



**LIST OF DECISIONS ANNOUNCED BY  
THE SUPREME COURT OF ALABAMA  
ON FRIDAY, JUNE 10, 2016**

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**Stuart, J.**

1150760 Ex parte C.S. PETITION FOR WRIT OF CERTIORARI TO THE COURT OF CRIMINAL APPEALS (In re: C.S. v. State of Alabama) (Henry Circuit Court: CC-14-232; Criminal Appeals : CR-14-1478).

**Writ Denied. No Opinion.**

1150762 Ex parte K.H. PETITION FOR WRIT OF CERTIORARI TO THE COURT OF CIVIL APPEALS (In re: K.H. v. K.N.) (Jefferson Juvenile Court: JU-10-97056.02 and JU-10-97057.02; Civil Appeals : 2140724).

**Writ Denied. No Opinion.**

1150788 Ex parte Doyle Jerome Clark. PETITION FOR WRIT OF CERTIORARI TO THE COURT OF CIVIL APPEALS (In re: Doyle Jerome Clark v. June Marie Clark) (Walker Circuit Court: DR-14-900218; Civil Appeals : 2141020).

**Writ Denied. No Opinion.**

**Bolin, J.**

1141047 David S. McMillan v. BancorpSouth Bank (Appeal from Madison Circuit Court: CV-13-902063).

**Affirmed. No Opinion.**

1141253 Ex parte Michael Sheldon Poole. PETITION FOR WRIT OF CERTIORARI TO THE COURT OF CIVIL APPEALS (In re: Michael Sheldon Poole v. Melanie Holley Poole) (Lauderdale Circuit Court: DR-12-900132; Civil Appeals : 2130678).

**Writ Quashed. No Opinion.**

1150039 Ex parte State of Alabama Department of Revenue. PETITION FOR WRIT OF MANDAMUS: CIVIL (In re: Tanner & Guin, LLC v. State of Alabama Department of Revenue) (Tuscaloosa Circuit Court: CV-15-900589).

**Petition Denied. No Opinion.**

1150741 Ex parte Kenneth Winston Dial. PETITION FOR WRIT OF CERTIORARI TO THE COURT OF CRIMINAL APPEALS (In re: Kenneth Winston Dial v. State of Alabama) (Jefferson Circuit Court: CC-94-107.21; Criminal Appeals : CR-14-1369).

**Writ Denied. No Opinion.**

1150804 Ex parte AES Mechanical Services Group, Inc. PETITION FOR WRIT OF CERTIORARI TO THE COURT OF CIVIL APPEALS (In re: AES Mechanical Services Group, Inc. v. Continental Casualty Company and Elkins Constructors, Inc.) (Mobile Circuit Court: CV-12-902785; Civil Appeals : 2141023).

**Writ Denied. No Opinion.**

1150863 Ex parte Garry Cleve Kraft. PETITION FOR WRIT OF CERTIORARI TO THE COURT OF CRIMINAL APPEALS (In re: Garry Cleve Kraft v. State of Alabama) (Mobile Circuit Court: CC-08-2304.61; Criminal Appeals : CR-15-0415).

**Writ Denied. No Opinion.**

1150865 Ex parte Richard Daron Kennedy. PETITION FOR WRIT OF CERTIORARI TO THE COURT OF CRIMINAL APPEALS (In re: State of Alabama v. Richard Daron Kennedy) (Mobile Circuit Court: CC-97-958; CC-97-958.68; Criminal Appeals : CR-14-1418).

**Writ Denied. No Opinion.**

### **Parker, J.**

1150264 Alabama Shoreline, LLC v. Joann D. Hazelrigs (Appeal from Jackson Circuit Court: CV-13-900189).

**Affirmed. No Opinion.**

1150744 Ex parte Haywood Jackson Mizell. PETITION FOR WRIT OF CERTIORARI TO THE COURT OF CIVIL APPEALS (In re: Haywood Jackson Mizell v. Wells Fargo Bank, N.A.) (Dale Circuit Court: CV-13-6; Civil Appeals : 2140791).

**Writ Denied. No Opinion.**

1150826 Ex parte Jason Lee Campbell. PETITION FOR WRIT OF CERTIORARI TO THE COURT OF CRIMINAL APPEALS (In re: Jason Lee Campbell v. State of Alabama) (Jefferson Circuit Court, Bessemer Division: CC-13-61; CC-13-62; CC-13-63; CC-13-64; CC-13-65; Criminal Appeals : CR-14-1003).

**Writ Denied. No Opinion.**

### **Murdock, J.**

1141233 Gentilly Investments, Inc. v. Jimmy Wayne Brucke (Appeal from Jefferson Circuit Court: CV-13-902265).

**Affirmed. No Opinion.**

1150667 Ex parte John Edward Battle. PETITION FOR WRIT OF CERTIORARI TO THE COURT OF CRIMINAL APPEALS (In re: John Edward Battle v. State of Alabama) (Conecuh Circuit Court: CC-08-38.60; Criminal Appeals : CR-14-1145).

**Writ Denied. No Opinion.**

1150739 Ex parte Dennis Maurice Roberson. PETITION FOR WRIT OF CERTIORARI TO THE COURT OF CRIMINAL APPEALS (In re: Dennis Maurice Roberson v. State of Alabama) (Mobile Circuit Court: CC-10-4787.70; Criminal Appeals : CR-15-0206).

**Writ Denied. No Opinion.**

1150789 Ex parte Eric Darby. PETITION FOR WRIT OF CERTIORARI TO THE COURT OF CRIMINAL APPEALS (In re: Eric Darby v. State of Alabama) (Mobile Circuit Court: CC-01-2142.63; Criminal Appeals : CR-14-1269).

**Writ Denied. No Opinion.**

1150867 Ex parte Travis C. Mosely. PETITION FOR WRIT OF CERTIORARI TO THE COURT OF CRIMINAL APPEALS (In re: Travis C. Mosely v. State of Alabama) (Autauga Circuit Court: CC-15-248; Criminal Appeals : CR-15-0318).

**Writ Denied. No Opinion.**

## **Shaw, J.**

1140751 Ex parte Alacare Home Health Services, Inc. PETITION FOR WRIT OF CERTIORARI TO THE COURT OF CIVIL APPEALS (In re: Alacare Home Health Services, Inc. v. State Health Planning and Development Agency and Hometown Home Health Care of Baldwin County, LLC) (Baldwin : AL 2013-047; Civil Appeals : 2130832).

**Writ Denied. No Opinion.**

1141038 Ex parte Alfa Mutual Insurance Company. PETITION FOR WRIT OF MANDAMUS: CIVIL (In re: Ronald Gene Lang and Mary F. Lang v. Alfa Mutual Insurance Company) (St. Clair Circuit Court: CV-13-900105).

**Petition Granted. Writ Issued.**

1141418 Nathan Wayne Simms, Jr. et al. v. Estate of N. Wayne Simms, Sr. (Appeal from Montgomery Circuit Court: CV-14-901675).

**Affirmed. No Opinion.**

1150308 Ex parte W. A. D. PETITION FOR WRIT OF CERTIORARI TO THE COURT OF CRIMINAL APPEALS (In re: W. A. D. v. State of Alabama) (Etowah Circuit Court: CC-08-741.60; Criminal Appeals : CR-14-0593).

**Writ Denied. No Opinion.**

1150514 Ex parte Wilbert James Smith. PETITION FOR WRIT OF CERTIORARI TO THE COURT OF CRIMINAL APPEALS (In re: Wilbert James Smith v. State of Alabama) (Madison Circuit Court: CC-10-1164.61; CC-10-1165.61; CC-10-1166.61; Criminal Appeals : CR-14-1097).

**Writ Denied. No Opinion.**

1150552 Ex parte Woodburck Noe. PETITION FOR WRIT OF CERTIORARI TO THE COURT OF CRIMINAL APPEALS (In re: State of Alabama v. Woodburck Noe) (Jackson Circuit Court: No Number Listed; Criminal Appeals : CR-14-1084).

**Writ Denied. No Opinion.**

1150584 Ex parte A. K. M. PETITION FOR WRIT OF CERTIORARI TO THE COURT OF CRIMINAL APPEALS (In re: A. K. M. v. State of Alabama) (Chilton Circuit Court: CC-14-123; Criminal Appeals : CR-14-1481).

**Writ Denied. No Opinion.**

1150598 Ex parte Reynold Laurie Sylvester. PETITION FOR WRIT OF CERTIORARI TO THE COURT OF CRIMINAL APPEALS (In re: Reynold Laurie Sylvester v. State of Alabama) (Jefferson Circuit Court: CC-10-2092.70; CC-11-2575.70; CC-11-4901.70; Criminal Appeals : CR-14-1205).

**Writ Denied. No Opinion.**

1150665 Ex parte Robert Brown. PETITION FOR WRIT OF CERTIORARI TO THE COURT OF CRIMINAL APPEALS (In re: Robert Brown v. State of Alabama) (Elba Circuit Court: CC-09-95.60; Criminal Appeals : CR-14-0224).

**Writ Denied. No Opinion.**

1150681 Ex parte H.L.H. III. PETITION FOR WRIT OF CERTIORARI TO THE COURT OF CIVIL APPEALS (In re: H.L.H. III v. J.C.T.) (Mobile Juvenile Court: CS-13-901247.01; Civil Appeals : 2140827).

**Writ Denied. No Opinion.**

1150709 Ex parte Antoine Ray Watts. PETITION FOR WRIT OF CERTIORARI TO THE COURT OF CRIMINAL APPEALS (In re: Antoine Ray Watts v. State of Alabama) (Talladega Circuit Court: CC-07-806.60; Criminal Appeals : CR-14-0981).

**Writ Denied. No Opinion.**

1150801 Ex parte R. D. M. PETITION FOR WRIT OF CERTIORARI TO THE COURT OF CRIMINAL APPEALS (In re: R. D. M. v. State of Alabama) (Baldwin Circuit Court: CC-14-1659; Criminal Appeals : CR-15-0057).

**Writ Denied. No Opinion.**

## **Main, J.**

1141411 Willie C. Batch et al. v. Andre L. Sconiers (Appeal from Jefferson Circuit Court: CV-13-905052).

**Affirmed. No Opinion.**

1150785 Ex parte Andrew Osborne. PETITION FOR WRIT OF CERTIORARI TO THE COURT OF CRIMINAL APPEALS (In re: Andrew Osborne v. State of Alabama) (Houston Circuit Court: CC-11-232.60; Criminal Appeals : CR-14-1104).

**Writ Denied. No Opinion.**

1150810 Ex parte Damien Sharell Howard. PETITION FOR WRIT OF CERTIORARI TO THE COURT OF CRIMINAL APPEALS (In re: Damien Sharell Howard v. State of Alabama) (Baldwin Circuit Court: CC-11-2052.60; Criminal Appeals : CR-15-0291).

**Writ Denied. No Opinion.**

1150831 Ex parte Jessica Porter Graham. PETITION FOR WRIT OF CERTIORARI TO THE COURT OF CRIMINAL APPEALS (In re: Jessica Porter Graham v. State of Alabama) (Houston Circuit Court: CC-14-547; Criminal Appeals : CR-14-1652).

**Writ Denied. No Opinion.**

1150837 Ex parte Rebecca S. Cain. PETITION FOR WRIT OF CERTIORARI TO THE COURT OF CIVIL APPEALS (In re: Rebecca S. Cain v. W. Jay Suggs, M.D.) (Morgan Circuit Court: CV-13-900595; Civil Appeals : 2150135).

**Writ Denied. No Opinion.**

1150859 Ex parte Donald Pearce. PETITION FOR WRIT OF CERTIORARI TO THE COURT OF CRIMINAL APPEALS (In re: Donald Pearce v. State of Alabama) (Houston Circuit Court: CC-14-596; CC-14-597; Criminal Appeals : CR-14-1202).

**Writ Denied. No Opinion.**

1150883 Ex parte Wayne Anthony Agee. PETITION FOR WRIT OF CERTIORARI TO THE COURT OF CRIMINAL APPEALS (In re: Wayne Anthony Agee v. State of Alabama) (Jefferson Circuit Court: CC-81-878.61; Criminal Appeals : CR-15-0363).

**Writ Denied. No Opinion.**

1150439 Ex parte City of Montgomery. PETITION FOR WRIT OF MANDAMUS: CIVIL (In re: Sabrina Jackson, as administratrix of the Estate of Tony Lewis, Jr., deceased v. City of Montgomery and QCHC, Inc., a/k/a Quality Correctional Health Care) (Montgomery Circuit Court: CV-15-900540).

**Petition Granted. Writ Issued.**

1150452 Ex parte QCHC, Inc., a/k/a Quality Correctional Health Care. PETITION FOR WRIT OF MANDAMUS: CIVIL (In re: Sabrina Jackson, as administratrix of the Estate of Tony Lewis, Jr., deceased v. City of Montgomery and QCHC, Inc., a/k/a Quality Correctional Health Care) (Montgomery Circuit Court: CV-15-900540).

**Petition Granted. Writ Issued.**

## **Wise, J.**

1150382 Ex parte Kelly Martin Lucas. PETITION FOR WRIT OF MANDAMUS: CIVIL (In re: Diana Lynn McKee v. Kelly Martin Lucas) (Shelby Circuit Court: CV-13-284).

**Petition Granted. Writ Issued.**

1150752 Ex parte Andy C. Nowell. PETITION FOR WRIT OF CERTIORARI TO THE COURT OF CRIMINAL APPEALS (In re: Andy C. Nowell v. State of Alabama) (Russell Circuit Court: CC-13-66; Criminal Appeals : CR-14-0567).

**Writ Denied. No Opinion.**

1150777 Ex parte Soyica Colvin. PETITION FOR WRIT OF CERTIORARI TO THE COURT OF CRIMINAL APPEALS (In re: Soyica Colvin v. State of Alabama) (Jefferson Circuit Court: CC-13-3705; Criminal Appeals : CR-15-0025).

**Writ Denied. No Opinion.**

1150805 Ex parte Michael Shane Nix. PETITION FOR WRIT OF CERTIORARI TO THE COURT OF CIVIL APPEALS (In re: Michael Shane Nix v. Lindsay Darlene Nix) (Calhoun Circuit Court: DR-13-900201.02; Civil Appeals : 2140894).

**Writ Denied. No Opinion.**

1150808 Ex parte Jimmie Korea Davis. PETITION FOR WRIT OF CERTIORARI TO THE COURT OF CRIMINAL APPEALS (In re: Jimmie Korea Davis v. State of Alabama) (Tuscaloosa Circuit Court: CC-01-527.64; Criminal Appeals : CR-14-1495).

**Writ Denied. No Opinion.**

1150852 Ex parte Beverly Jo Jones. PETITION FOR WRIT OF CERTIORARI TO THE COURT OF CIVIL APPEALS (In re: Beverly Jo Jones v. Hon. Ben H. Brooks, Circuit Judge) (Mobile Circuit Court: CV-13-86; Civil Appeals : 2150550).

**Writ Denied. No Opinion.**

1150874 Ex parte Richard Lee Carroll. PETITION FOR WRIT OF CERTIORARI TO THE COURT OF CRIMINAL APPEALS (In re: Richard Lee Carroll v. State of Alabama) (Lauderdale Circuit Court: CC-14-530; Criminal Appeals : CR-15-0199).

**Writ Denied. No Opinion.**

### **Bryan, J.**

1150095 Martha Layton v. Wal-Mart Stores East, L.P. (Appeal from Madison Circuit Court: CV-12-900391).

**Affirmed. No Opinion.**

1150207 David Ehrensperger, as personal representative of the Estate of Steven Earl Ehrensperger, deceased v. Christopher Macon Kelly and City of Springville (Appeal from St. Clair Circuit Court: CV-08-900152).

**Affirmed. No Opinion.**

1150786 Ex parte Rasbian Maurice Ward. PETITION FOR WRIT OF CERTIORARI TO THE COURT OF CRIMINAL APPEALS (In re: Rasbian Maurice Ward v. State of Alabama) (Jefferson Circuit Court: CC-04-2844.61; Criminal Appeals : CR-15-0681).

**Writ Denied. No Opinion.**

1150795 Ex parte Antavis Davon Mills. PETITION FOR WRIT OF CERTIORARI TO THE COURT OF CRIMINAL APPEALS (In re: Antavis Davon Mills v. State of Alabama) (Dale Circuit Court: CC-10-6.60; Criminal Appeals : CR-14-1534).

**Writ Denied. No Opinion.**

1150802 Ex parte Jennifer Kamerer. PETITION FOR WRIT OF CERTIORARI TO THE COURT OF CIVIL APPEALS (In re: Jennifer Kamerer v. Elizabeth Hilyer d/b/a Barnes & Hilyer Attorneys at Law) (Chilton Circuit Court: CV-15-31; Civil Appeals : 2150122).

**Writ Denied. No Opinion.**

1150845 Ex parte K.M. PETITION FOR WRIT OF CERTIORARI TO THE COURT OF CIVIL APPEALS (In re: K.M. v. Cullman County Department of Human Resources) (Cullman Juvenile Court: JU-14-436.03; Civil Appeals : 2150071).

**Writ Denied. No Opinion.**

1150849 Ex parte Gregory James Goldsmith. PETITION FOR WRIT OF CERTIORARI TO THE COURT OF CRIMINAL APPEALS (In re: Gregory James Goldsmith v. State of Alabama) (Covington Circuit Court: CC-14-59; CC-14-60; Criminal Appeals : CR-15-0208).

**Writ Denied. No Opinion.**

## **ON REHEARING**

1130345 South Alabama Brick Co., Inc., d/b/a Riley-Stuart Supply Co. v. J. Gregory Carwie, as temporary conservator of Benito Perez, an incapacitated person (Appeal from Mobile Circuit Court: CV-10-902631).

**Application Overruled. No Opinion.**