

SUPREME COURT OF KENTUCKY

MINUTES
MAY 20, 2010

RELEASED: 10:00 A.M.

93. CSX TRANSPORTATION, INC. V. TROY MOODY
OPINION OF THE COURT – AFFIRMING
ALL SITTING. ALL CONCUR.
- [2007-SC-000548-DG](#)
[2009-SC-000048-DG](#)
TO BE PUBLISHED
- JEFFERSON

Questions Presented:

Personal Injury. Exposure to Toxic Substances. Evidence. Instructions. Issues involve the propriety of (1) admission of a study of similar injuries experienced by other workers exposed to the same substance and (2) refusal to give various substantive FELA Instructions. Additional issues raised on cross-motion involve the timeliness of the appeal and the sufficiency of the evidence to support the award for future medical expenses.

94. WILLIAM R. STAR V. COMMONWEALTH OF KENTUCKY
OPINION OF THE COURT BY JUSTICE CUNNINGHAM – AFFIRMING
ALL SITTING. ALL CONCUR.

[2008-SC-000203-MR](#)
TO BE PUBLISHED

JOHNSON

Questions Presented:

While defendant suffered from a serious mental disease, it was not clearly unreasonable for the jury to find against the defendant on the issue of insanity. Constitutionality of “guilty but mentally ill” verdict upheld. Exclusion of evidence concerning pending criminal charges against a witness was error, but was harmless beyond a reasonable doubt: Physical layout of the courtroom produced a Confrontation Clause violation which was harmless herein; trial judges are courting with danger by tolerating any kind of courtroom arrangement which impedes eye-to-eye contact between the defendant and witnesses.

SUPREME COURT OF KENTUCKY

MINUTES
MAY 20, 2010

RELEASED: 10:00 A.M.

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

[2008-SC-000363-MR](#)
TO BE PUBLISHED

BELL

Questions Presented:
Murder, Complicity to Second-Degree Arson, and two counts of Complicity to Tampering with Physical Evidence – Life sentence without the possibility of parole for twenty-five years; Concurrent sentences of ten, five and five years for the arson and tampering offenses. Jury selection issues affirmed. Evidence of intoxication was insufficient to justify an instruction on that defense or on second-degree manslaughter. Trial court did not err in considering accomplice testimony in denying defendant's motions for directed verdict.

96. JAMES H. BARNETT V.
COMMONWEALTH OF KENTUCKY
**OPINION OF THE COURT BY
JUSTICE SCHRODER –
AFFIRMING**
ALL SITTING. ALL CONCUR.

[2008-SC-000615-MR](#)
TO BE PUBLISHED

MONTGOMERY

Questions Presented:
Wanton murder and theft – Life imprisonment without the possibility of parole for 20 years (concurrent with 3 year sentence for theft). Under the criminal rules, jurors must be permitted to use their notes during deliberations. Trial court did not abuse its discretion in refusing to grant funds for additional experts or in finding defendant competent to stand trial.

97. CSX TRANSPORTATION, INC. V.
JOHN X. BEGLEY
**OPINION OF THE COURT –
AFFIRMING**
ALL SITTING. ALL CONCUR.

[2008-SC-000643-DG](#)
TO BE PUBLISHED

PERRY

Questions Presented:
Federal Employers' Liability Act. Jury Instructions. Issues include whether defendant employer in FELA action was entitled to have jury instructed on proximate cause; foreseeability; non-taxability of damage award; and discounting award for future pain and suffering to present value.

SUPREME COURT OF KENTUCKY

MINUTES
MAY 20, 2010

RELEASED: 10:00 A.M.

98. HARRY FINN, JR. V.
COMMONWEALTH OF KENTUCKY
**OPINION OF THE COURT BY
CHIEF JUSTICE MINTON –
AFFIRMING**
SCOTT, J., NOT SITTING.

[2008-SC-000749-DG](#)
TO BE PUBLISHED

LOGAN

Questions Presented:
Criminal Law. Possession of Cocaine.
Possession of Drug Paraphernalia. The
issue is whether an amount of cocaine too
small to be seen by the naked eye, detected
on paraphernalia, is insufficient to support a
conviction for possession of "any quantity"
of cocaine pursuant to KRS 218A.1415(1).

99. CARYN RENEE ROACH V.
COMMONWEALTH OF KENTUCKY
**OPINION OF THE COURT BY
CHIEF JUSTICE MINTON –
AFFIRMING**
NOBLE AND SCHRODER, JJ.,
CONCUR IN RESULT ONLY.

[2009-SC-000058-MR](#)
TO BE PUBLISHED

DAVISS

Questions Presented:
Adult exploitation, three counts of Second-
Degree Criminal Possession of a Forged
Instrument and Second Degree Persistent
Felony Offender – 20 years. Requirements
for a conviction of adult exploitation under
KRS 209.990(5) allow for finding adult
exploitation if the adult victim suffers from
either mental or physical limitations
preventing that adult from managing her
own affairs. Other issues addressed include
authenticity of signatures, inadvertent
presentation of hearsay evidence from
deceased victim and alleged bolstering.

100. SUNBEAM CORPORATION V.
HONORABLE RONNIE C. DORTCH,
JUDGE, HANCOCK CIRCUIT COURT
AND SHERRY J. MCGLENON AND
TERRY PARKER, CO-EXECUTORS
OF THE ESTATE OF
LEON J. FISCHER
**OPINION OF THE COURT BY
JUSTICE ABRAMSON –
AFFIRMING**
ALL SITTING. ALL CONCUR.

[2009-SC-000501-MR](#)
TO BE PUBLISHED

HANCOCK

Questions Presented:
Trial court has jurisdiction to consider
whether executor's wrongful death claim has
been discharged in bankruptcy.

SUPREME COURT OF KENTUCKY

MINUTES
MAY 20, 2010

RELEASED: 10:00 A.M.

101. DONALD E. JAMES V.
THOMAS L. JAMES
**OPINION OF THE COURT BY
JUSTICE SCOTT – REVERSING**
MINTON, C.J., DISSENTS BY
SEPARATE OPINION.
- [2008-SC-000163-DG](#) TAYLOR
TO BE PUBLISHED
- Questions Presented:**
Civil Procedure. Appeals. CR 60.02. CR 73.02(1)(d). Issues include whether relation forward doctrine applies to prematurely filed notice of appeal.
102. KENTUCKY FARM BUREAU MUTUAL
INSURANCE COMPANY V.
JAMES O. YOUNG, ET AL.
**OPINION OF THE COURT BY
JUSTICE VENTERS –
REVERSING**
ALL SITTING. ALL CONCUR.
- [2008-SC-000333-DG](#) UNION
TO BE PUBLISHED
- Questions Presented:**
Automobile Insurance. Underinsured Motorist Coverage. Settlements. Notice. Subrogation. Issues include whether plaintiff insured's KRS 304.39-320 "Coots notice" to UIM carrier was insufficient to preserve UIM claim, where: notice overstated amount plaintiff was to receive from tortfeasor's liability insurer; notice was not sent by registered or certified mail; UIM carrier did not substitute payment of settlement amount within thirty days after notice; and plaintiff proceeded with settlement.
103. STEVEN LICHTENSTEIN V.
ROBERTA J. BARBANEL
**OPINION OF THE COURT BY
JUSTICE SCOTT – REVERSING**
ALL SITTING. ALL CONCUR.
- [2008-SC-000661-DG](#) JEFFERSON
TO BE PUBLISHED
- Questions Presented:**
Family Law. Wage Garnishment. The issue is whether the trial court can issue an Income Withholding Order to enforce a judgment based on property division.

SUPREME COURT OF KENTUCKY

MINUTES
MAY 20, 2010

RELEASED: 10:00 A.M.

104. COMMONWEALTH OF KENTUCKY, CABINET FOR HEALTH AND FAMILY SERVICES V. L.J.P., ET AL.
OPINION OF THE COURT BY JUSTICE NOBLE – REVERSING
ALL SITTING. ALL CONCUR.
- [2008-SC-000950-DGE](#) KENTON
TO BE PUBLISHED
- Questions Presented:**
Termination of Parental Rights. Intervention. Issues involve an attempt by paternal grandparents to intervene in an involuntary termination of parental rights action.
105. COMMONWEALTH OF KENTUCKY V. WANDA COMBS
OPINION OF THE COURT BY CHIEF JUSTICE MINTON – REVERSING
ALL SITTING. ALL CONCUR.
- [2009-SC-000143-DG](#) BREATHITT
TO BE PUBLISHED
- Questions Presented:**
Criminal Law. Complicity. Variance. Can the jury convict a defendant as a principal where the indictment only charges the defendant with complicity?
106. LUTHER WILBERT SEXTON V. COMMONWEALTH OF KENTUCKY
OPINION OF THE COURT BY JUSTICE CUNNINGHAM – REVERSING AND REMANDING
ALL SITTING. ALL CONCUR.
- [2008-SC-000731-DG](#) PULASKI
TO BE PUBLISHED
- Questions Presented:**
Criminal Law. Tampering with Evidence. Sufficiency of Evidence. Prior Bad Acts. Issues include whether evidence-tampering conviction may stand where videotape evidence was allegedly exculpatory rather than inculpatory. Also at issue is the propriety of allowing into evidence prior sexual offense convictions under KRE 404(b).
107. MEMBERS CHOICE CREDIT UNION, ET AL. V. HOME FEDERAL SAVINGS AND LOAN ASSOCIATION
OPINION OF THE COURT BY JUSTICE NOBLE – REVERSING AND REMANDING
MINTON, C.J; ABRAMSON AND CUNNINGHAM, JJ., CONCUR IN RESULT ONLY.
- [2008-SC-000877-DG](#) FRANKLIN
TO BE PUBLISHED
- Questions Presented:**
Credit Unions. Statutory Construction. The issue is whether KRS 286.6-107(2) permits membership in a credit union predicated on where a person lives ("geographic field of membership.")

SUPREME COURT OF KENTUCKY

MINUTES
MAY 20, 2010

RELEASED: 10:00 A.M.

108. MICHAEL J. O'CONNELL, IN HIS OFFICIAL CAPACITY AS JEFFERSON COUNTY ATTORNEY, ET AL. **V.** HON. FREDERIC J. COWAN, IN HIS OFFICIAL CAPACITY AS JUDGE OF THE JEFFERSON CIRCUIT COURT, DIVISION 13; AND BRUCE ALAN BRIGHTWELL, ET AL., REAL PARTIES IN INTEREST **OPINION OF THE COURT BY JUSTICE SCHRODER – REVERSING AND REMANDING** ABRAMSON, J., NOT SITTING. [2009-SC-000596-MR](#) JEFFERSON **TO BE PUBLISHED**

Questions Presented:

A heightened standard of compelling need must be met by a party seeking discovery of opinion work product of a prosecutor relative to a prior criminal prosecution. A trial court should evaluate discovery requests for a prosecutor's work product by in camera review on a document-by-document basis and should consider the sensitivity of the documents, the safety and security of the victims, witnesses and jurors; and the motives of the person seeking discovery. Deposition on such work product is only permissible as a last resort.

109. BRANDI CHIPMAN **V.** COMMONWEALTH OF KENTUCKY **OPINION OF THE COURT BY JUSTICE NOBLE – REVERSING, VACATING AND REMANDING** VENTERS, J., DISSENTS BY SEPARATE OPINION IN WHICH SCHRODER, J., JOINS. [2008-SC-000895-DG](#) KENTON **TO BE PUBLISHED**

Questions Presented:

Juvenile Law. Sentencing. Indictments. This case presents two issues: (1) Must the trial court always sentence youthful offenders as adults where the district court automatically transferred the minor because of a "use of a gun" allegation; and (2) What role do the findings of the Grand Jury in the indictment or some other source determine the basis for transfer?

110. EDRIC CALDWELL **V.** COMMONWEALTH OF KENTUCKY **MEMORANDUM OPINION OF THE COURT – AFFIRMING** ALL SITTING. ALL CONCUR. [2008-SC-000411-MR](#) FULTON **NOT TO BE PUBLISHED**

SUPREME COURT OF KENTUCKY

MINUTES
MAY 20, 2010

RELEASED: 10:00 A.M.

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| 111. | RAY WALKER V. COMMONWEALTH OF KENTUCKY MEMORANDUM OPINION OF THE COURT – <u>AFFIRMING</u> ALL SITTING. ALL CONCUR. | 2008-SC-000684-MR NOT TO BE PUBLISHED | HOPKINS |
| 112. | DARIEN J. DALTON V. COMMONWEALTH OF KENTUCKY MEMORANDUM OPINION OF THE COURT – <u>AFFIRMING</u> ALL SITTING. ALL CONCUR. | 2008-SC-000837-MR NOT TO BE PUBLISHED | GRAVES |
| 113. | GARRETT ADAMS V. COMMONWEALTH OF KENTUCKY MEMORANDUM OPINION OF THE COURT – <u>AFFIRMING</u> ALL SITTING. ALL CONCUR. | 2009-SC-000296-MR NOT TO BE PUBLISHED | MADISON |
| 114. | JEFFREY CURTIS COTTON V. COMMONWEALTH OF KENTUCKY MEMORANDUM OPINION OF THE COURT – <u>AFFIRMING IN PART AND REVERSING AND REMANDING IN PART</u> CUNNINGHAM, J., CONCURS IN PART AND DISSENTS IN PART BY SEPARATE OPINION. | 2008-SC-000516-MR 2009-SC-000338-MR NOT TO BE PUBLISHED | CHRISTIAN |
| 115. | NICHOLAS WILLIAMS V. COMMONWEALTH OF KENTUCKY MEMORANDUM OPINION OF THE COURT – <u>VACATING AND REMANDING</u> SCHRODER, J., CONCURS IN PART AND DISSENTS IN PART BY SEPARATE OPINION. | 2008-SC-000138-MR 2008-SC-000651-TG NOT TO BE PUBLISHED | ROCKCASTLE |

SUPREME COURT OF KENTUCKY

MINUTES
MAY 20, 2010

RELEASED: 10:00 A.M.

OPINIONS AND ORDERS – MAY 12, 2010

COMMONWEALTH OF KENTUCKY V. 2007-SC-000661-DG CAMPBELL
SOLOMON RICHARDSON
**ORDER GRANTED DISCRETIONARY REVIEW,
VACATED THE COURT OF APPEALS OPINION
AND REMANDED TO THE COURT OF APPEALS
FOR FURTHER CONSIDERATION.**
ALL SITTING. ALL CONCUR.

COMMONWEALTH OF KENTUCKY V. 2008-SC-000626-DG WARREN
WENDELL ALLEN BONDS
**ORDER GRANTED DISCRETIONARY REVIEW,
VACATED THE COURT OF APPEALS OPINION
AND REMANDED TO THE COURT OF APPEALS
FOR FURTHER CONSIDERATION.**
MINTON, C. J. DISSENTS.

JOHN G. WAGNER REVOCABLE 2009-SC-000529-DG MARION
LIVING TRUST V.
EDWARD A. WILSON; ET AL.
**ORDER GRANTED DISCRETIONARY REVIEW,
VACATED THE COURT OF APPEALS OPINION
AND REMANDED TO THE COURT OF APPEALS
FOR FURTHER CONSIDERATION.**
ALL SITTING. ALL CONCUR.

OPINIONS AND ORDERS – MAY 20, 2010

JOHN SHANNON BOUCHILLION V. [2009-SC-000585-KB](#) IN SUPREME
KENTUCKY BAR ASSOCIATION **TO BE PUBLISHED** COURT
**ORDER RESTORED MOVANT TO THE
PRACTICE OF LAW.**
ALL SITTING. ALL CONCUR.

SUPREME COURT OF KENTUCKY

MINUTES
MAY 20, 2010

RELEASED: 10:00 A.M.

OPINIONS AND ORDERS – MAY 20, 2010

KENTUCKY BAR ASSOCIATION V.
JENNIFER SUE WHITLOCK
**ORDER SUSPENDED RESPONDENT
FROM THE PRACTICE OF LAW FOR
1 YEAR WITH CONDITIONS.**
ALL SITTING. ALL CONCUR.

[2010-SC-000027-KB](#)
TO BE PUBLISHED

IN SUPREME
COURT

KENTUCKY BAR ASSOCIATION V.
STEPHEN C. KESSEN
**ORDER PERMANENTLY DISBARRED
RESPONDENT FROM THE PRACTICE
OF LAW.**
ALL SITTING. ALL CONCUR.

[2010-SC-000083-KB](#)
TO BE PUBLISHED

IN SUPREME
COURT

KENTUCKY BAR ASSOCIATION V.
JAMAL A. KOURY
**ORDER SUSPENDED RESPONDENT
FROM THE PRACTICE OF LAW FOR
1 YEAR TO RUN CONSECUTIVE TO
THE 181 DAY SUSPENSION ORDERED
BY THIS COURT ON APRIL 22, 2010.**
ALL SITTING. ALL CONCUR.

[2010-SC-000119-KB](#)
TO BE PUBLISHED

IN SUPREME
COURT

KENTUCKY BAR ASSOCIATION V.
MARK CAMERON CHESNUT
**ORDER PERMANENTLY DISBARRED
RESPONDENT FROM THE PRACTICE
OF LAW.**
MINTON, C.J., NOT SITTING.

[2010-SC-000129-KB](#)
TO BE PUBLISHED

IN SUPREME
COURT

KENTUCKY BAR ASSOCIATION V.
MELBOURNE MILLS
**ORDER PERMANENTLY DISBARRED
RESPONDENT FROM THE PRACTICE
OF LAW.**
ALL SITTING. ALL CONCUR.

[2010-SC-000148-KB](#)
TO BE PUBLISHED

IN SUPREME
COURT

SUPREME COURT OF KENTUCKY

MINUTES
MAY 20, 2010

RELEASED: 10:00 A.M.

OPINIONS AND ORDERS – MAY 20, 2010

ROBERT N. TRAINOR V.
KENTUCKY BAR ASSOCIATION
**ORDER SUSPENDED MOVANT FROM
THE PRACTICE OF LAW FOR 30 DAYS,
PROBATED FOR 1 YEAR PROVIDED HE
INCURS NO OTHER DISCIPLINARY
CHARGE DURING THAT TIME PERIOD.**
SCHRODER, JJ., DISSENTS.

[2010-SC-000201-KB](#)
TO BE PUBLISHED

IN SUPREME
COURT

KENTUCKY BAR ASSOCIATION V.
WILLIAM OTTO AYERS
**ORDER SUSPENDED RESPONDENT
FROM THE PRACTICE OF LAW FOR
30 DAYS.**
ALL SITTING. ALL CONCUR.

[2010-SC-000220-KB](#)
TO BE PUBLISHED

IN SUPREME
COURT

TIMMY G. ROBINSON, JR. V.
KENTUCKY BAR ASSOCIATION
**ORDER GRANTED RESTORATION
TO THE PRACTICE OF LAW.**
ALL SITTING. ALL CONCUR.

2010-SC-000259-KB
NOT TO BE PUBLISHED

IN SUPREME
COURT

GREGORY JOHN SCHEPER V.
KENTUCKY BAR ASSOCIATION
**ORDER RESTORED MOVANT TO THE
PRACTICE OF LAW.**
ALL SITTING. ALL CONCUR.

2010-SC-000261-KB
NOT TO BE PUBLISHED

IN SUPREME
COURT

**COURT ORDERS GRANTING MOTION FOR DISCRETIONARY REVIEW –
MAY 12, 2010**

COMMONWEALTH OF KENTUCKY V.
RANDY MARSHALL

2009-SC-000229-DG

GRAVES

SUPREME COURT OF KENTUCKY

**MINUTES
MAY 20, 2010**

RELEASED: 10:00 A.M.

**COURT ORDERS GRANTING MOTION FOR DISCRETIONARY REVIEW –
MAY 12, 2010**

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| LOWELL WORKMAN; AND PAUL F. FAURI V. J. P. HAMM, IN HIS OFFICIAL CAPACITY AS THE APPOINTING AUTHORITY FOR CABINET FOR HEALTH AND FAMILY SERVICES; AND KENTUCKY PERSONNEL BOARD | 2009-SC-000522-DG | FRANKLIN |
| L. D. HARRISON ET AL. V. CHRISTOPHER LEACH | 2010-SC-000018-DGE | ESTILL |
| KENTUCKY ASSOCIATED GENERAL CONTRACTORS SELF-INSURANCE FUND V. SHEILA LOWTHER, ADMINISTRATIVE LAW JUDGE, ET AL. | 2010-SC-000114-DG | FRANKLIN |

**COURT ORDERS DENYING MOTION FOR DISCRETIONARY REVIEW –
MAY 12, 2010**

| | | |
|--|------------------|-----------|
| CHRISTOPHER MOORE V. COMMONWEALTH OF KENTUCKY THE OPINION OF THE COURT OF APPEALS IS ORDERED NOT TO BE PUBLISHED. | 2008-SC-000305-D | JEFFERSON |
| VALUED SERVICES OF KENTUCKY LLC; ANGELA JACKSON; AND MARY DEPUE V. FLOYD WATKINS | 2009-SC-000454-D | FAYETTE |
| PASW, LLC; AND SKPR-KY2, LLC V. BROOKS WELLS, INC.; D/B/A BROOKS WELLS ENTERPRISES | 2009-SC-000466-D | BOYD |

SUPREME COURT OF KENTUCKY

MINUTES
MAY 20, 2010

RELEASED: 10:00 A.M.

**COURT ORDERS DENYING MOTION FOR DISCRETIONARY REVIEW –
MAY 12, 2010**

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| JOSEPH L. ROSENBAUM V. KENTUCKY REAL ESTATE COMMISSION; DAVID HARKLEROAD; RAY DESLOOVER; AND DOROTHY RUSSELL | 2009-SC-000514-D | MADISON |
| JON F. GLASS V. MOREHEAD STATE UNIVERSITY; AND KENTUCKY BOARD OF CLAIMS | 2009-SC-000526-D | ROWAN |
| DEBORAH L. TREPANIER, ADMINISTRATRIX OF THE ESTATE OF DAVID TREPANIER, DECEASED V. JEWISH HOSPITAL; AND ST. MARY'S HEALTHCARE, D/B/A JEWISH HOSPITAL | 2009-SC-000545-D | JEFFERSON |
| ANTONIO JEROME WAITE V. COMMONWEALTH OF KENTUCKY | 2009-SC-000546-D | FAYETTE |
| KEVIN BOOKER V. COMMONWEALTH OF KENTUCKY | 2009-SC-000581-D | CARLISLE |
| LINDA TRENT V. RICHARD MARTIN; AND TECO COAL CORPORATION THE OPINION OF THE COURT OF APPEALS IS ORDERED NOT TO BE PUBLISHED. | 2009-SC-000595-D | PERRY |
| ADAM JONES V. COMMONWEALTH OF KENTUCKY | 2009-SC-000598-D | FLOYD |
| JERRY FARMER V. COMMONWEALTH OF KENTUCKY | 2009-SC-000638-D | PERRY |
| COMMONWEALTH OF KENTUCKY V. DEREK TRUMBO | 2009-SC-000677-D | JEFFERSON |

SUPREME COURT OF KENTUCKY

**MINUTES
MAY 20, 2010**

RELEASED: 10:00 A.M.

**COURT ORDERS DENYING MOTION FOR DISCRETIONARY REVIEW –
MAY 12, 2010**

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| BETTY MCCLEES, ET AL. V. JAMES COMBS, ET AL. | 2009-SC-000750-D | KNOTT |
| JERRY HAMILTON V. COMMONWEALTH OF KENTUCKY | 2009-SC-000769-D | FAYETTE |
| SUSAN LAY V. KENTUCKY RETIREMENT SYSTEMS; AND BOARD OF TRUSTEES, KENTUCKY RETIREMENT SYSTEMS | 2009-SC-000812-D | FRANKLIN |
| REX NICHOLAS V. COMMONWEALTH OF KENTUCKY | 2009-SC-000832-D | MCCREARY |
| PAUL KORDENBROCK V. THEODORE KUSTER, ET AL. | 2010-SC-000001-D | FRANKLIN |
| ALEX C. THORNTON, JR. V. COMMONWEALTH OF KENTUCKY | 2010-SC-000012-D | JEFFERSON |
| JOHN BREWER V. COMMONWEALTH OF KENTUCKY | 2010-SC-000020-D | BOONE |
| TIMOTHY WAYNE MAXWELL V. COMMONWEALTH OF KENTUCKY | 2010-SC-000042-D | LOGAN |
| COMMONWEALTH OF KENTUCKY, CABINET FOR HEALTH AND FAMILY SERVICES V. RUTH WALKER AND KENTUCKY PERSONNEL BOARD | 2010-SC-000055-D | FRANKLIN |
| JUAN L. HUNT V. COMMONWEALTH OF KENTUCKY | 2010-SC000075-D | JEFFERSON |
| GEORGE GLENN SMITH V. COMMONWEALTH OF KENTUCKY | 2010-SC-000084-D | GRAVES |

SUPREME COURT OF KENTUCKY

**MINUTES
MAY 20, 2010**

RELEASED: 10:00 A.M.

**COURT ORDERS DENYING MOTION FOR DISCRETIONARY REVIEW –
MAY 12, 2010**

DANITA IRVAN, NOW SMITH V.
DANNY IRVAN 2010-SC-000161-DE MARSHALL

S. L., FATHER V.
COMMONWEALTH OF KENTUCKY,
CABINET FOR HEALTH & FAMILY
SERVICES, ET AL. 2010-SC-000200-DE MORGAN

COURT ORDERS DENYING PETITION FOR REHEARING – MAY 20, 2010

FRED LEE COLVARD V.
COMMONWEALTH OF KENTUCKY 2007-SC-000477-MR JEFFERSON

JUAN R. PELEGRIN-VIDAL V.
COMMONWEALTH OF KENTUCKY 2007-SC-000848-MR JEFFERSON

VERONICA JEWELL V.
KENTUCKY SCHOOL BOARD ASSOCIATION 2008-SC-000244-DG WHITLEY

COURT ORDERS DISMISSING

JERRY W. BLADES V.
COMMONWEALTH OF KENTUCKY 2010-SC-000058-MR MCCRACKEN
ENTERED: MAY 14, 2010

HARVEST HOMEBUILDERS LLC,
ET AL. V.
COMMONWEALTH BANK AND TRUST
COMPANY 2010-SC-000141-D OLDHAM
ENTERED: APRIL 29, 2010

WILLIAM C. ERIKSEN, P.S.C. V.
HON. KEN M. HOWARD, JUDGE,
HARDIN CIRCUIT COURT, ET AL. 2010-SC-000156-MR HARDIN
ENTERED: APRIL 29, 2010

SUPREME COURT OF KENTUCKY

**MINUTES
MAY 20, 2010**

RELEASED: 10:00 A.M.

COURT ORDERS DISMISSING

KHALID ZAAHIR, A.K.A. RAEMON T.
ANDERSON V.
COMMONWEALTH OF KENTUCKY
ENTERED: **MAY 6, 2010**

2010-SC-000103-D

JEFFERSON

MCDONALD'S CORPORATION V.
LOUISE OGBORN, ET AL.
ENTERED: **MAY 10, 2010**

2010-SC-000126-D

BULLITT

COURT ORDERS

RANDY SPRINKLES V.
COMMONWEALTH OF KENTUCKY
**ORDER CORRECTED OPINION OF THE
COURT BY SUBSTITUTION OF PAGES
13 AND 14 OF THE OPINION IN LIEU
OF ORIGINAL PAGES 13 AND 14.**
ENTERED: MAY 5, 2010

[2008-SC-000301-MR](#)

KNOX

ERIN HANEY V.
BILJANA MONSKY, AS NEXT FRIEND
OF MAX ZAGER, A MINOR CHILD
**ORDER CORRECTED OPINION OF THE
COURT BY SUBSTITUTION OF PAGE 1
IN LIEU OF ORIGINAL PAGE 1.**
ENTERED: MAY 7, 2010

[2008-SC-000337-DG](#)

JEFFERSON

COMMONWEALTH OF KENTUCKY V.
BERTRAND HOWLETT
ORDER GRANTED CERTIFICATION OF LAW
ENTERED: MAY 20, 2010

2010-SC-000128-CL

JEFFERSON

SALVADOR MORALES V.
HON. TAMRA GORMLEY, JUDGE,
WOODFORD CIRCUIT COURT, ET AL.
**ORDER DENIED MOTION FOR BELATED
APPEAL.**
ENTERED: MAY 17, 2010

2010-SC-000131-MR

WOODFORD

SUPREME COURT OF KENTUCKY

**MINUTES
MAY 20, 2010**

RELEASED: 10:00 A.M.

COURT ORDERS

COMMONWEALTH OF KENTUCKY V. 2010-SC-000215-CL JEFFERSON
DARRELL LYN INGRAM
ORDER DENIED CERTIFICATION OF LAW.
ENTERED: MAY 20, 2010

KENTUCKY BAR ASSOCIATION V. [2010-SC-000219-KB](#) IN SUPREME
CLETUS MARICLE **TO BE PUBLISHED** COURT
**ORDER AUTOMATICALLY SUSPENDED
RESPONDENT FROM THE PRACTICE OF
LAW, EFFECTIVE MARCH 25, 2010, UNTIL
SAID ORDER OF SUSPENSION IS
DISSOLVED OR SUPERSEDED BY
ORDER OF THIS COURT.**
ENTERED: MAY 20, 2010

**COURT ORDERS PERMITTING MOVANT TO WITHDRAW AS A MEMBER OF THE
KENTUCKY BAR ASSOCIATION LAW – MAY 14, 2010**

STEPHEN MITCHELL STEELE V. 2010-SC-000314-KB IN SUPREME
KENTUCKY BAR ASSOCIATION COURT

FREDERICK JAEGER MCGAVRAN V. 2010-SC-000315-KB IN SUPREME
KENTUCKY BAR ASSOCIATION COURT

NATALIE WATT V. 2010-SC-000316-KB IN SUPREME
KENTUCKY BAR ASSOCIATION COURT