



DECISIONS, NOTICES AND ORDERS

Friday, September 7, 2012

The Supreme Court of Appeals of West Virginia has taken action in the following cases. This list contains only the action taken by the Court, not the content or actual date of orders or decisions.

MEMORANDUM DECISIONS

In accordance with Rule 21, memorandum decisions were entered in the following cases:

Bobby Stotler v. David Ballard, Warden, No. 11-1282 (Berkeley 05-C-937)
Affirmed (5-0)

State of West Virginia v. Eric Troy Schlichting, No. 11-1276 (Harrison 09-F-116)
Affirmed (5-0)

In Re: J.W. and L.W., No. 12-0057 (Jackson 10-JA-4, 5)
Affirmed (4-0)(Justice McHugh disqualified)

In Re: C.L., T.S. and S.H., No. 12-0309 (Wood 10-JA-108, 109, 110)
Affirmed (5-0)

In Re: R.B. and F.B., No. 12-0384 (Barbour 11-JA-16, 17)
Affirmed (5-0)

In Re: R.B. and F.B., No. 12-0387 (Barbour 11-JA-16, 17)
Affirmed (5-0)

In Re: B.J. and C.H., No. 12-0403 (Mercer 11-JA-21, 22)
Affirmed (5-0)

In Re: A.H., T.H. AND I.H., No. 12-0462 (Wood 10-JA-92, 93, 94)
Affirmed (5-0)

In Re: A.H., T.H. AND I.H., No. 12-0466 (Wood 10-JA-92, 93, 94)
Affirmed (5-0)

In Re: M.M., No. 12-0491 (Marion 11-JA-57)
Affirmed (5-0)

ORDER LIST
September 7, 2012
Page 2

Elmer Castle v. Adrian Hoke, Warden, No. 11-1154 (Berkeley 07-C-103)
Affirmed (5-0)

State of West Virginia v. David Light, No. 11-1124 (Berkeley 10-F-27)
Affirmed (5-0)

State of West Virginia v. Dallas Wade Butler, No. 11-1191 (Harrison 10-F-90-3)
Affirmed (5-0)

State of West Virginia v. Benjamin Todd, No. 11-1277 (Harrison 09-F-48)
Affirmed (5-0)

State of West Virginia v. Gregory Jeffries, No. 11-1115 (Kanawha 09-MAP-32)
Affirmed (5-0)

In Re: J.F. and A.F., No. 12-0097 (Jackson 11-JA-7,8)
Affirmed (4-0)(Justice McHugh disqualified)

In Re: B.C., No. 12-0279 (Harrison 10-JA-93-1)
Affirmed (5-0)

In Re: P.L. and K.L., No. 12-0366 (Mercer 10-JA-36, 37)
Affirmed (5-0)

In Re: B.C., N.C., A.C., and M.C., No. 12-0395 (Barbour 11-JA-21, 22, 23, 24)
Affirmed (5-0)

In Re: J.W., L.W. and L.W., No. 12-0496 (Putnam 11-JA-19, 20, 21)
Affirmed (5-0)

State of West Virginia v. John C. James, No. 11-1009 (Nicholas 11-F-16)
Affirmed (5-0)

State of West Virginia v. Christopher Snapp, No. 11-1077 (Hardy 09-F-23)
Affirmed (5-0)

State of West Virginia v. James Mongold, No. 11-1095 (Jefferson 10-F-102)
Affirmed (5-0)

State of West Virginia v. Walter Wallace Adkins, Jr., No. 11-1321 (Gilmer 08-F-6)
Affirmed (5-0)

In Re: C.M., No. 12-0074 (Hardy 11-JA-22)
Affirmed (5-0)

In Re: I.P., No. 12-0110 (Mineral 10-JA-31)
Affirmed (5-0)

ORDER LIST
September 7, 2012
Page 3

In Re: R.C., No. 12-0229 (Mercer 10-JA-78)
Affirmed (5-0)

In Re: D.T., No. 12-0257 (Harrison 11-JA-56-1)
Affirmed (5-0)

In Re: B.H., A.H., A.H. and J.H., No. 12-0303 (Putnam 11-JA-15, 16, 17, 18)
Affirmed (5-0)

In Re: B.H., A.H., A.H. and J.H., No. 12-0313 (Putnam 11-JA-15, 16, 17, 18)
Affirmed (5-0)

In Re: D.M., P.M., and L.M., No. 12-0386 (Mercer 11-JA-82, 83, 99)
Affirmed (5-0)

In Re: O.J., No. 12-0426 (Wood 10-JA-34)
Affirmed (5-0)

McKimmon Graham, et al. v. Wilson B. Rider, No. 11-0999 (Greenbrier 09-C-274)
Affirmed (5-0)

Joseph F. John v. Richard Ringer, No. 11-1185 (Preston 09-C-225)
Affirmed (5-0)

Harold L. Cyrus v. David Ballard, Warden, No. 11-1041 (Mercer 10-C-32, 84)
Affirmed (5-0)

In Re: D.F., III, M.F. and K.D., No. 12-0055 (Mineral 11-JA-6, 7, 8)
Affirmed (5-0)

In Re: K.D., No. 12-0062 (Mineral 11-JA-8)
Affirmed (5-0)

In Re: C.P., No. 12-0231 (Jackson 11-JA-49)
Affirmed (5-0)

In Re: K.B., No. 11-1676 (Raleigh 11-JA-50)
Affirmed (5-0)

William L. Pearson v. Americredit Financial Services, Inc., No. 11-1455 (Raleigh 10-C-711)
Affirmed (5-0)

RULE 19 ARGUMENT GRANTED

The following cases will be scheduled for Rule 19 oral argument
on the dates stated:

Thomas H. Johnson, et al. v. Bertha Kirby, Administratrix, No. 11-1105 (Monroe 09-C-71)
Wednesday, January 9, 2013

ORDER LIST
September 7, 2012
Page 4

State of West Virginia v. Rodney L. Hypes, No. 11-1273 (Nicholas 09-F-17)
Wednesday, January 9, 2013

In Re: M.W., No. 12-0383 (Mason 10-JA-1)
Wednesday, October 17, 2012

RULE 20 ARGUMENT GRANTED

The following cases will be scheduled for Rule 20 oral argument
on a date to be determined by the Clerk; unless otherwise stated:

Target Corporation v. Kathie Hoffman, Assessor and County Commission of Ohio County, No.
11-1355 (Ohio 11-CAP-3)
Tuesday, January 8, 2013

Charles R. Elder v. Annabelle Scolapia, No. 11-1156 (Harrison 10-C-103-3)
Tuesday, January 8, 2013

Glenn Spitznogle, Jr. and Marlene Spitznogle v. Kevin R. Durbin and Krista A. Durbin,
No. 11-1132 (Marshall 09-C-209)

Mountain State College v. Sheryl Holsinger, Sandra R. Carpenter and Mary J. Yeater,
No. 11-1203 (Kanawha 98-C-1497)

ORDERS

Orders of note were entered in the following cases:

SER Kenneth A. Gibson v. David Ballard, Warden, No. 12-0416 (Original Habeas)
Petition refused (5-0)

SER Mark Delane Ward v. Hon. Alfred Ferguson, Judge, No. 12-0492 (Original Mandamus)
Petition refused (5-0)

SER Andrew L. Chicarelli v. George Trent, Administrator, No. 12-0536 (Original Habeas)
Remanded with directions (5-0)

SER Matthew Wade v. Hon. John A. Hutchison, Judge, No. 11-0862 (Original Mandamus)
Petition refused as moot (5-0)

SER Jerry Rose v. Hon. H.L. Kirkpatrick, Judge, No. 11-1563 (Original Mandamus)
Petition refused as moot (5-0)

SER Bobby Eugene Roddy v. Hon. Michael Thornsberry, Judge, No. 11-1573
(Original Mandamus)
Petition refused as moot (5-0)

ORDER LIST
September 7, 2012
Page 5

SER Mitchell Coles v. James Rubenstein, Commissioner, West Virginia Division of Corrections,
No. 12-0201 (Original Mandamus)
Petition refused (5-0)

SER Jessie White v. Evelyn Seifert, Warden, No. 12-0414 (Original Habeas)
Petition refused (5-0)

SER Brian Ellison v. Marvin Plumley, Warden, No. 12-0550 (Original Habeas)
Petition refused without prejudice to re-file in circuit court (5-0)

SER Barry K. Andrews v. Marvin Plumley, Warden, No. 12-0572 (Original Habeas)
Petition refused without prejudice to re-file in circuit court (5-0)

SER Justin S. Adams v. David Ballard, Warden, No. 12-0621 (Original Habeas)
Petition refused (5-0)

SER Autumn Rae Faulkner v. Hon. Jaymie Godwin Wilfong, Judge, No. 12-0962
(Original Prohibition)
Petition refused (5-0)