

SUPREME COURT OF KENTUCKY

AUGUST 25, 2016 MINUTES

RELEASED: 10:00 A.M.

109. COMMONWEALTH OF KENTUCKY V. [2014-SC-000266-DG](#) KENTON
DOUGLAS RANK **TO BE PUBLISHED**

**OPINION OF THE COURT BY
JUSTICE VENTERS –
AFFIRMING**
ALL SITTING. MINTON, C.J.;
CUNNINGHAM, HUGHES,
AND NOBLE, JJ., CONCUR. KELLER,
AND WRIGHT, JJ., CONCUR IN
RESULT ONLY.

Questions Presented:
Criminal Law. RCr 11.42. Defendant was entitled to an evidentiary hearing on his RCr 11.42 motion alleging ineffective assistance of guilty plea counsel, especially concerning a potential extreme emotional disturbance defense.

110. TRACEY CASSETTY V. [2014-SC-000716-DG](#) LOGAN
COMMONWEALTH OF KENTUCKY **TO BE PUBLISHED**

**OPINION OF THE COURT BY
JUSTICE NOBLE –
AFFIRMING**
ALL SITTING. ALL CONCUR.

Questions Presented:
Notice of appeal naming only an order denying a recusal motion and not the final judgment does not substantially comply with the Civil Rules so as to invoke the Court of Appeals' jurisdiction and avoid dismissal of the appeal.

111. KENTUCKY RETIREMENT [2015-SC-000094-DG](#) FRANKLIN
SYSTEMS V. **TO BE PUBLISHED**
DIANNE CARSON

**OPINION OF THE COURT BY
JUSTICE KELLER –
AFFIRMING**
ALL SITTING. ALL CONCUR.

Questions Presented:
Administrative Law. Disability Retirement. Applicability of administrative res judicata in the context of a KRS 61.600(2) disability benefits reapplication.

SUPREME COURT OF KENTUCKY

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112. KENTUCKY RETIREMENT SYSTEMS V. CHARLES WIMBERLY
OPINION OF THE COURT BY JUSTICE KELLER – AFFIRMING
ALL SITTING. ALL CONCUR.
- [2015-SC-000159-DG](#) FRANKLIN
TO BE PUBLISHED

Questions Presented:
Administrative Law. Disability Retirement. Applicability of administrative res judicata in the context of a KRS 61.600(2) disability benefits reapplication as well as whether alcohol abuse can constitute a KRS 61.600(3)(d) preexisting condition.

113. BRYAN RUSSELL V. COMMONWEALTH OF KENTUCKY
OPINION OF THE COURT BY JUSTICE NOBLE – AFFIRMING
ALL SITTING. MINTON, C.J.; HUGHES, KELLER, VENTERS, AND WRIGHT, JJ., CONCUR. CUNNINGHAM, J., CONCURS IN RESULT ONLY BY SEPARATE OPINION.
- [2015-SC-000385-MR](#) CAMPBELL
TO BE PUBLISHED

Questions Presented:
Guilty Plea. While pro se litigants are not held to the same standard as counsel, because defendant's letter to the trial court did not expressly ask for any relief, much less ask to withdraw his guilty plea, it cannot be construed as a motion under Criminal Rule 8.14.

114. JONATHAN MCDANIEL V. COMMONWEALTH OF KENTUCKY
AND
DAVID DESHIELDS V. COMMONWEALTH OF KENTUCKY
AND
JOHN C. MARTIN V. COMMONWEALTH OF KENTUCKY
OPINION OF THE COURT BY JUSTICE HUGHES – AFFIRMING ON OTHER GROUNDS AND VACATING IN PART
ALL SITTING. ALL CONCUR.
- [2014-SC-000241-DG](#) CALLOWAY
TO BE PUBLISHED
- [2014-SC-000242-DG](#) MCCracken
TO BE PUBLISHED
- [2014-SC-000243-DG](#) ANDERSON
TO BE PUBLISHED

Questions Presented:
Criminal Law. KRS 532.043. Sex Offender Postincarceration Supervision. Unripe and unpreserved challenge to the amended version of KRS 532.043 (5). Defendants' pro se motions should not have been construed as RCr 11.42 motions.

SUPREME COURT OF KENTUCKY

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115. KYLE SHEETS V.
COMMONWEALTH OF KENTUCKY
**OPINION OF THE COURT BY
JUSTICE WRIGHT –
AFFIRMING IN PART, DISMISSING
IN PART, AND REVERSING AND
REMANDING IN PART**
ALL SITTING. MINTON, C.J.;
CUNNINGHAM, HUGHES, KELLER,
AND VENTERS, JJ., CONCUR.
NOBLE, J., CONCURRING IN PART,
DISSENTING IN PART BY SEPRATE
OPINION.

[2014-SC-000002-MR](#)
TO BE PUBLISHED

KENTON

Questions Presented:

First-degree sexual abuse and two counts of first-degree sodomy-70 years. Appeal of handgun charge is improperly before this Court and is dismissed. Violation of right to a unanimous verdict as to one count of sodomy. Evidence of couple's sexual activities and of taking child victims to defense counsel's office did not require reversal. Trial court properly denied request for discovery where the defendant had not made the requisite preliminary showing that the victim's psychotherapy records would contain exculpatory or impeachment evidence.

116. DAVID ALAN JENKINS V.
COMMONWEALTH OF KENTUCKY
**OPINION OF THE COURT BY
JUSTICE HUGHES –
AFFIRMING IN PART, REVERSING
IN PART, AND REMANDING**
ALL SITTING. MINTON, C.J.;
KELLER, NOBLE AND WRIGHT,
JJ., CONCUR. CUNNINGHAM, J.,
DISSENTS BY SEPARATE OPINION
IN WHICH VENTERS, J., JOINS.
VENTERS, J., DISSENTS BY
SEPARATE OPINION IN WHICH
CUNNINGHAM, J., JOINS.

[2014-SC-000353-MR](#)
TO BE PUBLISHED

OHIO

Questions Presented:

First-degree rape and first-degree sodomy-40 years. Defendant was not entitled to a directed verdict or to the dismissal of either charge where sufficient evidence was presented that the alleged sex acts resulted from physical force or the threat of physical force. Duplicitous jury instruction mandates reversal of the sodomy conviction. Trial court did not err: by admitting into evidence defendant's "same victim" prior bad acts or his statements made during a post-polygraph interview; by disallowing the introduction of further statements from that interview; or, by refusing defendant's request for a sexual misconduct jury instruction.

SUPREME COURT OF KENTUCKY

AUGUST 25, 2016 MINUTES

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117. DONALD HOWARD V.
COMMONWEALTH OF KENTUCKY
**OPINION OF THE COURT BY
CHIEF JUSTICE MINTON –
AFFIRMING IN PART, VACATING
IN PART, AND REMANDING**
ALL SITTING. ALL CONCUR.
- [2015-SC-000377-MR](#) CARROLL
TO BE PUBLISHED

Questions Presented:
Guilty Plea. Five counts of first-degree trafficking in a controlled substance, second offense-20 years and \$2,000.00 fine. Trial court did not err in imposing the statutory maximum sentence; assessing court costs; or, in imposing a partial fee for the public defender; but, erred in imposing the criminal fines.

118. CHARLES HARDIN, M.D. V.
JOHN MONTGOMERY, ET AL.
AND
MAGOFFIN COUNTY BOARD OF
ELECTIONS, ET AL. V.
JOHN MONTGOMERY, ET AL.
**OPINION OF THE COURT BY
JUSTICE VENTERS –
REVERSING**
ALL SITTING. ALL CONCUR.
- [2015-SC-000572-DGE](#) MAGOFFIN
TO BE PUBLISHED
- [2015-SC-000575-DGE](#) MAGOFFIN
TO BE PUBLISHED

Questions Presented:
Elections. Election irregularities in the 2014 election for the Magoffin County Judge Executive.

119. COUNTRYWAY INSURANCE
COMPANY V.
UNITED FINANCIAL CASUALTY,
INSURANCE COMPANY, ET AL.
**OPINION OF THE COURT BY
JUSTICE HUGHES –
REVERSING AND REMANDING**
ALL SITTING. ALL CONCUR.
- [2014-SC-000265-DG](#) WARREN
TO BE PUBLISHED

Questions Presented:
Insurance Law. Automobile Accidents. Uninsured Motorist Coverage. Where an injured party is covered by more than one uninsured motorist policy, but both contracts contain excess clauses, should the damages be apportioned between the companies or should a *per se* rule deeming primary the injured party's uninsured motorist policy apply?

SUPREME COURT OF KENTUCKY

AUGUST 25, 2016 MINUTES

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- | | | | |
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| 120. | LESLEY D. SHINKLE V.
BOBBY D. TURNER
OPINION OF THE COURT BY
JUSTICE VENTERS –
REVERSING AND VACATING
ALL SITTING. MINTON, C.J.;
CUNNINGHAM, HUGHES, NOBLE,
AND WRIGHT, JJ., CONCUR.
KELLER, J., CONCURS IN RESULT
ONLY. | 2015-SC-000039-DG
TO BE PUBLISHED | BOONE |
| <div style="border: 1px solid black; padding: 5px;"><p>Questions Presented:
Forcible Detainer. Statutory Notice to Vacate Premises. The issue is the propriety of the filing of a forcible detainer action prior to the expiration of the 30 day notice to vacate the premises required by KRS 383.195, and whether the trial court may delay entry of an order until the expiration of the 30 days, or must dismiss the action as improperly filed.</p></div> | | | |
| 121. | MATT JONES, ET AL. V.
LARRY BENNETT, RUSSELL COUNTY
SHERIFF, ET AL.
MEMORANDUM OPINION OF
THE COURT – AFFIRMING
ALL SITTING. ALL CONCUR. | 2014-SC-000425-DG
NOT TO BE PUBLISHED | RUSSELL |
| 122. | KENNETH J. MATTINGLY V.
COMMONWEALTH OF KENTUCKY
MEMORANDUM OPINION OF
THE COURT – AFFIRMING
ALL SITTING. ALL CONCUR. | 2015-SC-000213-MR
NOT TO BE PUBLISHED | NELSON |
| 123. | WILLIAM BROCK V.
COMMONWEALTH OF KENTUCKY
MEMORANDUM OPINION OF
THE COURT – AFFIRMING
ALL SITTING. ALL CONCUR. | 2015-SC-000257-MR
NOT TO BE PUBLISHED | FAYETTE |
| 124. | JOEL DAVID SEARCY V.
COMMONWEALTH OF KENTUCKY
MEMORANDUM OPINION OF
THE COURT – AFFIRMING
ALL SITTING. ALL CONCUR. | 2015-SC-000357-MR
NOT TO BE PUBLISHED | FAYETTE |

SUPREME COURT OF KENTUCKY

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125. UNITED PARCEL SERVICE, INC. V. ANTHONY WOODS, ET AL. [2015-SC-000647-WC](#) FROM COURT OF APPEALS
MEMORANDUM OPINION OF THE COURT – AFFIRMING
ALL SITTING. ALL CONCUR. **NOT TO BE PUBLISHED**
126. FLAGSHIP TRANSPORTATION, LLC. V. ESTATE OF CORY KEELING (DECEASED), ADMINISTRATRIX MINDY KEELING (WIFE), ET AL. [2015-SC-000648-WC](#) FROM COURT OF APPEALS
MEMORANDUM OPINION OF THE COURT – AFFIRMING
ALL SITTING. ALL CONCUR. **NOT TO BE PUBLISHED**
127. RONNIE JOE FORTE V. COMMONWEALTH OF KENTUCKY [2014-SC-000726-MR](#) CHRISTIAN
MEMORANDUM OPINION OF THE COURT – AFFIRMING IN PART, REVERSING IN PART, AND REMANDING
ALL SITTING. ALL CONCUR. **NOT TO BE PUBLISHED**
128. BRYAN WILLIS V. COMMONWEALTH OF KENTUCKY [2014-SC-000757-MR](#) GRAYSON
MEMORANDUM OPINION OF THE COURT – AFFIRMING IN PART, REVERSING IN PART, AND REMANDING
ALL SITTING. MINTON, C.J.; HUGHES, KELLER, NOBLE, VENTERS AND WRIGHT, JJ., CONCUR. CUNNINGHAM, J., CONCURS ON THE REVERSAL OF THE POSSESSION OF A METHAMPHETAMINE PRECURSOR AND AFFIRMANCE OF THE POSSESSION OF METHAMPHETAMINE, BUT DISSENTS ON THE REVERSALS OF THE FIRST-DEGREE FLEEING OR EVADING POLICE AND FIRST-DEGREE WANTON ENDANGERMENT. **NOT TO BE PUBLISHED**

SUPREME COURT OF KENTUCKY

AUGUST 25, 2016 MINUTES

RELEASED: 10:00 A.M.

129. JIMMY DALE HIGHTOWER, JR. V. [2014-SC-000654-MR](#) LOGAN
COMMONWEALTH OF KENTUCKY
**MEMORANDUM OPINION OF
THE COURT – AFFIRMING IN PART,
VACATING IN PART, AND
REMANDING**
ALL SITTING. ALL CONCUR. NOT TO BE PUBLISHED
130. DAVID MAYES V. [2014-SC-000714-MR](#) WHITLEY
COMMONWEALTH OF KENTUCKY
**MEMORANDUM OPINION OF
THE COURT – REVERSING AND
REMANDING**
ALL SITTING. MINTON, C.J.; HUGHES,
KELLER, NOBLE, VENTERS AND
WRIGHT, JJ., CONCUR. CUNNINGHAM,
J., CONCURS IN RESULT ONLY. NOT TO BE PUBLISHED
131. CLYDE HAMMOND, JR., ET AL. V. [2015-SC-000205-DG](#) MARTIN
MONT JACK HAMMOND, ET AL.
**MEMORANDUM OPINION OF
THE COURT – REVERSING AND
REMANDING**
ALL SITTING. ALL CONCUR. NOT TO BE PUBLISHED

OPINION AND ORDERS – AUGUST 25, 2016

- KENTUCKY BAR ASSOCIATION V. [2013-SC-000792-KB](#) IN SUPREME
WILLIAM PERRY MCCALL
**ORDER DENIED PETITION TO IMPOSE
RECIPROCAL DISCIPLINE.** TO BE PUBLISHED COURT
ALL SITTING. ALL CONCUR.
- KENTUCKY BAR ASSOCIATION V. [2016-SC-000082-KB](#) IN SUPREME
JEFFREY OWENS MOORE
ORDER OF INDEFINITE SUSPENSION. TO BE PUBLISHED COURT
ALL SITTING. ALL CONCUR.
- KENTUCKY BAR ASSOCIATION V. [2016-SC-000094-KB](#) IN SUPREME
JOHN D.T. BRADY
ORDER OF PERMANENT DISBARMENT. TO BE PUBLISHED COURT
ALL SITTING. ALL CONCUR.

SUPREME COURT OF KENTUCKY

AUGUST 25, 2016 MINUTES

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OPINION AND ORDERS – AUGUST 25, 2016

KENTUCKY BAR ASSOCIATION V. RUSSELL W. BURGIN AND KENTUCKY BAR ASSOCIATION V. RUSSELL W. BURGIN ORDER OF PERMANENT DISBARMENT. ALL SITTING. ALL CONCUR.	2016-SC-000098-KB TO BE PUBLISHED	IN SUPREME COURT
KENTUCKY BAR ASSOCIATION V. JAMES D.R. ROBERTS, JR. ORDER GRANTED RECIPROCAL DISCIPLINE AND 6 MONTH SUSPENSION. ALL SITTING. ALL CONCUR.	2016-SC-000203-KB TO BE PUBLISHED	IN SUPREME COURT
KENTUCKY BAR ASSOCIATION V. EDWIN L. VARDIMAN, JR. ORDER GRANTED RECIPROCAL DISCIPLINE AND 1 YEAR SUSPENSION, WITH CONDITIONS ALL SITTING. ALL CONCUR.	2016-SC-000159-KB TO BE PUBLISHED	IN SUPREME COURT
KENTUCKY BAR ASSOCIATION V. BRYAN SAMUEL COFFMAN ORDER OF PERMANENT DISBARMENT. ALL SITTING. ALL CONCUR.	2016-SC-000204-KB TO BE PUBLISHED	IN SUPREME COURT
KENTUCKY BAR ASSOCIATION V. BYRON KEMP HOWARD ORDER OF PERMANENT DISBARMENT. ALL SITTING. ALL CONCUR.	2016-SC-000215-KB TO BE PUBLISHED	IN SUPREME COURT
KENTUCKY BAR ASSOCIATION V. CHRISTINA ROSE EDMONDSON ORDER OF SUSPENSION FROM THE PRACTICE OF LAW FOR 180 DAYS WITH CONDITIONS. ALL SITTING. ALL CONCUR.	2016-SC-000216-KB TO BE PUBLISHED	IN SUPREME COURT

SUPREME COURT OF KENTUCKY

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OPINION AND ORDERS – AUGUST 25, 2016

**JOHN KNOX BENINTENDI V.
KENTUCKY BAR ASSOCIATION
ORDER OF REINSTATEMENT TO
THE PRACTICE OF LAW.
ALL SITTING. ALL CONCUR.**

[2016-SC-000238-KB](#)
TO BE PUBLISHED

**IN SUPREME
COURT**

**KENTUCKY BAR ASSOCIATION V.
CLINTON CHADWELL CARTER
ORDER GRANTED RECIPROCAL DISCIPLINE
AND PUBLIC REPRIMAND.
ALL SITTING. ALL CONCUR.**

[2016-SC-000261-KB](#)
TO BE PUBLISHED

**IN SUPREME
COURT**

**JOSEPH DANIEL THOMPSON V.
KENTUCKY BAR ASSOCIATION
ORDER OF SUSPENSION FROM THE
PRACTICE OF LAW FOR 181 DAYS WITH
CONDITIONS.
ALL SITTING. ALL CONCUR.**

[2016-SC-000262-KB](#)
TO BE PUBLISHED

**IN SUPREME
COURT**

**LOWELL W. LUNDY V.
KENTUCKY BAR ASSOCIATION
ORDER OF SUSPENSION FROM THE
PRACTICE OF LAW FOR 30 DAYS PROBATED
FOR 2 YEARS WITH CONDITIONS.
ALL SITTING. MINTON, C.J.; CUNNINGHAM,
HUGHES, KELLER, VENTERS AND WRIGHT,
JJ., CONCUR. KELLER, J., CONCURS IN
RESULT ONLY.**

2016-SC-000270-KB
NOT TO BE PUBLISHED

**IN SUPREME
COURT**

**JAMES ROBERT YATES V.
KENTUCKY BAR ASSOCIATION
ORDER OF SUSPENSION FROM THE
PRACTICE OF LAW FOR 30 DAYS PROBATED
FOR 1 YEAR WITH CONDITIONS.
ALL SITTING. ALL CONCUR.**

[2016-SC-000271-KB](#)
TO BE PUBLISHED

**IN SUPREME
COURT**

SUPREME COURT OF KENTUCKY

AUGUST 25, 2016 MINUTES

RELEASED: 10:00 A.M.

OPINION AND ORDERS – AUGUST 25, 2016

EUBANKS & MARSHALL OF LEXINGTON,
PSC, D/B/A EMW WOMEN’S CLINIC OF
LEXINGTON **V.**
COMMONWEALTH OF KENTUCKY, EX REL.
CABINET FOR HEALTH & FAMILY SERVICES
ORDER DENIED INTERLOCUTORY RELIEF.
ALL SITTING. ALL CONCUR.

[2016-SC-000328-I](#)
NOT TO BE PUBLISHED

FAYETTE

**COURT ORDERS GRANTING MOTION FOR DISCRETIONARY REVIEW –
AUGUST 17, 2016**

JOHN ADAMS, M.D., ET AL. **V.**
MARK SIETSEMA

2015-SC-000483-DG

HARDIN

COMMONWEALTH OF KENTUCKY **V.**
RONALD COPLEY

2015-SC-000584-DG

RUSSELL

JEROME HAWKINS **V.**
COMMONWEALTH OF KENTUCKY

2015-SC-000639-DG

HENDERSON

ROBERT MORRISON **V.**
COMMONWEALTH OF KENTUCKY

2015-SC-000712-DG

HICKMAN

ANNE M. TALLEY **V.**
DANIEL J. PAISLEY

2016-SC-000092-DG

FAYETTE

COMMONWEALTH OF KENTUCKY **V.**
JOHN J. HUGHES

2016-SC-000137-DG

MCLEAN

LARRY ARMFIELD, ET AL. **V.**
KENTUCKY FARM BUREAU MUTUAL
INSURANCE COMPANY

2016-SC-000148-DG

LAUREL

DANIEL LEE MOSS **V.**
COMMONWEALTH OF KENTUCKY

2016-SC-000165-DG

SIMPSON

MAJESTIC OAKS HOMEOWNERS
ASSOCIATION, INC. **V.**
MAJESTIC OAKS FARMS, INC., ET AL.

2016-SC-000213-DG

SHELBY

SUPREME COURT OF KENTUCKY

AUGUST 25, 2016 MINUTES

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**COURT ORDERS GRANTING MOTION FOR DISCRETIONARY REVIEW –
AUGUST 17, 2016**

BRADLEY RIFFE V. 2016-SC-000219-DG FAYETTE
COMMONWEALTH OF KENTUCKY

ASHER LAND AND MINERAL, LTD. V. 2016-SC-000235-DG BELL
NAMI RESOURCES COMPANY, L.L.C.

**COURT ORDERS DENYING MOTION FOR DISCRETIONARY REVIEW –
AUGUST 17, 2016**

EDWARD H. FLINT V. 2015-SC-000083-D JEFFERSON
WESLEY JACKSON, ET AL.
**CUNNINGHAM, KELLER, NOBLE, VENTERS
AND WRIGHT, JJ., AND NORMAN E. HARNED
AND JOHN S. REED, SPECIAL JUSTICES,
SITTING.**

EDWARD H. FLINT V. 2015-SC-000092-D JEFFERSON
GERALD MARX
**CUNNINGHAM, KELLER, NOBLE, VENTERS
AND WRIGHT, JJ., AND NORMAN E. HARNED
AND JOHN S. REED, SPECIAL JUSTICES,
SITTING.**

EDWARD H. FLINT V. 2015-SC-000093-D JEFFERSON
COACH HOUSE, INC.
**CUNNINGHAM, KELLER, NOBLE, VENTERS
AND WRIGHT, JJ., AND NORMAN E. HARNED
AND JOHN S. REED, SPECIAL JUSTICES,
SITTING.**

EDWARD H. FLINT V. 2015-SC-000100-D JEFFERSON
HEWLETT PACKARD COMPANY
**CUNNINGHAM, KELLER, NOBLE, VENTERS
AND WRIGHT, JJ., AND NORMAN E. HARNED
AND JOHN S. REED, SPECIAL JUSTICES,
SITTING.**

SUPREME COURT OF KENTUCKY

AUGUST 25, 2016 MINUTES

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**COURT ORDERS DENYING MOTION FOR DISCRETIONARY REVIEW –
AUGUST 17, 2016**

EDWARD H. FLINT V. KENTUCKY LEGISLATIVE ETHIC COMMISSION CUNNINGHAM, KELLER, NOBLE, VENTERS AND WRIGHT, JJ., AND NORMAN E. HARNED AND JOHN S. REED, SPECIAL JUSTICES, SITTING.	2015-SC-000243-D	FRANKLIN
EDWARD H. FLINT V. DENNIS J. STILGER, ET AL. CUNNINGHAM, KELLER, NOBLE, VENTERS AND WRIGHT, JJ., AND NORMAN E. HARNED AND JOHN S. REED, SPECIAL JUSTICES, SITTING.	2015-SC-000355-D	JEFFERSON
EDDIE RUSSELL, D/B/A UR BAR V. COMMONWEALTH OF KENTUCKY, DEPARTMENT OF ALCOHOLIC BEVERAGE CONTROL, ET AL.	2015-SC-000423-D	CHRISTIAN
SHANE PURVIS V. COMMONWEALTH OF KENTUCKY	2015-SC-000448-D	LAUREL
JASON OLIVER V. COMMONWEALTH OF KENTUCKY	2015-SC-000468-D	JESSAMINE
JEFFREY CAMPBELL, ET AL. V. JERRY JOHNSON, ET AL.	2015-SC-000480-D	KNOX
DESIREE DOUGLAS V. ADVANCED PAIN MEDICINE, P.S.C., ET AL. THE OPINION OF THE COURT OF APPEALS IS ORDERED NOT TO BE PUBLISHED.	2015-SC-000492-D	FAYETTE
DAVID GRIFFIN V. SARAH C. JONES THE OPINION OF THE COURT OF APPEALS IS ORDERED NOT TO BE PUBLISHED.	2015-SC-000493-D	CALLOWAY

SUPREME COURT OF KENTUCKY

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**COURT ORDERS DENYING MOTION FOR DISCRETIONARY REVIEW –
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WILLIAM MURRELL V. BRIAN LUCKETT	2015-SC-000514-D	JEFFERSON
RODNEY A. SPARKS V. COMMONWEALTH OF KENTUCKY	2015-SC-000516-D	BULLITT
SHANE MICHEL V. TERESA D. HOCKENSMITH, ET AL.	2015-SC-000576-D	FRANKLIN
ROBERT C. HAMLIN, ET AL. V. TIMOTHY W. BROCK, ET AL.	2015-SC-000579-D	BOYLE
THOMAS MCKINNEY, ET AL. V. PBI BANK, INC.	2015-SC-000586-D	JEFFERSON
RAMONA PARKER V. KENTUCKY HOUSING CORPORATION	2015-SC-000592-D	KENTON
GARTH KUHNHEIN V. NORTHERN KENTUCKY AREA PLANNING COMMISSION, ET AL.	2015-SC-000593-D	KENTON
PRESTON LOUIS URSINI V. FIRST FINANCIAL BANK, USA	2015-SC-000602-D	MCCRACKEN
PETER KRAUSS V. LLOYD SHEPPERD, ET AL. VENTERS, J., NOT SITTING.	2015-SC-000605-D	WAYNE
JESSIE L. GOSLYN V. COMMONWEALTH OF KENTUCKY KELLER, J., WOULD GRANT.	2015-SC-000612-D	CHRISTIAN
COMMONWEALTH OF KENTUCKY V. JESSICA MARIE ALLEN	2015-SC-000615-D	FLEMING
OFFICER SAM CROMITY V. TERRY MEINERS, ET AL.	2015-SC-000621-D	JEFFERSON

SUPREME COURT OF KENTUCKY

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**COURT ORDERS DENYING MOTION FOR DISCRETIONARY REVIEW –
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DARRYL GRIGSBY V. COMMONWEALTH OF KENTUCKY	2015-SC-000624-D	JEFFERSON
BILLY GARDNER, ET AL. V. PBI BANK, INC., ET AL.	2015-SC-000630-D	MARION
GREGORY BOYD V. COMMONWEALTH OF KENTUCKY	2015-SC-000662-D	JEFFERSON
JESSICA M. BURDETTE V. COMMONWEALTH OF KENTUCKY	2015-SC-000665-D	MADISON
STUART COLE, ET AL. V. WARREN COUNTY, KENTUCKY, ET AL.	2015-SC-000707-D	WARREN
PEGGY A. OVERLY V. MOREHEAD STATE UNIVERSITY	2015-SC-000722-D	ROWAN
GENE RAYMOND MILLER V. COMMONWEALTH OF KENTUCKY	2015-SC-000726-D	JEFFERSON
COMMONWEALTH OF KENTUCKY V. JONATHAN RATLIFF	2016-SC-000015-D	LAWRENCE
AND COMMONWEALTH OF KENTUCKY V. RONALD RATLIFF	2016-SC-000016-D	LAWRENCE
COMMONWEALTH OF KENTUCKY V. BLONDELL RICHARDSON CUNNINGHAM, J., WOULD GRANT.	2016-SC-000017-D	ESTILL
COMMONWEALTH OF KENTUCKY V. CASSANDRA BLANKENSHIP WRIGHT, J., WOULD GRANT.	2016-SC-000030-D	BOYD
VIRGINIA LUTTRELL V. COLIN COX, ET AL.	2016-SC-000049-D	PERRY

SUPREME COURT OF KENTUCKY

AUGUST 25, 2016 MINUTES

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**COURT ORDERS DENYING MOTION FOR DISCRETIONARY REVIEW –
AUGUST 17, 2016**

DALE BROWN V. COMMONWEALTH OF KENTUCKY	2016-SC-000068-D	NELSON
KATHLEEN IMHOFF V. LEXINGTON PUBLIC LIBRARY BOARD OF TRUSTEES THE OPINION OF THE COURT OF APPEALS IS ORDERED NOT TO BE PUBLISHED. NOBLE AND VENTERS, JJ., WOULD GRANT.	2016-SC-000075-D	FAYETTE
CABINET FOR HEALTH AND FAMILY SERVICES V. DEBRA VAHLE, ET AL. THE OPINION OF THE COURT OF APPEALS IS ORDERED NOT TO BE PUBLISHED.	2016-SC-000080-D	FRANKLIN
RICHARD M. KOLBELL, PHD., ABPP V. CHERYL CLARK	2016-SC-000085-D	JEFFERSON
BRANDON SMITH V. COMMONWEALTH OF KENTUCKY	2016-SC-000088-D	KENTON
PAUL MILLER FORD, INC. V. KRISTY GARRISON	2016-SC-000097-D	CLAY
ANGELA ELLIS HUNTER V. UNKNOWN DEFENDANT, ET AL.	2016-SC-000120-D	JEFFERSON
CALIPH ALJA-IZ V. LACONDA MARTIN, ET AL.	2016-SC-000122-DE	JEFFERSON
COMMONWEALTH OF KENTUCKY V. JEFFREY LAUDERMILT WRIGHT, J., WOULD GRANT.	2016-SC-000124-D	JOHNSON
JANICE FARRIS V. BEATRICE FARRIS, ET AL.	2016-SC-000126-D	LAUREL

SUPREME COURT OF KENTUCKY

AUGUST 25, 2016 MINUTES

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**COURT ORDERS DENYING MOTION FOR DISCRETIONARY REVIEW –
AUGUST 17, 2016**

JAMES WIRTH V. COMMONWEALTH OF KENTUCKY CUNNINGHAM, NOBLE AND VENTERS, JJ., WOULD GRANT.	2016-SC-000129-D	JEFFERSON
JOHNATHAN BROWN V. KIMBERLY D. BROWN	2016-SC-000132-DE	HOPKINS
DAY A. TAYLOR V. BRISTOL WEST INSURANCE COMPANY WRIGHT, J., WOULD GRANT.	2016-SC-000140-D	JEFFERSON
JACK HOWELL V. DF REALTY GROUP, LLC, ET AL.	2016-SC-000171-D	JEFFERSON
ANDREW HODGE V. COMMONWEALTH OF KENTUCKY AND EDDIE JOE JENKINS V. COMMONWEALTH OF KENTUCKY NOBLE AND VENTERS, JJ., WOULD GRANT.	2016-SC-000185-D	KENTON
JESSICA DAVIS, ET AL. V. KENTUCKY FARM BUREAU MUTUAL INSURANCE COMPANY	2016-SC-000187-D	KENTON
WILLIAM OTTO AYERS V. COMMONWEALTH OF KENTUCKY	2016-SC-000190-D	JEFFERSON
CARL DAVID ADAMS V. COMMONWEALTH OF KENTUCKY WRIGHT, J., NOT SITTING.	2016-SC-000193-D	JEFFERSON
AUDREY P. LUTZ V. RAPHAEL WILLIAMS, JR.	2016-SC-000198-D	LETCHER
ROGER HALL V. COMMONWEALTH OF KENTUCKY	2016-SC-000202-DE	JEFFERSON
	2016-SC-000212-D	HARLAN

SUPREME COURT OF KENTUCKY

AUGUST 25, 2016 MINUTES

RELEASED: 10:00 A.M.

**COURT ORDERS DENYING MOTION FOR DISCRETIONARY REVIEW –
AUGUST 17, 2016**

JOSHUA TEVIS V.
COMMONWEALTH OF KENTUCKY

2016-SC-000223-D

FAYETTE

GEOFFREY M. YOUNG V.
JACK CONWAY

2016-SC-000232-D

JEFFERSON

ROBIN R. SPENCER V.
COMMONWEALTH OF KENTUCKY

2016-SC-000257-D

SHELBY

B.C. V.
COMMONWEALTH OF KENTUCKY, CABINET
FOR HEALTH AND FAMILY SERVICES, ETC.

2016-SC-000324-DE

MARSHALL

COURT ORDER GRANTING MOTION TO TRANSFER – AUGUST 25, 2016

JAMES FELTY V.
COMMONWEALTH OF KENTUCKY
ALL SITTING. ALL CONCUR.

2016-SC-000196-TG

GRAYSON

COURT ORDER GRANTING PETITION FOR REHEARING – AUGUST 25, 2016

B. H., A CHILD UNDER EIGHTEEN V.
COMMONWEALTH OF KENTUCKY
**ORDER MODIFIED THE OPINION OF THE
COURT RENDERED MARCH 17, 2016,
BY SUBSTITUTION OF THIS OPINION IN LIEU
OF THE ORIGINAL OPINION.**
ALL SITTING. ALL CONCUR.

[2013-SC-000254-DG](#)
TO BE PUBLISHED

WOODFORD

COURT ORDER DENYING PETITION FOR REHEARING – AUGUST 25, 2016

KEVIN HENDERSON V.
HON. CHARLES L. CUNNINGHAM, JUDGE,
JEFFERSON CIRCUIT COURT, ET AL.
ALL SITTING. ALL CONCUR.

2015-SC-000201-MR

FROM COURT
OF APPEALS

SUPREME COURT OF KENTUCKY

AUGUST 25, 2016 MINUTES

RELEASED: 10:00 A.M.

COURT ORDERS DISMISSING

JOHN LEWIS-EL V.
DON BOTTOMS, WARDEN, NORTHPOINT
TRAINING CENTER
ENTERED: JUNE 27, 2016

2016-SC-000117-D

FRANKLIN

DERICK BARNETT V.
HON. MITCH PERRY, JUDGE, JEFFERSON
CIRCUIT COURT, DIVISION THREE, ET AL.
ENTERED: JUNE 29, 2016

2016-SC-000260-MR

FRANKLIN

RONDALE MCCANN V.
COMMONWEALTH OF KENTUCKY
ENTERED: AUGUST 8, 2016

2016-SC-000393-D

FAYETTE

RONDALE MCCANN V.
COMMONWEALTH OF KENTUCKY
ENTERED: AUGUST 8, 2016

2016-SC-000394-D

FAYETTE

**COURT ORDERS PERMITTING MOVANT TO WITHDRAW AS A MEMBER OF THE
KENTUCKY BAR ASSOCIATION**

SHIRLEY ANN COFFEY V.
KENTUCKY BAR ASSOCIATION
ENTERED: JULY 5, 2016

2016-SC-000351-KB

IN SUPREME
COURT

RYLAND F. MAHATHEY V.
KENTUCKY BAR ASSOCIATION
ENTERED: JULY 5, 2016

2016-SC-000352-KB

IN SUPREME
COURT

LARRY WAYNE MYERS V.
KENTUCKY BAR ASSOCIATION
ENTERED: JULY 5, 2016

2016-SC-000353-KB

IN SUPREME
COURT

JOHN MICHAEL SPANGLER V.
KENTUCKY BAR ASSOCIATION
ENTERED: JULY 5, 2016

2016-SC-000354-KB

IN SUPREME
COURT

KELLY MARIE ACOSTA V.
KENTUCKY BAR ASSOCIATION
ENTERED: JULY 8, 2016

2016-SC-000360-KB

IN SUPREME
COURT

SUPREME COURT OF KENTUCKY

AUGUST 25, 2016 MINUTES

RELEASED: 10:00 A.M.

**COURT ORDERS PERMITTING MOVANT TO WITHDRAW AS A MEMBER OF THE
KENTUCKY BAR ASSOCIATION**

TIMOTHY LEE THOMPSON V. KENTUCKY BAR ASSOCIATION ENTERED: JULY 8, 2016	2016-SC-000361-KB	IN SUPREME COURT
MARC DOUGLAS DIETZ V. KENTUCKY BAR ASSOCIATION ENTERED: JULY 8, 2016	2016-SC-000362-KB	IN SUPREME COURT
GREGORY SOVA V. KENTUCKY BAR ASSOCIATION ENTERED: JULY 8, 2016	2016-SC-000363-KB	IN SUPREME COURT
EDWARD EARL DEWERFF V. KENTUCKY BAR ASSOCIATION ENTERED: JULY 8, 2016	2016-SC-000364-KB	IN SUPREME COURT
JAMES RICE ROBINSON V. KENTUCKY BAR ASSOCIATION ENTERED: JULY 19, 2016	2016-SC-000384-KB	IN SUPREME COURT
ANDREW ROBERT BERGER V. KENTUCKY BAR ASSOCIATION ENTERED: JULY 19, 2016	2016-SC-000385-KB	IN SUPREME COURT
MATTHEW VINCENT FARIS V. KENTUCKY BAR ASSOCIATION ENTERED: JULY 28, 2016	2016-SC-000398-KB	IN SUPREME COURT
PAMELA B. JOHNSON V. KENTUCKY BAR ASSOCIATION ENTERED: JULY 28, 2016	2016-SC-000399-KB	IN SUPREME COURT
JESSICA DIANE FARIS V. KENTUCKY BAR ASSOCIATION ENTERED: JULY 28, 2016	2016-SC-000400-KB	IN SUPREME COURT
MIRIAM HARMATZ V. KENTUCKY BAR ASSOCIATION ENTERED: JULY 28, 2016	2016-SC-000401-KB	IN SUPREME COURT

SUPREME COURT OF KENTUCKY

AUGUST 25, 2016 MINUTES

RELEASED: 10:00 A.M.

COURT ORDERS PERMITTING MOVANT TO WITHDRAW AS A MEMBER OF THE KENTUCKY BAR ASSOCIATION

HEATHER LINDSAY HAMMOND V. KENTUCKY BAR ASSOCIATION ENTERED: JULY 28, 2016	2016-SC-000402-KB	IN SUPREME COURT
DIANE S. ROBL V. KENTUCKY BAR ASSOCIATION ENTERED: JULY 28, 2016	2016-SC-000403-KB	IN SUPREME COURT
CHARLES E. ROBERTS V. KENTUCKY BAR ASSOCIATION ENTERED: JULY 28, 2016	2016-SC-000404-KB	IN SUPREME COURT
THOMAS H. LYONS V. KENTUCKY BAR ASSOCIATION ENTERED: AUGUST 18, 2016	2016-SC-000431-KB	IN SUPREME COURT
RICHARD A. WILLIAMS V. KENTUCKY BAR ASSOCIATION ENTERED: AUGUST 18, 2016	2016-SC-000432-KB	IN SUPREME COURT
DAVID EDWARD MIDDLETON V. KENTUCKY BAR ASSOCIATION ENTERED: AUGUST 18, 2016	2016-SC-000433-KB	IN SUPREME COURT
WINFIELD SCOTT ROSE V. KENTUCKY BAR ASSOCIATION ENTERED: AUGUST 18, 2016	2016-SC-000434-KB	IN SUPREME COURT
SHELDON STANLEY MIRKIN V. KENTUCKY BAR ASSOCIATION ENTERED: AUGUST 18, 2016	2016-SC-000435-KB	IN SUPREME COURT
KENNA ALAN WALKER V. KENTUCKY BAR ASSOCIATION ENTERED: AUGUST 18, 2016	2016-SC-000436-KB	IN SUPREME COURT
KELLYE NICOLE MOORE V. KENTUCKY BAR ASSOCIATION ENTERED: AUGUST 18, 2016	2016-SC-000437-KB	IN SUPREME COURT

SUPREME COURT OF KENTUCKY

AUGUST 25, 2016 MINUTES

RELEASED: 10:00 A.M.

**COURT ORDERS PERMITTING MOVANT TO WITHDRAW AS A MEMBER OF THE
KENTUCKY BAR ASSOCIATION**

WINIFRED BRYANT BECKER V. KENTUCKY BAR ASSOCIATION ENTERED: AUGUST 18, 2016	2016-SC-000438-KB	IN SUPREME COURT
JANE ELLEN GARFINKEL V. KENTUCKY BAR ASSOCIATION ENTERED: AUGUST 18, 2016	2016-SC-000439-KB	IN SUPREME COURT
DIRLIE ANNA MCDONALD V. KENTUCKY BAR ASSOCIATION ENTERED: AUGUST 18, 2016	2016-SC-000440-KB	IN SUPREME COURT
MARK WAYNE ANTHONY V. KENTUCKY BAR ASSOCIATION ENTERED: AUGUST 18, 2016	2016-SC-000441-KB	IN SUPREME COURT
ROBERT JAMES SCHUMACHER V. KENTUCKY BAR ASSOCIATION ENTERED: AUGUST 18, 2016	2016-SC-000442-KB	IN SUPREME COURT
BEVERLY JOAN GLASCOCK V. KENTUCKY BAR ASSOCIATION ENTERED: AUGUST 18, 2016	2016-SC-000443-KB	IN SUPREME COURT
JAMIE L. HAWORTH V. KENTUCKY BAR ASSOCIATION ENTERED: AUGUST 18, 2016	2016-SC-000444-KB	IN SUPREME COURT