



DECISIONS, NOTICES AND ORDERS

Monday, January 14, 2013

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:

State of West Virginia v. Jason Rea, No. 11-1324 (Berkeley 07-F-124)
Affirmed (5-0)

In Re: M.G., J.M. and B.M., No. 12-0787 (Braxton 11-JA-31 to 11-JA-33)
Affirmed (5-0)

In Re: Z.G., G.G., A.T. and H.T., No. 12-0868 (Webster 12-JA-13 to 12-JA-16)
Affirmed (5-0)

In Re: Z.G., G.G., A.T. and H.T., No. 12-0881 (Webster 12-JA-13 to 12-JA-16)
Affirmed (5-0)

In Re: E.M. and N.M., No. 12-0919 (Boone 10-JA-12, 13)
Affirmed (5-0)

In Re: N.G., J.G. and M.G., No. 12-0934 (Raleigh 11-JA-151 to 11-JA-153)
Affirmed (5-0)

In Re: A.S., No. 12-1029 (Barbour 11-JA-15)
Affirmed (5-0)

In Re: A.S., No. 12-1040 (Barbour 11-JA-15)
Affirmed (5-0)

Brian M. v. David Ballard, Warden, No. 11-1677 (Jackson 10-C-67)
Affirmed (5-0)

State of West Virginia v. Nathaniel Pittman, No. 11-1499 (Wood 10-F-151)
Affirmed (5-0)

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In Re: H.M., P.G., T.G. and H.M., No. 12-0859 (Mercer 11-JA-180 to 11-JA-183)
Affirmed (5-0)

In Re: H.M., P.G., T.G. and H.M., No. 12-0863 (Mercer 11-JA-180 to 11-JA-183)
Affirmed (5-0)

In Re: O.C., F. C., C.C. and S.F., No. 12-0917 (Berkeley 10-JA-67 to 10-JA-70)
Affirmed (5-0)

In Re: N.P., R.P. and K.H., No. 12-1016 (Taylor 11-JA-30 to 11-JA-32)
Affirmed (5-0)

In Re: P.F., A.F., B.F. and J.F., No. 12-1052 (Marion 11-JA-60 to 11-JA-63)
Affirmed (5-0)

Troy G. v. David Ballard, Warden, No. 11-0959 (Logan 05-C-357)
Affirmed (5-0)

Scott Allen Marshall v. Patrick Mirandy, Warden, No. 11-1464 (Jefferson 09-C-309)
Affirmed (5-0)

William S. v. David Ballard, Warden, No. 11-1640 (Mercer 11-C-236)
Affirmed (5-0)

In Re: B.W., No. 12-0866 (Preston 12-JA-3)
Affirmed (5-0)

In Re: J.M., J.M. and C.M., No. 12-0900 (Calhoun 11-JA-40 to 11-JA-42)
Affirmed (5-0)

In Re: J.M., J.M. and C.M., No. 12-0901 (Calhoun 11-JA-40 to 11-JA-42)
Affirmed (5-0)

Lisa Dillon v. WV Restaurant Management, No. 11-1647 (Kanawha 11-AA-79)
Affirmed (5-0)

William Preston Boyce v. Shelley Renee Boyce, No. 11-1612 (Nicholas 10-D-239)
Affirmed (5-0)

James Brown v. Jennifer Brown, No. 11-1705 (Kanawha 09-D-2068)
Affirmed (5-0)

Bruce M. v. Patrick Mirandy, Warden, No. 11-1329 (Cabell 08-C-0076)
Affirmed (5-0)

Ian Smith v. WV Regional Jail and Correctional Facility Authority, No. 11-1429
(Cabell 06-C-144)
Affirmed (5-0)

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Nicole Kees v. Lori Nohe, Warden, No. 11-1465 (Berkeley 06-C-70)
Affirmed (5-0)

Steve Hardwick, et al. v. Town of Ceredo, No. 11-1048 (Wayne 09-CM-004 to 09-CM-006)
Affirmed (4-0) (Justice Ketchum disqualified)

Arcenio C. v. Mollie C., No. 11-1111 (Boone 10-D-338)
Affirmed (5-0)

Nathan Long v. David Ballard, Warden, No. 11-1342 (Harrison 09-C-508-3)
Affirmed (5-0)

Gerald M. v. David Ballard, Warden, No. 12-0021 (Kanawha 11-MISC-321)
Affirmed (5-0)

RULE 19 ARGUMENT GRANTED

The following cases will be scheduled for Rule 19 oral argument:

In Re: C.C., No. 12-0932 (Raleigh 12-JA-01)
February 19, 2013

State of West Virginia v. Davis Wolverton, No. 11-1617 (Webster 10-F-06)

J.R. and S.R. v. D.M., No. 11-1492 (Marion 11-A-13)

In Re: M.M., No. 12-0957 (Morgan 12-JA-1)

State of West Virginia v. Terry Allen Blevins, No. 11-1014 (Mercer 09-F-12)

State of West Virginia v. Larry A. Holton, No. 11-1357 (Mercer 03-F-22)

State of West Virginia v. John J. Moffit, No. 11-1306 (Ohio 11-F-18)

State of West Virginia v. Henry B. Harris, No. 11-1766 (Hancock 02-F-48)

RULE 20 ARGUMENT GRANTED

The following cases will be scheduled for Rule 20 oral argument:

State of West Virginia v. Timothy Ray Sutherland, No. 11-0799 (Kanawha 10-F-328)

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ORDERS

Orders of note were entered in the following cases:

SER Raymond Simms v. Debra Minnix, Warden, No. 11-1436 (Original Habeas)
Rule to show cause issued returnable to circuit court for appointment of counsel and an omnibus habeas proceeding. (5-0)

SER Keith Molineaux Jr. v. David Ballard, Warden, No. 12-0583 (Original Habeas)
Refused (5-0)

SER Scott A. Marshall v. Debra Minnix, Warden, No. 12-0703 (Original Habeas)
Refused (5-0)

SER Tony R. Ford v. George Trent, Administrator, No. 12-0840 (Original Habeas)
Rule to show cause issued returnable to circuit court for appointment of counsel and an omnibus evidentiary hearing. (5-0)

SER Stacy Lynn Webb v. Lori Nohe, Warden, No. 12-0950 (Original Habeas)
Rule to show cause issued returnable to circuit court for appointment of counsel and an omnibus evidentiary hearing. (5-0)

SER Rodger D. Mitchell v. Hon. David Nibert, Judge, No. 12-0542 (Original Mandamus)
Refused as moot (5-0)

SER James Sigley v. Hon. Mark A. Karl, Judge, No. 12-0425 (Original Mandamus)
Refused (5-0)

SER William Mayfield v. Hon. Arthur M. Recht, Judge, No. 12-0457 (Original Mandamus)
Grant and remand with directions to appoint new counsel to carry out the mandate in the Court's October 20, 2010 order in case No. 35708 (5-0)

SER Kevin Jordan v. Hon. Jeffrey B. Reed, Judge, No. 12-0637 (Original Mandamus)
Refused as moot (5-0)

SER Christopher T. Smith v. Hon. Jack Alsop, Judge, No. 12-0575 (Original Prohibition)
Refused (5-0)

SER Christopher T. Smith v. Hon. Jack Alsop, Judge, No. 12-0676 (Original Prohibition)
Refused (5-0)

SER George Van Wagner v. Hon. Gray Silver, III, Judge, No. 12-0746 (Original Prohibition)
Refused (5-0)

SER Richard Craig v. David Ballard, Warden, No. 11-1556 (Original Mandamus)
Refused (4-0)(Justice Workman not participating)

SER Koren Kurcaba v. Lori Nohe, Warden, No. 12-0839 (Original Habeas)
Rule to show cause issued returnable to circuit court for appointment of counsel and directions to consolidate with habeas currently pending. (5-0)

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SER Joshua Riffe v. Dennis Dingus, Warden, No. 12-0958 (Original Habeas)
Rule to show cause issued returnable to circuit court for appointment of counsel and directions
to consolidate with habeas currently pending. (5-0)

Donell D. Lee v. David Ballard, Warden, No. 11-1781 (Marion 11-C-140)
Affirmed in part, reversed in part, and remanded (5-0)