

# **IN THE CIRCUIT CRIMINAL COURT OF DALE COUNTY ALABAMA**

State of Alabama

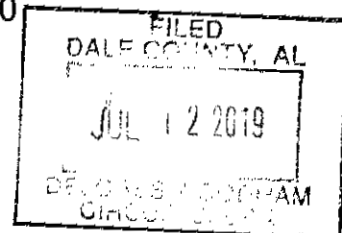
Plaintiff,

Vs.

Case No: CC-2019-000187.00

McCRANEY, Coley

Defendant



**MOTION TO INTERVENE OPPOSING THE PROPOSED MEDIA GAG ORDER WITH**

**MODIFICATIONS DISALLOWING EXCLUSIVE TELEVISION COVERAGE TO GRAY**

**AFFIDAVIT OF PREJUDICE / MOTION FOR RECUSALS/ DEPRAVED INDIFFERENCE MURDER**

State of Florida

SS

County of Walton

Comes Now the Affiant, Investigative Journalist John Burt Caylor publisher of Insider-Magazine.com, Dailyplanet.news and attests to the following;

LANDMARK COMMUNICATIONS, INC. v. VIRGINIA, (1978) No. 76-1450 the United States Supreme Court Held Criminal Prosecution by a State Statute to be Unlawful in a case on point with murder's to coverup Judicial and law enforcement corruption and issue Gag Orders against the media for exposing the same.

Under Penalty of Perjury, I John Burt Caylor Hereby declare, that I am over the age of 21 years, I am mentally competent and currently residing at 1678 J.D. Miller Road, Santa Rosa Beach, FL 32459.

STANDING AS INTERVENOR AND PROTECTION OF SOURCES – RESEARCH ASSISTANTS - Andrea Eggleston Mayo – the ex-wife of Dothan Police Officer, Lt Maurice "Mac" Eggleston – Kathryn Bauman, Westchester, NY. OTHERS, who along with this intervenor are jointly filing a Qui Tam proceeding against William Barr the Attorney General of the United States exposing full details of the Paramilitary Cabal they have evidence against.

Intervenor is an active member of the press, former member of the National Press Club at Washington, D.C. and Investigative Reporters and Editors of America. I seek to intervene in the instant case, because I firmly believe based upon my personal knowledge, experience, and participation with all due diligence assisting in an independent capacity the F.B.I. Counter-Intelligence Division since 2009 and before I am qualified to intervene on behalf of Justice for the victims.

I initially was undercover for the FBI and BATF after the mail-bomb murder of Federal Judge Robert Vance during December 1989, case name was VANPAC (Vance Political Assassination Conspiracy) VANPAC was an attack upon federal courts in the 11<sup>th</sup> Circuit and a later verified successful attempt to corrupt many Alabama and North Florida Federal and State Courts by a Russian Mafia aligned Paramilitary Cabal operating from within the United States, Panama and South America.

Media coverage of Defendant co-conspirator Walter Leroy Moody's case was kept secret away from eyes of Alabama and his trial was held in Minnesota aiding the continued existence of the paramilitary conspiracy of the Cabal.

The heavily protected Paramilitary Cabal who committed these murderous premeditated acts raise illegal funds to promote their rise to leadership in the United States promoting Nazi Ideology merged with (Kleptocracy an ideology promoted by Vladimir Lenin as his Fourth International) rule by thieves and Oligarchs.

I firmly believe based upon extensive facts and knowledge prior to July 31, 1999, continuing afterward that both J.B. Beasley and Tracie Hewlett were targeted victims of R.I.C.O. 18 U.S.C. Murder due to their intimate knowledge of the illegal Paramilitary Cabal whom they both had developed personal knowledge by their own investigation. Their deaths were not a random crime of opportunity but were cold calculated perfectly planned murder. Profiler's look at victims in sex crimes, study their backgrounds to uncover intended purpose and possible motives for their murders.

I can attest I have a heavily vested personal interest in this case as a journalist, publisher of Insider-Magazine.com, former publisher of Emerald Coast Times Print Magazine, Emerald Coast Times Publishing Company, Inc. a Florida corporation.

I currently have a Sealed outstanding warrant for my arrest in Baldwin County, Alabama for publishing hidden, expunged drug trafficking criminal records from Houston County of Scott Smith III who in his mid-20s was arrested for possession of a large amount of Meth, his record was sealed to allow him to obtain a law degree and he was placed inside the federal court at Mobile by Cabal leader Jeff Sessions, former Alabama Attorney General and United States Attorney General to Clerk and write court opinions for federal judges Virginia Smith Granade and Kristi DuBose.

Both Granade and Dubose were Alabama State prosecutors at Opp, Andalusia, Alabama who protected the Paramilitary Cabal importing illegal drugs using USAF C-130 aircraft and transitioned to the United States Attorney's office at Mobile under Jeff Sessions leadership.

Scott Smith III is the grandson of Thomas Smith, Sr. a Sicilian Organized crime principal and a founder of the Paramilitary Cabal, former owner of Low Cost Cars, Enterprise Toyota, Smith Toyota at Dothan, Marianna, Fl., Panama City, Florida. I was undercover inside Smith's operations in the late 70s and early 80s. At one time I was their used car manager at Dothan Toyota and right-hand man to his brother William Lorenzo Smith nicknamed "Godfather of Saint Andrews" at Panama City, Florida.

I know this criminal operation and was caught looking through their secret files about their still protected Big Pine Key and Key Marathon drug smuggling activities in October 1981, I had to flee for my life after escaping from them being held at gunpoint for 3 days. William Lorenzo Smith was in his 60s in 1981 and married Debbie Spring Smith who was barely 21 years old. She was the daughter of FBI supervisory agent John Spring at Panama City who was appointed as FBI Supervisory Special Agent at Jacksonville, Florida for the entire Southeast Region of the FBI. Gangsters have a habit of fornicating young daughters of top law enforcement leaders compromising them.

In February 2016 while in hiding from the Cabal at Daphne, Alabama, Jene Owens, Sr was sent for one of three unexpected sit-down and consulting meetings with him. Jene started with the FBI at Boston after WWII. He was Supervisory Special Agent, Director of the Mobile FBI and head of the Phenix City, Alabama FBI upon retirement. Jene and his agents co-authored the R.I.C.O. Act 18 U.S.C. to eradicate Organized Crime's grip on Phenix City and within the state of Alabama. His agents ran gangsters from Phenix City, and he gave me pointers and possible directions to take against the Cabal.

The FBI was constantly monitoring my computer searches, emails from victims emailing me financial data and hidden business records of the Paramilitary Cabal's child sex trafficking principals residing at or near Baldwin County, Alabama. Jene knew what I had uncovered with federal Judge Virginia Smith Granade, who with her sisters were deeded a plot of land and an abandoned School House at Nashville, TN, presold for them by the City for \$1.2 Million Dollars.

Granade's sisters include Sarah Smith Ballard, CIA/USAF General Bowen Ballard's family from Montgomery and Destin, FL, General Ballard is a close "personal friend" of Jeff Sessions. The FBI anticipated my pending arrest for violation of newly enacted Code of Alabama, 1975, §15-27-16 enacted by Alabama legislators a few years ago expressly to imprison members of the press who publish secret court corruption and felony criminal records of Principal actors and their family members through nepotism and other means who have violated R.I.C.O. 18 U.S.C. to include Murder statutes by 2 or more predicate acts. I desire this court to grant me Ex-Parte standing as a movant in these proceedings to Gag Order the Media and as reason Will Show the Following;

#### STATEMENT OF FACTS BEARING ON THE INSTANT CASE.

#### EXHIBIT "A" ATTACHED

The above case has much in common with court and law enforcement corruption and murder.

On May 21, 1998, City of Dothan vs Mary Elizabeth Lyman, Beth Lyman was arrested for Attempted Burglary in Case NO: CC- 1998-000617.00. Mrs. Lyman had friended me through my mother Nellie Ruth Caylor at Enterprise to seek federal criminal prosecution guidance and help after her arrest.

Mrs. Lyman's soon to be ex-husband Scott Lyman whose apartment she burglarized at Dothan during December 1997 was a USAF Pilot on Fort Rucker payroll flying C-130 Cargo Airplanes to Collins Sign Company at Napier Field, Alabama. The cargo on his shipments from China were Child Porn Master Video Tapes and Master Stills for duplication and national distribution at Movie Gallery, HQ at Dothan, Alabama, other items she mentioned were illegal exotic drugs from Southeast Asia and talk of Human Trafficking.

Mrs. Lyman downloaded over 350 child porn photos from her husband's computer all imported by him and the USAF to Napier Field. She intended to end the criminal network exposing them to Dothan Police and was promptly arrested for Burglary. I personally viewed the stills of 6-year-old to 14-year-old Chinese Female and Male Children engaging in sexual acts with older men.

After her arrest Alabama Bureau of Investigation narcotics agents were in physical custody of those photographs. I again saw many of those same photographs as a documented South Alabama Narcotics Intelligence operative of SANIP whose headquarters is in Mobile, Alabama. No Criminal or Civil case was ever instigated against Scott Lyman, USAF, Movie Gallery and their associates by the State of Alabama or the United States.

- Mrs. Lyman was referred by me in 1998 to Assistant United States Attorney Charles Teschner, Jr. whom I completely trusted at Montgomery. Beth reported back before August 1, 1999 that she was giving testimony and dealing with federal law enforcement officials and a federal grand jury during this time period. Louis Franklin the current United States Attorney also worked in that same office with Charlie Teschner. Afterward 2000 onward, I lost track of Beth Lyman due to other assignments and work with my investigative print magazine at Panama City Beach, FL. I do know for certain the FBI Child Sex-Trafficking Task Force had launched a search for her in July 2014.

According to a 40-year employee of the United States Attorney's Office my friend Charlie Teschner died in an automobile accident at St. Louis, Mo. On October 12, 2010 during the same time period the FBI Counter-Intelligence Division at Mobile was gearing up nationally to recover 2 of 6 Boeing Cruise Nuclear Missiles illegally hijacked-stolen from Minot, AFB to Barksdale AFB. Alabama Attorney General's office members who were reserve and active duty USAF pilots like Enterprise Judge Sonny Reagan were suspects along with other active and reserve duty USAF pilots in Alabama. Sonny Reagan was her judge in another Beth Lyman case against her in early 2000s time frame.

This intervenor quizzed Franklin's office this past week over existing grand jury documents on Beth's child-porn trafficking case and has not received a response from Mr. Franklin who also prosecuted Alabama Governor Donald Siegelman. Mark Everette Fuller in the 90s was District Attorney at Enterprise and he approached Beth and engaged in Beth's criminal case from Houston County from my recollections she stated that Fuller was going to help her, but Fuller was keenly aware of the Movie Gallery child porn allegations by Beth.

Mark Fuller further persecuted and prosecuted her for her revelations against the Paramilitary Cabal and Movie Gallery. After JB and Tracie's murder August 1, 1999, Mark Fuller sent my nephew Investigator Byron Caylor of the Enterprise Police Department to investigate JB and Tracie's murder under DEA authority.

Mark Fuller has held a continued interest in the Beasley-Hawlett murder case and is believed to be a principal actor in the Paramilitary Cabal who holds CIA, USAF, FBI contracts with his ownership of Doss Aviation "reported by reliable sources to be secretly shared with Senator Richard Shelby". Doss received legal filing notices at the federal courthouse addressed to Shelby's office prior to Fuller's appointment to the federal bench as Chief Federal Judge of the Middle District of Alabama.

- It is important to document that JB Beasley's former stepfather Joseph Burgoon was financially connected to Movie Gallery principals and J.B. at the time of her murder had been removed by Houston County DHR from her mother and placed in DHR Custody of Patti Rutland Simpson her dance instructor. EXHIBIT "B" Cheryl Burgoon vs Houston County Department of Human Resources. Attached hereafter. Exhibit (C), Burgoon, Charles R. Whiddon, Dothan Driving Range, L.L.C.
- Exhibit (D) Charles Robert Whiddon, M.G.A., Inc. merged from Video Investors, Inc. The Harrison Parrish incorporator of Video Investors I believe was former Houston County Coroner Hilton Parrish whom I knew to be a member of the Dixie Mafia who gave out orders for contract murders. Parrish from my recollections was the Chairman of Southeast Alabama Medical Center's Board of Directors at one time. This fact signifies a pattern and practice in other ongoing R.I.C.O. Act violations currently investigated by the F.B.I.

The night of her death it has been reported that she was to dance at her birthday party given in her honor by her dance instructor and guardian. I believe based upon diligent investigation that her dance was scheduled at a topless bar at Newton, Alabama owned by Alan "Frog" Johnson and sold to Jane Love of Ozark after JB and Tracie's murders, Johnson divested himself from all his Alabama Topless clubs immediately after their murders.

Johnson was a principal in the Cabal as an ex-deputy sheriff, State Attorney investigator and owner and front man of most all topless lounges in Southeast Alabama and Northwest, Florida. Johnson of Panama City, FL was executed in June or July 2014 with a bullet behind his ear and one to his face along with 2 others in a 3-day period. This writer based upon credible evidence was 4<sup>th</sup> on that list of persons to be killed that same weekend and was forewarned of possible violent events by the FBI's International Child Porn Human Trafficking Task Force Director operating from Simi Valley, CA.

Johnson's shooter (Derrick Ray Thompson) hid out at a 600-acre hunting lodge near Troy, Alabama owned by convicted pedophile Child Pornographer Travis Sanders of Troy and Destin, FL and Michael Zamperi of Mobile. The Hunting Lodge has a lake where Water-Airplanes can land, takeoff, an environment where law enforcement officers "were allowed to hunt" and be compromised by the Paramilitary Cabal.

Troy is home to a major Alabama State juvenile child detention center. This writer has undercover photos dating back to 2008 made by him of Alan Johnson and other convicted Child-Porn pornographers in public meetings.

Johnson's contract hit was a classic clean-up operation that began after the FBI began closing in on the Cabal in 2014. Johnson's murder was made to look like a crazed-up-drugged up associate murder spree.

## STATEMENT OF FACTS BEARING ON THE INSTANT CASE

DAVID JEROME HARRISON EXHIBIT'S (E), Audio CD EXHIBITS (F)(G)(H) Kirke Adams secretly recorded tape file during 2007, Coffee County Coroner Robert Preachers secretly recorded during 2007.

On or about the last week of March or April 1994 I was introduced to Defense Attorney David Jerome Harrison at Sunburst Nudist Resort near Jay, Florida. The Resort owner John T. Moorman from Las Vegas, Nevada had invited me to his nudist resort where children are intermingled with adults. I am certainly no fan or advocate of this type illicit activity, but Moorman sought to lure me with a \$15,000 donation and legal help to get me into his fold. Moorman owned Moorman Photography at St. Petersburg, Fl and had a pay to view section where users could pay to view child porn photos disguised as family portraits of their children. Moorman's website was hosted on United States (DIA) Defense Intelligence Agency Computer Servers at VA.

Previously in 1988-89 Moorman sought to deposit \$72,000 into my business bank account to fund Mafia lawyers Bennie Lazzara and Mike Gillick from Tampa for their legal fees for criminal representation of Bay County Sheriff Lavelle Pitts for Perjury.

Pitts was arrested and removed from office for lying to a grand jury about having sex with his female deputies. Pitts had saved my life in October 1981 after I was kidnapped and held at gunpoint for 3 days after a Mafia sit-down with Santos Trafficante present at the Foxfire Restaurant and Lounge in Panama City, Florida. Pitts criminal trial was rigged as the jury Forewoman knew Pitts when she was a teenager babysitting for him and his first wife. Pitts was acquitted as I was told he would be the exact date and time before the jury was seated.

John T. Moorman was co-owner of Alamo Title Company at Hudson, Florida with former Pasco County Florida Sheriff, John Short. Together the duo secretly gave and deeded valuable land and loaned money to many of America's top cops. Attorney Thomas Hogan of Brookville, Florida was Moorman and Short's attorney. Hogan also represented Topless Club owner Alan "Frog" Johnson whom JB Beasley was believed to dance at his Newton Club the night of her murder.

Travis Sanders the convicted pedophile and Child Pornographer, Troy Hunting Lodge owner was Hogan's business partner and attorney. Before his 2014 contract murder Johnson who was Sheriff Pitts top drug detective parked his 12-Seater Cessna at the Brooksville Airport and left it there. Johnson used his Cessna to transport children for adoption and sex in the Virgin Islands and United States. The IRS is conducting a criminal investigation of Hogan for money laundering in the Virgin Islands.

Geneva attorney David Harrison was in their fold. David professed to be a former Houston County, Alabama Deputy Sheriff who went to Jones Law School at night and worked for the federal Bureau of prisons. At the Bureau of prisons David was prison counselor to drug lord Carlos Lehder Rivas a former Chicago car thief turned major cocaine smuggler. The United States kidnapped Lehder Rivas who is still alive in federal custody near Milton, Florida.

David became an expert at managing Mafia hits on his own clients. The first one I knew was Geneva, Alabama resident J.W. Griffin and evidence of that contract hit, is in a secret 2007 audio tape CD conversation I made with D.A. Kirke Adams Exhibit (F) audio file. The Angel Whitley murder case and attempted coverup is discussed and David's standing to practice law after a federal felony conviction. During that 1994 meeting David offered free legal work and money to me if I would pinpoint for him Drug Drop Zones the United States Drug Enforcement Agency was watching near Black, Alabama. I refused and secretly turned him to my case agent who investigated him and charged him with conspiracy to distribute Meth. David was found guilty and spent 30 months in federal prison. Exhibit (E) One client who actively worked for David distributing large amounts of Meth after his release from federal prison was Stephen Lomax Preachers of Samson, Alabama.

Preachers brutally murdered 18-Month-Old Angel Whitley to stop her from crying by picking the child up by her feet slinging her into a running ceiling fan, then slammed Angel down head-first against a dresser top and back upon the bed. David and Coffee County Coroner Robert Preachers attempts to coverup this violent child murder are discussed with D.A. Adams who did not know he was being taped is a separate audio file Exhibit (F) Robert Preachers has his own audio file knowingly covering up Mafia murders included on the CD Exhibit.

#### REQUEST FOR REMOVALS AND MODIFICATIONS TO PROPOSED GAG ORDER IF ISSUED

COMES Now Intervenor and respectfully requests this court if a Gag order is issued that Gray Television Group not be allowed as the single TV Station to have exclusive coverage as Gray Media was initially funded by John Patronis a resident of Panama City Beach, FL is a member and financial backer of the Paramilitary Cabal and with their ownership of WJHG-TV they along with other media controlled and hid the Cabal's activities for a extended time period to allow the Cabal to flourish.

This Intervenor seeks to remove District Attorney Kirke Adams and his office from future proceedings in this action as listening to the 2007 audio file CD casts grave doubt that Justice will be served and that his prior knowledge of the Paramilitary Cabal and failure to act against it is due to Depraved Indifference.

This Intervenor seeks to remove Judge Filmore from these proceedings based upon the same set of facts as Kirke Adams who worked for many years in the D.A.s office and that Filmore whose daughter in law is Governor Kay Ivey's Chief of Staff and Filmore's son is employed with the State of Alabama in an executive capacity. Kay Ivey appears to have a vested interest in protecting the Paramilitary Cabal and as Governor of Alabama from criminal prosecution as she has not done anything during her past tenure as State Treasurer and Governor to end the operation of the Criminal Syndicate operating inside Alabama's judicial system.

Respectfully Submitted, this the 11<sup>th</sup> Day of July 2019.

John Burt Caylor intervenor

\_\_\_\_\_  
1678 J.D. Miller Rd  
Santa Rosa Beach, FL 32459  
1-850-687-7522  
[johnc@dailyplanet.news](mailto:johnc@dailyplanet.news)

I Hereby Certify that I have this date sent a hand delivered copy of the foregoing to Dale County District Attorney Kirke Adams to his office.

\_\_\_\_\_  
  
Notary Public

On this the 11<sup>th</sup> Day of July 2019, John Burtis Caylor who identified himself to me by \_\_\_\_\_ and  
Personally, appeared before me and has placed his signature on the foregoing Affidavit and Swears  
It to be true to the best of knowledge and belief and composed by him.

\_\_\_\_\_  
NOTARY PUBLIC

MY COMMISSION EXPIRES ON \_\_\_\_\_

MY ADDRESS \_\_\_\_\_



# Exhibit A



# Just One Look™

Alabama's ON-DEMAND Public Access to Trial Court Records.

www.AlacourtAccess.com

## ALABAMA SJIS CASE DETAIL



County: **38** Case Number: **CC-1998-000617.00**  
Style: **CITY OF DOTHAN V. LYMAN MARY ELIZABETH**

Prepared For: **JOHN CAYLOR**  
Court Action: **DISMISSED W/CONDITIONS**

Real Time

### Case

#### Case Information

County: **38-HOUSTON** Case Number: **CC-1998-000617.00** Judge: **LKA-LARRY K ANDERSON**  
Defendant Status: **BOND** Trial Type: Charge: **ATTEMPTED BURGLARY**  
Related Cases: Court Action: **DISMISSED W/CONDITIONS**  
Probation Office #: **0-000000-00** Probation Office Name:  
Jury Demand: **False** Traffic Citation #: **MC98000436** DL Destroy Date:  
Grand Jury Court Action: Inpatient Treatment Ordered: Previous DUI Convictions: **000**

#### Case Initiation

Case Initiation Date: **05/21/1998** Case Initiation Type: **ARREST** Offense Date: **12/27/1997**  
Filing Date: **06/03/1998** Agency ORI: Arresting Agency Type: **MUNICIPAL**  
Arrest Date: **05/21/1998** Arresting Officer: City Code/Name: **01 DOTHAN**  
Indictment Date: Grand Jury: Domestic Violence:

#### Defendant Information

Name: **LYMAN MARY ELIZABETH** Alias 1: Alias 2:  
Address 1: **RT 4 BOX 682-B** Address 2:  
City: **ENTERPRISE** State: **AL** Zip: **36330-0000** Country:  
DOB: **03/28/1960** SSN: **XXX-XX-X898** Phone: **0**  
Driver License N°: State ID: **000000000** Eyes/Hair: /  
Height: **0'00"** Weight: Race/Sex: **W/F**  
Youthful Date:  
AL Institutional Service Num:

#### Attorneys

Number	Attorney Code	Type of Counsel	Name	Email	Phone
Prosecutor 1	WHI035		WHITE FREDDIE LENTON II	LWHITE@DOTHAN.ORG	(334) 615-3130
Attorney 1	CRE005	A-APPOINTED	CRESPI MICHAEL ALBERT	QFABIUSC@AOL.COM	(334) 702-9434

#### Warrant Information

Warrant Issuance Date: **02/23/1999** Warrant Issuance Status: **A** Description: **ALIAS WARRANT**  
Warrant Action Date: Warrant Action Status: Description:  
Warrant Location Date: Warrant Location Status: Description:  
Number Of Warrants: **001**

#### Bond Information

Bond Amount: **500.00** Bond Type: Bond Type Desc:  
Bond Company: Surety Code: **000** Release Date: **05/21/1998**  
Failed to Appear Date: Bondsman Process Issuance: Bondsman Process Return:

Appeal Date:	Appeal Case Number:	Appeal Court:
Appeal Status:	Orgin Of Appeal:	
Appeal To:	Appeal To Desc:	LowerCourt Appeal Date:
Disposition Date Of Appeal:	Disposition Type Of Appeal:	

Transfer to Admin Doc Date:	Transfer Reason:	Transfer Desc:
Number of Subpoenas: <b>016</b>	Last Update: <b>12/13/1999</b>	Updated By: <b>AML</b>

	<u>Date:</u>	<u>Que:</u>	<u>Time:</u>	<u>Description:</u>
1	06/17/1998	002	09:00 AM	ARRG - ARRAIGNMENT
2	02/22/1999	010	08:30 AM	JTRL - TRIAL

Court Action:	<b>T-DISMISSED W/CONDITIONS</b>	Court Action Date:	<b>02/23/1999</b>
Date Trial Began but No Verdict (TBNV1):			
Date Trial Began but No Verdict (TBNV2):			

#	Code	ID	Description	Cite	Type Description	Category	Class
001	APPL		CASE APPEALED ON	- -	MISDEMEANOR	DOCKET/MISC	

#	Code	ID	Description	Cite	Type Description	Category	Class	Court Action	Court Action Date
001	APPL		CASE APPEALED ON	- -	MISDEMEANOR	DOCKET/MISC		DISMISSED W/CONDITION S	02/23/1999

Requirements Completed:	<b>NO</b>	Sentence Provisions:	<b>Y</b>	Jail Credit Period:	<b>0 Years, 0 Months, 0 Days.</b>
Sentence Date:	<b>02/23/1999</b>	Sentence Start Date:		Sentence End Date:	
Probation Period:	<b>0 Years, 0 Months, 0 Days.</b>	Probation Begin Date:		Probation Revoke:	
License Susp Period:	<b>0 Years, 0 Months, 0 Days.</b>	Last Update:	<b>02/23/1999</b>	Updated By:	<b>AML</b>

Costs:	X	Fine:	Fine Imposed:	0.00	Fine Suspended:	0.00	Immigration Fine:
Crime Victims Fee:	X		Crime History Fee:		License Suspension Fee:		Drug User Fee:
WC Fee 85%:			Municipal Court:		Jail Fee:		Drug Docket Fees:
WC Fee DA:			Removal Bill:		Amt Over Minimum CVF:		Alias Warrant:
SX10:	Prelim Hearing:		Attorney Fees:		Demand Reduction Hearing:		Subpoena:
							X
							X

[illegible]

## Confinement

Imposed Confinement Period: **0 Years, 0 Months, 0 Days.**

Total Confinement Period: **0 Years, 0 Months, 0 Days.**

Life Without Parole:

Jail:

Split:

Concurrent Sentence:

Chain Gang: **0**

Life:

Reverse Split:

Consecutive Sentence:

Suspended Confinement Period **0 Years, 0 Months, 0 Days.**

Penitentiary:

Boot Camp:

Death:

Electronic Monitoring: **-0**

Coterminous Sentence:

## Programs

Jail Diversion:

Dui School:

PreTrail Diversion:

Court Referral Program:

Anger Management Program:

Community Service:

Informal Probation:

Defensive Driving Shcool:

Bad Check School:

Alternative Sentencing:

Doc Community Corrections:

Community Service Hrs: **0**

Alcoholics Anonymous:

Doc Drug Program:

Mental Health:

Drug Court:

Jail Community Corrections:

## Enhanced

Drug Near Project:

Habitual Offender:

Drug:

Drug Measure Unit:

Sex Offender Community Notification:

Habitual Offender Number: **0**

Drug Code:

Drugs Near School:

Victim DOB:

Drug Volume: **0.00**

**\*Key: x = ordered by judge and should be collected. m = ordered by judge but remitted immediately. n = normally assessed but ordered to 'not collect**

## Linked Cases

Sentencing Number	Case Type	Case Type Description	CaseNumber
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## Enforcement

### Enforcement

Payor:	<b>D001</b>	Enforcement Status: <b>SATISFIED; ALL MONIES PAID</b>	Placement Status:
Amount Due:	<b>\$500.00</b>	Amount Paid: <b>\$500.00</b>	Balance: <b>\$0.00</b>
Due Date:	<b>06/01/1999</b>	Last Paid Date: <b>12/13/1999</b>	Frequency Amt: <b>\$0.00</b>
Over/Under Paid:	<b>\$0.00</b>	TurnOver Date:	D999 Amt: <b>\$0.00</b>
PreTrial:	<b>YES</b>	PreTrail Date:	Pre Terms Date: <b>03/03/1999</b>
Delinquent:	<b>YES</b>	Delinquent Date:	DA Mailer Date:
Warrant Mailer:	<b>YES</b>	Warrant Mailer Date:	Updated By: <b>AML</b>
Comments:		Last Update: <b>12/13/1999</b>	

## Financial

### Fee Sheet

Fee Status	Admin Fee	Fee Code	Payor	Payee	Amount Due	Amount Paid	Balance	Amount Hold	Garnish Party
ACTIVE	N	MM01	D001	000	\$111.00	\$111.00	\$0.00	\$0.00	
ACTIVE	N	MM51	D001	000	\$32.00	\$32.00	\$0.00	\$0.00	
ACTIVE	N	SF30	D001	000	\$128.00	\$128.00	\$0.00	\$0.00	
ACTIVE	N	MM71	D001	000	\$12.50	\$12.50	\$0.00	\$0.00	
ACTIVE	N	MM72	D001	000	\$12.50	\$12.50	\$0.00	\$0.00	
ACTIVE	N	SO75	D001	000	\$30.00	\$30.00	\$0.00	\$0.00	
ACTIVE	N	F001	D001	D001	\$174.00	\$174.00	\$0.00	\$0.00	

N	B001	D001	S001	\$500.00	\$0.00	\$500.00	\$0.00
Total:				\$500.00	\$500.00	\$0.00	\$0.00

Financial History

Transaction Date	Description	Disbursement Account	Transaction Batch	Receipt Number	Amount	From Party	To Party	Money Type	Admin Fee	Reason	Attorney	Operator
06/05/1998	RECEIPT	B001	1998113	364640	\$500.00	D001	S001		N			PAS
12/13/1999	TRANSFER FRM	B001	2000037	471650	\$500.00	D001	S001		N			AML
12/13/1999	TRANSFER TO	MM01	2000037	471660	\$111.00	D001	000		N			AML
12/13/1999	TRANSFER TO	MM51	2000037	471661	\$32.00	D001	000		N			AML
12/13/1999	TRANSFER TO	SF30	2000037	471662	\$128.00	D001	000		N			AML
12/13/1999	TRANSFER TO	MM71	2000037	471663	\$12.50	D001	000		N			AML
12/13/1999	TRANSFER TO	MM72	2000037	471664	\$12.50	D001	000		N			AML
12/13/1999	TRANSFER TO	SO75	2000037	471665	\$30.00	D001	000		N			AML
12/13/1999	TRANSFER TO	F001	2000037	471666	\$174.00	D001	D001		N			AML
12/15/1999	CHECK	F001	2000038	115111	\$174.00	D001	D001					AML

SJIS Witness List

					Subpoena		
Witness #	Name	Requesting Party	Attorney	Date Issued	Issued Type	Date Served	Service Type
W001	ROBERT S. LYMAN	000		01/27/1999			
W002	BOBBY ACKRIDGE	000		01/27/1999			
W003	RONALD PINES	000		01/27/1999			
W004	SCOTT LYMAN	000		01/27/1999			
W005	PAYROLL CLERK	000		01/27/1999			
W006	HON MARK FULLER	000		01/27/1999			
W007	OFFICER MICHAEL BING	000		01/27/1999			
W008	DISPATCHER	000		01/27/1999			

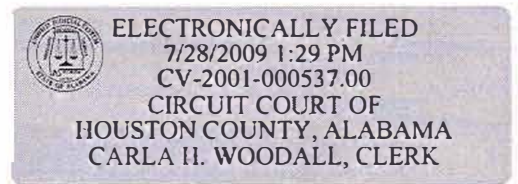
Case Action Summary

Date:	Time	Code	Comments	Operator
6/5/1998	11:04 AM	FILE	FILED THIS DATE: 06/03/98	PAS
6/5/1998	11:04 AM	CHG1	CHARGE AT FILING OF: ATTEMPTED BURGLARY	PAS
6/5/1998	11:04 AM	BOND	BOND SET FOR: \$500.00	PAS
6/5/1998	11:04 AM	RELE	DEFENDANT RELEASED ON: 05/21/98	PAS
6/5/1998	11:04 AM	ARRS	DEFENDANT ARRESTED ON: 05/21/98	PAS
6/5/1998	11:04 AM	OFDT	OFFENSE DATE OF: 12/27/97	PAS
6/5/1998	11:04 AM	DAT2	SET FOR: TRIAL ON 08/17/98 AT 0900A	PAS
6/5/1998	11:04 AM	DAT1	SET FOR: ARRAIGNMENT ON 06/17/98 AT 0900A	PAS
6/5/1998	11:04 AM	ATY1	ATTORNEY FOR DEFENDANT: ETHEREDGE, STEPHEN T	PAS
6/8/1998	3:10 AM	DOCK	DOCKET NOTICE MAILED ON 06/09/98	PAS
6/15/1998	11:22 AM	PRTY	PARTY ADDED W001 ROBERT S. LYMAN	PAS
6/15/1998	11:22 AM	PRTY	PARTY ADDED W002 BOBBY ACKRIDGE	PAS
6/15/1998	11:26 AM	PRTY	PARTY ADDED W003 RONALD PINES	PAS
6/15/1998	11:26 AM	PRTY	PARTY ADDED W004 SCOTT LYMAN	PAS
6/19/1998	1:56 PM	ATY1	ATTORNEY FOR DEFENDANT: NEWMAN, MALCOLM R	JUB
10/14/1998	11:55 AM	DAT2	SET FOR: TRIAL ON 01/01/99 AT 0900A	JUB
11/23/1998	5:00 PM	DAT2	SET FOR: TRIAL ON 12/16/98 AT 0830A	JUB
11/30/1998	12:03 PM	SUBP	WITNESS SUBPOENA ISSUED	PAS

12/7/1998	1:44 PM	ATY1	ATTORNEY FOR DEFENDANT: CRESPI, MICHAEL A	PAS
12/9/1998	4:11 PM	PRTY	PARTY ADDED W005 PAYROLL CLERK	EDP
12/9/1998	4:12 PM	SUBP	WITNESS SUBPOENA ISSUED	EDP
12/10/1998	9:10 AM	PRTY	PARTY ADDED W006 HON MARK FULLER	EDP
12/10/1998	9:10 AM	SUBP	WITNESS SUBPOENA ISSUED	EDP
12/14/1998	3:37 PM	PRTY	PARTY ADDED W007 OFFICER MICHAEL BING	EDP
12/14/1998	3:37 PM	SUBP	WITNESS SUBPOENA ISSUED	EDP
12/14/1998	3:38 PM	PRTY	PARTY ADDED W008 DISPATCHER	EDP
12/14/1998	3:38 PM	SUBP	WITNESS SUBPOENA ISSUED	EDP
12/16/1998	9:47 AM	DAT2	SET FOR: TRIAL ON 02/22/99 AT 0830A	PAS
1/19/1999	4:11 PM	DAT2	SET FOR: TRIAL ON 02/22/99 AT 0830A	JUB
1/27/1999	10:28 AM	SUBP	WITNESS SUBPOENA ISSUED	PAS
2/23/1999	11:33 AM	AWAR	ALIAS WARRANT ISSUED ON 02/23/99	AML
2/23/1999	11:33 AM	BFOR	BOND FORFEITURE NOTICE SENT TO DEFENDANT	AML
2/23/1999	11:33 AM	BFOR	BOND FORFEITURE NOTICE SENT TO S001	AML
2/23/1999	1:43 PM	DISP	DISPOSED ON: 02/23/99 BY DIS/CON	AML
2/23/1999	1:49 PM	SNTD	DEFENDANT SENTENCED ON: 02/23/99	AML
2/23/1999	1:49 PM	PROV	PROVISION ADDED: COURT COSTS	AML
2/23/1999	1:49 PM	PROV	PROVISION ADDED: CRIME VICTIM	AML
3/3/1999	2:57 AM	PTRM	PAYMENT TERMS NOTICE MAILED 03/04/99	AOC
3/4/1999	2:45 AM	PTRM	PAYMENT TERMS NOTICE MAILED 03/05/99	AOC
12/13/1999	3:58 PM	D001	ENF PLACEMENT STATUS SET TO: "H" (FE52)	AML
12/13/1999	3:58 PM	D001	PAYMENT FREQUENCY SET TO: "L" (FE52)	AML
12/13/1999	3:59 PM	D001	PAID IN FULL; ENF STATUS IS "S" (FE52)	AML



**END OF THE REPORT**



IN THE CIRCUIT COURT OF HOUSTON COUNTY, ALABAMA

BURGOON CHERYL  
INDIVIDUALLY,

Plaintiff,

V.

ALABAMA STATE DEPARTMENT  
OF,  
HOUSTON COUNTY  
DEPARTMENT OF,  
SKIPPER TABITHA,  
SIMPSON PATTI,  
GIBSON DONNA,  
BURGOON JOSEPH ET AL,

Defendants.

Case No.: CV-2001-000537.00

ORDER

This case is hereby dismissed.

DONE this 28<sup>th</sup> day of July, 2009.

/s HENRY D "BUTCH" BINFORD

CIRCUIT JUDGE



On or about October 6, 1998, Defendant Burgoon and Defendants, Houston County DHR and Skipper caused to be filed petitions in the Juvenile Court of Houston County, Alabama, alleging that J.B. Beasley was dependent. As a result of these petitions, J. B. Beasley was taken into the custody of the Department of Human Resources.

The Plaintiff avers that the Defendants violated established rules and procedures and placed the minor child J. B. Beasley in the care, custody and control of Defendant Simpson. Plaintiff avers that the Defendant Simpson was not an approved foster parent or an approved family or relative resource and that said placement by Defendants was in violation of administrative procedures then in force by DHR.

The Plaintiff avers that the Defendants were directed by the juvenile court to establish specific rules and conditions of conduct, that the Defendants failed to establish and enforce specific rules and conditions of conduct and behavior.

Defendants continued to allow J.B. Beasley to live with Defendant Simpson.

Plaintiff alleges that on or about July 31, 1999, the Defendant Simpson, allowed J. B. Beasley to visit Defendant Burgoon. Plaintiff avers that Defendant Burgoon, was not the father nor a relative resource, and that Defendant Burgoon had no legal right to visit with J. B. Beasley.

Sometime during the night of July 31, 1999, and the morning of August 1, 1999, Plaintiff avers that Defendants Simpson and Burgoon failed to adequately supervise J. B. Beasley. As a direct and proximate result of this failure to properly and adequately supervise J. B. Beasley, the minor child was left on her own. On or about August 1, 1999, the minor child J. B. Beasley was found shot to death in the trunk of her automobile.



## Rules and Regulations for J. B. Beasley

1. Curfew Sunday thru Thursday 9 p.m..
2. Curfew Friday and Saturday 12 a.m..
3. Places allowed to go: work, school, dance, and church.
4. No physical contact with parties involved in custody without DHR's presence or consent.
5. Phone contact with parties involved should be minimal and at J.B.'s discretion.
6. School must be attended daily and grades should be brought up.
7. Obey and respect Patty and Bret Simpson.
8. Do not speak with any attorney other than Martin Adams.
9. Allowed visits with boyfriend in supervised settings.
10. Contact DHR with any questions or problems.
11. The Simpson's should know where J.B. is at all times.
12. DHR is to receive copies of all progress reports and report cards.
13. Any plans to go out of town should be approved with DHR.

J.B. Beasley  
J.B. Beasley

Heidi C. Piter  
Houston County DHR

Patty Simpson  
Patty Simpson

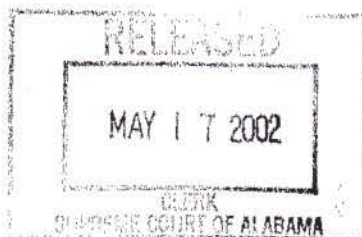
Latisha Skipper  
Houston County DHR

**FILED**

JUL 01 2002

Judy Byrd  
JUDY BYRD, CLERK

Defendants' Exhibit C

**FILED**

MAY 20 2002

*Paul R. Burd*  
CLERK  
HOUSTON CO., AL.

Notice: This opinion is subject to formal revision before publication in the advance sheets of Southern Reporter. Readers are requested to notify the Reporter of Decisions, Alabama Appellate Courts, 300 Dexter Avenue, Montgomery, Alabama 36104-3741 ((334) 242-4621), of any typographical or other errors, in order that corrections may be made before the opinion is printed in Southern Reporter.

## SUPREME COURT OF ALABAMA

OCTOBER TERM, 2001-2002

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1010345

---

Cheryl Burgoon, individually and as administratrix of the  
estate of J.B. Beasley, deceased

v.

Alabama State Department of Human Resources et al.

Appeal from Houston Circuit Court  
(CV-2001-537)

WOODALL, Justice.

Cheryl Burgoon, individually and as administratrix of the estate of her daughter, J.B. Beasley, deceased, appeals from a judgment dismissing her complaint against, among others, the Alabama State Department of Human Resources and the Houston

1010345

County Department of Human Resources (hereinafter referred to collectively as "DHR"). We affirm in part, reverse in part, and remand.

According to the undisputed facts, 17-year-old J.B. Beasley was murdered. Her body was discovered locked in the trunk of her automobile; she had suffered a gunshot wound to the head. At the time of the murder, Beasley was in the legal custody of the Houston County Department of Human Resources.

On July 31, 2001, Burgoon commenced a wrongful-death action in the Houston Circuit Court against DHR and certain individuals, among whom were employees of DHR. The complaint alleged, among other things, that certain individuals had failed to supervise Beasley. It averred that "none of the Defendants can account for J.B. Beasley's whereabouts on the night of her death," and that the homicide occurred "[a]s a direct and proximate result of [the] failure to ... supervise." The complaint included claims for damages against DHR and against its employees in their individual and official capacities.

On August 8, 2001, one of the individual defendants moved to disqualify Burgoon's attorney, on the ground that the



1010345

attorney would become a material witness in the case. On August 27, 2001, the trial court entered on the case-action-summary sheet an order scheduling a hearing on October 2, 2001, for "[a]ll pending motions." Subsequently, the defendants filed motions for dismissal. In particular, the individual defendants filed motions to dismiss pursuant to Ala. R. Civ. P. 12(b)(6) on August 30, 2001, and August 31, 2001. On September 5, 2001, DHR and one of its employees filed a joint "Motion to Dismiss Pursuant to [Ala]. R. Civ. P. 12, or in the Alternative, Motion for Summary Judgment Pursuant to [Ala]. R. Civ. P. 56." Accompanying the latter motion was the employee's affidavit. On September 21, 2001, that is, 11 days before the scheduled hearing, the trial court entered the following order on the case-action-summary sheet: "Motions to dismiss as to all defendants are hereby granted." From that judgment, Burgoon appealed.

Burgoon contends that the trial court erred in granting the defendants' motions to dismiss without a hearing. She relies on Ala. R. Civ. P. 78, which states, in pertinent part:

"To expedite further its business, unless there is a request for oral hearing, the court may enter an order denying a motion to dismiss without oral hearing. Unless the court orders otherwise, an

1010345

order granting a motion to dismiss shall be deemed to permit an automatic right of amendment of the pleading to which the motion is directed within ten (10) days from service of the order."

(Emphasis added.) Particularly instructive are the "Committee Comments on 1973 Adoption" to Rule 78, which state, in part:

"It is to be noted that the last sentence of the rule prohibits the granting of a Motion Seeking Final Judgment such as a Motion for Summary Judgment without giving the parties an opportunity to be heard orally.

"... In the event the court has any inclination toward the granting of the motion to dismiss, a hearing will continue to be required."

(Emphasis added.)

It is clear that the requirements of Rule 78 differ, depending on whether the trial court contemplates granting, as opposed to denying, a motion for a final judgment. Under the plain language of the rule and the comments to the rule, a trial court may not grant a motion to dismiss without a hearing, although, in some circumstances, it may deny such a motion. Cf. Van Knight v. Smoker, 778 So. 2d 801, 805 (Ala. 2000) (except in "certain limited circumstances," Rule 56(c), Ala. R. Civ. P., entitles the parties to a hearing on a summary-judgment motion).

1010345

There is one notable exception to this rule. Under Alabama caselaw, a "circuit court is without jurisdiction to entertain a suit against the State because of [Ala. Const. 1901, § 14]." Aland v. Graham, 287 Ala. 226, 229, 250 So. 2d 677, 678 (1971). "Therefore, it appears that a trial court or an appellate court should, at any stage of the proceedings, dismiss a suit when it becomes convinced that it is a suit against the State and contrary to Sec. 14 of the Constitution." 287 Ala. at 229, 250 So. 2d at 678 (emphasis added).

A suit against a State agency, or against State agents in their official capacities, is a suit against the State. Ex parte Mobile County Dep't of Human Res., [Ms. 1992252, May 25, 2001] \_\_\_ So. 2d \_\_\_ (Ala. 2001); Ex parte Alabama Dep't of Forensic Sciences, 709 So. 2d 455 (Ala. 1997); Ex parte Franklin County Dep't of Human Res., 674 So. 2d 1277, 1279 (Ala. 1996); Alabama State Docks v. Saxon, 631 So. 2d 943, 946 (Ala. 1994). State agents enjoy absolute immunity from suit in their official capacities. "[A] county department of human resources is considered to be a State agency for purposes of asserting the defense of sovereign immunity." Ex parte



1010345

Franklin County Dep't of Human Res., 674 So. 2d at 1279. A trial court must dismiss an action against a State agency or against a State agent acting in an official capacity at the earliest opportunity. The trial court did not err in dismissing the claims against DHR and against its employees in their official capacities, because facially these claims were claims against the State.

The DHR employees in their individual capacities, however, enjoy only qualified immunity from suit. Ex parte Tuscaloosa County, 796 So. 2d 1100, 1106 (Ala. 2000). The law of qualified immunity was succinctly restated in Ex parte Cranman, 792 So. 2d 392, 405-06 (Ala. 2000), adopted by a majority of this Court in Ex parte Butts, 775 So. 2d 173 (Ala. 2000). The claims against the individuals in their individual capacities are not subject to the "notable exception" to Rule 78, because such claims are not claims against the State.

The trial court erred, therefore, in granting the motions to dismiss the claims against all individual defendants in their individual capacities without conducting a hearing. To the extent the judgment dismissed the claims against the individuals in their individual capacities, that judgment is

1010345

reversed, and the cause is remanded for further proceedings consistent with this opinion. To the extent it dismissed the claims against DHR and against the individual defendants in their official capacities, the judgment is affirmed.

AFFIRMED IN PART; REVERSED IN PART; AND REMANDED.

Houston, See, Lyons, Brown, Johnstone, Harwood, and Stuart, JJ., concur.

Moore, C.J., concurs in part and dissents in part.



1010345

MOORE, Chief Justice (concurring in part and dissenting in part).

I concur in reversing the trial court's order insofar as it dismissed the claims against the DHR employees in their individual capacities; however, I dissent from that part of the majority opinion affirming the trial court's order dismissing the claims against DHR and its employees in their official capacities without a hearing.

CHERYL BURGOON, Individually  
and as Administratrix of the  
ESTATE OF J. B. BEASLEY,  
DECEASED,

PLAINTIFFS

vs.

ALABAMA STATE DEPARTMENT  
OF HUMAN RESOURCES, et al.

DEFENDANTS.

IN THE CIRCUIT COURT OF  
HOUSTON COUNTY, ALABAMA  
CASE NO.: CV-2001-537-H

**FILED**

JUN 28 2002

*Judy Byrd*  
JUDY BYRD, CLERK  
HOUSTON CO., AL

**SECOND MOTION TO DISMISS OF DEFENDANT PATTI SIMPSON**

THE DEFENDANT, Patti Simpson, by and through counsel, moves the Court to dismiss the Plaintiffs' First Amended Complaint against and/or as to her in its entirety because it fails to state a claim upon which relief may be granted. Defendant Simpson re-adopts and re-avers the objections and arguments made in her original Motion to Dismiss and, additionally, states that the allegations of the First Amended Complaint do not apply to her.

WHEREFORE the Defendant, Patti Simpson, moves the Court to dismiss the Plaintiffs' First Amended Complaint against and/or as to her in its entirety.

HARDWICK, HAUSE & SEGREST

By: *Jere C. Segrest*  
Jere C. Segrest (SEG005)  
ASB# 1759-S-80J

## THE SUPREME COURT OF ALABAMA

**FILED**

SEP 30 2002

September 25, 2002

*Judy Byrd*  
JUDY BYRD, CLERK  
HOUSTON CO., AL.

1012204

Cheryl Burgoon, individually and as administratrix of the estate of J. B. Beasley, deceased v. Alabama State Department of Human Resources et al. (Appeal from Houston Circuit Court: CV-01-537).

NOTICE

Circuit clerk granted to and including October 8, 2002, to complete the record on appeal. No further extensions will be granted.

I Robert G. Esdale, Sr., as Clerk of the Supreme Court of Alabama, do hereby certify that the foregoing is a full, true and correct copy of the instrument(s) herewith set out as same appear(s) of record in said Court.

Witness my hand this 25th day of September 2002

*Robert G. Esdale, Sr.*  
Clerk, Supreme Court of Alabama



State of Alabama  
Unified Judicial System  
Form ARAP-4 9/91

# CERTIFICATE OF COMPLETION OF CLERK'S RECORD

Appellate Case Number  
1012204

TO THE CLERK OF THE: ☒ SUPREME COURT OF ALABAMA  
☐ COURT OF CIVIL APPEALS OF ALABAMA

DATE OF  
NOTICE OF APPEAL: August 13, 2002

## APPELLANT

Cheryl Burgoon, individually and as the Administratrix of Estate of J.B. Beasley

**APPELLEE** Alabama State Department of Human Resources Commission; Houston County Department of Human Resources; Tabitha Skipper; Patti Simpson; Donna Gibson; Joseph Burgoon; Glenda Peters; and Bill Fuller, individually and as Commissioner for the State of Alabama Department of Human Resources

I certify that I have this date completed the clerk's record by making a photocopy of each of the papers, exhibits, orders, etc. (as designated by the parties) (in the entire record) and I have included therein the original notice of appeal, (security for costs) ~~(supersedeas bond)~~, designations of the record on appeal, and appropriate indexes. All original paginations were removed or covered; all pages constituting the designated clerk's record are assembled chronologically in order of their filing by fastening at the left side; and all pages are numbered serially and in the upper right corner of the page. A copy of this certificate will appear as the last page of the clerk's record and the page number is affixed hereto.

I further certify that I am this date serving a copy of this certificate of completion on the court reporter and on counsel for each of the parties, along with a copy of the index. The designated clerk's record will remain in this office until the reporter's transcript is filed, at which time the record on appeal will be assembled and made available first to counsel for appellant and then to counsel for appellee as an aid in the preparation of their respective briefs.

DATED this 8th day of October, 2002, 19XXXXX

*Judy Byrd, Clerk*  
Circuit Clerk  
Houston  
County

(Amended October 1, 1991.)

<sup>1</sup>The court reporter is reminded that the designated reporter's transcript, prefaced by an appropriate index, is due to be filed in this office on October 8, 2002 19XXX 56 days from the date of the filing of the notice of appeal and that the pages of the transcript are to be numbered serially in the upper right corner of the page.

<sup>2</sup>Counsel for the respective parties are reminded that the record on appeal must be returned to this office in sufficient time for filing by this office with the clerk of the appellate court not more than 14 days from the filing of the appellee's brief—the same date on which appellant's reply brief, if any, is due to be filed.

*fld*



## SUPREME COURT OF ALABAMA



Robert G. Esdale  
Clerk  
Lynn Knight  
Assistant Clerk

Office of the Clerk  
300 Dexter Avenue  
Montgomery, AL 36104-3741  
(334) 242-4609

FILED

NOV 26 2001

*Sharon McLain*  
JUDY K. BERRY, CLERK  
HOUSTON CO., AL.

November 21, 2001

1010345

Cheryl Burgoon, individually and as administratrix of the estate of J. B. Beasley, deceased v. Alabama State Department of Human Resources et al. (Houston County Circuit Court : CV-2001-537)

**NOTICE**

You are hereby notified that an appeal has been docketed in this cause. Future correspondence should refer to the Supreme Court case number 1010345.

Counsel are urged to acquaint themselves with the amendments to the appellate rules which became effective October 1, 1991. See Gaston & Sabel, "Failure to Read this Article May Result in the Dismissal of Your Appeal," 52 Alabama Lawyer 252 (Sept. 1991). Also, counsel should pay particular attention to the "abeyance" procedure created by the February 1, 1994, amendments to Rule 4, ARAP. Failure to strictly comply with these rules and the other applicable rules of appellate procedure may result in the dismissal of your case.

**BRIEFS - EXTENSION OF TIME FOR FILING BRIEFS ON APPEAL:**

One 7-day extension of time, as provided by Rule 31(d), ARAP, may be granted to each side. If the appellant or cross-appellant obtains a 7-day extension to file the principal brief, no extensions will be granted for the appellant's or cross-appellant's reply brief. The party requesting the extension must write a letter to the Clerk confirming the granting of the extension and stating the date the brief will be due. A copy of the letter must be served on all other attorneys or parties.

For extensions involving appeals, please call Mrs. Sharon McLain or Mrs. Rebecca Norris. For extensions concerning briefs involving petitions for writ of certiorari, please call Mr. Ronald Berry or Mrs. Vicki Mims. Phone: (334) 242-4609.

Motions for enlargements of time to file the brief after the 7-day extension will not be granted unless EXTRAORDINARY GOOD CAUSE is shown. A heavy workload will not be considered as good cause. Unless there is an unanticipated event or emergency which results in extreme hardship, a motion for an enlargement of time will not be granted by this Court.

Any request for an enlargement of time must be made by motion and must be FILED in the Clerk's office BEFORE the first extension has expired.

**BRIEFS - NUMBER OF COPIES, COLOR OF COVERS, ETC.:**

Regular Appeals - An original and nine copies must be filed. Rule 32, ARAP, requires the following color of covers to be used on briefs - appellant/blue, appellee/red, intervenor or amicus curiae/green, reply/gray. (The rules do not indicate a color for the cover of the rehearing briefs, but white is suggested.) The certificate of



# IN THE SUPREME COURT OF ALABAMA

February 21, 2003

1012204

Cheryl Burgoon, individually and as administratrix of the estate of J.B. Beasley, deceased v. Alabama State Department of Human Resources et al. (Appeal from Houston Circuit Court: CV-01-537).

## CERTIFICATE OF JUDGMENT

of Affirmance

The appeal in this cause having been duly submitted, IT IS CONSIDERED, ORDERED AND ADJUDGED that the judgment of the court below is affirmed.

IT IS FURTHER ORDERED that the costs of appeal be taxed against the appellant(s) as provided by Rule 35, Alabama Rules of Appellate Procedure.

NO OPINION.

WOODALL, J. - Moore, C.J., and Houston, Lyons, and Johnstone, JJ., concur.

I Robert G. Esdale, Sr., as Clerk of the Supreme Court of Alabama, do hereby certify that the foregoing is a full, true and correct copy of the instrument(s) herewith set out as same appear(s) of record in said Court.

Witness my hand this 11th day of March 2003

*Robert G. Esdale, Sr.*  
Clerk, Supreme Court of Alabama

**FILED**

MAR 17 2003

*Judy Byrd*  
JUDY BYRD, CLERK  
HOUSTON CO., AL



Dothan Driving Range, L.L.C.	
Entity ID Number	650 - 825
Entity Type	Domestic Limited Liability Company
Principal Address	P O BOX 1124 DOTHAN, AL 36302
Principal Mailing Address	Not Provided
Status	Exists
Place of Formation	Houston County
Formation Date	8-9-1994
Registered Agent Name	WHIDDON, C ROBERT
Registered Office Street Address	1105 APPIAN WAY DOTHAN, AL
Registered Office Mailing Address	Not Provided
Nature of Business	OWN & OPERATE A GOLF DRIVING RANGE & RELATED BUSINESS
Capital Authorized	
Capital Paid In	
Members	
Member Name	WHIDDON, CHARLES
Member Street Address	Not Provided
Member Mailing Address	Not Provided
Member Name	WHIDDON, C ROBERT
Member Street Address	Not Provided
Member Mailing Address	Not Provided
Member Name	SNIDER, BRAD
Member Street Address	Not Provided
Member Mailing Address	Not Provided
Member Name	BURGOON, JOSEPH B JR
Member Street Address	Not Provided
Member Mailing Address	Not Provided
Transactions	
Transaction Date	9-22-1994
Miscellaneous Filing Entry	REPORT OF LLC FILED
Scanned Documents	
Purchase Document Copies	
Document Date / Type / Pages	8-9-1994 Certificate of Formation 4 pgs.
Document Date / Type / Pages	9-22-1994 Miscellaneous Entry 1 pg.

[Browse Results](#)
[New Search](#)



Video Investors, Inc.	
Entity ID Number	105 - 686
Entity Type	Domestic Corporation
Principal Address	DOTHAN, AL
Principal Mailing Address	Not Provided
Status	Merged
Merged Date	6-14-1991
Merged Into	M.G.A., Inc.
Place of Formation	Houston County
Formation Date	8-27-1985
Registered Agent Name	WHIDDON, CHARLES
Registered Office Street Address	1602 CHOCTAW ST DOTHAN, AL 36303
Registered Office Mailing Address	Not Provided
Nature of Business	VIDEO LEASING
Capital Authorized	\$1,000
Capital Paid In	---
Incorporators	
Incorporator Name	WHIDDON, CHARLES
Incorporator Street Address	Not Provided
Incorporator Mailing Address	Not Provided
Incorporator Name	WHIDDON, C ROBERT
Incorporator Street Address	Not Provided
Incorporator Mailing Address	Not Provided
Incorporator Name	CONWAY, JAMES E
Incorporator Street Address	Not Provided
Incorporator Mailing Address	Not Provided
Incorporator Name	HOLLIS, ROBERT H JR
Incorporator Street Address	Not Provided
Incorporator Mailing Address	Not Provided
Incorporator Name	PARRISH, HARRISON
Incorporator Street Address	Not Provided
Incorporator Mailing Address	Not Provided
Annual Reports	
Annual Report information is filed and maintained by the Alabama Department of Revenue. If you have questions about any of these filings, please contact Revenue's Business Privilege Tax Division at 334-242-1170 or <a href="http://www.revenue.alabama.gov">www.revenue.alabama.gov</a> . The Secretary of State's Office cannot answer questions about or make changes to these reports.	
Report Year	<a href="#">1988</a> <a href="#">1989</a> <a href="#">1990</a> <a href="#">1991</a>
Scanned Documents	
Purchase Document Copies	
Document Date / Type / Pages	8-27-1985 Certificate of Formation 4 pgs.

Browse Results

New Search



# Exhibit E

27BC, CLOSED

**U.S. District Court  
Alabama Middle District (Dothan)  
CRIMINAL DOCKET FOR CASE #: 1:97-cr-00002-DDD-1  
Internal Use Only**

Case title: USA v. Harrison

Date Filed: 01/02/1997

Date Terminated: 05/12/1997

Assigned to: Honorable David D.  
Dowd

Appeals court case number:  
97-6465

**Defendant**

**David J. Harrison (1)**  
*TERMINATED: 05/12/1997*

represented by **Joseph Peter Van Heest**  
Law Office of Joseph P. Van Heest,  
LLC  
P.O. Box 4026  
402 S Decatur St  
Montgomery, AL 36103  
334-263-3551  
Fax: 334-263-3227  
Email:  
[jpvanheestcourts@bellsouth.net](mailto:jpvanheestcourts@bellsouth.net)  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**  
*Designation: Retained*

**Stephen Roger Glassroth**  
Federal Defenders of the Middle  
District of Georgia, Inc.  
P.O. Box 996  
Macon, GA 31202-0996  
478-743-4747  
Fax: 478-743-4749  
Email: [steve\\_glassroth@fd.org](mailto:steve_glassroth@fd.org)  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**  
*Designation: Retained*

**Pending Counts**

**Disposition**

21:846/841(a)(1)  
CONSP:DISTB/POSS TO DISTB  
METHAMPHETAMINE -- NMT  
\$2,000,000; [\*]; NLT 5Y, NMT 20Y;  
B; NLT 3Y SUP REL; G-LINES;  
\$100 SA  
(1)

JUDGMENT ORDER committing the defendant to the custody of the U. S. Bureau of Prisons for imprisonment for a term of 30 months to stand committed at voluntary surrender to the designated institution before 2 p.m. on 6/16/97. The Court recommends a facility as close as possible to deft's place of residence. The Court further recommends that the deft. be allowed to participate in the shock incarceration program. A term of 3 years supervised release shall follow incarceration. A \$100.00 assessment fee is due this date.

**Highest Offense Level (Opening)**

Felony

**Terminated Counts**

None

**Highest Offense Level  
(Terminated)**

None

**Complaints**

None

**Disposition**

**Disposition**

**Plaintiff**

**United States of America**

represented by **Artur G. Davis**  
Balch & Bingham  
PO Box 306  
Birmingham, AL 35201-0306  
205-251-8100  
Fax: 266-8798  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

Date Filed	#	Docket Text
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## MEMBER SEARCH

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- **NOTE:** Before sending sensitive or confidential documents via e-mail, verify the recipient's address for accuracy.

**Name** Mr. David Jerome Harrison

**Address**

**PO Box 994**  
**Geneva , AL 36340-0994**

**E-mail** [davidjharrison@centurytel.net](mailto:davidjharrison@centurytel.net)

**Phone** (334) 684-8729

**Fax** (334) 684-8729

**Date Admitted** April 29, 1991

**Law School** Jones School of Law

01/02/1997		Copy of MOTION to Seal Indictment (numbered 2 of the 1/2/97 Grand Jury Docket) by USA as to Sealed Dft #1 (filed in Cr Misc No. 442) (snc) (Entered: 01/03/1997)
01/02/1997		Copy of Magistrate Judge Coody's ORDER entered in Cr Misc No. 442 sealing indictment numbered 2 of the 1/2/97 grand jury docket. (snc) (Entered: 01/03/1997)
01/02/1997	1	SEALED INDICTMENT as to Sealed Dft #1 (1) count(s) 1 (snc) (Entered: 01/03/1997)
01/02/1997		(Court only) **Added Government Attorney Artur G. Davis as to Sealed Dft #1 (snc) (Entered: 01/03/1997)
01/02/1997		Magistrate Judge Charles S. Coody assigned to case for discovery matters as well as matters subsequently referred by District Judge. (snc) (Entered: 01/03/1997)
01/03/1997	2	Arrest WARRANT issued as to Sealed Dft #1 (snc) (Entered: 01/03/1997)
01/09/1997	3	MOTION by Sealed Dft #1 to Unseal Indictment [3-1] referred to Mag. Judge Charles S. Coody (jct) (Entered: 01/09/1997)
01/09/1997	4	ORDER as to Sealed Dft #1 granting [3-1] motion to Unseal Indictment as to Sealed Dft #1 (1) ( Signed by Mag. Judge Charles S. Coody ) , Copies furnished to: USA, USM, USPO, USPTS (jct) (Entered: 01/09/1997)
01/09/1997		Indictment unsealed as to Sealed Dft #1 (jct) (Entered: 01/09/1997)
01/09/1997		ARREST of David J. Harrison (jct) (Entered: 01/10/1997)
01/10/1997		Initial appearance as to David J. Harrison held before Mag. Judge Susan R. Walker on 1/10/97 Arraignment at 10:00 1/16/97 for David J. Harrison before Mag. Judge Susan R. Walker at First Floor Courtroom (Defendant informed of rights.) (jct) (Entered: 01/10/1997)
01/10/1997	5	ORDER Setting Conditions of Release as to David J. Harrison Bond set to \$25,000.00 non-surety for David J. Harrison. ( Signed by Mag. Judge Susan R. Walker ) Copies mailed to: defendant and counsel, Copies furnished to: USA, USM, USPO, USPTS (jct) (Entered: 01/10/1997)
01/10/1997	6	BOND entered by David J. Harrison Bond set to \$25,000.00 non-surety for David J. Harrison. (jct) (Entered: 01/10/1997)
01/10/1997	7	Courtroom Deputy's Minutes as to David J. Harrison :Initial Appearance. Stephen Glassroth is retained counsel and will file notice of appearance. (Tape #1341) (jct) (Entered: 01/10/1997)
01/10/1997		(Court only) **Added ip party David J. Harrison, 702 North Iris Lane, Geneva, AL 36340 New address is: Reg. #09918-002, P. O. Box 2000, FPC Millington, Millington, Tennessee 38083-2000 (jct)

		Modified on 08/14/1997 (Entered: 01/10/1997)
01/10/1997		CASE assigned to Judge David D. Dowd Jr. (jct) (Entered: 01/10/1997)
01/10/1997	8	NOTICE of Appearance for David J. Harrison by Attorney Stephen Roger Glassroth (dkt clerk) (Entered: 01/10/1997)
01/10/1997		(Court only) ** District Judge Ira DeMent has assigned case to Visiting Judge David D. Dowd Jr. . (ekl) (Entered: 04/28/1997)
01/13/1997	9	ARRAIGNMENT NOTICE as to David J. Harrison ; Arraignment at 10:00 1/16/97 for David J. Harrison at First Floor Courtroom before Mag. Judge Susan R. Walker ; ARRAIGNMENT Notice sent to ATTORNEYS Stephen Roger Glassroth for defendant David J. Harrison, Artur G. Davis for plaintiff USA; furnished to USM, PO, PTSO; mailed to defendant. (dkt clerk) (Entered: 01/13/1997)
01/13/1997	10	Arrest WARRANT Returned Executed as to David J. Harrison on 1/9/97 (nhr) (Entered: 01/14/1997)
01/16/1997		ARRAIGNMENT as to David J. Harrison held before Mag. Judge Susan R. Walker on 1/16/97 Defendant(s) appeared with counsel and after having been advised of Defendant(s') rights, entered a plea of not guilty. (jct) (Entered: 01/16/1997)
01/16/1997		PLEA of Not Guilty: David J. Harrison (1) count(s) 1 ; Court accepts plea. (jct) (Entered: 01/16/1997)
01/16/1997	11	Courtroom Deputy's Minutes as to David J. Harrison :Arraignment. (Lewis Wimberly-Court Reporter) (jct) (Entered: 01/16/1997)
01/16/1997		Jury selection as to David J. Harrison set for 10:00 3/3/97 for David J. Harrison at U.S. Courthouse before Judge David D. Dowd Jr. (jct) (Entered: 01/16/1997)
01/16/1997		Jury trial as to David J. Harrison set for 10:00 3/3/97 for David J. Harrison at U.S. Courthouse before Judge David D. Dowd Jr. (jct) (Entered: 01/16/1997)
01/21/1997	12	ORDER on Arraignment as to David J. Harrison directing that Pretrial set 2:30 2/7/97 for David J. Harrison in Chambers before Mag. Judge Charles S. Coody; Jury Trial set 10:00 3/3/97 for David J. Harrison in U.S. Courthouse before Judge David D. Dowd Jr.; Discovery is due on or 1/21/97 for David J. Harrison; Pretrial Motions due by 1/30/97 for David J. Harrison; and government response to pretrial motions due 10 days from motion filing date. ( Signed by Mag. Judge Charles S. Coody ) Copies mailed to: Counsel, defendant, Copies furnished to: USA, USM, USPO, USPTS, Marie, Ace & Ridge (nhr) (Entered: 01/21/1997)
01/28/1997	13	MOTION/REQUEST by David J. Harrison for Notice of Government's Intention to Use Evidence [13-1] referred to Mag. Judge Charles S. Coody (nhr) (Entered: 01/29/1997)

01/28/1997	14	MOTION by David J. Harrison for Bill of Particulars [14-1] referred to Mag. Judge Charles S. Coody (nhr) (Entered: 01/29/1997)
01/28/1997	15	MOTION/REQUEST by David J. Harrison for Brady Exculpatory Material [15-1] referred to Mag. Judge Charles S. Coody (nhr) (Entered: 01/29/1997)
01/28/1997	16	MOTION by David J. Harrison for Disclosure of of Agreements between the Government and Government Witnesses [16-1] referred to Mag. Judge Charles S. Coody (nhr) (Entered: 01/29/1997)
01/28/1997	17	MOTION by David J. Harrison for Order Requiring Government to Provide Notice of Intent to Offer Evidence Under Fed. R. Evid. 404(b) [17-1] referred to Mag. Judge Charles S. Coody (nhr) (Entered: 01/29/1997)
01/28/1997	18	MOTION/REQUEST by David J. Harrison for Specific Brady Information [18-1] referred to Mag. Judge Charles S. Coody (nhr) (Entered: 01/29/1997)
01/28/1997	19	MOTION by David J. Harrison for Notice of Hearsay Testimony Pursuant to Federal Rules of Evidence 803(24) and 804(b)(5) [19-1] referred to Mag. Judge Charles S. Coody (nhr) (Entered: 01/29/1997)
01/28/1997	20	MOTION by David J. Harrison for Disclosure of of Leniency [20-1] referred to Mag. Judge Charles S. Coody (nhr) (Entered: 01/29/1997)
02/04/1997	21	ORDER as to David J. Harrison, Government's Response to Motion set for 2/18/97 for David J. Harrison for [14-1] motion for Bill of Particulars ( Signed by Mag. Judge Charles S. Coody ) Copies mailed to: Counsel, Copies furnished to: USA, USM, USPO, USPTS (nhr) (Entered: 02/04/1997)
02/07/1997	22	MOTION by USA as to David J. Harrison for Reciprocal Discovery [22-1] referred to Mag. Judge Charles S. Coody (jct) (Entered: 02/10/1997)
02/07/1997	23	TRIAL NOTICE as to David J. Harrison ; Trial set for 10:00 3/4/97 for David J. Harrison at Second Floor Courtroom ; TRIAL Notice to ATTORNEYS Stephen Roger Glassroth for defendant David J. Harrison, Artur G. Davis for plaintiff USA ; Juror Profile notice mailed to counsel. (jct) (Entered: 02/10/1997)
02/10/1997	24	Return Receipt executed by Stephen Glassroth on 2/8/97 as to David J. Harrison Re: Jury Trial Notice (jct) (Entered: 02/10/1997)
02/10/1997	25	MOTION by David J. Harrison for Receipt of Juror Profiles on Friday, February 28, 1997, as opposed to Monday, March 3, 1997. [25-1] referred to Mag. Judge Charles S. Coody (nhr) (Entered: 02/11/1997)

02/11/1997	26	ORDER as to David J. Harrison granting [22-1] motion for Reciprocal Discovery to the extent required by Rule 16 of Federal Rules of Criminal Procedure. (Signed by Mag. Judge Charles S. Coody ) Copies mailed to: Counsel, Copies furnished to: USA, USM, USPO, USPTS, Ridge (nhr) (Entered: 02/11/1997)
02/12/1997	27	Return Receipt as to David J. Harrison Re: Trial Notice by Certified Mail with return receipt - served 2/10/97 (nhr) (Entered: 02/12/1997)
02/18/1997	28	MOTION by David J. Harrison to Compel Disclosure of Evidence and for Expedited Hearing [28-1] referred to Mag. Judge Charles S. Coody (nhr) (Entered: 02/18/1997)
02/18/1997	29	RESPONSE by USA as to David J. Harrison re [14-1] motion for Bill of Particulars referred to Mag. Judge Charles S. Coody (nhr) (Entered: 02/19/1997)
02/19/1997	30	MOTION by David J. Harrison to Take Deposition of Ms. Judy Wise [30-1] referred to Mag. Judge Charles S. Coody (dkt clerk) (Entered: 02/20/1997)
02/19/1997	31	PETITION by USA for Writ of Habeas Corpus ad Testificandum as to David J. Harrison for witness: Sonya Melissa Williams who is presently located in the Okaloosa County Jail, Crestview, FL. ( referred to Mag. Judge Charles S. Coody ) (nhr) (Entered: 02/20/1997)
02/19/1997	32	NOTICE of Taking Deposition by David J. Harrison of witness Ms. Judy Wise on 2/24/97 @ 2 p.m., at Route 2, Box 213, Samson, Alabama 36477. (nhr) (Entered: 02/20/1997)
02/20/1997		Motion hearing held before Mag. Judge Charles S. Coody as to David J. Harrison re: [30-1] motion to Take Deposition of Ms. Judy Wise (dkt clerk) (Entered: 02/20/1997)
02/20/1997	33	Courtroom Deputy's Minutes as to David J. Harrison: Re: Motion to take deposition. (dkt clerk) (Entered: 02/20/1997)
02/20/1997	34	ORDER as to David J. Harrison granting [30-1] motion to Take Deposition of Ms. Judy Wise as to David J. Harrison; that on or before 2/24/97, the U. S. is Ordered to make additional document disclosures as discussed during oral argument shall disclose to the defendant the results of further inquiry; that in all other respects the motion is moot re: [28-1] motion to Compel Disclosure of Evidence and for Expedited Hearing as to David J. Harrison (1) ( Signed by Mag. Judge Charles S. Coody ) Copies mailed to: Counsel, defendant, Copies furnished to: USA, USM, USPO, USPTS, Ridge, (nhr) (Entered: 02/20/1997)
02/21/1997	35	ORDER as to David J. Harrison granting [31-1] petition for Writ of Habeas Corpus ad Testificandum; that the Clerk be and is hereby directed to issue a Writ of Habeas Corpus ad Testificandum to the

		Sheriff of Okaloosa County Jail, Crestview, FL for Sonya Melissa Williams; that the Sheriff deliver said prisoner to any U. S. Marshal and that the U. S. Marshal bring said prisoner, Sonya Melissa Williams, before this court on March 4, 1997 @ 10 a.m., and return said prisoner to said official when the court shall have finished with her. ( Signed by Mag. Judge Charles S. Coody ) , Copies furnished to: USA, USM, USPO, USPTS, Ridge (nhr) (Entered: 02/21/1997)
02/21/1997	36	WRIT of Habeas Corpus ad Testificandum issued for Sonya Melissa Williams for 3/4/97 in case as to David J. Harrison. (Original Writ delivered to USM for execution; copies furnished to: USA, USPO, USPTS, Ridge) (nhr) (Entered: 02/21/1997)
02/25/1997	37	MOTION (MEMORANDUM) by David J. Harrison in Support of in camera Reivew of presentence investigation reports of government witnesses to determine existence of evidence favorable to defendant. [37-1] referred to Mag. Judge Charles S. Coody (nhr) (Entered: 02/25/1997)
02/25/1997	38	Proposed Jury Instructions by USA as to David J. Harrison. (Nos. 1 - 4) (nhr) (Entered: 02/26/1997)
02/26/1997	39	NOTICE of of Intent to Offer 404(B) Evidence by USA as to David J. Harrison. Referred to Magistrate Judge Coody. (nhr) (Entered: 02/27/1997)
02/27/1997		(Court only) **Added party Bd. Pardons & Parole (whose address is: c/o Gregory O. Griffin, Sr., 500 Monroe Street, P. O. Box 302405, Montgomery, AL 36130-2405. (nhr) (Entered: 02/27/1997)
02/27/1997	40	MOTION by Bd. of Pardons & Parole as to David J. Harrison to Quash Subpoena issued and served on Enterprise Probation and Parole Office, a non-party [40-1] referred to Mag. Judge Charles S. Coody (nhr) (Entered: 02/27/1997)
02/27/1997	41	ORDER as to David J. Harrison denying [14-1] motion for Bill of Particulars as to David J. Harrison (1) ( Signed by Mag. Judge Charles S. Coody ) Copies mailed to: Counsel, Copies furnished to: USA, USM, USPO, USPTS, Ridge (nhr) (Entered: 02/27/1997)
02/27/1997	42	ORDER as to David J. Harrison denying [25-1] motion for Receipt of Juror Profiles on Friday, February 28, 1997, as opposed to Monday, March 3, 1997. as to David J. Harrison (1) ( Signed by Mag. Judge Charles S. Coody ) Copies mailed to: Counsel, Copies furnished to: USA, USM, USPO, USPTS, Ridge (nhr) (Entered: 02/27/1997)
02/27/1997	43	ORDER as to David J. Harrison denying [37-1] motion in Support of in camera Reivew of presentence investigation reports of government witnesses to determine existence of evidence favorable to defendant. as to David J. Harrison (1) ( Signed by Mag. Judge Charles S. Coody ) Copies mailed to: Counsel, Copies furnished to: USA, USM, USPO, USPTS, Ridge (nhr) (Entered: 02/27/1997)



		02/27/1997)
02/27/1997	44	ORDER as to David J. Harrison, defendant's Response to Motion set for 12:00 3/3/97 for David J. Harrison for [40-1] motion to Quash Subpoena issued and served on Enterprise Probation Parole Office, a non-party ( Signed by Mag. Judge Charles S. Coody ) Copies mailed to: Counsel, Copies furnished USA, USM, USPO, USPTS, Ridge (nhr) (Entered: 02/27/1997)
02/27/1997	45	Requested Voir Dire Questions by David J. Harrison (dkt clerk) (Entered: 02/28/1997)
02/28/1997	46	PETITION by USA as to David J. Harrison for order directing U. S. Marshal to release custody of prisoner [46-1] referred to Mag Judge Vanzetta P. McPherson (sql) (Entered: 02/28/1997)
02/28/1997	47	ORDER granting [46-1] petition for order directing U. S. Marshal to release custody of prisoner. (Signed by Mag Judge Vanzetta P. McPherson), Copies furnished to: usa & usm (sql) (Entered: 02/28/1997)
02/28/1997	48	AMENDED Requested Voir Dire Questions by David J. Harrison (dkt clerk) (Entered: 02/28/1997)
02/28/1997	49	Defendant's response to order to show cause (Withdrawal of subpoena issued to Al. Board of Pardons and Paroles thereby rendering the motion to quash of Al. Bd. of Pardons and Paroles moot.) Referred to Mag Judge Coody. (dkt clerk) (Entered: 02/28/1997)
03/03/1997	50	MOTION by USA as to David J. Harrison in Limine [50-1] referred to Judge David D. Dowd Jr. (nhr) (Entered: 03/03/1997)
03/03/1997	51	PETITION by USA for Writ of Habeas Corpus ad Testificandum as to David J. Harrison for Warden of Covington County Jail, Andalusia, AL, to deliver witness, Michael Herman Bozeman, to any agent and for said agent to deliver prisoner Bozeman before this court on March 4, 1997 @ 9 a.m. ( referred to Mag. Judge Charles S. Coody ) (nhr) (Entered: 03/03/1997)
03/03/1997	52	ORDER as to David J. Harrison granting [51-1] petition for Writ of Habeas Corpus ad Testificandum; that the Clerk is hereby Directed to issue a Writ of Habeas Corpus ad Testificandum to Warden, Covington County Jail, Andalusia, AL, commanding him to deliver Michael Herman Bozeman to any U. S. Marshal, Deputy U. S. Marshal or authorized agent and directing said U. S. Marshal, deputy U. S. Marshal or agent to bring said prisoner before this court in Montgomery, AL, on March 4, 1997 @ 9 a.m., and to return said prisoner to said official when the court shall have finished with him. ( Signed by Mag. Judge Charles S. Coody ) , Copies furnished to: USA, USM (nhr) (Entered: 03/03/1997)

03/03/1997	53	WRIT of Habeas Corpus ad Testificandum issued for Michael Herman Bozeman for 3/4/97 in case as to David J. Harrison. (Original Writ del. to USM/AGENT - 3 cert. copies). (nhr) (Entered: 03/03/1997)
03/03/1997	54	ORDER as to David J. Harrison denying as moot [40-1] motion to Quash Subpoena issued and served on Enterprise Probation and Parole Office, a non-party as to David J. Harrison (1); that defendant has informed the court that he WITHDRAWS the subpoena. ( Signed by Mag. Judge Charles S. Coody ) Copies mailed to: Alabama Board of Pardons & Parole; Stephen Glassroth; defendant; Copies furnished to: USA, USM, USPO, USPTS, Ridge (nhr) (Entered: 03/03/1997)
03/03/1997		(Court only) **Termination of party Bd. Pardons & Parole pending deadlines and pending motions as to David J. Harrison (nhr) (Entered: 03/03/1997)
03/03/1997	55	Received documents for incamera inspection from Charter Woods Behavioral Health System. (Per defendant's subpoena.) Referred to Judge Dowd. DOCUMENTS RETURNED PER ORDER 3-10-97. (dkt clerk) Modified on 03/10/1997 (Entered: 03/03/1997)
03/03/1997	56	Witness list by USA. Referred to Judge Dowd. (dkt clerk) (Entered: 03/03/1997)
03/04/1997		Voir dire begun as to David J. Harrison (1) count(s) 1 Judge David D. Dowd, Jr. presiding. MITCHELL REISNER, COURT REPORTER. (ekl) Modified on 03/07/1997 (Entered: 03/07/1997)
03/04/1997		Jury selection as to David J. Harrison held before Judge David D. Dowd Jr. on 3-4-97. MITCHELL REISNER, COURT REPORTER. (ekl) Modified on 03/07/1997 (Entered: 03/07/1997)
03/04/1997		Motion hearing as to David J. Harrison re: [50-1] motion in Limine , Second Floor Courtroom at 3/4/97 for David J. Harrison. MITCHELL REISNER, COURT REPORTER. (ekl) Modified on 03/07/1997 (Entered: 03/07/1997)
03/05/1997	57	RESPONSE by David J. Harrison to [50-1] motion in Limine filed by government. (ekl) (Entered: 03/05/1997)
03/05/1997	58	Response to government's notice of Fed. R. Evid. 404(b) evidence by David J. Harrison (ekl) (Entered: 03/05/1997)
03/05/1997		Jury trial as to David J. Harrison held before Judge David D. Dowd Jr. on March 5 and 6, 1997. MITCHELL REISNER, COURT REPORTER. (ekl) (Entered: 03/07/1997)
03/05/1997		(Court only) **Added for David J. Harrison Attorney Joseph Peter Van Heest (ekl) (Entered: 05/05/1997)
03/06/1997		ORAL MOTION in open court by David J. Harrison for Judgment of Acquittal [0-0] referred to Judge David D. Dowd Jr. (ekl) (Entered: 03/06/1997)

		03/07/1997)
03/06/1997		ORAL ORDER as to David J. Harrison denying [0-0] oral motion for Judgment of Acquittal as to David J. Harrison (1) ( Entered by Judge David D. Dowd Jr. ) (ekl) (Entered: 03/07/1997)
03/06/1997	59	Additional Proposed Jury Instructions by David J. Harrison (ekl) (Entered: 03/07/1997)
03/06/1997		RENEWAL OF ORAL MOTION in open court by David J. Harrison for Judgment of Acquittal [0-0] referred to Judge David D. Dowd Jr. Ruling reserved. (ekl) Modified on 03/07/1997 (Entered: 03/07/1997)
03/06/1997	60	JURY VERDICT of Guilty: David J. Harrison (1) count(s) 1 (ekl) (Entered: 03/07/1997)
03/06/1997	61	ORDER as to David J. Harrison continuing defendant on bond pending sentencing. ( Signed by Judge David D. Dowd Jr. ) Copies mailed to: counsel and defendant, Copies furnished to: USA,USM,USPTS,USPO (ekl) Modified on 03/10/1997 (Entered: 03/07/1997)
03/06/1997	62	Courtroom Deputy's Minutes of jury selection and motion hearing 3/4/97 and jury trial 3/5/97 and 3/6/97; witness list; exhibit list [EXHIBITS WITH COURT FILE] as to David J. Harrison. Ruling reserved on deft's m/judg. of acquittal. :(ekl) Modified on 04/04/1997 (Entered: 03/07/1997)
03/06/1997		Sentencing set for 11:00 5/12/97 for David J. Harrison at U.S. Courthouse before Judge David D. Dowd Jr. David J. Harrison (1) count(s) 1 (ekl) (Entered: 03/10/1997)
03/10/1997	63	ORDER as to David J. Harrison directing the Clerk to return the documents received under subpoena for in-camera inspection to Charter Woods Behavioral Health System. ( Signed by Judge David D. Dowd Jr. ) Copies mailed to: counsel and defendant, Copies furnished to: USA,USM,USPTS,USPO (ekl) (Entered: 03/10/1997)
03/10/1997	64	WRIT of Habeas Corpus ad Testificandum executed for Sonya Melissa Williams on 2/21/97 in case as to David J. Harrison (nhr) (Entered: 03/11/1997)
03/10/1997	65	WRIT of Habeas Corpus ad Testificandum executed for Michael Herman Bozeman on 3/3/97 in case as to David J. Harrison (nhr) (Entered: 03/11/1997)
03/11/1997	66	ORDER as to David J. Harrison; that the defendant supplement his motion for judgment of acquittal within ten days of the filing of the transcript of the testimony of the trial; that the government shall have ten days to respond from the time of the filing by the defendant. ( Signed by Judge David D. Dowd Jr. ) Copies mailed

		to: Counsel, Copies furnished USA, USM, USPO, USPTS, (nhr) (Entered: 03/12/1997)
03/11/1997	67	ORDER as to David J. Harrison, set Sentencing for 11:00 5/12/97 for David J. Harrison at U.S. Courthouse before Judge David D. Dowd Jr.; that counsel for both parties shall communicate in writing any objections to the presentence report on or before April 21, 1997; that counsel for both parties shall be available for a conference with the PO on April 24, 1997 @ 10 a.m. at 136 Catoma Street, Montgomery, AL ( Signed by Judge David D. Dowd Jr. ) Copies mailed to: Counsel, defendant, Copies furnished to: USA, USM, USPO, MARIE, RIDGE, ERN (nhr) (Entered: 03/12/1997)
03/17/1997		COURT REPORTER'S (Mitchell Reisner) TRANSCRIPT of trial testimony filed in case as to David J. Harrison for dates of March 5, 1997 (dkt clerk) (Entered: 03/17/1997)
03/17/1997		COURT REPORTER'S (Mitchell Reisner) TRANSCRIPT of trial testimony filed in case as to David J. Harrison for dates of March 6, 1997 (dkt clerk) (Entered: 03/17/1997)
03/27/1997	68	MEMORANDUM by David J. Harrison in support of [0-0] oral motion for Judgment of Acquittal. FAXED to Judge Dowd. (dkt clerk) (Entered: 03/27/1997)
04/07/1997	69	RESPONSE by USA as to David J. Harrison re [0-0] oral motion for Judgment of Acquittal referred to Judge David D. Dowd Jr. (by Fax) (nhr) (Entered: 04/07/1997)
04/11/1997	70	REPLY by David J. Harrison to Government's response to [0-0] oral motion for Judgment of Acquittal. Referred to Judge Dowd by Fax. (nhr) (Entered: 04/11/1997)
04/16/1997	71	REPLY by USA as to David J. Harrison's responsive brief to response to [0-0] oral motion for Judgment of Acquittal. Referred to Magistrate Judge Coody. (nhr) (Entered: 04/16/1997)
05/01/1997		Sentencing RESET for 9:00 5/12/97 for David J. Harrison at U.S. Courthouse before Judge David D. Dowd Jr. David J. Harrison (1 count(s) 1 (ekl) (Entered: 05/05/1997)
05/02/1997	72	MEMORANDUM OPINION AND ORDER as to David J. Harrison denying [0-0] oral motion for Judgment of Acquittal ( Signed by Judge David D. Dowd Jr. ) Copies mailed to: Counsel, defendant, Copies furnished to: USA, USM, USPO, USPTS, Ridge (nhr) (Entered: 05/02/1997)
05/05/1997	73	NOTICE of change of time for sentencing as to David J. Harrison. Sentencing reset for 9:00 a.m. on 5/12/97 instead of 11:00 a.m. (dkt clerk) (Entered: 05/05/1997)

05/12/1997		Sentencing held before Judge David D. Dowd Jr. on 05/12/97 David J. Harrison (1) count(s) 1. (Lewis Wimberly, Ct. Rptr.) (dkt clerk) (Entered: 05/12/1997)
05/12/1997	74	ORDER as to David J. Harrison placing defendant's PSI under seal and if an appeal, allowing counsel access thru leave of the Court. ( Signed by Judge David D. Dowd Jr. ) Copies mailed to: counsel, Copies furnished USA (dkt clerk) (Entered: 05/12/1997)
05/12/1997	75	PRESENTENCE INVESTIGATION REPORT (Sealed) as to David J. Harrison (dkt clerk) (Entered: 05/12/1997)
05/12/1997	76	ORDER as to David J. Harrison finding exceptional reasons why the defendant's detention would not be appropriate and therefore continuing defendant on bond pending voluntary surrender. ( Signed by Judge David D. Dowd Jr. ) Copies mailed to: counsel, Copies furnished USA,USPO,USM,USPTS (dkt clerk) (Entered: 05/13/1997)
05/22/1997	77	JUDGMENT David J. Harrison (1) count(s) 1. JUDGMENT ORDER committing the defendant to the custody of the U. S. Bureau of Prisons for imprisonment for a term of 30 months to stand committed at voluntary surrender to the designated institution before 2 p.m. on 6/16/97. The Court recommends a facility as close as possible to deft's place of residence. The Court further recommends that the deft. be allowed to participate in the shock incarceration program. A term of 3 years supervised release shall follow incarceration. A \$100.00 assessment fee is due this date. ( Signed by Judge David D. Dowd Jr. ) Copies mailed to: counsel;deft., Copies furnished to: USA,USPO,USM,USPTS,Jury (dkt clerk) (Entered: 05/23/1997)
05/22/1997		(Court only) **Case closed as to David J. Harrison (all defendants). (dkt clerk) (Entered: 05/23/1997)
05/27/1997	78	NOTICE OF APPEAL by David J. Harrison (1) count(s) 1 to U.S. Circuit Court of Appeals, 11th Circuit, FILING FEE \$ 105 RECEIPT # 65357 Certificate of Readiness due on 6/10/97 for David J. Harrison Copies mailed to: Counsel, Defendant, USCA, Copies furnished to: USA, USPO (dkt clerk) (Entered: 05/28/1997)
05/28/1997		Notice of appeal and certified copy of docket, Judgments/Orders, and Magistrate Judge recommendations as to David J. Harrison sent to USCA (11th Circuit): [78-1] appeal (dkt clerk) (Entered: 05/28/1997)
06/03/1997		USCA Case Number as to David J. Harrison Re: [78-1] appeal USCA Number: 97-6465 (dkt clerk) (Entered: 06/04/1997)
06/10/1997		TRANSCRIPT filed [Lewis Wimberley] as to David J. Harrison for dates of 5/12/97 sentence Hearing. Certificate of Readiness due on 6/24/97 for David Harrison [78-1] appeal (dkt clerk) (Entered: 06/12/1997)

06/25/1997	79	Judgment Returned Executed as to David J. Harrison ; on 6/16/97 (nhr) (Entered: 06/25/1997)
07/28/1997	80	Entry of Dismissal of Appeal (rendered 7/24/97, is issued as the mandate) of the U.S. Court of Appeals, Eleventh Circuit, Re: pursuant to dismissing [78-1] appeal , terminated, on appellant's motion for voluntary dismissal, Fed.R.App.P. 42 and 11th Cir. R. 42-1(a). Copies mailed to: Counsel, Defendant, Copies furnished to: USA, USPO (dkt clerk) (Entered: 07/29/1997)
07/29/1997		(Court only) **Remove appeal flag - no further appeals pending (dkt clerk) (Entered: 07/29/1997)
08/11/1997	81	MOTION by David J. Harrison to Vacate under 28 U.S.C. 2255 [81-1] referred to Mag. Judge Charles S. Coody/law clerk. ( Civil Action # 97-D-1213-S). (nhr) (Entered: 08/14/1997)
08/19/1997	82	ORDER as to David J. Harrison, Government to file an answer to Motion set for 9/8/97 for David J. Harrison for [81-1] motion to Vacate under 28 U.S.C. 2255 ( Signed by Mag. Judge Charles S. Coody ) Copies mailed to: defendant, Copies furnished to: USA w/2255 petition, PO (dkt clerk) (Entered: 08/19/1997)
09/08/1997	83	RESPONSE by USA as to David J. Harrison re [81-1] motion to Vacate under 28 U.S.C. 2255 referred to Mag. Judge Charles S. Coody (nhr) (Entered: 09/09/1997)
09/11/1997	84	ORDER as to David J. Harrison that on or before 9/26/97, the Govt. file a supplemental answer as set forth in order. ( Signed by Mag. Judge Charles S. Coody ) Copies mailed to: petitioner, Copies furnished to: USA (dkt clerk) (Entered: 09/11/1997)
09/16/1997	85	MOTION by David J. Harrison to Defer Ruling (on 2255 Motion) [85-1] referred to Mag. Judge Charles S. Coody/Staff Attorney (snc) (Entered: 09/16/1997)
09/19/1997	86	ORDER as to David J. Harrison denying as moot [85-1] motion to Defer Ruling (on 2255 Motion) as to David J. Harrison (1) ( by Mag. Judge Charles S. Coody ) Copies mailed to: David Harrison, Copies furnished to: USA, PO (dkt clerk) (Entered: 09/19/1997)
09/26/1997	87	SUPPLEMENTAL ANSWER by USA as to David J. Harrison re [81-1] motion to Vacate under 28 U.S.C. 2255 referred to Mag. Judge Charles S. Coody (dkt clerk) Modified on 09/30/1997 (Entered: 09/29/1997)
09/29/1997	88	REPLY by David J. Harrison to response to [81-1] motion to Vacate under 28 U.S.C. 2255. Referred to Mag. Judge Coody. (dkt clerk) (Entered: 09/29/1997)
09/30/1997	89	ORDER as to David J. Harrison, Reply to Govt's Response to Motion reset for 10/24/97 for David J. Harrison for [81-1] motion to Vacate under 28 U.S.C. 2255 ( Signed by Mag. Judge Charles S.

		Coody ) Copies mailed to: defendant, Copies furnished to: USA, PO (dkt clerk) (Entered: 09/30/1997)
05/29/1998	90	MOTION by David J. Harrison to Withdraw [81-1] motion to Vacate under 28 U.S.C. 2255 by David J. Harrison , or in the alternative to Dismiss 2255 motion [90-1] referred to Mag. Judge Charles S. Coody, [90-2] referred to Mag. Judge Charles S. Coody (dkt clerk) (Entered: 05/29/1998)
06/04/1998	91	REPORT AND RECOMMENDATION of Mag. Judge Charles S. Coody as to David J. Harrison Re: [81-1] motion to Vacate under 28 U.S.C. 2255 ; Motion no longer referred Objections to R and R due by 6/14/98 Copies mailed to: Defendant, Copies furnished to: USA, USM, USPO, RIDGE (nhr) (Entered: 06/04/1998)
07/06/1998	92	ORDER as to David J. Harrison granting [90-2] motion to Dismiss 2255 motion as to David J. Harrison (1) ( Signed by Judge Ira De Ment ) Copies mailed to: defendant, Copies furnished to: USA, PO (dkt clerk) (Entered: 07/06/1998)
07/06/1998		(Court only) **Terminated document(s) as to David J. Harrison : terminating [91-1] report and recommendations as to David J. Harrison (1), terminating [81-1] motion to Vacate under 28 U.S.C. 2255 as to David J. Harrison (1), terminating [50-1] motion in Limine as to David J. Harrison (1), terminating [20-1] motion for Disclosure of of Leniency as to David J. Harrison (1), terminating [19-1] motion for Notice of Hearsay Testimony Pursuant to Federal Rules of Evidence 803(24) and 804(b)(5) as to David J. Harrison (1), terminating [18-1] motion for Specific Brady Information as to David J. Harrison (1), terminating [17-1] motion for Order Requiring Government to Provide Notice of Intent to Offer Evidence Under Fed. R. Evid. 404(b) as to David J. Harrison (1), terminating [16-1] motion for Disclosure of of Agreements between the Government and Government Witnesses as to David J. Harrison (1), terminating [15-1] motion for Brady Exculpatory Material as to David J. Harrison (1), terminating [13-1] motion for Notice of Government's Intention to Use Evidence as to David J. Harrison (1) (dkt clerk) (Entered: 07/06/1998)
07/06/1998		(Court only) **Terminated document(s) as to David J. Harrison : terminating [90-1] motion to Withdraw [81-1] motion to Vacate under 28 U.S.C. 2255 by David J. Harrison as to David J. Harrison (1) (dkt clerk) (Entered: 04/23/2001)
07/14/1998		Received \$100 assessment payment from BOP inmate offset program. Receipt No. 72117 (dkt clerk) (Entered: 10/29/1998)