



**LIST OF DECISIONS ANNOUNCED BY
THE SUPREME COURT OF ALABAMA
ON FRIDAY, DECEMBER 4, 2009**

Woodall, J.

1081413 Ex parte Jacksonville State University, William Meehan and Frank Romano. PETITION FOR WRIT OF MANDAMUS: CIVIL (In re: R. David Whetstone v. William A. Meehan et al.) (Calhoun Circuit Court: CV-03-169).

University Dismissed as a Defendant; Petition Granted in Part; and Denied in Part; Writ Issued.

Circuit Judge, Richard Joel Laird, Jr., (256) 231-1822
Pet. Atty., Gregory Cusimano, (256) 547-6328
Pet. Atty., Charles W. Gamble, (205) 348-5117
Unknown Atty., George B. Gordon, (205) 348-5490
Pet. Atty., Christina Knowles, (256) 543-0400
Pet. Atty., Emily Hawk Raley, (256) 543-0400
Resp. Atty., Tara L. Robinson, (205) 425-1166
Resp. Atty., Donald W. Stewart, (256) 237-9311

Stuart, J.

1071601 Ex parte Betty Jane Winstead, as personal representative of the estate of Robert Earl Winstead, Jr. PETITION FOR WRIT OF CERTIORARI TO THE COURT OF CIVIL APPEALS (In re: Noble Winstead Yeager v. Betty Jane Winstead, as personal representative of the estate of Robert Earl Winstead, Jr.) (Tuscaloosa Circuit Court: CV-05-1372; Civil Appeals : 2060583).

Reversed And Remanded.

Circuit Judge, William Scott Donaldson, (205) 349-3870
Pet. Atty., Alan Courtney Crowder, (205) 345-5100
Pet. Atty., Terri Olive Tompkins, (205) 345-5100
Resp. Atty., Laurie A. Brantley, (205) 758-5591

1080226 Perdido Place Condominium Owners Association, Inc. v. Bella Luna Condominium Owners Association, Inc. (Appeal from Baldwin Circuit Court: CV-07-900663).

Affirmed.

Circuit Judge, J. Langford Floyd, (251) 937-0237
Apl. Atty., John W. Parker, (251) 621-2216
Aple. Atty., M. Lloyd Roebuck, (251) 479-9010

1080959 Ex parte Jason Michael Sharp. PETITION FOR WRIT OF CERTIORARI TO THE COURT OF CRIMINAL APPEALS (In re: Jason Michael Sharp v. State of Alabama) (Madison Circuit Court: CC99-2473; Criminal Appeals : CR-05-2371).

Reversed And Remanded.

Circuit Judge, Laura W. Hamilton, (256) 532-3631

Pet. Atty., Cecilia A. Pope, (256) 512-0068
Resp. Atty. General, Troy R. King, (334) 242-7300
Resp. Asst. Atty. General, Kevin Wayne Blackburn, (334) 353-8807
Resp. Asst. Atty. General, Tina M. Coker, (334) 242-7355
Amicus Resp. District Atty., Robert L. Broussard, (256) 532-6995
Amicus Resp. Asst. District Atty., Jay E. Town, (256) 532-6995

Smith, J.

1081296 Ex parte State of Alabama. PETITION FOR WRIT OF CERTIORARI TO THE COURT OF CRIMINAL APPEALS (In re: Beryl R. Hiler v. State of Alabama) (Franklin Circuit Court: CC06-290; Criminal Appeals : CR-07-0361).

Reversed And Remanded With Directions.

Circuit Judge, Terry Lee Dempsey, (256) 332-8893
Pet. Atty. General, Troy R. King, (334) 242-7300
Pet. Asst. Atty. General, Marc Alan Starrett, (334) 353-8973
Resp. Atty., Rodney B Slusher, (256) 764-4011

Murdock, J.

1060016 Wilson Lamar Frazier v. Core Industries, Inc. (Appeal from Mobile Circuit Court: CV-05-2151).

Affirmed.

Circuit Judge, Joseph S. Johnston, (251) 574-8685
Apl. Atty., Bryan Gerard Duhe, (251) 479-6500
Aple. Atty., W. Craig Hamilton, (251) 432-5511
Aple. Atty., Karen T Luce, (251) 432-5300
Aple. Atty., Brian P. McCarthy, (251) 431-8806

Shaw, J.

1071464 Ollie Underwood et al. v. Alabama State Board of Education et al. (Appeal from Montgomery Circuit Court: CV-07-811).

Appeal Dismissed.

Circuit Judge, Eugene W. Reese, (334) 832-1360
Apl. Atty., James H Anderson, (334) 834-5311
Apl. Atty., Nancy Elaine Perry, (334) 834-9790
Apl. Atty., Edward Still, (205) 320-2882
Apl. Atty., Theron Stokes, (334) .83-4.97
Aple. Atty., Roger L. Bates, (205) 324-4400
Aple. Atty., Tracy R. Davis, (205) 324-4400
Aple. Atty., Stephen N. Fitts, III, (205) 324-4400

1080982 Ex parte Bank of America, N.A., et al. PETITION FOR WRIT OF MANDAMUS: CIVIL (In re: Charles E. Wilson v. JPMorgan Chase & Company et al.) (Jefferson Circuit Court: CV-08-901907).

Petition Denied.

Circuit Judge, Albert Johnson, (334) 297-1366
Pet. Atty., Joseph W. Carlisle, (205) 458-9458
Pet. Atty., Larry B. Childs, (205) 226-5701
Pet. Atty., John R. Chiles, (205) 251-3000
Pet. Atty., Rebecca C Eubanks, (205) 879-1100
Pet. Atty., Clark R. Hammond, (205) 458-9400
Pet. Atty., Gilbert Egloff Johnston, Jr., (205) 458-9400

Pet. Atty., Joe Joseph, (205) 250-5000
Pet. Atty., Don B. Long, Jr., (205) 458-9419
Pet. Atty., Brian James Malcom, (205) 226-5706
Pet. Atty., Alan D. Mathis, (205) 458-9400
Pet. Atty., Jay Murrill, (205) 226-5200
Pet. Atty., Giles G. Perkins, (205) 226-5200
Pet. Atty., Robert H. Rutherford, (205) 458-5286
Pet. Atty., Alfred F. Smith, Jr, (205) 879-1100
Resp. Atty., James H Anderson, (334) 834-5311
Resp. Atty., Thomas E. Baddley, Jr, (205) 939-0090
Resp. Atty., Walker Percy Badham, III, (205) 521-0036
Resp. Atty., Roy E. Barnes, (770) 419-8505
Resp. Atty., William J Baxley, (205) 271-1100
Resp. Atty., Richard W. Beckler
Resp. Atty., Walter Braswell, (205) 327-5700
Resp. Atty., Charles I. Brooks, (205) 320-0005
Resp. Atty., Scott Samuel Brown, (205) .25-4.12
Resp. Atty., Robert P. Bruner, (205) 324-3600
Resp. Atty., Andrew P. Campbell, (205) 803-0051
Resp. Atty., Lee Hall Copeland, (334) 834-1180
Resp. Atty., Steven Couch, (205) 324-3600
Resp. Atty., William Anthony Davis, III, (205) 868-6000
Resp. Atty., Joel Evan Dillard, (205) 271-1100
Resp. Atty., Joseph A. Fawal
Resp. Atty., Samuel H. Franklin, (205) 581-0712
Resp. Atty., Brian S. Fraser
Resp. Atty., Peter S. Fruin, (205) 254-1068
Resp. Atty., Caroline Smith Gidiere, (205) 803-0051
Resp. Atty., Wesley B. Gilchrist, (205) 581-0735
Resp. Atty., Wilson F. Green, (205) 722-1018
Resp. Atty., Bryan G. Hale, (205) 868-6000
Resp. Atty., Kathryn Sumrall Harrington, (205) 324-3600
Resp. Atty., Bernard Harwood, Jr., (205) 344-5000
Resp. Atty., L. Andrew Hollis, (205) 324-3600
Resp. Atty., Christopher R. Hood, (205) 251-5900
Resp. Atty., James C. Huckaby, Jr., (205) 251-2300
Resp. Atty., Joseph D. Jackson, (205) 271-1100
Resp. Atty., Albert L. Jordan, (205) 870-0555
Resp. Atty., Thomas A. Kendrick, (205) 328-6643
Resp. Atty., Richard Lawler
Resp. Atty., Eddie Leitman, (205) 251-5900
Resp. Atty., James David Martin, (334) 834-1180
Resp. Atty., Lisa A. Mathewson
Resp. Atty., Thomas A. McKnight, Jr., (205) 870-0555
Resp. Atty., Byron R. Perkins
Resp. Atty., Philip G. Piggott, (205) 868-6086
Resp. Atty., David M.J. Rein
Resp. Atty., John P. Scott, Jr, (205) 868-6000
Resp. Atty., John W. Scott, (205) 251-2300
Resp. Atty., Robert K. Spotswood, (205) 986-3622
Resp. Atty., Eric Jon Taylor
Resp. Atty., Jon B. Terry, (205) 425-1606
Resp. Atty., Thomas Werth Thagard, III, (205) 254-1000
Resp. Atty., Jay E. Tidwell, (205) 322-6060
Resp. Atty., Jere F White, Jr, (205) 581-0718

PER CURIAM

- 1061788 Deborah Kerr et al. v. Sunrise Village Condominium Association, Inc., et al. (Appeal from Baldwin Circuit Court: CV-05-310).

Affirmed. No Opinion.

Circuit Judge, Charles C. Partin, (251) 937-0273
Apl. Atty., Jack Whitfield Torbert, Jr, (256) 547-7551
Aple. Atty., Scott A. Boykin, (205) 251-3000
Aple. Atty., Russell C. Buffkin, (251) 432-5521
Aple. Atty., Daniel H. Craven, Jr., (334) 968-8170
Aple. Atty., Rita Dixon, (205) 251-3000
Aple. Atty., Frank C. Galloway, III, (205) 871-2183
Aple. Atty., James Marshall Gardner, (251) 432-9772
Aple. Atty., Frederick G. Helmsing, (251) 431-8818
Aple. Atty., James Lynn Perry, (251) 625-0046
Resp. Atty., D. Andrew Stivender, (251) 432-5521

- 1070709 Mohamad Sharifi v. Warden Grant Culliver et al. (Appeal from Escambia Circuit Court: CV-07-4).

Affirmed. No Opinion.

Circuit Judge, Bradley E. Byrne, (251) 867-0281
Aple. Asst. Gen. Counsel, Albert S. Butler, (334) 353-4859
Aple. Asst. Gen. Counsel, Kim T. Thomas, (334) 353-3885

- 1071128 Elaine Johnson v. Brunswick Riverview Club, Inc., and Leiserv, Inc., d/b/a Brunswick Riverview Lanes (Appeal from Shelby Circuit Court: CV-07-138).

Affirmed.

Circuit Judge, J. Michael Joiner, (205) 669-3861
Apl. Atty., Richard A. Bearden, (205) 838-9000
Apl. Atty., Dexter Lane McFarlin, (205) 838-9000
Aple. Atty., William P. Cobb, II, (334) 269-3122
Aple. Atty., J. Eric Getty, (205) 251-8100

ON REHEARING

- 1070484 Helen Kathryn Wheeler et al. v. Randall L. George et al. (Appeal from Montgomery Circuit Court: CV-04-1434).

Application Granted; Opinion of July 17, 2009, Withdrawn; Opinion Substituted; Affirmed in Part; Reversed in Part; and Remanded.

Circuit Judge, Ben A. Fuller, (334) 361-3766
Apl. Atty., Steve R. Burford, (205) 876-1600
Apl. Atty., Jason E. Gammons, (205) 870-0555
Apl. Atty., Erik S. Heninger, (205) 933-2345
Apl. Atty., Stephen D. Heninger, (205) 326-3336
Apl. Atty., Thomas S Hiley, (205) 328-4100
Apl. Atty., Eugene P. Stutts, (205) 581-6263
Aple. Atty., Marc James Ayers, (205) 521-8598
Aple. Atty., Will Booker, (205) 870-0555
Aple. Atty., Scott A. Boykin, (205) 251-3000
Aple. Atty., Walter R. Byars, (334) 832-8800
Aple. Atty., John F. DeBuys, Jr., (205) 251-3000
Aple. Atty., Joseph C. Espy, III, (334) 263-6621

Aple. Atty., Jesse P Evans, III, (205) 254-1431
Aple. Atty., Kim Fehl, (334) 241-2050
Aple. Atty., Thomas T. Gallion, III, (334) 265-8573
Aple. Atty., George H. Howell, (334) 365-2286
Aple. Atty., Albert L. Jordan, (205) 870-0555
Aple. Atty., Joseph B. Mays, Jr., (205) 521-8000
Aple. Atty., Tyrone C. Means, (334) 270-1033
Aple. Atty., Flynn Mazingo, (334) 263-6621
Aple. Atty., H. E. Nix, Jr., (334) 215-8585
Aple. Atty., Robert E. Poundstone, IV, (334) 956-7645
Aple. Atty., Constance Caldwell Walker, (334) 265-8573
Aple. Atty., Christopher K. Whitehead, (334) 270-1033
Aple. Atty., Murry S. Whitt, (334) 215-8585
Aple. Atty., Turner B Williams, (205) 251-3000
Amicus Aple. Atty. - Pro Hac, Lawrence Hamilton
Amicus Aple. Atty. - Pro Hac, Dominic C. MacKenzie, (904) 353-2000
Amicus Aple. Atty., Mary Pons, (334) 263-7594
Amicus Aple. Atty., James W. Porter, II, (205) 322-1744
Amicus Aple. Atty., Kenneth Smith, (334) 262-2566

1070487 Southdale, LLC v. Randall L. George et al. (Appeal from Montgomery Circuit Court: CV-04-1434).

Application Granted; Opinion of July 17, 2009, Withdrawn; Opinion Substituted; Affirmed in Part; Reversed in Part; and Remanded.

Apl. Atty., Erik S. Heninger, (205) 933-2345
Apl. Atty., Stephen D. Heninger, (205) 326-3336
Aple. Atty., Scott A. Boykin, (205) 251-3000
Aple. Atty., Steve R. Burford, (205) 876-1600
Aple. Atty., Walter R. Byars, (334) 832-8800
Aple. Atty., Chip W Cleveland, II, (334) 365-6266
Aple. Atty., John F. DeBuys, Jr., (205) 251-3000
Aple. Atty., Joseph C. Espy, III, (334) 263-6621
Aple. Atty., Kim Fehl, (334) 241-2050
Aple. Atty., Thomas T. Gallion, III, (334) 265-8573
Aple. Atty., Richard Gill, (334) 834-1180
Aple. Atty., Frank H. Hawthorne, Jr, (334) 269-5010
Aple. Atty., George H. Howell, (334) 365-2286
Aple. Atty., Albert L. Jordan, (205) 870-0555
Aple. Atty., James S. Lloyd, (205) 967-8822
Aple. Atty., Dominic C. MacKenzie, (904) 353-2000
Aple. Atty., Joseph B. Mays, Jr., (205) 521-8000
Aple. Atty., Tyrone C. Means, (334) 270-1033
Aple. Atty., H. E. Nix, Jr., (334) 215-8585
Aple. Atty., Robert E. Poundstone, IV, (334) 956-7645
Aple. Atty., Robert D Segall, (334) 834-1180
Aple. Atty., Eugene P. Stutts, (205) 581-6263
Aple. Atty., Constance Caldwell Walker, (334) 265-8573
Aple. Atty., Christopher K. Whitehead, (334) 270-1033
Aple. Atty., Murry S. Whitt, (334) 215-8585
Aple. Atty., Turner B Williams, (205) 251-3000

1070514 Todd Strange v. Helen Kathryn Wheeler et al. (Appeal from Montgomery Circuit Court: CV-04-1434).

Application Granted; Opinion of July 17, 2009, Withdrawn; Opinion Substituted; Affirmed.

Circuit Judge, Ben A. Fuller, (334) 361-3766

Aplt. Atty., Jason E. Gammons, (205) 870-0555
Aplt. Atty., Albert L. Jordan, (205) 870-0555
Aple. Atty., Steve R. Burford, (205) 876-1600
Aple. Atty., Walter R. Byars, (334) 832-8800
Aple. Atty., Chip W Cleveland, II, (334) 365-6266
Aple. Atty., John F. DeBuys, Jr., (205) 251-3000
Aple. Atty., Joseph C. Espy, III, (334) 263-6621
Aple. Atty., Jesse P Evans, III, (205) 254-1431
Aple. Atty., Kim Fehl, (334) 241-2050
Aple. Atty., Thomas T. Gallion, III, (334) 265-8573
Aple. Atty., Lawrence Hamilton
Aple. Atty., Stephen D. Heninger, (205) 326-3336
Aple. Atty., George H. Howell, (334) 365-2286
Aple. Atty., Joseph B. Mays, Jr., (205) 521-8000
Aple. Atty., Tyrone C. Means, (334) 270-1033
Aple. Atty., H. E. Nix, Jr., (334) 215-8585
Aple. Atty., Robert E. Poundstone, IV, (334) 956-7645
Aple. Atty., Eugene P. Stutts, (205) 581-6263
Aple. Atty., Christopher K. Whitehead, (334) 270-1033