



**LIST OF DECISIONS ANNOUNCED BY
THE SUPREME COURT OF ALABAMA
ON FRIDAY, JUNE 26, 2009**

Cobb, C.J.

- 1080857 Ex parte Tri-State Service & Maintenance, Inc. PETITION FOR WRIT OF CERTIORARI TO THE COURT OF CIVIL APPEALS (In re: Tri-State Service & Maintenance, Inc. v. Tim Pentecost) (Etowah Circuit Court: CV-06-449; Civil Appeals : 2070680).

Writ Denied. No Opinion.

Circuit Judge, Anthony Clark Hall, (256) 549-5370
Pet. Atty., David L. Dean, (205) 933-7090
Resp. Atty., Myron K. Allenstein, (256) 546-6314

Woodall, J.

- 1080316 J. B. v. Lawson State Community College et al. (Appeal from Jefferson Circuit Court: CV-06-1378).

Affirmed.

Circuit Judge, Allwin E. Horn, III, (205) 325-5365
Aplt. Atty., Oscar W. Adams, III, (205) 458-1540
Aplt. Atty., Roderick N/A Walls, (205) 251-0334
Aple. Atty., Mark S. Boardman, (205) 678-8000
Aple. Atty., David R. Mellon, (205) 930-5100
Aple. Atty., Daniel Patton Ogle, (205) 678-8000
Aple. Atty., Kyle T. Smith, (205) 930-5190

Stuart, J.

- 1080364 Ex parte Davian Rashaud Cooper. PETITION FOR WRIT OF CERTIORARI TO THE COURT OF CRIMINAL APPEALS (In re: Davian Rashaud Cooper v. State of Alabama) (Houston Circuit Court: CC06-1409; CC06-1410; CC06-1411; CC06-1412; Criminal Appeals : CR-07-0498).

Reversed And Remanded.

Circuit Judge, Larry K. Anderson, (334) 671-8761
Pet. Atty., David Kenneth Hogg, (334) 699-4625
Resp. Atty. General, Troy R. King, (334) 242-7300
Resp. Asst. Atty. General, Stephanie Elizabeth Reiland, (334) 242-4318

- 1080069 Tony R. Smith and Smith & Weems Investments, LLC v. Slack Alost Development Services of Alabama, LLC (Appeal from Baldwin Circuit Court: CV-07-900322).

Dismissed.

Circuit Judge, Charles C. Partin, (251) 937-0273
Aplt. Atty., Carl Chamblee, Jr, (205) 856-9111

Aple. Atty., Windy C Bitzer, (251) 694-6263
Aple. Atty., Michael C Niemeyer, (251) 990-0079
Aple. Atty., Jack Smalley, III, (251) 432-5511

- 1080074 Jerry E. Hazel v. Slack Alost Development Services of Alabama, LLC (Appeal from Baldwin Circuit Court: CV-07-900310).

Reversed And Remanded.

Circuit Judge, Charles C. Partin, (251) 937-0273
Aplt. Atty., Carl Chamblee, Jr, (205) 856-9111
Aple. Atty., Windy C Bitzer, (251) 694-6263
Aple. Atty., Michael C Niemeyer, (251) 990-0079
Aple. Atty., Jack Smalley, III, (251) 432-5511

Smith, J.

- 1071357 Karen Sweeney v. Baldwin County Board of Education et al. (Appeal from Baldwin Circuit Court: CV-07-900888).

Affirmed. No Opinion.

Circuit Judge, Charles C. Partin, (251) 937-0273
Aplt. Atty., Henry Brewster, (251) 433-2002
Aplt. Atty., Matt Folmar, (251) 625-6741
Aplt. Atty., Sam H Heldman, (202) 965-8884
Aple. Atty., Mark S. Boardman, (205) 678-8000
Aple. Atty., Clay R. Carr, (205) 678-8000

- 1080518 Ex parte P. M., D. M. and D. J. K. PETITION FOR WRIT OF CERTIORARI TO THE COURT OF CIVIL APPEALS (In re: P. M., D. M. and D. J. K. v. S. C.) (Covington Juvenile Court: JU-05-178.04; Civil Appeals : 2070698).

Writ Quashed. No Opinion.

- 1080808 Ex parte State of Alabama. PETITION FOR WRIT OF CERTIORARI TO THE COURT OF CRIMINAL APPEALS (In re: State of Alabama v. Paul Rodney Andujar) (St. Clair Circuit Court, Pell City Division: CC06-298; Criminal Appeals : CR-07-1075).

Writ Denied. No Opinion.

Circuit Judge, Charles E. Robinson, (205) 594-2187
Pet. Atty. General, Troy R. King, (334) 242-7300
Pet. Asst. Atty. General, Madeline H. Lewis, (334) 353-4840
Resp. Atty., Kyle Craig Barrentine, (205) 338-2295
Resp. Atty., R. Lyle Harmon, (205) 338-5350

- 1080882 Ex parte Valeria L. Upshaw. PETITION FOR WRIT OF CERTIORARI TO THE COURT OF CRIMINAL APPEALS (In re: Valeria L. Upshaw, alias v. State of Alabama) (Montgomery Circuit Court: CC07-586; Criminal Appeals : CR-07-1426).

Writ Denied. No Opinion.

Circuit Judge, Johnny Hardwick, (334) 832-1380
Pet. Atty., Jennifer M. Holton, (334) 514-6003
Resp. Atty. General, Troy R. King, (334) 242-7300
Resp. Asst. Atty. General, Madeline H. Lewis, (334) 353-4840

- 1071529 CRC Insurance Services, Inc. v. W.H. "Skip" Cooper, IV (Appeal from Jefferson Circuit Court: CV-08-901013).

Affirmed. No Opinion.

Circuit Judge, Allwin E. Horn, III, (205) 325-5365

Aplt. Atty., Michael L. Edwards, (205) 251-8100
Aplt. Atty., Ed R. Haden, (205) 226-8795
Aplt. Atty., Teresa G. Minor, (205) 251-8100
Aplt. Atty., Patrick H. Strong, (205) 226-3474
Aple. Atty., Marc James Ayers, (205) 521-8598
Aple. Atty., Walker Percy Badham, III, (205) 521-0036
Aple. Atty., Sabra Micah Barnett
Aple. Atty., John William Hargrove, (205) 521-8343

- 1071597 AmWINS, Group, Inc.; AmWINS Special Risk Underwriters, LLC; and W.H. "Skip" Cooper, IV v. CRC Insurance Services, Inc. (Appeal from Jefferson Circuit Court: CV-08-901013).

Dismissed. No Opinion.

Circuit Judge, Allwin E. Horn, III, (205) 325-5365
Aplt. Atty., Sabra Micah Barnett
Aplt. Atty., John William Hargrove, (205) 521-8343
Aplt. Atty., Patrick H. Strong, (205) 226-3474
Aple. Atty., Michael L. Edwards, (205) 251-8100
Aple. Atty., Teresa G. Minor, (205) 251-8100

Murdock, J.

- 1061286 Ex parte Randell L. Dickson. PETITION FOR WRIT OF CERTIORARI TO THE COURT OF CIVIL APPEALS (In re: Randell L. Dickson v. Emily Vandiver Dickson) (Madison Circuit Court: DR-04-1522; Civil Appeals : 2050945).

Reversed And Remanded.

Circuit Judge, Karen K. Hall, (256) 532-3455
Pet. Atty., Nancy S. Gaines, (251) 965-3751
Resp. Atty., William P. Burgess, Jr, (256) 536-6011
Resp. Atty., Rebekah L. Howard, (256) 536-6011

- 1070984 Ex parte PinnOak Resources, LLC, et al. PETITION FOR WRIT OF MANDAMUS: CIVIL (In re: Linda Weekley et al. v. U.S. Steel Mining Company et al. and Jo Ann Waid et al v. U.S. Steel Mining Company et al.) (Jefferson Circuit Court, Bessemer Division: CV-96-790 and CV-04-1234).

Petitioners' Motion to Supplement Granted; Petition Dismissed in Part and Denied in Part.

Circuit Judge, Dan C. King, III, (205) 481-4175
Pet. Atty., John C. Neiman, Jr, (205) 521-8686
Pet. Atty., Nathan Adam Ryan, (205) 521-8327
Pet. Atty., Rusha Smith, (205) 521-8686
Pet. Atty., Sid Trant, (205) 521-8000
Pet. Atty., Michael Walker, (256) 521-8000
Resp. Atty., E. L. Brobston, (205) 425-4361
Resp. Atty., Edward Johnson, (205) 328-2274
Resp. Atty., Craig L Lowell, (205) 314-0500
Resp. Atty., Dennis G. Pantazis, (205) 314-0500
Resp. Atty., Becky Thomason, (205) 428-0702
Resp. Atty., Bill Thomason, (205) 428-0702
Resp. Atty., J. Alan Truitt, (205) 254-1000
Resp. Atty., H. Thomas Wells, Jr., (205) 254-1062
Resp. Atty., Christopher James Williams, (205) 254-1172

Shaw, J.

1061754 Assurant, Inc. v. Debra A. Mitchell (Appeal from Conecuh Circuit Court: CV-07-17).

Reversed And Remanded.

Circuit Judge, Dawn Wiggins Hare, (251) 743-3649
Aplt. Atty., Michael L. Bell, (205) 581-0700
Aplt. Atty., Andrew S. Kelly, (205) 581-0700
Aplt. Atty., John Dickson Mayo, (205) 581-0769
Aplt. Atty., Craig Neil Rosler, (205) 581-5806
Aple. Atty., Thomas Bynum Albritton, (334) 222-3177

1080104 The First National Bank of Atmore, as executor of the estate of Hooper W. Matthews, Jr., deceased v. Merle W. Matthews (Appeal from Escambia Circuit Court: CV-07-81).

Dismissed. No Opinion.

Circuit Judge, Bradley E. Byrne, (251) 867-0281
Aplt. Atty., Justin W. Parsons, (251) 338-0566
Aplt. Atty., Philip H. Partridge, (251) 338-0566
Aple. Atty., Broox Garrett, Jr., (251) 867-6063
Aple. Atty., John Kirkman Garrett, (251) 867-6063
Aple. Atty., Oakley Melton, Jr., (334) 263-6621
Aple. Atty., Flynn Mozingo, (334) 263-6621
Aple. Atty., Taylor D Wilkins, Jr, (251) 937-7024

1080105 The First National Bank of Atmore, as executor of the estate of Hooper W. Matthews, Jr., deceased v. Merle W. Matthews (Appeal from Escambia Circuit Court: DR-81-61).

Affirmed. No Opinion.

Circuit Judge, Bradley E. Byrne, (251) 867-0281
Aplt. Atty., Philip H. Partridge, (251) 338-0566
Aple. Atty., Broox Garrett, Jr., (251) 867-6063
Aple. Atty., John Kirkman Garrett, (251) 867-6063

1071423 First Properties, LLC v. WM Specialty Mortgage, LLC (Appeal from Jefferson Circuit Court: CV-07-901784).

Affirmed. No Opinion.

Circuit Judge, Helen Shores Lee, (205) 325-5635
Aplt. Atty., Banks Christian Ladd, (251) 431-6014
Aple. Atty., Joshua B. White, (256) 533-7711

1080423 First Properties, LLC v. WM Specialty Mortgage, LLC (Appeal from Jefferson Circuit Court: CV-07-901784).

Dismissed. No Opinion.

Circuit Judge, Helen Shores Lee, (205) 325-5635
Aplt. Atty., Banks Christian Ladd, (251) 431-6014
Aple. Atty., Joshua B. White, (256) 533-7711

PER CURIAM

- 1041199 Wade Allen Hutchins and Tina Marie Crowder v. Service Corporation International (Appeal from Jefferson Circuit Court: CV-04-3473).

Reversed And Remanded.

Circuit Judge, Helen Shores Lee, (205) 325-5635
Aplt. Atty., Rhonda Pitts Chambers, (205) 558-2800
Aplt. Atty., Leah O. Taylor, (205) 558-2800
Aplt. Atty., Gregory M. Zarzaur, (205) 558-2800
Aple. Atty., Stephen Leslie Poer, (205) 251-1000
Aple. Atty., Kirk D. Smith, (205) 251-1000

- 1051336 State Farm Mutual Automobile Insurance Company v. Rachel Brown, a minor, by and through her parents, Michael Brown and Rosemary Gilbert (Appeal from Jefferson Circuit Court: CV-05-6516).

Reversed And Remanded.

Circuit Judge, Thomas King, Jr., (205) 325-5025
Pet. Atty., Laura S. Dunning, (205) 251-1000
Pet. Atty., Mark D. Hess, (205) 251-1000
Resp. Atty., Nat Bryan, (205) 879-1981
Aple. Atty., Thomas M Powell, (205) 879-1981

- 1060661 Miller Transporters, Inc. v. Brenda Joyce Capps et al. (Appeal from Jefferson Circuit Court: CV-81-2986).

Affirmed. No Opinion.

Circuit Judge, J. Scott Vowell, (205) 325-5200
Aplt. Atty., Richard Whitaker, (205) 298-1800
Aplt. Atty., G. Thomas Yearout, (205) 298-1800
Resp. Atty., Timothy Dillard, (205) 251-2823
Aple. Atty., Hugh E. Holladay, (205) 884-1116

ON REHEARING

- 1061674 Ex parte Wayne Lamar Jenkins. PETITION FOR WRIT OF CERTIORARI TO THE COURT OF CRIMINAL APPEALS (In re: State of Alabama v. Wayne Lamar Jenkins, alias) (Lee Circuit Court: CC06-327; Criminal Appeals : CR-05-1833).

Application Overruled; Opinion of January 16, 2009, Modified [by Substitution of Pages 24 and 25]. No Opinion.

Circuit Judge, John V. Denson, II, (334) 749-7141
Pet. Atty., W. David Dawson, (334) 745-7766
Pet. Atty., Davis B. Whittelsey, (334) 745-7766
Resp. Atty. General, Troy R. King, (334) 242-7300
Resp. Asst. Atty. General, Tracy Millar Daniel, (334) 353-0074

- 1080520 Ex parte Yvonne Sumerlin. PETITION FOR WRIT OF MANDAMUS: CIVIL (In re: Doris Williford, as the personal representative of the estate of Austin Taylor Terry, deceased v. Susan Toole et al.) (Jefferson Circuit Court, Bessemer Division: CV-03-565).

Application Granted; Opinion of April 24, 2009 Withdrawn; Opinion Substituted; Petition Granted; Writ Issued.

Circuit Judge, Eugene R. Verin, (205) 481-4170
Pet. Asst. Atty. General, Sharon E. Ficquette, (334) 242-9330
Pet. Atty., Felicia Brooks, (334) 242-9330

Resp. Atty., Rhonda Pitts Chambers, (205) 558-2800
Resp. Atty., William Dawson, (205) 323-6170
Resp. Atty., William A. Short, Jr., (205) 426-1463
Resp. Atty., Leah O. Taylor, (205) 558-2800
Resp. Atty., Ted Taylor, (205) 558-2800
Resp. Atty., Stephen Cochran Wallace, (205) 323-6170
Resp. Atty., J. Gusty Yearout, (205) 414-8160

- 1070187 Joseph C. Bonner and C.O.W., Inc. v. Lyons, Pipes & Cook, P.C. and Marion A. Quina, Jr. (Appeal from Mobile Circuit Court: CV-04-4702).

Application Overruled. No Opinion.

Circuit Judge, James C. Wood, (251) 574-8475
Aplt. Atty. - Pro Hac, Henry Laird, (228) 864-3094
Aplt. Atty., John A. Taber, (251) 209-1491
Aple. Atty., Edward A. Dean, (251) 405-1300
Aple. Atty., Norman E. Waldrop, Jr, (251) 405-1300

- 1070272 Lyons, Pipes & Cook, P.C. and Marion A. Quina, Jr. v. Joseph C. Bonner and C.O.W., Inc. (Appeal from Mobile Circuit Court: CV-04-4702).

Application Overruled. No Opinion.

Circuit Judge, James C. Wood, (251) 574-8475
Aplt. Atty., Norman E. Waldrop, Jr, (251) 405-1300
Aple. Atty., Henry Laird, (228) 864-3094
Aple. Atty., April Reeves
Aple. Atty., John A. Taber, (251) 209-1491