



DECISIONS, NOTICES AND ORDER

Friday, September 15, 2023

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:

State of West Virginia v. Tremale Leon Straughter – No. 22-0291 (Kanawha 13-F-289)
Affirmed (5-0)

State of West Virginia v. David S. – No. 22-0113 (Hancock 20-F-33)
Affirmed (5-0)

State of West Virginia v. Robert Hayes – No. 22-0034 (Greenbrier 20-F-64)
Affirmed (5-0)

State of West Virginia v. Donna L. Wilfong – No. 22-0015 (Hardy 20-F-47)
Affirmed (5-0)

State of West Virginia v. David J. Markley – No. 22-0472 (Harrison 15-F-222-1)
Affirmed (5-0)

State of West Virginia v. David Eugene Eakle – No. 22-0287 (Doddridge 21-F-21)
Affirmed (5-0)

Michael V. v. Shelby Searls, Superintendent, Huttonsville Correctional Center – No. 22-0160
(Morgan 21-C-7)
Affirmed (5-0)

Joseph Horn v. Donnie Ames, Superintendent, Mount Olive Correctional Center – No. 21-1028
(McDowell 15-C-38)
Affirmed (4-1) (Justice Wooton would set for Rule 19 argument.)

In re M.M. – No. 22-0357 (Harrison 22-AF-1-2)
Affirmed (5-0)

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State of West Virginia v. Dylan R. – No. 22-0072 (Randolph 20-F-45)
Affirmed (5-0)

State of West Virginia v. Charles Wesley Wild – No. 22-0153 (Kanawha 20-F-164)
Affirmed (5-0)

Omar Deonte Lewis v. Russell Maston, Superintendent, St. Marys Correctional Center –
No. 22-0104 (Fayette 21-C-110)
Affirmed (5-0)

R.H. v. A.H. and F.H. – No. 22-0069 (Webster 21-FIG-1)
Affirmed (5-0)

State of West Virginia v. Chester Robert Ulysses Lilly III – No. 22-0079 (Wood 19-F-255)
Affirmed (5-0)

State of West Virginia v. Edward Y. – No. 22-0267 (Harrison 21-F-124)
Affirmed (5-0)

In re S.S. – No. 22-0164 (Tucker 20-JD-7)
Affirmed (5-0)

William Christopher Jordan v. Harvey Hawkins, Superintendent, Central Regional Jail –
No. 22-0161 (Braxton 21-P-26)
Affirmed (5-0)

Timothy C. v. Shawn Straughn, Superintendent, Northern Correctional Center – No. 22-0147
(Jackson 18-C-13)
Affirmed (5-0)

State of West Virginia v. Roger Allen Pettry – No. 22-0022 (Braxton 21-F-16)
Affirmed (5-0)

State of West Virginia v. Matthew S. Dixon – No. 21-0678 (Fayette 19-F-88)
Affirmed (4-1) (Justice Bunn would set for Rule 19 argument.)

The Estate of David Moore v. Joy Moore – No. 21-0768 (Mercer 92-CD-334-K)
Affirmed (5-0)

James M. Pierson v. Rodney Lee Miles, Christie L. Lucas, Danny M. Lucas, Individually and
d/b/a/Rock Quarry Stables and Horse Rehab, and Rock Quarry Stables, LLC – 22-0501
(Kanawha 21-C-651)
Reversed and remanded (4-1) (Justice Armstead would set for Rule 19 argument.)

Robert C. Kroner v. Everett Frazier, Commissioner of the West Virginia Division of Motor
Vehicles – No. 21-0997 (Berkeley 21-AA-3)
Affirmed (4-1) (Justice Wooton would set for Rule 19 argument)

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Chadwick West v. Everett Frazier, Commissioner of the West Virginia Division of Motor Vehicles – No. 22-0017 (Kanawha 21-AA-40)
Affirmed (5-0)

Michael J. Durkee v. Everett Frazier, Commissioner of the West Virginia Division of Motor Vehicles – No. 21-0966 (Kanawha 21-AA-30)
Affirmed (3-2) Justice Hutchison and Justice Wooton dissenting, in writing.)

Sharon C. Anderson v. Judy Wright and Michael Crites – No. 22-0382 (Wood 18-C-220)
Affirmed (5-0)

Lisa Marie Kerr v. West Virginia Department of Health and Human resources – No. 22-0253 (Kanawha 21-AA-37)
Affirmed (5-0)

State of West Virginia v. Christopher James Cody – No. 22-0363 (Summers CC-45-2021-F-61)
Affirmed (5-0)

Jeremy B. Vaughn v. Ryan J. Flanigan and Flanigan Law Office – No. 22-0183 (McDowell 21-C-49)
Affirmed (3-2) (Justice Hutchison and Justice Wooton would set for Rule 19 argument.)

RULE 19 ARGUMENT GRANTED

The following cases will be scheduled for Rule 19 oral argument:

State ex rel. Nancy Oldaker v. The Honorable Kurt Hall, Judge of the Circuit Court of Lewis County, the State of West Virginia, and D.P. – No. 23-289 (Original Prohibition)

State of West Virginia ex re. Daniel Dilly, Superintendent of Rubenstein Juvenile Center v. The Honorable Kurt Hall, Judge of the Circuit Court of Lewis County, the State of West Virginia, and D.P. – No. 23-83 (Original Prohibition)

In Re: Adoption of L.A. – No. 22-0254 (Hampshire 20-A-14)

Tax Analysts v. Matthew R. Irby, West Virginia Tax Commissioner – No. 22-0491 (Kanawha 22-P-80)

State of West Virginia v. Juan McMutary – No. 22-0252 (Wood 21-F-266)

State of West Virginia v. Brian E. Lyon II – No. 22-0042 (Marion 20-F-145)

The Hansen-Gier Family Trust of April 22, 2016m by its Trustees, Carl C. Hansen & Virginia M. Gier v. R. Michael Haywood & Joann T. Haywood – No. 22-0422 (Mineral 21-C-51)

T&C Construction Services v. City of St. Albans – No. 22-0503 (Kanawha 22-C-189)

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Estate of Sherry Cline Tilley v. Justin Justice – No. 22-0333 (McDowell 09-C-30)

West Virginia Department of Health and Human Resources v. A.R. – No. 22-0389 (Kanawha 20-C-571, 20-C-963)

Kristin L. Hunnicutt v. Susan H. Hunnicutt – No. 22-0434 (Randolph 22-C-15)

Todd Kent, Mark Spessert, Christopher Kutcher, City of Charles Town, Bradley Meacham, Glenna Hosby-Brown, William Roper, and City of Ranson v. Christopher Sullivan – No. 22-0428 (Jefferson 21-C-136)

RULE 20 ARGUMENT GRANTED

The following cases will be scheduled for Rule 20 oral argument:

Sandy K. Hayes v. Kanawha Valley Regional Transportation Authority, a political subdivision and John Doe, bus driver, an employee of Kanawha Valley Regional Transportation Authority No. 22-0207 (Kanawha 20-C-1013)

Eldercare of Jackson County, LLC v. Rosemary Lambert – No. 22-0362 (Jackson 21-C-32)

Potomac Comprehensive Diagnostic Center, Inc., aka Potomac Center, Inc. v. L.K., by her guardian and conservator, Kelly Young, and D.S., by his guardian and conservator, Kelly Young – No. 22-0340 (Hardy 20-C-13)

ORDERS

Orders of note were entered in the following cases:

State of West Virginia ex rel. C.E.-1, A.E.-1, and A.E.-2 v. Hon. Ronald E. Wilson, Judge of the Circuit Court of Hancock Co., West Virginia Dept. of Health and Human Resources, L.F., and C.E.-2 - No. 23-297 (Original Prohibition)
Petition refused as moot. (5-0)

State ex rel. Essar Global Fund Limited, Essar Capital Limited, and Essar Capital Americans, Inc. v. Honorable Stacy L. Nowicki-Eldridge, Judge, and Carl P. Christian – No. 23-278 (Original Prohibition)
Petition refused. (5-0)

State of West Virginia ex rel. Benjamin Lee Wilson v Shelby Searls, Superintendent, Huttonsville Correctional Center and Jail – No. 22-0350 (Original Prohibition)
Petition refused. (5-0)

W.P. v. I.B. by Melissa B. – No. 22-594 (Mason CC-26-2022-D-AP-5)
Dismissed as moot.