

**SUPREME COURT OF KENTUCKY**

**ORAL ARGUMENT CALENDAR**

**TO:** Justices and Court Staff  
**FROM:** Chief Justice John D. Minton, Jr.  
**DATE:** February 8, 2012

**WEDNESDAY, MARCH 14, 2012**

- 9:00 a.m. COMMONWEALTH OF KENTUCKY V. KENTUCKY RETIREMENT SYSTEMS, ET AL. (2010-SC-809-DG)**  
"Sovereign Immunity. Declaratory Judgment. State Employee Retirement Benefits. The issue is whether the Commonwealth can invoke sovereign immunity in any declaratory judgment action."  
Discretionary Review granted 8/17/2011  
Franklin Circuit Court, Judge Thomas D. Wingate  
For Movant: Stuart Weldon Cobb and Lisa Kathleen Lang  
For Respondents: Robert W. Kellerman, Jennifer Jones, Brent L. Caldwell and Roger Crittenden
- 10:00 a.m. COMMONWEALTH OF KENTUCKY V. HASCH (2010-SC-494-DG) AND (CROSS-MOTION) HASCH V. COMMONWEALTH OF KENTUCKY (2011-SC-232-DG)**  
"Criminal law. Self-defense. Jury Instructions. Immunity. The issues include:  
1. Whether the Commonwealth can introduce evidence of a defendant's opportunity to escape the victim in a self-defense case, thus permitting the court to instruct on lesser degrees of murder over the defendant's objection;  
2. Whether the lower court erred by admitting the autopsy report as a Commonwealth exhibit; 3. Whether the lower court erred by excluding two defense witnesses; 4. Whether the jury instructions in the guilt and penalty phases were erroneous; and 5. Whether the lower court erred by failing to hold a probable cause hearing when Hasch sought immunity from prosecution under KRS 503.085."  
Discretionary Review granted 4/13/2011 and 6/8/2011  
Bullitt Circuit Court, Judge Rodney D. Burress  
For Movant/Cross-Respondent: James Coleman Shackelford  
For Respondent/Cross-Movant: G. Murray Turner and Sarah Bash Brian
- 11:00 a.m. HALL, ET AL. V. MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC., ET AL. (2010-SC-559-DG)**  
"Timely release of liens on real property. Award of statutory penalties, attorney fees and costs."  
Discretionary Review granted 6/9/2011  
Laurel Circuit Court, Judge Roderick Messer  
For Movants: Ralph W. Hoskins  
For Respondents: Henry E. Kinser and Mickey Todd Webster

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**THURSDAY, MARCH 15, 2012**

- 9:00 a.m. TUCKER, ETC., ET AL. V. WOMEN'S CARE PHYSICIANS OF LOUISVILLE, P.S.C., ET AL. (2010-SC-466-DG)**  
"Medical malpractice. Evidence. Issue is whether the trial court abused its discretion in excluding certain expert testimony as irrelevant."  
Discretionary Review granted 8/17/2011  
Jefferson Circuit Court, Judge Susan Lynn Schultz  
For Movants: Richard Wayne Hay, Timothy R. McCarthy, Wanda McClure Dry and Sarah Hay Knight  
For Respondents: Donald W. Darby and Daniel Garland Brown
- 10:00 a.m. COMMONWEALTH OF KENTUCKY V. REED (2011-SC-111-DG)**  
"Criminal law. Guilty plea. Sentencing. Fines. KRS 534.030. Issues include whether in the case of an unenforceable bargained-for plea agreement an appellate court may vacate part of the sentence or whether the entire judgment and sentence of conviction must be set aside."  
Discretionary Review granted 9/14/2011  
Jefferson Circuit Court, Judge Mitch Perry  
For Movant: Jeanne Deborah Anderson  
For Respondent: Bruce P. Hackett
- 11:00 a.m. GINGERICH, ET AL. V. COMMONWEALTH OF KENTUCKY (2011-SC-379-DGE) AND ZOOK, ET AL. V. COMMONWEALTH OF KENTUCKY (2011-SC-380-DGE)**  
"Criminal Law. State Constitutional Law. In cases involving failure to display a KRS 189.820 "slow moving vehicle" emblem on Old Order Swartzentruuber horse-drawn buggies, issues involve whether KY. CONST. §§ 1 & 5 provide greater religious protection than does the First Amendment to the United States Constitution."  
Discretionary Review granted 12/14/2011  
Graves Circuit Court, Judge Timothy C. Stark  
For Movants: William Ellis Sharp and Patricia Colleen Le Meur  
For Respondent: Christian Kenneth Ray Miller

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**FRIDAY, MARCH 16, 2012**

- 9:00 a.m. COX V. COMMONWEALTH OF KENTUCKY (2010-SC-733-DG)**  
"Criminal Law. Ineffective Assistance of Counsel. The question presented is whether the ineffective assistance logic concerning deportation circumstances in *Padilla v. Kentucky*, 130 S.Ct. 1473 (2010) extends to alleged misadvice of guilty plea counsel as to the impact of the sex offender treatment program upon parole eligibility"  
Discretionary Review granted 4/13/2011  
Henry Circuit Court, Judge Karen A. Conrad  
For Movant: Meggan Elizabeth Smith  
For Respondent: James Coleman Shackelford
- 10:00 a.m. COMMONWEALTH OF KENTUCKY V. PRIDHAM (2011-SC-126-DG)**  
"Criminal Law. Ineffective Assistance of Counsel. Issues include whether erroneous advice concerning parole eligibility may constitute ineffective assistance of counsel under *Padilla v. Kentucky*, 130 S.Ct. 1473 (2010)."  
Discretionary Review granted 5/11/2011  
Hardin Circuit Court, Judge Kelly M. Easton  
For Movant: Bryan Darwin Morrow  
For Respondent: Vincent Paul Yustas and Douglas Patrick Vowels
- 11:00 a.m. BIDWELL V. SHELTER MUTUAL INSURANCE COMPANY (2010-SC-560-DG)**  
"Insurance. Motor Vehicle. Permissive User Coverage. Issues involve the enforceability of a 90% "step-down" policy provision purportedly limiting recovery to the statutory minimum despite a \$250,000 per person policy liability limit."  
Discretionary Review granted 8/17/2011  
Kenton Circuit Court, Judge Martin J. Sheehan  
For Movant: Mark G. Arnzen, Beverly Ruth Storm, D. Keith Johnson and Frank Kern Tremper  
For Respondent: James Wendell Taylor and Amelia Brown McCormick