



**IN THE CIRCUIT COURT OF
JEFFERSON COUNTY, ALABAMA
BIRMINGHAM DIVISION**

VIVIAN PEOPLES, AS MOTHER AND	)	
NEXT OF KIN TO JABARI LATRELL	)	
PEOPLES, DECEASED,	)	
	)	
Petitioner,	)	
	)	
v.	)	Case No. 01-CV-2025-902665.00
	)	
CITY OF HOMEWOOD, ET AL.,	)	
	)	
Respondents.	)	

ALEA RESPONDENTS' MOTION TO CONTINUE RULE 27 HEARING

COME NOW the Alabama State Law Enforcement Agency (“ALEA”) and Christopher Inabinett (“Director Inabinett”)¹, Respondents named in the above-styled civil action (collectively, the “ALEA Respondents”), and respectfully move that this Honorable Court continue the Rule 27 hearing currently set for next Monday, August 4, 2025.² (Doc. 13).

The ALEA Respondents are newly named and have yet to be served with process related to this action. So, the August 4, 2025 hearing – though procedurally appropriate when set – would now have the effect of denying these new Respondents the 30 days’ notice and opportunity to respond contemplated by Alabama Rule of Civil Procedure 27(a)(2).

¹ Director Inabinett is named in his official capacity, but he is incorrectly designated in the operative petition as “the Director of ALEA” and “the head of ALEA.” (Doc. 23, ¶ 9). Inabinett is the Director of ALEA’s State Bureau of Investigations. (Exhibit A, Affidavit of Director Christopher Inabinett (“Ex. A”), ¶ 3).

² ALEA and Director Inabinett make this limited appearance for the purpose of seeking a continuance of the Rule 27 petition hearing set for next Monday, August 4, 2025. At this time, the ALEA Respondents have not been served with process in accordance with Rules 4 and 27 of the Alabama Rules of Civil Procedure. By making this filing, the Defendants neither concede the personal jurisdiction of this Court nor waive service of process.

Moreover, the issues to be discussed at the Rule 27 hearing in this action will be impacted by the imminent conclusion of the officer-involved shooting investigation conducted by ALEA's State Bureau of Investigations ("SBI"). This will result in the release of SBI's investigative file, including body-worn camera footage, to the City of Homewood's Police Department and to the Jefferson County District Attorney's Office.

As grounds in support of this Motion, the ALEA Respondents show unto the Court as follows:

FACTS AND PROCEDURAL HISTORY

1. On June 23, 2025, an officer-involved shooting incident occurred in Homewood, Jefferson County, Alabama. (See doc. 23, ¶ 12). The incident involved a City of Homewood police officer and Jabari Peoples, the Petitioner's decedent. (See id.). Jabari Peoples passed away as a result of injuries sustained in the officer-involved shooting. (See id.).

2. Shortly after the officer-involved shooting occurred, the City of Homewood's Police Department requested that the State Bureau of Investigations ("SBI") take over its investigation into the shooting. (Exhibit A, Affidavit of Director Christopher Inabinett ("Ex. A"), ¶ 4). SBI is a department of the Alabama State Law Enforcement Agency ("ALEA"). (Id. at ¶ 3). The head of ALEA is its Secretary, Hal Taylor. (Id.). Christopher Inabinett serves as the Director of SBI, a position established by statute in Alabama Code § 41-27-5(b). (Id.).

3. During the course of SBI's investigation, ALEA has been the "custodial law enforcement agency" for purposes of Title 36, Chapter 21, Article 10 of the Code of Alabama. Under these statutes, such an agency has a limited authorization under state law to disclose body-worn camera footage. Ala. Code § 36-21-212. However, "[a] custodial law enforcement agency may choose to not disclose the recording if the disclosure would affect *an ongoing active law*

enforcement investigation or prosecution.” § 36-21-213(a)(2) (emphasis added). In order to ensure the integrity and confidentiality of its pending investigation, ALEA has declined to disclose any body-worn camera footage. (See doc. 25).

4. On July 2, 2025, the Petitioner instituted this pre-litigation discovery action by filing its original Petition. (Doc. 2). The Petition named two Respondents: the City of Homewood and “Officer John Doe.” (Id. at p. 1). The City was served with the Petition the same day. (Doc. 9).

5. On July 3, 2025, this Honorable Court entered an Order setting the original Petition for a hearing on **August 4, 2025**. (Doc. 13). The Court set the hearing 30 days from service of the Respondents – and expressly chose that date because Rule 27(a)(2) requires at least 30 days’ notice to named respondents before a Rule 27 hearing is held. (Id.). See Ala. R. Civ. P. 27(a)(2).

6. On July 11, 2025, the City of Homewood filed a motion to dismiss the Petition. Among other arguments, the City asserted that ALEA was a necessary party to this action as a result of its status as the “custodial law enforcement agency” for purposes of Alabama Code §§ 36-21-210 to -214. (Doc. 16, p. 10–16).

7. On July 18, 2025, the Petitioner filed an Amended Petition. (Doc. 23). The Amended Petition adds both ALEA and Director Inabinett as Respondents. (Id. at ¶¶ 8–9; p. 1).

8. According to Alacourt records, on July 24, 2025 – last Thursday – summonses issued from this Court to the ALEA Respondents. (Doc. 29, p. 3–4). These summonses simply command the ALEA Respondents to make a written response to the Amended Petition within thirty (30) days, and they convey no notice of the Court’s August 4, 2025 hearing. (Id.).

9. The Rule 27 hearing remains set for *next Monday, August 4, 2025*. At the time of this filing – five days from the scheduled hearing – *service of process has not been effected upon the ALEA Respondents*.

10. Director Inabinett expects that SBI’s investigation into the relevant officer-involved shooting will conclude *by this Friday, August 1, 2025*. (Ex. A, ¶ 5). At that time, pursuant to standard Agency practice in SBI’s officer-involved shooting investigations, ALEA will release SBI’s investigative file – including any and all body-worn camera footage obtained from the City of Homewood – to the City of Homewood’s Police Department and to the Jefferson County District Attorney’s Office. (Id.).

I. The Alabama Rules of Civil Procedure require each respondent to be served with notice 30 days prior to a Rule 27 hearing.

11. The Petitioner has elected to add ALEA and Director Inabinett to this case as Respondents, (doc. 23, ¶¶ 8–9) – evidently in response to, and agreement with, Respondent City of Homewood’s assertion that ALEA is a “necessary party” to this pre-litigation discovery action. (Id. (asserting that “[j]oinder of ALEA is . . . required under Rule 19(a)” and that Director Inabinett’s “presence is necessary for the full effectiveness of the relief sought”); doc. 16, p. 10–16).

12. The ALEA Respondents are not designated as expected adverse parties in the Petitioner’s future litigation. (Compare id. at ¶¶ 6–7, with, id. at ¶¶ 8–9). For that reason, they respectfully disagree with the other parties’ characterization of one or both of them as “necessary parties” to this pre-litigation discovery action:

- a. The text of Rule 27 contemplates that the party from whom pre-litigation discovery is sought does not, on that basis, have to be a named party to the petition or participate in the Rule 27 hearing. See Ala. R. Civ. P. 27(a)(1) (differentiating between “the persons to be examined” and “the persons the petitioner expects will be adverse parties”); Ala. R. Civ. P. 27(a)(2) (requiring service of the notice of hearing only “upon each person named in the petition as an expected adverse party”). This makes sense, because the primary issue to be litigated in the petition hearing is *whether the discovery will be allowed outside of the usual litigation timeline for those parties’ claims and defenses*.

- b. When a judge enters an order authorizing pre-litigation discovery, that discovery “may then be taken *in accordance with th[e Rules of Civil Procedure]*.” Ala. R. Civ. P. 27(a)(3) (emphasis added). As in the ordinary course of civil discovery, this is the appropriate stage for a non-party to be heard on any objections it may have to the served discovery.

13. However, since the Petitioner has elected to name ALEA and Director Inabinett as Respondents to this pre-litigation discovery action – and since they are expected to appear and respond to the Petition on that basis (see doc. 29, p. 3–4) – these Respondents must be permitted to appear and respond *on the timeline set forth in Rule 27(a)(2)*: “[a]t least thirty (30) days” after they are “served in the manner provided in Rule 4(c) for service of summons.” Ala. R. Civ. P. 27(a)(2). This, of course, aligns with the usual 30-day timeline for a defendant to respond to service of a summons and complaint under the Rules of Civil Procedure. See Ala. R. Civ. P. 12(a).

14. Indeed, the only service documents addressed to the ALEA Respondents thus far – which are dated July 24, 2025 – indicate that the ALEA Respondents should be given thirty days from the date of service to respond to the Petition. (Doc. 29, p. 3–4).

15. The Rule 27 hearing is set for August 4, 2025 – six days from now, and eleven days since the first issuance of any service documents naming the ALEA Respondents. To-date, Rule 4 service has not been effected on the ALEA Respondents.

16. The Rule 27 hearing was set prior to the Petitioner’s amendment adding the ALEA Respondents. (See doc. 13). At that time, it afforded the named and served respondents the full 30 days’ notice required by Rule 27(a)(2). However, if the Rule 27 hearing were to go forward next Monday, it would now have the effect of denying this same notice and opportunity to respond to the newly named Respondents. A continuance of the Rule 27 hearing is warranted on these procedural grounds.

II. The issues to be discussed at the Rule 27 hearing will be impacted by ALEA SBI's imminent completion of the relevant officer-involved shooting investigation.

17. The Amended Petition describes “the body-worn camera video of the incident” as “the primary evidence at issue” and the “core evidence” to be addressed in this pre-litigation discovery action. (Doc. 23, ¶ 8). The ALEA Respondents are named in the Amended Petition based on its assertions that “ALEA now holds the only official copy of the video,” that ALEA “is *the* entity authorized by statute to disclose or release the recording,” and that “[w]ithout ALEA’s participation, the core evidence cannot be preserved or produced.” (*Id.* (emphasis added); *id.* at ¶ 9). The Amended Petition also describes ALEA’s investigation timeline as “indeterminate” and suggests that the Petitioner may have to wait “months or years” to pursue litigation. (*Id.* at ¶ 18).

18. The relative rights and statuses of the Petitioner and the Respondents in relation to the production of this “core evidence” will be significantly altered by the conclusion of SBI’s investigation into the officer-involved shooting – which is expected to occur *on or before this Friday, August 1, 2025*. (Ex. A, ¶ 5). At that time, pursuant to standard practice, ALEA will release SBI’s investigative file directly *to one of the Petitioner’s expected adverse parties*, the City of Homewood, as well as to the Jefferson County District Attorney’s Office. (*Id.*).

19. At a minimum, this change in circumstances will greatly diminish any argument that the ALEA Respondents are “necessary parties” to this pre-litigation discovery action. At that point, the Petitioner will be able to seek “the primary evidence at issue” through the service of discovery upon one of the parties she intends to sue – whether that is pursuant to a judicial order authorizing pre-litigation discovery in this action or pursuant to ordinary civil discovery processes during the litigation itself.

20. For these substantive reasons, as well, a continuance of the Rule 27 hearing is warranted, as it will allow the Petitioner and the Respondents to review and respond to these new, pertinent developments in the investigative process.

CONCLUSION

WHEREFORE, THESE PREMISES CONSIDERED, the Alabama State Law Enforcement Agency and Director Christopher Inabinett respectfully request that this Honorable Court enter an Order continuing the hearing set for August 4, 2025, (doc. 13), to a later date that, at a minimum, affords these new Respondents 30 days from the date they are served, in accordance with Alabama Rule of Civil Procedure 27(a)(2).

Respectfully submitted this 30th of July, 2025.

/s/ Noel S. Barnes

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CERTIFICATE OF SERVICE

I hereby certify that on July 30, 2025, I electronically filed the foregoing with the Clerk of Court and served a copy of the same via the Alacourt system on the following counsel of record:

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