



## Supreme Court of Appeals State of West Virginia

# News

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### Supreme Court to hear Arguments at Marshall University

For immediate release

HUNTINGTON, W.Va. – The Supreme Court of Appeals of West Virginia will hear arguments in three cases at Marshall University beginning at 10 a.m. on Tuesday, September 20.

The public is invited to attend the Court session at the Joan C. Edwards Performing Arts Center.

Marshall University is named for former U.S. Supreme Court Chief Justice John Marshall, who served on that Court from 1801 to 1835 and was the longest serving Chief Justice in United States history. He died two years before Marshall Academy was formed in 1837.

Chief Justice Menis Ketchum was a member of the Marshall University Board of Governors from 2002 until his campaign for the Supreme Court, and he served as Chairman or Vice-Chairman of the Board from 2003 to 2008.

The Court is scheduled to hear one case on a Rule 20 Argument Docket and two cases on a Rule 19 argument docket. For an explanation of the differences in the types of argument dockets, see <http://www.courtsvw.gov/legal-community/court-rules/appellate-procedure/Part-V.html#rule19>.

#### Rule 20 argument

State of West Virginia v. Ennis C. Payne II, No. 15-0289.

Petitioner appeals his jury conviction on the charges of felony murder and conspiracy to commit burglary. He contends that the trial court erred in refusing to suppress evidence that was illegally seized; in allowing petitioner to attend his trial in his prison attire and restraints; in refusing to change the venue of the trial; and cumulative error.

Rule 19 argument

WV Dept. of Transportation v. David King, Administrator, No. 15-0711.

Respondent's mother was killed in an automobile accident with a licensed driver who had been diagnosed with epilepsy and had a history of seizures. Respondent sued the West Virginia Division of Motor Vehicles because the DMV failed to refer the driver's medical file to its Medical Advisory Board. Petitioner DMV appeals the denial of its motion for summary judgment in which it argued that referral to the Medical Advisory Board was a discretionary duty, and thus, it was entitled to qualified immunity.

State of West Virginia v. Alvaro A. Vilela, No. 15-0581.

Petitioner appeals following a jury trial resulting in his conviction of kidnapping and attempted extortion. Petitioner was acquitted of felony assault during the commission of a felony, felony extortion, and fifteen misdemeanor counts of unlawful use of a credit card. Petitioner was sentenced to life in prison, with parole eligibility after ten years, to run consecutively with a one-year sentence for attempted extortion.

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