

SUPREME COURT OF KENTUCKY

APRIL 25, 2013 MINUTES

RELEASED: 10:00 A.M.

47. STEPHON NEWCOMB V.
COMMONWEALTH OF KENTUCKY
**OPINION OF THE COURT BY
CHIEF JUSTICE MINTON –
AFFIRMING**
MINTON, C.J.; ABRAMSON,
CUNNINGHAM, NOBLE, SCOTT,
AND VENTERS, JJ., SITTING.
ABRAMSON, NOBLE, AND SCOTT,
JJ., CONCUR. CUNNINGHAM, J.,
DISSENTS BY SEPARATE OPINION
IN WHICH VENTERS, J. JOINS.
VENTERS, J., DISSENTS BY
SEPARATE OPINION IN WHICH
CUNNINGHAM, J., JOINS. KELLER, J.,
NOT SITTING.

[2009-SC-000726-MR](#)
TO BE PUBLISHED

SCOTT

Questions Presented:

Two counts of first degree rape, first degree criminal trespass and intimidating a participant in a legal proceeding-25years. Denial of severance of the two rape charges was proper. *Modus operandi* analysis. RCr 9.16. KRE 404(b). Forcible compulsion. *Batson* challenge.

48. KENTUCKY SOUTHERN COAL
CORPORATION V.
KENTUCKY ENERGY AND
ENVIRONMENT CABINET, ETC.
**OPINION OF THE COURT BY
CHIEF JUSTICE MINTON
AFFIRMING**
MINTON, C.J.; ABRAMSON,
CUNNINGHAM, NOBLE, SCOTT,
AND VENTERS, JJ., SITTING.
ABRAMSON, CUNNINGHAM, AND
NOBLE CONCUR. SCOTT, J.,
DISSENTS BY SEPARATE OPINION
IN WHICH VENTERS, J., JOINS.
KELLER, J., NOT SITTING.

[2010-SC-000029-DG](#)
TO BE PUBLISHED

FRANKLIN

Questions Presented:

Administrative Agency Law. Issues include whether the Cabinet acted arbitrarily in denying Kentucky Southern Coal Corporation's application to renew a mining permit for certain land.

SUPREME COURT OF KENTUCKY

APRIL 25, 2013 MINUTES

RELEASED: 10:00 A.M.

49. COMMONWEALTH OF KENTUCKY V. KENTUCKY RETIREMENT SYSTEMS, ET AL. [2010-SC-000809-DG](#) FRANKLIN
TO BE PUBLISHED

OPINION OF THE COURT BY JUSTICE NOBLE - AFFIRMING
CUNNINGHAM, SCOTT, AND VENTERS, JJ., CONCUR. MINTON, C.J.; AND ABRAMSON, J., CONCUR IN RESULT ONLY. KELLER, J., NOT SITTING.

Questions Presented:
Sovereign Immunity. Declaratory Judgment. State Employee Retirement Benefits. Sovereign immunity does not bar an action against the Commonwealth under the Declaratory Judgment Act, KRS Chapter 418.

50. JEFFREY L. HALE V. COMMONWEALTH OF KENTUCKY [2011-SC-000115-DG](#) CHRISTIAN
TO BE PUBLISHED

OPINION OF THE COURT BY JUSTICE ABRAMSON - AFFIRMING
MINTON, C.J.; KELLER, NOBLE, SCOTT, AND VENTERS, JJ., CONCUR. CUNNINGHAM, J., NOT SITTING.

Questions Presented:
Criminal Law. Sex Offenses. Unlawful Transaction with a Minor. The issues include whether a defendant who commits a sex offense with a minor can be convicted of Unlawful Transaction with a Minor rather than the substantive sexual offense. The Court is invited to re-visit its ruling in *Young v. Commonwealth*, 968 S.W.2d 670 (Ky. 1998).

51. BOARD OF EDUCATION OF FAYETTE COUNTY, KENTUCKY, ET AL. V. [2011-SC-000599-DG](#) FAYETTE
TO BE PUBLISHED

ROSALIND HURLEY-RICHARDS
OPINION OF THE COURT BY JUSTICE VENTERS - AFFIRMING
MINTON, C.J.; ABRAMSON, CUNNINGHAM, NOBLE, AND SCOTT, JJ., CONCUR. KELLER, J., NOT SITTING.

Questions Presented:
School Law. Issues include whether KRS 161.790(1)(b) "conduct unbecoming a teacher" can include use of allegedly excessive physical force against a second-grader.

SUPREME COURT OF KENTUCKY

APRIL 25, 2013 MINUTES

RELEASED: 10:00 A.M.

52. MARK STINSON V.
COMMONWEALTH OF KENTUCKY
**OPINION OF THE COURT BY
JUSTICE SCOTT –
AFFIRMING**
MINTON, C.J.; ABRAMSON,
CUNNINGHAM, NOBLE, SCOTT,
AND VENTERS, JJ., SITTING. ALL
CONCUR. KELLER, J., NOT SITTING.

[2011-SC-000615-DG](#)
TO BE PUBLISHED

MADISON

Questions Presented:

First degree sexual abuse-KRS 510.110(1)(d). “Lack of consent” is an element of the crime of first degree sexual abuse under KRS 510.110(1)(d), which was satisfied by the fact that the victim was under the age of eighteen and was subjected to sexual contact by the defendant, a person in a position of authority or special trust with whom she came into contact as a result of that position. Statute held not to be vague or overbroad.

53. TIMOTHY SCOTT MESKIMEN V.
COMMONWEALTH OF KENTUCKY
**OPINION OF THE COURT BY
JUSTICE SCOTT –
AFFIRMING**
MINTON, C.J.; ABRAMSON,
CUNNINGHAM, NOBLE, SCOTT,
AND VENTERS, JJ., SITTING. ALL
CONCUR.

[2011-SC-000709-MR](#)
TO BE PUBLISHED

FAYETTE

Questions Presented:

First degree manslaughter, first degree tampering with physical evidence, third degree alcohol intoxication, and third degree criminal trespass-25 years. Trial court properly denied motion to suppress defendant’s statement obtained during his interrogation at police headquarters and his subsequent statements made during his hospitalization. Right to remain silent. Intoxication. Hair comparison evidence-*Daubert* hearing. Criminal contempt.

SUPREME COURT OF KENTUCKY

APRIL 25, 2013 MINUTES

RELEASED: 10:00 A.M.

54. KENTUCKY UNINSURED
EMPLOYERS' FUND V.
JULIAN HOSKINS, ET AL.
OPINION OF THE COURT
AFFIRMING
ALL SITTING. ALL CONCUR.

[2012-SC-000008-WC](#)
TO BE PUBLISHED

FROM COURT
OF APPEALS

Questions Presented:

Workers' Compensation. Issues presented in this case include whether an injured employee who was purportedly leased between several different entities is covered by a workers' compensation insurance policy if that employee did not enter into a contract for hire with the entity who held the policy.

55. COMMONWEALTH OF KENTUCKY,
UNINSURED EMPLOYERS' FUND V.
CHRISTOPHER ALLEN, SAM AN
TONIO'S, ET AL.
OPINION OF THE COURT
AFFIRMING
MINTON, C.J.; ABRAMSON,
CUNNINGHAM, NOBLE, SCOTT,
AND VENTERS, JJ., CONCUR.
KELLER, J., NOT SITTING.

[2012-SC-000099-WC](#)
TO BE PUBLISHED

FROM COURT
OF APPEALS

Questions Presented:

Workers' Compensation. Issues presented in this case include whether the claimant presented sufficient evidence to make a prima facie case to reopen his claim; and whether the Uninsured Employers' Fund could be joined as a party after it had been previously dismissed from the case.

SUPREME COURT OF KENTUCKY

APRIL 25, 2013 MINUTES

RELEASED: 10:00 A.M.

56. AMANDA JOHNSON V.
COMMONWEALTH OF KENTUCKY
**OPINION OF THE COURT BY
JUSTICE NOBLE –
AFFIRMING IN PART AND
REVERSING IN PART**
MINTON, C.J.; ABRAMSON, AND
VENTERS, JJ., CONCUR.
CUNNINGHAM, J., CONCURS IN
PART AND DISSENTS IN PART BY
SEPARATE OPINION IN WHICH
SCOTT, J., JOINS. KELLER, J., NOT
SITTING.

[2011-SC-000365-MR](#)
TO BE PUBLISHED

LAUREL

Questions Presented:

Murder and first degree criminal abuse-45 years. Unanimous Verdict. Criminal abuse conviction reversed. With the evidence presented, the trial court did not err in denying the defendant's motion for directed verdict on the criminal abuse charge. However, the defendant did not receive a unanimous verdict on the criminal abuse conviction because the jury instructions failed to specify what injury or abusive act the jury should consider. No reversible error in playing a recorded interview in which a police detective accused the defendant of being untruthful, nor in allowing that detective to testify that defendant's story was inconsistent with other testimony.

57. TROY KINGREY V.
COMMONWEALTH OF KENTUCKY
**OPINION OF THE COURT BY
CHIEF JUSTICE MINTON –
AFFIRMING IN PART AND
REVERSING AND REMANDING IN
PART**
MINTON, C.J.; ABRAMSON,
CUNNINGHAM, NOBLE, SCOTT,
AND VENTERS, JJ., SITTING.
ABRAMSON, NOBLE, AND VENTERS,
JJ., CONCUR. CUNNINGHAM, J.,
CONCURS, IN PART, AND DISSENTS,
IN PART, BY SEPARATE OPINION IN
WHICH SCOTT, J., JOINS. KELLER,
J., NOT SITTING.

[2010-SC-000784-MR](#)
TO BE PUBLISHED

BARREN

Questions Presented:

Use of a minor under the age of 16 in a sexual performance and six counts of use of a minor under the age of 18 in a sexual performance-25years. Unanimous verdict. Jury instruction on one count regarding an under 18 victim denied the defendant a unanimous verdict because it failed to distinguish factually two alleged criminal acts. Evidence of allegations of sexual abuse, while improper, was harmless.

SUPREME COURT OF KENTUCKY

APRIL 25, 2013 MINUTES

RELEASED: 10:00 A.M.

58. MICHAEL JOSPEH FLICK V. THE ESTATE OF CHRISTINA WITTICH
OPINION OF THE COURT BY JUSTICE ABRAMSON - REVERSING AND REMANDING
MINTON, C.J.; CUNNINGHAM, SCOTT, VENTERS, JJ., FRANK H. MCCARTNEY, SPECIAL JUSTICE, AND THOMAS W. MILLER, SPECIAL JUSTICE, CONCUR. KELLER AND NOBLE, JJ., NOT SITTING.
- [2010-SC-000664-DG](#) FAYETTE
TO BE PUBLISHED
- Questions Presented:**
Appellate Procedure. Notice of Appeal. Issues include whether the Court of Appeals properly dismissed a notice of appeal that named only the decedent's estate but was served on the co-executors.
59. N.C., A CHILD UNDER EIGHTEEN V. COMMONWEALTH OF KENTUCKY
OPINION OF THE COURT BY JUSTICE NOBLE – REVERSING AND REMANDING
MINTON, C.J.; ABRAMSON, AND KELLER, JJ., CONCUR. ABRAMSON, J., ALSO CONCURS BY SEPARATE OPINION IN WHICH MINTON, C.J., JOINS. CUNNINGHAM, J., DISSENTS BY SEPARATE OPINION IN WHICH VENTERS, J., JOINS. VENTERS, J., DISSENTS BY SEPARATE OPINION IN WHICH CUNNINGHAM AND SCOTT, JJ., JOIN.
- [2011-SC-000271-DG](#) NELSON
TO BE PUBLISHED
- Questions Presented:**
Juvenile Law. Custody. *Miranda* Warnings. Incriminating statements elicited under the circumstances of this case, with a school official working with the police on a case involving a criminal offense, the police failing to give *Miranda* warnings, and the juvenile being in custody, are subject to suppression under the Unified Juvenile Code and the Fifth Amendment.
60. HAROLD WHITLEY, ET AL. V. ROBERTSON COUNTY; ROBERTSON COUNTY FISCAL COURT; MARYANNA ROBINSON
OPINION OF THE COURT BY JUSTICE VENTERS – REVERSING AND REMANDING
MINTON, C.J.; ABRAMSON, CUNNINGHAM, NOBLE, AND SCOTT, JJ., CONCUR. KELLER, J., NOT SITTING.
- [2011-SC-000612-DG](#) ROBERTSON
TO BE PUBLISHED
- Questions Presented:**
County Roads. KRS Ch. 178. Issues include the authority of circuit courts to determine whether county roads were legally established and the correct procedure to make that determination.

SUPREME COURT OF KENTUCKY

APRIL 25, 2013 MINUTES

RELEASED: 10:00 A.M.

61. GARR KEITH HARDIN, ET AL. V. COMMONWEALTH OF KENTUCKY
OPINION OF THE COURT BY JUSTICE CUNNINGHAM – REVERSING AND REMANDING
ALL SITTING. ALL CONCUR.

[2011-SC-000722-TG](#)
TO BE PUBLISHED

MEADE

Questions Presented:
Post-conviction DNA testing in a non-capital case. Murder-life imprisonment. Defendants entitled to release of certain physical evidence recovered from the crime scene (unidentified hairs found in the victim's hand) for DNA testing-testing which was unavailable at the time of defendants' trial and which, they claim, will prove their innocence.

62. FRANCISCO GILBERTTO RODRIGUEZ V. COMMONWEALTH OF KENTUCKY
OPINION OF THE COURT BY JUSTICE SCOTT – REVERSING AND REMANDING
MINTON, C.J.; ABRAMSON, CUNNINGHAM, NOBLE, SCOTT, AND VENTERS, JJ., SITTING. MINTON, C.J., ABRAMSON, NOBLE, AND VENTERS, JJ., CONCUR. CUNNINGHAM, J., CONCURS IN PART AND DISSENTS IN PART BY SEPARATE OPINION. KELLER, J., NOT SITTING.

[2012-SC-000049-MR](#)
TO BE PUBLISHED

CHRISTIAN

Questions Presented:
Class A felony Incest-30 years. Unanimous verdict. Trial court's jury instructions on the incest charge failed to require a unanimous determination beyond a reasonable doubt that the victim was under 12 years of age at the time of the offense. Model instructions included. Retrial is not barred by *double jeopardy*.

SUPREME COURT OF KENTUCKY

APRIL 25, 2013 MINUTES

RELEASED: 10:00 A.M.

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| 63. | ALEXANDER L. RUFF V.
COMMONWEALTH OF KENTUCKY
MEMORANDUM OPINION OF
THE COURT – <u>AFFIRMING</u>
ALL SITTING. ALL CONCUR. | 2011-SC-000640-MR
NOT TO BE PUBLISHED | JEFFERSON |
| 64. | TERRENCE S. SILLAS V.
COMMONWEALTH OF KENTUCKY
MEMORANDUM OPINION OF
THE COURT – <u>AFFIRMING</u>
ALL SITTING. ALL CONCUR. | 2011-SC-000655-MR
NOT TO BE PUBLISHED | GRAVES |
| 65. | ROBIN L. MOORE V.
COMMONWEALTH OF KENTUCKY
MEMORANDUM OPINION OF
THE COURT – <u>AFFIRMING</u>
MINTON, C.J.; ABRAMSON,
CUNNINGHAM, SCOTT, AND
VENTERS, JJ., CONCUR. NOBLE,
J., CONCURS IN PART AND DISSENTS
IN PART BY SEPARATE OPINION.
KELLER, J., NOT SITTING. | 2011-SC-000700-MR
NOT TO BE PUBLISHED | JEFFERSON |
| 66. | ERVIN KING V.
COMMONWEALTH OF KENTUCKY
MEMORANDUM OPINION OF
THE COURT – <u>VACATING AND
REMANDING</u>
ALL SITTING. ALL CONCUR. | 2011-SC-000187-MR
NOT TO BE PUBLISHED | WARREN |

OPINIONS AND ORDERS – APRIL 25, 2013

- | | | |
|---|-------------------|---------------------|
| ERIC C. DETERS V.
KENTUCKY BAR ASSOCIATION
ORDER DENIED MOTION FOR INTERMEDIATE
RELIEF.
MINTON, C.J.; ABRAMSON,
CUNNINGHAM, NOBLE, SCOTT AND
VENTERS, JJ., SITTING. ALL CONCUR.
KELLER, J., NOT SITTING. | 2012-SC-000247-KB | IN SUPREME
COURT |
|---|-------------------|---------------------|

SUPREME COURT OF KENTUCKY

APRIL 25, 2013 MINUTES

RELEASED: 10:00 A.M.

OPINIONS AND ORDERS – APRIL 25, 2013

KENTUCKY BAR ASSOCIATION V.
DONALD H. MOREHEAD
**ORDER PERMANENTLY DISBARRED
RESPONDENT FROM THE PRACTICE OF
LAW.**

[2012-SC-000401-KB](#)
TO BE PUBLISHED

IN SUPREME
COURT

MINTON, C.J.; ABRAMSON,
CUNNINGHAM, NOBLE, SCOTT AND
VENTERS, JJ., CONCUR. KELLER, J.,
NOT SITTING.

KENTUCKY BAR ASSOCIATION V.
MARIA A. FERNANDEZ
**ORDER SUSPENDED RESPONDENT FROM
THE PRACTICE OF LAW FOR 91 DAYS WITH
CONDITIONS.**

[2012-SC-000471-KB](#)
TO BE PUBLISHED

IN SUPREME
COURT

MINTON, C.J.; CUNNINGHAM, KELLER,
NOBLE, SCOTT AND VENTERS, JJ., CONCUR.
ABRAMSON, J., NOT SITTING.

KENTUCKY BAR ASSOCIATION V.
JEFFREY M. BLUM
**ORDER SUSPENDED RESPONDENT FROM
THE PRACTICE OF LAW FOR 181 DAYS.**

[2012-SC-000825-KB](#)
TO BE PUBLISHED

IN SUPREME
COURT

MINTON, C.J.; ABRAMSON,
CUNNINGHAM, NOBLE, SCOTT AND
VENTERS, JJ., SITTING. ALL CONCUR.
KELLER, J., NOT SITTING.

KENTUCKY BAR ASSOCIATION V.
CLIFFORD ALAN BRANHAM
**ORDER SUSPENDED RESPONDENT FROM
THE PRACTICE OF LAW FOR 60 DAYS.**
ALL SITTING. ALL CONCUR.

[2013-SC-000028-KB](#)
TO BE PUBLISHED

IN SUPREME
COURT

SUPREME COURT OF KENTUCKY

APRIL 25, 2013 MINUTES

RELEASED: 10:00 A.M.

OPINIONS AND ORDERS – APRIL 25, 2013

KENTUCKY BAR ASSOCIATION V.
D. ANTHONY BRINKER
**ORDER SUSPENDED RESPONDENT FROM
THE PRACTICE OF LAW FOR 1 YEAR.**
MINTON, C.J.; ABRAMSON,
CUNNINGHAM, NOBLE, SCOTT AND
VENTERS, JJ., CONCUR. KELLER, J.,
NOT SITTING.

[2013-SC-000046-KB](#)
TO BE PUBLISHED

IN SUPREME
COURT

KENTUCKY BAR ASSOCIATION V.
WILLIAM NISBET, IV
**ORDER SUSPENDED RESPONDENT FROM
THE PRACTICE OF LAW FOR 1 YEAR.**
ALL SITTING. ALL CONCUR.

[2013-SC-000047-KB](#)
TO BE PUBLISHED

IN SUPREME
COURT

GEOFFREY MILLER V.
KENTUCKY BAR ASSOCIATION
**ORDER SUSPENDED MOVANT FROM
THE PRACTICE OF LAW FOR 30 DAYS
WITH CONDITIONS.**
MINTON, C.J.; ABRAMSON,
CUNNINGHAM, NOBLE, SCOTT AND
VENTERS, JJ., CONCUR. KELLER, J., NOT
SITTING.

[2013-SC-000104-KB](#)
TO BE PUBLISHED

IN SUPREME
COURT

DANIEL WARREN JAMES V.
KENTUCKY BAR ASSOCIATION
**ORDER SUSPENDED MOVANT FROM
THE PRACTICE OF LAW FOR 5 YEARS.**
ALL SITTING. ALL CONCUR.

[2013-SC-000152-KB](#)
TO BE PUBLISHED

IN SUPREME
COURT

**COURT ORDERS GRANTING MOTION FOR DISCRETIONARY REVIEW –
APRIL 17, 2013**

COMMONWEALTH OF KENTUCKY V.
JASPER POLLINI
KELLER, J., NOT SITTING.

2012-SC-000312-DG

JEFFERSON

SUPREME COURT OF KENTUCKY

APRIL 25, 2013 MINUTES

RELEASED: 10:00 A.M.

**COURT ORDERS GRANTING MOTION FOR DISCRETIONARY REVIEW –
APRIL 17, 2013**

COMMONWEALTH OF KENTUCKY V. SAMUEL TERRELL	2012-SC-000550-DG	NICHOLAS
KAVEN L. RUMPEL V. KATHIE W. RUMPEL, NOW WOLFORD, ET AL.	2012-SC-000563-DG	BULLITT
SAMUEL CRABTREE V. COMMONWEALTH OF KENTUCKY	2012-SC-000591-DG	MADISON
C. LANCE LOVE, M.D., ET AL. V. LISA WALKER, ET AL.	2012-SC-000602-DG	CHRISTIAN
COMMONWEALTH OF KENTUCKY V. LESLIE L. LAWSON	2012-SC-000614-DG	LAUREL
CHARLES T. CREECH, INC. V. DONALD E. BROWN, ET AL. AND DONALD E. BROWN, ET AL. V. CHARLES T. CREECH, INC.	2012-SC-000651-DG 2012-SC-000693-DG	FAYETTE FAYETTE

**COURT ORDERS DENYING MOTION FOR DISCRETIONARY REVIEW –
APRIL 17, 2013**

CURTIS W. SLINKER, ET AL. V. CHAD D. HEATH, ET AL. KELLER, J., NOT SITTING.	2012-SC-000295-D	GREEN
THE CARE ACADEMY, INC., ET AL. V. S.G., ON BEHALF OF S.B.J., ET AL. SCOTT, J., WOULD GRANT. KELLER, J., NOT SITTING.	2012-SC-000345-D	WASHINGTON
JACKIE GREGORY V. COMMONWEALTH OF KENTUCKY KELLER, J., NOT SITTING.	2012-SC-000382-D	FAYETTE

SUPREME COURT OF KENTUCKY

APRIL 25, 2013 MINUTES

RELEASED: 10:00 A.M.

**COURT ORDERS DENYING MOTION FOR DISCRETIONARY REVIEW –
APRIL 17, 2013**

MARY B. CALHOUN, ET AL. V. CHARLES E. PROVENCE, ET AL. KELLER, J., NOT SITTING.	2012-SC-000434-D	LAUREL
COMMONWEALTH OF KENTUCKY V. THOMAS GEORGE COZZOLINO CUNNINGHAM, J., WOULD DEPUBLISH THE COURT OF APPEALS OPINION. KELLER, J., NOT SITTING.	2012-SC-000438-D	JEFFERSON
JOHN D. LEE V. JILL LEANNE LEE, NOW STANLEY, ET AL. KELLER, J., NOT SITTING.	2012-SC-000446-D	JEFFERSON
DAMIEN A. SUBLETT V. COMMONWEALTH OF KENTUCKY SCOTT, J., WOULD GRANT. ABRAMSON, J., NOT SITTING.	2012-SC-000447-D	JEFFERSON
PAUL DOWELL V. COMMONWEALTH OF KENTUCKY CUNNINGHAM, NOBLE, AND VENTERS, JJ., WOULD GRANT. KELLER, J., NOT SITTING.	2012-SC-000457-D	CAMPBELL
CONTROLLED BLASTING, INC. V. CEDAR CREST, INC. KELLER, J., NOT SITTING.	2012-SC-000464-D	OLDHAM
MICHAEL L. BAKER V. COMMONWEALTH OF KENTUCKY	2012-SC-000470-D	GRAYSON
JAMES FRANCIS, ET AL. V. CHESAPEAKE APPALACHIA, LLC, ET AL. SCOTT, J., NOT SITTING.	2012-SC-000476-D	KNOTT
DAVID CLARK V. COMMONWEALTH OF KENTUCKY	2012-SC-000490-D	HARDIN

SUPREME COURT OF KENTUCKY

APRIL 25, 2013 MINUTES

RELEASED: 10:00 A.M.

**COURT ORDERS DENYING MOTION FOR DISCRETIONARY REVIEW –
APRIL 17, 2013**

COMMONWEALTH OF KENTUCKY, TRANSPORATION CABINET, ETC. V. LEWISBURG ENTERPRISES, LLC AND COMMONWEALTH OF KENTUCKY, TRANSPORATION CABINET, ETC. V. LAMAR ADVETISING GP COMPANY, LLC	2012-SC-000552-D	FRANKLIN
ROSCOE DEES, JR. V. COMMONWEALTH OF KENTUCKY KELLER, J., NOT SITTING.	2012-SC-000554-D	FAYETTE
LEONARD DAY V. COMMONWEALTH OF KENTUCKY	2012-SC-000556-D	BOONE
JAMES S. HAMILTON V. CSX TRANSPORTATION, INC.	2012-SC-000559-D	PIKE
MARSHA DAWN COX V. DAVID RICKY COX	2012-SC-000561-D	CARTER
DANNY CURTIS, ET AL. V. JAMES L. BATES, SR. THE OPINION OF THE COURT OF APPEALS IS ORDERED NOT TO BE PUBLISHED.	2012-SC-000568-D	FRANKLIN
MICHAEL MERRALL SHEPHERD V. COMMONWEALTH OF KENTUCKY	2012-SC-000570-D	FAYETTE
MONICA CARRUTHERS V. MAX EDWARDS, ET AL.	2012-SC-000571-D	MCCRACKEN
MARCEL WASHINGTON V. JESSICA DELAFIELD	2012-SC-000572-D	FAYETTE
THOMAS P. OSBORN V. LINDA K. WEDDINGTON, FORMERLY OSBORN	2012-SC-000589-D	FAYETTE

SUPREME COURT OF KENTUCKY

APRIL 25, 2013 MINUTES

RELEASED: 10:00 A.M.

**COURT ORDERS DENYING MOTION FOR DISCRETIONARY REVIEW –
APRIL 17, 2013**

ELIZABETH YADON V. TOYOTESU AMERICA, INC., ET AL.	2012-SC-000592-D	PULASKI
KIRK WALDENMAIER, ET AL. V. FISCHER SINGLE FAMILY HOMES, II, LLC, ET AL.	2012-SC-000594-D	KENTON
QUENTON L. ELDERS, JR. V. COMMONWEALTH OF KENTUCKY KELLER, J., NOT SITTING.	2012-SC-000598-D	JEFFERSON
RHONDA PALAZZO V. FIFTH THIRD BANK, ET AL. KELLER, J., NOT SITTING.	2012-SC-000601-D	JEFFERSON
JASON LITTLETON, ET AL. V. EDGAR PLYBON, ET AL.	2012-SC-000609-D	CARTER
ABC, INC. V. COMMONWEALTH OF KENTUCKY, EX REL. JACK CONWAY, IN HIS OFFICIAL CAPACITY AS ATTORNEY GENERAL OF KENTUCKY THE OPINION OF THE COURT OF APPEALS IS ORDERED NOT TO BE PUBLISHED.	2012-SC-000618-D	FRANKLIN
BRAD DENNEY V. COMMONWEALTH OF KENTUCKY	2012-SC-000620-D	MCCREARY
WHEELER AND CLEVINGER OIL COMPANY V. RAY PENNINGTON NOBLE, AND VENTERS, JJ., WOULD GRANT.	2012-SC-000634-D	JOHNSON
CODY MARTIN V. KEITH ELKINS THE OPINION OF THE COURT OF APPEALS IS ORDERED NOT TO BE PUBLISHED.	2012-SC-000638-D	JEFFERSON

SUPREME COURT OF KENTUCKY

APRIL 25, 2013 MINUTES

RELEASED: 10:00 A.M.

**COURT ORDERS DENYING MOTION FOR DISCRETIONARY REVIEW –
APRIL 17, 2013**

CARL CLINE V. COMMONWEALTH OF KENTUCKY	2012-SC-000660-D	ADAIR
CHARLES MASSIE V. COMMONWEALTH OF KENTUCKY THE OPINION OF THE COURT OF APPEALS IS ORDERED NOT TO BE PUBLISHED. KELLER, J., NOT SITTING.	2012-SC-000661-D	CUMBERLAND
ANTHONY WAYNE HUGHES V. TINA MARIE HUGHES THE OPINION OF THE COURT OF APPEALS IS ORDERED NOT TO BE PUBLISHED.	2013-SC-000078-DE	JEFFERSON

COURT ORDERS DENYING PETITION FOR REHEARING – APRIL 25, 2013

DAVID WADE V. POMA GLASS & SPECIALTY WINDOWS, INC., ETC. MINTON, C.J.; ABRAMSON, CUNNINGHAM, NOBLE, SCOTT AND VENTERS, JJ., CONCUR. KELLER, J., NOT SITTING.	2010-SC-000572-DG	JEFFERSON
RANDAL KEITH KIPER V. COMMONWEALTH OF KENTUCKY ORDER MODIFIED OPINION OF THE COURT BY JUSTICE VENTERS, RENDERED NOVEMBER 21, 2012, BY SUBSTITUTION OF PAGES 1, 3, 4, AND 22 IN LIEU OF THE ORIGINAL PAGES 1, 3, 4 AND 22.	2010-SC-000768-MR	JEFFERSON
COMMONWEALTH OF KENTUCKY V. RUSSELL TIM PRIDHAM, JR. MINTON, C.J.; ABRAMSON, CUNNINGHAM, NOBLE, SCOTT AND VENTERS, JJ., CONCUR. KELLER, J., NOT SITTING.	2011-SC-000126-DG	HARDIN

SUPREME COURT OF KENTUCKY

APRIL 25, 2013 MINUTES

RELEASED: 10:00 A.M.

COURT ORDERS DENYING PETITION FOR REHEARING – APRIL 25, 2013

FORT MITCHELL COUNTRY CLUB V. 2011-SC-000665-DG KENTON
TIMOTHY LAMARRE, ET AL.
**MINTON, C.J.; ABRAMSON, CUNNINGHAM,
NOBLE, SCOTT AND VENTERS, JJ.,
CONCUR. KELLER, J., NOT SITTING.**

COURT ORDERS DISMISSING

ENERGY ASSOCIATES, INC. V. 2013-SC-000159-D CLAY
JOANNA RUTH, WIFE, ET AL.
ENTERED: APRIL 18, 2013

STEVEN MEDAIROS V. 2013-SC-000181-D BELL
KENTUCKY UNEMPLOYMENT INSURANCE
COMMISSION, ET AL.
ENTERED: APRIL 18, 2013

JEFFREY JERRELL, IN HIS OFFICIAL 2013-SC-000188-D MCCRACKEN
CAPACITY AS MCCRACKEN COUNTY
CLERK V.
MCCRACKEN COUNTY FISCAL COURT
ENTERED: APRIL 18, 2013

COURT ORDERS

THE COMMONWEALTH OF KENTUCKY, 2012-SC-000417-I FRANKLIN
CABINET FOR HEALTH AND FAMILY SERVICES,
ET AL. V.
COURIER-JOURNAL, INC., ET AL.
**MINTON, C.J.; ABRAMSON AND VENTERS, JJ.,
WOULD AFFIRM THE OPINION OF THE COURT
OF APPEALS. CUNNINGHAM, NOBLE, AND
SCOTT, JJ., WOULD REVERSE THE OPINION
OF THE COURT OF APPEALS. KELLER, J.,
NOT SITTING.**

SUPREME COURT OF KENTUCKY

APRIL 25, 2013 MINUTES

RELEASED: 10:00 A.M.

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

JENNIFER C. WOLFE V. KENTUCKY BAR ASSOCIATION ENTERED: MARCH 28, 2013	2013-SC-000182-KB	IN SUPREME COURT
PATRICIA ANN BARTLEY V. KENTUCKY BAR ASSOCIATION ENTERED: MARCH 28, 2013	2013-SC-000183-KB	IN SUPREME COURT
RICHARD STANLEY RALSTON V. KENTUCKY BAR ASSOCIATION ENTERED: MARCH 28, 2013	2013-SC-000185-KB	IN SUPREME COURT
CHARLES ERNEST SIGMON, JR. V. KENTUCKY BAR ASSOCIATION ENTERED: MARCH 28, 2013	2013-SC-000199-KB	IN SUPREME COURT
PERRIN WELLS DE JONG V. KENTUCKY BAR ASSOCIATION ENTERED: APRIL 2, 2013	2013-SC-000206-KB	IN SUPREME COURT