



DECISIONS, NOTICES AND ORDERS

Thursday, May 26, 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.

MEMORANDUM DECISIONS

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

Charles Wright v. Automotive Finance Corporation, No. 21-0493 (Jefferson 20-C-149)
Affirmed (5-0)

In re J.A. and A.A., No. 21-0832 (Raleigh 20-JA-16, 17)
Affirmed (5-0)

In re T.W., H.W., M.W., and B.W., No. 21-0701 (Greenbrier 20-JA-30 through 33)
Affirmed (5-0)

Robert Brumfield v. West Virginia Board of Law Examiners, No. 22-0192 (Original Proceeding)
Exceptions refused (5-0)

Antero Resources Corporation v. Matthew Irby, West Virginia State Tax Commissioner, et al., Nos. 21-0119 and 21-0121 (Doddridge 17-AA-1, 17-AA-3)
Affirmed (4-0) (Justice Bunn disqualified.)

John Spaulding v. Donnie Ames, Superintendent, No. 21-0198 (Mercer 15-C-299)
Affirmed (4-0) (Justice Bunn not participating.)

State of West Virginia v. Michael John Smith, No. 20-0317 (Roane 19-F-64)
Affirmed (4-0) (Justice Bunn not participating.)

State of West Virginia v. Cynthia Gatewood, No. 21-0170 (Kanawha 19-F-55)
Affirmed (4-0) (Justice Bunn not participating.)

State of West Virginia v. Russell Slater, No. 20-0456 (Kanawha 18-F-417, 18-M-102)
Affirmed (4-0) (Justice Bunn not participating.)

Terri K. v. Robert S., No. 20-1007 (Mercer 08-D-202)
Affirmed (4-0) (Justice Bunn not participating.)

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Steven Dukes v. Donnie Ames, Superintendent, No. 21-0324 (Marion 15-C-147)
Affirmed (3-1) (Chief Justice Hutchison dissenting.) (Justice Bunn not participating.)

State of West Virginia v. Ricky Pendleton, No. 21-0384 (Berkeley 19-F-103)
Affirmed (4-0) (Justice Bunn not participating.)

Ricky Pendleton v. Donnie Ames, Superintendent, No. 21-0432 (Berkeley 19-C-181)
Affirmed (4-0) (Justice Bunn not participating.)

State of West Virginia v. Michael Vance, No. 21-0523 (Mingo 21-F-45)
Affirmed, in part. Reversed, in part. Remanded. (4-0) (Justice Bunn not participating.)

State of West Virginia v. Angel McCoy, No. 21-0453 (Morgan CC-33-2020-F-19)
Affirmed (4-0) (Justice Bunn not participating.)

State of West Virginia v. Gordon Bays, Jr., No. 21-0491 (Harrison 01-F-121-3)
Affirmed (4-0) (Justice Bunn not participating.)

State of West Virginia v. Jonathan Miller, No. 20-0860 (Berkeley 18-F-174)
Affirmed (4-0) (Justice Bunn not participating.)

Roy Pittman v. Shelby Searls, Superintendent, No. 21-0006 (Kanawha 19-P-362)
Affirmed (4-0) (Justice Bunn not participating.)

Isaiah Murphy v. Shawn Straughn, Superintendent, No. 21-0457 (Clay 19-P-10)
Affirmed (4-0) (Justice Bunn not participating.)

Alfred Harshbarger v. Mary Harshbarger, No. 20-0788 (Cabell 18-D-674)
Affirmed (4-0) (Justice Bunn not participating.)

Margaret M. v. Laramie M., No. 21-0449 (Greenbrier 16-D-157)
Affirmed (4-0) (Justice Bunn not participating.)

State of West Virginia v. Malik Edler, No. 21-0248 (Harrison 19-F-195)
Affirmed (4-0) (Justice Bunn not participating.)

William Redman III v. Donnie Ames, Superintendent, No. 21-0223 (Ohio 14-C-4)
Affirmed (4-0) (Justice Bunn not participating.)

State of West Virginia v. H.D., No. 20-0399 (Jefferson 19-F-70)
Affirmed (4-0) (Justice Bunn not participating.)

Selena Williams-Grant v. Jefferson County Board of Education, No. 21-0117
(Kanawha 19-AA-95)
Affirmed (4-0) (Justice Bunn disqualified.)

Everett Frazier, Commissioner v. Justin Hensley, No. 19-1022 (Kanawha 19-AA-84)
Affirmed (3-1) (Justice Armstead dissenting.) (Justice Bunn not participating.)

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State of West Virginia v. Nathan Hall, No. 20-0884 (Jackson CC-18-2019-F-32)
Affirmed (3-1) (Justice Wooton dissenting.) (Justice Bunn not participating.)

Jordan Goard v. Donnie Ames, Superintendent, No. 21-0370 (Fayette 19-C-105)
Affirmed (4-0) (Justice Bunn not participating.)

Jackie N. v. Lori M.-N., No. 21-0037 (Putnam 20-D-AP-2)
Affirmed (3-1) (Chief Justice Hutchison dissenting.) (Justice Bunn not participating.)

State of West Virginia v. Ty Mogyoros, No. 21-0250 (Hancock 20-F-15, 20-F-59)
Affirmed (4-0) (Justice Bunn not participating.)

State of West Virginia v. Kyle Rocha, No. 21-0201 (Monongalia 20-F-134)
Affirmed (3-1) (Chief Justice Hutchison dissenting.) (Justice Bunn not participating.)

Michael Brown v. Donnie Ames, Superintendent, No. 21-0084 (Cabell 17-C-662)
Affirmed (4-0) (Justice Bunn not participating.)

State of West Virginia v. Brian Willis, No. 21-0389 (Fayette 19-F-106)
Affirmed (4-0) (Justice Bunn not participating.)

Demerise Smith v. J.D. Sallaz, Superintendent, No. 21-0535 (Raleigh 16-C-407)
Affirmed (4-0) (Justice Bunn not participating.)

Richard and Sara Altman v. Mark Beaver, et al., No. 21-0421 (Ohio 20-C-206)
Affirmed (4-0) (Justice Bunn not participating.)

State of West Virginia v. Devin Logan, No. 21-0422 (Kanawha 19-F-97)
Affirmed (4-0) (Justice Bunn not participating.)

Anthony Brown v. R.S. Mutter, Superintendent, No. 20-0662 (Kanawha 19-P-460)
Affirmed (4-0) (Justice Bunn not participating.)

HAF Real Estate West v. Sheriff Nathan Harman, et al., No. 21-0360 (Berkeley 20-C-141)
Affirmed (4-0) (Justice Bunn not participating.)

S.M. v. D.C.S., No. 20-0483 (Kanawha 18-D-1427)
Affirmed (4-0) (Justice Bunn not participating.)

RWM Logistics Corp. v. Jane Doe, No. 21-0062 (Monongalia 20-C-83)
Affirmed (4-0) (Justice Bunn not participating.)

State of West Virginia v. Akeem Ellis, No. 21-0076 (Berkeley 17-F-92)
Affirmed (4-0) (Justice Bunn not participating.)

State of West Virginia v. Jomo Morris, No. 21-0260 (Berkeley CC-02-2020-F-59)
Affirmed (4-0) (Justice Bunn not participating.)

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Renee Carr and Steve Strickland v. Penny Parcell, No. 21-0224 (Upshur 20-P-44)
Affirmed (4-0) (Justice Bunn disqualified.)

Red Lobster Hospitality, et al. v. City of Huntington, et al., No. 21-0288
(Cabell 17-C-576 and 17-C-646)
Affirmed (4-0) (Justice Bunn not participating.)

RULE 19 ARGUMENT GRANTED

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

State ex rel. West Virginia Secondary Schools Activities Commission v. Hon. Timothy L. Sweeney, Judge, et al., No. 22-0268 (Original Prohibition)

State ex rel. West Virginia Secondary Schools Activities Commission v. Hon. Timothy L. Cuomo, Judge, et al., No. 22-0261 (Original Prohibition)

State ex rel. Historic Arms Corporation v. Hon. C. Carter Williams, Judge, et al., No. 22-0217
(Original Prohibition)

Praetorian Insurance Company v. Air Cargo Carriers, LLC, et al., No. 21-0682
(Kanawha 20-C-800) and
Praetorian Insurance Company v. Air Cargo Carriers, LLC, et al., No. 21-0243
(Kanawha 19-C-450)
Consolidated

Linda Birchfield-Modad v. WV Consolidated Public Retirement Board, No. 20-0747
(Kanawha 19-AA-24)

RULE 20 ARGUMENT GRANTED

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

Micah McClain v. Damone Eddy, et al., No. 21-0981 (Certified Question, Monongalia 20-C-50)
Consolidated with *State v. McClain*, No. 21-0873

Justin and Jennifer Butcher v. Halliburton Energy Services, Inc., et al., No. 22-0276
(Certified Question, Northern District of West Virginia 1:20-cv-74)

City of Martinsburg v. Berkeley County Council, No. 21-0579 (Berkeley 21-C-14)

Chad Edwards and Matthew Maxwell v. Rhonda Stark, No. 21-0589 (Harrison 20-C-267-3)