



DECISIONS, NOTICES AND ORDERS

Friday, March 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.

REHEARINGS

The Court took the following action on petitions for rehearing:

Darrell S. v. David Ballard, Warden, No. 13-0564 (Kanawha 12-MISC-447)
Petition refused (5-0)

State of West Virginia v. Shawn E. Hann, No. 13-0419 (Morgan 10-F-42)
Petition refused (5-0)

In Re: H.S. and H.S., No. 13-0857 (Randolph 12-JA-38, 12-JA-39)
Petition refused (5-0)

MEMORANDUM DECISIONS

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

Ruby Jean Rigney v. Milton Housing Authority, No. 12-1514 (Cabell 12-C-0732)
Affirmed (4-1) (Justice Workman dissenting)

State of West Virginia v. Farley Allen Rhodes, No. 13-0366 (Kanawha 08-F-568)
Affirmed (5-0)

State of West Virginia v. Melvin S., No. 13-0561 (Berkeley 10-F-163)
Affirmed (5-0)

Michael Coffield and Tylene Coffield v. Florence Behrens, et al., No. 13-0680 (Marshall 11-C-23)
Affirmed (5-0)

State of West Virginia v. Lawrence Thomas Redman, No. 13-0225 (Berkeley 85-F-57)
Affirmed (5-0)

Jolene W. v. David W., No. 13-0535 (Kanawha 11-D-1813)
Affirmed (4-0) (Justice Benjamin disqualified)

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State of West Virginia v. James H. Gibson, Jr., No. 13-0586 (Raleigh 06-F-138)
Affirmed (5-0)

Unlimited Ventures, Inc. v. West Virginia Alcohol Beverage Control Administration and Commissioner Ronald Moats, No. 13-0677 (Kanawha 12-AA-1)
Affirmed (5-0)

Jimmy D. Chester v. Steven O. Dale, Acting Commissioner of the West Virginia Division of Highways, No. 13-0678 (Kanawha 12-AA-91)
Affirmed (5-0)

State of West Virginia v. Michael D., No. 13-0594 (Mineral 13-JD-5, 13-JD-11, 13-JD-12)
Affirmed (5-0)

State of West Virginia v. Billy T., No. 13-0608 (Kanawha 12-F-600)
Affirmed (5-0)

Brenda Smith v. Corporation of Harpers Ferry, James Addy, and Shauna Johnstone, No. 13-0752 (Jefferson 12-C-178)
Affirmed (5-0)

Anthony Wilcox and Susan Warrix v. City of Sophia, Mayor Danny Barr, and Nicholas Manning, No. 13-0763 (Raleigh 12-C-322)
Affirmed (5-0)

State of West Virginia v. David Michael Hanlon, No. 13-0777 (Ritchie 11-F-18)
Affirmed (5-0)

State of West Virginia v. Mark A. Yoney, No. 13-0730 (Fayette 97-F-116)
Affirmed (5-0)

State of West Virginia v. Levi Cody Clark, No. 13-0776 (Berkeley 12-F-230)
Affirmed (5-0)

Steven O. Dale, Acting Commissioner of the West Virginia Division of Highways v. Ryne Arthur, No. 13-0374 (Kanawha 12-AA-123)
Affirmed (3-2) (Chief Justice Davis and Justice Loughry dissenting)

Joel K. v. Tina K., No. 13-0407 (Harrison 09-D-358-5)
Affirmed (5-0)

Steven O. Dale, Acting Commissioner of the West Virginia Division of Highways v. Gerald Brewer, No. 13-0501 (Kanawha 12-AA-11)
Reversed and Remanded (5-0)

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Christopher Johnson v. Brayman Construction Corporation, No. 13-0598 (Kanawha 10-C-1372)
Affirmed (4-1) (Justice Workman dissenting)

State of West Virginia v. Jackie Wayne Spaulding, Sr., No. 13-0747 (Mercer 13-F-99)
Affirmed (5-0)

RULE 19 ARGUMENT GRANTED

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

SER City of Bridgeport, et al. v. Hon. John Lewis Marks, Jr., Judge, Doug's Towing, LLC, and Dan Riggs Towing, No. 14-0273 (Original Prohibition)
May 6, 2014

David Ballard, Warden v. Robert Junior Thomas, No. 13-0910 (Wyoming 11-C-180)
May 6, 2014

State of West Virginia Consolidated Public Retirement Board v. Benny G. Jones, No. 13-0937 (Raleigh 11-AA-8)
May 6, 2014

Lora Jarrett Johnstone v. Charles M. Johnstone, II, No. 13-0928 (Kanawha 08-D-2104)
May 6, 2014

Don and Brenda Mason v. Raymond Smith, Maria Catalano, Jeremy Casto, Jerad Casto, Robert Fletcher, The Poca Valley Bank, Inc., Sunrise Atlantic, LLC, and Harpagon MO, LLC,
No. 13-0957 (Kanawha 09-C-203 and 11-C-565)
May 6, 2014

Steven O. Dale, Acting Commissioner of the WV Division of Motor Vehicles v. Anthony Ciccone,
No. 13-0821 (Kanawha 12-AA-138)
May 7, 2014

Steven O. Dale, Acting Commissioner of the WV Division of Motor Vehicles v. Craig Ray,
No. 13-0889 (Kanawha 12-AA-26)
May 7, 2014

Women's Health Center of West Virginia v. Nicole Parsons, No. 13-0519 (Kanawha 12-AA-125)
May 7, 2014

Constance Blessing v. The Supreme Court of Appeals of West Virginia; Robin Jean Davis, in her capacity as Chief Justice; The West Virginia State Bar; and Anita R. Casey, in her capacity as Executive Director, No. 13-0953
April 29, 2014

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RULE 20 ARGUMENT GRANTED

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

SER J.C., et al. v. Hon. James P. Mazzone, Presiding Judge, No. 14-0207 (Original Prohibition)
May 6, 2014

Ross Stanley v. Carolyn Haynes Stanley, No. 13-0960 (Greenbrier 12-D-65)
May 6, 2014

ORDERS

Orders of note were entered in the following cases:

SER Covenant House, Monique Watkins and Virginia Gardner v. Randy C. Huffman, Secretary of the West Virginia Department of Environmental Protection, Letitia Tierney, Commissioner of the Bureau for Public Health, and Karen L. Bowling, Secretary of the West Virginia Department of Health and Human Resources, No. 14-0112 (Original Mandamus)
Petition refused as premature (3-2) (Justices Workman and Loughry would grant)

SER Triad Insulation, Inc. v. Honorable Paul Zakaib, Jr., Judge; and Nationwide Mutual Fire Insurance, No. 14-0155 (Original Prohibition)
Petition refused (5-0)

In Re: L.M. and L.S., No. 14-0050 (Calhoun 13-JA-2, 13-JA-3)
Motion for stay refused (5-0)

State of West Virginia v. Lewis J. Hendershot, Jr., No. 14-0221 (Morgan 13-M-AP-4)
Motion for stay refused (5-0)