



Supreme Court of Appeals State of West Virginia

News

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Supreme Court to hear Argument Dockets at Marshall University

For immediate release

HUNTINGTON, W.Va. – The Supreme Court of Appeals of West Virginia will hear four cases at Marshall University beginning at 10 a.m. on Tuesday, September 16, as part of the school’s celebration of Constitution Week.

The public is invited to attend the Court session at the Joan C. Edwards Performing Arts Center.

Marshall University is named for former U.S. Supreme Court Chief Justice John Marshall, who served on that Court from 1801 to 1835 and was the longest serving Chief Justice in United States history. He died two years before Marshall Academy was formed in 1837.

Justice Menis Ketchum was a member of the Marshall University Board of Governors from 2002 until his campaign for the Supreme Court, and he served as Chairman or Vice-Chairman of the Board from 2003 to 2008.

The Court is scheduled to hear two cases on a Rule 20 Docket.

- ***Estella Robinson v. City of Bluefield, No. 13-0936:*** Estella Robinson is appealing a Mercer County Circuit Court order that affirmed a Municipal Court of Bluefield order to euthanize her dog.
- ***State of West Virginia v. Justin Sean Gum, No. 12-1292:*** Justin Sean Gum is appealing a Lewis County Circuit Court order finding sufficient evidence to support a conviction of second-degree murder and sentencing him to forty years at the William Sharpe Hospital. The circuit judge found him to be incompetent and unlikely to obtain competency. In this appeal, the petitioner seeks to have the Court review the lower court’s rulings and find that West Virginia Code §27-6A-6, which bars jury trials for those who are mentally incompetent, is unconstitutional.

The Court also is scheduled to hear two cases on a Rule 19 Docket.

- ***Alcan Rolled Products Ravenswood, LLC v. Terry W. McCarthy, No. 13-1080:*** Alcan Rolled Products Ravenswood, LLC, is appealing a Kanawha County Circuit Court order which reversed the Board of Review and Administrative Law Judge’s decision that respondent Terry W. McCarthy engaged in “gross misconduct” under West Virginia Code § 21A-6-3. The circuit court held that respondent is entitled to unemployment benefits.

- ***State of West Virginia v. Christopher D. Cox, No. 13-0778***: Christopher D. Cox is appealing his conviction for first-degree murder without a recommendation of mercy in the death of a fellow inmate at Mount Olive Correctional Center on September 24, 2011.

Documents filed in the cases can be found on the Court's website at <http://www.courtswv.gov/supreme-court/calendar/2014/dockets/sept-16-14ad.html>.