



**LIST OF DECISIONS ANNOUNCED BY  
THE SUPREME COURT OF ALABAMA  
ON FRIDAY, APRIL 16, 2010**

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**Cobb, C.J.**

- 1081592 Ex parte J. S. PETITION FOR WRIT OF CERTIORARI TO THE COURT OF CIVIL APPEALS (In re: A. M. v. J. S.) (Elmore Circuit Court: JU-00-306.03; Civil Appeals : 2071213).

**Writ Quashed. No opinion**

- 1090471 Ex parte Jay Michael Brown. PETITION FOR WRIT OF CERTIORARI TO THE COURT OF CRIMINAL APPEALS (In re: Jay Michael Brown v. City of Sheffield) (Colbert Circuit Court: CC08-333; Criminal Appeals : CR-08-1328).

**Writ Denied. No Opinion**

Special TC Judge, Harold V. Hughston, Jr., (256) 386-8526  
Pet. Atty., Basil Timothy Case, (256) 740-0488  
Resp. Atty. General, Troy Robin King, (334) 242-7401  
Resp. Atty., B. T. Gardner, Jr., (256) 381-9808

- 1090487 Ex parte Keith Roger Sherry. PETITION FOR WRIT OF CERTIORARI TO THE COURT OF CRIMINAL APPEALS (In re: Keith Roger Sherry v. State of Alabama) (Marion Circuit Court: CC02-159.60; Criminal Appeals : CR-07-1333).

**Writ Denied. No Opinion**

Circuit Judge, John Hodges Bentley, (205) 921-2200  
Pet. Atty., Richard Lynn Izzi, (205) 870-8327  
Resp. Atty. General, Troy Robin King, (334) 242-7401  
Resp. Asst. Atty. Gen., Yvonne A.H. Saxon, (334) 242-7376

- 1090523 Ex parte Linda Pike. PETITION FOR WRIT OF CERTIORARI TO THE COURT OF CIVIL APPEALS (In re: Linda Pike v. Brenda Reed) (Madison Circuit Court: CV-06-203; Civil Appeals : 2080386).

**Writ Denied. No Opinion**

Circuit Judge, Karen K. Hall, (256) 532-3455  
Pet. Atty., Patrick O. Miller, (256) 564-7317  
Resp. Atty., Jay E. Emerson, Jr, (256) 533-3251  
Resp. Atty., Robert David Lee, (256) 533-3251

- 1090538 Ex parte Jemarcus Taylor. PETITION FOR WRIT OF CERTIORARI TO THE COURT OF CRIMINAL APPEALS (In re: Jemarcus Taylor v. State of Alabama) (Tuscaloosa Circuit Court: CC04-2063.60; Criminal Appeals : CR-08-1851).

**Writ Denied. No Opinion**

Circuit Judge, William Scott Donaldson, (205) 349-3870  
Resp. Atty. General, Troy Robin King, (334) 242-7401

## Lyons, J.

- 1090269 Ex parte Jackson Hospital & Clinic, Inc. PETITION FOR WRIT OF MANDAMUS: CIVIL (In re: Linda Houston v. Jackson Hospital & Clinic, Inc.) (Montgomery Circuit Court: CV-06-1980).

### **Petition Granted. Writ Issued.**

Circuit Judge, Charles Price, (334) 832-1331  
Pet. Atty., Bethany L. Bolger, (334) 206-3100  
Pet. Atty., L. Peyton Chapman, III, (334) 206-3225  
Pet. Atty., Richard Brett Garrett, (334) 206-3138  
Resp. Atty., Fred F. Bell, (334) 265-8176

## Woodall, J.

- 1081433 Bonnie Wehle, Penny Martin, and Sharon Ann Wehle v. Thomas H. Bradley III, James H. McGowan, and Grady Hartzog, as co-personal representatives of the estate of Robert G. Wehle, deceased (Appeal from Bullock Circuit Court: CV-07-22).

### **Reversed And Remanded.**

Circuit Judge, L. Bernard Smithart, (334) 775-3408  
Aplt. Atty., James M. Sizemore, Jr, (256) 409-1985  
Aple. Atty., Bethany L. Bolger, (334) 206-3100  
Aple. Atty., Emily Sides Bonds, (205) 244-5200  
Aple. Atty., Robert A. Huffaker, (334) 206-3217  
Aple. Atty., Lynn W. Jinks, III, (334) 738-4225  
Aple. Atty., Robert M. Ronnlund, (205) 967-9675  
Aple. Atty., L. Shane Seaborn, (334) 775-9778  
Aple. Atty., Joseph E. Stott, (205) 967-9675

- 1090083 Bonnie Wehle, Penny Martin, and Sharon Ann Wehle v. Thomas H. Bradley III, James H. McGowan, and Grady Hertzog, as co-personal representatives of the estate of Robert G. Wehle, deceased (Appeal from Bullock Circuit Court: CV-07-22).

### **Order Vacated; Appeal Dismissed.**

Circuit Judge, L. Bernard Smithart, (334) 775-3408  
Aplt. Atty., James M. Sizemore, Jr, (256) 409-1985  
Aple. Atty., Emily Sides Bonds, (205) 244-5200  
Aple. Atty., Robert A. Huffaker, (334) 206-3217  
Aple. Atty., Lynn W. Jinks, III, (334) 738-4225  
Aple. Atty., L. Shane Seaborn, (334) 775-9778  
Aple. Atty., Joseph E. Stott, (205) 967-9675

## Smith, J.

- 1060672 Josh McDaniel et al. v. John Moss (Appeal from Dallas Circuit Court: CV-02-321).

### **Affirmed. No Opinion.**

Circuit Judge, Marvin Wayne Wiggins, (334) 624-5620  
Aplt. Atty., Vallerie K. Chittom, (334) 874-1111  
Aplt. Atty., Rick A. Howard, (334) 215-8585  
Aplt. Atty., April Willis McKay, (334) 215-8585  
Aple. Atty., J. L. Chestnut, Jr., (334) 875-9294

**Bolin, J.**

- 1080618 Coilplus-Alabama, Inc. v. Johnnie F. Vann and Sirote & Permutt, P.C. (Appeal from Limestone Circuit Court: CV-02-437).

**Affirmed.**

Circuit Judge, James W. Woodroof, (256) 233-6410  
Aplt. Atty., Clarence Leslie McDorman, (205) 871-3800  
Aple. Atty., Bryan Oxford Balogh, (205) 868-6000  
Aple. Atty., Robin H. Jones, (205) 868-6000  
Aple. Atty., Robert P. MacKenzie, III, (205) 868-6000  
Aple. Atty., Sybil Vogtle Newton, (205) 868-6000  
Aple. Atty., Kelley McLeod Tynes, (205) 868-6048

**Parker, J.**

- 1090601 Ex parte State of Alabama. PETITION FOR WRIT OF CERTIORARI TO THE COURT OF CRIMINAL APPEALS (In re: David Dwayne Riley, Jr., alias v. State of Alabama) (Lauderdale Circuit Court: CC05-431; Criminal Appeals : CR-06-1038).

**Writ Denied. No Opinion.**

Circuit Judge, Michael T. Jones, (256) 760-5831  
Pet. Atty. General, Troy Robin King, (334) 242-7401  
Pet. Atty., Richard D Anderson, (334) 353-2021  
Resp. Atty., Angela Setzer, (334) 269-1803  
Resp. Atty., Curtis Michael Simpson, (256) 764-1054  
Resp. Atty., Bryan Stevenson, (334) 269-1803

**Murdock, J.**

- 1080208 Ex parte Robert Gill. PETITION FOR WRIT OF CERTIORARI TO THE COURT OF CRIMINAL APPEALS (In re: Robert Gill v. State of Alabama) (Morgan Circuit Court: CC95-43; Criminal Appeals : CR-07-1123).

**Writ Quashed. No Opinion.**

Circuit Judge, Sherrie W. Paler, (256) 351-4700  
Resp. Atty. General, Troy Robin King, (334) 242-7401  
Resp. Asst. Atty. Gen., J Thomas Leverette, (334) 242-7300

**Shaw, J.**

- 1080309 Deborah Ann Stevens Boudreaux et al. v. Mendal Kemp and Thomasine Kemp Edwards (Appeal from Cherokee Circuit Court: CV-07-122).

**Reversed And Remanded.**

Circuit Judge, Randall L. Cole, (256) 845-8540  
Aplt. Atty., Juliet Vincent Edmundson, (205) 747-0892  
Aplt. Atty., Matthew G. Weathers, (205) 458-1175  
Aple. Atty., Jack Floyd, (256) 547-6328

- 1080807 Ex parte AIG Baker Orange Beach Wharf, L.L.C. PETITION FOR WRIT OF MANDAMUS: CIVIL (In re: AIG Baker Orange Beach Wharf, L.L.C. v. Coastal Couture, LLC, and Tosha L. Corrigan) (Baldwin Circuit Court: CV-08-900282; Civil Appeals).

**Petition Granted. Writ Issued.**

Circuit Judge, Robert E. Wilters, (251) 580-2570

Pet. Atty., James A. Harris, (205) 871-5777  
Resp. Atty., Julian B. Brackin, Jr., (251) 943-4040  
Resp. Atty., Peter F. Burns, (251) 432-0612  
Resp. Atty., Troy T. Schwant, (251) 432-0612

## PER CURIAM

1090394 Ex parte M. A. N. PETITION FOR WRIT OF CERTIORARI TO THE COURT OF CRIMINAL APPEALS (In re: M. A. N. v. State of Alabama) (Talladega Circuit Court: CC-08-01; Criminal Appeals : CR-08-0420).

**Writ Quashed. No Opinion.**

## ON REHEARING

1051804 Thomas C. Crews v. National Boat Owners Association Marine Insurance Agency, Inc., et al. (Appeal from Montgomery Circuit Court: CV-05-2232).

**Application Overruled. No Opinion.**

Circuit Judge, Johnny Hardwick, (334) 832-1380  
Apl. Atty., Richard H Gill, (334) 834-1180  
Apl. Atty., Susan Reeves, (205) 322-6631  
Aple. Atty., Paul A. Clark, (334) 834-7600  
Aple. Atty., G. Lane Knight, (334) 834-6500  
Aple. Atty., Laura C. Nettles, (205) 967-8822

1061046 William H. Phillips v. Lew Dickey et al. (Appeal from Mobile Circuit Court: CV-06-3119).

**Application Overruled. No Opinion.**

Circuit Judge, Roderick P. Stout, (251) 574-8482  
Apl. Atty., Jason Gerth, (251) 476-3000  
Apl. Atty., Elias John Saad, (251) 660-0888  
Apl. Atty., David F. Walker, (251) 476-3000  
Aple. Atty., Henry A. Callaway, III, (251) 432-5511  
Aple. Atty., Rod Cate, (251) 634-6274  
Aple. Atty., W. Craig Hamilton, (251) 432-5511  
Aple. Atty., Edward S. Sledge, III, (251) 432-5300

1070543 Ex parte Nancy Worley, individually, and Beth Chapman, individually and in her official capacity as Secretary of State. PETITION FOR WRIT OF MANDAMUS: CIVIL (In re: Anita Tatum v. Nancy Worley, in her individual capacity and Beth Chapman, in her official capacity as Alabama Secretary of State and in her individual capacity) (Montgomery Circuit Court: CV-07-879).

**Application Overruled. No Opinion.**

Circuit Judge, Johnny Hardwick, (334) 832-1380  
Pet. Atty., John M. Bolton, III, (334) 834-7600  
Pet. Atty., Doy Leale McCall, III, (334) 834-7600  
Pet. Atty., Charlanna W. Spencer, (334) 834-7600  
Resp. Atty., Norbert H. Williams, (334) 834-6965

1081076 Vida Newell v. Diane Sue Fuqua (Appeal from Calhoun Circuit Court: CV-06-805).

**Application Overruled. No Opinion.**

Circuit Judge, Richard Joel Laird, Jr., (256) 231-1822  
Apl. Atty., Thomas J Knight, (256) 237-9586  
Aple. Atty., Edward C. Hixon, (334) 396-8882  
Aple. Atty., Ellenann B. Yelverton, (334) 396-8882

1081229 City of Graysville, City of Graysville Water and Sewer Board, and Doug Brewer v. Onis "Trey" Glenn III, director of the Alabama Department of Environmental Management, and Green Mountain Management, LLC (Appeal from Jefferson Circuit Court: CV-08-901954).

**Application Overruled. No Opinion.**

Circuit Judge, J. Scott Vowell, (205) 325-5200  
Apl. Atty., Jeffrey W Brumlow, (205) 833-1303  
Aple. Asst. Atty. General, Paul Christian Sasser, Jr, (334) 271-7855  
Aple. Atty., Richard P. Carmody, (205) 250-5000  
Aple. Atty., Aaron McLeod, (205) 250-5000  
Aple. Atty., James Ray Thrash, (334) 271-7855  
Aple. Atty., R. Thomas Warburton, (205) 521-8987

1081509 Cindy Zine Rutherford v. Alabama State Bar (Appeal from No. 09-1833).

**Application Overruled. No Opinion.**

Aple. Asst. Gen. Counsel, Samuel S. Partridge, (334) 269-1515