

No. _____

**In The Supreme Court of
the United States**

—◆—
**DYNASTY GROUP, INC.,
Petitioner**

v.

**STEPHEN SMITH, TRUSTEE
FOR BANKRUPTCY ESTATE
OF HERITAGE REAL ESTATE
INVESTMENT CORPORATION,
Respondent,**

—◆—
**Petition for Writ of Certiorari to the
Supreme Court of Alabama**

—◆—
**PETITION FOR A WRIT OF CERTIORARI
with Appendix**

—◆—
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December, 2020

I. QUESTIONS PRESENTED

Whether the Trial Judge The Trial Judge
Committed Reversible Error When He Refused to
Strike the Jury Venire Due to the Taint of
Prejudicial Statements Made During Voir Dire .

Whether The Trial Court Judge Committed
Reversible Error When He Refused to Dismiss
Jurors For Cause.

II. PARTIES TO THE PROCEEDINGS

Dynasty Group, Inc. is the Alabama corporation accused of a fraudulent transfer. Dynasty Group is not owned by a parent corporation nor does any publicly traded company own more than a 10% interest.

Stephen Smith is the bankruptcy trustee accusing dynasty of a fraudulent transfer.

III. STATE COURT PROCEEDINGS

Alabama Supreme Court

Case #1180584; Decided July 10, 2020

Dynasty Group, Inc. v. Stephen Smith, Trustee for
Bankruptcy Estate of Heritage Real Estate
Investment Corporation

Circuit Court of Sumter County, Alabama

Case# CV-14-900049.00 Decided March 20, 2019

Johnson Bruce L., King Michael L., Harrison
William, Bayview Loan Servicing, LLC et al. v.
Heritage Real Estate Investment Corporation,
Dynasty Group, Inc.,

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PETITION FOR WRIT OF CERTIORARI

Petitioner respectfully petitions for a writ of certiorari to review the judgment of the Supreme Court of Alabama.

V. OPINIONS BELOW

March 25, 2019 Decision of the Sumter County Circuit Court holding that 14 quit claim deeds from heritage to dynasty were made as a fraudulent conveyance, that the 14 quit claim deeds should be set aside and title revested in Heritage Real Estate Investment. (Appendix A)

July 10, 2020 Decision of the Alabama Supreme Court affirming the Sumter County Circuit Court.(Appendix B)

July 28, 2020 Certificate of Judgment of the Alabama Supreme Court.(Appendix C)

VII. JURISDICTION

The judgment of the Alabama Supreme Court affirming the Sumter County Circuit Court was entered July 10, 2020. Jurisdiction here is based on 28 U.S.C. 1257.

VIII. STATEMENT OF THE CASE

The underlying case itself involved allegations of a fraudulent transfer in Sumter county Alabama. The basis for this Petition for Certiorari occurred during jury selection for that trial of an alleged fraudulent transfer. The statements made by potential jurors during the voir dire impaired and in fact trounced upon the Defendant's constitutional rights to an impartial jury. Unfortunately, the trial court in Sumter county Alabama and eventually the Supreme Court of Alabama ignored the trouncing of constitutional rights. Federal courts have routinely held this type of behavior a constitutional violation. In the sixth circuit, Where a juror indicated that they had a fixed opinion of the Defendant's guilt and could not be fair the court should have intervened. See *White v. Mitchell*, 431 F.3d 517 (6th Cir. 2005). There were prejudicial statements made in the presence of prospective jurors who did in fact serve

on the jury that tainted the entire jury panel. See *Mach v. Stewart* 137 F.3d 630 (9th Cir. 1997).

The trial judge failed to take measures to ensure the jury was not biased or that the jury pool was not poisoned. Even a clearly guilty criminal is entitled to be tried before an impartial tribunal. *Oswald v. Bertrand* 374 f.3d 475 (7th Cir. 2004)

Due process requires the trial judge, if he becomes aware of a possible source of bias, to "determine the circumstances, the impact thereof upon the juror, and whether or not it was prejudicial." *Remmer v. United States*, 347 U.S. 227, 230, 74 S.Ct. 450, 98 L.Ed. 654 (1954); see also *United States v. Thomas*, 463 F.2d 1061, 1063-64 (7th Cir. 1972); *United States v. Humphrey*, 208 F.3d 1190, 1198-99 (10th Cir. 2000).

In *Smith v. Phillips*, 455 U.S. 209, 217, 102 S.Ct. 940, 71 L.Ed.2d 78 (1982), the Supreme Court put the two points together, saying that "due process means a jury capable and willing to decide the case solely on the evidence before it, and a trial judge ever watchful to prevent prejudicial occurrences and to determine the effect of such occurrences when they happen."

The case went to trial on March 17, 2019 and, on March 20, 2019, the jury returned a verdict in

favor of Smith, as Trustee for the bankruptcy estate of Heritage Real Estate Investment, Inc. It decided that the fourteen quit claim deeds from Heritage to Dynasty dated April 24, 2008 be set aside and title re-vested in Heritage Real Estate Investment, Inc. On March 25, 2019, Judge Hardaway issued a final judgment in which he ruled that the 14 quit claim deeds from Heritage to Dynasty as fraudulent conveyances, that the fourteen quit claim deeds from Heritage to Dynasty were set aside and that title to the fourteen parcels were re - vested in Heritage Real Estate Investment, Inc. On April 23, 2019, Dynasty timely appealed the judgment.

FACTUAL BACKGROUND

The underlying case related to a claim of a fraudulent transfer. The federal question in this case is about the deprivation of an impartial jury. Only enough facts surrounding the fraudulent transfer issue are given so as to provide a context for the jury impartiality issues. On April 24, 2008, Heritage conveyed seventeen parcels of real estate to Dynasty. The fourteen (14) quit claim deeds were signed by Booker Grantham, the treasurer of Heritage. On or about May 21, 2004, Heritage borrowed approximately \$500,000.00 on its Greene County Hotel from InterBay Funding, LLC ("Interbay") . Interbay became Bayview Loan Servicing, LLC

Interbay transferred its interest in the loans to I.B. Property Holdings, LLC ("I.B.") (82) Sumter County Mortgage, Interbay obtained mortgages on property owned by Heritage, including the hotel in Livingston, Sumter County and the hotel in Eutaw, Greene County, Alabama. In or about 2008, a tornado destroyed the properties, which had been insured by American Home Insurance Company, Inc.

Due to non-payment, Bayview and InterBay foreclosed on March 15, 2007. A foreclosure deed on the Greene County property was filed in the Probate Court of Greene County on March 30, 2007. American Home filed for declaratory judgment in the United States District Court for the Northern District of Alabama to determine whether it was obligated to Heritage as a result of the casualty loss to the hotels in Utah and Livingston. On June 1, 2007, Bayview and I.B., they were allowed to intervene. (1) On May 29, 2008, the district court judge entered judgment in favor of Bayview against Heritage in the amount of \$793,408.32 and judgment in favor of I.B. against Heritage in the amount of \$89,787.52. A Certificate of Judgment was filed in the Sumter County Courthouse on August 22, 2008. On April 24, 2008, Dynasty signed a promissory note payable to Heritage. The note referred to Heritage as lender and Dynasty as borrower. According to Linda Wilson, the

secretary of Heritage, a line of credit in the amount of \$240,000.00 that Dynasty was extending to Heritage as part of the consideration for the transfer of the seventeen parcels of land to Dynasty. According to Wilson, the transfer of real property from Heritage to Dynasty was in consideration of prior advances of amounts that Dynasty had given to Heritage and for the note and obligation of Dynasty to make future advancements to Heritage in the amount of \$240,000.00.

A foreclosure deed on the Sumter County property was executed on March 15, 2007. The quit claim deeds were not recorded until July 3, 2008.

At the time of the transfer of the parcel of real estate to Dynasty, Heritage (Wilson and Booker Grantham) did not know of the Bayview and IB judgments. According to Fannie Grantham, President of Dynasty, Dynasty fully loaned Heritage the remaining \$240,000.00 and Dynasty didn't owe Heritage. In 2014, Heritage filed a petition under Chapter 11 Bankruptcy for reorganization. In January of 2015, Heritage converted to Chapter 7 Bankruptcy, and Smith was appointed Trustee. As a result of the Chapter 7 Conversion, Dynasty ceased making additional payments to Heritage. According to Wilson, the monthly payments of \$1,200.00 per month from Dynasty to Heritage was from the

purpose of showing that Heritage had sufficient income to continue its Chapter 11 reorganization. In 2010, the Johnson Plaintiffs sued Heritage and three other entities associated with the Greater Christ Temple Apostolic Church in Greene County, Alabama. In 2011, Circuit Judge Eddie Hardaway entered a default judgment against Heritage, and others, in the amount of \$6,500,000.00. According to Wilson, Heritage did not know in April of 2008, when it transferred.

Trial of this case began on March 18, 2019. During voir dire, the Counsel for Dynasty asked whether any of the jurors knew anything about this case. Potential juror Julia Card stated that "I just know over the years hearing about the Holy Land down there, and this is what I heard, it's rather cultish and illegal activity goes on. That's just what I've always heard the last twenty years. That's just all hearsay. That's been going around Sumter County." (Potential juror Sheila Limerick stated Basically echoing what Ms. Card just said. That's all I know as well." On further examination, Limerick stated; "That I have heard things that would cloud-well, not really cloud. That are bad things about their reputation." Ms. Card further added All I've ever heard is the Holy Land is kind of a bad place, lots of bad people." On further examination

card, in the presence of all of the Juror card, stated; "Cultish-type people that I know that they contacted my husband to do work before. He's a welder, and he told them no, that was not somewhere he wanted to go." Potential juror, Gayle Dial stated: "The Holy Land, think everybody in here has heard of them. Potential juror, Knox Poole, stated. But overall following the history of over twenty-something years, I do have a very negative attitude toward Bishop Edwards and the whole operation. That I don't know anything personal, you know, but just - just what I'd seen going on and so forth." Knox further added: "I use to ride by, and I use to see the kids out on the side of the road. I really didn't interact with them. Its more about the operation, bringing in - hearsay say, splitting up family members, the way they raised funds. In sort of a negative - - Potential juror, Ebony Brown, stated "I just heard bad things go on there." I don't know where its at but I heard Potential juror, Hugh Johnson, added "Mostly everybody heard in the community just the negative that goes on behind the walls so to speak. Potential juror, Georgia Portis, claims that she had heard "same thing everybody else heard."juror, Georgia Portis, claims that she had heard "same thing everybody else heard." She added "I heard they get people up there. Once you get in, you can't get out and stuff like that. That's hearsay."

Potential juror Portis admitted that she had a "negative view of the Holy Land. Potential juror Christian McCarty, in the presence of other potential jurors, stated: I heard it was a lot of unlawful sexual acts going on up there, that the husband's really couldn't really sleep with the wives." She added; "They could not. And he (the Bishop) had a choice of whatever woman he wanted to be with." She added, he separated the children from the families, and some would try to run away, but they couldn't." McCarty admitted that she did not know the Defendant, Dynasty, but stated: "I just know the Holy Land." McCarty admitted that she had a negative idea about the Holy Land. When asked whether she would be able to render a fair and impartial judgment about Dynasty, she replied "No, because I'd be against the Holy Land."

Potential juror, Royal Adams stated that "as far as about the Bishop just - per say he's like the ruler or the king over people that's there." She also admitted that she has "a negative feeling about the Holy Land." Potential juror, Tiajuana Parker, stated that she had heard "bad stuff ... about separating the kids and husbands and wives." Ms. Parker admitted that she has a negative opinion of Bishop Edwards and the Holy Land.

She said it would color her opinion about rendering a fair and impartial verdict. Potential juror, Tonya Johnson, testified that she had been told negative things about the Holy Land and that she probably would "be negative and anything related to him (the Bishop) would be negative." She admitted she would not be able to make a fair and impartial judgment. Potential juror Sheila Limerick repeated her comments about the Holy Land and Bishop being cultish, not allowing people to leave, and sexual abuse. She stated: "Everything I have heard about it is negative." Potential juror, Julia Card, also admitted that her negative opinion of Bishop Edwards and the Holy Land would interfere with her rendering a fair and impartial judgment. Potential juror, Joe Reed, where in question the source money paid to Bishop Edwards that Heritage used to buy real estate and concluded that it gave him a negative opinion of the Holy Land and Bishop Edwards. He further stated that if Dynasty is a part of the Holy Land then it would cause him to have a negative opinion of Dynasty.

When asked if the negative opinion would interfere with his ability to make a fair and impartial judgment he stated: "Yes, it would." Potential juror, Knox Poole, stated in the presence of the juror stated that he had a negative attitude toward Bishop and

suggested that a substandard school house was the reason for two fires in which kids were killed. He admitted that he would be bias. Potential juror, Richard May, stated that he had heard that "the Holy Land separated kids from their families."

Potential juror, Kirk Knight, stated that: "Everybody in Sumter County has probably heard of it (the Holy Land)." Potential juror, Anita Dial, indicated that "Several years ago they (the Holy Land people) picketed around the courthouse. Potential juror, Ruthy James, stated in the presence of the jury the venire: "It was certain things they had to do and Bishop was going with ladies in the Holy Land, you know, and had kids by the girls in the Holy Land and stuff like that." Ms. James admitted that what she had heard gave her a negative opinion about the Holy Land and would interfere with her ability to make a decision in this case. Potential Walter Bullock claimed that he heard "that he (Bishop Edwards) fathered a lot of children out there with different women. Bullock admitted that he had not had any firsthand contact with the Bishop or anyone at the Holy Land. Bullock admitted that his perceived connection between the Bishop and Dynasty would cause him not to be fair and impartial. Potential juror, Ricketta Wallace, had heard about a couple who left (ran away from) under the stewardship of

Bishop Edwards and that scenario gave her a problem with making a fair verdict in this case. Wallace admitted she would have a problem reaching a fair verdict.

Potential juror Perry Wright, claimed that "the Bishop, you know, he got multiple kids by multiple women and once you get in you can't get out." As a result, he had a negative opinion of the Holy Land, and admitted that if Dynasty was affiliated with the Holy Land, he would have a negative opinion of Dynasty and could not be impartial.

Potential juror Knox Poole suggested in the presence of the juror that "If we've got a bias against what Bishop Edwards has done for collecting money in one name and using it to buy limousine, hotel, whatever, and we've seen this our whole lives, we may hear something that could bring that prejudice up." He added "I'm saying money raised in the name of children been spent on Cadillac and hotels is wrong, so I'm bias." Juror, Card, stated "I mean being told by my husband, you know, to have nothing to do with those people." At the conclusion of the trial, the jury returned a verdict in favor of Smith. On March 25, 2019, Judge Hardaway entered a final judgment against Dynasty, finding that the fourteen quit claim deeds to Dynasty were fraudulently conveyed, and, therefore, set aside the quit claim

deeds and re-vested Heritage with the parcels contained in the fourteen quit claim deeds. On April 23, 2019, Dynasty timely appealed the final judgment on March 25, 2019.

IX. STATEMENT OF THE STANDARD OF REVIEW

A state court of last resort has decided an important federal question in a way that conflicts with relevant decisions of the United States Supreme court and as such the supreme court of Alabama should be overturned. The Failure of the trial court judge to dismiss a tainted jury affected the substantial rights of Appellant, Dynasty, to a fair trial. Where the facts are undisputed and the only question is whether the trial court correctly applied the law to undisputed facts, the standard of review is de novo. *Ex Parte Thomas*, 54 So. 3d 356, 358 (Ala. 2010); *Ex Parte Anonymous*, 803 So. 2d 242, 246 (Ala. 2001) The issue of the trial court judge's failure to quash the jury venire and remove jurors for cause should be reviewed under the constitutional standard of deprivation of an impartial jury.

X. ARGUMENT IN SUPPORT

The Trial Judge Committed Reversed Error When He Refused to Strike the Jury Venire Due to the Taint of Prejudicial Statements Made During Voir Dire.

The trial court judge erred when he failed to quash the jury venire due to the fact that it was tainted by prejudice and defamatory hearsay.

At voir dire, counsel for Dynasty, Mr. Penick, made the following motion to strike the jury venire.

"Judge, I move that we strike this entire juror panel and that a mistrial be declared because of the undue and unfair prejudice caused by many members of the jury in responding to questions based solely on hearsay and defamatory comments with bias. in fact, the jury has been sufficiently tainted. This pool at least has been sufficiently tainted. And we believe that we are not going to get a fair and impartial jury out of this panel."

Judge Hardaway denied the motion. Under Alabama Law, a motion to quash the venire should not be sustained or granted unless it is alleged and proved that the whole venire is tainted with prejudice." *Gwin v. State*, 425 So. 2d 500 (Ala. Crim. App. 1982) citing *Harris v. State*, 394 So. 2d 96, 98 (Ala. Crim. App. 1981); *Nickerson v. State*, 283 Ala.

387, 217 So. 2d 536 (1969). In the case at bar, the jury repeatedly referred to affiliated non-party (Bishop Luke Edwards) and a non-party affiliated organization (The Holy Land) in negative light.

More importantly, the jury was allowed to hear defamatory, hearsay remarks about Bishop Luke Edwards, who is the Bishop over Greater Christ Temple Apostolic Church, from which these satellite corporations grew.

Potential jurors made, in the presence of other potential jurors, unfounded accusations that Bishop Edwards was engaging in illicit sex with women of the church and had fathered children with other men's wives. For example: Potential jury Christian McCarty, in the presence of other potential jurors, stated: "I heard it was a lot of unlawful sexual acts going on up there, that the husband's really couldn't really sleep with the wives." She added: "They could not. And he (the Bishop) had a choice of whatever woman he wanted to be with." She further added: "He separated the children from the families, and some would try to run away, but they couldn't." McCarty admitted that she did not know the Defendant, Dynasty, but stated: "I just know the Holy Land." McCarty admitted that she had a negative idea about the Holy Land. When asked whether she would be able to render a fair and

impartial judgment about Dynasty, she replied "No, because I'd be against the Holy Land."

Other prospective jurors falsely described the Holy Land, which grew out of Christ Temple Apostolic Church, as a cult from which a person could not escape. For example, Potential juror, Julia Card, stated that: nr just know over the years hearing about the Holy Land down there, and this is what I heard, it's rather cultish and illegal activity goes on. That's just what I've always heard the last twenty years. That's just all hearsay. That's been going around Sumter County." Appellant here, reincorporates all of the negative and defamatory comments made openly by jurors during the jury selection process.

None of the above referenced jurors had firsthand knowledge of having met with or dealt with Bishop Edwards or the officer or manager of this Church, the Holy Land, Heritage or Dynasty. Nevertheless, the jurors had fixed opinions that, if Dynasty was associated with Bishop Edwards, then they could not return a fair and impartial verdict on behalf of Dynasty. When the linkage between Bishop Edwards, the Holy Land and Dynasty was first mentioned in the trial, proper, Dynasty's counsel objected on lack of predicate to show that the three were related entities, but said objection was

overruled. Besides the above, all of the jurors had heard the scurrilous hearsay accusations made by dozen of potential jurors in the hearing of other jurors on the panel. In *Wright v. State*, 747 So. 2d 1147, 1149 (Ala. 1999), the Alabama Supreme Court observed that: A challenge to the array or motion to quash the venire will not be sustained unless it is alleged and proved that the whole venire is tainted with prejudice. *Wright* at 1149, citing *Nickerson v. State*, 283 Ala. 387, 217 So. 2d 536 (1969) the Supreme Court did not require the challenger to prove that each individual was prejudiced, but that the whole venire is tainted with prejudice. In the case at bar, over one-half of the venire expressed negative sentiment about Bishop Edwards and the Holy Land.

On a similar case, where a jury was exposed to prejudicial evidence, the Alabama Supreme Court, in *Wood v. Hayes*, 104 So. 3d 883 (Ala. 2012), reversed a jury verdict due to the prejudice caused by viewing photos of the judgment creditor's injuries which were gruesome. In the Court's opinion, such evidence was irrelevant to Plaintiff's fraudulent conveyance claim. 104 So. 3d at 873-74. The Court did not require a finding that each person on the venire was affected, before reversing the jury verdict.

Although Wood dealt with prejudicial photos the same principal applies to the venire's exposure to scurrilous and defamatory statements during the voir dire. The Court in Wood held that: "the trial court's admission of evidence that was entirely irrelevant to Hayes's fraudulent-transfer claims and that was highly prejudicial to Darren and Joni warrants reversal of the jury verdict against Darren and Joni." *Id.* at 874. In the case at bar, Dynasty asserts that the alleged conduct of Bishop Edwards and the Holy Land was totally irrelevant and highly prejudicial to determine Smith's fraudulent-transfer claim. As such, the jury verdict should be reversed.

Quashing the jury is required to maintain the integrity of the jury process. This Court recognized the importance of quashing a tainted jury in *Ex parte Wright*, 166 So. 3d 618, 632-33 (Ala. 2014): "As in criminal matters, civil cases also require avoiding' the potential that pretrial publicity may taint the jury venire, resulting in a jury that is bias toward one party or another,' (*United States v. Brown*, 218 F. 3d 415, 423(5th Cir. 2000), and preventing the' creat[ion] [of]" a 'carnival atmosphere, 'which threatens the integrity of the preceding.'" *Id.* at 423r n.8." *Ex parte Wright* at 632-33, citing *Marceaux v.*

Lafayette City-Parish Consolidated Government, 731 F. 3d (488, 494) (5th Cir.2013).

The Trial Court Judge Committed Reversible Error When He Refused to Dismiss Jurors for Cause In the case at bar, several of the jurors acknowledge that the rumors they heard about Bishop Edwards and the Holy Land would cause them not to lay aside their opinion and decide the case fairly and impartially, yet Judge Hardaway failed to remove them.

In *Gwin*, this Court reasoned that: "The person is not qualified to serve as a juror where his opinion is so fixed that it would influence his decision so that he could not lay aside his opinion and try the case fairly and impartially." *Gwin* at 503, citing *Tidmore v. City of Birmingham*, 356 So.2d 231, 234 (Ala. Cr. App. 1977), Cert. Denied, 356 So. 2d 234 (Ala. 1978). In the case at bar, the following witnesses acknowledged that they had negative opinions of Bishop Johnson and the Holy Land and that it would cause them to be unable to make a fair and impartial judgment in this case: 1. Knox Poole 2. Ophelia Dial 3. Ebony Brown 4. Hugh Johnson 5. Crystal McCarty 6. Tijuana Parker 7. LaTonya Johnson 8. Julia Card 9. Knox Poole 10. Ruthy James 11. Walt Bullock 12. Ricketta Wallace 13. Terry Wright Despite confessions from the above jurors that they could not

be impartial, Judge Hardaway denied Dynasty's challenge to strike the following: 1. Tijuana Parker 2. LaTonya Johnson 3. Opheila Houston 4. Dorothy Lee 5. Ruthie James 6. Ophelia Dial Although the judge later stated that McCarty should be removed. Likewise, the judge indicated that he was removing LaTonya Johnson for cause, when in fact, he had denied Dynasty's request to remove LaTonya Johnson for cause. As a result of the judge not removing jurors that should have been removed for cause, Dynasty's counsel had to use pre-entry strikes to remove jurors that should have been removed for cause. This left insufficient strikes for Dynasty's counsel to remove other offending jurors.

DYNASTY HAD TO USE FIVE OF ITS TEN PREEMPTORY STRIKES TO REMOVE JURORS WHICH SHOULD HAVE BEEN REMOVED FOR CAUSE.

Despite Penick's best efforts, the following persons who admitted a negative feeling about Bishop Edwards, the Holy Land and, consequently Dynasty remained on the jury:

1. Ebony Brown: "I just heard bad things going on there."

2. Opheila Houston

3. William Johnson: "Mostly everybody heard in the community just the negative that goes on behind the walls so to speak." More importantly, once they confessed their bias and prejudice it could not be cured with the later promise to be impartial.

XI. CONCLUSION

Based on the foregoing arguments and authorities, this Court should reverse the jury verdict and the final judgment and remand this case to the trial court for Dynasty to receive a fair trial by an impartial jury. In view of the above arguments, it is respectfully requested that a Writ of Certiorari issue.

December 6, 2020

Respectfully submitted,

s/Paul A. Robinson, Jr.

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| APPENDIX |
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CIRCUIT COURT OF SUMTER COUNTY,
ALABAMA:

Final Judgment,
filed 03/20/19 A1 - A6

ALABAMA SUPREME COURT:

Decision,
filed 07/10/20 B1

Certificate of Judgment,
filed 07/28/20 C1 - C2



**IN THE CIRCUIT COURT OF
SUMTER COUNTY, ALABAMA**

JOHNSON BRUCE L.,)
KING MICHAEL L.,)
HARRISON WILLIAM,)
BAYVIEW LOAN SERVICING , LLC ET AL,)
Plaintiffs ,)

V.) Case No.: CV-14-900049.00

HERITAGE REAL ESTATE)
INVESTMENT CORPORATION,)
DYNASTY GROUP, INC.,)
Defendants.)

FINAL JUDGMENT

THIS CAUSE came on for trial on March 18, 19, and 20, 2019. The jury, consisting of twelve (12) persons, with Donald Wayne Hardin as the foreperson, heard testimony, considered the evidence, and rendered a unanimous verdict in favor of the Plaintiff, Stephen Smith as Trustee of the Bankruptcy Estate of Heritage Real Estate Investment, Inc. The jury found that the fourteen (14) quitclaim deeds dated April 28, 2008, and recorded on July 3, 2008, from Heritage Real Estate Investment Inc. to Dynasty Group, Inc., which quitclaim deeds are filed of record in the office of the Judge of Probate of Sumter County, Alabama, were fraudulent conveyances and ordered said quitclaim deeds be set aside and title to the properties

described in the quitclaim deeds be re-vested in Heritage Real Estate Investment, Inc. In accordance with the jury verdict, the Court enters the following Final Judgment:

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that the fourteen (14) quitclaim deeds, more particularly described below, dated April 28, 2008, and recorded on July 3, 2008, from Heritage Real Estate Investment, Inc. to Dynasty Group, Inc. are hereby set aside as fraudulent conveyances. The titles to the properties described in the fourteen (14) quitclaim deeds, as more particularly described as follows. shall be, and hereby are, re-vested In HERITAGE REAL ESTATE INVESTMENT INC., effective as of the date of this final judgment:

1. That certain QUIT CLAIM DEED FOR CORPORATION from HERITAGE REAL ESTATE INVESTMENT COMPANY, a Mississippi corporation, to DYNASTY GROUP INC., dated April 24, 2008, and recorded on July 3, 2008, In Deed Book 220, at Page 37, in the office of the Judge of Probate of Sumter County, Alabama;
2. That certain QUIT CLAIM DEED FOR CORPORATION from HERITAGE REAL ESTATE INVESTMENT COMPANY, a Mississippi corporation, to DYNASTY GROUP INC., dated April 24, 2008, and recorded on July 3, 2008, In Deed Book 220, at Page 41, in the office of the Judge of Probate of Sumter County, Alabama;

3. That certain QUIT CLAIM DEED FOR CORPORATION from HERITAGE REAL ESTATE INVESTMENT COMPANY, a Mississippi corporation, to DYNASTY GROUP INC., dated April 24, 2008, and recorded on July 3, 2008, In Deed Book 220, at Page 45, in the office of the Judge of Probate of Sumter County, Alabama;

4. That certain QUIT CLAIM DEED FOR CORPORATION from HERITAGE REAL ESTATE INVESTMENT COMPANY, to DYNASTY GROUP INC., dated April 24, 2008, and recorded on July 3, 2008, In Deed Book 220, at Page 47, in the office of the Judge of Probate of Sumter County, Alabama;

5. That certain QUIT CLAIM DEED FOR CORPORATION from HERITAGE REAL ESTATE INVESTMENT COMPANY, to DYNASTY GROUP INC., dated April 24, 2008, and recorded on July 3, 2008, In Deed Book 220, at Page 49, in the office of the Judge of Probate of Sumter County, Alabama;

6. That certain QUIT CLAIM DEED FOR CORPORATION from HERITAGE REAL ESTATE INVESTMENT COMPANY, a Mississippi corporation, to DYNASTY GROUP INC., dated April 24, 2008, and recorded on July 3, 2008, In Deed Book 220, at Page 51, in the office of the Judge of Probate of Sumter County, Alabama;

7. That certain QUIT CLAIM DEED FOR CORPORATION from HERITAGE REAL ESTATE INVESTMENT COMPANY, to DYNASTY GROUP INC., dated April 24, 2008, and recorded on July 3, 2008, In Deed Book 220, at Page 53, in the office of the Judge of Probate of Sumter County, Alabama;

8. That certain QUIT CLAIM DEED FOR CORPORATION from HERITAGE REAL ESTATE INVESTMENT COMPANY, a Mississippi corporation, to DYNASTY GROUP INC., dated April 24, 2008, and recorded on July 3, 2008, In Deed Book 220, at Page 55, in the office of the Judge of Probate of Sumter County, Alabama;

9. That certain QUIT CLAIM DEED FOR CORPORATION from HERITAGE REAL ESTATE INVESTMENT COMPANY, to DYNASTY GROUP INC., dated April 24, 2008, and recorded on July 3, 2008, In Deed Book 220, at Page 57, in the office of the Judge of Probate of Sumter County, Alabama;

10. That certain QUIT CLAIM DEED FOR CORPORATION from HERITAGE REAL ESTATE INVESTMENT COMPANY, a Mississippi corporation, to DYNASTY GROUP INC., dated April 24, 2008, and recorded on July 3, 2008, In Deed Book 220, at Page 59, in the office of the Judge of Probate of Sumter County, Alabama;

11. That certain QUIT CLAIM DEED FOR CORPORATION from HERITAGE REAL ESTATE INVESTMENT COMPANY, to DYNASTY GROUP INC., dated April 24, 2008, and recorded on July 3, 2008, In Deed Book 220, at Page 63, in the office of the Judge of Probate of Sumter County, Alabama;

12. That certain QUIT CLAIM DEED FOR CORPORATION from HERITAGE REAL ESTATE INVESTMENT COMPANY, to DYNASTY GROUP INC., dated April 24, 2008, and recorded on July 3, 2008, In Deed Book 220, at Page 65, in the office of the Judge of Probate of Sumter County, Alabama;

13. That certain QUIT CLAIM DEED FOR CORPORATION from HERITAGE REAL ESTATE INVESTMENT COMPANY, a Mississippi corporation, to DYNASTY GROUP INC., dated April 24, 2008, and recorded on July 3, 2008, In Deed Book 220, at Page 67, in the office of the Judge of Probate of Sumter County, Alabama;

14. That certain QUIT CLAIM DEED FOR CORPORATION from HERITAGE REAL ESTATE INVESTMENT COMPANY, a Mississippi corporation, to DYNASTY GROUP INC., dated April 24, 2008, and recorded on July 3, 2008, In Deed Book 220, at Page 69, in the office of the Judge of Probate of Sumter County, Alabama;

DONE this 20th day of March, 2019.

CIRCUIT JUDGE

A-6

REL: July 10, 2020

STATE OF ALABAMA -- JUDICIAL
DEPARTMENT
THE SUPREME COURT
SPECIAL TERM, 2020

1180584

Dynasty Group, Inc. v. Stephen Smith, Trustee for
Bankruptcy Estate of Heritage Real Estate
Investment Corporation (Appeal from Sumter
Circuit Court: CV-14-900049).

MITCHELL, Justice.

AFFIRMED. NO OPINION.

See Rule 53(a)(1) and (a)(2)(B), Ala. R. App. P.

Parker, C.J., and Shaw, Bryan, and
Mendheim, JJ., concur.

IN THE SUPREME COURT OF ALABAMA
July 28, 2020

1180584 Dynasty Group, Inc. v. Stephen Smith,
Trustee for Bankruptcy Estate of Heritage Real
Estate Investment Corporation (Appeal from Sumter
Circuit Court: CV-14-900049).

CERTIFICATE OF JUDGMENT

WHEREAS, the appeal in the above referenced
cause has been duly submitted and considered by the
Supreme Court of Alabama and the judgment
indicated below was entered in this cause on July 10,
2020:

Affirmed. No Opinion. Mitchell, J. - Parker, C.J.,
and Shaw, Bryan, and Mendheim, JJ., concur.

NOW, THEREFORE, pursuant to Rule 41 ,
Ala. R. App. P., IT IS HEREBY ORDERED that this
Court's judgment in this cause is certified on th is
date. IT IS FURTHER ORDERED that, unless
otherwise ordered by this Court or agreed upon by
the parties, the costs of this cause are hereby taxed
as provided by Rule 35, Ala. R. App. P.

I, Julia J. Weller, as Clerk of the Supreme
Court of Alabama, do hereby certify that the
foregoing is a full, true, and correct copy of the
lnstrument(s) herewith set out as same appear(s) of
record in said Court.

Witness my hand this 28th day of July, 2020.

s/Julia Jordan Weller
Clerk, Supreme Court of Alabama

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