



## DECISIONS, NOTICES AND ORDERS

**Wednesday, January 12, 2022**

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 L.C.*, No. 21-0380 (Monongalia 19-JA-113)  
Affirmed (5-0)

*In re E.K. and M.C.-W.*, No. 21-0394 (Kanawha 19-JA-586, 587)  
Affirmed (5-0)

*In re B.L. and B.L.*, No. 21-0508 (Barbour 18-JA-111, 112)  
Affirmed (5-0)

*In re C.D. and L.L.*, No. 21-0459 (McDowell 19-JA-17, 18)  
Affirmed (5-0)

*In re O.P. and K.H.*, No. 21-0511 (Kanawha 20-JA-82, 83)  
Affirmed (5-0)

*In re B.T. and J.V.*, No. 21-0564 (Mercer 19-JA-37, 20-JA-140)  
Affirmed (5-0)

*In re I.B.-L. and M.B.-L.*, No. 21-0278 (Raleigh 19-JA-238, 239)  
Affirmed (5-0)

*In re J.R.*, No. 21-0338 (Morgan 20-JA-21)  
Affirmed (5-0)

*In re A.T., M.W., A.W., and S.W.*, No. 21-0345 (Jackson 20-JA-56, 57, 58, 59)  
Affirmed (5-0)

*In re C.B.*, No. 21-0434 (Fayette 20-JA-143)  
Affirmed (5-0)

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In re B.D., No. 21-0447 (Marion 19-JA-67)  
Affirmed (5-0)

In re C.M., A.M., and N.M., No. 21-0515 (Braxton 19-JA-68, 69, 70)  
Affirmed (5-0)

In re J.E. and Z.E., No. 21-0531 (Gilmer 20-JA-16, 17)  
Affirmed (5-0)

In re C.M., A.M., and N.M., No. 21-0552 (Braxton 19-JA-68, 69, 70)  
Affirmed (5-0)

In re T.H., H.W., and O.W., No. 21-0574 (Jefferson 12-JA-4, 5, 6)  
Affirmed (5-0)

In re T.H., H.W., and O.W., No. 21-0574 (Jefferson 12-JA-4, 5, 6)  
Affirmed (5-0)

In re R.A., D.A., and R.N., No. 21-0599 (Hampshire 20-JA-85, 86, 87)  
Affirmed (5-0)

In re C.C. and L.C., No. 21-0348 (Pocahontas 19-JA-19, 20)  
Affirmed (5-0)

In re A.S., B.M., and I.S., No. 21-0444 (Logan 19-JA-32, 33, 34)  
Affirmed (5-0)

In re L.W. and M.B., No. 21-0494 (Taylor 19-JA-99, 100)  
Affirmed (5-0)

In re J.C. and R.C., No. 21-0541 (Randolph 20-JA-114, 115)  
Affirmed (5-0)

In re M.H., E.S., L.S., W.S., and D.H., No. 21-0327 (Harrison 18-JA-99 through 102, 19-JA-56)  
Affirmed (5-0)

In re C.C. and M.C., No. 21-0363 (Monongalia 20-JA-60, 61)  
Affirmed (5-0)

In re A.R. and M.R., No. 21-0392 (Raleigh 19-JA-129, 130)  
Affirmed (5-0)

In re H.C. and J.C., No. 21-0411 (Webster 20-JA-50, 51)  
Affirmed (5-0)

In re H.C. and J.C., No. 21-0420 (Webster 20-JA-50, 51)  
Affirmed (5-0)

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In re H.J., C.J., and M.J., No. 21-0452 (Raleigh 20-JA-133, 135, 136)  
Affirmed (5-0)

In re H.J., C.J., and M.J., No. 21-0455 (Raleigh 20-JA-133, 135, 136)  
Affirmed (5-0)

In re B.W. and A.O., No. 21-0497 (Tucker 19-JA-26, 20-JA-13)  
Affirmed (5-0)

In re L.S., S.M., L.S., and E.S., No. 21-0241 (Wood 19-JA-118 through 121)  
Affirmed (5-0)

In re L.S., L.S., and E.S., No. 21-0242 (Wood 19-JA-118, 120, 121)  
Affirmed (5-0)

In re O.G. and J.C., No. 21-0357 (Randolph 17-JA-80, 82)  
Affirmed (5-0)

In re K.M., No. 21-0473 (Braxton 20-JA-43)  
Affirmed (5-0)

In re R.W., No. 21-0525 (Braxton 21-JA-9)  
Affirmed (5-0)

In re D.L., M.L., and R.B., No. 21-0551 (Wood 21-JA-49, 50, 51)  
Affirmed (5-0)

In re E.B., D.B., and H.B., No. 21-0592 (Randolph 21-JA-4, 5, 6)  
Affirmed (5-0)

State of West Virginia v. Amanda Massey, No. 20-0641 (Wood 17-F-287)  
Affirmed (5-0)

Daniel C. v. Donnie Ames, Superintendent, No. 20-0754 (Mercer 16-C-242)  
Affirmed (5-0)

In re B.D., L.D., N.D. M.D., and A.D., No. 21-0147 (Tyler 19-JA-17, 19, 20, 21, 25) AND  
In re B.D., S.B., L.D., N.D. M.D., and A.D., No. 21-0176 (Tyler 19-JA-17 through 21, 25)  
Consolidated and Affirmed (5-0)

Robert R. v. Donnie Ames, Superintendent, No. 21-0379 (Mineral 20-C-50)  
Affirmed (5-0)

State of West Virginia v. William Clyde Jeffries, No. 20-0595 (Harrison 19-F-26-2)  
Affirmed (5-0)

State of West Virginia v. Tanner C., No. 20-0603 (Logan CC-23-2019-F-66)  
Affirmed (5-0)

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Thomas E. Leftwich v. Donnie Ames, Superintendent, No. 20-0143 (Raleigh 10-C-22-B)  
Affirmed (4-0) (Justice Hutchison disqualified.)

Marshall Colebank and Judy Colebank v. Kimberly Reneau and Kay Crites, No. 20-0616  
(Putnam 19-C-248)  
Affirmed (5-0)

Anne Palmer v. Tucson Charleston, LLC, et al., No. 20-0748 (Kanawha 19-C-100)  
Affirmed (5-0)

Melissa Squires and Russel Squires v. Lenora Sartor, No. 20-0943 (Wood 20-C-104)  
Affirmed (5-0)

Julie M. v. Michael M., No. 20-0993 (Marion CC-24-2020-D-AP-5)  
Affirmed (5-0)

Matthew Gonzales v. Cabell County Board of Education, No. 20-0658 (Kanawha 20-AA-22)  
Affirmed (5-0)

State of West Virginia v. Dean Gamble, No. 20-0904 (Fayette 18-F-19, 18-F-20)  
Affirmed (5-0)

Robert Heavner v. Three Run Maintenance Association, Inc., No. 20-1010  
(Berkeley CC-020-2017-P-412)  
Affirmed (5-0)

Susan Sprangler v. James Monroe Washington, No. 21-0002 (Kanawha 18-C-137)  
Affirmed (5-0)

State of West Virginia v. John Michael Hess, No. 20-0457 (Taylor 18-F-17)  
Affirmed (5-0)

State of West Virginia v. Adam Cullen, No. 20-0678 (Berkeley CC-02-2017-F-348)  
Affirmed (5-0)

State of West Virginia v. Trevor Via, No. 20-0743 (Berkeley CC-02-2019-F-245)  
Affirmed (5-0)

Curtis R. v. Karen Pszczolkowski, Superintendent, No. 20-0533 (Wood 16-P-72)  
Affirmed (5-0)

In re R.R., No. 20-0786 (Wyoming 20-JD-14, 15, 16)  
Reversed and remanded (5-0)

In re D.B., No. 20-0782 (Wyoming 20-JD-17, 18, 19)  
Reversed and remanded (5-0)

State of West Virginia v. Scott K., No. 20-0545 (Mineral 14-F-75)  
Affirmed (5-0)

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Sadie McCartney v. Randolph County Board of Education, No. 20-0758 (Randolph 20-C-3)  
Affirmed (5-0)

Everett Frazier, Commissioner v. Michael Kelly, No. 20-0412 (Raleigh 19-AA-1)  
Reversed and remanded (5-0)

State of West Virginia v. Bryan Fishack, No. 20-1002 (Berkeley CC-02-2019-F-240)  
Affirmed (5-0)

State of West Virginia v. Brian Gatto, No. 20-0977 (Marion CC-24-2020-F-15)  
Affirmed (5-0)

State of West Virginia v. Andre Parrish, No. 20-0519 (Monongalia 19-F-72)  
Affirmed (5-0)

Jimmy Mullins v. Aaron Westfall, Superintendent, No. 20-0930 (Wyoming 19-C-47)  
Affirmed (5-0)

State of West Virginia v. Richard Sample, No. 20-0458 (Wood 19-F-278)  
Affirmed (5-0)

State of West Virginia v. T.J., No. 20-0553 (Berkeley 19-F-308)  
Affirmed (5-0)

Adam Bowers v. Donnie Ames, Superintendent, No. 20-0625 (Harrison 18-C-193-2)  
Affirmed (5-0)

State of West Virginia v. Joseph Ray, No. 20-0928 (Berkeley CC-02-2020-F-46)  
Affirmed (4-1) (Justice Wooton dissenting.)

State of West Virginia v. Elliott Lansdowne, No. 20-1004 (Jefferson CC-19-2020-F-5)  
Affirmed (5-0)

Michael Blickenstaff v. Donnie Ames, No. 20-0176 (Jefferson 18-C-47)  
Affirmed (5-0)

**RULE 19 ARGUMENT GRANTED**

The following cases will be scheduled for Rule 19 oral argument:

In re K.S., B.M., and O.S., No. 20-1030 (Monongalia 19-JA-31, 32, 33)

In re K.B.-R. and L.R., No. 21-0362 (Marshall 19-JA-55, 56)

In re H.W., No. 21-0545 (Kanawha 19-JA-748)

In re B.R., R.R., K.H., S.R. and A.R., No. 21-0284 (Braxton 19-JA-3 through 7)

In re B.R., R.R., K.H., S.R. and A.R., No. 21-0287 (Braxton 19-JA-3 through 7)

**RULE 20 ARGUMENT GRANTED**

The following cases will be scheduled for Rule 20 oral argument:

In re K.S., No. 21-0180 (Monongalia 19-JA-31)

In re K.B., No. 21-0277 (Fayette 19-JA-171)

Mary Zerfoss v. Hinkle Trucking, Inc. and Gary Hinkle, No. 19-1126  
(Pendleton CC-36-2017-C-7)

**ORDERS**

Orders of note were entered in the following cases:

SER L.T. v. Hon. Paul M. Blake, Jr., Judge, and William Marshall, Director of the WV Division of Juvenile Services, No. 21-0783 (Original Prohibition)  
Petition refused (5-0)

SER Nationwide Property and Casualty Insurance Company, et al. v. Hon. Maryclaire Akers, Judge; and Dodrill Heating and Cooling, LLC, No. 21-0758 (Original Prohibition)  
Petition refused (3-1) (Justice Jenkins would issue a rule to show cause.) (Justice Armstead disqualified.)

Sherree D. Martin, Executor, et al. v. Carl J. Martin, II, et al., No. 21-0757 (Upshur 20-P-21)  
Motion to stay refused (4-1) (Justice Jenkins)

Karen's Cookie Carnival, Inc. v. West Virginia Lottery Commission, Pre-Petition No. 21-041  
(Kanawha 21-AA-20)  
Motion to stay refused (5-0)

SER Deandre Brownbridge v. Hon. Anita Ashley, Judge, and the State of West Virginia,  
No. 21-1044 (Original Prohibition)  
Petition refused (5-0)

In re D.R., Z.R., A.S.-B., P.B., and L.T., No. 21-0562 AND

In re A.S.-B., W.J., and P.B., No. 21-0600

Rules to show cause in contempt issued against the guardian ad litem, Matthew E. DeVore,  
Esq.