

SUPREME COURT OF KENTUCKY

APRIL 26, 2012 MINUTES

RELEASED: 10:00 A.M.

42. **FREDERICK DAVIS V.
COMMONWEALTH OF KENTUCKY
OPINION OF THE COURT BY
CHIEF JUSTICE MINTON –
AFFIRMING
ALL SITTING. ALL CONCUR.**

[2010-SC-000108-MR](#)
TO BE PUBLISHED

KENTON

Questions Presented:
First-degree manslaughter and first-degree attempted manslaughter-30 year sentence. Trial court did not abuse its discretion by empanelling a new jury, before entering a final judgment of conviction, to decide the limited issue of whether to run the defendant's sentences concurrently or consecutively, in whole or in part. Trial court appropriately offered to play the entire guilt phase of the trial for the jury when the parties failed to provide a summary of the evidence.

43. **CHARLES L. WILSON, JR. V.
CITY OF CENTRAL CITY, KENTUCKY
OPINION OF THE COURT BY
JUSTICE SCOTT -
AFFIRMING
ALL SITTING. ALL CONCUR.**

[2010-SC-000394-DG](#)
TO BE PUBLISHED

MUHLENBERG

Questions Presented:
"Whistleblower Act, KRS 61.102. Issues include whether municipalities and their employees are subject to the provisions of the Whistleblower Act.

44. **KENNETH MALONE V.
COMMONWEALTH OF KENTUCKY
OPINION OF THE COURT BY
JUSTICE ABRAMSON –
AFFIRMING
ALL SITTING. ALL CONCUR.**

[2010-SC-000491-MR](#)
TO BE PUBLISHED

JEFFERSON

Questions Presented:
Murder-32 year sentence. Trial court did not err by denying the motion for directed verdict or by instructing the jury on alternative theories of murder. Defendant was not denied his right to present a complete defense or his right to be present when the court responded to the deliberating jury's request for additional information.

SUPREME COURT OF KENTUCKY

APRIL 26, 2012 MINUTES

RELEASED: 10:00 A.M.

45. RAYMOND CLUTTER V.
COMMONWEALTH OF KENTUCKY
**OPINION OF THE COURT BY
JUSTICE ABRAMSON –
AFFIRMING**
ALL SITTING. ALL CONCUR.

[2010-SC-000630-MR](#)
TO BE PUBLISHED

BOONE

Questions Presented:

Murder, tampering with physical evidence and PFO I-Life imprisonment. Pre-trial discussions with a law enforcement agent were not inadmissible “plea discussions” under KRE 410(4), as the statements were not made “with an attorney for the prosecuting authority.”

46. SIDNEY COAL COMPANY, INC. V.
PAUL KIRK; HONORABLE LAWRENCE
F. SMITH, ADMINISTRATIVE LAW
JUDGE; AND WORKERS’
COMPENSATION BOARD
**OPINION OF THE COURT
AFFIRMING**
ALL SITTING. ALL CONCUR.

[2011-SC-000175-WC](#)
TO BE PUBLISHED

FROM COURT
OF APPEALS

Questions Presented:

Workers’ Compensation. Whether the Workers’ Compensation Board exceeded its authority under KRS 342.285(2)(c) by reversing an award *sua sponte* and remanding the claim with directions to correct a patent legal error with respect to the maximum weekly benefit allowed by KRS 342.730(1)(d).

SUPREME COURT OF KENTUCKY

APRIL 26, 2012 MINUTES

RELEASED: 10:00 A.M.

47. COMMONWEALTH OF KENTUCKY, ENERGY AND ENVIRONMENT CABINET **V.** HONORABLE PHILLIP J. SHEPHERD, JUDGE, FRANKLIN CIRCUIT COURT, FRASURE CREEK MINING, LLC; ICG HAZARD, LLC; ICG KNOTT COUNTY, LLC; ICG EAST KENTUCKY, LLC; AND POWELL MOUNTAIN ENERGY, LLC AND APPALACHIAN VOICES, INC., ET AL. **AND** FRASURE CREEK MINING, LLC **V.** HONORABLE PHILLIP J. SHEPHERD, JUDGE, FRANKLIN CIRCUIT COURT; COMMONWEALTH OF KENTUCKY, ENERGY AND ENVIRONMENT CABINET; ICG HAZARD, LLC; ICG KNOTT COUNTY, LLC; ICG EAST KENTUCKY, LLC; AND POWELL MOUNTAIN ENERGY, LLC **OPINION OF THE COURT BY JUSTICE ABRAMSON - AFFIRMING**
ALL SITTING. ALL CONCUR.
- [2011-SC-000482-MR](#)
TO BE PUBLISHED
- FROM COURT OF APPEALS
- [2011-SC-000485-MR](#)
TO BE PUBLISHED
- FROM COURT OF APPEALS
- Questions Presented:**
Denial of writs of mandamus and prohibition affirmed. Citizens permitted to intervene in agency's enforcement action to give them an opportunity to comment upon the proposed consent judgment.

SUPREME COURT OF KENTUCKY

APRIL 26, 2012 MINUTES

RELEASED: 10:00 A.M.

48. LEGISLATIVE RESEARCH [2012-SC-000091-TG](#) FRANKLIN
COMMISSION V. [2012-SC-000092-TG](#)
JOSEPH M. FISCHER; JEFF HOOVER; **TO BE PUBLISHED**

KIM KING; FREY TODD; ANTHONY
GAYDOS; ALISON LUNDERGAN
GRIMES, IN HER OFFICIAL CAPACITY
AS KENTUCKY SECRETARY OF STATE;
KENTUCKY STATE BOARD OF
ELECTIONS; MARYELLEN ALLEN, IN
HER OFFICIAL CAPACITY AS INTERIM
ACTING EXECUTIVE DIRECTOR OF
THE KENTUCKY STATE BOARD OF
ELECTIONS; DAVID B. STEVENS, M.D.;
DAVID O'NEILL; JACK STEPHENSON;
MARCUS MCGRAW; AND KATHY STEIN

OPINION OF THE COURT BY

CHIEF JUSTICE MINTON -

AFFIRMING

MINTON, C.J., ABRAMSON,
CUNNINGHAM, NOBLE, SCHRODER,
AND VENTERS, JJ., SITTING.
CUNNINGHAM, NOBLE, SCHRODER,
AND VENTERS, JJ., CONCUR.
ABRAMSON, J., CONCURS WITH
STATEMENT.
SCOTT, J., NOT SITTING.

Questions Presented:

House Bill 1 violates Section 33 of the Kentucky Constitution in two ways: (1) it fails to achieve sufficient population equality and (2) it fails to preserve county integrity. Trial court's decision affirmed and case remanded to the trial court to enjoin permanently the conduct of any election under the district boundaries of House Bill 1.

SUPREME COURT OF KENTUCKY

APRIL 26, 2012 MINUTES

RELEASED: 10:00 A.M.

49. DERRYL D. BLANE V.
COMMONWEALTH OF KENTUCKY
**OPINION OF THE COURT BY
JUSTICE SCOTT –
AFFIRMING IN PART, REVERSING
AND VACATING IN PART, AND
REMANDING.**
ALL SITTING. ALL CONCUR.

[2010-SC-000713-MR](#)
TO BE PUBLISHED

CHRISTIAN

Questions Presented:

Two counts of first-degree trafficking in a controlled substance; trafficking in marijuana, 8 ounces or more; possession of drug paraphernalia, second or subsequent offense; and PFO 1-30 year sentence. RCr 6.16. Trial court may not permit the amendment of an indictment after it grants a directed verdict on a count. Introduction of the original charges of defendant's prior convictions constituted palpable error in that it affected a substantial right to due process, resulting in a manifest injustice. RCr 10.26. Erroneous PFO instruction as to Count 1 of the indictment constituted palpable error; maximum allowable sentence under KRS 532.110(1)(e) is twenty years. PFO conviction vacated and remanded.

50. D.G.R.; AND T.B.H. V.
COMMONWEALTH OF KENTUCKY,
CABINET FOR HEALTH AND FAMILY
SERVICES
**OPINION OF THE COURT BY
JUSTICE NOBLE –
REVERSING**
MINTON, C.J.; ABRAMSON AND
VENTERS, JJ., CONCUR. SCHRODER,
J., DISSENTS BY SEPARATE
OPINION IN WHICH SCOTT, J., JOINS.
CUNNINGHAM, J., NOT SITTING.

[2010-SC-000100-DGE](#)
TO BE PUBLISHED

CALDWELL

Questions Presented:

Termination of Parental Rights. Evidentiary Sufficiency. In a case in which the circuit court denied termination of parental rights, did clear and convincing evidence require the opposite result?

SUPREME COURT OF KENTUCKY

APRIL 26, 2012 MINUTES

RELEASED: 10:00 A.M.

51. COMMONWEALTH OF KENTUCKY, UNINSURED EMPLOYERS' FUND V. JESSIE ROGERS D/B/A QUALITY EXTERIORS; WILLIAM WILLIS BALLARD; HONORABLE EDWARD D. HAYS, ADMINISTRATIVE LAW JUDGE; AND WORKERS' COMPENSATION BOARD
OPINION OF THE COURT REVERSING
ALL SITTING. ALL CONCUR.
- [2011-SC-000335-WC](#) FROM COURT OF APPEALS
TO BE PUBLISHED
- Questions Presented:**
Workers' Compensation. Whether, having found that the record contained insufficient evidence to determine the claimant's average weekly wage, the Workers' Compensation Board exceeded its authority under KRS 342.285(2)(c) by remanding the claim with instructions to permit the parties to submit additional proof and then reconsider the matter.
52. HOLLIS DESHAUN KING V. COMMONWEALTH OF KENTUCKY
OPINION OF THE COURT BY JUSTICE SCHRODER – REVERSING AND REMANDING
MINTON, C.J.; NOBLE, AND VENTERS, JJ., CONCUR. ABRAMSON, J., CONCURS IN RESULT ONLY WITHOUT SEPARATE OPINION. CUNNINGHAM, J., DISSENTS SIMPLY BECAUSE HE BELIEVES THE OFFICERS INVOLVED WERE ACTING UNDER EXIGENT CIRCUMSTANCES. SCOTT, J., JOINS.
- [2008-SC-000274-DG](#) FAYETTE
TO BE PUBLISHED
- Questions Presented:**
Exigent circumstances did not exist when the police made a warrantless entry into an apartment occupied by the defendant. The trial court's denial of the motion to suppress is reversed and the judgment is reversed.
53. JOSEPH A. SINGLETON V. COMMONWEALTH OF KENTUCKY
OPINION OF THE COURT BY JUSTICE VENTERS – REVERSING AND REMANDING
ALL SITTING. ALL CONCUR.
- [2010-SC-000078-DG](#) CASEY
TO BE PUBLISHED
- Questions Presented:**
Criminal Law. Search and Seizure. Vehicle Checkpoint. Issues include the constitutionality of vehicle checkpoint established to check compliance with city ordinance that required all residents of the city and all those working in the city to display a sticker on their vehicles.

SUPREME COURT OF KENTUCKY

APRIL 26, 2012 MINUTES

RELEASED: 10:00 A.M.

54. COMMONWEALTH OF KENTUCKY V. [2010-SC-000343-DG](#) PULASKI
PATRICK O'CONNOR
TO BE PUBLISHED

**OPINION OF THE COURT BY
JUSTICE CUNNINGHAM –
REVERSING AND REMANDING**
MINTON, C.J.; ABRAMSON, NOBLE,
SCHRODER AND VENTERS, JJ.,
CONCUR. SCOTT, J., DISSENTS BY
SEPARATE OPINION.

Questions Presented:
Criminal law. First-Degree Criminal Abuse.
The issue is whether the Commonwealth
presented sufficient evidence to support a
verdict for intentional abuse where the
defendant argued the acts toward the
children were the result of poverty and poor
parenting skills.

55. CONNIE HANCOCK, FLOYD COUNTY [2010-SC-000376-DG](#) FLOYD
PROPERTY VALUATION
ADMINISTRATOR, ET AL. V. **TO BE PUBLISHED**

PRESTONBURG INDUSTRIAL
CORPORATION, ET AL.
**OPINION OF THE COURT BY
JUSTICE SCHRODER –
REVERSING AND REMANDING**
MINTON, C.J.; ABRAMSON,
CUNNINGHAM, NOBLE, AND
VENTERS, JJ., CONCUR. SCOTT, J.,
DISSENTS BY SEPARATE OPINION.

Questions Presented:
Charitable Organizations. Tax Exemptions.
The issue is whether Prestonsburg
Industrial Corporation (“PIC”) is a
charitable organization under Kentucky
Constitution § 170 and thus exempt from
ad valorem taxes.

56. MICHAEL MITCHELL V. [2010-SC-000762-TG](#) FAYETTE
UNIVERSITY OF KENTUCKY, ET AL. **TO BE PUBLISHED**

**OPINION OF THE COURT BY
JUSTICE SCHRODER -
REVERSING AND REMANDING**
CUNNINGHAM, NOBLE, AND
VENTERS, JJ., CONCUR.
SCOTT, J., CONCURS IN RESULT
ONLY WITHOUT SEPARATE
OPINION. ABRAMSON, J., CONCURS
IN RESULT ONLY BY SEPARATE
OPINION IN WHICH MINTON, C.J.,
JOINS.

Questions Presented:
Wrongful termination. KRS 527.020(8).
Validity of termination from employment for
violation of University policy, by storing a
gun in a glove compartment of a car parked
in a campus parking lot. Case reversed
and remanded for further proceedings.

SUPREME COURT OF KENTUCKY

APRIL 26, 2012 MINUTES

RELEASED: 10:00 A.M.

57. PATRICIA BUSTER V.
COMMONWEALTH OF KENTUCKY
**OPINION OF THE COURT BY
JUSTICE NOBLE –
VACATING AND REMANDING.**
ALL SITTING. ALL CONCUR.

[2011-SC-000002-MR](#)
[2011-SC-000005-MR](#)
TO BE PUBLISHED

HART

Questions Presented:

Conditional guilty plea to four counts of complicity to first-degree rape. Trial court's denial of the motion to suppress is reversed because the defendant did not voluntarily waive her Miranda rights before giving a written confession. Conviction is vacated and remanded for withdrawal of guilty plea and further proceedings.

58. JOHN CARLOS COMBS V.
HONORABLE JOHN DAVID CAUDILL
(SPECIAL JUDGE - PERRY CIRCUIT
COURT) AND COMMONWEALTH OF
KENTUCKY
**MEMORANDUM OPINION OF
THE COURT – AFFIRMING**
ALL SITTING. ALL CONCUR.

[2011-SC-000386-MR](#)
NOT TO BE PUBLISHED

FROM COURT
OF APPEALS

59. TIFFANY MOREFIELD V.
HONORABLE JEFFREY M. WALSON,
JUDGE, CLARK FAMILY COURT; AND
BRIAN N. THOMAS, CLARK COUNTY
ATTORNEY
**MEMORANDUM OPINION OF
THE COURT – AFFIRMING**
ALL SITTING. ALL CONCUR.

[2011-SC-000752-MR](#)
NOT TO BE PUBLISHED

CLARK

SUPREME COURT OF KENTUCKY

APRIL 26, 2012 MINUTES

RELEASED: 10:00 A.M.

60. TERRY BUCHANAN V. [2010-SC-000663-MR](#) FLEMING
COMMONWEALTH OF KENTUCKY
**MEMORANDUM OPINION OF
THE COURT – AFFIRMING IN PART
AND REVERSING AND REMANDING
IN PART**
MINTON, C.J.; ABRAMSON,
CUNNINGHAM, NOBLE, AND
VENTERS, JJ., CONCUR. SCOTT, J.,
CONCURS IN PART AND DISSENTS
IN PART BY SEPARATE OPINION IN
WHICH SCHRODER, J., JOINS.
NOT TO BE PUBLISHED
61. DAVID MCKEE V. [2011-SC-000243-MR](#) BREATHITT
COMMONWEALTH OF KENTUCKY
**MEMORANDUM OPINION OF
THE COURT – AFFIRMING IN PART
AND VACATING IN PART**
MINTON, C.J.; ABRAMSON,
CUNNINGHAM, NOBLE, SCHRODER
AND VENTERS, JJ., CONCUR. SCOTT, J.,
CONCURS IN RESULT ONLY.
NOT TO BE PUBLISHED

OPINIONS AND ORDERS – APRIL 18, 2012

COMMONWEALTH OF KENTUCKY V. 2011-SC-000399-D JEFFERSON
JIMMY DALE STAGE
**ORDER GRANTED DISCRETIONARY REVIEW,
VACATED THE COURT OF APPEALS' OPINION
AND REMANDED TO THE COURT OF APPEALS
FOR FURTHER PROCEEDINGS.**
ALL SITTING. ALL CONCUR.

OPINIONS AND ORDERS – APRIL 26, 2012

CHARLES C. MATTINGLY, III V. [2011-SC-000779-KB](#) IN SUPREME
KENTUCKY BAR ASSOCIATION **TO BE PUBLISHED** COURT
ORDER PUBLICLY REPRIMANDED MOVANT.
ALL SITTING. ALL CONCUR.

SUPREME COURT OF KENTUCKY

APRIL 26, 2012 MINUTES

RELEASED: 10:00 A.M.

OPINIONS AND ORDERS – APRIL 26, 2012

KENTUCKY BAR ASSOCIATION V.
ROBERT TRAINOR
**ORDER SUSPENDED RESPONDENT FROM
THE PRACTICE OF LAW FOR 24 MONTHS
WITH CONDITIONS.**
ALL SITTING. ALL CONCUR.

[2012-SC-000010-KB](#)
TO BE PUBLISHED

IN SUPREME
COURT

IN RE: SARA PANIAGUA DE APONTE
ORDER DENYING
ALL SITTING. ALL CONCUR.

[2012-SC-000020-CF](#)
TO BE PUBLISHED

IN SUPREME
COURT

TIMOTHY CRAWFORD V.
KENTUCKY BAR ASSOCIATION
**ORDER SUSPENDED MOVANT FROM
THE PRACTICE OF LAW FOR 61 DAYS
WITH CONDITIONS.**
ALL SITTING. ALL CONCUR.

[2012-SC-000052-KB](#)
TO BE PUBLISHED

IN SUPREME
COURT

DAVID ALAN FRIEDMAN V.
KENTUCKY BAR ASSOCIATION
**ORDER PERMANENTLY DISBARRED
RESPONDENT FROM THE PRACTICE OF
LAW.**
MINTON, C.J.; CUNNINGHAM, SCHRODER,
SCOTT, VENTERS, JJ., J. LARRY CASHEN
AND AMANDA POPE THOMPSON, SPECIAL
JUSTICES, CONCUR. ABRAMSON AND
NOBLE, JJ., NOT SITTING.

[2012-SC-000056-KB](#)
TO BE PUBLISHED

IN SUPREME
COURT

JAMES GREGORY TROUTMAN V.
KENTUCKY BAR ASSOCIATION
**ORDER REINSTATED MOVANT TO
THE PRACTICE OF LAW.**
ALL SITTING. ALL CONCUR.

[2012-SC-000122-KB](#)
TO BE PUBLISHED

IN SUPREME
COURT

CLYDE F. JOHNSON V.
KENTUCKY BAR ASSOCIATION
ORDER PUBLICLY REPRIMANDED MOVANT.
ALL SITTING. ALL CONCUR.

[2012-SC-000170-KB](#)
TO BE PUBLISHED

IN SUPREME
COURT

SUPREME COURT OF KENTUCKY

APRIL 26, 2012 MINUTES

RELEASED: 10:00 A.M.

**COURT ORDERS GRANTING MOTION FOR DISCRETIONARY REVIEW –
APRIL 18, 2012**

LINDA S. GRUBB, ET AL. V. NORTON HOSPITALS, INC., ET AL.	2010-SC-000532-DG	JEFFERSON
HARLIE LEWIS V. COMMONWEALTH OF KENTUCKY	2011-SC-000395-DG	JEFFERSON
COMMONWEALTH OF KENTUCKY V. DANNY LEE OUSLEY	2011-SC-000403-DG	FAYETTE
LINDA KAYE SAMONS, ADMINISTRATRIX OF THE ESTATE OF KENNETH R. CRUM V. KENTUCKY FARM BUREAU MUTUAL INUSRANCE COMPANY	2011-SC-000414-DG	FLOYD
MHC KENWORTH-KNOXVILLE/NASHVILLE V. M&H TRUCKING, LLC, AND MIKE HALL	2011-SC-000441-DG	KNOTT
CITY OF LEBANON, KENTUCKY V. ELINOR B. GOODIN, TRUSTEE OF AND ON BEHALF OF ELINOR B. GOODIN REVOCABLE TRUST, ET AL.	2011-SC-000468-DG	MARION
J P MORGAN CHASE BANK, N.A. V. BLUEGRASS POWERBOATS AND JAMES D. TAYLOR SCOTT, J., NOT SITTING.	2011-SC-000668-DG	JESSAMINE
PAMELA MEYER V. HENRY WEBB, IN HIS OFFICIAL CAPACITY AS SUPERINTENDENT OF THE FLOYD COUNTY SCHOOLS, ET AL.	2012-SC-000113-DG	FLOYD

SUPREME COURT OF KENTUCKY

APRIL 26, 2012 MINUTES

RELEASED: 10:00 A.M.

**COURT ORDERS DENYING MOTION FOR DISCRETIONARY REVIEW –
APRIL 18, 2012**

LYKINS ENTERPRISES, INC., ET AL.V. MAXINE S. FELIX THE OPINION OF THE COURT OF APPEALS IS ORDERED NOT TO BE PUBLISHED.	2011-SC-000224-D	MASON
KIMBERLY BOOKER V. KENTUCKY RETIREMENT SYSTEMS, ET AL.	2011-SC-000268-D	FRANKLIN
SUSAN JACKSON V. COMMONWEALTH OF KENTUCKY AND PAUL JACKSON V. COMMONWEALTH OF KENTUCKY THE OPINION OF THE COURT OF APPEALS IS ORDERED NOT TO BE PUBLISHED.	2011-SC-000280-D 2011-SC-000297-D	LETCHER
CECILIO NAVARO V. STEVE HANEY, ET AL.	2011-SC-000317-D	FRANKLIN
JAMES ANTHONY JAMISON V. COMMONWEALTH OF KENTUCKY	2011-SC-000349-D	JEFFERSON
DAN D. STEWART AND BETSY STEWART V. JOHN C. SLUSHER AND JAMES R. GOLDEN THE OPINION OF THE COURT OF APPEALS IS ORDERED NOT TO BE PUBLISHED.	2011-SC-000351-D	KNOX
GARY WOOLBRIGHT V. COMMONWEALTH OF KENTUCKY	2011-SC-000370-D	BARREN
RICHARD L. WELLS V. COMMONWEALTH OF KENTUCKY	2011-SC-000371-D	JEFFERSON
REESE GARRISON V. COMMONWEALTH OF KENTUCKY THE OPINION OF THE COURT OF APPEALS IS ORDERED NOT TO BE PUBLISHED.	2011-SC-000375-D	HARRISON

SUPREME COURT OF KENTUCKY

APRIL 26, 2012 MINUTES

RELEASED: 10:00 A.M.

**COURT ORDERS DENYING MOTION FOR DISCRETIONARY REVIEW –
APRIL 18, 2012**

COMMONWEALTH OF KENTUCKY, CABINET FOR HEALTH AND FAMILY SERVICES, DEPARTMENT FOR MEDICAID SERVICES V. EPI HEALTHCARE, LLC SCOTT, J., WOULD GRANT. MINTON, C.J., NOT SITTING.	2011-SC-000388-D	FRANKLIN
JACKIE RAY PRYOR V. COMMONWEALTH OF KENTUCKY	2011-SC-000389-D	HENDERSON
BLAIR SONNE, AS EXECUTRIX OF THE ESTATE OF ALLAN SCHMIDT, DECEASED V. COMMUNITY MEDICAL ASSOCIATES, INC. AND H. LYNN SPEEVAK, M.D.	2011-SC-000392-D	JEFFERSON
ESTATE OF JOSEPH COX, BY AND THROUGH ITS ADMINISTRATOR WITH WILL ANNEXED, D. BERRY BAXTER V. SECURA INSURANCE COMPANY AND INSURAMAX	2011-SC-000396-D	HENRY
LAKE CUMBERLAND COMMUNITY ACTION AGENCY V. CMW, INC. AND ALLIANCE CORPORATION	2011-SC-000397-D	PULASKI
DESMOND BARBER V. COMMONWEALTH OF KENTUCKY	2011-SC-000400-D	KENTON
RITCHIE R. REDNOUR, II V. SPANGLER ROOF SERVICES, LLC. THE OPINION OF THE COURT OF APPEALS IS ORDERED NOT TO BE PUBLISHED.	2011-SC-000401-D	CLARK
MICHAEL LUCKY SIZEMORE V. COMMONWEALTH OF KENTUCKY	2011-SC-000412-D	CLAY

SUPREME COURT OF KENTUCKY

APRIL 26, 2012 MINUTES

RELEASED: 10:00 A.M.

**COURT ORDERS DENYING MOTION FOR DISCRETIONARY REVIEW –
APRIL 18, 2012**

CHARLES PENISTON V. COMMONWEALTH OF KENTUCKY, EX REL. SHERY FORD CUNNINGHAM, J., WOULD GRANT.	2011-SC-000413-D	KENTON
VIRGIL EVERSOLE, III AND COURTENAY EVERSOLE V. MARGARET EDWARDS, ET AL. THE OPINION OF THE COURT OF APPEALS IS ORDERED NOT TO BE PUBLISHED.	2011-SC-000421-D	HARLAN
WANDA LEE HUMPHREY, ET AL. V. LOUIS BLACKFORD, ET AL. THE OPINION OF THE COURT OF APPEALS IS ORDERED NOT TO BE PUBLISHED.	2011-SC-000428-D	MCLEAN
ASHLAND HOSPITAL CORP., D/B/A KING'S DAUGHTERS MEDICAL CENTER V. BETH A. THOMPSON, EXECUTRIX OF THE ESTATE OF SAMMY EUGENE THOMPSON, SR.	2011-SC-000451-D	BOYD
SUE BACH V. TERRY GARCIA CREWS, ET AL.	2011-SC-000452-D	FAYETTE
MICHAEL T. MCCOY V. COMMONWEALTH OF KENTUCKY	2011-SC-000456-D	JEFFERSON
OTTIE NATHAN HAYES V. COMMONWEALTH OF KENTUCKY CUNNINGHAM, SCHRODER AND SCOTT, JJ., WOULD GRANT.	2011-SC-000458-D	JEFFERSON
HUGH ROBERTS, CARL ROBERTS AND DAN ROBERTS V. JOANNE ROBERTS	2011-SC-000460-D	CALLOWAY
MELYSSA ALLEN V. COMMONWEALTH OF KENTUCKY	2011-SC-000463-D	BRECKINRIDGE

SUPREME COURT OF KENTUCKY

APRIL 26, 2012 MINUTES

RELEASED: 10:00 A.M.

**COURT ORDERS DENYING MOTION FOR DISCRETIONARY REVIEW –
APRIL 18, 2012**

ROBERT F. GAMBON V. ESTILL COUNTY ENERGY PARTNERS, LLC; JACQUELYN D. YATES; CHARLES E. YATES; AND FOX TROT CORPORATION	2011-SC-000476-D	FAYETTE
SOMERSET MANOR, LLC, D/B/A SOMERSET NURSING AND REHABILITATION FACILITY V. BETTY REES NOBLE, J., WOULD GRANT.	2011-SC-000624-D	PULASKI
WILLIAM B. DRESCHER AND BAKER, DONELSON, BEARMAN, CALDWELL & BERKOWITZ, PC V. BRATSCHI D. CAMPBELL, BRATSCHI C. JOHNSTON; CREWS JOHNSTON, III; AND COVENANT STORAGE, INC. THE OPINION OF THE COURT OF APPEALS IS ORDERED NOT TO BE PUBLISHED.	2011-SC-000635-D	CHRISTIAN
BETH SAMMET V. MARILYN KLEE BRADLEY THE OPINION OF THE COURT OF APPEALS IS ORDERED NOT TO BE PUBLISHED.	2011-SC-000642-D	OLDHAM
LEON GRIDER V. COMMONWEALTH OF KENTUCKY THE OPINION OF THE COURT OF APPEALS IS ORDERED NOT TO BE PUBLISHED. SCOTT, J., WOULD GRANT. VENTERS, J., NOT SITTING.	2011-SC-000648-D	RUSSELL
LUMAX REALTY CORPORATION; TOMLIN DEVELOPMENT CORPORATION; KARLIN REALTY CORPORATION; AND KARTOM INVESTMENT CORPORATION V. THE KROGER COMPANY	2011-SC-000691-D	JEFFERSON

SUPREME COURT OF KENTUCKY

APRIL 26, 2012 MINUTES

RELEASED: 10:00 A.M.

COURT ORDERS DENYING PETITION FOR REHEARING – APRIL 26, 2012

BEVERLY L. MILLER V. ADMINISTRATIVE OFFICE OF THE COURTS MINTON, C.J.; ABRAMSON AND VENTERS, JJ., NOT SITTING.	2007-SC-000609-TG	JEFFERSON
BROCK RILEY RAMEY V. COMMONWEALTH OF KENTUCKY	2010-SC-000452-MR	CALLOWAY
COURTNEY TROWELL V. HONORABLE BRIAN C. EDWARDS, JUDGE, JEFFERSON CIRCUIT COURT, ET AL.	2011-SC-000345-MR	JEFFERSON

COURT ORDERS

DAVID JOSEPH POPPITI V. COMMONWEALTH OF KENTUCKY ORDER DENIED APPELLANT'S MOTION FOR BELATED APPEAL. ENTERED: MARCH 19, 2012	2012-SC-000037-MR	BELL
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**COURT ORDERS PERMITTING MOVANT TO WITHDRAW AS A MEMBER OF THE
KENTUCKY BAR ASSOCIATION**

EMILY FRITTS WHITTY V. KENTUCKY BAR ASSOCIATION ENTERED: APRIL 9, 2012	2012-SC-000199-KB	IN SUPREME COURT
JOHN CRAIG LEACH V. KENTUCKY BAR ASSOCIATION ENTERED: APRIL 9, 2012	2012-SC-000200-KB	IN SUPREME COURT