

SUPREME COURT OF ALABAMA

Ex parte Decatur City Board of Education

265 So. 3d 1254 (Ala. 2018) · Decided June 22, 2018

SUMMARY

The Alabama Supreme Court granted the Decatur City Board of Education's petition for a writ of mandamus and directed the trial court to dissolve a preliminary injunction staying a teacher-termination proceeding. The court held that changed circumstances, including dismissal of the related criminal charges and statutory protections against use of the employee's testimony, eliminated the basis for continuing the stay. It concluded that the Board had a clear legal right to relief.

CASE DETAILS

COURT	Supreme Court of Alabama
WRITING FOR THE COURT	Wise; Stuart, C.J.; Bolin; Parker; Shaw; Main; Bryan; Sellers; Mendheim
JURISDICTION	Alabama
DECIDED	June 22, 2018
DISPOSITION	writ_granted
PROCEDURAL POSTURE	The Decatur City Board of Education petitioned for a writ of mandamus directing the Morgan Circuit Court to dissolve a preliminary injunction staying Witt's employment-termination proceeding and to dismiss the underlying petition.
STANDARD OF REVIEW	Mandamus is an extraordinary remedy available when a trial court has exceeded its discretion. The petitioner must show a clear legal right to the requested order, an imperative duty to act accompanied by refusal, no other adequate remedy, and properly invoked jurisdiction; mandamus is granted only upon a showing of abuse of discretion.
PRECEDENTIAL VALUE	Published Alabama Supreme Court opinion; precedential.
PARTIES	Decatur City Board of Education v. Morgan Circuit Court, Carrie Cabri Witt

TOPICS

- writ of certiorari
- injunctions
- appellate procedure
- civil procedure
- statutory interpretation

PRACTICE AREAS

appellate procedure

civil procedure

constitutional law

employment law

statutory interpretation

QUESTIONS PRESENTED

1. Whether the Board had a clear legal right to mandamus relief based on the Morgan Circuit Court's failure to rule on the motion to dissolve the preliminary injunction.
2. Whether changed circumstances made dissolution of the injunction staying the employment-termination proceeding appropriate.
3. Whether lifting the stay would threaten Witt's privilege against self-incrimination under the Fifth Amendment.
4. Whether the parallel civil and criminal proceedings required application of the balancing framework for stays based on self-incrimination concerns.

HOLDINGS

1. The Board established a clear legal right to relief because circumstances had changed since entry of the preliminary injunction: the criminal charges had been dismissed, the criminal appeal and possible reinstatement were too remote to justify continuation of the stay, and the Board remained subject to ongoing costs and delay.
2. Witt's privilege against self-incrimination would not be threatened by lifting the stay because the criminal charges had been dismissed and § 16-24C-6(j) protected her from use of qualifying testimony in a subsequent state criminal proceeding upon timely objection.
3. Because Witt's privilege against self-incrimination was not threatened, an in-depth analysis of the third Rawls factor—the balancing test for competing interests—was not necessary; nevertheless, the balancing factors independently favored lifting the stay.

KEY QUOTATIONS

“For the above-stated reasons, we conclude that the Board has established that it has a clear legal right to relief from the trial court's February 28, 2017, preliminary injunction.” (at 1261)

“Accordingly, we grant the petition for a writ of mandamus and direct the trial court to dissolve its February 28, 2017, injunction and to dismiss the petition upon which it was based.” (at 1261)

FACTUAL BACKGROUND

Carrie Cabri Witt, a school employee, was arrested and indicted for alleged sex acts with students under age 19 and was placed on paid administrative leave. The Decatur City Board of Education initiated termination proceedings based on the alleged conduct. Witt sought to stay those proceedings, asserting that testifying would risk self-incrimination while refusing to testify could cost her teaching contract. The related criminal charges were later dismissed without prejudice after the trial court declared the charging statute unconstitutional as applied, although the dismissal was appealed.

PROCEDURAL HISTORY

Witt sought and obtained a preliminary injunction preventing the Board from proceeding with her termination hearing until resolution of related criminal charges. The Board moved to dissolve the injunction, but the circuit court did not rule on that motion. After the criminal case was dismissed without prejudice and the dismissal was appealed, the Board filed another motion to dissolve; the circuit court again did not rule. The Supreme Court of Alabama granted mandamus relief and directed dissolution of the injunction and dismissal of Witt's petition.

DISPOSITION

writ_granted

REMAND INSTRUCTIONS

The Morgan Circuit Court was directed to dissolve its February 28, 2017, preliminary injunction and dismiss the petition upon which the injunction was based.

CASES CITED

- Ex parte Fidelity Bank, 893 So. 2d 1116, 1119 (Ala. 2004)
- Ex parte BOC Group, Inc., 823 So. 2d 1270, 1272 (Ala. 2001)
- Ex parte Antonucci, 917 So. 2d 825, 830 (Ala. 2005)
- Ex parte McMahan, 507 So. 2d 492, 493 (Ala. 1987)
- Ex parte Rawls, 953 So. 2d 374, 377-78, 380, 386 (Ala. 2006)
- Ex parte Edmondson, 238 So. 3d 85, 87 (Ala. Civ. App. 2017)
- Ex parte Weems, 711 So. 2d 1011, 1013 (Ala. 1998)
- Ex parte Windom, 763 So. 2d 946, 950 (Ala. 2000)
- Ex parte Baugh, 530 So. 2d 238, 244 (Ala. 1988)
- Ex parte Ebbers, 871 So. 2d 776, 785, 789-90, 795 (Ala. 2003)
- R.M. v. Elmore County Department of Human Resources, 75 So. 3d 1195, 1202 (Ala. Civ. App. 2011)
- Ex parte Butts, 183 So. 3d 931 (Ala. 2015)
- Sterling National Bank v. A-1 Hotels International, Inc., 175 F. Supp. 2d 573, 576 (S.D.N.Y. 2001)