



DECISIONS, NOTICES AND ORDERS

Friday, May 24, 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:

James Aaron Cooper II v. Teresa Waid, Warden, No. 11-0929 (Cabell 08-C-411)
Affirmed (5-0)

Jerry Berardi and Betty Berardi v. Jack L. Oliver, Oliver and Associates, No. 12-0827 (Marion 10-C-327)
Affirmed (5-0)

State of West Virginia v. Michael Kevin Brammer, No. 12-0408 (Greenbrier 09-F-133)
Affirmed (5-0)

State of West Virginia v. Franklin Overbaugh, No. 12-0440 (Nicholas 11-F-48)
Affirmed (5-0)

State of West Virginia v. James L. Brooks III, No. 12-0454 (Monongalia 05-F-69)
Affirmed (5-0)

State of West Virginia v. Brian Shamburg, No. 12-0659 (Berkeley 11-F-242)
Affirmed (5-0)

State of West Virginia v. Jerry L. Wigal, No. 12-0683 (Pleasants 11-F-14)
Affirmed (5-0)

State of West Virginia v. Gerry G. Barnes, No. 12-0684 (Ohio 09-F-108)
Affirmed (5-0)

State of West Virginia v. Jerome E. Heinemann, No. 12-0812 (Pocahontas 11-M-AP-2, 11-M-AP-3)
Affirmed (5-0)

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State of West Virginia v. Edward C. Frazier, No. 12-0849 (Jackson 11-F-104)
Affirmed (5-0)

State of West Virginia v. Andrew Smith, No. 12-0953 (Berkeley 09-F-117)
Affirmed (5-0)

State of West Virginia v. Jesse Lafferty, No. 12-1065 (Berkeley 11-F-40)
Affirmed (5-0)

Ray Rash v. Marvin Plumley, Warden, No. 12-0564 (Mercer 11-C-22)
Affirmed (5-0)

Benny Ray Roberts v. David Ballard, Warden, No. 12-0782 (Mercer 10-C-419)
Affirmed (5-0)

George H. Watts v. David Ballard, Warden, No. 12-0813 (Wayne 99-C-263)
Affirmed (5-0)

Aaron Riley v. Edgar Mike Lawson, Administrator, No. 12-0930 (Mineral 12-C-83)
Affirmed (5-0)

State of West Virginia v. William H., No. 12-0832 (Gilmer 11-JS-1, 12-JD-6)
Affirmed (5-0)

In Re: A.P., C.P., C.P. and N.P., No. 12-1435 (Grant 12-JA-20, 12-JA-21, 12-JA-22, 12-JA-23)
Affirmed (5-0)

In Re: J.Y., No. 12-1472 (Clay 11-JA-44)
Affirmed (5-0)

In Re: A.S., E.S. and M.S., No. 12-1492 (Logan 11-JA-16, 11-JA-17, 11-JA-18)
Affirmed (5-0)

In Re: R.L., No. 12-1516 (Berkeley 12-JA-70)
Affirmed (5-0)

In Re: A.R. and E.M., No. 12-1517 (Mineral 12-JA-20, 12-JA-27)
Affirmed (5-0)

In Re: L.S., L.S. and L.S., No. 13-0001 (Braxton 12-JA-11, 12-JA-12, 12-JA-13)
Affirmed (5-0)

In Re: L.Y. and T.M., No. 13-0023 (Webster 12-JA-34, 12-JA-35)
Affirmed (5-0)

In Re: L.Y. and T.M., No. 13-0024 (Webster 12-JA-34, 12-JA-35)
Affirmed (5-0)

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In Re: A.J., No. 13-0074 (Braxton 12-JA-30)
Affirmed (5-0)

In Re: K.S., No. 13-0136 (Kanawha 11-JA-70)
Affirmed (5-0)

Michael J. Kanode, Sr. v. Lt. Mike Gills, et al., No. 11-1782 (Mercer 11-C-190)
Affirmed (5-0)

Michael A. Ridenour v. Teresa Parsons, No. 12-0048 (Harrison 11-C-37)
Affirmed (5-0)

Michael Smallwood v. Fairmont General Hospital, Inc., Terri Bonasso and Gavriilo Lazovic, M.D., No. 12-0543 (Marion 12-C-22)
Affirmed (5-0)

In Re: A.P. and G.P., No. 12-1443 (Clay 12-JA-76, 12-JA-77)
Affirmed (5-0)

In Re: B.S. and N.S., No. 13-0060 (Raleigh 10-JA-147, 10-JA-148)
Affirmed (4-1) (Justice Ketchum dissenting)

Jonathan David Boatwright v. David Ballard, Warden, No. 11-1202 (Doddridge 08-P-6)
Affirmed (5-0)

State of West Virginia v. Tracy L. Wright, No. 12-0338 (Putnam 11-F-84)
Affirmed (4-1) (Justice Ketchum dissenting)

State of West Virginia v. Tee El Dodd, No. 12-0815 (Harrison 12-F-12)
Affirmed (5-0)

State of West Virginia v. Sanford Kidd, No. 12-0834 (Wood 09-F-173)
Affirmed (5-0)

In Re: H.J. and H.J., No. 12-1498 (Wetzel 11-JA-18, 11-JA-19)
Affirmed (5-0)

In Re: Marvae W., No. 13-0041 (Berkeley 11-JA-103)
Affirmed (5-0)

David Jones v. David Ballard, Warden, No. 12-0563 (Hancock 09-P-49)
Affirmed (5-0)

Ricky Vincent Pendleton v. David Ballard, Warden, No. 12-0653 (Berkeley 10-C-670)
Affirmed (5-0)

State of West Virginia v. Denzil Wayne Dowler, No. 11-1774 (Wood 10-F-101)
Affirmed (3-2) (Justices Davis and Workman dissenting)

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State of West Virginia v. Lori F., No. 12-0235 (Fayette 11-F-151)

Affirmed (5-0)

Christine Michele Keller v. Bernard Dale Beard, No. 11-1668 (Berkeley 11-DV-239)

Affirmed (5-0)

Thomas D. Thornburgh Jr. v. Town of Gauley Bridge, No. 12-0329 (Fayette 11-C-269)

Affirmed (3-2) (Chief Justice Benjamin and Justice Davis dissenting)

State of West Virginia v. Raymond Bearer, No. 12-0270 (Taylor 11-F-36)

Affirmed (3-2) (Chief Justice Benjamin and Justice Davis dissenting)

In Re: A.L., No. 12-1428 (Pleasants 12-JA-09)

Affirmed (4-1) (Justice Workman dissenting)

Julie Broschart v. WV Department of Health and Human Resources, No. 11-1569

(Randolph 11-C-38)

Affirmed (4-1) (Justice Workman dissenting)

Wanda O. Williamson v. Independence Coal Company, Inc., No. 12-0885 (Kanawha 10-AA-13)

Affirmed (5-0) (Chief Justice Benjamin disqualified) (Senior Status Justice McHugh sitting by assignment)

RULE 19 ARGUMENT GRANTED

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

Jennifer L. v. Russell L., No. 12-0401 (Berkeley 11-D-475)

October 16, 2013

Patricia Hudson v. Secretary, WV Department of Health and Human Resources, No. 12-0775

(Kanawha 12-AA-5)

October 16, 2013

Matthew Edward Dreher v. Richard R. Anderson and JES, Inc., No. 12-0888

(Kanawha 08-C-1771)

October 16, 2013

RULE 20 ARGUMENT GRANTED

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

State of West Virginia v. Gabriel Hargus, No. 12-0513 (Kanawha 11-F-40)

State of West Virginia v. Joshua Carver, No. 12-0658 (Randolph 08-F-38)

State of West Virginia v. Robert Lester, No. 12-0833 (Preston 07-F-76)

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Myron Dewayne Daniels v. William Fox, Warden, No. 12-0180 (Kanawha 05-MISC-265)
October 15, 2013

ORDERS

Orders of note were entered in the following cases:

SER E.S. v. Honorable James J. Rowe, Judge, No. 13-0372 (Original Mandamus)
Rule to show cause issued (5-0) returnable to circuit court for further proceedings consistent with the Court's opinion in In Re: Brandi B., No. 12-0100 (May 17, 2013)

SER James Franklin Pipes v. Circuit Clerk of Morgan County, No. 12-1325 (Original Mandamus)
Petition refused (5-0)

SER John Franklin Arbogast v. Hon. Thomas Keadle, Judge, No. 12-1412 (Original Mandamus)
Petition refused (5-0)

SER Albert William Lacy v. Stephen C. Tucker, Administrator, No. 12-1439 (Original Habeas)
Petition refused (5-0)

SER David S. Branham v. Marvin Plumley, Warden, No. 12-1491 (Original Habeas)
Petition refused (5-0)

SER Bryce E. Barnes v. George Trent, Administrator, No. 12-1199 (Original Habeas)
Petition refused (5-0)

SER Mario Hennicke, Jr. v. Hon. Russell M. Clawges, Judge, No. 13-0148 (Original Mandamus)
Petition refused as moot (5-0)

SER Billy J. Fleming v. Vickie Green, Administrator, No. 13-0285 (Original Habeas)
Petition refused (5-0)

SER Shane B. Peck v. David Ballard, Warden, No. 13-0286 (Original Habeas)
Petition refused (5-0)