



## DECISIONS, NOTICES AND ORDERS

**Tuesday, October 25, 2011**

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:

In Re: A.A., A.A., A.W., A.W., D.W. and T.W., No. 11-0710 (Webster 10-JA-26, 27, 28)  
Affirmed (5-0)

In Re: A.A., A.A., A.W., A.W., D.W. and T.W., No. 11-0754 (Webster 10-JA-26, 27, 28)  
Affirmed (5-0)

In Re: S.A. and W.A., No. 11-0738 & 11-0757 (Nicholas 10-JA-34, 35)  
Affirmed (5-0)

In Re: M.B. and K.V., No. 11-0132 (Logan 08-JA-69, 70)  
Affirmed (5-0)

In Re: K.S., No. 11-0411 (Barbour 07-JA-4)  
Affirmed (5-0)

In Re: J.R., No. 11-0487 (Mercer 10-JA-114-OA)  
Affirmed (5-0)

In Re: J.R., No. 11-0572 (Mercer 10-JA-114-OA)  
Affirmed (5-0)

In Re: B.B. and Z.B., No. 11-0518 (Mineral 10-JA-9, 10)  
Affirmed (5-0)

In Re: B.B. and Z.B., No. 11-0527 (Mineral 10-JA-9, 10)  
Affirmed (5-0)

In Re: J.W., No. 11-0772 (Harrison 10-JA-15-A)  
Affirmed (5-0)

ORDER LIST  
October 25, 2011  
Page 2

Carl Lockhart v. David Ballard, Warden, No. 11-0407 (Wood 95-F-23)  
Affirmed (5-0)

Brian Markley v. WV Board of Parole and WV Division of Corrections, No. 11-0412  
(Berkeley 07-C-10)  
Affirmed (5-0)

State of West Virginia v. Ryan Dale Lambert, No. 11-0524 (Roane 08-F-40)  
Affirmed (5-0)

State of West Virginia v. Roger Dale Carter, No. 11-0554 (Monroe 10-F-11)  
Affirmed (5-0)

David M. Johns v. WV Parkways Economic Development & Tourism Authority, No. 11-0359  
(Kanawha 09-C-2226)  
Affirmed (5-0)

In Re: Z.U., C.U. and M.K., Jr., No. 11-0610 (Fayette 10-JA-63, 64, 65)  
Affirmed (5-0)

State of West Virginia v. Austin Van Trease, No. 11-0861 (Monongalia 10-F-14)  
Affirmed (5-0)

In Re: N.P., Jr. and A.P., No. 11-0324 (Mercer 09-JA-127, 128)  
Affirmed (4-1)(Justice Benjamin dissenting)

State of West Virginia v. Timothy Jared Austin, No. 101625 (McDowell 09-F-92)  
Affirmed (5-0)

**ORDERS**

Orders of note were entered in the following cases:

SER John G. Yanero, II v. Timothy Bowen, No. 11-0196 (Original Habeas)  
Rule to show cause granted returnable to circuit court (5-0)

SER Walter Frank Agee v. William M. Fox, Warden, No. 11-0393 (Original Habeas)  
Petition refused (5-0)

SER Michael J. Kanode, Sr. v. Adrian Hoke, Warden, No. 11-0449 (Original Habeas)  
Petition refused (5-0)

SER Abner Allen v. Dennis Foreman, Chairman and WV Parole Board, No. 11-0068  
(Original Mandamus)  
Petition refused (5-0)

SER Donald Smith v. WV Division of Corrections, et al., No. 11-0697 (Original Mandamus)  
Petition refused (5-0)

ORDER LIST  
October 25, 2011  
Page 3

SER Monique Nicole Weldon v. Lori Nohe, Warden, et al., No. 11-0588 (Original Mandamus)  
Petition refused (5-0)

SER Freddie Marion Rakes v. Circuit Court of Lincoln County, No. 11-0705  
(Original Mandamus)  
Rule to show cause issued (5-0)