



## DECISIONS, NOTICES AND ORDERS

**Monday, April 28, 2014**

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.

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### MEMORANDUM DECISIONS

In accordance with Rule 21, a memorandum decision was entered in the following case:

In Re: W.R. and C.R., No. 13-0991 (Fayette 12-JA-109 and 12-JA-110)  
Affirmed (5-0)

In Re: K.S. and K.S., No. 13-1174 (Hardy 11-JA-27, 13-JA-24)  
Affirmed (5-0)

In Re: M.H., M.W., S.W. and C.L., No. 13-1195 (Grant 13-JA-7 through 13-JA-10)  
Affirmed (5-0)

In Re: T.M., No. 13-1227 (Mercer 12-JA-184 through 12-JA-187)  
Affirmed (5-0)

In Re: T.S. and J.P., No. 13-1271 (Wood 13-JA-16, 13-JA-17)  
Affirmed (5-0)

In Re: J.H., J.H., J.H., and J.H., No. 13-1043 (11-JA-57 through 11-JA-59, 13-JA-006)  
Affirmed (5-0)

In Re: S.M., T.M. and E.M., No. 13-1096 (Clay 12-JA-58, 12-JA-59, 12-JA-60)  
Affirmed (5-0)

In Re: S.M., T.M. and E.M., No. 13-1097 (Clay 12-JA-58, 12-JA-59, 12-JA-60)  
Affirmed (5-0)

In Re: S.S., No. 14-0012 (Mercer 12-JA-124)  
Affirmed (5-0)

In Re: M.M., No. 14-0027 (Raleigh 11-JA-237)  
Affirmed (5-0)

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David T. Walls v. Patrick Mirandy, Warden, No. 13-0296 (Berkeley 11-C-754)  
Affirmed (5-0)

Wyatt L. Graham v. Wetzel County Board of Education, No. 13-0975 (Kanawha 12-AA-46)  
Affirmed (3-1)(Chief Justice Davis dissenting) (Justice Workman disqualified)

State of West Virginia v. Keith R., No. 13-0768 (Greenbrier 11-F-111, 11-F-162)  
Affirmed (5-0)

State of West Virginia v. Shane Matthew Hott, No. 13-0781 (Hampshire 13-F-08, 13-F-49)  
Affirmed (5-0)

State of West Virginia v. William G., No. 13-0908 (Marion 13-F-37)  
Affirmed (5-0)

State of West Virginia v. Shawn Hann, No. 13-1050 (Morgan 10-F-42)  
Affirmed (5-0)

In Re: L. C., No. 13-1005 (Mercer 12-JA-009)  
Affirmed (5-0)

In Re: T.T. and T.T., No. 13-1147 (Nicholas 12-JA-27, 12-JA-28)  
Affirmed (5-0)

Sean T. v. Florence T., No. 13-0900 (Clay 08-D-144)  
Affirmed (5-0)

John C. Glaspell v. Marvin Plumley, Warden, No. 13-0990 (Kanawha 13-P-453)  
Affirmed (5-0)

Bobby Sick v. Steven O. Dale, Acting Commissioner of the West Virginia Division of Highways,  
No. 13-1109 (Kanawha 13-AA-51)  
Affirmed (5-0)

Alvin Chambers v. David Ballard, Warden, No. 14-0020 (Webster 13-P-26)  
Affirmed (5-0)

**RULE 20 ARGUMENT GRANTED**

The following case will be scheduled for Rule 20 oral argument on  
a date during the September 2014 Term of Court:

Estella Robinson v. City of Bluefield, No. 13-0936 (Mercer 13-M-AP-7)  
Affirmed (5-0)

**ORDERS**

Orders of note were entered in the following cases:

SER James Billings, Trustee v. Hon. Paul M. Blake, Jr., Judge, No. 13-1274  
(Original Mandamus)  
Petition refused (5-0)

SER Michelle Kilgore v. M. Scott Villers, Administrator, No. 14-0126 (Original Habeas)  
Rule to show cause issued returnable to circuit court for appointment of counsel and the filing of  
an amended habeas petition (4-1)(Justice Loughry would dismiss as insufficiently pled)

SER Fred Douty v. David Ballard, Warden, No. 14-0145 (Original Habeas)  
Petition refused (5-0)

SER Duane L. Hammock v. Debra Minnix, Warden, No. 14-0109 (Original Habeas)  
Petition refused (5-0)

SER William A. LaRue v. David Ballard, Warden, No. 14-0123 (Original Habeas)  
Petition refused (5-0)

SER Jermaine Banks v. Hon. Booker T. Stephens, Judge, No. 13-1186 (Original Mandamus)  
Petition refused (5-0)

SER Tirrell A. Morton v. Patrick Mirandy, Warden, No. 13-1279 (Original Mandamus)  
Petition refused (5-0)

SER Jeremy N. Ferraro Sr. v. Jim Rubenstein, Commissioner, WV Division of Corrections,  
No. 14-0005 (Original Mandamus)  
Petition refused as moot (5-0)

SER Newman B. Hoover II v. Hon. David Hummel, Jr., Judge, No. 14-0077 (Original  
Mandamus)  
Petition refused (5-0)

SER John A. Marshall v. Hon. James Rowe, Judge, No. 14-0111 (Original Mandamus)  
Petition refused (4-1) (Justice Workman would grant as to resentencing)

SER Billy James Fleming v. Hon. Robert Burnside, Jr., Judge, No. 14-0142  
(Original Mandamus)  
Petition refused as moot (5-0)

SER James C. Lester v. David Jones, Warden, No. 14-0192 (Original Habeas)  
Petition refused as premature (5-0)