF CERTIORARI TO THE COURT OF CRIMINAL APPEALS (In re: Franklin Acoff v. State of Alabama) (Dallas Circuit Court: CC-71-11304.60; Criminal Appeals : CR-12-0016).

Writ Denied. No Opinion.

Circuit Judge, Jack W. Meigs, (205) 926-3120
Resp. Atty. General, Luther Strange, (334) 242-7447

1120240 Ex parte D.M. PETITION FOR WRIT OF CERTIORARI TO THE COURT OF CIVIL APPEALS (In re: D.M. v. Etowah County Department of Human Resources) (Etowah Juvenile Court: JU-99-237.02; Civil Appeals : 2120015).

Writ Dismissed as Untimely. No Opinion.

1120244 Ex parte Hiram Preston Anderson II. PETITION FOR WRIT OF CERTIORARI TO THE COURT OF CRIMINAL APPEALS (In re: Hiram Preston Anderson II v. State of Alabama) (Etowah Circuit Court: CC-09-324.60; Criminal Appeals : CR-11-1559).

Writ Denied. No Opinion.

Circuit Judge, William Allen Millican, (256) 549-5364
Resp. Atty. General, Luther Strange, (334) 242-7447
Resp. Asst. Atty. Gen., Andy Scott Poole, (334) 242-4262

1120271 Ex parte Curtis Ware. PETITION FOR WRIT OF CERTIORARI TO THE COURT OF CRIMINAL APPEALS (In re: Curtis Ware v. State of Alabama) (Jefferson Circuit Court: CC-87-1431; CC-87-1432; CC-87-1433; Criminal Appeals : CR-11-1590).

Writ Denied. No Opinion.

Circuit Judge, Virginia A. Vinson, (205) 214-8683
Resp. Atty. General, Luther Strange, (334) 242-7447
Resp. Asst. Atty. General, Robin Denise Scales, (334) 242-4275

Parker, J.

1111008 Bobby Spivey v. Alabama Department of Corrections (Appeal from Montgomery Circuit Court: CV11-1543; Criminal Appeals : CR-11-0916).

Affirmed. No Opinion.

Circuit Judge, William A. Shashy, (334) 832-1370
Aple. General Counsel, Bart Gregory Harmon, (334) 353-3881
Aple. Atty. General, Luther Strange, (334) 242-7447
Aple. Atty., Anne Adams Hill, (334) 353-3877

1111127 Ronnie Williams v. Taishiera Parker (Appeal from Mobile Circuit Court: CV-08-900721).

Affirmed. No Opinion.

Circuit Judge, Joseph Johnston, (251) 574-8685
Aplt. Atty., Ronnie Lee Williams, (251) 432-6985
Aple. Atty., Charles Leo Miller, Jr, (251) 445-0992
Unknown Atty., Joseph P.H. Babington, (251) 432-5521
Unknown Atty., Joseph M. Brown, Jr., (251) 471-6191
Unknown Atty., Scott G. Brown, (251) 405-1300
Unknown Atty., Adam K. Peck, (205) 581-0700

Murdock, J.

1111536 Ex parte A.H.C. PETITION FOR WRIT OF CERTIORARI TO THE COURT OF CIVIL APPEALS (In re: A.H.C. v. Houston County Department of Human Resources) (Houston Juvenile Court: JU-03-136.08; Civil Appeals : 2110287).

Writ Denied. No Opinion.

1111589 Ex parte Christopher Tremon Russell. PETITION FOR WRIT OF CERTIORARI TO THE COURT OF CRIMINAL APPEALS (In re: Christopher Tremon Russell v. State of Alabama) (Montgomery Circuit Court: CC-10-906; Criminal Appeals : CR-11-0283).

Writ Denied. No Opinion.

Circuit Judge, Johnny Hardwick, (334) 832-1380
Pet. Atty., Thomas Martele Goggans, (334) 834-2511

Resp. Atty. General, Luther Strange, (334) 242-7447
Resp. Asst. Atty. General, John F. Porter, III, (256) 574-5156

- 1111619 Ex parte Daoud Boone. PETITION FOR WRIT OF CERTIORARI TO THE COURT OF CRIMINAL APPEALS (In re: Daoud Boone, alias v. State of Alabama) (Montgomery Circuit Court: CC-09-357; Criminal Appeals : CR-10-1610).

Writ Denied. No Opinion.

Circuit Judge, William A. Shashy, (334) 832-1370
Pet. Atty., Jeffery C Duffey, (334) 834-4100
Resp. Atty. General, Luther Strange, (334) 242-7447
Resp. Asst. Gen. Counsel, John J. Davis, (334) 242-7300

- 1120072 Ex parte Alonzo Shelton Gordon. PETITION FOR WRIT OF CERTIORARI TO THE COURT OF CRIMINAL APPEALS (In re: Alonzo Shelton Gordon v. State of Alabama) (Jefferson Circuit Court: CC-08-2239; Criminal Appeals : CR-10-1696).

Writ Denied. No Opinion.

Circuit Judge, Virginia A. Vinson, (205) 214-8683
Pet. Atty., Joe M. Reed, (334) 834-2000
Pet. Atty., Lonnie Anthony Washington, Sr, (205) 424-5722
Resp. Atty. General, Luther Strange, (334) 242-7447
Resp. Asst. Atty. General, Kristi O Wilkerson, (334) 353-8563

- 1120217 Ex parte Henry Butler Hanley II. PETITION FOR WRIT OF CERTIORARI TO THE COURT OF CRIMINAL APPEALS (In re: Henry Butler Hanley II v. State of Alabama) (Tuscaloosa Circuit Court: CC-08-1579.60; Criminal Appeals : CR-11-0532).

Writ Denied. No Opinion.

Circuit Judge, William Scott Donaldson, (205) 464-8275
Pet. Atty., Stuart D. Albea, (205) 248-9556
Resp. Atty. General, Luther Strange, (334) 242-7447
Resp. Asst. Atty. General, Robin Denise Scales, (334) 242-4275

- 1120246 Ex parte Leslie Waukene Coleman. PETITION FOR WRIT OF CERTIORARI TO THE COURT OF CRIMINAL APPEALS (In re: Leslie Waukene Coleman v. State of Alabama) (Mobile Circuit Court: CC-93-1976; Criminal Appeals : CR-11-1538).

Writ Denied. No Opinion.

Circuit Judge, Roderick P. Stout, (251) 574-8482
Resp. Atty. General, Luther Strange, (334) 242-7447
Resp. Asst. Atty. General, Audrey K. Jordan, (334) 353-4338

- 1120247 Ex parte Michael Ray Jordan. PETITION FOR WRIT OF CERTIORARI TO THE COURT OF CRIMINAL APPEALS (In re: Michael Ray Jordan v. State of Alabama) (Jefferson Circuit Court: CC-11-1404; CC-11-1405; Criminal Appeals : CR-11-1114).

Writ Denied. No Opinion.

Circuit Judge, Alfred Bahakel, (205) 325-5648
Pet. Atty., Charles E. Caldwell, (205) 323-2444
Resp. Atty. General, Luther Strange, (334) 242-7447
Resp. Asst. Atty. General, Beth Slate Poe, (334) 242-7300

Shaw, J.

1120163 Ex parte D.J. and G.J. PETITION FOR WRIT OF CERTIORARI TO THE COURT OF CIVIL APPEALS (In re: L.M.W. v. D.J. and G.J.) (Etowah Juvenile Court: JU-07-291.02; Civil Appeals : 2110522).

Writ Denied. No Opinion.

Main, J.

1111579 Ex parte Carolyn Bryson et al. PETITION FOR WRIT OF MANDAMUS: CIVIL (In re: R. N. S. et al. v. Carolyn Bryson et al.) (Montgomery Circuit Court: CV-07-900058).

Petition Denied. No Opinion.

1120197 Ex parte Edward J. Thomas and Ruth Thomas. PETITION FOR WRIT OF CERTIORARI TO THE COURT OF CIVIL APPEALS (In re: Edward J. Thomas and Ruth Thomas v. Wells Fargo Bank, N.A., as Trustee for the Certificateholders of Certain Asset-Backed Certificates) (Montgomery Circuit Court: CV-08-900336; Civil Appeals : 2101153).

Writ Denied. No Opinion.

1120204 Ex parte E.B. PETITION FOR WRIT OF CERTIORARI TO THE COURT OF CIVIL APPEALS (In re: E.B. v. DeKalb County Department of Human Resources) (DeKalb Juvenile Court: JU-10-91.02 and JU-10-92.02; Civil Appeals : 2110401).

Writ Denied. No Opinion.

1120208 Ex parte Gene Coggins. PETITION FOR WRIT OF CERTIORARI TO THE COURT OF CIVIL APPEALS (In re: Gene Coggins v. Judge Reese McKinney, Jr.) (Montgomery Circuit Court: CV-12-694; Civil Appeals : 2120022).

Writ Denied. No Opinion.

Circuit Judge, Truman M. Hobbs, Jr., (334) 832-7147
Resp. Probate Judge, Reese McKinney, Jr., (334) 832-4950

1120216 Ex parte Zerrick Monet Naylor. PETITION FOR WRIT OF CERTIORARI TO THE COURT OF CRIMINAL APPEALS (In re: Zerrick Monet Naylor v. State of Alabama) (Jefferson Circuit Court: CC-11-97; Criminal Appeals : CR-11-0926).

Writ Denied. No Opinion.

Circuit Judge, Clyde E. Jones, (205) 325-5395
Pet. Atty., James M Kendrick, (205) 252-3233
Resp. Atty. General, Luther Strange, (334) 242-7447
Resp. Asst. Atty. General, John McGavock Porter, (334) 242-7300

1120255 Ex parte Corey Eugene Benton. PETITION FOR WRIT OF CERTIORARI TO THE COURT OF CRIMINAL APPEALS (In re: Corey Eugene Benton v. State of Alabama) (Jefferson Circuit Court: CC-00-5018.66; Criminal Appeals : CR-11-1699).

Writ Denied. No Opinion.

Circuit Judge, J. William Cole, (205) 325-5290
Resp. Atty. General, Luther Strange, (334) 242-7447
Resp. Asst. Atty. General, John McGavock Porter, (334) 242-7300

1120266 Ex parte Steven Shutt. PETITION FOR WRIT OF CERTIORARI TO THE COURT OF CRIMINAL APPEALS (In re: Steven Shutt v. State of Alabama) (Baldwin Circuit Court: CC-11-567; Criminal Appeals : CR-11-0739).

Writ Denied. No Opinion.

Circuit Judge, James Harvey Reid, Jr., (251) 937-0290
Pet. Atty., James Warren May, (251) 943-2881
Resp. Atty. General, Luther Strange, (334) 242-7447
Resp. Asst. Atty. Gen., Yvonne A.H. Saxon, (334) 242-7300

1110323 Agnes L. Cason v. Western Heritage Insurance Company (Appeal from Lee Circuit Court: CV-09-359).

Affirmed. No Opinion.

Circuit Judge, Christopher Joseph Hughes, (334) 737-3404
Apl. Atty., Jonathan Keith Corley, (334) 745-7766
Apl. Atty., Robert Poole, (334) 745-7766
Apl. Atty., Davis B. Whittelsey, (334) 745-7766
Aple. Atty., Michael Warren Butler, (251) 405-5065
Aple. Atty., Jordan W Gerheim, (251) 444-4716
Aple. Atty., Sybil Vogtle Newton, (205) 868-6041
Aple. Atty., Charlotte Sawyer

1110462 Western Heritage Insurance Company v. Agnes L. Cason (Appeal from Lee Circuit Court: CV-09-359).

Affirmed. No Opinion.

Circuit Judge, Christopher Joseph Hughes, (334) 737-3404
Apl. Atty., Sybil Vogtle Newton, (205) 868-6041
Aple. Atty., Jonathan Keith Corley, (334) 745-7766
Aple. Atty., Davis B. Whittelsey, (334) 745-7766

PER CURIAM

1111519 Ex parte Scott Christopher Hobbs. PETITION FOR WRIT OF CERTIORARI TO THE COURT OF CIVIL APPEALS (In re: Scott Christopher Hobbs v. Dorarena Kay Heisey) (Madison Circuit Court: DR-99-1631.04; Civil Appeals : 2110275).

Writ Denied. No Opinion.

Circuit Judge, Karen K. Hall, (256) 532-3455
Pet. Atty., Dinah Petree Rhodes, (256) 536-1676
Resp. Atty., William P. Burgess, Jr, (256) 536-6011
Resp. Atty., Amanda Chrisley Canupp, (256) 536-6011

ON REHEARING

1100607 Great Dane Limited Partnership v. Garrison Trucking Line d/b/a Advantage Leasing, Inc. (Appeal from Cullman Circuit Court: CV-07-000435).

Application Overruled. No Opinion.

Circuit Judge, Don L. Hardeman, (256) 739-3530
Apl. Atty., Holly H Bazemore, (205) 980-5000
Apl. Atty., Marty Burke, (205) 458-5447
Apl. Atty., Betsy P. Collins, (404) 685-4325
Apl. Atty., Larry W Harper, (205) 980-5000
Apl. Atty., Forrest S Latta, (251) 344-5151
Aple. Atty., Finis Ewing St. John, IV, (256) 734-3542
Aple. Atty., Gaynor Lee St. John, (256) 734-3542

1110164 Larry L. Reidinger et al. v. Birmingham Realty Company (Appeal from Talladega Circuit Court: CV-08-900171).

Application Overruled. No Opinion.

Circuit Judge, William E. Hollingsworth, III, (256) 761-2108

Apl. Atty., Erskine R Funderburg, (205) 338-7273

Aple. Atty., Ralph D. Gaines, III, (205) 402-4800

Aple. Atty., Travis Gary McKay, Jr, (205) 980-5888