



**SUPREME COURT OF ALABAMA
DECISIONS ANNOUNCED ON
FRIDAY, MAY 12, 2023**

CHIEF JUSTICE PARKER

2022-0966 *Ex parte Warren James Gunn III* PETITION FOR WRIT OF CERTIORARI TO THE COURT OF CRIMINAL APPEALS (In re: Warren James Gunn III v. State of Alabama) (Jefferson Circuit Court: CC-19-4333; Criminal Appeals: CR-21-0457).

Writ Denied. No Opinion.

JUSTICE SHAW

2022-0828 *Alabama Somerby, LLC, d/b/a Brookdale University Park IL/AL/MC; Brookdale Senior Living, Inc.; and Undrea Wright v. L.D., as next friend of E.D.* (Appeal from Jefferson Circuit Court: CV-22-900852).

Reversed and Remanded.

2022-0864 *Malbis Plantation, Inc. v. Southern Boots, LLC, and Stephanie P. Doussa, as personal representative of the Estate of Alexandra Doussa, deceased* (Appeal from Baldwin Circuit Court: CV-21-900835).

Affirmed. No Opinion.

2022-1038 *Kelly Kroger v. Jessica Evans, as personal representative of the Estate of Charles Leroy Gardner, deceased* (Appeal from Dale Probate Court: 22-142).

Affirmed. No Opinion.

2022-1039 *Kelly Kroger v. Jessica Evans, as personal representative of the Estate of Charles Leroy Gardner, deceased* (Appeal from Dale Probate Court: 22-164).

Affirmed. No Opinion.

2023-0180 *Ex parte Vanessa Ball* PETITION FOR WRIT OF CERTIORARI TO THE COURT OF CIVIL APPEALS (In re: Vanessa Ball v. Jerry Payne) (Montgomery Circuit Court: CV-21-901012; Civil Appeals: CL-2022-1017).

Writ Denied. No Opinion.

2023-0253 *Ex parte Teddy Junior North* PETITION FOR WRIT OF CERTIORARI TO THE COURT OF CRIMINAL APPEALS (In re: Teddy Junior North v. State of Alabama) (Lee Circuit Court: CC-19-177; Criminal Appeals: CR-21-0344).

Writ Denied. No Opinion.

JUSTICE WISE

2022-0932 *Allen W. Paseur v. Madison County; Dale Strong, Chairman of the Madison County Commission; Craig Hill, Madison County Commissioner for District 3; City of New Hope; Jimmy Lemley; Thomas C. Jolliff; Debra Jolliff; Kenneth L. Garcia; and Beverly Garcia* (Appeal from Madison Circuit Court: CV-22-900463).

Affirmed. No Opinion.

2022-0978 *Van Stuart Akins v. Charles Fred Eberhart, George M. Eberhart, and Barbara E. Ledbetter* (Appeal from DeKalb Circuit Court: CV-20-900008).

Affirmed. No Opinion.

2022-0996 *Miya Trotter v. City of Spanish Fort and Officer Daniel Stubbs* (Appeal from Baldwin Circuit Court: CV-21-900203).

Affirmed. No Opinion.

2023-0212 *Ex parte Donald Bishop* PETITION FOR WRIT OF CERTIORARI TO THE COURT OF CRIMINAL APPEALS (In re: Donald Bishop v. State of Alabama) (Pickens Circuit Court: CC-08-11.67; Criminal Appeals: CR-2022-1174).

Writ Denied. No Opinion.

JUSTICE BRYAN

2022-0882 *Helen Holland, as personal representative of the Estate of James Roger Mayfield, deceased v. Linda Hickson, Paul Mayfield, Bonnie S. West, Charles Mayfield, Dianne Hafley Dalby, David Timothy Hafley, Rodney Hafley, Wayne Mayfield, Christina Mayfield Perry, Gregory Mayfield, Tonya Mayfield Dobbs, and Wendy Mayfield Burgess* (Appeal from Jefferson Probate Court: 19BHM01114).

Affirmed. No Opinion.

2022-0896 *Joseph Walter Lesley v. Governor Kay Ivey* (Appeal from Montgomery Circuit Court: CV-21-420).

Affirmed. No Opinion.

2023-0187 *Ex parte David Lee Putnam* PETITION FOR WRIT OF CERTIORARI TO THE COURT OF CRIMINAL APPEALS (In re: David Lee Putnam v. State of Alabama) (Houston Circuit Court: CC-04-152.63; Criminal Appeals: CR-21-0303).

Writ Denied. No Opinion.

2023-0197 *Ex parte Charlie Dupree Harris* PETITION FOR WRIT OF CERTIORARI TO THE COURT OF CRIMINAL APPEALS (In re: Charlie Dupree Harris v. State of Alabama) (Madison Circuit Court: CC-18-3908; CC-20-119; Criminal Appeals: CR-20-0984).

Writ Denied. No Opinion.

JUSTICE SELLERS

2022-0825 *Lisa Hudspeth v. HH Health System-Marshall, LLC, d/b/a Marshall Medical Centers; Marshall County Health Care Authority; Marshall Medical Center North; Marshall County; and Gary Gore* (Appeal from Marshall Circuit Court: CV-20-900282).

Affirmed. No Opinion.

2023-0233 *Ex parte Kenneth Morrisette* PETITION FOR WRIT OF CERTIORARI TO THE COURT OF CRIMINAL APPEALS (In re: Kenneth Morrisette v. State of Alabama) (Mobile Circuit Court: CC-99-219.62; Criminal Appeals: CR-19-0851).

Writ Denied. No Opinion.

JUSTICE MENDHEIM

2022-0955 *Terica N. Evans v. Leona Evans; Wal-Mart Stores East, L.P.; Shunnarah Injury Lawyers, P.C.; Alexander Shunnarah; and Heidi DiLorenzo* (Appeal from Jefferson Circuit Court: CV-20-903199).

Affirmed. No Opinion.

2022-1026 *Apex Roofing & Restoration v. Angelica Groth and Claudia Reed* (Appeal from Mobile Circuit Court: CV-19-900332).

Affirmed. No Opinion.

2023-0181 *Ex parte Bernardo Castro-Gabriel* PETITION FOR WRIT OF CERTIORARI TO THE COURT OF CRIMINAL APPEALS (In re: Bernardo Castro-Gabriel v. State of Alabama) (Walker Circuit Court: CC-19-900056; Criminal Appeals: CR-20-0721).

Writ Denied. No Opinion.

2023-0217 *Ex parte Donald D'Zsan Lockett* PETITION FOR WRIT OF CERTIORARI TO THE COURT OF CRIMINAL APPEALS (In re: Donald D'Zsan Lockett v. State of Alabama) (Mobile Circuit Court: CC-13-4841.60; Criminal Appeals: CR-2022-0552).

Writ Denied. No Opinion.

JUSTICE STEWART

2022-0681 *Angelia Taylor, as personal representative of the Estate of Willie M. Latham, deceased v. Methodist Home for the Aging d/b/a Fair Haven and Maria Ephraim* (Appeal from Jefferson Circuit Court: CV-19-905045).

Affirmed.

2023-0057 *Ex parte Stephen Antonio Huntley* PETITION FOR WRIT OF CERTIORARI TO THE COURT OF CRIMINAL APPEALS (In re: Stephen Antonio Huntley v. State of Alabama) (Tallapoosa Circuit Court: CC-21-246; Criminal Appeals: CR-2022-0850).

Writ Denied. No Opinion.

2023-0171 *Ex parte K.D.C.* PETITION FOR WRIT OF CERTIORARI TO THE COURT OF CIVIL APPEALS (In re: K.D.C. v. S.L.L) (Lauderdale Juvenile Court: JU-14-623.03; Civil Appeals: CL-2022-0551).

Writ Denied. No Opinion.

2023-0206 *Ex parte Mikel Dewayne Pettway* PETITION FOR WRIT OF CERTIORARI TO THE COURT OF CRIMINAL APPEALS (In re: Mikel Pettway v. State of Alabama) (Mobile Circuit Court: CC-20-795; Criminal Appeals: CR-2022-0743).

Writ Denied. No Opinion.

JUSTICE MITCHELL

2023-0081 *Ex parte Timothy J. Richards* PETITION FOR WRIT OF CERTIORARI TO THE COURT OF CRIMINAL APPEALS (In re: Timothy J. Richards v. State of Alabama) (Walker Circuit Court: CC-98-142 and CC-99-20; Criminal Appeals: CR-2022-0865).

Writ Denied. No Opinion.

2023-0086 *Ex parte Curtis Walon Caver* PETITION FOR WRIT OF CERTIORARI TO THE COURT OF CRIMINAL APPEALS (In re: Curtis Walon Caver v. State of Alabama) (Jefferson Circuit Court: CC-19-2453; Criminal Appeals: CR-21-0333).

Writ Denied. No Opinion.

JUSTICE COOK

2022-0583 *Eric Reed d/b/a Analytical Testing Group v. City of Birmingham* (Appeal from Jefferson Circuit Court: CV-18-903079).

Affirmed. No Opinion.

2022-0610 *Jennifer Allen and Allen Insurance Agency, Inc. v. Allstate Insurance Company and John Bowers* (Appeal from Tuscaloosa Circuit Court: CV-18-188).

Affirmed. No Opinion.

2022-0675 *Hyundai Construction Equipment Americas, Inc., and Hyundai Heavy Industries Co., Ltd. v. Southern Lift Trucks, LLC* (Appeal from Washington Circuit Court: CV-22-900029).

Affirmed in Part. Reversed in Part.

2022-0676 *Hyundai Construction Equipment Americas, Inc., and Hyundai Heavy Industries Co., Ltd. v. Southern Lift Trucks, LLC* (Appeal from Washington Circuit Court: CV-22-900029).

Affirmed in Part. Reversed in Part.

2022-0971 *Serra Chevrolet, Inc. v. Samuel Hobbs* (Appeal from Jefferson Circuit Court: CV-22-128).

Affirmed. No Opinion.

2023-0205 *Ex parte Michael Briskey* PETITION FOR WRIT OF CERTIORARI TO THE COURT OF CRIMINAL APPEALS (In re: Michael Briskey v. State of Alabama) (Chambers Circuit Court: CC-21-900004; Criminal Appeals: CR-2022-0752).

Writ Denied. No Opinion.

2023-0218 *Ex parte Buddie Jackson* PETITION FOR WRIT OF CERTIORARI TO THE COURT OF CIVIL APPEALS (In re: National Auto Acceptance LLC Assignee v. Buddie Jackson) (Escambia Circuit Court: CV-14-900035; Civil Appeals: CL-2022-0832).

Writ Denied. No Opinion.

ON REHEARING

2022-0661 *James D. Bulger, Ricky Adams, and Greg Schmitt v. Pike Road Investments, LLC; Kitchens Investments, Inc.; John W. Kitchens Adventures, LLC; Pike Road Manor, Ltd.; John William Kitchens; William Bradford Kitchens; John Mark Kitchens; and Caroline Kitchens* (Appeal from Autauga Circuit Court: CV-21-900069).

Application Overruled.