



DECISIONS, NOTICES AND ORDERS

Friday, May 13, 2011

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.

REHEARINGS

The Court took the following action on petitions for rehearing:

State of West Virginia v. Ferlin Jay Heavener, No. 101231 (Pendleton 09-F-19)
Refused (5-0)

MEMORANDUM DECISIONS

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

State of West Virginia v. Richard Lee Cooper, No. 101542 (Jackson 09-F-93)
Affirmed (Justice Benjamin dissenting)(Justice McHugh disqualified)

Eva Celine Boccia v. James Julius, No. 101589 (Jefferson 06-C-370)
Affirmed (Justice Ketchum dissenting)

State of West Virginia v. Rickie Lee Wright, No. 101365 (Gilmer 09-F-7)
Affirmed

Crystal Young v. Billy Stewart, et al., No. 101525 (Wayne 08-C-176)
Affirmed (Justice Ketchum dissenting)

RULE 19 ARGUMENT GRANTED

The following cases will be scheduled for Rule 19 oral argument on a date to be determined by the Clerk, unless stated otherwise:

Anthony Armstead v. WV Human Rights Commission and Federal Express, No. 101590
(Kanawha 09-AA-106)

State of West Virginia v. Arnold Wayne McCartney, No. 101457 (Lewis 09-F-8)

ORDER LIST

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In Re: K.Y., A.Y., S.Y. and W.Y., No. 11-0300
(Harrison 08-JA-21-3, 08-JA-22-3, 08-JA-23-3, 08-JA-24-3)
May 25, 2011 Argument Docket

RULE 20 ARGUMENT GRANTED

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

State Farm Mutual Automobile Insurance Company v. Sheila Ann Rutherford, No. 101556
(Kanawha 03-C-2908)

ORDERS

Orders of note were entered in the following cases:

SER Roger Parsons v. Hon. Jennifer Bailey, Judge, No. 11-0625 (Prohibition)
Petition refused (5-0)

State of West Virginia v. David Franklin McLaughlin, No. 101624 (Kanawha 08-F-133)
Remand for resentencing (5-0)

Joseph M. Closson and Susan Closson v. Mountaineer Grading Co., et al., No. 11-0035
(Marion 07-C-71)
Dismissed as interlocutory

Office of Disciplinary Counsel v. John A. Grafton, No. 11-0480 (Disciplinary)
License to practice law suspended and rule to show cause issued

Office of Disciplinary Counsel v. Geoffrey I. Ekenasi, No. 11-0699 (Disciplinary)
License to practice law suspended and trustee to be appointed

Lawyer Disciplinary Board v. B. Michael Smith, No. 11-0730 (Disciplinary)
License to practice law annulled by consent (5-0)

Lawyer Disciplinary Board v. James M. Kernan, No. 35669 (Disciplinary)
License to practice law suspended with conditions set forth (5-0)

SER Edward J. Mercer v. David Ballard, Warden, No. 10-4002 (Habeas)
Petition granted and remanded for resentencing (5-0)

SER Lorenza Carte v. Shannon R. Markle, Administrator, No. 11-0241 (Habeas)
Petition refused (5-0)

In Re: M.B. and K.V., No. 11-0132 (Logan 09-JA-69, 09-JA-70)
Dismiss, Petitioner has no standing to appeal custody order because she was denied leave to
intervene. (4-1)(Justice Ketchum would allow Rule 19 argument)