



## DECISIONS, NOTICES AND ORDERS

**Monday, March 12, 2012**

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:

Bobby R. Hicks v. WV Office of the Insurance Commission and United Dairy, Inc., No. 34359 (Workers' Compensation, Board of Review No. 76324, Claim No. 960004179)  
Reversed and Remanded (4-1)(Justice Davis dissenting)

Todd A. Hicks v. Brickstreet Mutual Insurance Company, No. 11-0923 (Fayette 09-C-273)  
Affirmed (4-0)(Justice Workman not participating)

Alvin Chambers v. David Ballard, No. 11-1082 (Webster 10-P-24)  
Affirmed (4-0)(Justice Workman not participating)

State of West Virginia v. Michael Marks, No. 11-0857 (Gilmer 10-F-25)  
Affirmed (4-0)(Justice Workman not participating)

In Re: J. W., K.W., T.W. and M.S., No. 11-0774 (Webster 10-JA-53 through 56)  
Affirmed (4-0)(Justice Workman not participating)

In Re: J. W., K.W., T.W. and M.S., No. 11-1403 (Webster 10-JA-53 through 56)  
Affirmed (4-0)(Justice Workman not participating)

In Re: T.C., J.C., V.C., A.C., C.C., C.C. and E.C., No. 11-1150 (Clay 10-JA-98 through 104)  
Affirmed (4-0)(Justice Workman not participating)

In Re: N.B. and Z.B., No. 11-1266 (Jackson 10-JA-14, 15)  
Affirmed (3-0)(Justice McHugh disqualified)(Justice Workman not participating)

In Re: A.S., A.S., A.S. and K.S., No. 11-1338 (Nicholas 11-JA-50 through 53)  
Affirmed (4-0)(Justice Workman not participating)

In Re: A.S., A.S., A.S. and K.S., No. 11-1364 (Nicholas 11-JA-50 through 53)  
Affirmed (4-0)(Justice Workman not participating)

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In Re: Sophie W., No. 11-1419 (Mingo 11-JA-7)  
Affirmed (4-0)(Justice Workman not participating)

In Re: M.W., No. 11-1518 (Clay 10-JA-115)  
Affirmed (4-0)(Justice Workman not participating)

In Re: D.N., No. 11-1538  
(Clay 09-JA-33)  
Affirmed (4-0)(Justice Workman not participating)

In Re: A.D., K.D., D.D., K.P., A.P. and J.P., No. 11-1552 (11-JA-79 through 84) ?or73to83  
Affirmed (4-0)(Justice Workman not participating)

In Re: S.B., No. 11-1568 (Kanawha 11-JA-15)  
Affirmed (4-0)(Justice Workman not participating)

Burch Roofing and Construction v. Mark Poh, et al., No. 11-0922 (Monongalia 10-C-592)  
Affirmed (4-0)(Justice Workman not participating)

Dana Waid Young, et al. v. Brian Waid, et al., No. 11-0823 (Greenbrier 10-C-181)  
Affirmed (4-0)(Justice Workman not participating)

State of West Virginia v. Joshua L.C., et al., No. 11-0709 (Clay 08-JA-8)  
Reversed and Remanded (4-0)(Justice Workman not participating)

D. G. L. II v. D. K. L., No. 11-0763 (Hampshire 08-D-146)  
Affirmed (3-1)(Chief Justice Ketchum dissenting)(Justice Workman not participating)

Sara Jane W. v. Carl Samuel W., No. 11-0795 (Greenbrier 06-D-280)  
Affirmed (4-0)(Justice Workman not participating)

In Re: D.C. and M.C., No. 11-0974 (Mingo 10-JA-14, 15)  
Affirmed (4-0)(Justice Workman not participating)

In Re: P.D. and A.D., No. 11-0979 (Marion 09-JA-96, 97 and 10-JA-88, 89)  
Affirmed (4-0)(Justice Workman not participating)

In Re: N.W., No. 11-1026 (Harrison 11-JA-8-3)  
Affirmed (4-0)(Justice Workman not participating)

In Re: J.N., No. 11-1078 (Marion 10-JA-94)  
Affirmed (4-0)(Justice Workman not participating)

In Re: D.N., No. 11-1086 (Mercer 11-JA-07-OA)  
Affirmed (4-0)(Justice Workman not participating)

In Re: A.C., A.C., A.C. and A.C., No. 11-1088 (Berkeley 09-JA-71 through 74)  
Affirmed (4-0)(Justice Workman not participating)

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In Re: J.S. and K.S., No. 11-1089 (Raleigh 10-JA-08-K, 11-JA-01-K)  
Affirmed in part, Reversed in part (4-0)(Justice Workman not participating)

In Re: B.K. and J.K., No. 11-1102 (Kanawha 11-JA-37, 38)  
Affirmed (4-0)(Justice Workman not participating)

Ray Kesling and Bette Kesling, doing business as Lakeview Strip Mall v. Sonshine, LLC, doing business as Goin' Postal, No. 11-0672 (Putnam 09-C-536)  
Affirmed (4-0)(Justice Workman not participating)

In Re: M.M., S.M., E.M., A.M. and B.M., No. 11-0952  
(Mercer 09-JA-123 through 126 and 11-JA-36)  
Affirmed (4-0)(Justice Workman not participating)

In Re: M.M., S.M., E.M., A.M. and B.M., No. 11-1018  
(Mercer 09-JA-123 through 126 and 11-JA-36)  
Affirmed (4-0)(Justice Workman not participating)

In Re: I.A. and M.A., No. 11-1161 (Mercer 10-JA-84, 85)  
Affirmed (3-1)(Chief Justice Ketchum dissenting)(Justice Workman not participating)

In Re: M.D. and A.D., No. 11-1182 (Mingo 10-JA-44, 45)  
Affirmed (4-0)(Justice Workman not participating)

In Re: J.M., C.H., B.H. and C.H., Jr., No. 11-1165 (Barbour 11-JA-1 through 4)  
Affirmed (4-0)(Justice Workman not participating)

In Re: B.H., No. 11-1263 (Mason 11-JA-13)  
Affirmed (4-0)(Justice Workman not participating)

In Re: T.M., No. 11-1317 (Kanawha 08-JA-275)  
Affirmed (4-0)(Justice Workman not participating)

In Re: E.M., No. 11-1365 (Mercer 11-JA-70-OA)  
Affirmed (3-1)(Chief Justice Ketchum dissenting)(Justice Workman not participating)

In Re: K.H., No. 11-1474 (Harrison 09-JA-91-1)  
Affirmed (4-0)(Justice Workman not participating)

State of West Virginia v. Jack Conner, No. 11-0133 (Harrison 10-F-96-3)  
Reversed and Remanded (5-0)

State of West Virginia v. Mark Wilson, No. 11-0432 (Braxton 08-F-88)  
Reversed and Remanded (5-0)

James Ward v. United States of America, Federal Bureau of Prison, No. 101571 (Gilmer 10-C-18)  
Affirmed (5-0)

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Tex Gene Holbrook v. David Ballard, Warden, No. 101437 (Fayette 10-C-266)  
Affirmed (5-0)

Keith R. Jeffers v. David Ballard, Warden, No. 11-0433 (Kanawha 10-MISC-510)  
Affirmed (5-0)

Lawrence E. Scible v. David Ballard, Warden, No. 11-0368 (Fayette 08-C-380)  
Affirmed (5-0)

**RULE 20 ARGUMENT GRANTED**

The following cases will be scheduled for Rule 20 oral argument  
on a date to be determined by the Clerk:

State of West Virginia v. John A. Hartman, No. 11-0784 (Preston 09-F-50, 10-M-1)

Ron Durham and Rhonda Durham v. Freddie Jenkins and Elisha Jenkins, No. 11-0745  
(Grant 11-CAP-1)

**ORDERS**

Orders of note were entered in the following cases:

SER Henry B. Harris v. William M. Fox, Warden, No. 11-1562 (Original Habeas)  
Petition refused (4-0)(Justice Workman not participating)

SER Gregg Smith v. Rose E. Cox, Circuit Clerk, No. 11-1692 (Original Mandamus)  
Petition refused (4-0)(Justice Workman not participating)

SER William Jones, v. William M. Fox, Warden, No. 11-1484 (Original Mandamus)  
Petition refused (4-0)(Justice Workman not participating)

SER David Dean Howe v. Mike Lawson, Administrator, No. 11-0856 (Original Habeas)  
Petition refused (4-0)(Justice Workman not participating)

SER Vernon H. Dunlap v. Hon. David H. Sanders, Judge, No. 11-0879 (Original Mandamus)  
Petition refused (4-0)(Justice Workman not participating)