



Supreme Court of Appeals State of West Virginia

News

Administrative Office
1900 Kanawha Blvd., East
Bldg. 1, Room E-316
Charleston, West Virginia 25305
(304) 340-2305 Jennifer Bundy
(304) 340-2306 April Harless
(304) 558-4219 / TTY
(304) 558-1212 / FAX
Web Site: www.courtsvw.gov
Twitter: [WVCourts](https://twitter.com/WVCourts)
Flickr: www.flickr.com/photos/courtsvw/
Email: Jennifer.Bundy@courtsvw.gov
Email: April.Harless@courtsvw.gov

Supreme Court to hear cases at West Virginia Wesleyan College

For immediate release Friday, October 19, 2012

BUCKHANNON, W.Va. – The Supreme Court of Appeals of West Virginia will hear arguments in four cases at West Virginia Wesleyan College at 10 a.m. on Tuesday, Oct. 23. The Justices will hold court at the Virginia Thomas Law Center for the Performing Arts.

Justice Robin Jean Davis, a 1978 graduate of the college, said she is looking forward to visiting the campus. “I have very fond memories of the years I spent as an undergraduate at Wesleyan. I know the students there are bright, inquisitive, and hard-working. I hope they take advantage of the unique opportunity we are providing them to personally see their appellate court system in action.”

The Supreme Court hears several argument dockets outside of Charleston each year, although this is its first trip to West Virginia Wesleyan College. It previously has held court at Wheeling Jesuit University, Marshall University, and West Virginia University College of Law, as well as at numerous county courthouses as part of the annual LAWS (Legal Advancement for West Virginia Students) program for high school students.

The Virginia Thomas Law Center for the Performing Arts, on College Avenue, opened in 2009. Culpepper Auditorium seats 374. Technical theater students will work with court staff on the webcast of the arguments. All Supreme Court arguments, including the arguments at West Virginia Wesleyan, are webcast live on the Supreme Court’s website, www.courtsvw.gov.

The Supreme Court will hear two cases on a Rule 19 Argument Docket:

- **Raymond A. Hinerman Sr. and Barbara B. Hinerman v. Richard A. Rodriguez and Rita C. Rodriguez, No. 11-0595.** Petitioners appeal the circuit court's decision granting partial summary judgment to respondents.
- **Thomas McBride, Warden v. Joseph H. Lavigne, Jr., No. 11-0853.** Warden McBride appeals from the circuit court’s order granting *habeas* relief to respondent and awarding him a new trial

The Court also will hear two cases on a Rule 20 Argument Docket:

- **State Farm Mutual Automobile Insurance Company v. Jill F. Schatken and Steven N. Schatken, No. 11-1142.** Petitioner State Farm appeals the lower court ruling in an underinsured motorist coverage claim concerning non-duplication of benefits language in an insurance policy. The circuit court held that the language violated West Virginia Code and the state's public policy. The circuit court also granted summary judgment on issues involving medical payments, reimbursement language, and how medical payments coverage impacts health insurance. *In this case, Justice Davis is disqualified and Twenty-Sixth Judicial Circuit (Lewis and Upshur Counties) Judge Thomas H. Keadle is sitting by temporary assignment.*
- **State of West Virginia v. Jonathan Scott Bourne, No. 11-0282.** Petitioner appeals from his convictions for second-degree sexual assault, incest, detaining with intent to defile, and felony conspiracy following a jury trial. Petitioner raises evidentiary issues at trial and challenges the issuance of a search warrant for the contents of his computer.

Documents in each case can be downloaded from the Supreme Court website on the following page: <http://www.courtswv.gov/supreme-court/calendar/2012/dockets/oct-23-12ad.html>.

##