



DECISIONS, NOTICES AND ORDERS

Tuesday, March 12, 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:

Larry F. v. Lisa F., No. 12-0164 (Logan 10-D-462)
Affirmed (5-0)

State of West Virginia v. Denfert Blankenship, No. 11-1682 (McDowell 11-F-7)
Affirmed (5-0)

State of West Virginia v. Christopher J. Kroner, No. 11-1780 (Mineral 10-F-155)
Affirmed (5-0)

State of West Virginia v. Rodney Worrell, No. 12-0076 (Mineral 10-F-255)
Affirmed (5-0)

State of West Virginia v. Acie A. Bailey, No. 12-0234 (Fayette 11-F-131)
Affirmed (3-2) (Chief Justice Benjamin and Justice Ketchum dissenting)

State of West Virginia v. Clarence Ray Hoberek, No. 12-0268 (Ohio 10-F-23)
Affirmed (5-0)

State of West Virginia v. Joshua Hutzler, No. 12-0271 (Jefferson 11-F-52)
Affirmed (4-1) (Justice Ketchum dissenting)

State of West Virginia v. Jubal Wesley Goff, No. 12-0432 (Harrison 09-F-164)
Affirmed (5-0)

State of West Virginia v. Colton B., No. 12-0641 (Preston 12-JD-15)
Affirmed (5-0)

In Re: H. F., No. 12-0987 (Mercer 11-JA-37)
Affirmed (4-1) (Justice Ketchum dissenting)

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In Re: J.H. and L.H., No. 12-1002 (Raleigh 10-JA-64, 65)
Affirmed (4-1) (Justice Ketchum dissenting)

In Re: J.G., Jr., No. 12-1041 (Mercer 11-JA-68)
Affirmed (5-0)

In Re: J.G., Jr., No. 12-1053 (Mercer 11-JA-68)
Affirmed (5-0)

In Re: J.K. and M.K., No. 12-1161 (Jackson 11-JA-52, 11-JA-53)
Affirmed (5-0)

In Re: H.W. and M.W., No. 12-1147 (Taylor 11-JA-18, 11-JA-19)
Affirmed (5-0)

In Re: H.W. and M.W., No. 12-1200 (Taylor 11-JA-18, 11-JA-19)
Affirmed (5-0)

In Re: O.C., A.C. and D.C., No. 12-0915 (Berkeley 10-JA-56 through 10-JA-58)
Affirmed (4-1) (Justice Ketchum dissenting)

In Re: O.C., A.C. and D.C., No. 12-0916 (Berkeley 10-JA-56 through 10-JA-58)
Affirmed (4-1) (Justice Ketchum dissenting)

In Re: E.D., S.W., J.W. and R.H., No. 12-0975 (Wood 11-JA-23 through 11-JA-26)
Affirmed (5-0)

In Re: Z.J., C.J., H.W., A.Y., J.Y. and T.Y., No. 12-1042 (Clay 11-JA-105 through 11-JA-110)
Affirmed (5-0)

In Re: S.C., No. 12-1146 (Kanawha 10-JA-65)
Affirmed (4-1) (Justice Ketchum dissenting)

In Re: S.A. and S.A., No. 12-1181 (Roane 11-JA-7, 11-JA-8)
Affirmed (5-0)

In Re: M.T. and T.M., No. 12-1267 (Cabell 11-JA-22, 11-JA-23)
Affirmed (5-0)

In Re: R.H., No. 12-1317 (Monroe 11-JA-05)
Affirmed (5-0)

In Re: P.L., No. 12-1372 (Webster 11-JA-39)
Affirmed (5-0)

In Re: A.M., K.W., B.W. and A.W., No. 12-1426 (Kanawha 12-JA-39 through 12-JA-42)
Affirmed (5-0)

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Quinten T. Goddard v. Greenbrier Hotel Corporation, No. 11-1608 (Greenbrier 09-C-157)
Affirmed (5-0)

State of West Virginia v. Brenda Lunsford, No. 11-1616 (Webster 11-F-32)
Affirmed (5-0)

In Re: H.C., A.W. and B.C., No. 12-0972 (Mingo 11-JA-73 through 11-JA-75)
Affirmed (5-0)

In Re: K.C. and C.C., Jr., No. 12-1320 (Mingo 11-JA-12, 11-JA-13)
Affirmed (5-0)

Stanley Demere v. David Ballard, Warden, No. 12-0145 (Pendleton 10-C-2)
Affirmed (3-2) (Chief Justice Benjamin and Justice Ketchum dissenting)

Sharon A. Hayes and Dennis Parrucci v. Cheryl H. Ornick, Trustee, et al., No. 12-0285
(Monongalia 09-C-606)
Affirmed (5-0)

Donald Criss v. George Trent, Warden, No. 12-0286 (Harrison 10-C-235)
Affirmed (5-0)

State of West Virginia v. Brandon Porter, No. 11-1773 (Wood 11-F-35)
Affirmed (5-0)

State of West Virginia v. John S., No. 12-0191 (Roane 10-F-34)
Affirmed (5-0)

In Re: G.D., No. 12-0745 (Mercer 11-JA-132)
Affirmed (5-0)

In Re: B.F., A.E., and A.E., No. 12-0986 (Mingo 12-JA-4 through 12-JA-6)
Affirmed (5-0)

State of West Virginia v. Nathaniel Todd Barnett, No. 12-0116 (Cabell 10-F-141)
Affirmed (5-0)

State of West Virginia v. Anthony Raddish, No. 12-0161 (Marion 11-F-19)
Affirmed (5-0)

State of West Virginia v. Danny Aliff, No. 11-1763 (Cabell 07-F-248)
Affirmed (5-0)

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RULE 19 ARGUMENT GRANTED

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

State of West Virginia v. Raymond D'Arco, No. 11-1158 (Kanawha 09-F-868)
September 10, 2013

In Re: J.M. and S.M., No. 12-0808 (Gilmer 09-JA-2 and 09-JA-3)
May 15, 2013

In Re: T.M. and R.M., No. 12-1138 (Greenbrier 11-JA-46, 11-JA-47)
May 15, 2013

In Re: L.H., W.H. and N.H., Nos. 12-1178 and 12-1186 (Gilmer 11-JA-14, 11-JA-15)
May 15, 2013 - Consolidated

State of West Virginia v. Darrell K. Davis, No. 11-1496 (Mingo 11-F-2)
September 10, 2013

State of West Virginia v. Levon Flournoy, No. 12-0197 (Cabell 06-F-88)
September 10, 2013

Joe Miller, Commissioner, WV Division of Motor Vehicles, Department of Highways v. Donna McCormick, No. 12-0153 (Lincoln 08-AA-1)
September 10, 2013

RULE 20 ARGUMENT GRANTED

The following case will be scheduled for Rule 20 oral argument on the date stated:

State of West Virginia v. Ronald Goins, No. 12-0256 (Mercer 11-F-61)
September 4, 2013

ORDERS

Orders of note were entered in the following cases:

SER Dennis Burch v. Marvin Plumley, Warden, No. 12-0995 (Original Habeas)
Petition refused (4-1) (Justice Ketchum)

SER Jason Zirkle v. Mark Williamson, Warden, No. 12-1032 (Original Habeas)
Petition refused (5-0)

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SER John Keenan v. James Rubenstein, Warden, No. 12-1056 (Original Habeas)
Petition refused (5-0)

SER William Daniel Hedrick v. William Fox, Warden, No. 12-1084 (Original Habeas)
Petition refused (5-0)

SER Larry Alvin Leach Jr. v. David Ballard, Warden, No. 12-1104 (Original Mandamus)
Petition refused (4-0) (Justice Ketchum disqualified)

SER Tyrone Thompson v. John J. Sheeley, Administrator, No. 12-1170 (Original Habeas)
Petition refused (4-0)

SER William Larue v. David Ballard, Warden, No. 12-0970 (Original Habeas)
Petition refused (5-0)

SER Gerald Mullins Jr. v. Debra D. Minnix, Warden, No. 12-1070 (Original Habeas)
Petition refused (3-2) (Chief Justice Benjamin and Justice Ketchum)

SER Kenneth Ray Collins v. Grant Preece, Clerk, No. 12-1226 (Original Mandamus)
Petition refused (5-0)

SER Tony Walker v. Marvin Plumley, Warden, No. 12-1240 (Original Habeas)
Petition refused (5-0)

SER Stevie Bailey v. Hon. Rudolph J. Murensky II, Judge, No. 13-0032 (Original Mandamus)
Petition refused (4-1) (Chief Justice Benjamin)