

SUPREME COURT OF KENTUCKY

MARCH 22, 2012 MINUTES

RELEASED: 10:00 A.M.

23. JAMES JACKSON V.  
COMMONWEALTH OF KENTUCKY  
**OPINION OF THE COURT BY  
JUSTICE NOBLE –  
AFFIRMING**  
ALL SITTING. ALL CONCUR.

[2009-SC-000115-DG](#)  
**TO BE PUBLISHED**

MCCRACKEN

**Questions Presented:**  
Criminal Law. Juvenile Code. Jurisdiction. Preservation. Issues include whether a guilty plea waives juvenile’s right to later challenge transfer from juvenile court to circuit court or whether the issue is one of subject matter jurisdiction; and whether transfer based upon an “enhanced charge” because of juvenile’s possession of firearm was improper.

24. TECO MECHANICAL CONTRACTOR,  
INC. V.  
COMMONWEALTH OF KENTUCKY,  
ENVIRONMENTAL AND PUBLIC  
PROTECTION CABINET, ET AL.  
**OPINION OF THE COURT BY  
JUSTICE SCOTT –  
AFFIRMING**  
ALL SITTING. ALL CONCUR.

[2009-SC-000821-DG](#)  
**TO BE PUBLISHED**

FRANKLIN

**Questions Presented:**  
Constitutional Law. Prevailing Wage Act. Issues include constitutional challenges to the prevailing wage laws, KRS 337.505-337.550.

25. BILLY MASH V.  
COMMONWEALTH OF KENTUCKY  
**OPINION OF THE COURT BY  
JUSTICE NOBLE –  
AFFIRMING**  
ALL SITTING. ALL CONCUR.

[2010-SC-000584-MR](#)  
**TO BE PUBLISHED**

MCCRACKEN

**Questions Presented:**  
First-degree sodomy-20 years. Evidence presented was insufficient to support a fair cross-section challenge to the jury panel. A juror’s negative demeanor was a sufficient race-neutral reason for the prosecutor’s use of a peremptory challenge to strike the juror from the venire. Although not an element of first-degree sodomy, the Commonwealth produced sufficient evidence of penetration to meet the unnecessary specific element of the jury instruction. No evidentiary foundation was presented for an instruction on sexual abuse.

SUPREME COURT OF KENTUCKY

MARCH 22, 2012 MINUTES

RELEASED: 10:00 A.M.

26. DESEAN MAYNES V. COMMONWEALTH OF KENTUCKY  
**OPINION OF THE COURT BY JUSTICE ABRAMSON – AFFIRMING**  
ALL SITTING. ALL CONCUR.
- [2010-SC-000681-DG](#) JEFFERSON  
**TO BE PUBLISHED**
- Questions Presented:**  
Criminal Law. Indigent or Needy Person. Court Costs. The issue is whether the trial court can order a defendant, previously found to be indigent, to pay court costs as part of defendant's final sentencing.
27. RONALD COPLEY V. COMMONWEALTH OF KENTUCKY  
**OPINION OF THE COURT BY JUSTICE ABRAMSON – AFFIRMING**  
ALL SITTING. ALL CONCUR.  
CUNNINGHAM, J. CONCURS BY SEPARATE OPINION IN WHICH NOBLE AND SCHRODER, JJ., JOIN.
- [2011-SC-000063-MR](#) RUSSELL  
**TO BE PUBLISHED**
- Questions Presented:**  
Murder-20 years. Though the affidavit in support of the search warrant was not properly sworn before an individual authorized by a judge of the county to administer oaths pursuant to RCr 2.02, suppression was not warranted because the error was not of constitutional magnitude, the error did not prejudice the defendant and there was no deliberate disregard of the Rules.
28. RANDY LEWIS V. FORD MOTOR COMPANY; HONORABLE JAMES L. KERR, ADMINISTRATIVE LAW JUDGE; AND WORKERS' COMPENSATION BOARD  
**OPINION OF THE COURT AFFIRMING**  
ALL SITTING. ALL CONCUR.
- [2011-SC-000294-WC](#) FROM COURT OF APPEALS  
**TO BE PUBLISHED**
- Questions Presented:**  
Workers' Compensation. Whether the maximum benefit permitted by KRS 342.730(1)(a) applies only to an individual award or also applies to benefits payable simultaneously under multiple partial disability awards.

SUPREME COURT OF KENTUCKY

MARCH 22, 2012 MINUTES

RELEASED: 10:00 A.M.

29. JOHN A. RICHEY; HARNED BACHERT & DENTON, LLP; AND NORMAN E. HARNED V. PERRY ARNOLD, INC.; HONORABLE JOSEPH W. JUSTICE, ADMINISTRATIVE LAW JUDGE; AND WORKERS' COMPENSATION BOARD  
**OPINION OF THE COURT  
AFFIRMING IN PART AND  
REVERSING IN PART**  
ALL SITTING. ALL CONCUR.

[2011-SC-000326-WC](#)  
**TO BE PUBLISHED**

FROM COURT  
OF APPEALS

**Questions Presented:**

Workers' Compensation. Whether the parties' settlement agreement barred a future TTD claim; whether the employer's defense to a motion to compel payment for post-settlement surgery was unreasonable and warranted sanctions because the employer failed to file a timely medical dispute and motion to reopen after refusing to pre-authorize the surgery.

30. WILLIAM DUSTIN GOLDSMITH V. COMMONWEALTH OF KENTUCKY  
**OPINION OF THE COURT BY  
JUSTICE NOBLE –  
AFFIRMING IN PART, REVERSING IN  
PART, AND REMANDING**  
ALL SITTING. ALL CONCUR.

[2009-SC-000768-DG](#)  
**TO BE PUBLISHED**

HICKMAN

**Questions Presented:**

Criminal Law. Probation Revocation. Issues relate to the probation revocation process and the length of sentence imposed, specifically three consecutive five-year terms for Class D felonies, to be served consecutively with similar terms in a neighboring county.

31. JOHNNY SMITH V. COMMONWEALTH OF KENTUCKY  
**OPINION OF THE COURT BY  
JUSTICE SCOTT –  
AFFIRMING IN PART AND  
REVERSING AND REMANING  
IN PART**  
ALL SITTING. ALL CONCUR.

[2011-SC-000144-MR](#)  
**TO BE PUBLISHED**

GREENUP

**Questions Presented:**

First-degree robbery, unauthorized use of a motor vehicle and PFO II - 30 years. Speedy Trial Analysis. Trial court properly granted Commonwealth's motion for a continuance in order to perform DNA testing. Eyewitness testimony was sufficient to defeat a motion for directed verdict. Trial court's imposition of court costs remanded for findings, as set out in *Maynes v. Commonwealth*, Case No. 2010-SC-000681-DG. Language of the restitution order was specific and was enforceable.

SUPREME COURT OF KENTUCKY

MARCH 22, 2012 MINUTES

RELEASED: 10:00 A.M.

32. ROBERT DWAYNE SMITH V. [2011-SC-000285-MR](#) JEFFERSON  
COMMONWEALTH OF KENTUCKY  
**TO BE PUBLISHED**

**OPINION OF THE COURT BY  
JUSTICE VENTERS –  
AFFIRMING IN PART AND  
VACATING AND REMANDING  
IN PART  
ALL SITTING. ALL CONCUR.**

**Questions Presented:**  
First-degree robbery and PFO I – 32 years. While the first-degree robbery instruction did include a theory unsupported by the record, because there is no possibility that any juror voted to convict the defendant under the unsupported theory, the error was harmless. Case remanded for entry of a new judgment excluding surplus provision.

33. STEPHEN DRIVER V. [2009-SC-000639-DG](#) MARSHALL  
COMMONWEALTH OF KENTUCKY  
**TO BE PUBLISHED**

**OPINION OF THE COURT BY  
JUSTICE VENTERS –  
REVERSING AND REMANDING  
MINTON, C.J., ABRAMSON,  
CUNNINGHAM AND NOBLE, JJ.,  
CONCUR. SCHRODER, J., CONCURS  
IN PART AND DISSENTS IN PART,  
AGREEING WITH THE MAJORITY  
THAT THE ADMISSION OF EVIDENCE  
OF PRIOR BAD ACTS RELATING TO  
APPELLANT’S EX-WIFE WAS ERROR,  
BUT, BELIEVING THAT THE ERROR  
WAS HARMLESS IN LIGHT OF THE  
EVIDENCE OF VERA’S INJURIES,  
WOULD AFFIRM THE CONVICTION.  
SCOTT, J., CONCURS IN RESULT  
ONLY BY SEPARATE OPINION.**

**Questions Presented:**  
First-degree assault-15 years. KRE 404(b). Because the evidence of prior bad acts committed by the defendant against his ex-wife were inadmissible and the error may have swayed the verdict, the assault conviction is reversed and remanded for a new trial. Prior bad acts committed against the victim were properly admissible. Evidence presented did not support an EED instruction. Upon retrial, prosecutor’s comments in closing argument should be limited.

34. JANE COLLEEN YOUNGER V. [2009-SC-000814-DG](#) JEFFERSON  
EVERGREEN GROUP, INC.,  
UNIVERSITY MEDICAL CENTER, INC.,  
WEHR CONSTRUCTORS, INC.  
**TO BE PUBLISHED**

**OPINION OF THE COURT BY  
JUSTICE CUNNINGHAM –  
REVERSING AND REMANDING  
ALL SITTING. ALL CONCUR.**

**Questions Presented:**  
Appeals. Civil Procedure. Issues include whether the trial court’s grant of CR 60.02 relief may be overturned by appellate court in a ruling that dismisses the appeal as untimely.

SUPREME COURT OF KENTUCKY

MARCH 22, 2012 MINUTES

RELEASED: 10:00 A.M.

35. MICHAEL KNOX V. COMMONWEALTH OF KENTUCKY  
**OPINION OF THE COURT BY JUSTICE VENTERS – REVERSING AND REMANDING**  
MINTON, C.J., ABRAMSON, NOBLE, SCHRODER AND SCOTT, JJ., CONCUR. CUNNINGHAM, J., DISSENTS BY SEPARATE OPINION.
- [2010-SC-000816-MR](#) JEFFERSON  
**TO BE PUBLISHED**
- Questions Presented:**  
Eight counts of second-degree robbery-20 years. Hammer Clause. While the Court did not lay down a rule barring hammer clauses from plea agreements, it held that a judge's commitment to impose a sentence based upon a defendant's breach of a hammer clause condition in a guilty plea, coupled with the imposition of that sentence without proper consideration of the other relevant factors, is an abuse of judicial discretion.
36. ADRIAN A. OLIVER V. COMMONWEALTH OF KENTUCKY  
**MEMORANDUM OPINION OF THE COURT – AFFIRMING**  
ALL SITTING. ALL CONCUR.
- [2010-SC-000667-MR](#) MEADE  
**NOT TO BE PUBLISHED**
37. ALLEN SHANE BEASLEY V. COMMONWEALTH OF KENTUCKY  
**MEMORANDUM OPINION OF THE COURT – AFFIRMING**  
MINTON, C.J.; ABRAMSON, CUNNINGHAM, NOBLE, SCOTT, AND VENTERS, JJ., CONCUR. SCHRODER, J., CONCURS IN PART AND DISSENTS IN PART BY SEPARATE OPINION.
- [2011-SC-000129-MR](#) MCCracken  
**NOT TO BE PUBLISHED**
38. BRUCE WAYNE VINCENT V. COMMONWEALTH OF KENTUCKY  
**MEMORANDUM OPINION OF THE COURT – AFFIRMING**  
ALL SITTING. ALL CONCUR.
- [2011-SC-000196-MR](#) HARDIN  
**NOT TO BE PUBLISHED**

SUPREME COURT OF KENTUCKY

MARCH 22, 2012 MINUTES

RELEASED: 10:00 A.M.

39. DANIEL GRUBB V. [2010-SC-000792-MR](#) KNOX  
COMMONWEALTH OF KENTUCKY **NOT TO BE PUBLISHED**  
**MEMORANDUM OPINION OF**  
**THE COURT – AFFIRMING IN PART**  
**AND REVERSING IN PART**  
ALL SITTING. ALL CONCUR.
40. GARRETT CALLAHAN V. [2009-SC-000406-MR](#) CLARK  
COMMONWEALTH OF KENTUCKY **NOT TO BE PUBLISHED**  
**MEMORANDUM OPINION OF**  
**THE COURT – REVERSING AND**  
**REMANDING**  
ALL SITTING. ALL CONCUR.  
VENTERS, J., ALSO CONCURS BY  
SEPARATE OPINION, IN WHICH  
SCHRODER AND SCOTT, JJ., JOIN.
41. RICHARD GABBARD V. [2010-SC-000764-MR](#) ESTILL  
COMMONWEALTH OF KENTUCKY **NOT TO BE PUBLISHED**  
**MEMORANDUM OPINION OF**  
**THE COURT – REVERSING AND**  
**REMANDING**  
MINTON, C.J.; ABRAMSON,  
CUNNINGHAM, NOBLE, SCHRODER,  
AND VENTERS, JJ., CONCUR. SCOTT,  
J., DISSENTS AND STATES: I WOULD  
AFFIRM THE JUDGMENT OF THE  
TRIAL COURT FOR TWO REASONS.  
FIRST, THE EVIDENCE REGARDING  
THE FURBY INCIDENT WAS HIGHLY  
PROBATIVE AGAINST APPELLANT'S  
DEFENSE THAT THE SHOOTING WAS  
AN INNOCENT ACCIDENT, AND THUS  
ITS PROBATIVE VALUE OUTWEIGHED  
ANY PREJUDICIAL EFFECT. SECOND,  
THE TRIAL COURT'S ERROR IN  
ADMITTING EVIDENCE REGARDING  
THE STATUTORY PRESUMPTION OF  
INTOXICATION WAS HARMLESS GIVEN  
THE REMAINDER OF DR. SCHOTT'S  
TESTIMONY THAT APPELLANT WAS  
IMPAIRED.

**SUPREME COURT OF KENTUCKY**

**MARCH 22, 2012 MINUTES**

**RELEASED: 10:00 A.M.**

**OPINIONS AND ORDERS – MARCH 22, 2012**

KENTUCKY BAR ASSOCIATION V.  
REBECCA C. GEE

[2011-SC-000771-KB](#)  
**TO BE PUBLISHED**

IN SUPREME  
COURT

**ORDER SUSPENDED RESPONDENT FROM  
THE PRACTICE OF LAW FOR 61 DAYS.**

MINTON, C.J.; ABRAMSON, CUNNINGHAM,  
NOBLE, SCHRODER AND VENTERS, JJ.,  
CONCUR. SCOTT, J., DISSENTS.

**OPINIONS AND ORDERS – MARCH 22, 2012**

RUSSEL W. BURGIN V.  
KENTUCKY BAR ASSOCIATION

[2011-SC-000778-KB](#)  
**TO BE PUBLISHED**

IN SUPREME  
COURT

**ORDER SUSPENDED MOVANT FROM  
THE PRACTICE OF LAW FOR 30 DAYS  
PROBATED FOR ONE YEAR WITH  
CONDITIONS.**

ALL SITTING. ALL CONCUR.

MARC ASHLEY BRYANT V.  
KENTUCKY BAR ASSOCIATION  
**ORDER SUSPENDED MOVANT FROM  
THE PRACTICE OF LAW FOR 45 DAYS.**

[2012-SC-000023-KB](#)  
**TO BE PUBLISHED**

IN SUPREME  
COURT

ALL SITTING. ALL CONCUR.

IN RE: GRAHAM THOMAS MARKS  
**ORDER DENIED MOTION FOR REVIEW AND  
ALTERNATIVE PETITION FOR WAIVER**

2012-SC-000076-CF

IN SUPREME  
COURT

ALL SITTING. ALL CONCUR.

**COURT ORDERS GRANTING MOTION FOR DISCRETIONARY REVIEW –  
MARCH 14, 2012**

COMMONWEALTH OF KENTUCKY V.  
JIMMIE HAWKINS, SR.

2011-SC-000159-DG

ANDERSON

COMMONWEALTH OF KENTUCKY V.  
FRANK D. HAMILTON, ET AL.

2011-SC-000227-DG

KNOX

**SUPREME COURT OF KENTUCKY**

**MARCH 22, 2012 MINUTES**

**RELEASED: 10:00 A.M.**

**COURT ORDERS GRANTING MOTION FOR DISCRETIONARY REVIEW –  
MARCH 14, 2012**

TONY C. TAYLOR V. KENTUCKY UNEMPLOYMENT INSURANCE COMMISSION AND RIVER METALS RECYCLING, LLC.	2011-SC-000346-DG	HENDERSON
COMMONWEALTH OF KENTUCKY V. VITTORIO ORLANDO MARTIN	2011-SC-000616-DG	FAYETTE
FORT MITCHELL COUNTRY CLUB V. TIMOTHY LAMARRE; THERESE LAMARRE; NATHAN LAMARRE; AND NICOLE LAMARRE	2011-SC-000665-DG	KENTON
MICHELLE L. WALKER V. DONNA S. BLAIR	2012-SC-000004-DGE	JEFFERSON

**COURT ORDERS DENYING MOTION FOR DISCRETIONARY REVIEW –  
MARCH 14, 2012**

FORREST ALAN MOSELEY V. HAILEY M. NORRIS	2011-SC-000160-D	DAVISS
KENTUCKY EMPLOYERS' MUTUAL INSURANCE V. NOVATION CAPITAL LLC, AND JEFFREY K. TAYLOR <b>THE OPINION OF THE COURT OF APPEALS IS ORDERED TO BE PUBLISHED.</b>	2011-SC-000171-D	ROCKCASTLE
JAMES WINEBRENNER V. CITY OF INDEPENDENCE	2011-SC-000177-D	KENTON
COMMONWEALTH OF KENTUCKY V. GARRY MCCLAIN, SR. <b>THE OPINION OF THE COURT OF APPEALS IS ORDERED NOT TO BE PUBLISHED.</b>	2011-SC-000186-D	MASON



SUPREME COURT OF KENTUCKY

MARCH 22, 2012 MINUTES

RELEASED: 10:00 A.M.

**COURT ORDERS DENYING MOTION FOR DISCRETIONARY REVIEW –  
MARCH 14, 2012**

FORTUNE WILLIAMS V. COMMONWEALTH OF KENTUCKY	2011-SC-000216-D	LEWIS
JEFFREY DIXON, JR. V. TERRY CARL	2011-SC-000219-D	KENTON
LEROME BRANTLEY V. COMMONWEALTH OF KENTUCKY	2011-SC-000221-D	JEFFERSON
JOHN BIANCHI, ET AL. V. CITY OF HARLAN, ET AL.	2011-SC-000263-D	HARLAN
SHELIA COLLINS, REX COLLINS AND DERRICK BLAINE COLLINS V.	2011-SC-000269-D	CARTER
RHONDA F. GRIFFITH, BILLY E. GRIFFITH AND HARRY NEIL GLANCY		
FIFTH THIRD BANK V. PNC BANK, NATIONAL ASSOCIATION	2011-SC-000282-D	JEFFERSON
MIDWEST STEEL, INC., AND EAST IOWA DECK SUPPORT, INC. V. KENTUCKY LABOR CABINET, F/K/A DEPARTMENT OF LABOR, AND KENTUCKY OCCUPATIONAL SAFETY & HEALTH REVIEW COMMISSION	2011-SC-000296-D	FRANKLIN
KENNETH WHITE V. COMMONWEALTH OF KENTUCKY <b>VENTERS, J., NOT SITTING.</b>	2011-SC-000302-D	PULASKI
ADA BALDWIN (ADMINISTRATRIX OF THE ESTATE OF HATTIE MAE ROSE) V. LAWYERS MUTUAL INSURANCE COMPANY OF KENTUCKY	2011-SC-000303-D	JEFFERSON

SUPREME COURT OF KENTUCKY

MARCH 22, 2012 MINUTES

RELEASED: 10:00 A.M.

**COURT ORDERS DENYING MOTION FOR DISCRETIONARY REVIEW –  
MARCH 14, 2012**

TOMMY JAKE MAY V. JAMES MICHAEL MAY, ET AL. <b>SCOTT, J., NOT SITTING.</b>	2011-SC-000324-D	PIKE
BURNICE W. STEELE, ET AL. V. CALVIN CUMMINGS, ET AL.	2011-SC-000339-D	PERRY
SHAWNA ROSS V. JOHN E. HARPRING, M.D . AND NEUROSURGICAL INSTITUTE OF KENTUCKY, PSC	2011-SC-000341-D	JEFFERSON
GARY MARTIN V. STEPHEN O'DANIEL	2011-SC-000342-D	FRANKLIN
BOBBY MOTLEY AND MIKE SAPP V. STEPHEN O'DANIEL	2011-SC-000344-D	FRANKLIN
BILLY MELTON V. COMMONWEALTH OF KENTUCKY	2011-SC-000355-D	MONROE
SHARI BENNETT V. COMMONWEALTH OF KENTUCKY, PERSONNEL BOARD, AND COMMONWEALTH OF KENTUCKY, JOHN P. HAMM APPOINTING AUTHORITY	2011-SC-000369-D	FRANKLIN
RIVER RUN FARM, LLC, ET AL. V. ROBERT STORM, ET AL. <b>THE OPINION OF THE COURT OF APPEALS IS ORDERED NOT TO BE PUBLISHED.</b>	2011-SC-000372-D	LAUREL
COMMONWEALTH OF KENTUCKY V. RODNEY LEE BECKHAM	2011-SC-000373-D	BOONE
JUSTIN HALL V. COMMONWEALTH OF KENTUCKY	2011-SC-000387-D	MCCRACKEN

**SUPREME COURT OF KENTUCKY**

**MARCH 22, 2012 MINUTES**

**RELEASED: 10:00 A.M.**

**COURT ORDERS DENYING MOTION FOR DISCRETIONARY REVIEW –  
MARCH 14, 2012**

GARLOCK SEALING TECHNOLOGIES, LLC V. DELORES ANN ROBERTSON, BOTH INDIVIDUALLY AND IN HER CAPACITY AS EXECUTRIX OF THE ESTATE OF THOMAS E. ROBERTSON	2011-SC-000525-D	JEFFERSON
TOMMY CORBIN V. COMMONWEALTH OF KENTUCKY	2011-SC-000618-D	HARLAN
RONNIE KEEYS V. GREG KEEYS, ET AL.	2011-SC-000639-D	ROWAN
J.E.M V. CABINET FOR HEALTH AND FAMILY SERVICES FOR THE COMMONWEALTH OF KENTUCKY, C.T.S. AND N.B.S.	2011-SC-000663-DE	WARREN
RONALD EDWARDS V. JORDAN GRUVER <b>THE OPINION OF THE COURT OF APPEALS IS ORDERED NOT TO BE PUBLISHED.</b>	2011-SC-000710-D	MEADE
KAREN WITHAM (AS EXECUTRIX OF THE ESTATE OF TIM WITHAM), ET AL. V. PETRO ENERGY, INC., ET AL.	2011-SC-000716-D	CLINTON
J.D.A. V. COMMONWEALTH OF KENTUCKY, CABINET FOR HEALTH AND FAMILY SERVICES	2011-SC-000718-DE	DAVISS
RAMAZANI AMURI V. COMMONWEALTH OF KENTUCKY	2011-SC-000724-D	FAYETTE

**SUPREME COURT OF KENTUCKY**

**MARCH 22, 2012 MINUTES**

**RELEASED: 10:00 A.M.**

**COURT ORDERS DENYING MOTION FOR DISCRETIONARY REVIEW –  
MARCH 15, 2012**

JOYCE GIVENS V. 2011-SC-000343-D FAYETTE  
COMMONWEALTH OF KENTUCKY, CABINET  
FOR HEALTH AND FAMILY SERVICES

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

REYES VELASQUEZ V. 2012-SC-000022-D FAYETTE  
COMMONWEALTH OF KENTUCKY  
ENTERED: FEBRUARY 21, 2012

**COURT ORDERS DENYING MOTION TO TRANSFER – MARCH 22, 2012**

ELAINE MATTHEWS V. 2011-SC-000761-T BULLITT  
ISAAC W. BERNHEIM FOUNDATION, ET AL.

**COURT ORDERS DENYING PETITION FOR REHEARING – MARCH 22, 2012**

UNIVERSITY MEDICAL CENTER, INC., 2009-SC-000289-DG JEFFERSON  
D/B/A UNIVERSITY OF LOUISVILLE  
HOSPITAL V. 2009-SC-000839-DG  
TO BE PUBLISHED  
MICHAEL G. BEGLIN, INDIVIDUALLY;  
AND MICHAEL G. BEGLIN AS EXECUTOR  
OF THE ESTATE OF JENNIFER W. BEGLIN,  
ET AL.  
MINTON, C.J.; ABRAMSON, CUNNINGHAM,  
NOBLE, SCHRODER AND VENTERS, JJ.,  
CONCUR. SCOTT, J., WOULD GRANT.

**COURT ORDERS DISMISSING**

JACK WILBUR RICHENDOLLAR V. 2004-SC-001008-KB IN SUPREME  
KENTUCKY BAR ASSOCIATION COURT  
ENTERED: FEBRUARY 22, 2012

BRANFORD DUVEEN BROWN V. 2009-SC-000286-KB IN SUPREME  
KENTUCKY BAR ASSOCIATION COURT  
ENTERED: FEBRUARY 22, 2012

**SUPREME COURT OF KENTUCKY**

**MARCH 22, 2012 MINUTES**

**RELEASED: 10:00 A.M.**

**COURT ORDERS DISMISSING**

SCHILLER, OSBOURN, BARNES & MALONEY, 2011-SC-000669-MR TODD  
PLLC; AND COUNTRYWAY INSURANCE  
COMPANY V.  
TYLER L. GILL, JUDGE, TODD CIRCUIT  
COURT AND MARGUERITE OAKES  
**ORDER GRANTED APPELLANT'S MOTION  
TO DISMISS THE APPEAL.**  
ENTERED: FEBRUARY 28, 2012

ZURICH SPECIALTIES LONDON LIMITED V. 2011-SC-000674-MR PERRY  
HON WILLIAM ENGLE, III,  
PERRY CIRCUIT COURT, ET AL.  
**ORDER GRANTED APPELLANT'S MOTION  
TO WITHDRAW THE APPEAL.**  
ENTERED: FEBRUARY 20, 2012

CAROL CORNISH V. 2012-SC-000001-MR ANDERSON  
COMMONWEALTH OF KENTUCKY  
**ORDER GRANTED RESPONDENT'S MOTION  
TO DISMISS THE MOTION FOR  
DISCRETIONARY REVIEW.**  
ENTERED: FEBRUARY 17, 2012

**COURT ORDERS**

PETER BARD V. 2010-SC-000283-DG JEFFERSON  
COMMONWEALTH OF KENTUCKY  
**ORDER CORRECTED OPINION  
ENTERED OCTOBER 27, 2011, AND  
SUBSTITUTED PAGES 1, 3, AND 10.**  
ENTERED: MARCH 16, 2012

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

REBECCA LYNN OLSZEWSKI V. 2012-SC-000115-KB IN SUPREME  
KENTUCKY BAR ASSOCIATION COURT  
**ENTERED: FEBRUARY 27, 2012**

**SUPREME COURT OF KENTUCKY**

**MARCH 22, 2012 MINUTES**

**RELEASED: 10:00 A.M.**

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

**ROBERT ALAN STEINBERG V.  
KENTUCKY BAR ASSOCIATION  
ENTERED: MARCH 8, 2012**

**2012-SC-000151-KB**

**IN SUPREME  
COURT**