



**LIST OF DECISIONS ANNOUNCED BY  
THE SUPREME COURT OF ALABAMA  
ON FRIDAY, FEBRUARY 20, 2009**

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**Cobb, C.J.**

- 1080207 Ex parte Robert David Merrill. PETITION FOR WRIT OF CERTIORARI TO THE COURT OF CRIMINAL APPEALS (In re: Robert David Merrill v. State of Alabama) (Jefferson Circuit Court: CC93-826.60; Criminal Appeals : CR-07-0744).

**Writ Denied. No Opinion.**

Circuit Judge, Gloria Bahakel, (205) 325-5323  
Resp. Atty. General, Troy R. King, (334) 242-7300  
Resp. Asst. Atty. General, Stephen Norwood Dodd, (334) 242-7378

- 1080355 Ex parte Donald Gerald Simmons. PETITION FOR WRIT OF CERTIORARI TO THE COURT OF CRIMINAL APPEALS (In re: Donald Gerald Simmons v. State of Alabama) (Mobile Circuit Court: CC86-1697; CC86-1702; CC86-1703; Criminal Appeals : CR-07-0821).

**Writ Denied. No Opinion.**

Circuit Judge, Michael A. Youngpeter, (251) 574-8780  
Resp. Atty. General, Troy R. King, (334) 242-7300  
Resp. Asst. Atty. General, Jean-Paul Michael Chappell, (334) 242-7328

**Woodall, J.**

- 1071562 Boaz City Board of Education v. Judy Pitts, in her official capacity as Revenue Commissioner of Etowah County (Appeal from Etowah Circuit Court: CV-06-254).

**Affirmed. No Opinion.**

Circuit Judge, David Alan Kimberley, (256) 549-5372  
Apl. Atty., Scott W. Faulkner, (256) 535-1100  
Apl. Atty., William W. Sanderson, Jr., (256) 535-1100  
Aple. Atty., James E. Turnbach, (256) 543-3664

- 1080131 Ex parte Anthony Richard Perch. PETITION FOR WRIT OF MANDAMUS: CRIMINAL (In re: Anthony Richard Perch v. Judge Alfred Bahakel) (Jefferson Circuit Court: CC94-1050; Criminal Appeals : CR-07-1915).

**Petition Granted. Writ Issued.**

Circuit Judge, Alfred Bahakel, (205) 325-5648  
Resp. Atty. General, Troy R. King, (334) 242-7300  
Resp. Asst. Atty. Gen., James B. Prude, (334) 242-7300  
Resp. District Atty., M. David Barber, (205) 325-5252

- 1080320 Ex parte Marvin L. Eddy, Jr. and Brenda Eddy. PETITION FOR WRIT OF CERTIORARI TO THE COURT OF CIVIL APPEALS (In re: Marvin L. Eddy, Jr. and Brenda Eddy v. Allied Waste North America, Inc., et al.) (Lawrence Circuit Court: CV-06-120; Civil Appeals : 2070960).

**Writ Denied. No Opinion.**

Circuit Judge, A. Philip Reich, II, (256) 974-2444  
Pet. Atty., Christopher Earl Malcom, (256) 974-4262  
Resp. Atty., Keith Gann, (205) 251-1193

- 1080351 Ex parte Joey Blake Hampton. PETITION FOR WRIT OF CERTIORARI TO THE COURT OF CRIMINAL APPEALS (In re: Joey Blake Hampton v. State of Alabama) (Lawrence Circuit Court: CC07-29; Criminal Appeals : CR-07-1090).

**Writ Denied. No Opinion.**

Circuit Judge, A. Philip Reich, II, (256) 974-2444  
Pet. Atty., Chris Malcom, (256) 974-4262  
Resp. Atty. General, Troy R. King, (334) 242-7300  
Resp. Asst. Atty. Gen., Jean Alexandra Therkelsen, (334) 242-7300

- 1080352 Ex parte Kenneth Lamar Fuller. PETITION FOR WRIT OF CERTIORARI TO THE COURT OF CRIMINAL APPEALS (In re: Kenneth Lamar Fuller v. State of Alabama) (Jefferson Circuit Court: CC-06-2539; Criminal Appeals : CR-07-0735).

**Writ Denied. No Opinion.**

- 1080412 Ex parte Attalla Health Care, Inc. PETITION FOR WRIT OF CERTIORARI TO THE COURT OF CIVIL APPEALS (In re: Attalla Health Care, Inc. v. Teresa Kimble) (Etowah Circuit Court: CV-06-372; Civil Appeals : 2061007).

**Writ Denied. No Opinion.**

Circuit Judge, Anthony Clark Hall, (256) 549-5370  
Pet. Atty., Jack Whitfield Torbert, Jr, (256) 547-7551  
Resp. Atty., Carl Chamblee, Jr, (205) 856-9111

## **Stuart, J.**

- 1080145 Ex parte Litton Loan Servicing, L.P. PETITION FOR WRIT OF MANDAMUS: CIVIL (In re: Sharon Billins and James Billins v. Litton Loan Servicing, L.P.) (Barbour Circuit Court: CV-07-900016).

**Petition Denied. No Opinion.**

Circuit Judge, L. Bernard Smithart, (334) 687-1524  
Pet. Atty., Gregory C. Cook, (205) 251-8100  
Pet. Atty., Ed R. Haden, (205) 226-8795  
Pet. Atty., G. Lane Knight, (334) 834-6500  
Resp. Atty., Jane L. Calamusa, (205) 344-5000  
Resp. Atty., Chad L. Hobbs, (205) 344-5000  
Resp. Atty., L. Shane Seaborn, (334) 775-9778  
Resp. Atty., R. Cooper Shattuck, (205) 344-5000  
Resp. Atty., Scarlette M. Tulley, (334) 269-2343

- 1080358 Ex parte Linda Mae Campbell. PETITION FOR WRIT OF CERTIORARI TO THE COURT OF CIVIL APPEALS (In re: State Department of Industrial Relations v. Linda Mae Campbell) (Mobile Circuit Court: CV-06-984.51; Civil Appeals : 2070477).

**Writ Denied. No Opinion.**

Circuit Judge, Robert Herschel Smith, (251) 574-8485  
Pet. Atty., J. Gullatte Hunter, III, (251) 476-6440  
Resp. General Counsel, Frank D Marsh, (334) 242-8376  
Resp. Atty., Glenn Chaffin, (334) 242-8376

## Smith, J.

1061314 Hugh W. Brown, Jr. and Alabama MBA, Inc. v. W.P. Media, Inc. (Appeal from Jefferson Circuit Court: CV-05-2921).

### **Reversed And Remanded.**

Circuit Judge, Allwin E. Horn, III, (205) 325-5365  
Apl. Atty., Kenneth Lee Cleveland, (205) 322-1811  
Aple. Atty., Gerald Alan Templeton, (205) 980-8828

## PER CURIAM

1050029 Cook's Pest Control, Inc. v. Robert Rebar and Margo Rebar (Appeal from Jefferson Circuit Court: CV-01-5380).

### **Reversed And Remanded.**

Circuit Judge, Caryl P. Privett, (205) 325-5388  
Apl. Chief Counsel, Clifton Slaten, (334) 396-8882  
Apl. Atty., Jason J. Baird, (334) 396-8882  
Apl. Atty., Mindi C. Robinson, (334) 396-8882  
Aple. Atty., Raymond L. Bronner, (205) 278-6650  
Aple. Atty., Thomas F. Campbell, (205) 278-6650

1050128 Robert Rebar and Margo Rebar v. Cook's Pest Control, Inc. (Appeal from Jefferson Circuit Court: CV-01-5380).

### **Dismissed.**

Circuit Judge, Caryl P. Privett, (205) 325-5388  
Apl. Atty., Raymond L. Bronner, (205) 278-6650  
Apl. Atty., Thomas F. Campbell, (205) 278-6650  
Apl. Atty., Donald Keiron McGowin, (205) 278-6650  
Aple. Chief Counsel, Clifton Slaten, (334) 396-8882  
Aple. Atty., Jason J. Baird, (334) 396-8882  
Aple. Atty., Mindi C. Robinson, (334) 396-8882

1050332 Cindy Prill, as administratrix of the estate of Michael David Prill, deceased v. Sean W. Marrone et al. (Appeal from Tuscaloosa Circuit Court: CV-04-1175).

### **Affirmed.**

Circuit Judge, Charles R. Malone, (205) 349-3870  
Apl. Atty., Ronald R. Crook, (205) 324-8910  
Apl. Atty., Dennis Harmon, (662) 328-9365  
Aple. Atty., William H. Donald, Jr., (205) 758-2585  
Aple. Atty., Wilbor J. Hust, Jr., (205) 349-1383

1070935 Ex parte Tuscaloosa Resources, Inc. PETITION FOR WRIT OF CERTIORARI TO THE COURT OF CIVIL APPEALS (In re: Tuscaloosa Resources, Inc. v. Alabama Rivers Alliance, Inc., and Friends of Hurricane Creek) (Montgomery Circuit Court: CV-04-1052; Civil Appeals : 2050995).

### **Writ Denied. No Opinion.**

Circuit Judge, Truman M. Hobbs, Jr., (334) 832-7147  
Pet. Atty., Floyd Ray Gilliland, Jr, (334) 215-8585  
Pet. Atty., April Willis McKay, (334) 215-8585  
Pet. Atty., James L. Wright, (334) 271-7855  
Resp. Atty., Richard Edwin Lamberth, (251) 471-6191  
Amicus Pet. Atty., Robert P. Fowler, (205) 251-8100  
Amicus Pet. Atty., Jeffrey H. Wood, (205) 251-8100

1071166 Ex parte Mountain Lakes Behavioral Healthcare. PETITION FOR WRIT OF CERTIORARI TO THE COURT OF CIVIL APPEALS (In re: Mountain Lakes Behavioral Healthcare v. Brenda Fay Shealy) (Jackson Circuit Court: CV-04-521; Civil Appeals : 2060829).

**Writ Denied. No Opinion.**

Circuit Judge, Jenifer C. Holt, (205) 574-9350  
Pet. Atty., David L. Dean, (205) 933-7090  
Resp. Atty., James R. Kennamer, (423) 265-1100

1071180 Ex parte Bennie McEarl Carter. PETITION FOR WRIT OF CERTIORARI TO THE COURT OF CRIMINAL APPEALS (In re: Bennie McEarl Carter v. State of Alabama) (Jefferson Circuit Court: CC99-6395.64; CC99-6396.62; Criminal Appeals : CR-06-1954).

**Writ Denied. No Opinion.**

Circuit Judge, Teresa Tanner Pulliam, (205) 325-5329  
Resp. Atty. General, Troy R. King, (334) 242-7300  
Resp. Asst. Atty. General, Robin Denise Scales, (334) 242-4275

1071228 Ex parte Johnny M. Young. PETITION FOR WRIT OF CERTIORARI TO THE COURT OF CRIMINAL APPEALS (In re: Johnny M. Young v. State of Alabama) (Mobile Circuit Court: CC86-620; Criminal Appeals : CR-06-0162).

**Writ Denied. No Opinion.**

Circuit Judge, Charles A. Graddick, (251) 574-5639  
Resp. Atty. General, Troy R. King, (334) 242-7300  
Resp. Asst. Atty. Gen., Cecil Gordon Brendle, Jr, (334) 242-7357

1071328 Ex parte Bobby Akles Hill. PETITION FOR WRIT OF CERTIORARI TO THE COURT OF CRIMINAL APPEALS (In re: Bobby Akles Hill v. State of Alabama) (Alexander City Division of Tallapoosa Circuit Court: CC03-12.60; Criminal Appeals : CR-07-0720).

**Writ Denied. No Opinion.**

Circuit Judge, Thomas F. Young, Jr., (256) 234-7901  
Resp. Atty. General, Troy R. King, (334) 242-7300  
Resp. Asst. Atty. Gen., Cecil Gordon Brendle, Jr, (334) 242-7357

**ON REHEARING**

1071602 Ex parte Susan Staats-Sidwell, Glen Archibald, and Shelby County Treatment Center, Inc. PETITION FOR WRIT OF MANDAMUS: CIVIL (In re: Robert White and Jake Bivona v. Susan Staats-Sidwell et al.) (Bessemer Division of Jefferson Circuit Court: CV-04-280).

**Application Overruled. No Opinion.**

Circuit Judge, Dan C. King, III, (205) 481-4175  
Pet. Atty., David E. Belser, (334) 262-2000  
Pet. Atty., Grace Long Kipp, (205) 986-3630  
Pet. Atty., William Thomas Paulk, II, (205) 986-3624  
Pet. Atty., Michael Todd Sansbury, (205) 986-3623  
Pet. Atty., Robert K. Spotswood, (205) 986-3622  
Resp. Atty., Edgar C. Gentle, III, (205) 716-3000  
Resp. Atty., James M. McMullan, (205) 716-3000  
Resp. Atty., Jon B. Terry, (205) 425-1606