



## DECISIONS, NOTICES AND ORDERS

**Thursday, January 25, 2024**

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, memorandum decisions were entered in the following cases:

State of West Virginia v. Marlow P., III - No. 22-691 (Roane CC-44-2013-F-93)  
Affirmed (4-1) (Justice Bunn would set for Rule 19 argument.)

State of West Virginia v. Richard Ruffner – No. 22-665 (Berkeley CC-02-2014-F-63)  
Affirmed (5-0)

Richard Lawson v. Donnie Ames, Superintendent, Mt. Olive Correctional Center – No. 22-749 (Kanawha 21-P-309)  
Affirmed (4-0) (Chief Justice Armstead not participating.)

State of West Virginia v. Richard Matthew Dillon – No. 22-790 (Wood 21-M-AP-4)  
Affirmed (3-2) (Chief Justice Armstead and Justice Bunn would set for Rule 20 argument.)

State of West Virginia v. David Bumgardner – No. 22-667 (Logan 22-23-2022-F-2)  
Affirmed (5-0)

State of West Virginia v. Barry W. – No. 22-682 (Raleigh CC-41-2020-F-338)  
Affirmed (4-1) (Justice Wooton would set for Rule 19 argument.)

Reginald Kelly v. Carl Aldridge, Superintendent, Western Regional Jail and Correctional Facility  
– No. 22-0513 (Cabell 21-C-20)  
Affirmed (5-0)

State of West Virginia v. Michelle Boggs – No. 22-634 (Harrison 20-F-142-3)  
Affirmed (5-0)

Michael E. Brown v. Shawn Straughn, Superintendent, Northern Correctional Center –  
No. 22-899 (Cabell 22-C-275)  
Affirmed (5-0)

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State of West Virginia v. Todd Wesley Clutter - No. 22-0486 (Greenbrier CC-13-2020-F-102)  
Affirmed (5-0)

State of West Virginia v. Nicholas Avory Cook – No. 22-0477 (Berkeley CC-02-2021-F-130)  
Affirmed (5-0)

State of West Virginia v. Antoine Lane – No. 22-0298 (Berkeley CC-02-2019-F-352)  
Affirmed (5-0)

Frederico M. Hatcher v. Donnie Ames, Superintendent – No. 22-0451 (Cabell 19-C-561 & 564)  
Affirmed (5-0)

Jay Folsie v. G. Rollyson, Jr., et al. – No. 22-626 (Hancock CC-15-2022-C-1)  
Affirmed (5-0)

Howard Liston v. Frontier West Virginia, Inc. – No. 22-0258 (Monongalia 16-C-279)  
Affirmed (4-1) (Justice Hutchison would set for Rule 19 argument.)

State of West Virginia v. Nicholas Kane Montgomery – No. 22-646 (Wyoming 21-F-268)  
Affirmed (5-0)

State of West Virginia v. Bryan O. – No. 22-0315 (Ohio 19-F-78)  
Affirmed (5-0)

John Hedrick v. Donnie Ames, Superintendent – No. 22-0402 (Berkeley 15-C-388)  
Affirmed (5-0)

State of West Virginia v. Leonard Dale Varner, Jr. – No. 22-711 (Fayette CC-10-2021-F-149)  
Vacated and remanded (5-0)

Jeremiah Max Brown Jr. v. Shelby Searls, Superintendent – No. 22-738  
(Hardy CC-16-2022-C-3)  
Affirmed (5-0)

State of West Virginia v. Russell Weis – No. 22-693 (Fayette CC-10-2013-F-285)  
Affirmed (5-0)

Wilfred H. v. Bryan Lanham, Superintendent – No. 22-0506 (Randolph 19-C-64)  
Affirmed (5-0)

State of West Virginia v. Caleb James Sidum – No. 22-0403 (Harrison 21-F-40-2)  
Affirmed (5-0)

State of West Virginia v. Corey Nipper – No. 22-0412 (Berkeley CC-02-2021-F-243)  
Affirmed (4-1) (Justice Bunn would set for Rule 19 argument.)

State of West Virginia v. Nicole L. Semans – No. 22-0460 (Fayette 21-F-230)  
Affirmed (5-0)

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Shane Miller v. Donnie Ames, Superintendent – No. 22-774 (Harrison 19-C-160-3)  
Affirmed (5-0)

State of West Virginia v. Isaiah Lee – No. 22-794 (Berkeley CC-02-2021-F-245)  
Affirmed (5-0)

Christopher Spears v. Shelby Searls, Superintendent – No. 22-808 (Boone CC-03-2009-C-86)  
Affirmed (5-0)

**RULE 19 ARGUMENT GRANTED**

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

State of West Virginia v. Kyle K. Slaughter – No. 22-759 (Fayette 22-F-109)

ACE American Insurance Company and ACE Property and Casualty Insurance Company v. AmerisourceBergen Drug Corporation and Bellco Drug Corporation –  
No. 22-564 (Boone 17-C-36)

St. Paul Fire and Marine Insurance Company v. AmerisourceBergen Drug Corporation and Bellco Drug Corporation – No. 22-575 (Boone 17-C-36)

State of West Virginia v. Kirsten Nicole Wetzel – No. 22-685 (Barbour 20-F-48)

State of West Virginia v. Rachel Adkins – No. 22-672 (Wayne 15-F-302)

Amper Burgers Ohio LLC v. Kenna Bishop – No. 23-49 (Kanawha 21-C-820)

Alley Cat Allies Incorporated v. Berkeley County Animal Control and County Council of Berkeley County – No. 22-744 (Berkeley CC-02-2022-C-53)

Monongalia County Commission, et al. v. Amanda F. Stewart, Administrator of the Estate of John D. Stewart, Jr. – No. 22-765 (Monongalia 21-C-101)

Mercer County Board of Education and Deborah Akers v. Amanda Shrewsbury – No. 22-745 (Mercer CC-28-2019-C-108)

State of West Virginia v. Bradley Rohrbaugh – No. 22-771 (Grant CC-12-2021-F-38)

**RULE 20 ARGUMENT GRANTED**

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

Executive Committee of the Republican Party of Ohio County West Virginia v. Adolph Santorine, Jr. – No. 22-723 (Ohio CC-35-2022-C-96)

Blackrock Enterprises, LLC and JB Exploration I, LLC v. BB Lane, LLC – No. 22-0407 (Pleasants 2018-C-2)

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Council for Educational Travel United States of America, Inc. v. M.S. – No. 22-928  
(Cabell 22-C-71)