



## DECISIONS, NOTICES AND ORDERS

**Monday, February 11, 2013**

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: P.A., No. 12-0933 (Mercer 11-JA-200)  
Affirmed (5-0)

State of West Virginia v. David Persons, No. 11-0493 (Wood 09-F-189)  
Affirmed (5-0)

State of West Virginia v. Jamie Rymer, No. 12-0020 (Jackson 10-F-101, 11-F-166)  
Affirmed (5-0)

Brandon Green v. Patrick Mirandy, Warden, No. 12-0078 (Berkeley 10-C-467)  
Affirmed (5-0)

Patrick Allen Borrow v. David Ballard, Warden, No. 12-0089 (Monongalia 09-C-426)  
Affirmed (5-0)

State of West Virginia v. Shane M. Dodson, No. 11-1789 (Jefferson 11-F-8)  
Affirmed (5-0)

State of West Virginia v. Joshua Riffe, No. 12-0133 (Clay 11-F-28)  
Affirmed (5-0)

State of West Virginia v. Michael K. Lanham, No. 12-0025 (Harrison 11-F-111)  
Affirmed (5-0)

State of West Virginia v. Deborah Nunley, No. 12-0139 (Harrison 11-F-123)  
Affirmed (4-1) (Justice Ketchum dissenting)

State of West Virginia v. Ronald W. VanMeter, II, No. 12-0096 (Grant 11-F-3)  
Affirmed (5-0)

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State of West Virginia v. Gary Keller, No. 12-0269 (Fayette 11-F-27)  
Affirmed (5-0)

State of West Virginia v. Wesley M., No. 12-0224 (Berkeley 02-F-131)  
Affirmed (5-0)

Justin Gibson v. Shentel Cable Company and Robert Herrald, No. 12-0132 (Fayette 11-C-45)  
Affirmed (5-0)

Marsha Hopkins v. Sherry Hensen, No. 12-0448 (Kanawha 06-C-1362)  
Affirmed (5-0)

Brenda Wells v. Upshur County Board of Education, No. 12-0209 (Kanawha 11-AA-78)  
Affirmed (4-0) (Justice Workman disqualified)

Town & County Animal Hospital, Inc. v. Dawn E. Mead, No. 12-0154 (Kanawha 10-AA-121)  
Affirmed (5-0)

Anthony Collins v. David Ballard, No. 12-0115 (Mingo 11-C-63)  
Affirmed (5-0)

In Re: V.W., No. 12-0747 (Gilmer 11-JA-18)  
Affirmed (5-0)

In Re: V.W., No. 12-0820 (Gilmer 11-JA-18)  
Affirmed (5-0)

In Re: K.B. and K.B., No. 12-0865 (Webster 11-JA-62, 11-JA-63)  
Affirmed (5-0)

In Re: M.S., J.W. and D.S., No. 12-1009 (Nicholas 12-JA-5 through 12-JA-7)  
Affirmed (5-0)

In Re: D.W., No. 12-1013 (Hardy 11-JA-20)  
Affirmed (5-0)

In Re: C.N., M.S. II, and T. N., No. 12-1051 (Clay 11-JA-1 through 11-JA-3)  
Affirmed (5-0)

In Re: S.S., D.S. and R.S., Jr., No. 12-1037 (Gilmer 12-JA-9 through 12-JA-11)  
Affirmed (5-0)

In Re: C.S. and L.S., No. 12-0742 (Clay 11-JA-04, 11-JA-05)  
Affirmed (5-0)

In Re: K.L., D.L., T.C., A.L., B.L., K.L. and R.L., No. 12-0740 (Lewis 11-JA-8 through 11-JA-14)  
Affirmed (5-0)

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In Re: Alvin Lee Gregory v. WV Division of Corrections and the WV Parole Board, No. 11-1654  
(Kanawha 03-C-1993)  
Affirmed (5-0)

In Re: S.H., E.H. and C.H., No. 12-1054 (Mineral 12-JA-13, through 12-JA-15)  
Affirmed (5-0)

In Re: M.L., J.L., J.K., J.W. and M.W., No. 12-1148 (Harrison 12-JA-28 through 12-JA-32)  
Affirmed (5-0)

Robert Hart, Jr. v. Marvin Plumley, Warden, No. 11-1326 (Harrison 10-C-13-2)  
Affirmed (5-0)

Clinty Nelson v. David Ballard, Warden, No. 11-1487 (Mingo 06-C-396)  
Affirmed (5-0)

Ronald L. Miller v. Patrick Mirandy, Warden, No. 11-1533 (Hampshire 10-C-19)  
Affirmed (5-0)

State of West Virginia v. Valerie Bumgardner, No. 12-0188 (Ohio 11-F-129)  
Affirmed (5-0)

In Re: L.M. and S.M., No. 12-1284 (Raleigh 11-JA-25, 11-JA-26)  
Affirmed (5-0)

In Re: C.H. and C.H., No. 12-0778 (Mercer 11-JA-122, 11-JA-123)  
Affirmed (5-0)

In Re: R.D., R.D. and R.D., No. 12-1078 (Mingo 11-JA-90 through 11-JA-92)  
Affirmed (5-0)

Ray Loy v. Evelyn Seifert, Warden, No. 11-1638 (Hancock 09-P-11)  
Affirmed (5-0)

Fred Buck v. David Ballard, Warden, No. 11-1524 (Mason 01-C-342)  
Affirmed (5-0)

Roger Lee Harper v. David Ballard, Warden, No. 11-1083 (Roane 93-C-147, 08-C-62)  
Affirmed (5-0)

Paul Hardy v. Marvin Plumley, Warden, No. 11-1281 (Berkeley 08-C-1178)  
Affirmed (5-0)

Jerome M. Blaney v. David Ballard, Warden, No. 11-1450 (Wood 07-P-157)  
Affirmed (5-0)

James Drake v. David Ballard, Warden, No. 11-1606 (Mercer 10-C-539)  
Affirmed (5-0)

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Martin McCoy III v. George Janice, Warden, No. 11-1636 (Logan 07-C-248)  
Affirmed (5-0)

William L. Thompson II, et al. v. Hope Gas, Inc., doing business as Dominion Hope,  
No. 11-1511 (Harrison 10-C-391)  
Affirmed (5-0)

State of West Virginia v. Ferlin Jay Heavener, No. 11-1385 (Pendleton 98-F-19)  
Affirmed (5-0)

In Re: J.S. and T.S., No. 12-0567 (Taylor 12-JA-20)  
Affirmed (5-0)

State of West Virginia v. Robert D. England, No. 11-1346 (Fayette 11-F-19)  
Affirmed (5-0)

State of West Virginia v. Aaron Casey Ellis, No. 11-1122 (Boone 08-F-78)  
Affirmed (5-0)

William Ward v. Evelyn Seifert, Warden, No. 12-0490 (Fayette 12-C-77)  
Affirmed (5-0)

**RULE 19 ARGUMENT GRANTED**

The following cases will be scheduled for Rule 19 oral argument on  
the date stated, or on a date to be determined later:

State of West Virginia v. Jeffrey K. Taylor, No. 12-0024 (Harrison 10-F-129)

Larry Patterson v. Board of Education of the County of Raleigh, No. 11-1531  
(Kanawha 09-AA-23)

State of West Virginia v. Alan C., No. 11-1384 (Mercer 09-F-154)

In Re: D.B. and A.H., Nos. 12-0994 and 12-1014 (Raleigh 10-JA-125, 10-JA-126)  
Consolidated – April 10, 2013

State of West Virginia v. James M., No. 12-0075 (Summers 10-F-53)

In Re: W.G., No. 12-0973 (Preston 12-JA-6)

**RULE 20 ARGUMENT GRANTED**

The following case will be scheduled for Rule 20 oral argument on  
the date stated on a date to be determined later:

In Re: Name Change of J.A.J., No. 11-1694 (Monongalia 11-P-194)

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**ORDERS**

Orders of note were entered in the following cases:

SER Richard A. Hinkle, Jr. v. Mark A. Williamson, Warden, No. 12-1045 (Original Habeas)  
Rule to show cause returnable to circuit court for appointment of counsel and an omnibus habeas proceeding. (5-0)

SER William Jones v. Mark A. Williamson, Warden, No. 12-0984 (Original Habeas)  
Petition refused (5-0)

SER Amos Gabriel Hicks v. Honorable Booker T. Stephens, Judge, No. 12-1001  
(Original Prohibition)  
Petition refused (5-0)

SER James Thomas Little v. Michael S. Villers, Administrator, No. 12-0983 (Original Habeas)  
Petition refused (5-0)

SER Ronald K. Field v. Cathy Gatson, Clerk, No. 12-0943 (Original Mandamus)  
Petition refused as moot (5-0)

SER Gerald Dent v. Grant Preece, Clerk, No. 12-1167 (Original Mandamus)  
Petition refused as moot (5-0)

SER Patrick Stafford v. Hon. John Hutchison, Judge, No. 12-1296 (Original Mandamus)  
Petition refused as moot (5-0)