



**LIST OF DECISIONS ANNOUNCED BY
THE SUPREME COURT OF ALABAMA
ON FRIDAY, DECEMBER 6, 2013**

Moore, C.J.

1121126 Ex parte Cynthia Totty and Jerry Totty. PETITION FOR WRIT OF MANDAMUS: CIVIL (In re: Cynthia Totty and Jerry Totty v. Dan Washburn et al.) (Tallapoosa Circuit Court, Dadeville Division: CV-11-900052).

Petition Denied. No Opinion.

1121409 Ex parte Wilmer J. Turner. PETITION FOR WRIT OF CERTIORARI TO THE COURT OF CRIMINAL APPEALS (In re: Wilmer J. Turner v. State of Alabama) (Russell Circuit Court: CC-11-684; CC-11-685; Criminal Appeals : CR-11-1403).

Writ Denied. No Opinion.

Stuart, J.

1130109 Ex parte Corey Daniel Gable. PETITION FOR WRIT OF CERTIORARI TO THE COURT OF CRIMINAL APPEALS (In re: Corey Daniel Gable v. State of Alabama) (Mobile Circuit Court: CC-11-5051; Criminal Appeals : CR-12-0583).

Writ Denied. No Opinion.

1130130 Ex parte Richard Ashe. PETITION FOR WRIT OF CERTIORARI TO THE COURT OF CRIMINAL APPEALS (In re: Richard Ashe v. State of Alabama) (Crenshaw Circuit Court: CC-04-244.60; CC-04-245.62; Criminal Appeals : CR-12-0880).

Writ Denied. No Opinion.

1130142 Ex parte Timothy Don Hudgins. PETITION FOR WRIT OF CERTIORARI TO THE COURT OF CRIMINAL APPEALS (In re: Timothy Don Hudgins v. State of Alabama) (Cherokee Circuit Court: CC-98-60; Criminal Appeals : CR-12-1351).

Writ Denied. No Opinion.

1130174 Ex parte Neil Walker. PETITION FOR WRIT OF CERTIORARI TO THE COURT OF CRIMINAL APPEALS (In re: Neil Walker v. State of Alabama) (Houston Circuit Court: CC-94-102.90; Criminal Appeals : CR-12-1442).

Writ Denied. No Opinion.

1130208 Ex parte Ned Levon Hughes. PETITION FOR WRIT OF CERTIORARI TO THE COURT OF CRIMINAL APPEALS (In re: Ned Levon Hughes v. State of Alabama) (Mobile Circuit Court: CC-97-858.61; Criminal Appeals : CR-12-1086).

Writ Denied. No Opinion.

1130165 Ex parte M.T.O. and S.P.O. PETITION FOR WRIT OF CERTIORARI TO THE COURT OF CIVIL APPEALS (In re: S.A. v. M.T.O. and S.P.O.) (Etowah Probate Court: A-597; Civil Appeals : 2120259; 2120260).

Writ Denied. No Opinion.

1130166 Ex parte Guardian ad litem for M.J.B. PETITION FOR WRIT OF CERTIORARI TO THE COURT OF CIVIL APPEALS (In re: Guardian ad litem for M.J.B. (S.A. v. M.T.O. and S.P.O.)) (Etowah Probate Court: A-597; Civil Appeals : 2120259; 2120260).

Writ Denied. No Opinion.

Bolin, J.

1130086 Ex parte James Kendall Stewart. PETITION FOR WRIT OF CERTIORARI TO THE COURT OF CRIMINAL APPEALS (In re: James Kendall Stewart v. State of Alabama) (Jackson Circuit Court: CC-09-616.60; Criminal Appeals : CR-12-1229).

Writ Denied. No Opinion.

1130129 Ex parte Scott A. Frye. PETITION FOR WRIT OF CERTIORARI TO THE COURT OF CRIMINAL APPEALS (In re: Scott A. Frye v. State of Alabama) (Bessemer Circuit Court: CC-11-915; CC-11-917; CC-11-918; CC-11-919; CC-11-920; Criminal Appeals : CR-12-0695).

Writ Denied. No Opinion.

1130141 Ex parte Timothy Bearry. PETITION FOR WRIT OF CERTIORARI TO THE COURT OF CRIMINAL APPEALS (In re: Timothy Bearry v. State of Alabama) (Jefferson District Court: DC-98-5606.61; DC-98-5607.61; Criminal Appeals : CR-12-1295).

Writ Denied. No Opinion.

1130154 Ex parte Christopher Lee. PETITION FOR WRIT OF CERTIORARI TO THE COURT OF CRIMINAL APPEALS (In re: Christopher Lee v. State of Alabama) (Tuscaloosa Circuit Court: CC-00-1361.62; Criminal Appeals : CR-12-0713).

Writ Denied. No Opinion.

1130171 Ex parte Wayne Allen Russell, Jr. and Rebecca Russell. PETITION FOR WRIT OF CERTIORARI TO THE COURT OF CIVIL APPEALS (In re: Wayne Allen Russell, Jr. and Rebecca Russell v. First United Security Bank and Bill Morgan) (Tuscaloosa Circuit Court: CV-11-103; Civil Appeals : 2120565; 2120566).

Writ Denied. No Opinion.

Parker, J.

1130084 Ex parte Ronald Weeks. PETITION FOR WRIT OF CERTIORARI TO THE COURT OF CRIMINAL APPEALS (In re: Ronald Weeks v. Alabama Department of Corrections) (Montgomery Circuit Court: CV-13-292; Criminal Appeals : CR-12-1623).

Writ Denied. No Opinion.

1130091 Ex parte Jonathan Wayne Coon. PETITION FOR WRIT OF CERTIORARI TO THE COURT OF CRIMINAL APPEALS (In re: Jonathan Wayne Coon v. State of Alabama) (Covington Circuit Court: CC-11-225; Criminal Appeals : CR-12-0950).

Writ Denied. No Opinion.

1130119 Ex parte Lincoln Smith. PETITION FOR WRIT OF CERTIORARI TO THE COURT OF CRIMINAL APPEALS (In re: Lincoln Smith v. State of Alabama) (Tuscaloosa Circuit Court: CC-09-342; Criminal Appeals : CR-12-0281).

Writ Denied. No Opinion.

1130140 Ex parte Clinton Allen Kidd. PETITION FOR WRIT OF CERTIORARI TO THE COURT OF CRIMINAL APPEALS (In re: Clinton Allen Kidd v. State of Alabama) (Jefferson Circuit Court: CC-84-2604.60; Criminal Appeals : CR-12-1633).

Writ Denied. No Opinion.

1130149 Ex parte Alvin H. Daniels. PETITION FOR WRIT OF CERTIORARI TO THE COURT OF CRIMINAL APPEALS (In re: Alvin H. Daniels v. State of Alabama) (Jefferson Circuit Court: CC-91-1817; Criminal Appeals : CR-12-1126).

Writ Denied. No Opinion.

1130155 Ex parte James Simmons. PETITION FOR WRIT OF CERTIORARI TO THE COURT OF CIVIL APPEALS (In re: DuBose Construction Company, LLC v. James Simmons) (Montgomery Circuit Court: CV-05-2166.80; Civil Appeals : 2120440).

Writ Denied. No Opinion.

1130189 Ex parte Christopher James Russell. PETITION FOR WRIT OF CERTIORARI TO THE COURT OF CRIMINAL APPEALS (In re: Christopher James Russell v. State of Alabama) (Madison Circuit Court: CC-11-4443.60; Criminal Appeals : CR-12-1359).

Writ Denied. No Opinion.

Murdock, J.

1101439 Ex parte Alabama Department of Transportation and John R. Cooper, as director of the Alabama Department of Transportation. PETITION FOR WRIT OF MANDAMUS: CIVIL (In re: Asphalt Contractors, Inc. v. Alabama Department of Transportation and John R. Cooper, as director of the Alabama Department of Transportation) (Montgomery Circuit Court: CV-11-900423).

Petition Granted In Part and Denied In Part. Writ Issued.

1121132 Ex parte Tacala, Inc. PETITION FOR WRIT OF CERTIORARI TO THE COURT OF CIVIL APPEALS (In re: Board of Zoning Adjustment of the City of Trussville and the City of Trussville v. Tacala, Inc.) (Jefferson Circuit Court: CV-11-2111; Civil Appeals : 2120132).

Writ Denied. No Opinion.

1121513 Ex parte Matthew Wayne Tubbs. PETITION FOR WRIT OF CERTIORARI TO THE COURT OF CRIMINAL APPEALS (In re: Matthew Wayne Tubbs v. State of Alabama) (Jefferson Circuit Court: CC-98-6436.65; Criminal Appeals : CR-12-0622).

Writ Denied. No Opinion.

1121545 Ex parte Herbert Lee Coleman. PETITION FOR WRIT OF CERTIORARI TO THE COURT OF CRIMINAL APPEALS (In re: Herbert Lee Coleman v. State of Alabama) (Mobile Circuit Court: CC-95-3635.64; CC-95-3636.64; CC-95-3637.62; Criminal Appeals : CR-12-1128).

Writ Denied. No Opinion.

1130027 Ex parte Eric Jerome Leonard. PETITION FOR WRIT OF CERTIORARI TO THE COURT OF CRIMINAL APPEALS (In re: Eric Jerome Leonard v. State of Alabama) (Russell Circuit Court: CC-96-243.62; Criminal Appeals : CR-12-0970).

Writ Denied. No Opinion.

1130105 Ex parte Jeremy Lamont Hudson. PETITION FOR WRIT OF CERTIORARI TO THE COURT OF CRIMINAL APPEALS (In re: Jeremy Lamont Hudson v. State of Alabama) (Mobile Circuit Court: CC-99-2655.61; CC-99-2656.61; CC-99-2657.61; CC-99-2658.61; Criminal Appeals : CR-12-1348).

Writ Denied. No Opinion.

1130108 Ex parte Charles Edward Cooley. PETITION FOR WRIT OF CERTIORARI TO THE COURT OF CRIMINAL APPEALS (In re: Charles Edward Cooley v. State of Alabama) (Mobile Circuit Court: CC-02-1508.61; CC-02-1509.61; Criminal Appeals : CR-12-1178).

Writ Denied. No Opinion.

Shaw, J.

1120928 Dr. Winston Guthrie v. Robert Tuten (Appeal from Madison Circuit Court: CV-11-901038).

Affirmed. No Opinion.

1130101 Ex parte Bruce Carroll. PETITION FOR WRIT OF CERTIORARI TO THE COURT OF CRIMINAL APPEALS (In re: State of Alabama vs. Bruce Carroll) (Morgan Circuit Court: CC-82-476.62; Criminal Appeals : CR-12-1057).

Writ Denied. No Opinion.

1130181 Ex parte Vincent Earl Boglin. PETITION FOR WRIT OF CERTIORARI TO THE COURT OF CRIMINAL APPEALS (In re: Vincent Earl Boglin v. State of Alabama) (Morgan Circuit Court: CC-11-380; Criminal Appeals : CR-12-0657).

Writ Denied. No Opinion.

1110840 Pensacola Motor Sales, Inc. d/b/a Bob Tyler Toyota v. Daphne Automotive, LLC d/b/a Eastern Shore Toyota and Shawn Esfahani (Appeal from Mobile Circuit Court: CV-10-900230).

Affirmed.

1110857 Fred Keener v. Daphne Automotive, LLC d/b/a Eastern Shore Toyota and Shawn Esfahani (Appeal from Mobile Circuit Court: CV-2010-900230).

Affirmed.

1111134 Lake Charleston Estates, Inc. and Charles S. Givianpour v. BancorpSouth Bank, Citizens Trust Bank and Shelby Holdings, LLC (Appeal from Jefferson Circuit Court: CV-09-903637).

Affirmed. No Opinion.

1111196 Citizens Trust Bank v. Charles S. Givianpour and Lake Charleston Estates, Inc. (Appeal from Jefferson Circuit Court: CV-09-903637).

Affirmed. No Opinion.

1111207 BancorpSouth Bank v. Lake Charles Estates, Inc. and Charles S. Givianpour (Appeal from Jefferson Circuit Court: CV-09-903637).

Affirmed. No Opinion.

1111588 Kim Thomas, Commissioner of the Alabama Department of Corrections, et al. v. Jerry Mack Merritt and Thomas Layton, Jr. (Appeal from Montgomery Circuit Court: CV-07-0143).

Reversed And Remanded.

1120264 Jerry Mack Merritt v. Kim Thomas, Commissioner of the Alabama Department of Corrections, et al. (Appeal from Montgomery Circuit Court: CV-07-0143).

Appeal Dismissed.

Main, J.

1111386 Patricia Working et al. v. Jefferson County Election Commission et al. (Appeal from Jefferson Circuit Court: CV-08-900316).

Affirmed In Part; Remanded With Instructions.

1121116 Linda Bogus and James Bogus v. Bank of New York, as Trustee (Appeal from Shelby Circuit Court: CV-07-900238).

Affirmed. No Opinion; Motion to strike reply brief granted; all other motions denied.

1121348 Vivian Marsheila Woods, as Personal Representative of the Estate of Vernon H. Gilchrist v. SunTrust Bank (Appeal from Lauderdale Circuit Court: CV-11-0268).

Affirmed. No Opinion.

1130066 Ex parte Michael Todd Dailey. PETITION FOR WRIT OF CERTIORARI TO THE COURT OF CRIMINAL APPEALS (In re: Michael Todd Dailey v. State of Alabama) (Wilcox Circuit Court: CC-12-05; Criminal Appeals : CR-12-0726).

Writ Denied. No Opinion.

1130085 Ex parte Quintez Alexander Grayson. PETITION FOR WRIT OF CERTIORARI TO THE COURT OF CRIMINAL APPEALS (In re: Quintez Alexander Grayson v. State of Alabama) (Mobile Circuit Court: CC-08-1935.61; Criminal Appeals : CR-12-1332).

Writ Denied. No Opinion.

1130125 Ex parte Vincent Lavert Ingram. PETITION FOR WRIT OF CERTIORARI TO THE COURT OF CRIMINAL APPEALS (In re: Vincent Lavert Ingram v. State of Alabama) (Lauderdale Circuit Court: CC-10-324; Criminal Appeals : CR-11-1695).

Writ Denied. No Opinion.

1130152 Ex parte David D. Hamilton. PETITION FOR WRIT OF CERTIORARI TO THE COURT OF CRIMINAL APPEALS (In re: David D. Hamilton v. Alabama Board of Pardons and Paroles) (Montgomery Circuit Court: CV-13-330; Criminal Appeals : CR-12-1626).

Writ Denied. No Opinion.

Bryan, J.

1120486 Robert N. Holliday and Mary H. Holliday v. John M. Dennis and Barbara M. Dennis (Appeal from Elmore Circuit Court: CV-11-900117).

Affirmed. No Opinion.

1120501 The City of Birmingham v. Veteran's Oil Company, Inc. (Appeal from Jefferson Circuit Court: CV-09-2602).

Affirmed. No Opinion.

1120675 Catalina R. Banks and Donna C. Banks v. Moonlight Investigative Services, LLC, et al. (Appeal from Bibb Circuit Court: CV-10-900099).

Affirmed. No Opinion.

1121265 Ex parte John Hamilton McLain V. PETITION FOR WRIT OF CERTIORARI TO THE COURT OF CRIMINAL APPEALS (In re: John Hamilton McLain V v. State of Alabama) (Madison Circuit Court: CC-08-5088.60; CC-08-5089.60; CC-08-5092.60; CC-08-5093.60; CC-08-5094.60; CC-08-5095.60; Criminal Appeals : CR-11-0640).

Writ Denied. No Opinion.

1121328 Ex parte Ronald Darin Barbaree. PETITION FOR WRIT OF CERTIORARI TO THE COURT OF CRIMINAL APPEALS (In re: Ronald Darin Barbaree v. State of Alabama) (Covington Circuit Court: CC-05-246; Criminal Appeals : CR-11-0723).

Writ Denied. No Opinion.

1121410 Ex parte State of Alabama. PETITION FOR WRIT OF CERTIORARI TO THE COURT OF CRIMINAL APPEALS (In re: Benjamin Carter Mays v. State of Alabama) (Jackson Circuit Court: CC-11-1063; Criminal Appeals : CR-11-1531).

Writ Denied. No Opinion.

1121472 Ex parte Billy Vernon Henderson. PETITION FOR WRIT OF CERTIORARI TO THE COURT OF CRIMINAL APPEALS (In re: Billy Vernon Henderson v. Alabama Board of Pardons and Paroles) (Montgomery Circuit Court: CV12-614; Criminal Appeals : CR-11-1892).

Writ Denied. No Opinion.

1121487 Ex parte Daniel Joseph Watts. PETITION FOR WRIT OF CERTIORARI TO THE COURT OF CRIMINAL APPEALS (In re: Daniel Joseph Watts v. State of Alabama) (Mobile Circuit Court: CC-10-2889.60; Criminal Appeals : CR-12-0636).

Writ Denied. No Opinion.

1121516 Ex parte Carlos Jack Subel. PETITION FOR WRIT OF CERTIORARI TO THE COURT OF CRIMINAL APPEALS (In re: Carlos Jack Subel v. State of Alabama) (Baldwin Circuit Court: CC-85-39.60; CC-85-39.61; Criminal Appeals : CR-12-1209).

Writ Denied. No Opinion.

1130102 Ex parte Orange Dennis Tinker. PETITION FOR WRIT OF CERTIORARI TO THE COURT OF CRIMINAL APPEALS (In re: Orange Dennis Tinker v. State of Alabama) (Tuscaloosa Circuit Court: CC-07-52.60; Criminal Appeals : CR-12-0990).

Writ Denied. No Opinion.

1130120 Ex parte M. E. P., Jr. PETITION FOR WRIT OF CERTIORARI TO THE COURT OF CRIMINAL APPEALS (In re: M. E. P., Jr. v. State of Alabama) (Elmore Circuit Court: CC-12-300; Criminal Appeals : CR-12-0897).

Writ Denied. No Opinion.

1130121 Ex parte Kim Pope. PETITION FOR WRIT OF CERTIORARI TO THE COURT OF CRIMINAL APPEALS (In re: Kim Pope v. State of Alabama) (Tallapoosa Circuit Court: CC-10-65; Criminal Appeals : CR-12-0613).

Writ Denied. No Opinion.

1130145 Ex parte Damien Darrell Jones. PETITION FOR WRIT OF CERTIORARI TO THE COURT OF CRIMINAL APPEALS (In re: Damien Darrell Jones v. State of Alabama) (Madison Circuit Court: CC-09-7120.70; Criminal Appeals : CR-12-0894).

Writ Denied. No Opinion.

1130192 Ex parte Rehan Hanif. PETITION FOR WRIT OF CERTIORARI TO THE COURT OF CRIMINAL APPEALS (In re: Rehan Hanif v. State of Alabama) (Baldwin Circuit Court: CC-06-1164.80; Criminal Appeals : CR-12-0273).

Writ Denied. No Opinion.

PER CURIAM

1111353 Ex parte First Exchange Bank et al. PETITION FOR WRIT OF MANDAMUS: CIVIL (In re: Thomas Henry and Darla Henry v. First Exchange Bank et al.) (Butler Circuit Court: CV-10-900060).

Petition Denied. No Opinion. (Special Writing)

1120524 Trent R. Garmon v. Alabama State Bar Association (Appeal from the Disciplinary Board of the Alabama State Bar: ASB-11-1689).

Affirmed. No Opinion.

ON REHEARING

1120332 Michael C. Cowger v. Redstone Federal Credit Union (Appeal from Madison Circuit Court: CV-11-0663).

Application Overruled. No Opinion.

1110439 Town of Gurley v. M & N Materials, Inc. (Appeal from Madison Circuit Court: CV-05-731).

Application Overruled. No Opinion.

1110507 M & N Materials, Inc. v. Stan Simpson, individually and as mayor of the Town of Gurley, and Town of Gurley (Appeal from Madison Circuit Court: CV-05-731).

Application Overruled. No Opinion.