

SUPREME COURT OF KENTUCKY

MINUTES

JANUARY 19, 2006

RELEASED: 2:00 P.M.

1. DEJUAN STRATTON [2003-SC-000580-DG](#) FRANKLIN
ADMINISTRATOR FOR **TO BE PUBLISHED**
THE ESTATE OF SABRINA
FELTS V.
COMMONWEALTH OF KENTUCKY,
CABINET FOR FAMILIES AND
CHILDREN
**OPINION OF THE COURT BY
JUSTICE SCOTT – AFFIRMING.**
COOPER, JOHNSTONE AND
ROACH, JJ., CONCUR IN RESULT
ONLY.
2. TIMOTHY MARTEVES TAYLOR V. [2003-SC-000850-DG](#) FAYETTE
COMMONWEALTH OF KENTUCKY **TO BE PUBLISHED**
**OPINION OF THE COURT BY
JUSTICE WINTERSHEIMER –
AFFIRMING.**
3. AIG/AIU INSURANCE COMPANY V. [2005-SC-000178-WC](#) FROM COURT
SOUTH AKERS MINING COMPANY, **TO BE PUBLISHED** OF APPEALS
LLC; ET AL
**OPINION OF THE COURT -
AFFIRMING.**
4. DARRYL WAYNE MORGAN V. [2003-SC-000489-MR](#) BALLARD
COMMONWEALTH OF KENTUCKY **TO BE PUBLISHED**
**OPINION OF THE COURT BY
JUSTICE SCOTT – AFFIRMING IN
PART AND REVERSING IN PART.**
ROACH, J., CONCURS IN RESULT
ONLY & CONCURS BY SEPARATE
OPINION IN WHICH GRAVES, J.,
JOINS. GRAVES, J., ALSO CONCURS
BY SEPARATE OPINION. COOPER, J.,
DISSENTS BY SEPARATE OPINION
IN WHICH LAMBERT, C.J.; AND
JOHNSTONE, J., DISSENTS BY
SEPARATE OINION IN WHICH LAMBERT,
C.J., JOINS.

SUPREME COURT OF KENTUCKY

MINUTES

JANUARY 19, 2006

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| 5. | LOWE'S #0507 V.
JAMES A. GREATHOUSE, ET AL
OPINION OF THE COURT -
<u>REVERSING.</u>
GRAVES, J., DISSENTS BY
SEPARATE OPINION IN WHICH
LAMBERT, C.J., AND SCOTT, J.,
JOIN. | 2005-SC-000515-WC
TO BE PUBLISHED | FROM COURT
OF APPEALS |
| 6. | MICHAEL NEIL BROWN V.
COMMONWEALTH OF KENTUCKY
MEMORANDUM OPINION OF THE
COURT – <u>AFFIRMING.</u> | 2004-SC-000344-MR
NOT TO BE PUBLISHED | CLINTON |
| 7. | JOHNNY LEE CISSELL V.
COMMONWEALTH OF KENTUCKY
MEMORANDUM OPINION OF THE
COURT – <u>AFFIRMING.</u> | 2004-SC-000487-MR
NOT TO BE PUBLISHED | JEFFERSON |
| 8. | WILLIS E. GARDNER V.
COMMONWEALTH OF KENTUCKY
MEMORANDUM OPINION OF THE
COURT – <u>AFFIRMING.</u>
JOHNSTONE, J., CONCURS IN
RESULT ONLY. | 2004-SC-000488-TG
NOT TO BE PUBLISHED | WOODFORD |
| 9. | THOMAS SCOTT SOUTHERN V.
COMMONWEALTH OF KENTUCKY
MEMORANDUM OPINION OF THE
COURT – <u>AFFIRMING.</u> | 2004-SC-000489-TG
NOT TO BE PUBLISHED | BELL |
| 10. | JOHN BRITT V.
COMMONWEALTH OF KENTUCKY
MEMORANDUM OPINION OF THE
COURT – <u>AFFIRMING.</u>
JOHNSTONE, J., CONCURS IN
RESULT ONLY. | 2004-SC-000956-MR
NOT TO BE PUBLISHED | BALLARD |

SUPREME COURT OF KENTUCKY

MINUTES

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| 11. | RONALD DOUGLAS CRAWLEY V.
COMMONWEALTH OF KENTUCKY
MEMORANDUM OPINION OF THE
COURT – <u>AFFIRMING.</u>
LAMBERT, C.J., CONCURS IN
RESULT ONLY. | 2004-SC-001110-TG
NOT TO BE PUBLISHED | FAYETTE |
| 12. | YAQOB TAFAN THOMAS V.
COMMONWEALTH OF KENTUCKY
MEMORANDUM OPINION OF THE
COURT – <u>AFFIRMING.</u>
ROACH, J., CONCURS IN
RESULT ONLY. | 2005-SC-000085-MR
NOT TO BE PUBLISHED | FAYETTE |
| 13. | BILLY BOWMAN V.
COMMONWEALTH OF KENTUCKY
MEMORANDUM OPINION OF THE
COURT – <u>AFFIRMING.</u>
SCOTT, J., DISSENTS BY
SEPARATE OPINION IN WHICH
LAMBERT, C.J., JOINS. COOPER,
J., DISSENTS WITHOUT SEPARATE
OPINION. | 2005-SC-000234-TG
NOT TO BE PUBLISHED | CALLOWAY |
| 14. | MICHAEL HOPKINS V.
COMMONWEALTH OF KENTUCKY
MEMORANDUM OPINION OF THE
COURT – <u>AFFIRMING.</u> | 2005-SC-000259-TG
NOT TO BE PUBLISHED | BOONE |
| 15. | CRANDELL L. SLONE V.
KENTUCKY STATE POLICE,
ET AL
MEMORANDUM OPINION OF THE
COURT – <u>AFFIRMING.</u>
GRAVES, J., DISSENTS BY
SEPARATE OPINIOIN WHICH
SCOTT, J., JOINS. | 2005-SC-000403-WC
NOT TO BE PUBLISHED | FROM COURT
OF APPEALS |

SUPREME COURT OF KENTUCKY

MINUTES

JANUARY 19, 2006

RELEASED: 2:00 P.M.

16. NANCY OLIVER ROBERTS V. [2003-SC-000780-DG](#) WARREN
JUDY ALENE CARDWELL, ET AL **NOT TO BE PUBLISHED**
OPINION OF THE COURT BY
JUSTICE SCOTT – REVERSING
AND REMANDING.
JOHNSTONE, ROACH AND
WINTERSHEIMER, JJ., DISSENTS.

OPINIONS AND ORDERS

KENTUCKY BAR ASSOCIATION V. [2005-SC-000292-KB](#) IN SUPREME
MARK JOSEPH SMITH **TO BE PUBLISHED** COURT
ORDERING RESPONDENT SUSPENDED
FROM THE PRACTICE OF LAW.
ENTERED: JANUARY 19, 2006

JOHN T. GLOVER V. 2005-SC-000670-D WHITLEY
COMMONWEALTH OF KENTUCKY
ORDERING THE MOTION FOR
DISCRETIONARY REVIEW GRANTED.
THE DECISION OF THE COURT OF
APPEALS IS REVERSED AND THE
CASE IS REMANDED TO THE
WHITLEY CIRCUIT COURT WITH
DIRECTIONS TO CONDUCT AN
EVIDENTIARY HEARING.
ENTERED: JANUARY 11, 2006

KENTUCKY BAR ASSOCIATION V. [2005-SC-000847-KB](#) IN SUPREME
KENNETH W. LAMPE **TO BE PUBLISHED** COURT
ORDERING RESPONDENT
SUSPENDED FROM THE PRACTICE
OF LAW IN KENTUCKY FOR A
PERIOD OF 120 DAYS.
ENTERED: JANUARY 19, 2006

SUPREME COURT OF KENTUCKY

MINUTES

JANUARY 19, 2006

RELEASED: 2:00 P.M.

OPINIONS AND ORDERS

KENTUCKY BAR ASSOCIATION V.
JAMES BASIL GRAY
**ORDERING RESPONDENT
SUSPENDED FROM THE PRACTICE
OF LAW IN THE COMMONWEALTH OF
KENTUCKY.**
ENTERED: JANUARY 19, 2006

[2005-SC-000908-KB](#)
TO BE PUBLISHED

IN SUPREME
COURT

KENTUCKY BAR ASSOCIATION
CLE COMMISSION V.
BRUCE WAYNE LOMINAC
**ORDERING RESPONDENT TO PAY
A FINE OF \$400 TO THE KBA WITHIN
20 DAYS FROM THIS ORDER.**
ENTERED: JANUARY 19, 2006

[2005-SC-000919-KB](#)
TO BE PUBLISHED

IN SUPREME
COURT

KENTUCKY BAR ASSOCIATION V.
GARY L. GREENWELL
**ORDERING RESPONDENT NOT TO
BE PERMITTED TO ENGAGE IN THE
PRACTICE OF LAW IN THE COMM-
ONWEALTH OF KENTUCKY, UNTIL
THIS COURT ENTERS AN ORDER
RESTORING HIS MEMBERSHIP IN
THE KENTUCKY BAR ASSOCIATION.**
ENTERED: JANUARY 19, 2006

[2005-SC-000921-KB](#)
TO BE PUBLISHED

IN SUPREME
COURT

LAWRENCE R. WEBSTER V.
KENTUCKY BAR ASSOCIATION
**ORDERING THE MOVANT PUBLICLY
REPRIMANDED.**
ENTERED: JANUARY 19, 2006

[2005-SC-000972-KB](#)
TO BE PUBLISHED

IN SUPREME
COURT

SUPREME COURT OF KENTUCKY

MINUTES

JANUARY 19, 2006

RELEASED: 2:00 P.M.

OPINIONS AND ORDERS

**BRAD COFFMAN V.
KENTUCKY BAR ASSOCIATION
ORDERING MOVANT REMAIN IN
COMPLIANCE WITH ALL TERMS
OF PROBATION IN CASE NUMBER
02-CR-42.**

[2005-SC-000973-KB](#)
TO BE PUBLISHED

IN SUPREME
COURT

ENTERED: JANUARY 19, 2006

**COURT ORDERS GRANTING MOTION FOR DISCRETIONARY REVIEW ENTERED
JANUARY 11, 2006**

MARK ROSS, ET AL V.
RALPH D. POWELL, ET AL

2004-SC-000008-DG

FAYETTE

WARREN KEMPER, M.D. V.
BARRY GORDON, ETC., ET AL

2005-SC-000306-DG

JEFFERSON

DONNIE AUTRY, ET AL V.
WESTERN KENTUCKY UNIVERSITY,
ET AL

2005-SC-000451-DG

WARREN

WKU STUDENT LIFE FOUNDATION, INC. V.
DONNIE AUTRY, ET AL

2005-SC-000480-DG

WARREN

KENNETH MCBRIDE V.
COMMONWEALTH OF KENTUCKY

2005-SC-000930-DG

MONTGOMERY

**COURT ORDERS DENYING MOTION FOR DISCRETIONARY REVIEW ENTERED
JANUARY 11, 2006**

RANDY T. HELTON V.
COMMONWEALTH OF KENTUCKY

2005-SC-000418-D

KNOX

VICKIE BOGGS HATTEN V.
FIRST NATIONAL BANK OF GRAYSON,
ET AL

2005-SC-000438-D

CARTER

SUPREME COURT OF KENTUCKY

MINUTES

JANUARY 19, 2006

RELEASED: 2:00 P.M.

**COURT ORDERS DENYING MOTION FOR DISCRETIONARY REVIEW ENTERED
JANUARY 11, 2006**

JEFFERY L. CARPENTER V. KENTUCKY PAROLE BOARD ET AL	2005-SC-000483-D	FRANKLIN
ANTHONY CARR V. COMMONWEALTH OF KENTUCKY	2005-SC-000490-D	HARLAN
DONALD K. BIRNER V. THOMAS BLACK, ET AL	2005-SC-000519-D	TRIGG
JOHN CARPENTER V. PATSY CARPENTER	2005-SC-000546-D	BREATHITT
WENDELL SAMS V. COMMONWEALTH OF KENTUCKY	2005-SC-000558-D	WOODFORD
AARON J. GARNER V. COMMONWEALTH OF KENTUCKY	2005-SC-000559-D	MUHLENBERG
TONY M. PRATHER V. GLENN HAEBERLIN (WARDEN)	2005-SC-000567-D	LYON
DUANE HARPER V. COMMONWEALTH OF KENTUCKY	2005-SC-000572-D	LYON
JOHNNY D. ALSTATT V. MICHAEL FERGUSON, WARDEN	2005-SC-000608-D	BELL
GLENDORA WATZEK V. KENTUCKY UNEMPLOYMENT INSURANCE COMMISSION, ET AL	2005-SC-000615-D	JEFFERSON
COMMONWEALTH OF KENTUCKY V. CHRIS TUCKER	2005-SC-000637-D	JEFFERSON
MATTHEW RIDENER V. COMMONWEALTH OF KENTUCKY	2005-SC-000639-D	PENDLETON

SUPREME COURT OF KENTUCKY

MINUTES

JANUARY 19, 2006

RELEASED: 2:00 P.M.

**COURT ORDERS DENYING MOTION FOR DISCRETIONARY REVIEW ENTERED
JANUARY 11, 2006**

BOWLING GREEN AND WARREN COUNTY AIRPORT BOARD V. MARTIN LAND DEVELOPMENT CO., INC., ET AL	2005-SC-000640-D	WARREN
BRUCE EDWARD BEAVERS V. COMMONWEALTH OF KENTUCKY	2005-SC-000647-D	FAYETTE
TORREY CROSS V. COMMONWEALTH OF KENTUCKY	2005-SC-000661-D	JEFFERSON
FREDERICK L. MILLER V. COMMONWEALTH OF KENTUCKY	2005-SC-000668-D	WARREN
MARK T. BOGER V. COMMONWEALTH OF KENTUCKY	2005-SC-000669-D	BOYD
JA-RON S. TEAGUE V. COMMONWEALTH OF KENTUCKY	2005-SC-000673-D	OLDHAM
ROCKLAND GEORGE, ET AL V. ELOISE GEORGE	2005-SC-000676-D	BOYD
JERRY SEYMOUR V. KATHLEEN D. COLEBANK, ET AL	2005-SC-000679-D	OLDHAM
COREY QUANTEZ CHAPMAN V. COMMONWEALTH OF KENTUCKY	2005-SC-000706-D	JEFFERSON
GUS S. THEODOSIS V. COMMONWEALTH OF KENTUCKY	2005-SC-000784-D	JEFFERSON
MAURICE WEST V. COMMONWEALTH OF KENTUCKY	2005-SC-000799-D	JEFFERSON
TIMOTHY EADES V. COMMONWEALTH OF KENTUCKY	2005-SC-000800-D	FAYETTE

SUPREME COURT OF KENTUCKY

MINUTES

JANUARY 19, 2006

RELEASED: 2:00 P.M.

COURT ORDERS DENYNG PETITION FOR REHEARING ENTERED JANUARY 19, 2006

KENTUCKY KINGDOM AMUSEMENT COMPANY (F/K/A KENTUCKY KINGDOM, INC.) V. BELO KENTUCKY, INC., D/B/A WHAS-TV (F/K/A JOURNAL BROADCASTING OF KENTUCKY, INC. D/B/A WHAS-TV)	2002-SC-000693-DG 2002-SC-000697-DG 2003-SC-000634-DG	JEFFERSON
KENTUCKY FARM BUREAU MUTUAL INSURANCE COMPANY V. TINA RODGERS (NOW JOHNSON)	2002-SC-001044-DG	LINCOLN
DAVID ROBINSON V. COMMONWEALTH OF KENTUCKY	2004-SC-000050-MR	GRAYSON
NOLLAIG PREVIS V. PETE DAILEY	2004-SC-000131-DG	BOURBON
COMMONWEALTH OF KENTUCKY V. RICKY D. LEAP	2004-SC-000138-DG	CAMPBELL
STEVE ELDRIDGE V. COMMONWEALTH OF KENTUCKY	2004-SC-000475-MR	WOLFE
SAFETY KLEEN V. ERIC LEE MARAMAN, ET AL	2004-SC-000728-WC	FROM COURT OF APPEALS
BILLY BAKER PAINTING V. DANIEL BERRY, ET AL	2005-SC-000029-WC	FROM COURT OF APPEALS

COURT ORDERS

KENNETH WHITE V. COMMONWEALTH OF KENTUCKY ORDER MODIFYING OPINION RENDERED NOVEMBER 23, 2005. MODIFICATION DOES NOT AFFECT THE HOLDING. ENTERED: JANUARY 6, 2006	2004-SC-000082-MR	PULASKI
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SUPREME COURT OF KENTUCKY

MINUTES

JANUARY 19, 2006

RELEASED: 2:00 P.M.

COURT ORDERS

E. H., ET AL V. 2004-SC-000542-DG JEFFERSON
C.M., ET AL

ORDERING THAT THIS COURT'S ORDER GRANTING DISCRETIONARY REVIEW IS VACATED. MOTION FOR DISCRETIONARY REVIEW IS DENIED AND THE COURT OF APPEALS OPINION IS ORDERED NOT TO BE PUBLISHED.

ENTERED: JANUARY 12, 2006

ADRIAN HADLEY V. 2005-SC-000632-D ADAIR
CITIZENS DEPOSIT BANK

ORDER GRANTING JOINT MOTION TO WITHDRAW MOTION FOR DISCRETIONARY REVIEW.

ENTERED: JANUARY 11, 2006

WARREN SMITH, ET AL V. 2005-SC-000686-CL UNITED STATES
CARBIDE AND CHEMICALS COURT OF
CORPORATION, ET AL APPEALS FOR
**ORDER ACCEPTING REQUEST FOR THE 6TH CIRCUIT
CERTIFICATION OF THE LAW.**

ENTERED: JANUARY 19, 2006

CHERLYN PARRISH, M.D. V. 2005-SC-000870-D JEFFERSON
DOUGLAS WILSON

ORDER GRANTING RESPONDENT'S MOTION TO DISMISS THE MOTION FOR DISCRETIONARY REVIEW.

ENTERED: JANUARY 10, 2006

BYRON A. BRADFORD V. 2005-SC-000893-MR JEFFERSON
COMMONWEALTH OF KENTUCKY

ORDER DENYING MOVANT'S MOTION FOR LEAVE TO FILE A BELATED APPEAL.

ENTERED: JANUARY 10, 2006

SUPREME COURT OF KENTUCKY

MINUTES

JANUARY 19, 2006

RELEASED: 2:00 P.M.

COURT ORDERS

ELLA-CHRISTINE ELIZABETH FISCHER
WHITE V.

2005-SC-000955-D

JEFFERSON

CASEY HYLAND

**ORDER GRANTING MOVANT'S MOTION
TO DENY HER PENDING MOTION AS
MOOT, TREATED AS AN UNOPPOSED
MOTION TO DISMISS THIS ACTION.**

ENTERED: JANUARY 6, 2006