



**LIST OF DECISIONS ANNOUNCED BY
THE SUPREME COURT OF ALABAMA
ON FRIDAY, JULY 10, 2015**

Moore, C.J.

1140118 Eric Gober et al. v. Burnett & Gilbreath LLC d/b/a Wells Bros. Real Estate (Appeal from Blount Circuit Court: CV-09-900139).

Affirmed. No Opinion.

1140320 John Kulinich v. Edward Ticheli (Appeal from Jefferson Circuit Court: Cv-2012-903270).

Affirmed. No Opinion.

1141000 Ex parte Glen D. Lee. PETITION FOR WRIT OF CERTIORARI TO THE COURT OF CRIMINAL APPEALS (In re: Glen D. Lee v. State of Alabama) (Geneva Circuit Court: CC-07-233.60; Criminal Appeals : CR-13-1652).

Writ Denied. No Opinion.

Stuart, J.

1140355 John Paul McLean, as personal representative of the Estate of Mary Linda Bedwell v. Houston County Healthcare Authority, Inc. , d/b/a Southeast Alabama Medical Center (Appeal from Houston Circuit Court: CV-11-399).

Affirmed. No Opinion.

1140635 Ex parte State of Alabama. PETITION FOR WRIT OF CERTIORARI TO THE COURT OF CRIMINAL APPEALS (In re: Eric Lemont Higdon v. State of Alabama) (Jefferson Circuit Court: CC-13-365; Criminal Appeals : CR-13-1305).

Reversed And Remanded.

1140845 Ex parte Steven Paul Vick, Sr. PETITION FOR WRIT OF CERTIORARI TO THE COURT OF CRIMINAL APPEALS (In re: Steven Paul Vick, Sr. v. State of Alabama) (Talladega Circuit Court: CC-14-217; Criminal Appeals : CR-14-0066).

Writ Denied. No Opinion.

1140890 Ex parte James H. Leeper. PETITION FOR WRIT OF CERTIORARI TO THE COURT OF CIVIL APPEALS (In re: James H. Leeper v. Cook's Pest Control, Inc.) (Jefferson Circuit Court: CV-13-903891; Civil Appeals : 2140037).

Writ Denied. No Opinion.

1140941 Ex parte Christopher Lamar Richards. PETITION FOR WRIT OF CERTIORARI TO THE COURT OF CIVIL APPEALS (In re: Christy Lee Richards v. Christopher Lamar Richards) (Etowah Circuit Court: DR-12-175 & DR-12-175.01; Civil Appeals : 2130846 & 2131070).

Writ Denied. No Opinion.

1140945 Ex parte Antonio Dewayne Hall. PETITION FOR WRIT OF CERTIORARI TO THE COURT OF CRIMINAL APPEALS (In re: Antonio Dewayne Hall v. State of Alabama) (Mobile Circuit Court: CC-09-5413.60; Criminal Appeals : CR-13-1170).

Writ Denied. No Opinion.

1140995 Ex parte Jimmy Wayne Karr. PETITION FOR WRIT OF CERTIORARI TO THE COURT OF CRIMINAL APPEALS (In re: Jimmy Wayne Karr v. State of Alabama) (Clay Circuit Court: CC-10-174.60; CC-10-175.60; Criminal Appeals : CR-13-1497).

Writ Denied. No Opinion.

Parker, J.

1131368 Ex parte Cornell L. Tatum, Sr., et al. PETITION FOR WRIT OF MANDAMUS: CIVIL (In re: Marlin King et al. v. Cornell L. Tatum, Sr., et al.) (Macon Circuit Court: CV-14-900080).

Petition Denied. No Opinion. (Special Writing)

1140721 Ex parte Doug Gaston. PETITION FOR WRIT OF CERTIORARI TO THE COURT OF CIVIL APPEALS (In re: Doug Gaston v. Dr. Louis Gotthelf d/b/a Animal Hospital of Montgomery) (Montgomery Circuit Court: CV-12-848; Civil Appeals : 2131066).

Writ Denied. No Opinion.

1140781 Ex parte Kenneth A. Smith. PETITION FOR WRIT OF CERTIORARI TO THE COURT OF CRIMINAL APPEALS (In re: Kenneth A. Smith v. State of Alabama) (Coosa Circuit Court: CC-07-126.61; CC-09-12.61; Criminal Appeals : CR-13-1878).

Writ Denied. No Opinion.

1140789 Ex parte Phillip McGraw. PETITION FOR WRIT OF CERTIORARI TO THE COURT OF CRIMINAL APPEALS (In re: Phillip McGraw v. State of Alabama) (Tuscaloosa Circuit Court: CC-07-51.62; Criminal Appeals : CR-13-1468).

Writ Denied. No Opinion.

1140864 Ex parte Christopher Martin Johnson. PETITION FOR WRIT OF CERTIORARI TO THE COURT OF CRIMINAL APPEALS (In re: Christopher Martin Johnson v. State of Alabama) (Montgomery Circuit Court: CC-14-796; Criminal Appeals : CR-14-0324).

Writ Denied. No Opinion.

1140948 Ex parte Timothy Prisock. PETITION FOR WRIT OF CERTIORARI TO THE COURT OF CRIMINAL APPEALS (In re: Timothy Prisock v. State of Alabama) (Marengo Circuit Court: CC-10-90.60; Criminal Appeals : CR-13-0702).

Writ Denied. No Opinion.

1140992 Ex parte Kenneth E. Morris. PETITION FOR WRIT OF CERTIORARI TO THE COURT OF CRIMINAL APPEALS (In re: Kenneth E. Morris v. State of Alabama) (Houston Circuit Court: CC-11-1384.60; CC-11-1385.60; CC-11-1386.60; Criminal Appeals : CR-13-1730).

Writ Denied. No Opinion.

1140885 Ex parte Frisco Forest Products, LLC. PETITION FOR WRIT OF CERTIORARI TO THE COURT OF CIVIL APPEALS (In re: Fulghum Fibres, Inc., and Alphonso Gross v. C. Dwayne Stokes and Frisco Forest Products, LLC) (Monroe Circuit Court: CV-2011-900001; Civil Appeals : 2130551 and 2130552).

Writ Denied. No Opinion.

1140891 Ex parte C. Dwayne Stokes. PETITION FOR WRIT OF CERTIORARI TO THE COURT OF CIVIL APPEALS (In re: Fulghum Fibres, Inc., and Alphonso Gross v. C. Dwayne Stokes and Frisco Forest Products, LLC) (Monroe Circuit Court: CV-11-900001; Civil Appeals : 2130551).

Writ Denied. No Opinion.

Murdock, J.

1140653 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-10-2889.61; Criminal Appeals : CR-13-1230).

Writ Denied. No Opinion.

1140729 Ex parte Robert Daniel Allen. PETITION FOR WRIT OF CERTIORARI TO THE COURT OF CRIMINAL APPEALS (In re: Robert Daniel Allen v. State of Alabama) (Lee Circuit Court: CC-13-601; Criminal Appeals : CR-13-1717).

Writ Denied. No Opinion.

1140762 Ex parte Michael Shawn Barnes. PETITION FOR WRIT OF CERTIORARI TO THE COURT OF CRIMINAL APPEALS (In re: Michael Shawn Barnes v. State of Alabama) (Mobile Circuit Court: CC-94-1401.60; Criminal Appeals : CR-13-1567).

Writ Denied. No Opinion.

1140763 Ex parte Michael Shawn Barnes. PETITION FOR WRIT OF CERTIORARI TO COURT OF CRIMINAL APPEALS (In re: Michael Shawn Barnes v. State of Alabama) (Mobile Circuit Court: CC-94-2913.60; Criminal Appeals : CR-13-1568).

Writ Denied. No Opinion.

Shaw, J.

1140120 Ex parte Rapheal Lamar Simmons. PETITION FOR WRIT OF CERTIORARI TO THE COURT OF CRIMINAL APPEALS (In re: Rapheal Lamar Simmons v. State of Alabama) (Calhoun Circuit Court: CC-13-488; CC-13-489; Criminal Appeals : CR-13-1033).

Writ Denied. No Opinion.

1140125 Ex parte Catalina R. Banks and Donna C. Banks. PETITION FOR WRIT OF CERTIORARI TO THE COURT OF CIVIL APPEALS (In re: Catalina R. Banks and Donna C. Banks v. Premier Service Company, Inc.) (Bibb Circuit Court: CV-10-900099; Civil Appeals : 2120929).

Writ Denied. No Opinion.

1140205 Nita Moss and Randall Moss v. Wade Gilchrist and Wade Gilchrist Builders, LLC (Appeal from Lauderdale Circuit Court: CV10-900087).

Affirmed. No Opinion.

1140306 Ex parte Marlin Slade Chappelle. PETITION FOR WRIT OF CERTIORARI TO THE COURT OF CIVIL APPEALS (In re: Marlin Slade Chappelle v. Personnel Board of Jefferson County and City of Leeds Fire Department) (Jefferson Circuit Court: CV-12-900855; Civil Appeals : 2130801).

Writ Denied. No Opinion.

1140408 Ex parte Sarah Baker. PETITION FOR WRIT OF CERTIORARI TO THE COURT OF CIVIL APPEALS (In re: Sarah Baker v. Perry Baker) (Talladega Circuit Court: DR-11-383; Civil Appeals : 2120992).

Writ Denied. No Opinion.

1140529 Vanessa Beckwith, et al. v. Lloyd Underwood (Appeal from Lauderdale Circuit Court: CV-11-271).

Affirmed. No Opinion.

1140540 Ex parte Shameem Abdullah and Sultan Abdullah. PETITION FOR WRIT OF CERTIORARI TO THE COURT OF CIVIL APPEALS (In re: Shameem Abdullah and Sultan Abdullah v. Fogelman Management Group, LLC, as agent for Ridge Crossings Apartments) (Bessemer Circuit Court: CV-12-266; Civil Appeals : 2130877).

Writ Denied. No Opinion.

1140549 Ex parte Ralph West. PETITION FOR WRIT OF CERTIORARI TO THE COURT OF CRIMINAL APPEALS (In re: Ralph West v. State of Alabama) (Mobile Circuit Court: CC-84-3793.64; Criminal Appeals : CR-14-0071).

Writ Denied. No Opinion.

1140654 Ex parte Kenneth Clarence Shipp. PETITION FOR WRIT OF CERTIORARI TO THE COURT OF CRIMINAL APPEALS (In re: Kenneth Clarence Shipp v. State of Alabama) (Madison Circuit Court: CC-08-5005.60; Criminal Appeals : CR-12-1080).

Writ Denied. No Opinion.

1140655 Ex parte Danny Lewis Smith. PETITION FOR WRIT OF CERTIORARI TO THE COURT OF CRIMINAL APPEALS (In re: Danny Lewis Smith v. State of Alabama) (Russell Circuit Court: CC-93-688.63; Criminal Appeals : CR-13-1472).

Writ Denied. No Opinion.

1140727 Ex parte Porter Allen Batts. PETITION FOR WRIT OF CERTIORARI TO THE COURT OF CRIMINAL APPEALS (In re: Porter Allen Batts v. State of Alabama) (Madison Circuit Court: CC-13-1227; Criminal Appeals : CR-13-1473).

Writ Denied. No Opinion.

1140822 Ex parte Christopher Virgess. PETITION FOR WRIT OF CERTIORARI TO THE COURT OF CRIMINAL APPEALS (In re: Christopher Virgess v. State of Alabama) (Marengo Circuit Court: CC-02-63.60; CC-02-64.60; Criminal Appeals : CR-13-0703).

Writ Denied. No Opinion.

1140926 Ex parte Kita Swandi Moss. PETITION FOR WRIT OF CERTIORARI TO THE COURT OF CRIMINAL APPEALS (In re: Kita Swandi Moss v. State of Alabama) (Houston Circuit Court: CC-13-251.60; Criminal Appeals : CR-14-0048).

Writ Denied. No Opinion.

1140968 Ex parte Richard Henley. PETITION FOR WRIT OF CERTIORARI TO THE COURT OF CRIMINAL APPEALS (In re: Richard Henley v. State of Alabama) (Jefferson Circuit Court: CC-78-1981.64; Criminal Appeals : CR-14-0433).

Writ Denied. No Opinion.

Main, J.

1140326 Candace Early v. Alfa Mutual Insurance Company and Ron McKinnon (Appeal from Jefferson Circuit Court, Bessemer Division: CV-12-2).

Affirmed. No Opinion.

1140902 Ex parte Jeffery Andrews. PETITION FOR WRIT OF CERTIORARI TO THE COURT OF CRIMINAL APPEALS (In re: Jeffery Andrews v. State of Alabama) (Covington Circuit Court: CC98-131.62; Criminal Appeals : CR-14-0049).

Writ Denied. No Opinion.

1140938 Ex parte Charles Erastis Pigg. PETITION FOR WRIT OF CERTIORARI TO THE COURT OF CRIMINAL APPEALS (In re: Charles Erastis Pigg v. State of Alabama) (Morgan Circuit Court: CC-02-559.61; Criminal Appeals : CR-13-0294).

Writ Denied. No Opinion.

1140942 Ex parte Gary Davis Hart, II. PETITION FOR WRIT OF CERTIORARI TO THE COURT OF CRIMINAL APPEALS (In re: Gary Davis Hart, II v. State of Alabama) (Mobile Circuit Court: CC-89-2737.61; Criminal Appeals : CR-13-1601).

Writ Denied. No Opinion.

1140972 Ex parte Albert Baker, Jr. PETITION FOR WRIT OF CERTIORARI TO THE COURT OF CRIMINAL APPEALS (In re: Albert Baker, Jr. v. State of Alabama) (Pike Circuit Court: CC-84-22.65; Criminal Appeals : CR-13-1900).

Writ Denied. No Opinion.

1141017 Ex parte Toriano Nicholas Porter. PETITION FOR WRIT OF CERTIORARI TO THE COURT OF CRIMINAL APPEALS (In re: Toriano Nicholas Porter v. State of Alabama) (Madison Circuit Court: CC-11-1144.62; Criminal Appeals : CR-14-0259).

Writ Denied. No Opinion.

Wise, J.

1131211 Robert A. Ryals v. Jeffrey H. Garrison and Jennifer Garrison (Appeal from Randolph Circuit Court: CV-09-900049).

Affirmed. No Opinion.

1140059 Stephene Hosey v. Estate of Atilio I. Corte, Jr. (Appeal from Baldwin Circuit Court: CV-13-901054).

Affirmed. No Opinion.

1140194 Brock Appleton v. Mickey Brewington and Randy Brewington (Appeal from Morgan Circuit Court: CV-10-900281).

Affirmed. No Opinion.

1140765 Ex parte T.N. and C.N. PETITION FOR WRIT OF CERTIORARI TO THE COURT OF CIVIL APPEALS (In re: T.N. and C.N.v. I.B) (Elmore Probate Court: A2013-62; Civil Appeals : 2130668).

Writ Denied. No Opinion.

1140787 Ex parte Jesus A. Rojas-Alba. PETITION FOR WRIT OF CERTIORARI TO THE COURT OF CRIMINAL APPEALS (In re: Jesus A. Rojas-Alba v. City of Huntsville) (Madison Circuit Court: CC-13-4765; Criminal Appeals : CR-13-1571).

Writ Denied. No Opinion.

1140873 Ex parte James Calvin Frazier. PETITION FOR WRIT OF CERTIORARI TO THE COURT OF CRIMINAL APPEALS (In re: James Calvin Frazier v. State of Alabama) (Lee District Court: TR-93-2533.60; TR-93-2534.60; Criminal Appeals : CR-13-1923).

Writ Denied. No Opinion.

1140912 Ex parte Jed Laften Nagel. PETITION FOR WRIT OF CERTIORARI TO THE COURT OF CRIMINAL APPEALS (In re: State of Alabama v. Jed Laften Nagel) (Jefferson Circuit Court: CC13-3348; Criminal Appeals : CR-14-0452).

Writ Denied. No Opinion.

1141016 Ex parte Steven Lee Anderson. PETITION FOR WRIT OF CERTIORARI TO THE COURT OF CRIMINAL APPEALS (In re: Steven Lee Anderson v. State of Alabama) (Montgomery Circuit Court: CC-10-1565.62; Criminal Appeals : CR-14-0136).

Writ Denied. No Opinion.

Bryan, J.

1131515 Donna Jo Norton Potter v. Jacqueline McGee Lumpkins et al (Appeal from Lauderdale Circuit Court: CV-12-82).

Affirmed. No Opinion.

1140625 Ex parte Dolgencorp, LLC. PETITION FOR WRIT OF CERTIORARI TO THE COURT OF CIVIL APPEALS (In re: Dolgencorp, LLC v. Angela Michelle Smith) (Monroe Circuit Court: CV-13-900156; Civil Appeals : 2131036).

Writ Denied. No Opinion.

1140769 Ex parte State of Alabama. PETITION FOR WRIT OF CERTIORARI TO THE COURT OF CRIMINAL APPEALS (In re: Diontez Jamel Moore v. State of Alabama) (Jefferson Circuit Court: CC-08-2244.70; Criminal Appeals : CR-13-1815).

Writ Denied. No Opinion.

1140794 Ex parte Huey Lovell Kennedy. PETITION FOR WRIT OF CERTIORARI TO THE COURT OF CRIMINAL APPEALS (In re: Huey Lovell Kennedy v. State of Alabama) (Madison Circuit Court: CC10-3584.60; Criminal Appeals : CR-14-0261).

Writ Denied. No Opinion.

1140949 Ex parte Robert E. Morris. PETITION FOR WRIT OF CERTIORARI TO THE COURT OF CIVIL APPEALS (In re: Robert E. Morris v. James Tony Glenn) (Marion Circuit Court: CV-13-11; Civil Appeals : 2140307).

Writ Denied. No Opinion.

1140950 Ex parte Heriberto Arevalo Robles. PETITION FOR WRIT OF CERTIORARI TO THE COURT OF CRIMINAL APPEALS (In re: Heriberto Arevalo Robles v. State of Alabama) (Cleburne Circuit Court: CC-00-3.62; CC-00-4.62; CC-00-32.62; CC-00-33.62; CC-00-34.62; CC-00-35.62; Criminal Appeals : CR-14-0119).

Writ Denied. No Opinion.

1131421 Capstone Partners, LLC v. Patricia Cowart and Jerry Cowart (Appeal from Jefferson Circuit Court: CV-09-900456).

Affirmed. No Opinion.

1131422 Capstone Partners, LLC v. Dennis Bales and Linda Bales (Appeal from Jefferson Circuit Court: CV-10-900906).

Affirmed. No Opinion.

1131423 Capstone Partners, LLC v. Mike Adamson and Beverly Adamson (Appeal from Jefferson Circuit Court: CV-10-901753).

Affirmed. No Opinion.

1131424 Capstone Partners, LLC v. Daniel J. Foster and Brenda B. Foster (Appeal from Jefferson Circuit Court: CV-10-901754).

Affirmed. No Opinion.

ON REHEARING

1130631 Branch Banking & Trust Company et al. v. Rex A. Nichols and Claudene Nichols (Appeal from Baldwin Circuit Court: CV-10-900411).

Application Overruled; Opinion of April 24, 2015, Modified [By Substitution of Page 7].

1131346 Synovus Trust Company, N.A. v. Warren, Averett, Kimbrough and Marino, LLC. et al (Appeal from Jefferson Circuit Court: CV-12-900092).

Application Overruled. No Opinion.