



DECISIONS, NOTICES AND ORDERS

Friday, June 24, 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.

REHEARINGS

The Court took the following action on petitions for rehearing:

WV Medical Imaging and Radiation Therapy Technology Board of Examiners v. Kenneth A. Harrison, No. 101150 (Monongalia 09-CAP-28)
Refused (5-0)

Certain Parcels of Real Estate & Appurtenance, et al. v. James W. Davis, Jr., Prosecuting Attorney, No. 101325 (Hancock 04-P-53)
Refused (5-0)

MEMORANDUM DECISIONS

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

Joe E. Miller, Commissioner v. James N. Britton, No. 101002 (Nicholas 09-AA-2)
Reversed and Remanded

State of West Virginia v. Billy Stewart, No. 101485 (Clay 09-F-26)
Affirmed

David and Mary Snyder v. Huntfield, L.C., et al., No. 101580 (Jefferson 06-C-243)
Affirmed

Janice Jackson and Deborah Osborne v. Phillis A. Swain, et al., No. 11-0160 (Brooke 09-C-18)
Affirmed (Justice Ketchum dissenting)

Deborah Salkovich, et al. v. Giant Eagle, Inc., No. 11-0167 (Marshall 06-C-264)
Affirmed (Justice Benjamin disqualified)

State of West Virginia v. Charles Blevins, No. 101533 (Cabell 07-F-128)
Affirmed

State of West Virginia v. Travis S. Dean, No. 101548 (Pocahontas 08-F-31)
Affirmed

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April Reynolds and Jamie Collins v. The Moore Ford Group, Inc., et al., No. 101554
(Mingo 10-C-19)

Affirmed

State of West Virginia v. Daniel Lee Jordan, No. 101633 (Kanawha 10-F-519)

Affirmed

Nichols & Skinner, L.C. v. F. Samuel Byrer In Re: Cosner v. Wagoner, No. 11-0169
(Hampshire 06-C-36)

Affirmed

State of West Virginia v. Dorena VanCamp, No. 11-0178 (Ohio 10-F-88)

Affirmed (Justice Ketchum dissenting)

State of West Virginia v. Sara Heil, No. 11-0179 (Ohio 10-F-74)

Affirmed

Jeremy Cottrell, et al. v. Walter H. Primas, Jr., et al., No. 101570 (Clay 08-C-34)

Affirmed

Homecomings Financial, LLC, et al. v. David and Lisa Millhouse, et al., No. 101616
(Ohio 07-C-187)

Affirmed

State of West Virginia v. Richard Lee Charnock, No. 11-0061 (Ohio 09-F-67, 09-F-105)

Affirmed (Justice Ketchum dissenting)

State of West Virginia v. Jonathan Tranberg, No. 11-0156 (Roane 08-F-27)

Affirmed

State of West Virginia v. Jessica Dawn Pratt, No. 11-0231 (Doddridge 09-F-4)

Affirmed (Justice Ketchum dissenting)

RULE 19 ARGUMENT GRANTED

The following case will be scheduled for Rule 19 oral argument on a date to be determined by the Clerk:

Lee James Crawford v. Huntfield, L.C., No. 101579 (Jefferson 06-C-243)

RULE 20 ARGUMENT GRANTED

The following case was scheduled for Rule 20 oral argument on the date stated:

SER Richmond American Homes of West Virginia, Inc., et al. v. Hon. David H. Sanders, Judge, et al., No. 11-0770 (Original Prohibition)

Rule to show cause returnable September 28, 2011

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ORDERS

Orders of note were entered in the following cases:

SER Tara Miller v. Hon. J.D. Beane, Judge, et al., No. 11-0859 (Original Prohibition)
Petition refused (5-0)

State of West Virginia v. Kendra Sulick, No. 11-0873 (Post-Conviction Bail)
Petition refused (5-0)

State of West Virginia v. Larry McFarland, No. 11-0872 (Post-Conviction Bail)
Petition refused (5-0)

In Re: L.A., No. 11-0323 (Berkeley 09-JA-15)
Remanded to circuit court (5-0)

SER Karen Acord v. Vicki Greene, Administrator, No. 11-0881 (Original Habeas)
Petition refused (4-1)(Chief Justice Workman would grant)

SER James F. Cain v. Joe Miller, Commissioner, No. 11-0890 (Original Mandamus)
Petition refused (5-0)

In Re: Douglas S. Rockwell, No. 35690 (Lawyer Disciplinary)
Petition to voluntarily resign from practice of law in the State of West Virginia granted (5-0)

Russell Saunders v. American General Home Equity, Inc., No. 11-0743 (Logan 07-C-61)
Dismissed (5-0)

Dennis Gale Hubbard v. David Ballard, Warden, No. 11-0125 (Mercer 09-C-78-0A)
Dismissed (5-0)

State of West Virginia v. Matthew Jacob Hubley, No. 11-0258 (Wood 09-F-167)
Notice of Intent to Dismiss entered by order (5-0)

State of West Virginia v. Jacob Hubbard, No. 11-0715 (Cabell 06-F-290)
Remanded for resentencing and appointment of counsel

State of West Virginia v. Orban H. Schlatman, Jr., Pre-Petition No. 11-052 (Fayette 10-F-41)
Remanded for resentencing and appointment of counsel