

# COURT OF APPEALS OF KENTUCKY

05/06/2005 AT 2:00 P.M.

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487	NEWCOMB (RODNEY L.) VS. COMMONWEALTH OF KENTUCKY OPINION AFFIRMING VANMETER (PRESIDING JUDGE) BARBER (CONCURS) AND HUDDLESTON (CONCURS)	2002-CA-2336-MR 2002-CA-2367-MR NOT TO BE PUBLISHED	CARROLL
488	CALDWELL (DANIEL LYNN) VS. COMMONWEALTH OF KENTUCKY OPINION AFFIRMING MINTON (PRESIDING JUDGE) TACKETT (CONCURS) AND HUDDLESTON (CONCURS)	2003-CA-0356-MR NOT TO BE PUBLISHED	BELL
489	HADDIX (WALTON R.), ET AL. VS. HULL (TIM) OPINION VACATING AND REMANDING VANMETER (PRESIDING JUDGE) HENRY (CONCURS) AND MILLER (CONCURS)	2003-CA-1559-MR NOT TO BE PUBLISHED	CLINTON
490	RICHARDSON (LOU MAY) VS. YOUNG (JULIANNE MAY), ET AL. OPINION AFFIRMING SCHRODER (PRESIDING JUDGE) TAYLOR (CONCURS) AND VANMETER (CONCURS)	2003-CA-1818-MR 2003-CA-1848-MR 2003-CA-1849-MR NOT TO BE PUBLISHED	MARION
491	BANKS (MELISSA) VS. COMMONWEALTH OF KENTUCKY OPINION AFFIRMING MINTON (PRESIDING JUDGE) TACKETT (CONCURS) AND HUDDLESTON (CONCURS)	2003-CA-1872-MR NOT TO BE PUBLISHED	BALLARD
492	RUSSELL (JEFFREY) VS. COMMONWEALTH OF KENTUCKY OPINION AFFIRMING MCANULTY (PRESIDING JUDGE) JOHNSON (CONCURS IN RESULT) AND HUDDLESTON (CONCURS)	2003-CA-2197-MR NOT TO BE PUBLISHED	KENTON

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493	FUSTON (JOHN R.) VS. COMMONWEALTH OF KENTUCKY OPINION REVERSING TAYLOR (PRESIDING JUDGE) MCANULTY (CONCURS) AND EMBERTON (CONCURS)	2003-CA-2434-MR NOT TO BE PUBLISHED	BELL
494	LEACH (BENNY JOE) VS. COMMONWEALTH OF KENTUCKY OPINION VACATING AND REMANDING COMBS (PRESIDING JUDGE) MCANULTY (CONCURS) AND MILLER (CONCURS)	2003-CA-2672-MR NOT TO BE PUBLISHED	WHITLEY
495	HATTEN (VICKIE BOGGS) VS. FIRST NATIONAL BANK OF GRAYSON, ET AL. OPINION AFFIRMING MINTON (PRESIDING JUDGE) COMBS (CONCURS) AND MILLER (CONCURS)	2003-CA-2731-MR NOT TO BE PUBLISHED	CARTER
496	PAYNE (JESSE) VS. COMMONWEALTH OF KENTUCKY OPINION AFFIRMING GUIDUGLI (PRESIDING JUDGE) MINTON (CONCURS) AND EMBERTON (CONCURS)	2004-CA-0090-MR NOT TO BE PUBLISHED	JEFFERSON
497	BYRD (LOGAN CALVIN) VS. COMMONWEALTH OF KENTUCKY OPINION AFFIRMING TACKETT (PRESIDING JUDGE) MINTON (CONCURS) AND HUDDLESTON (CONCURS)	2004-CA-0143-MR NOT TO BE PUBLISHED	BOYLE
498	EPPERSON (LONNIE MICHAEL) VS. COMMONWEALTH OF KENTUCKY OPINION AFFIRMING BARBER (PRESIDING JUDGE) BUCKINGHAM (CONCURS) AND JOHNSON (CONCURS)	2004-CA-0208-MR NOT TO BE PUBLISHED	BREATHITT

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499	FAITH CENTER MISSIONARY BAPTIST CHURCH, INC. VS. COMMONWEALTH OF KENTUCKY, CABINET FOR HEALTH SERVICES OPINION AFFIRMING BARBER (PRESIDING JUDGE) BUCKINGHAM (CONCURS) AND JOHNSON (CONCURS)	2004-CA-0239-MR NOT TO BE PUBLISHED	FRANKLIN
500	MARTIN (ENOCH) VS. COMMONWEALTH OF KENTUCKY OPINION AFFIRMING MILLER (PRESIDING JUDGE) COMBS (CONCURS) AND GUIDUGLI (CONCURS)	2004-CA-0622-MR NOT TO BE PUBLISHED	CAMPBELL
501	GOLDEN FOODS, LLC VS. LOUISVILLE & JEFFERSON COUNTY METROPOLITAN SEWER DISTRICT OPINION AFFIRMING AND REMANDING COMBS (PRESIDING JUDGE) DYCHE (CONCURS) AND KNOPF (CONCURS)	2004-CA-0688-MR NOT TO BE PUBLISHED	JEFFERSON
502	JOHNSON (ANTONIO) VS. COMMONWEALTH OF KENTUCKY OPINION AFFIRMING VANMETER (PRESIDING JUDGE) HENRY (CONCURS) AND MILLER (CONCURS)	2004-CA-0726-MR NOT TO BE PUBLISHED	CHRISTIAN
503	LETTERLOUGH (EVERETT L.) VS. COMMONWEALTH OF KENTUCKY OPINION AFFIRMING JOHNSON (PRESIDING JUDGE) BUCKINGHAM (CONCURS) AND SCHRODER (CONCURS)	2004-CA-0771-MR TO BE PUBLISHED	JEFFERSON
504	ORDWAY (LARRY R.) VS. COMMONWEALTH OF KENTUCKY OPINION AFFIRMING MINTON (PRESIDING JUDGE) HENRY (CONCURS) AND MCANULTY (CONCURS)	2004-CA-0883-MR NOT TO BE PUBLISHED	JEFFERSON

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505	EAPMON (CHARLES D.) VS. COMMONWEALTH OF KENTUCKY OPINION AFFIRMING COMBS (PRESIDING JUDGE) MCANULTY (CONCURS) AND MILLER (CONCURS)	2004-CA-0884-MR NOT TO BE PUBLISHED	KENTON
506	NICHOLS (ALFRED ROBERT) VS. COMMONWEALTH OF KENTUCKY OPINION AFFIRMING TACKETT (PRESIDING JUDGE) MINTON (CONCURS) AND HUDDLESTON (CONCURS)	2004-CA-1023-MR NOT TO BE PUBLISHED	JEFFERSON
507	WOODS (WESLEY), A MINOR VS. LOUISVILLE/JEFFERSON COUNTY METRO GOVERNMENT OPINION REVERSING AND REMANDING DYCHE (PRESIDING JUDGE) COMBS (CONCURS) AND KNOPF (CONCURS AND FILES SEPARATE OPINION)	2004-CA-1258-MR TO BE PUBLISHED	JEFFERSON
508	GARRIS (KELLY) VS. COMMONWEALTH OF KENTUCKY OPINION AFFIRMING DYCHE (PRESIDING JUDGE) SCHRODER (CONCURS) AND VANMETER (CONCURS)	2004-CA-1430-ME 2004-CA-1431-ME NOT TO BE PUBLISHED	ELLIOTT
509	RIEMENSCHNEIDER (ROBERT NEAL) VS. COMMONWEALTH OF KENTUCKY OPINION AFFIRMING MILLER (PRESIDING JUDGE) COMBS (CONCURS) AND GUIDUGLI (CONCURS)	2004-CA-1456-MR 2004-CA-1790-MR NOT TO BE PUBLISHED	FAYETTE
510	DUFFY (DAN), ET AL. VS. KINDRED HEALTHCARE, INC. OPINION AFFIRMING MILLER (PRESIDING JUDGE) COMBS (CONCURS) AND GUIDUGLI (CONCURS)	2004-CA-1523-MR NOT TO BE PUBLISHED	FAYETTE



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ORDER DENYING PETITION FOR REHEARING AND MODIFYING OPINION RENDERED ON MARCH 4, 2005. THE ATTACHED OPINION IS SUBSTITUTED IN ITS ENTIRETY:

THARP (MYRNA L.) 2002-CA-2372-MR MCCracken  
VS.  
COMMONWEALTH OF KENTUCKY  
ENTERED: 5/6/05

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ORDER DENYING BELATED APPEAL:

HANCOCK (KENNETH R.) 2004-CA-1644-MR OLDHAM  
VS.  
COMMONWEALTH OF KENTUCKY  
ENTERED: 5/2/05

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ORDERS DISMISSING:

MATTINGLY (VALERIE) 2004-CA-2153-MR CASEY  
VS. 2004-CA-2176-MR  
PURDOM (CARROLL), ET AL.  
ENTERED: 5/4/05

ARDIS (RODERICK) 2004-CA-2513-MR JEFFERSON  
VS.  
DETELLA (GEORGE)  
ENTERED: 5/2/05

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ORDERS FROM PREVIOUS WEEK ENDING APRIL 29, 2005:

ORDERS AFFIRMING:

GRIMES (RODNEY) 2004-CA-1217-MR LYON  
VS.  
COMMONWEALTH OF KENTUCKY  
ENTERED: 4/28/05

TINDALL (LARRY EDWARD) 2004-CA-1959-MR OLDHAM  
VS.  
CHANDLER (LARRY), WARDEN  
ENTERED: 4/28/05

MILLER (JAMES A.) 2005-CA-0410-MR MORGAN  
VS.  
MOTLEY (JOHN), WARDEN  
ENTERED: 4/28/056

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ORDERS DENYING PETITION FOR REHEARING:

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PACK (BONNIE), ETC. 2004-CA-0551-MR JEFFERSON
VS.
WITTEN, JR., M.D. (CARROLL L.),
ETC.
ENTERED: 4/29/05

MARQUEZ (ANTHONY OMAR) 2003-CA-1431-MR JEFFERSON
VS.
COMMONWEALTH OF KENTUCKY
ENTERED: 4/29/05

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ORDER VACATING:

SHELTON (KATHI) 2004-CA-1871-MR WAYNE
VS.
COMMONWEALTH OF KENTUCKY
ENTERED: 4/29/05

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ORDER DENYING MOTION TO RECONSIDER:

WOLFINBARGER (JACK) 2004-CA-2112-MR OLDHAM
VS.
MCCROCKLIN (KENNETH)
ENTERED: 4/29/05

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ORDER DENYING BELATED APPEAL:

HARDY (ADRIAN L,.) 2005-CA-0281-MR JEFFERSON
VS.
COMMONWEALTH OF KENTUCKY
ENTERED: 4/29/05

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ORDERS DENYING PETITION FOR WRIT OF PROHIBITION:

SILVESTRI (ANDREW), ET AL. 2005-CA-0182-OA IN COURT OF
VS. APPEALS
HON. ROBERT E. GILLUM, JUDGE
PULASKI CIRCUIT COURT, ET AL.
ENTERED: 4/29/05

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ORDERS DENYING PETITION FOR WRIT OF PROHIBITION (CONTINUED):

HOLLAND (MELISSA) 2005-CA-0398-OA IN COURT OF
VS. APPEALS
HON. JANET P. COLEMAN, JUDGE
HARDIN CIRCUIT COURT, ET AL.
ENTERED: 4/28/05

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ORDERS DISMISSING:

B & J MANUFACTURING & SERVICES, 2003-CA-1472-MR MCCRACKEN
INC.
VS.
CITY OF PADUCAH
ENTERED: 4/29/05

EAST ROW PROPERTIES, LLC 2003-CA-2131-MR CAMPBELL
VS. 2004-CA-0167-MR
KARETH (SCOTT K.), ET AL.
ENTERED: 4/29/05

PATRICK (JOE), ET AL. 2004-CA-0532-MR KNOX
VS.
MEACHUM (WALTER J.), ET AL.
ENTERED: 4/29/05

BASHAW (CATHERINE A.) 2004-CA-0862-MR ESTILL
VS.
PAL LAND, LLC, ET AL.
ENTERED: 4/29/05

SANDY VALLEY MASONRY CO., INC. 2004-CA-0872-MR PERRY
VS.
PERRY COUNTY KENTUCKY JUSTICE
CENTER CORP., ETC.
ENTERED: 4/29/05

WHITE (OTTO FRANK) 2004-CA-1442-MR FRANKLIN
VS.
GILPIN (DAVID)
ENTERED: 4/29/05

WISEMAN (PAUL S.) 2004-CA-1542-MR HARDIN
VS.
COMMONWEALTH OF KENTUCKY
ENTERED: 4/29/05

SOUTH CAROLINA INSURANCE CO. 2004-CA-1641-MR LEWIS
VS.
UNDERGROUND TECHNOLOGIES, ET AL.
ENTERED: 4/29/05



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ORDERS DISMISSING (CONTINUED):

GLOVER (MICHAEL ODELL) VS. COMMONWEALTH OF KENTUCKY ENTERED: 4/29/05	2004-CA-1741-MR	MCCRACKEN
PHEBUS (MELISSA) VS. MCCONATHY (BRYAN) ENTERED: 4/29/05	2004-CA-1821-MR	FAYETTE
LESTER (BEVERLY), NOW PUCKETT VS. LESTER (MICHAEL V.) ENTERED: 4/29/05	2004-CA-1951-MR	CARTER
HUMPHRESS (JOHN) VS. HUMPHRESS (PATRICIA ANN) ENTERED: 4/29/05	2004-CA-2202-MR	TAYLOR
LARCHMONT CHURCH OF GOD VS. BAUMGARDNER SERVICES, INC. ENTERED: 4/29/05	2004-CA-2262-MR	JEFFERSON
GRIMES (ANTHONY THOMAS) VS. COMMONWEALTH OF KENTUCKY ENTERED: 4/29/05	2004-CA-2381-MR	DAVIESS
HALL (CHRISTOPHER) VS. COMMONWEALTH OF KENTUCKY ENTERED: 4/29/05	2004-CA-2512-MR	JEFFERSON
DRAKE (BARRY C.) VS. MCCARTY (JOHN), JUDGE, ET AL. ENTERED: 4/29/05	2004-CA-2561-MR	HARDIN
HERALD (MITCHELL G.) VS. WASHINGTON MUTUAL BANK ENTERED: 4/29/05	2004-CA-2602-MR	CAMPBELL
KNUCKLES (LAUREL) VS. ROBERTS (SUSAN K.), ETC., ET AL. ENTERED: 4/28/05	2004-CA-2605-MR	BELL

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ORDERS DISMISSING (CONTINUED):

PASSMORE (RONALD LEE) VS. PASSMORE (VALERIE), NOW HOLT ENTERED: 4/29/05	2004-CA-2672-ME	CASEY
TAFOYA (MICHAEL TODD) VS. TAFOYA (SAN JUANITA M.) ENTERED: 4/29/05	2005-CA-0311-MR	MEADE