



## DECISIONS, NOTICES AND ORDERS

**Friday, January 31, 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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### REHEARINGS

The Court took the following action on petitions for rehearing:

State of West Virginia v. Gabriel Hargus, No. 12-0513 (Kanawha 11-F-40)  
Petition refused (5-0)

William Adkins v. Dennis Dingus, Warden, No. 11-1271 (Logan 01-C-323)  
Petition refused (5-0)

Timothy O'Dell v. David Ballard, Warden, No. 13-0220 (Berkeley 10-C-178)  
Petition refused (3-2) (Chief Justice Davis and Justice Ketchum)

D.W. v. R.M., No. 12-1393 (Hardy 07-D-127, 09-D-71)  
Petition refused (3-2) (Justices Workman and Ketchum)

Marc J. Slotnick v. Brent D. Sayre, No. 13-0404 (Jackson 12-C-40)  
Petition refused (5-0)

Jonathon Cook v. Marvin Plumley, Warden, No. 12-1348 (Clay 10-P-12)  
Petition refused (5-0)

State of West Virginia v. Brandon Flack, No. 12-0829 (Mercer 11-F-288)  
Petition refused (5-0)

In Re: N.C. and B.B., No. 13-0605 (Cabell 09-JA-67, 09-JA-68)  
Petition refused (4-1) (Justice Ketchum)

### MEMORANDUM DECISIONS

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

Rebecca Hale v. Board of Education of Lewis County, No. 13-0469 (Kanawha 13-AA-2)  
Affirmed (5-0)

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**RULE 19 ARGUMENT GRANTED**

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

SER Carl L. Harris, Prosecuting Attorney v. Hon. John W. Hatcher, Jr., Judge; and Steven R. Malay, Sr., No. 13-1236 (Original Prohibition)  
March 26, 2014

Steven O. Dale, Acting Commissioner of the West Virginia Division of Motor Vehicles v. Donald Oakland, No. 13-0761 (Marshall 13-CAP-3)  
March 26, 2014

Steven O. Dale, Acting Commissioner of the West Virginia Division of Motor Vehicles v. Tammy Reed, No. 13-0429 (Kanawha 12-AA-130)  
March 26, 2014

**RULE 20 ARGUMENT GRANTED**

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

Monongalia County Commission v. Judith L. Johnson, Executrix, No. 13-0681 (Monongalia 10-C-328)  
March 26, 2014

**ORDERS**

Orders of note were entered in the following cases:

In the Matter of: Jamison T. Conrad, Fayette County Mental Hygiene Commissioner, No. 14-0036 (Judicial Disciplinary)  
Respondent suspended from the office of Mental Hygiene Commissioner (5-0)

SER Michael Thornsbery v. Hon. Tod J. Kaufman, Judge, No. 13-1233 (Original Prohibition)  
Petition refused (5-0)

John Leyzorek v. Pocahontas County Solid Waste Authority, No. 13-1160 (Pocahontas 07-C-30)  
Motion for stay refused (5-0)

In Re: R.L. and E.L., No. 14-0001 (Berkeley 12-JA-104, 12-JA-105)  
Motion for extension of stay and motion for visitation refused (5-0)

Donald and Patricia Burgess v. Corporation of Shepherdstown and Jim Auxer, Mayor, No. 12-1278 (Jefferson 11-C-421)  
Motion to dismiss granted (5-0)

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Danny Gunnoe, et al. v. William Stern, et al., No. 13-0959 (Marshall 03-C-49)  
Dismissed for failure to properly perfect the appeal (5-0)

Debra Pettry, Executrix, et al. v. Peabody Holding Company, et al., No. 13-0533  
(Marshall 06-C-12)  
Motion to dismiss granted (5-0)

In Re: S.L., No. 13-0912  
Motion to dismiss rule to show cause in contempt granted (5-0)

SER Timothy Hazelwood v. Dennis Dingus, Warden, No. 13-1190 (Original Habeas)  
Motion to dismiss granted (5-0)

SER Crystal Dawn Ash v. Lori Nohe, Warden, No. 13-0985 (Original Habeas)  
Motion to dismiss granted (5-0)

In Re: Petition of S.E. for Expungement of Records, No. 13-1256 (Kanawha 13-P-391)  
Summarily Affirmed (5-0)

David Tabb v. Ralph Lorenzetti, Prosecuting Attorney, No. 13-1192 (Jefferson 13-C-205)  
Summarily Affirmed (5-0)