

SUPREME COURT OF ALABAMA

Griffin v. Bentley

80 So. 3d 219 (Ala. 2011) · No. 1101031; 1101033 · Decided September 16, 2011

SUMMARY

The Alabama Supreme Court granted consolidated petitions for writs of mandamus arising from an inverse-condemnation action involving electronic bingo machines and related property seized during an illegal-gambling investigation. The Court held that the Montgomery Circuit Court lacked subject-matter jurisdiction because the civil action impermissibly interfered with the executive branch’s criminal-law enforcement and related forfeiture proceedings in Mobile County. It directed the Montgomery court to vacate its order requiring the return of the seized property and to dismiss the action.

CASE DETAILS

COURT	Supreme Court of Alabama
WRITING FOR THE COURT	Main, Justice; Woodall, J.; Stuart, J.; Bolin, J.; Parker, J.; Murdock, J.; Shaw, J.; Wise, J.
JURISDICTION	Alabama
DECIDED	September 16, 2011
DOCKET	1101031; 1101033
DISPOSITION	writ_granted
PROCEDURAL POSTURE	The Mobile County district attorney and the State of Alabama petitioned for writs of mandamus directing the Montgomery Circuit Court to vacate an order requiring the State to return seized electronic-bingo machines and related property to Montgomery County and to dismiss an inverse-condemnation action for lack of subject-matter jurisdiction.
STANDARD OF REVIEW	Mandamus requires a clear legal right to the requested order, an imperative duty on the respondent accompanied by refusal to perform, lack of another adequate remedy, and properly invoked jurisdiction. Subject-matter jurisdiction is reviewable by mandamus.
PRECEDENTIAL VALUE	Published opinion; precedential

PARTIES

Ashley Rich, State of Alabama v. Jesse Griffin and others,
Montgomery Circuit Court

TOPICS

subject matter jurisdiction

writ of certiorari

appellate procedure

civil procedure

gambling

PRACTICE AREAS

civil procedure

appellate procedure

criminal procedure

remedies

gambling

QUESTIONS PRESENTED

1. Whether the Montgomery Circuit Court had subject-matter jurisdiction to adjudicate Griffin's inverse-condemnation action concerning property seized during a criminal investigation into illegal gambling.
2. Whether the temporary storage of the seized property in Montgomery County or Griffin's earlier filing there gave the Montgomery Circuit Court jurisdiction to interfere with the criminal-law enforcement and forfeiture proceedings arising from the Mobile County seizure.
3. Whether the petitions for writs of mandamus should be granted.

HOLDINGS

1. The Montgomery Circuit Court lacked subject-matter jurisdiction to interfere by civil action with the executive branch's enforcement of the criminal law, including the seizure and forfeiture proceedings concerning the electronic-bingo machines and related property.
2. Mandamus was appropriate because subject-matter jurisdiction is reviewable by mandamus and the petitioners established a clear legal right to an order vacating the Montgomery Circuit Court's jurisdictional directives and dismissing the Montgomery action.

KEY QUOTATIONS

“the trial court ‘lacks subject-matter jurisdiction to interfere with a criminal proceeding by civil action.’” (80 So. 3d at 225)

“Thus, Griffin’s reliance on the dual-litigation statute and the compulsory-counterclaim rule is misplaced.” (80 So. 3d at 226)

FACTUAL BACKGROUND

On February 25, 2010, a state task force seized 25 electronic bingo machines and other property from Griffin's facility in Mobile County during an investigation of illegal gambling. The property was temporarily transported to a state warehouse in Montgomery County and later returned to Mobile County. Griffin filed an inverse-condemnation action in Montgomery Circuit Court while the property was in Montgomery County, and the Mobile County district attorney later filed a forfeiture action in Mobile Circuit Court. The Montgomery Circuit Court ordered the property returned to Montgomery County for a hearing on the legality of the machines and threatened executive-branch attorneys with contempt when they challenged the court's jurisdiction.

PROCEDURAL HISTORY

Griffin filed an inverse-condemnation action in Montgomery Circuit Court after the State seized electronic-bingo machines and related property in Mobile County. The machines were temporarily stored in Montgomery County, then returned to Mobile County, where the Mobile County district attorney filed a forfeiture action. The Montgomery Circuit Court ordered the defendants to return the property to Montgomery County for an evidentiary hearing and threatened contempt sanctions. After an earlier mandamus petition was dismissed because no written order had yet been entered, Rich and the State filed the present petitions following the Montgomery court's June 7, 2011, written order. The Alabama Supreme Court consolidated the petitions, stayed the Montgomery proceedings, granted mandamus, and directed dismissal.

DISPOSITION

writ_granted

REMAND INSTRUCTIONS

The Montgomery Circuit Court was directed to vacate its June 7, 2011, order and issue an order dismissing the Montgomery action for lack of subject-matter jurisdiction.

CASES CITED

- Tyson v. Macon County Greyhound Park, Inc., 43 So. 3d 587 (Ala. 2010)
- Ex parte Perfection Siding, Inc., 882 So. 2d 307 (Ala. 2003)
- Ex parte Integon Corp., 672 So. 2d 497 (Ala. 1995)
- Ex parte Liberty National Life Insurance Co., 888 So. 2d 478 (Ala. 2003)
- Ex parte Cincinnati Insurance Co., 51 So. 3d 298 (Ala. 2010)
- Barber v. Houston County Economic Development Association, No. 1090444, Jan. 15, 2010
- Ex parte Rich (In re Griffin v. Bentley), No. 1100702, May 18, 2011
- Tyson v. Jones, 60 So. 3d 831 (Ala. 2010)
- Ex parte State (In re Riley v. Cornerstone Community Outreach, Inc.), 57 So. 3d 704 (Ala. 2010)