

confirmed that they had filed no opposition to the plaintiff's motion and advised the court that they were ready to proceed and would argue their position orally to the court.

This Court, after allowing exhaustive argument from counsel of record, and receiving stipulations of fact from the parties in open court, has concluded the Plaintiff's Motion for Partial Summary Judgment against the County Defendants is due to be, and is hereby **GRANTED**, and that the following order is due to be entered herein.

It is therefore **ORDERED, ADJUDGED, and DECREED** as follows:

Declaratory Judgment

Pursuant to the *Declaratory Relief Act*, Ala. Code §§6-6-220 et. seq, and Ala. Code § 12-11-30, this Court hereby declares as follows:

Since the enactment of the 1875 Alabama Constitution, the Sheriff has been designated as a State Constitutional Officer under Art. V §112 and as such, is not an employee or officer of the County. Parker v. Amerson, 519 So. 2d 442 (Ala. 1987). As pointed out by counsel for the Civil Service Board, pursuant to Alabama Const. Local Amend. §64-8.20, after being hired, "all employees of the Office of the Sheriff of Walker County are subject to the authority of the Walker County Civil Service Board", thus affording them protection under the civil service act.

The Sheriff of Walker County, therefore, is the sole and exclusive hiring and appointing authority, within the meaning of §2 of the Walker County Civil Service Act, 1969-200, as amended, and Rule 6 of the Walker County Civil Service Board Rules, related to any employment decision effecting employees of the Walker County Sheriff's Office. Further affirmation of this fact is found in Ala. Code § 36-22-3, where the legislature acknowledges that the Sheriff has inherent authority to make employment

decisions, providing in pertinent part that “[a]ny of the duties of the sheriff [] may be carried out by deputies, reserve deputies, and persons employed as authorized in Section 14-6-1 as determined appropriate by the sheriff in accordance with state law.”

The County, however, is a creature of statute and can only exercise the authority conferred on it by the legislature. Dillard v. Baldwin Cnty. Comm'n, 833 So. 2d 11 (Ala. 2002). In relation to the Sheriff’s Office, the County has a duty to allocate funding specifically to pay salaries of the Sheriff’s Office, (Ala. Code §11-1A-1), to provide facilities (Ala. Code §11-3-12), and to provide for the county jail as well as inmate needs (Ala. Code §§14-6-19, 14-6-20). However, the County or the County Commission acting as the Body Corporate, has no authority, whatsoever, over the Sheriff, to act as the hiring authority over the Sheriff’s Office, or to make employment decisions affecting the Sheriff’s Deputies or other employees. The County Defendants acknowledged this in open court, and it is undisputed.

Notwithstanding, in the face of having their lack of authority to make decisions regarding the Sheriff Office’s employees pointed out to them by plaintiff’s counsel in an open public meeting held on May 19, 2025, prior to filing of this lawsuit, Walker County, acting through the County Commission, voted to approve the creation of the “Courthouse Security Officer” and “Courthouse Security Sergeant Positions”, and their respective pay scales, placed them under the Sheriff’s Office and then, voted and approved a resolution purportedly transferring Deputies Richard Victory, Gregory Harrison, Joe Taylor, Joshua Richardson, and Michael Taylor to said respective positions. These actions on the part of the County Defendants led to the immediate

filing of this lawsuit by the plaintiff.

Upon receiving the plaintiff's lawsuit, which requested an emergency hearing to address the plaintiff's request for temporary relief, the County Defendants' attorney and the Plaintiff's attorney appeared before the court to discuss scheduling of the emergency hearing requested by the plaintiff. The County Defendants' attorney maintained that there was no need for an emergency hearing because his clients conceded that the Sheriff was the hiring authority for the Office of the Sheriff, that the County Defendants had no authority over said matters and, further stated that the County Defendants were going to vote to rescind their resolution at their next scheduled meeting.

County Defendants' counsel further agreed to the relief requested by the plaintiff being granted and insisted that these concessions made an emergency temporary hearing unnecessary. In the wake of this concession, counsel for both parties advised the court that they would provide the court with a proposed order reflecting the agreement. Based on this understanding, the court delayed scheduling an expedited hearing in this matter, and subsequently continued the hearing set, believing that the Plaintiff and the County Defendants had in fact reached an agreement resolving the temporary issues raised, and that a proposed consent order confirming the same would be forthcoming from the parties¹.

¹ On July 1, 2025, the County Defendants' attorney represented to the court that the County Defendants did in fact rescind its decision. (Doc. 21).

However, such was not the case. Instead, on August 4, 2025, the County Defendants held a public meeting and, despite its acknowledgment that it had no authority over the Sheriff or his employee's, voted and passed a resolution suspending Sheriff's office employee, Brad Allred. The County Defendants' passage of this resolution, after acknowledging that they have no authority over the Sheriff's Office or its employees and that the Sheriff is the hiring authority for the Office of the Sheriff, makes manifestly clear the need for the entry of this order granting the declaratory and injunctive relief sought by the plaintiff.

THEREFORE, this court finds and declares that the County Defendants', acting through the County Commission, creation of the Courthouse Security Officer and Courthouse Security Sergeant position and transferring Deputies Richard Victory, Gregory Harrison, and Joe Taylor to the position of Courthouse Security Officer and, Deputies Joshua Richardson and Michael Taylor to the position of Courthouse Security Sergeant, to be unlawful, void, and beyond the scope of the Walker County Commission's legal authority under the Laws of Alabama.

This court further declares that the County Defendants', acting through the County Commission, suspension of Sheriff Office employee Brad Allred, on August 4, 2025, was beyond the scope of its legal authority arising under the Laws of Alabama, was without legal force or effect and, is hereby declared a nullity.

Permanent Injunction:

It is hereby **ORDERED** that Walker County, the Walker County Commission, and any and all Walker County Commissioners, their agents, representatives, and employees, are hereby forever and permanently **restrained, enjoined, and prohibited**

from acting or attempting to act as the hiring or appointing authority for the Sheriff of Walker County or the Walker County Sheriff's Office.

It is further **ORDERED** that Walker County, the Walker County Commission, and any and all Walker County Commissioners, its agents, representatives, and employees are hereby forever and permanently **restrained, enjoined, and prohibited** from interfering with any employment decision made by the Walker County Sheriff pertaining or related to the hiring, transfer, assignment, classification, discipline, suspension, termination or otherwise involving themselves in any fashion with the Sheriff's Office's handling of its employees.

All other matters raised in the plaintiff's complaint not expressly addressed herein are reserved for further hearing in this cause.

DONE this 8th day of October, 2025.

/s/ JOELETTA MARTIN BARRENTINE
CIRCUIT JUDGE