

SUPREME COURT OF KENTUCKY

FEBRUARY 19, 2015 MINUTES

RELEASED: 10:00 A.M.

1. COMMONWEALTH OF KENTUCKY V. [2013-SC-000684-CL](#) JEFFERSON
SHANNANDOAH CARMAN, ET AL. **TO BE PUBLISHED**

**OPINION OF THE COURT BY
JUSTICE ABRAMSON –
ISSUING SUPERVISORY WRIT**
MINTON, C.J.; ABRAMSON,
CUNNINGHAM, KELLER, NOBLE,
AND VENTERS, JJ., SITTING. ALL
CONCUR.

Questions Presented:
Issuance of Supervisory Writ, pursuant to Ky. Const. Sec. 110. Judges are prohibited from engaging in *ex parte* communications to change the conditions of a defendant's release after the initial fixing of bail, such practice being a clear violation of SCR 4.300, Canon 3(B)(7).

2. JOHN DAVID CHERRY, JR. V. [2013-SC-000201-MR](#) FAYETTE
COMMONWEALTH OF KENTUCKY **TO BE PUBLISHED**

**OPINION OF THE COURT BY
JUSTICE NOBLE –
AFFIRMING**
MINTON, C.J.; ABRAMSON,
CUNNINGHAM, KELLER, NOBLE,
AND VENTERS, JJ., SITTING.
MINTON, C.J.; ABRAMSON,
CUNNINGHAM AND KELLER, JJ.,
CONCUR. VENTERS, J., DISSENTS
BY SEPARATE OPINION.

Questions Presented:
Murder, first degree wanton endangerment, second degree unlawful imprisonment, carrying a concealed deadly weapon, third degree trafficking in a controlled substance, trafficking in marijuana less than eight ounces and possession of a controlled substance not in its original container-Life sentence. Denial of motion to sever the murder charge from the other charges was not error. Admission of propensity evidence in rebuttal to character evidence was harmless error, as was erroneous admission of detective's testimony regarding defendant's truthfulness during a post-arrest interview. Crime scene photo of gunshot wound was admissible.

3. JOHN ROSCOE GARLAND V. [2013-SC-000553-MR](#) MCCREARY
COMMONWEALTH OF KENTUCKY **TO BE PUBLISHED**

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

Questions Presented:
Post-conviction relief from a death sentence. Where police officers did not act in bad faith in destroying evidence, previously abandoned request to have items of evidence tested by DNA analysis constituted a waiver as to any later complaint about their unavailability for DNA testing.

SUPREME COURT OF KENTUCKY

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4. GARY STEVEN BOND V. [2013-SC-000833-MR](#) JEFFERSON
COMMONWEALTH OF KENTUCKY
**OPINION OF THE COURT BY
JUSTICE KELLER –
AFFIRMING**
MINTON, C.J.; ABRAMSON,
CUNNINGHAM, NOBLE, AND
VENTERS, JJ., SITTING. ALL
CONCUR.

Questions Presented:
Murder and first degree sodomy-Life without possibility of parole for 25 years. Miranda warning. Knowingness and voluntariness of waiver. Trial court did not err in refusing to play the entire statement for the jury. Directed verdict on the sodomy charge was not proper where corroborating proof was presented to support defendant's confession.

5. WILLIAM SMITH V. [2014-SC-000073-MR](#) JEFFERSON
COMMONWEALTH OF KENTUCKY
**OPINION OF THE COURT BY
JUSTICE CUNNINGHAM –
AFFIRMING**
MINTON, C.J.; ABRAMSON,
CUNNINGHAM, KELLER, NOBLE,
AND VENTERS, JJ., SITTING. ALL
CONCUR, EXCEPT NOBLE, J.,
CONCURS IN RESULT ONLY.

Questions Presented:
Complicity to murder, criminal attempt to commit murder, first-degree wanton endangerment, tampering with physical evidence-24 years. Gang Expert Testimony. KRE 702. KRE 401, 402 and 403. Sentencing issues.

6. GEORGE A. LUNA V. [2013-SC-000173-MR](#) TRIGG
COMMONWEALTH OF KENTUCKY
**OPINION OF THE COURT BY
CHIEF JUSTICE MINTON –
AFFIRMING, IN PART, REVERSING,
IN PART; AND REMANDING**
MINTON, C.J.; ABRAMSON,
CUNNINGHAM, KELLER, NOBLE,
AND VENTERS, JJ., SITTING. ALL
CONCUR.

Questions Presented:
First degree murder and first degree arson-Life without possibility of probation or parole. First degree arson conviction and sentence reversed, but affirmed first degree murder conviction and his sentence of life imprisonment without possibility of probation or parole.

SUPREME COURT OF KENTUCKY

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RELEASED: 10:00 A.M.

7. JOSEPH D. MARTIN V. [2013-SC-000519-MR](#) HENRY
COMMONWEALTH OF KENTUCKY
TO BE PUBLISHED

**OPINION OF THE COURT BY
CHIEF JUSTICE MINTON –
AFFIRMING, IN PART; REVERSING,
IN PART; AND REMANDING**
MINTON, C.J.; ABRAMSON,
CUNNINGHAM, KELLER, NOBLE,
AND VENTERS, JJ., SITTING. NOBLE
AND VENTERS, JJ., CONCUR.
ABRAMSON, J., CONCURS EXCEPT
AS TO SECTION II.B.2., IN WHICH
SHE CONCURS IN RESULT ONLY.
KELLER, J., DISSENTS BY SEPARATE
OPINION IN WHICH CUNNINGHAM,
J., JOINS.

Questions Presented:
Multiple counts of first degree unlawful transaction with a minor, incest, use of a minor in a sexual performance, complicity to tampering with a witness and complicity to tampering with physical evidence-580 years. Errors in jury instructions violated defendant's right to a unanimous verdict, constituting palpable error. Upon retrial the trial court should instruct the jury regarding the consecutive-sentence cap in KRS 532.110. Where a proper foundation was laid, allowing the victim during her testimony to refresh her memory with notes was not error.

8. JONATHAN BROCK STANSBURY V. [2013-SC-000592-MR](#) BELL
COMMONWEALTH OF KENTUCKY
TO BE PUBLISHED

**OPINION OF THE COURT BY
JUSTICE KELLER –
AFFIRMING IN PART, REVERSING
IN PART AND REMANDING**
MINTON, C.J.; ABRAMSON,
CUNNINGHAM, KELLER, NOBLE,
AND VENTERS, JJ., SITTING.
MINTON, C.J.; ABRAMSON, NOBLE
AND VENTERS, JJ., CONCUR.
CUNNINGHAM, J., CONCURS IN
PART AND DISSENTS IN PART BY
SEPARATE OPINION.

Questions Presented:
Attempted murder, first degree arson and PFO II-Life. Admitting improper sentencing phase evidence, victim's names and evidence of a dismissed charge, constituted palpable error. No error in limiting defense counsel's questioning of arson investigator, admitting evidence of pet abuse or in prosecutor's comments.

SUPREME COURT OF KENTUCKY

FEBRUARY 19, 2015 MINUTES

RELEASED: 10:00 A.M.

9. STEPHEN SYKES V. [2014-SC-000036-MR](#) JEFFERSON
COMMONWEALTH OF KENTUCKY
**OPINION OF THE COURT BY
JUSTICE CUNNINGHAM –
AFFIRMING IN PART, REVERSING
AND VACATING IN PART, AND
REMANDING**
MINTON, C.J.; ABRAMSON,
CUNNINGHAM, KELLER, NOBLE,
AND VENTERS, JJ., SITTING. ALL
CONCUR.

Questions Presented:
Criminal attempt to commit murder, first degree robbery, possession of a handgun by a convicted felon, wanton endangerment, and tampering with physical evidence-30 years. Confession. Denial of a motion for suppression of confession was proper but improper redaction thereof constituted reversible error. Unanimous verdict.

10. MICHAEL D. ST. CLAIR V. [2012-SC-000130-MR](#) HARDIN
COMMONWEALTH OF KENTUCKY
**OPINION OF THE COURT BY
JUSTICE NOBLE –
REVERSING**
MINTON, C.J.; ABRAMSON,
CUNNINGHAM, KELLER, NOBLE,
AND VENTERS, JJ., SITTING. ALL
CONCUR.

Questions Presented:
Death sentence. While duplication of trials has caused evidentiary issues that would have been obviated in a single trial, double jeopardy does not bar retrial. Prior bad acts. Evidence of a prior unrelated murder and admission of victim impact testimony, during the guilt phase of the trial, of a widow of a victim in another unrelated incident, constituted reversible error.

11. PENNYRILE ALLIED COMMUNITY SERVICES, INC. V. [2013-SC-000012-DG](#) PERRY
KATRICIA ROGERS
**OPINION OF THE COURT BY
JUSTICE VENTERS –
REVERSING**

ALL SITTING. MINTON, C.J.;
ABRAMSON, CUNNINGHAM, KELLER,
AND VENTERS, JJ., CONCUR.
NOBLE, J., DISSENTS BY SEPARATE
OPINION.

Questions Presented:
Employment Law. Retaliation. Whistleblower Act. Issues include whether the protections of the Whistleblower Act apply if the conduct reported by the employee does not touch on a matter of public concern.

SUPREME COURT OF KENTUCKY

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RELEASED: 10:00 A.M.

12. COMMONWEALTH OF KENTUCKY V. [2013-SC-000141-DG](#) JOHNSON
GARY GAMBLE, SR. **TO BE PUBLISHED**

**OPINION OF THE COURT BY
JUSTICE CUNNINGHAM –
REVERSING**
MINTON, C.J.; ABRAMSON,
CUNNINGHAM, KELLER, NOBLE,
AND VENTERS, JJ., SITTING. ALL
CONCUR.

Questions Presented:
Criminal Law. HB 463. KRS 218A.1413. Issue is whether the amendments to KRS 218A.1413(2)(b) and KRS 532.080(8)(b) by HB 463 prevent prior convictions for possession of controlled substances from being used to enhance later offenses under the Persistent Felony Offender statute.

13. COLE DOUGLAS ROSS V. [2012-SC-000775-MR](#) GRAVES
COMMONWEALTH OF KENTUCKY **TO BE PUBLISHED**

**OPINION OF THE COURT BY
CHIEF JUSTICE MINTON –
REVERSING AND REMANDING**
MINTON, C.J.; ABRAMSON,
CUNNINGHAM, KELLER, NOBLE,
AND VENTERS, JJ., SITTING. ALL
CONCUR.

Questions Presented:
Murder and first degree arson-Life sentence. Batson challenge on the basis of gender. Commonwealth failed to provide a non-discriminatory basis for its use of peremptory challenges to strike female jurors. Admission of gruesome photographs of the victim's body and a television purported to belong to the victim was not error. Trial court properly limited discovery of non-exculpatory records of witness' psychotherapy treatment.

14. RICHARD C. OLIPHANT, M.D., [2013-SC-000059-DG](#) JEFFERSON
ET AL. V. **TO BE PUBLISHED**
BILLY JO RIES, ETC., ET AL.

**OPINION OF THE COURT BY
JUSTICE KELLER –
REVERSING AND REMANDING**
MINTON, C.J.; ABRAMSON,
CUNNINGHAM, KELLER, NOBLE,
AND VENTERS, JJ., SITTING.
MINTON, C.J.; ABRAMSON,
CUNNINGHAM AND NOBLE, JJ.,
CONCUR. VENTERS, J., CONCURS
IN RESULT ONLY BY SEPARATE
OPINION.

Questions Presented:
Evidence Law. Issues include the standard of reversal for evidentiary errors and the application of *Daubert v. Merrill Dow Pharmaceuticals*, 509 U.S. 579 (1993) to scientific testimony in a medical malpractice action.

SUPREME COURT OF KENTUCKY

FEBRUARY 19, 2015 MINUTES

RELEASED: 10:00 A.M.

15. COMMONWEALTH OF KENTUCKY, FINANCE AND ADMINISTRATION CABINET, ET AL. **V.** HONORABLE THOMAS D. WINGATE, JUDGE, FRANKLIN CIRCUIT COURT, ET AL.
OPINION OF THE COURT BY JUSTICE VENTERS – VACATING AND REMANDING
MINTON, C.J.; ABRAMSON, CUNNINGHAM, KELLER, NOBLE, AND VENTERS, JJ., SITTING. ALL CONCUR.
- [2014-SC-000355-MR](#)
TO BE PUBLISHED
- FROM COURT OF APPEALS
- Questions Presented:**
Declaratory Judgment. Appeal of a partial summary judgment. Jurisdiction to stay pre-trial discovery pending appeal.
16. KELLY PASS **V.** PASCHALL TRUCK LINES, HONORABLE ROBERT L. SWISHER, ADMINISTRATIVE LAW JUDGE; AND WORKERS' COMPENSATION BOARD
MEMORANDUM OPINION OF THE COURT – AFFIRMING
MINTON, C.J.; ABRAMSON, CUNNINGHAM, KELLER, NOBLE, AND VENTERS, JJ., SITTING. ALL CONCUR.
- [2013-SC-000255-WC](#)
NOT TO BE PUBLISHED
- FROM COURT OF APPEALS
17. DEREK LYNELLE FERGUSON **V.** COMMONWEALTH OF KENTUCKY
MEMORANDUM OPINION OF THE COURT – AFFIRMING
MINTON, C.J.; ABRAMSON, CUNNINGHAM, KELLER, NOBLE, AND VENTERS, JJ., SITTING. ALL CONCUR.
- [2013-SC-000694-MR](#)
NOT TO BE PUBLISHED
- DAVISS

SUPREME COURT OF KENTUCKY

FEBRUARY 19, 2015 MINUTES

RELEASED: 10:00 A.M.

18. JOHN GLENN RAY V. [2013-SC-000695-MR](#) MUHLENBERG
COMMONWEALTH OF KENTUCKY **NOT TO BE PUBLISHED**
MEMORANDUM OPINION OF
THE COURT – AFFIRMING
MINTON, C.J.; ABRAMSON,
CUNNINGHAM, KELLER, NOBLE,
AND VENTERS, JJ., SITTING. ALL
CONCUR.
19. QUENTIN WILSON V. [2014-SC-000074-MR](#) JEFFERSON
COMMONWEALTH OF KENTUCKY **NOT TO BE PUBLISHED**
MEMORANDUM OPINION OF
THE COURT – AFFIRMING
MINTON, C.J.; ABRAMSON,
CUNNINGHAM, KELLER, NOBLE,
AND VENTERS, JJ., SITTING. ALL
CONCUR.
20. NANCY MCDONALD V. [2014-SC-000103-WC](#) FROM COURT
COMMONWEALTH OF KENTUCKY, **NOT TO BE PUBLISHED** OF APPEALS
HONORABLE CHRIS DAVIS,
ADMINISTRATIVE LAW JUDGE; AND
WORKERS' COMPENSATION BOARD
MEMORANDUM OPINION OF
THE COURT – AFFIRMING
MINTON, C.J.; ABRAMSON,
CUNNINGHAM, KELLER, NOBLE,
AND VENTERS, JJ., SITTING. ALL
CONCUR.
21. ALICIA HOWETH-ENGLAND V. [2014-SC-000166-WC](#) FROM COURT
KENTUCKY DEPARTMENT OF **NOT TO BE PUBLISHED** OF APPEALS
CORRECTIONS; RAFAEL PRIETO,
M.D.; HONORABLE ALISON E. JONES,
ADMINISTRATIVE LAW JUDGE; AND
WORKERS' COMPENSATION BOARD
MEMORANDUM OPINION OF
THE COURT – AFFIRMING
MINTON, C.J.; ABRAMSON,
CUNNINGHAM, KELLER, NOBLE,
AND VENTERS, JJ., SITTING. ALL
CONCUR.

SUPREME COURT OF KENTUCKY

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22. LARRY D. ASHLOCK, REAL PARTY IN INTEREST AS ATTORNEY FOR CLAIMANT, CYNTHIA SIPES V. COMMONWEALTH OF KENTUCKY; DEPARTMENT OF JUVENILE JUSTICE, CYNTHIA SIPES; HONORABLE JEANIE OWEN MILLER, ADMINISTRATIVE LAW JUDGE; AND WORKERS' COMPENSATION BOARD
MEMORANDUM OPINION OF THE COURT – AFFIRMING
MINTON, C.J.; ABRAMSON, CUNNINGHAM, KELLER, NOBLE, AND VENTERS, JJ., SITTING. ALL CONCUR.
- [2014-SC-000219-WC](#)
NOT TO BE PUBLISHED
- FROM COURT OF APPEALS
23. LOUISVILLE PAVING COMPANY V. MICHAEL JACKSON; R. ELSWICK TRUCKING; JAMES LYNN, D/B/A J. LYNN TRUCKING; HONORABLE THOMAS POLITES, ADMINISTRATIVE LAW JUDGE; AND WORKERS' COMPENSATION BOARD
MEMORANDUM OPINION OF THE COURT – AFFIRMING
MINTON, C.J.; ABRAMSON, CUNNINGHAM, KELLER, NOBLE, AND VENTERS, JJ., SITTING. ALL CONCUR.
- [2014-SC-000225-WC](#)
NOT TO BE PUBLISHED
- FROM COURT OF APPEALS
24. JARED R. MCSTOOTS V. COMMONWEALTH OF KENTUCKY
MEMORANDUM OPINION OF THE COURT – AFFIRMING
MINTON, C.J.; ABRAMSON, CUNNINGHAM, KELLER, NOBLE, AND VENTERS, JJ., SITTING. ALL CONCUR.
- [2014-SC-000303-MR](#)
NOT TO BE PUBLISHED
- OHIO

SUPREME COURT OF KENTUCKY

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RELEASED: 10:00 A.M.

25. JOHN D. SANDLIN V. [2014-SC-000322-MR](#) FROM COURT
HON. VERNON MINIARD, JR., NOT TO BE PUBLISHED OF APPEALS
CIRCUIT JUDGE, RUSSELL CIRCUIT
COURT, ET AL.
**MEMORANDUM OPINION OF
THE COURT – AFFIRMING**
MINTON, C.J.; ABRAMSON,
CUNNINGHAM, KELLER, NOBLE,
AND VENTERS, JJ., SITTING. ALL
CONCUR.
26. STEVEN COLE GOODMAN V. [2013-SC-000813-MR](#) HARDIN
COMMONWEALTH OF KENTUCKY NOT TO BE PUBLISHED
**MEMORANDUM OPINION OF
THE COURT – AFFIRMING IN PART,
VACATING IN PART AND
REMANDING**
MINTON, C.J.; ABRAMSON,
CUNNINGHAM, KELLER, NOBLE,
AND VENTERS, JJ., SITTING. ALL
CONCUR.

OPINION AND ORDERS – FEBRUARY 11, 2015

BILLY BEAVERS V. 2012-SC-000079-DG MADISON
CITY OF BEREA, KENTUCKY, ET AL.
**ORDER GRANTED DISCRETIONARY REVIEW,
VACATED THE COURT OF APPEALS DECISION
AND REMANDED TO THE COURT OF APPEALS
FOR FURTHER CONSIDERATION OF
PEARCE V. UNIVERSITY OF LOUISVILLE AND
HILL V. CITY OF MT. WASHINGTON, ___ S.W.
3D ___ (KY. 2015)(FINAL JANUARY 8, 2015).
ALL SITTING. ALL CONCUR.**

SUPREME COURT OF KENTUCKY

FEBRUARY 19, 2015 MINUTES

RELEASED: 10:00 A.M.

OPINION AND ORDERS – FEBRUARY 19, 2015

KENTUCKY BAR ASSOCIATION V. SUZANNE PRIEUR LAND ORDER OF SUSPENSION FROM THE PRACTICE OF LAW UNTIL RESPONDENT DEMONSTRATES THAT HER SUSPENSION FROM THE OHIO SUPREME COURT HAS BEEN LIFTED. MINTON, C.J.; ABRAMSON, CUNNINGHAM, KELLER, NOBLE, AND VENTERS, JJ., SITTING. ALL CONCUR.	2014-SC-000300-KB TO BE PUBLISHED	IN SUPREME COURT
SAROJ B. DUBAL, M.D., ET AL. V. HON. THOMAS L. CLARK, JUDGE, FAYETTE CIRCUIT COURT, ET AL. AFFIRMING IN PART; REVERSING IN PART; AND GRANTING WRIT OF PROHIBITION. MINTON, C.J.; ABRAMSON, CUNNINGHAM, KELLER, NOBLE, AND VENTERS, JJ., SITTING. ALL CONCUR.	2014-SC-000385-MR	FROM COURT OF APPEALS
KENTUCKY BAR ASSOCIATION V. STEVEN F. CLAYPOOLE ORDER OF SUSPENSION FROM THE PRACTICE OF LAW FOR 6 MONTHS. MINTON, C.J.; ABRAMSON, CUNNINGHAM, KELLER, NOBLE, AND VENTERS, JJ., SITTING. ALL CONCUR.	2013-SC-000469-KB TO BE PUBLISHED	IN SUPREME COURT
KENTUCKY BAR ASSOCIATION V. DANIEL WARREN JAMES ORDER OF PERMANENT DISBARMENT FROM THE PRACTICE OF LAW WITH CONDITIONS. MINTON, C.J.; ABRAMSON, CUNNINGHAM, KELLER, NOBLE, AND VENTERS, JJ., SITTING. ALL CONCUR.	2014-SC-000499-KB TO BE PUBLISHED	IN SUPREME COURT

SUPREME COURT OF KENTUCKY

FEBRUARY 19, 2015 MINUTES

RELEASED: 10:00 A.M.

OPINION AND ORDERS – FEBRUARY 19, 2015

KENTUCKY BAR ASSOCIATION V. [2014-SC-000614-KB](#) IN SUPREME
ROBERT H. HOSKINS **TO BE PUBLISHED** COURT
**ORDER OF SUSPENSION FROM THE
PRACTICE OF LAW FOR 60 DAYS WITH
CONDITIONS.**
MINTON, C.J.; ABRAMSON, CUNNINGHAM,
KELLER, NOBLE, AND VENTERS, JJ., SITTING.
ALL CONCUR.

KENTUCKY BAR ASSOCIATION V. [2014-SC-000719-KB](#) IN SUPREME
NATHANIEL T. PENDLETON **TO BE PUBLISHED** COURT
**ORDER OF PERMANENT SUSPENSION
FROM THE PRACTICE OF LAW.**
MINTON, C.J.; ABRAMSON, CUNNINGHAM,
KELLER, NOBLE, AND VENTERS, JJ., SITTING.
ALL CONCUR.

**COURT ORDERS GRANTING MOTION FOR DISCRETIONARY REVIEW –
FEBRUARY 11, 2015**

PERSELS & ASSOCIATES, LLC, ET AL. V. CAPITAL ONE BANK, ETC., ET AL.	2014-SC-000131-DG	DAVISS
COMMONWEALTH OF KENTUCKY V. MIKE DOUGLAS RIEDER	2014-SC-000210-DG	FAYETTE
COUNTRYWAY INSURANCE COMPANY V. UNITED FINANCIAL CASUALTY INSURANCE COMPANY, ET AL.	2014-SC-000265-DG	WARREN
COMMONWEALTH OF KENTUCKY V. CATON KAMIL JONES	2014-SC-000306-DG	FAYETTE
JOHN WESLEY BAYS V. KRISTIE D. KIPHART, INDIVIDUALLY, ETC. ET AL.	2014-SC-000324-DG	KNOX

SUPREME COURT OF KENTUCKY

FEBRUARY 19, 2015 MINUTES

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**COURT ORDERS GRANTING MOTION FOR DISCRETIONARY REVIEW –
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DALLIS ABNEY V. COMMONWEALTH OF KENTUCKY MINTON, C.J.; ABRAMSON, CUNNINGHAM, KELLER, NOBLE, AND VENTERS, JJ., SITTING. ALL CONCUR.	2014-SC-000445-DG	ESTILL
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**COURT ORDERS DENYING MOTION FOR DISCRETIONARY REVIEW –
FEBRUARY 11, 2015**

COMMONWEALTH OF KENTUCKY V. RODNEY CARTER THE OPINION OF THE COURT OF APPEALS IS ORDERED NOT TO BE PUBLISHED.	2013-SC-000176-D	CRITTENDEN
PATRICIA MARLOW AS ADMINISTRATRIX, ETC., ET AL. V. JAMES BUCK, M.D.	2013-SC-000302-D	FAYETTE
KIM FORAN V. COMMONWEALTH OF KENTUCKY	2013-SC-000379-D	KENTON
PAUL D. YORK V. COMMONWEALTH OF KENTUCKY	2013-SC-000825-D	BULLITT
HOSEA CHATMAN V. COMMONWEALTH OF KENTUCKY	2014-SC-000054-D	MCCRACKEN
JEREMY A. SHIELDS V. COMMONWEALTH OF KENTUCKY	2014-SC-000076-D	HARDIN
COMMONWEALTH OF KENTUCKY, PUBLIC PROTECTION CABINET, ETC., ET AL. V. DEANS & HOMER, INC. KELLER, J., WOULD GRANT.	2014-SC-000089-D	FRANKLIN

SUPREME COURT OF KENTUCKY

FEBRUARY 19, 2015 MINUTES

RELEASED: 10:00 A.M.

**COURT ORDERS DENYING MOTION FOR DISCRETIONARY REVIEW –
FEBRUARY 11, 2015**

BITUMINOUS CASUALTY CORPORATION V. ESTATE OF LAHOMA SALYER BRAMBLE, ET AL. THE OPINION OF THE COURT OF APPEALS IS ORDERED NOT TO BE PUBLISHED. AND	2014-SC-000143-D	MAGOFFIN
GREENWICH INSURANCE COMPANY V. ESTATE OF LAHOMA SALYER BRAMBLE, ET AL. THE OPINION OF THE COURT OF APPEALS IS ORDERED NOT TO BE PUBLISHED.	2014-SC-000150-D	MAGOFFIN
KRISTOPHER GILREATH V. COMMONWEALTH OF KENTUCKY	2014-SC-000155-D	MCCREARY
RALPH GENTRY, JR. V. COMMONWEALTH OF KENTUCKY	2014-SC-000170-D	JEFFERSON
VIVIAN JANET BOWMAN V. ROBERT E. CORTELLESSA	2014-SC-000199-D	WOODFORD
WANDA MCGUIRE, EXECUTRIX, ETC. V. LORILLARD TOBACCO COMPANY, ET AL. THE OPINION OF THE COURT OF APPEALS IS ORDERED NOT TO BE PUBLISHED.	2014-SC-000237-D	JEFFERSON
CHARLIE CARWILE V. COMMONWEALTH OF KENTUCKY	2014-SC-000240-D	BRECKINRIDGE
BILLY JOE BOWIE V. COMMONWEALTH OF KENTUCKY, CABINET FOR HEALTH AND FAMILY SERVICES, ET AL.	2014-SC-000254-D	MERCER
GARY CRAWFORD WEEMS V. TAMMY JILL WEEMS	2014-SC-000268-D	MORGAN
IRVIN W. PRUITT, III V. COMMONWEALTH OF KENTUCKY	2014-SC-000270-D	JEFFERSON

SUPREME COURT OF KENTUCKY

FEBRUARY 19, 2015 MINUTES

RELEASED: 10:00 A.M.

**COURT ORDERS DENYING MOTION FOR DISCRETIONARY REVIEW –
FEBRUARY 11, 2015**

BOARD OF EDUCATION OF MARION COUNTY KENTUCKY, ET AL. V. MARTHA SPALDING	2014-SC-000275-D	MARION
COMMONWEALTH OF KENTUCKY V. JOSHUA NOEL DELK	2014-SC-000276-D	MCCRACKEN
JENNIFER MORRIS V. COMMONWEALTH OF KENTUCKY	2014-SC-000301-D	HARRISON
DIANE MOBLEY, INDIVIDUALLY, ETC. V. TONY SMITH, GRAVES COUNTY JUDGE EXECUTIVE, INDIVIDUALLY, ET AL. THE OPINION OF THE COURT OF APPEALS IS ORDERED NOT TO BE PUBLISHED.	2014-SC-000308-D	GRAVES
REBECCA N. MORRIS V. CARMALEE REYNOLDS CRAMER	2014-SC-000326-D	FLOYD
MIKE STETTENBENZ, ET AL. V. BUTCH'S ROD SHOP, INC., ET AL. THE OPINION OF THE COURT OF APPEALS IS ORDERED NOT TO BE PUBLISHED.	2014-SC-000328-D	BULLITT
CITY OF CORBIN, ET AL. V. KNOX COUNTY	2014-SC-000330-D	KNOX
LAWRENCE ROSEN V. COMMONWEALTH OF KENTUCKY, PUBLIC PROTECTION CABINET, ETC., ET AL.	2014-SC-000334-D	FRANKLIN
TROY SCHWEIKERT V. COMMONWEALTH OF KENTUCKY	2014-SC-000365-D	KENTON
RONALD ESTILL HILL V. COMMONWEALTH OF KENTUCKY THE OPINION OF THE COURT OF APPEALS IS ORDERED NOT TO BE PUBLISHED.	2014-SC-000366-D	FAYETTE

SUPREME COURT OF KENTUCKY

FEBRUARY 19, 2015 MINUTES

RELEASED: 10:00 A.M.

**COURT ORDERS DENYING MOTION FOR DISCRETIONARY REVIEW –
FEBRUARY 11, 2015**

GEORGE STOUT V. COMMONWEALTH OF KENTUCKY	2014-SC-000367-D	JEFFERSON
DREW T. PERRIN V. COMMONWEALTH OF KENTUCKY	2014-SC-000404-D	MCLEAN
ROBERT LOUIS POWELL V. COMMONWEALTH OF KENTUCKY	2014-SC-000444-D	OLDHAM
ROBERT LOUIS POWELL V. DON BOTTOM WARDEN, NORTHPOINT TRAINING CENTER	2014-SC-000460-D	BOYLE
EARL DAVID TIPTON V. DON BOTTOM WARDEN, NORTHPOINT TRAINING CENTER	2014-SC-000465-D	BOYLE
SHARONNA WILLIAMS V. JOHN DAVID WILLIAMS	2014-SC-000628-DE	JEFFERSON
SHELLEY MURPHY, ET AL. V. HUONG LUU THE OPINION OF THE COURT OF APPEALS IS ORDERED NOT TO BE PUBLISHED. NOBLE AND VENTERS, JJ., WOULD GRANT.	2014-SC-000674-DE	BOYD
SHANNON GRIGNON V. PAUL GRIGNON	2014-SC-000678-DE	JEFFERSON

**COURT ORDERS DENYING BELATED MOTION FOR ENLARGEMENT OF TIME TO FILE
MOTION FOR DISCRETIONARY REVIEW**

ANN GILBERT V. THOMAS KENNETH BRYANT NOBLE, VENTERS, ABRAMSON AND CUNNINGHAM, JJ., SITTING. ALL CONCUR. ENTERED: FEBRUARY 13, 2015	2014-SC-000698-D	JEFFERSON
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SUPREME COURT OF KENTUCKY

FEBRUARY 19, 2015 MINUTES

RELEASED: 10:00 A.M.

**COURT ORDERS DENYING BELATED MOTION FOR ENLARGEMENT OF TIME TO FILE
MOTION FOR DISCRETIONARY REVIEW**

FELICIA HUTCHINSON, ET AL. V. 2014-SC-000736-D JEFFERSON
WENDY'S OF LOUISVILLE
NOBLE, VENTERS, ABRAMSON AND
CUNNINGHAM, JJ., SITTING. ALL CONCUR.
ENTERED: FEBRUARY 13, 2015

ANNIE L. CAMENISCH, ET AL. V. 2014-SC-000747-D LINCOLN
CITY OF STANFORD
NOBLE, VENTERS, ABRAMSON AND
CUNNINGHAM, JJ., SITTING. ALL CONCUR.
ENTERED: FEBRUARY 13, 2015

ANN GILBERT V. 2014-SC-000698-D JEFFERSON
THOMAS KENNETH BRYANT
NOBLE, VENTERS, ABRAMSON AND
CUNNINGHAM, JJ., SITTING. ALL CONCUR.
ENTERED: FEBRUARY 13, 2015

CHARLES DARST, ET AL. V. 2015-SC-000019-D JEFFERSON
BARBARA A. COX, ET AL.
NOBLE, VENTERS, ABRAMSON AND
CUNNINGHAM, JJ., SITTING. ALL CONCUR.
ENTERED: FEBRUARY 13, 2015

JOE TAYLOR V. 2015-SC-000055-D FULTON
COMMONWEALTH OF KENTUCKY
NOBLE, VENTERS, ABRAMSON AND
CUNNINGHAM, JJ., SITTING. ALL CONCUR.
ENTERED: FEBRUARY 13, 2015

COURT ORDERS DENYING PETITION FOR REHEARING – FEBRUARY 19, 2015

MICHAEL D. ST. CLAIR V. 2011-SC-000774-MR BULLITT
COMMONWEALTH OF KENTUCKY
**MINTON, C.J.; ABRAMSON, CUNNINGHAM,
KELLER, NOBLE, AND VENTERS, JJ., SITTING.
ALL CONCUR.**

SUPREME COURT OF KENTUCKY

FEBRUARY 19, 2015 MINUTES

RELEASED: 10:00 A.M.

COURT ORDERS DENYING PETITION FOR REHEARING – FEBRUARY 19, 2015

REUBEN J. WRIGHT, ET AL. V. 2013-SC-000528-DG ELLIOTT
KIM CARROL
**MINTON, C.J.; ABRAMSON, CUNNINGHAM,
KELLER, NOBLE, AND VENTERS, JJ., SITTING.
ALL CONCUR.**

TERRILL GOODS V. 2013-SC-000734-MR CAMPBELL
COMMONWEALTH OF KENTUCKY
**MINTON, C.J.; ABRAMSON, CUNNINGHAM,
KELLER, NOBLE, AND VENTERS, JJ., SITTING.
ALL CONCUR.**

SAMUEL DANIELS V. 2013-SC-000775-MR JEFFERSON
COMMONWEALTH OF KENTUCKY
**MINTON, C.J.; ABRAMSON, CUNNINGHAM,
KELLER, NOBLE, AND VENTERS, JJ., SITTING.
ALL CONCUR.**

COURT ORDERS DISMISSING

RON CADLE, INDIVIDUALLY AND AS 2013-SC-000538-DG JEFFERSON
ADMINISTRATOR OF THE ESTATE OF JANE
CADLE, ET AL. V.
WILMA CORNETT, ET AL.
**MINTON, C.J.; ABRAMSON, CUNNINGHAM,
KELLER, NOBLE, AND VENTERS, JJ., SITTING.
ALL CONCUR.**
ENTERED: FEBRUARY 11, 2015

ELIZABETH H. JOHNSON V. 2014-SC-000609-D JEFFERSON
PAINTER FINANCIAL, LLC, ET AL.
**NOBLE, VENTERS, ABRAMSON AND
CUNNINGHAM, JJ., SITTING. ALL CONCUR.**
ENTERED: FEBRUARY 13, 2015

ANNE M. REARDON V. 2014-SC-000646-D MEADE
COMMONWEALTH OF KENTUCKY
ENTERED: JANAUARY 29, 2015

SUPREME COURT OF KENTUCKY

FEBRUARY 19, 2015 MINUTES

RELEASED: 10:00 A.M.

COURT ORDERS DISMISSING

DEBORAH ANN SKAGGS (NOW COX) V.
LARRY DAYTON SKAGGS
ENTERED: DECEMBER 31, 2014

2014-SC-000685-D

ELLIOTT

DR. JACK READNOUR V.
JERRY GIBSON, JR. ET AL.
ENTERED: DECEMBER 31, 2014

2014-SC-000713-D

KENTON

YAQOB TAFAN THOMAS V.
HON. PHILLIP SHEPHERD, JUDGE,
FRANKLIN CIRCUIT COURT, ET AL.
ENTERED: JANAUARY 28, 2015

2014-SC-000753-MR

FRANKLIN

JACK LEE READNOUR V.
CAROL ANN READNOUR
ENTERED: JANAUARY 28, 2015

2015-SC-000011-D

KENTON

COURT ORDERS

ELLIS KEYES V.
JAMES R. COMER
ENTERED: DECEMBER 12, 2014

2014-SC-000503-D

FRANKLIN

IN RE: NANCY J, MCCARTY, ET AL. V.
COVOL FUELS NO. 2 LLC (A UTAH
CORPORATION)
**ORDER ACCEPTING REQUEST FOR
CERTIFICATION OF THE LAW.**
MINTON, C.J.; ABRAMSON, CUNNINGHAM,
KELLER, NOBLE, AND VENTERS, JJ.,
SITTING. ALL CONCUR.
ENTERED: FEBRUARY 19, 2015

2014-SC-000589-CL

FEDERAL

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

CHERYL FORINO WAHL V.
KENTUCKY BAR ASSOCIATION
ENTERED: DECEMBER 23, 2014

2014-SC-000741-KB

IN SUPREME
COURT

SUPREME COURT OF KENTUCKY

FEBRUARY 19, 2015 MINUTES

RELEASED: 10:00 A.M.

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

WILLIAM CHARLES FERRELL V. KENTUCKY BAR ASSOCIATION ENTERED: DECEMBER 30, 2014	2014-SC-000755-KB	IN SUPREME COURT
GARY ALLAN JENNINGS V. KENTUCKY BAR ASSOCIATION ENTERED: FEBRUARY 3, 2015	2015-SC-000056-KB	IN SUPREME COURT
ROBERT PAUL MARTIN V. KENTUCKY BAR ASSOCIATION ENTERED: FEBRUARY 3, 2015	2015-SC-000057-KB	IN SUPREME COURT
CLAUDE MICHAEL WELDON V. KENTUCKY BAR ASSOCIATION ENTERED: FEBRUARY 3, 2015	2015-SC-000058-KB	IN SUPREME COURT
DIANA LYNN GAETZ V. KENTUCKY BAR ASSOCIATION ENTERED: FEBRUARY 4, 2015	2015-SC-000065-KB	IN SUPREME COURT