



DECISIONS, NOTICES AND ORDERS

Tuesday, November 26, 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.

MEMORANDUM DECISIONS

In accordance with Rule 21, memorandum decisions were entered in the following cases:

DeAndre Moore v. Jonathan Frame, Superintendent, Mount Olive Correctional Complex – No. 22-0392 (Kanawha 20-P-244)
Affirmed (5-0)

State of West Virginia v. Michael Faulkner – No. 22-577 (Webster CC-51-2018-F-3)
Affirmed (5-0)

State of West Virginia v. Randall Lewis Utt – No. 22-0096 (Barbour 19-F-55)
Affirmed (5-0)

Rimdaugas K. v. Gerda K. – No. 23-384 (Gilmer 22-ICA-174)
Affirmed (5-0)

State of West Virginia v. Darrell S. – No. 22-859 (Tucker CC-47-2020-F-8)
Affirmed (5-0)

William H. Cecil, III v. Jonathan Frame, Superintendent, Mt. Olive Correctional Complex – No. 23-55 (Greenbrier CC-13-2007-C-107)
Affirmed (4-0) (Chief Justice Armstead disqualified)

State of West Virginia v. Samuel Ellison – No. 22-935 (Raleigh CC-41-1985-F-138)
Affirmed (4-0) (Justice Hutchison not participating.)

State of West Virginia v. Duane Leroy Eckard – No. 22-941 (Ohio 15-F-78 MJO)
Affirmed (5-0)

State of West Virginia v. Joshua Blair Pugh – No. 23-95 (Morgan CC-33-2020-F-38)
Affirmed (5-0)

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Olin Matice Gaskins v. Jonathan Frame, Superintendent, Mount Olive Correctional Complex – No. 22-0397 (Jefferson CC-19-2021-C-122)
Affirmed, in part. Vacated, in part, and remanded with directions. (3-2) (Chief Justice Armstead would set for Rule 19 argument.) (Justice Hutchison dissenting.)

In re N.W. and N.W. – No. 23-655 (Marion CC-24-2022-JA-141, 142)
Affirmed (3-2) (Justice Hutchison and Wooton dissenting.)

RULE 19 ARGUMENT GRANTED

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

In re J.E. – No. 24-389 (Berkeley CC-02-2024-JA-59)

RULE 20 ARGUMENT GRANTED

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

Robert Clark, et al. v. West Virginia Consolidated Public Retirement Board – No. 24-208
(Certified Question) (Kanawha 18-AA-9)

ORDERS

Orders of note were entered in the following cases:

State of West Virginia ex rel. State of West Virginia v. Honorable Ronald E. Wilson, Judge of the Circuit Court of Brooke County and, Benjamin John Clifton – No. 24-353
(Original Prohibition)
Petition refused as moot. (5-0)

State of West Virginia ex rel. Jay M. Potter v. The Honorable Dan O’Hanlon, Special Judge of the Circuit Court of Kanawha County; Charles R. Bailey; and Bailey & Slotnick, PLLC – No. 23-714
(Original Mandamus)
Petition Refused (5-0)

State of West Virginia ex rel. Christopher Jordan Wilson v. John Sheeley, Superintendent, Eastern Regional Jail and Correctional Facility – No. 23-664
(Original Habeas)
Petition refused as moot. (5-0)

State of West Virginia ex rel. Robert I. Brown v. Dr. Sherri Young, Secretary of the West Virginia Department of Health; and Allen Mock, M.D., West Virginia Chief Medical Examiner – No. 24-157
(Original Mandamus)
Petition refused (5-0)

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State of West Virginia ex rel. Carl Vance Waites v. The Honorable Patrick Wilson, Judge of the Circuit Court of Marion County – No. 24-366

(Original Mandamus)

Petition refused (5-0)

State of West Virginia ex rel. Iran E. Glover v. The Honorable Patrick Wilson, Judge of the Circuit Court of Marion County; Terri Cheslock, Marion County Circuit Court Reporter –

No. 23-713

(Original Mandamus)

Petition refused (5-0)

State of West Virginia ex rel. Iran E. Glover v. The Honorable Patrick Wilson, Judge of the Circuit Court of Marion County – No. 23-475

(Original Mandamus)

Petition refused (5-0)

State of West Virginia ex rel. Aron Freeland v. Jonathan Frame, Superintendent, Mount Olive Correctional Complex and Jail – No. 23-734

(Original Mandamus)

Petition Dismissed as moot (4-1) (Justice Wooton would refuse as moot.)

State of West Virginia ex rel. Aron Freeland v. Jonathan Frame, Superintendent, Mount Olive Correctional Complex and Jail – No. 24-101

(Original Habeas)

Petition Dismissed as moot (4-1) (Justice Wooton would refuse as moot.)

State ex rel. Joseph Eugene Howard v. William K. Marshall, Commissioner of the West Virginia Division of Corrections and Rehabilitation – No. 24-520

(Original Habeas)

Petition refused (5-0)

State ex rel. Aaron J. Urban v. State of West Virginia and the Honorable David J. Hardy, Judge of the Circuit Court of Kanawha County – No. 24-453

(Original Prohibition)

Petition refused (5-0)