

Nabers, C.J., C. J.

1031922 Bettye G. Sanders v. Marray-Ash Plaza, Inc., et al. (Appeal from Jefferson Circuit Court: CV-01-4139).
Affirmed. No Opinion.

1040664 Patsy Rentz v. Sarah Grant (Appeal from Madison Circuit Court: CV-04-668).
Affirmed.

1040965 ECO Preservation Services v. Jefferson County Commission et al. (Appeal from Jefferson Circuit Court: CV-98-2904).
Affirmed.

1041033 Bridgette Keeton v. Lauderdale County Commission (Appeal from Lauderdale Circuit Court: CV-04-103).
Affirmed. No Opinion.

1050006 Ex parte Nakia Termaine Johnson. PETITION FOR WRIT OF CERTIORARI TO THE COURT OF CRIMINAL APPEALS (In re: Nakia Termaine Johnson v. State of Alabama) (Jefferson Circuit Court: CC04-1079; CC04-1080; Criminal Appeals : CR-04-0815).
Writ Denied. No Opinion.

1050158 Ex parte Marcus Jermaine Smith. PETITION FOR WRIT OF CERTIORARI TO THE COURT OF CRIMINAL APPEALS (In re: Marcus Jermaine Smith, alias v. State of Alabama) (Tuscaloosa Circuit Court: CC03-1936; CC03-1937; Criminal Appeals : CR-04-1633).
Writ Denied. No Opinion.

1050279 Ex parte Billy Ray Rivers. PETITION FOR WRIT OF CERTIORARI TO THE COURT OF CRIMINAL APPEALS (In re: Billy Ray Rivers v. State of Alabama) (Houston Circuit Court: CC99-580; Criminal Appeals : CR-04-2423).
Writ Denied. No Opinion.

See, J., J.

1030110 Ex parte Michael P. Ederer. PETITION FOR WRIT OF CERTIORARI TO THE COURT OF CIVIL APPEALS (In re: Donell B. Ederer v. Michael P. Ederer) (Mobile Circuit Court: DR 96-502485.03; Civil Appeals : 2020310).

Affirmed. No Opinion.

1040747 Ex parte Walter E. Beckham, Jr. PETITION FOR WRIT OF CERTIORARI TO THE COURT OF CIVIL APPEALS (In re: Walter E. Beckham, Jr. v. Sheila H. Beckham) (Mobile Circuit Court: DR 92-500279.06; Civil Appeals : 2030175).

Writ Quashed. No Opinion.

1040765 Progressive Specialty Insurance Company v. Judy O'Neill Green (Appeal from Russell Circuit Court: CV-04-123).

Reversed And Judgment Rendered.

1040874 Robert Murphree and Elizabeth Murphree v. Town of Summerdale (Appeal from Baldwin Circuit Court: CV-2003-188).

Affirmed. No Opinion.

1041055 William D. Stiff v. Alabama Alcoholic Beverage Control Board et al. (Appeal from Montgomery Circuit Court: CV-97-1858).

Affirmed.

1041953 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: CC94-107.64; Criminal Appeals : CR-04-1328).

Writ Denied. No Opinion.

1041972 Ex parte Aubrey Lee Williams. PETITION FOR WRIT OF CERTIORARI TO THE COURT OF CRIMINAL APPEALS (In re: Aubrey Lee Williams v. State of Alabama) (Washington Circuit Court: CC03-168; Criminal Appeals : CR-04-1128).

Writ Denied. No Opinion.

1050019 Ex parte Rodney Cogman. PETITION FOR WRIT OF CERTIORARI TO THE

COURT OF CRIMINAL APPEALS (In re: Rodney Cogman v. State of Alabama) (Jefferson Circuit Court: CC90-2514.63; Criminal Appeals : CR-04-1525).

Writ Denied. No Opinion.

1050052 Ex parte Walter Gene Childs. PETITION FOR WRIT OF CERTIORARI TO THE COURT OF CRIMINAL APPEALS (In re: Walter Gene Childs v. State of Alabama) (Lee Circuit Court: CC89-661; Criminal Appeals : CR-04-1686).

Writ Denied. No Opinion.

1050124 Ex parte Barry Gene Kidd. PETITION FOR WRIT OF CERTIORARI TO THE COURT OF CRIMINAL APPEALS (In re: Barry Gene Kidd v. State of Alabama) (Lawrence Circuit Court: CC99-493.61; Criminal Appeals : CR-04-2050).

Writ Denied. No Opinion.

Lyons, J., J.

1041226 Leon Stone v. Michael W. Haley et al. (Appeal from Limestone Circuit Court: CV-01-58).

Affirmed. No Opinion.

1041386 Ex parte Larry Jean Wilson, D.M.D. PETITION FOR WRIT OF CERTIORARI TO THE COURT OF CIVIL APPEALS (In re: Larry Jean Wilson, D.M.D. v. Board of Dental Examiners of Alabama) (Geneva Circuit Court: CV 04-43; Civil Appeals : 2031056).

Writ Quashed. No Opinion.

1050243 Ex parte Anthony L. Adams. PETITION FOR WRIT OF CERTIORARI TO THE COURT OF CRIMINAL APPEALS (In re: Anthony L. Adams v. State of Alabama) (Washington Circuit Court: CC93-30.61; Criminal Appeals : CR-04-1807).

Writ Denied. No Opinion.

1050260 Ex parte Alonzo Houston. PETITION FOR WRIT OF CERTIORARI TO THE COURT OF CRIMINAL APPEALS (In re: Alonzo Houston v. State of

Alabama) (Jefferson Circuit Court: CC86-1217.61; CC86-1229.61;
Criminal Appeals : CR-04-1836).
Writ Denied. No Opinion.

1050268 Ex parte Gary V. Abbott. PETITION FOR WRIT OF CERTIORARI TO THE
COURT OF CIVIL APPEALS (In re: Gary V. Abbott v. Bronwyn Bishop
Abbott) (Calhoun Circuit Court: DR 04-429; Civil Appeals :
2040041).
Writ Denied. No Opinion.

1050274 Ex parte Roger Howard Lindsay. PETITION FOR WRIT OF CERTIORARI
TO THE COURT OF CRIMINAL APPEALS (In re: Roger Howard Lindsay
v. State of Alabama) (Escambia Circuit Court: CC03-392;
Criminal Appeals : CR-04-0618).
Writ Denied. No Opinion.

1050296 Ex parte Tommy Lee Wilson. PETITION FOR WRIT OF CERTIORARI TO
THE COURT OF CRIMINAL APPEALS (In re: Tommy Lee Wilson v. State
of Alabama) (Chambers Circuit Court: CC00-74.60; Criminal
Appeals : CR-04-1746).
Writ Denied. No Opinion.

1050339 Ex parte Kathy Whiteside. PETITION FOR WRIT OF CERTIORARI TO
THE COURT OF CIVIL APPEALS (In re: Kerns Trucking, Inc. v.
Kathy Whiteside) (Jefferson Circuit Court: CV 03-2722; Civil
Appeals : 2040212).
Writ Denied. (Special Writing - 2 pp.)

1050375 Ex parte Richard Jay Benefield. PETITION FOR WRIT OF CERTIORARI
TO THE COURT OF CRIMINAL APPEALS (In re: Richard Jay Benefield
v. State of Alabama) (Houston Circuit Court: CC00-868.61;
CC00-869.61; CC00-870.61; Criminal Appeals : CR-04-1017).
Writ Denied. No Opinion.

1050394 Ex parte A. M. S. PETITION FOR WRIT OF CERTIORARI TO THE COURT
OF CRIMINAL APPEALS (In re: A. M. S. v. State of Alabama)
(Baldwin Juvenile Court: JU03-1750.03; Criminal Appeals :
CR-04-0586).
Writ Denied. No Opinion.

Harwood, J., J.

1041811 Ex parte Michael R. Bush. PETITION FOR WRIT OF MANDAMUS: CIVIL (In re: Michael R. Bush v. Alabama Department of Corrections et al.) (Montgomery Circuit Court: CV-04-18).
Petition Denied. No Opinion.

1050258 Ex parte Daniel Oliver. PETITION FOR WRIT OF CERTIORARI TO THE COURT OF CRIMINAL APPEALS (In re: Daniel Oliver v. State of Alabama) (Barbour Circuit Court: CC02-155.60; Criminal Appeals : CR-04-1908).
Writ Denied. No Opinion.

1050295 Ex parte Michael Robin Barefield. PETITION FOR WRIT OF CERTIORARI TO THE COURT OF CRIMINAL APPEALS (In re: Michael Robin Barefield v. State of Alabama) (Madison Circuit Court: CC93-1032.63; Criminal Appeals : CR-04-1881).
Writ Denied. No Opinion.

1050328 Ex parte Charlie Oneal Peterson. PETITION FOR WRIT OF CERTIORARI TO THE COURT OF CRIMINAL APPEALS (In re: Charlie Oneal Peterson v. State of Alabama) (Jefferson Circuit Court: CC03-5141; CC03-5232; CC03-5233; CC03-5234; CC03-5297; Criminal Appeals : CR-03-1908).
Writ Denied. No Opinion.

1050331 Ex parte Pinkerton Security & Investigations Services, Inc. et al. PETITION FOR WRIT OF CERTIORARI TO THE COURT OF CIVIL APPEALS (In re: Pinkerton Security & Investigations Services, Inc. et al v. Troy Chamblee and Tony Jackson) (Jefferson Circuit Court: CV 00-2887; Civil Appeals : 2040704).
Writ Denied. No Opinion.

1050374 Ex parte James Terry Franklin. PETITION FOR WRIT OF CERTIORARI TO THE COURT OF CRIMINAL APPEALS (In re: James Terry Franklin v. State of Alabama) (Houston Circuit Court: CC98-1165.62; Criminal Appeals : CR-04-1953).
Writ Denied. No Opinion.

1050392 Ex parte Frank R. Walker, Jr. PETITION FOR WRIT OF CERTIORARI TO THE COURT OF CRIMINAL APPEALS (In re: Frank Roosevelt Walker, Jr. v. State of Alabama) (Perry Circuit Court:

CC86-14.61,CC86-14.62; Criminal Appeals : CR-04-1190).
Writ Denied. No Opinion.

Woodall, J., J.

1041188 Ernst & Young LLP v. Alabama Hospital Association et al.
(Appeal from Montgomery Circuit Court: CV-04-1172).
Affirmed. No Opinion.

1041660 Barbara Hicks, individually and as executrix of the estate of
Curtis Hicks v. Ness Motley, P.A., et al. (Appeal from
Jefferson Circuit Court: CV-03-7291).
Affirmed. No Opinion.

1041776 Ex parte Hillabee Creek Construction, Inc. PETITION FOR WRIT OF
MANDAMUS: CIVIL (In re: Hartselle Utilities v. Hillabee Creek
Construction, Inc.) (Morgan Circuit Court: CV-03-985).
Petition Denied. No Opinion.

1041974 Ex parte ADT Security Services, Inc. and Alan Weatherford.
PETITION FOR WRIT OF MANDAMUS: CIVIL (In re: Tim Pauline and
Sherry Pauline v. ADT Security Services, Inc., et al.)
(Washington Circuit Court: CV-05-40).
Petition Granted. Writ Issued.

1050244 Ex parte Bryan McClelland. PETITION FOR WRIT OF CERTIORARI TO
THE COURT OF CIVIL APPEALS (In re: Bryan McClelland v.
Simon-Williamson Clinic, P.C.) (Jefferson Circuit Court: CV
02-782; Civil Appeals : 2031075).
Writ Denied. No Opinion.

1050257 Ex parte Brent Alan Hammack. PETITION FOR WRIT OF CERTIORARI TO
THE COURT OF CRIMINAL APPEALS (In re: Brent Alan Hammack v.
State of Alabama) (Mobile Circuit Court: CC05-306; Criminal
Appeals : CR-04-1478).
Writ Denied. No Opinion.

1050273 Ex parte Randy Antonio Reeves. PETITION FOR WRIT OF CERTIORARI
TO THE COURT OF CRIMINAL APPEALS (In re: Randy Antonio Reeves

v. State of Alabama) (Talladega Circuit Court: CC98-388.61;
Criminal Appeals : CR-04-2384).
Writ Denied. No Opinion.

1050282 Ex parte James Virgil Strickland. PETITION FOR WRIT OF
CERTIORARI TO THE COURT OF CRIMINAL APPEALS (In re: State of
Alabama v. James Virgil Strickland) (Tuscaloosa Circuit Court:
CC04-66; Criminal Appeals : CR-03-1955).
Writ Denied. No Opinion.

1050317 Ex parte Clementine L. Knowles. PETITION FOR WRIT OF CERTIORARI
TO THE COURT OF CIVIL APPEALS (In re: Clementine L. Knowles v.
Delphi Automotive Systems, L.L.C.) (Tuscaloosa Circuit Court:
CV 00-1101; Civil Appeals : 2040255).
Writ Denied. No Opinion.

1050320 Ex parte Brandon Johnson. PETITION FOR WRIT OF CERTIORARI TO
THE COURT OF CRIMINAL APPEALS (In re: Brandon Johnson v. State
of Alabama) (Calhoun Circuit Court: CC95-360.62; Criminal
Appeals : CR-04-1889).
Writ Denied. No Opinion.

Stuart, J., J.

1040891 John Wesley Boyce, Sr. and Mayron B. Boyce, as Trustees v.
Joseph N. Cassese et al. (Appeal from Shelby Circuit Court:
CV-02-557).
Affirmed In Part; Reversed In Part.

1041783 Howard Hooks, individually, and Howard Hooks d/b/a Howard's
Country Store v. Jinright-Turner Insurance & Bonds, Inc., and
Leon M. Moore (Appeal from Lowndes Circuit Court: CV-98-111).
Affirmed. No Opinion.

1050192 Ex parte James Randall Sanders. PETITION FOR WRIT OF CERTIORARI
TO THE COURT OF CRIMINAL APPEALS (In re: James Randall Sanders
v. State of Alabama) (Elba Division of Coffee Circuit Court:
CC88-13; Criminal Appeals : CR-04-1509).
Writ Denied. No Opinion.

1050212 Ex parte Rogarius Bray. PETITION FOR WRIT OF CERTIORARI TO THE
COURT OF CRIMINAL APPEALS (In re: Rogarius Bray v. State of

Alabama) (Jefferson Circuit Court: CC02-2951.60; CC02-2952.60;
Criminal Appeals : CR-04-1259).
Writ Denied. No Opinion.

1050242 Ex parte Telly Bernard Baker. PETITION FOR WRIT OF CERTIORARI
TO THE COURT OF CRIMINAL APPEALS (In re: Telly Bernard Baker v.
State of Alabama) (Houston Circuit Court: CC01-93.63; Criminal
Appeals : CR-04-1016).
Writ Denied. No Opinion.

1050316 Ex parte Redman Homes, Inc. PETITION FOR WRIT OF CERTIORARI TO
THE COURT OF CIVIL APPEALS (In re: Redman Homes, Inc. v. Thomas
Surtees, in his official capacity as commissioner of the Alabama
Department of Revenue) (Montgomery Circuit Court: CV 01-2945;
Civil Appeals : 2031079).
Writ Denied. No Opinion.

1050355 Ex parte Marlon Keith Ramey. PETITION FOR WRIT OF CERTIORARI TO
THE COURT OF CRIMINAL APPEALS (In re: Marlon Keith Ramey v.
State of Alabama) (Pell City Division of St. Clair Circuit
Court: CC04-306; Criminal Appeals : 042033).
Writ Denied. No Opinion.

Smith, J., J.

1041140 Ex parte Rodney Miller. PETITION FOR WRIT OF CERTIORARI TO THE
COURT OF CRIMINAL APPEALS (In re: Rodney Miller v. State of
Alabama) (Madison Circuit Court: CC00-1427.62; Criminal
Appeals : CR-04-0137).
Writ Denied. No Opinion.

Bolin, J., J.

1031106 Peggy L. Agee v. Dr. Shelby K. Bailey and Surgical Associates of
the Shoals, P.C. (Appeal from Colbert Circuit Court:
CV-97-188).
Affirmed. No Opinion.

1050217 Ex parte Ralph Bonner. PETITION FOR WRIT OF CERTIORARI TO THE
COURT OF CIVIL APPEALS (In re: Alfa Life Insurance Corporation

v. Ralph Bonner, as administrator of the estate of Alice Coan, deceased) (Marshall Circuit Court: CV 99-502; Civil Appeals : 2030948).

Writ Denied. No Opinion.

1050252 Ex parte Donald Ray Ard. PETITION FOR WRIT OF CERTIORARI TO THE COURT OF CRIMINAL APPEALS (In re: Donald Ray Ard v. State of Alabama) (Elba Division of Coffee Circuit Court: CC82-31.61; Criminal Appeals : CR-04-2180).

Writ Denied. No Opinion.

1050265 Ex parte Anthony Jones. PETITION FOR WRIT OF CERTIORARI TO THE COURT OF CRIMINAL APPEALS (In re: Anthony Jones v. State of Alabama) (Mobile Circuit Court: CC00-2500.61, CC00-2501.61, CC00-2502.61; Criminal Appeals : CR-04-1837).

Writ Denied. No Opinion.

1050288 Ex parte Dennis E. Williams. PETITION FOR WRIT OF CERTIORARI TO THE COURT OF CRIMINAL APPEALS (In re: Alabama Board of Pardons and Paroles v. Dennis E. Williams) (Montgomery Circuit Court: CV02-2122; Criminal Appeals : CR-04-0668).

Writ Denied. No Opinion.

1050304 Ex parte Richard Kenneth Neese. PETITION FOR WRIT OF CERTIORARI TO THE COURT OF CIVIL APPEALS (In re: Richard Kenneth Neese v. Rebecca B. Neese) (Mobile Circuit Court: DR 03-500008.01; Civil Appeals : 2040297).

Writ Denied. No Opinion.

1050308 Ex parte John Alfred Harper. PETITION FOR WRIT OF CERTIORARI TO THE COURT OF CRIMINAL APPEALS (In re: John Alfred Harper v. State of Alabama) (Lee Circuit Court: CC86-582.62; Criminal Appeals : CR-04-2057).

Writ Denied. No Opinion.

1050349 Ex parte Billy R. Taylor. PETITION FOR WRIT OF CERTIORARI TO THE COURT OF CRIMINAL APPEALS (In re: Billy Ray Taylor v. State of Alabama) (Jefferson Circuit Court: CC05-19; Criminal Appeals : CR-04-1155).

Writ Denied. No Opinion.

Parker, J., J.

1040307 Ex parte Holly N. Krause Bryant. PETITION FOR WRIT OF CERTIORARI TO THE COURT OF CIVIL APPEALS (In re: Holly N. Krause Bryant v. Rex C. Bryant, Jr.) (Mobile Circuit Court: DR 96-501389.03; Civil Appeals : 2021214, 1021215).
Writ Denied. No Opinion.

1040819 Ex parte F.M.R. PETITION FOR WRIT OF CERTIORARI TO THE COURT OF CIVIL APPEALS (In re: S.J.R. v. F.M.R.) (Elmore Circuit Court: DR 95-430.01; Civil Appeals : 2011261).
Writ Denied. No Opinion.

1041287 Ex parte Randall Whitt. PETITION FOR WRIT OF CERTIORARI TO THE COURT OF CRIMINAL APPEALS (In re: Randall Whitt v. State of Alabama) (Madison Circuit Court: CC94-1883.63; Criminal Appeals : CR-04-0305).
Writ Denied. No Opinion.

1041426 Ex parte Turquorius Sentell Glanton. PETITION FOR WRIT OF CERTIORARI TO THE COURT OF CRIMINAL APPEALS (In re: Turquorius Sentell Glanton v. State of Alabama) (Houston Circuit Court: CC03-1184; Criminal Appeals : CR-04-0540).
Writ Denied. No Opinion.

1041461 Ex parte Willie Lizzlie Gardner. PETITION FOR WRIT OF CERTIORARI TO THE COURT OF CRIMINAL APPEALS (In re: Willie Lizzlie Gardner v. State of Alabama) (Montgomery Circuit Court: CC02-732.60; Criminal Appeals : CR-04-0476).
Writ Denied. No Opinion.

1041509 Ex parte Arthur Miller. PETITION FOR WRIT OF CERTIORARI TO THE COURT OF CRIMINAL APPEALS (In re: Arthur Miller v. State of Alabama) (Mobile Circuit Court: CC93-1426.63; Criminal Appeals : CR-04-0118).

Writ Denied. No Opinion.

1041573 Ex parte Rashad Woods. PETITION FOR WRIT OF CERTIORARI TO THE COURT OF CRIMINAL APPEALS (In re: Rashad Woods v. State of Alabama) (Jefferson Circuit Court: CC03-4100; Criminal Appeals : CR-04-0106).

Writ Denied. No Opinion.

1041611 Ex parte Aven Cotton. PETITION FOR WRIT OF CERTIORARI TO THE COURT OF CRIMINAL APPEALS (In re: Aven Cotton v. State of Alabama) (Washington Circuit Court: CC95-74.92; Criminal Appeals : CR-04-0785).

Writ Denied. No Opinion.

1041786 Ex parte Owen Lamar Cooper, Sr. PETITION FOR WRIT OF CERTIORARI TO THE COURT OF CRIMINAL APPEALS (In re: Owen Lamar Cooper, Sr. v. State of Alabama) (Autauga Circuit Court: CC89-103.60; Criminal Appeals : CR-04-0803).

Writ Denied. No Opinion.

1041849 Ex parte Willie Michael Harris. PETITION FOR WRIT OF CERTIORARI TO THE COURT OF CRIMINAL APPEALS (In re: Willie Michael Harris v. State of Alabama) (Houston Circuit Court: CC82-530; Criminal Appeals : CR-04-1379).

Writ Denied. No Opinion.

PER CURIAM, J.

1031917 City of Bessemer et al. v. E.B. McClain et al. (Appeal from Bessemer Division of Jefferson Circuit Court: CV-03-1311).
Reversed And Remanded.

ON REHEARING, J.

1040055 Freightliner, LLC v. Whatley Contract Carriers, LLC (Appeal from Montgomery Circuit Court: CV-01-450).
Application Overruled. No Opinion.

1031917 Appellant Mark S. Boardman, Chelsea
Appellant April B. Danielson, Birmingham

Appellant Philip F. Hutcheson, Birmingham
Appellant Stephen B. Griffin, Hoover
Appellant J. Bentley Owens, III, Birmingham
Appellant Jon B. Terry, Bessemer
Appellee T. Kenneth Foster, Bessemer
Appellee John Haley, Birmingham
Appellee Ralph D. Cook, Birmingham
Appellee William A. Short, Jr., Bessemer
Appellee Calvin M. Whitesell, Montgomery
1040664 Appellant Patrick O. Miller, Huntsville
Appellee Nancy S. Gaines, Magnolia Springs
1040765 Petitioner Alex L. Holtsford, Jr., Montgomery
Respondent Sam E. Loftin, Phenix City
1040891 Appellant Roger Bates, Birmingham
Appellant Tracy R. Davis, Birmingham
Appellant Jesse P. Evans, III, Birmingham
Appellant Michael B. Odom, Birmingham
Appellee Hope T. Cannon, Birmingham
Appellee James W. Fuhrmeister, Birmingham
Appellee Larry W. Harper, Birmingham
Appellee Christopher R. Hood, Birmingham
Appellee Eddie Leitman, Birmingham
Appellee F. Brady Rigdon, Birmingham

Appellee W. Perry Webb, Birmingham

1040965 Appellant Albert L. Jordan, Birmingham

Appellant Bill Ray Weathington, Jr., Moody
Appellee Charles S. Wagner, Birmingham

1041055 Appellant Jim L. Debardelaben, Montgomery

Appellant Dorothy Norwood, Montgomery

Appellee Randy A. Dempsey, Birmingham

Appellee Jonathan D. Green, Birmingham

Appellee Robert S. Hill, Montgomery

Appellee F. Wade Steed, Birmingham

1041974 Petitioner John Richard Carrigan, Birmingham

Petitioner Christopher A. Mixon, Birmingham

Respondent Gordon Kevin Howell, Chatom

Respondent Adam M. Milam, Mobile

Respondent Kyle Morris, Mobile

1050339 Petitioner Kenneth Evan Riley, Birmingham

Respondent Anna-Katherine Bowman, Birmingham