

SUPREME COURT OF KENTUCKY

MINUTES

MAY 18, 2006

RELEASED: 2:00 P.M.

92. JOHNATHAN PARKS V. [2003-SC-000305-MR](#) GRAYSON  
COMMONWEALTH OF KENTUCKY **TO BE PUBLISHED**  
**OPINION OF THE COURT BY**  
**JUSTICE COOPER – VACATING.**  
WINTERSHEIMER, J., DISSENTS  
BY SEPARATE OPINION, WITH  
SCOTT, J., JOINING THAT  
DISSENT.
93. DENNIS R. GREENE SR. V. [2004-SC-000046-MR](#) KENTON  
COMMONWEALTH OF KENTUCKY **TO BE PUBLISHED**  
**OPINION OF THE COURT BY**  
**JUSTICE SCOTT – AFFIRMING.**  
COOPER, J., CONCURS IN RESULT  
ONLY. WINTERSHEIMER, J., CONCURS  
IN RESULT ONLY BECAUSE IT WAS  
NOT ERROR OF ANY KIND. JOHNSTONE,  
J., CONCURS BY SEPARATE OPINION,  
WITH GRAVES, J., JOINING THAT  
CONCURRING OPINION.
94. WILFORD M. HARRIS V. [2004-SC-000121-DG](#) CHRISTIAN  
MARIA B. JACKSON, INDIVIDUALLY **TO BE PUBLISHED**  
ET AL  
**OPINION OF THE COURT BY**  
**JUSTICE SCOTT – AFFIRMING.**  
GRAVES, J., CONCURS BY SEPARATE  
OPINION. ROACH, J., DISSENTS BY  
SEPARATE OPINION, WITH COOPER  
AND JOHNSTONE, JJ., JOINING THAT  
DISSENT.

SUPREME COURT OF KENTUCKY

MINUTES

MAY 18, 2006

RELEASED: 2:00 P.M.

- |     |  |   |            |
|-----|--|---|------------|
| 95. | AIK SELECTIVE SELF-INSURANCE FUND V.<br>MARY E. MINTON, ADMINISTRATRIX FOR THE ESTATE OF SYLVESTER T. MINTON, ET AL<br><b>OPINION OF THE COURT BY JUSTICE GRAVES – <u>AFFIRMING.</u></b><br>COOPER, J., FILES A SEPARATE CONCURRING OPINION IN WHICH ROACH, J., JOINS.   | <a href="#">2004-SC-000326-DG</a><br><b>TO BE PUBLISHED</b> | RUSSELL    |
| 96. | MICHAEL PENMAN V.<br>COMMONWEALTH OF KENTUCKY<br><b>OPINION OF THE COURT BY JUSTICE SCOTT – <u>AFFIRMING.</u></b><br>ROACH, J., CONCURS FULLY IN I, II, III, IV, VI, AND VII, BUT CONCURS IN RESULT ONLY AS TO SECTION V.<br>COOPER, J., CONCURS BY SEPARATE OPINION, WITH JOHNSTONE, J., JOINING THIS CONCURRING OPINION. | <a href="#">2004-SC-000726-MR</a><br><b>TO BE PUBLISHED</b> | JESSAMINE  |
| 97. | EMORY HUDSON V.<br>COMMONWEALTH OF KENTUCKY<br><b>OPINION OF THE COURT BY JUSTICE COOPER – <u>AFFIRMING.</u></b>   | <a href="#">2005-SC-000120-MR</a><br><b>TO BE PUBLISHED</b> | MONTGOMERY |
| 98. | STEPHEN ROBERT ARNOLD V.<br>COMMONWEALTH OF KENTUCKY<br><b>OPINION OF THE COURT BY JUSTICE GRAVES – <u>AFFIRMING.</u></b>  | <a href="#">2005-SC-000147-MR</a><br><b>TO BE PUBLISHED</b> | FAYETTE    |

SUPREME COURT OF KENTUCKY

MINUTES

MAY 18, 2006

RELEASED: 2:00 P.M.

99. WILLIAM RAINEY V. [2005-SC-000185-DG](#) JEFFERSON  
COMMONWEALTH OF KENTUCKY **TO BE PUBLISHED**  
**OPINION OF THE COURT BY**  
**JUSTICE SCOTT - AFFIRMING.**  
COOPER, J., CONCURS BY SEPARATE  
OPINION, WITH JOHNSTONE, J., JOINING  
THAT CONCURRING OPINION. ROACH, J.,  
ALSO CONCURS BY SEPARATE OPINION,  
WITH LAMBERT, C.J., JOINING THAT  
CONCURRING OPINION.
100. BRENDA SPEARS V. [2005-SC-000694-WC](#) FROM COURT  
CARHARTT, INC., ET AL **TO BE PUBLISHED** OF APPEALS  
**OPINION OF THE COURT - AFFIRMING.**  
GRAVES, J., DISSENTS WITHOUT  
OPINION.
101. STEVE MOORE V. [2004-SC-000550-DG](#) DAVIESS  
COMMONWEALTH OF KENTUCKY **TO BE PUBLISHED**  
AND  
DOUGLAS HAWKINS V. [2004-SC-000552-DG](#) WOLFE  
COMMONWEALTH OF KENTUCKY **TO BE PUBLISHED**  
**OPINION OF THE COURT BY**  
**JUSTICE COOPER – AFFIRMING NO.**  
**2004-SC-0550-DG AND REVERSING**  
**AND REMANDING NO. 2004-SC-000552-DG.**  
ROACH, J., CONCURS IN PART AND  
DISSENTS IN PART BY SEPARATE OPINION,  
WITH JOHNSTONE, J., JOINING THAT OPINION.

SUPREME COURT OF KENTUCKY

MINUTES

MAY 18, 2006

RELEASED: 2:00 P.M.

102. COMMONWEALTH OF KENTUCKY V. [2004-SC-000242-DG](#) MCCRACKEN  
DEDRA HATCHER **TO BE PUBLISHED**  
**OPINION OF THE COURT BY**  
**JUSTICE JOHNSTONE – AFFIRMING**  
**AND REMANDING.**  
GRAVES, J., DISSENTS BY SEPARATE  
OPINION, WITH WINTERSHEIMER, J.,  
JOINING THAT DISSENT.
103. CINCINNATI INSURANCE COMPANY V. [2004-SC-000005-DG](#) FAYETTE  
RAYMOND SAMPLES [2004-SC-000680-DG](#)  
**OPINION OF THE COURT BY** **TO BE PUBLISHED**  
**JUSTICE COOPER – AFFIRMING IN PART,**  
**REVERSING IN PART, AND REMANDING.**  
LAMBERT, C.J., DISSENTS BY  
SEPARATE OPINION.

SUPREME COURT OF KENTUCKY

MINUTES

MAY 18, 2006

RELEASED: 2:00 P.M.

104. ERNIE FLETCHER, IN HIS OFFICIAL CAPACITY AS GOVERNOR OF THE COMMONWEALTH OF KENTUCKY V. HON. WILLIAM L. GRAHAM, JUDGE, FRANKLIN COUNTY CIRCUIT COURT, AND GREGORY D. STUMBO, IN HIS OFFICIAL CAPACITY AS ATTORNEY GENERAL FOR THE COMMONWEALTH OF KENTUCKY, REAL PARTY IN INTEREST **OPINION OF THE COURT BY JUSTICE JOHNSTONE – AFFIRMING IN PART, REVERSING IN PART, AND REMANDING.** [2005-SC-001009-MR](#) **TO BE PUBLISHED** FRANKLIN
- GRAVES, J., CONCURS BY SEPARATE OPINION. COOPER, J., CONCURS ONLY AS TO THAT PORTION OF THE MAJORITY OPINION ENTITLED “APPOINTMENT OF SPECIAL JUSTICES” AND DISSENTS BY SEPARATE OPINION IN WHICH WINTERSHEIMER, J., JOINS. SCOTT, J., CONCURS BUT DISSENTS AS TO THAT PORTION OF THE MAJORITY OPINION ENTITLED “APPOINTMENT OF SPECIAL JUSTICES” BY SEPARATE OPINION CONCURRING IN PART, DISSENTING IN PART. WINTERSHEIMER, J., CONCURS ONLY AS TO THAT PORTION OF THE MAJORITY OPINION ENTITLED “APPOINTMENT OF SPECIAL JUSTICES” AND DISSENTS BY SEPARATE OPINION IN WHICH COOPER, J., JOINS. GREEN, S.J., CONCURS BY SEPARATE OPINION IN WHICH GRAVES, J., JOINS BUT DISSENTS AS TO THAT PORTION OF THE MAJORITY OPINION ENTITLED “APPOINTMENT OF SPECIAL JUSTICES” BY SEPARATE OPINION IN WHICH SCOTT, J., JOINS. LAMBERT, C.J., AND ROACH, J., NOT SITTING.

SUPREME COURT OF KENTUCKY

MINUTES

MAY 18, 2006

RELEASED: 2:00 P.M.

105. LUCILLE HILSMEIER V. [2003-SC-000281-DG](#) WARREN  
JOE A. CHAPMAN, ADMINISTRATOR **TO BE PUBLISHED**  
OF THE ESTATE OF J.G. CHAPMAN,  
DECEASED  
AND  
DEBBIE ALLEN V. [2003-SC-000303-DG](#) WARREN  
JOE A. CHAPMAN, ADMINISTRATOR **TO BE PUBLISHED**  
OF THE ESTATE OF J.G. CHAPMAN,  
DECEASED.  
**OPINION OF THE COURT BY  
JUSTICE JOHNSTONE – REVERSING  
AND REMANDING.**
106. TROY MARTIN V. [2004-SC-000130-DG](#) FAYETTE  
COMMONWEALTH OF KENTUCKY **TO BE PUBLISHED**  
**OPINION OF THE COURT BY  
CHIEF JUSTICE LAMBERT –  
REVERSING AND REMANDING.**  
WINTERSHEIMER, J., FILES A  
SEPARATE CONCURRING OPINION IN  
WHICH GRAVES AND ROACH, JJ., JOIN.
107. DONALD MORRISON V. [2005-SC-000719-WC](#) FROM COURT  
THE HOME DEPOT, ET AL **TO BE PUBLISHED** OF APPEALS  
**OPINION OF THE COURT -  
REVERSING AND REMANDING.**  
ROACH, J., DISSENTS BY SEPARATE  
OPINION IN WHICH JOHNSTONE, J.,  
JOINS.
108. LLOYD KNOTTS AND JACKIE [2004-SC-000400-DG](#) JEFFERSON  
KNOTTS V. ZURICH INSURANCE **TO BE PUBLISHED**  
COMPANY, ET AL  
**OPINION OF THE COURT BY  
JUSTICE ROACH – REVERSING.**  
COOPER, J., DISSENTS BY SEPARATE  
OPINION. WINTERSHEIMER, J., DISSENTS  
BY SEPARATE OPINION IN WHICH SCOTT, J.,  
JOINS.

SUPREME COURT OF KENTUCKY

MINUTES

MAY 18, 2006

RELEASED: 2:00 P.M.

- |      |  |   |           |
|------|--|---|-----------|
| 109. | CSX TRANSPORTATION, INC. V.<br>STEPHEN P. RYAN, JUDGE,<br>JEFFERSON CIRCUIT COURT, AND<br>SCOTT KOLTER<br><b>OPINION OF THE COURT BY<br/>JUSTICE JOHNSTONE – <u>REVERSING.</u></b>   | <a href="#">2005-SC-000275-MR</a><br><b>TO BE PUBLISHED</b>     | JEFFERSON |
| 110. | JAMES GIVIDEN V.<br>COMMONWEALTH OF KENTUCKY<br><b>MEMORANDUM OPINION OF THE<br/>COURT – <u>AFFIRMING.</u></b><br>COOPER, J., DISSENTS WITHOUT<br>SEPARATE OPINION.  | <a href="#">2003-SC-000976-MR</a><br><b>NOT TO BE PUBLISHED</b> | TRIMBLE   |
| 111. | JAMES R. BEARD, SR. V.<br>COMMONWEALTH OF KENTUCKY<br><b>MEMORANDUM OPINION OF THE<br/>COURT – <u>AFFIRMING.</u></b>   | <a href="#">2004-SC-000548-MR</a><br><b>NOT TO BE PUBLISHED</b> | HARDIN    |
| 112. | WILLIAM HOPKINS V.<br>COMMONWEALTH OF KENTUCKY<br><b>MEMORANDUM OPINION OF THE<br/>COURT – <u>AFFIRMING.</u></b><br>COOPER, J., CONCURS IN RESULT<br>ONLY.   | <a href="#">2004-SC-000687-MR</a><br><b>NOT TO BE PUBLISHED</b> | PIKE      |
| 113. | JOHN RUSSELL WALKER V.<br>COMMONWEALTH OF KENTUCKY<br><b>MEMORANDUM OPINION OF THE<br/>COURT – <u>AFFIRMING.</u></b><br>LAMBERT, C.J., COOPER AND<br>JOHNSTONE, J.J., DISSENT AND<br>WOULD REVERSE AND REMAND THIS<br>CASE FOR A NEW TRIAL BECAUSE OF<br>THE ADMISSION OF IMPROPER HEARSAY<br>EVIDENCE BY THE WITNESS, CAPILLA,<br>AND FACTUAL DETAILS OF APPELLANT'S<br>PRIOR CONVICTION UNDER THE GUISE<br>OF IMPEACHMENT. <u>PURCELL V. COMMONWEALTH,</u><br>149 S.W.3D 382, 395-401(KY. 2004). | <a href="#">2004-SC-000815-MR</a><br><b>NOT TO BE PUBLISHED</b> | FAYETTE   |

SUPREME COURT OF KENTUCKY

MINUTES

MAY 18, 2006

RELEASED: 2:00 P.M.

- |      |   |  |                          |
|------|---|--|--------------------------|
| 114. | BURLEY HUGHES, JR. V.<br>COMMONWEALTH OF KENTUCKY<br><b>MEMORANDUM OPINION OF THE<br/>COURT – <u>AFFIRMING.</u></b>   | <a href="#">2005-SC-000017-MR</a><br><b>NOT TO BE PUBLISHED</b>                                      | KNOX                     |
| 115. | MARK MARSHALL V.<br>COMMONWEALTH OF KENTUCKY<br><b>MEMORANDUM OPINION OF THE<br/>COURT – <u>AFFIRMING.</u></b>  | <a href="#">2005-SC-000212-MR</a><br><b>NOT TO BE PUBLISHED</b>                                      | CARROLL                  |
| 116. | LUVELL WEST V.<br>COMMONWEALTH OF KENTUCKY<br><b>MEMORANDUM OPINION OF THE<br/>COURT – <u>AFFIRMING.</u></b>  | <a href="#">2005-SC-000239-MR</a><br><b>NOT TO BE PUBLISHED</b>                                      | MCCRACKEN                |
| 117. | RALPH STEPHENS BAZE, JR., V.<br>COMMONWEALTH OF KENTUCKY<br><b>MEMORANDUM OPINION OF THE<br/>COURT – <u>AFFIRMING.</u></b><br>SCOTT, J., NOT SITTING  | <a href="#">2005-SC-000415-MR</a><br><a href="#">2005-SC-000420-MR</a><br><b>NOT TO BE PUBLISHED</b> | ROWAN                    |
| 118. | GLEN DALE COLEMAN V.<br>ROAD FORK DEVELOPMENT CO.,<br>INC., ET AL<br><b>MEMORANDUM OPINION OF THE<br/>COURT – <u>AFFIRMING.</u></b><br>SCOTT, J., DISSENTS WITHOUT<br>OPINION.  | <a href="#">2005-SC-000651-WC</a><br><b>NOT TO BE PUBLISHED</b>                                      | FROM COURT<br>OF APPEALS |
| 119. | COMMONWEALTH OF KENTUCKY V.<br>HONORABLE BETH LEWIS MAZE,<br>JUDGE, MONTGOMERY CIRCUIT<br>COURT, ET AL<br><b>MEMORANDUM OPINION OF THE<br/>COURT – <u>AFFIRMING.</u></b><br>SCOTT, J., DISSENTS BY SEPARATE<br>OPINION. | <a href="#">2005-SC-000682-MR</a><br><b>NOT TO BE PUBLISHED</b>                                      | MONTGOMERY               |

SUPREME COURT OF KENTUCKY

MINUTES

MAY 18, 2006

RELEASED: 2:00 P.M.

120. STEVE HEIL V. [2005-SC-000829-WC](#) FROM COURT  
WINN-DIXIE, ET AL **NOT TO BE PUBLISHED** OF APPEALS  
**MEMORANDUM OPINION OF THE  
COURT – AFFIRMING.**
121. KINDRED HEALTHCARE, INC., [2005-SC-000837-MR](#) FROM COURT  
ET AL V. **NOT TO BE PUBLISHED** OF APPEALS  
HONORABLE DARREN W. PECKLER  
JUDGE, BOYLE CIRCUIT COURT, ET AL  
**MEMORANDUM OPINION OF THE  
COURT – AFFIRMING.**
122. RALPH STEPHENS BAZE, JR. V. [2005-SC-000889-MR](#) ROWAN  
COMMONWEALTH OF KENTUCKY **NOT TO BE PUBLISHED**  
**MEMORANDUM OPINION OF THE  
COURT – AFFIRMING.**  
SCOTT, J., NOT SITTING. ALL  
OTHERS CONCUR EXCEPT  
COOPER, J., WHO CONCURS IN RESULT ONLY.

**OPINIONS AND ORDERS – MAY 18, 2006**

- COMMONWEALTH OF KENTUCKY V. 2005-SC-000821-DG MONTGOMERY  
BOBBY A. JONES  
**ORDER GRANTED MOTION FOR  
DISCRETIONARY REVIEW, VACATED  
COURT OF APPEALS' OPINION AND  
CASE IS REMANDED TO COURT OF  
APPEALS FOR RECONSIDERATION.  
ENTERED: MAY 10, 2006**
- KENTUCKY BAR ASSOCIATION V. [2006-SC-000128-KB](#) IN SUPREME  
ARTHUR WOODSON PULLIAM **TO BE PUBLISHED** COURT  
**ORDERING THE RESPONDENT BE  
SUSPENDED FROM THE PRACTICE  
OF LAW.**

**SUPREME COURT OF KENTUCKY**

**MINUTES**

**MAY 18, 2006**

**RELEASED: 2:00 P.M.**

**OPINIONS AND ORDERS – MAY 18, 2006**

KENTUCKY BAR ASSOCIATION V.  
AN UNNAMED ATTORNEY  
**ORDERING THE RESPONDENT BE  
PRIVATELY REPRIMANDED FOR A  
VIOLATION OF SCR 3.130-5.5(b)**

[2006-SC-000243-KB](#)  
**TO BE PUBLISHED**

IN SUPREME  
COURT

IN RE:  
RICK D. SIDERS  
**ORDER GRANTING PERMISSION  
TO TRANSFER MBE SCORES.**  
ENTERED: MAY 9, 2006

[2006-SC-000244-OA](#)  
**TO BE PUBLISHED**

IN SUPREME  
COURT

KENTUCKY BAR ASSOCIATION V.  
BERNARD G. WATTS, ESQ.  
**ORDERING RESPONDENT BE  
PUBLICLY REPRIMANDED.**

[2006-SC-000250-KB](#)  
**TO BE PUBLISHED**

IN SUPREME  
COURT

**COURT ORDERS GRANTING MOTION FOR DISCRETIONARY REVIEW  
ENTERED MAY 10, 2006**

C. W. HOSKINS HEIRS, ETC. V.  
BEN BOGGS, JR., ET AL

2005-SC-000618-DG

LESLIE

ERIC P. LIGHT, ET AL V.  
CITY OF LOUISVILLE, KENTUCKY, ET AL

2005-SC-000759-DG

JEFFERSON

KING DRUGS, INC., ET AL V.  
COMMONWEALTH OF KENTUCKY,  
REVENUE CABINET, ET AL

2005-SC-000789-DG

FRANKLIN

BONNIE JEAN NORDIKE (NOW HOLCOMB) V.  
MICHAEL D. NORDIKE

2005-SC-000809-DG

WARREN

DOLLAR GENERAL STORES, LTD. V.  
MABEL ROSE SMITH

2005-SC-000867-DG

CASEY

**SUPREME COURT OF KENTUCKY**

**MINUTES**

**MAY 18, 2006**

**RELEASED: 2:00 P.M.**

**COURT ORDERS GRANTING MOTION FOR DISCRETIONARY REVIEW  
ENTERED MAY 10, 2006**

FLOYD MIKE JONES, III V. COMMONWEALTH OF KENTUCKY	2005-SC-000879-DG	MEADE
DEPARTMENT OF CORRECTIONS, ETC. V. BOBBY CHESTNUT	2006-SC-000086-DG	FRANKLIN

**COURT ORDERS DENYING MOTION FOR DISCRETIONARY REVIEW  
ENTERED MAY 10, 2006**

ERIC BERNARD HICKS V. COMMONWEALTH OF KENTUCKY	2005-SC-000355-D	MCCRACKEN
J. SCOTT WANTLAND, ET AL V. KENTUCKY STATE BOARD OF ELECTIONS, ET AL	2005-SC-000386-D	FRANKLIN
LARRY DEW V. COMMONWEALTH OF KENTUCKY, THOMAS SIMPSON, WARDEN, ET AL	2005-SC-000400-D	LYON
RAYMOND JOSEPH FIERRO V. CYNTHIA HELEN DECKER FIERRO	2005-SC-000401-D	JEFFERSON
GETTY & MAYO, PLLC, F/K/A GETTY, KEYSER & MAYO, LLP V. BOWLES, RICE, MCDAVID, GRAFF & LOVE, PLLC, AND THOMAS E. BULLEIT	2005-SC-000574-D	PIKE
KENNETH BRYANT V. CITY OF HAZARD, KENTUCKY, ET AL	2005-SC-000642-D	PERRY
GENERAL ELECTRIC COMPANY V. CYNTHIA CASH BRANON, EXECUTRIX OF THE ESTATE OF WILLIAM CASH	2005-SC-000692-D	MCCRACKEN
ROGER MCLEVIN V. COMMONWEALTH OF KENTUCKY	2005-SC-000703-D	MUHLENBERG

**SUPREME COURT OF KENTUCKY**

**MINUTES**

**MAY 18, 2006**

**RELEASED: 2:00 P.M.**

**COURT ORDERS DENYING MOTION FOR DISCRETIONARY REVIEW**  
**ENTERED MAY 10, 2006**

GEORGE R. RAWLINGS, D/B/A RAWLINGS & ASSOCIATES, ET AL V. MARC L. BREIT, ET AL	2005-SC-000756-D	JEFFERSON
MARK FISCHER V. MARC L. BREIT	2005-SC-000758-D	JEFFERSON
COMMONWEALTH OF KENTUCKY V. BRAD DENNEY	2005-SC-000765-D	MCCREARY
JOHN RIGGINS, INDIVIDUALLY, ET AL V. TOMMY DALE FLOYD, ET AL	2005-SC-000797-D	CASEY
COMMONWEALTH OF KENTUCKY V. JOHN P. MOORE	2005-SC-000798-D	HOPKINS
CARL TIMOTHY FULKERSON V. COMMONWEALTH OF KENTUCKY	2005-SC-000830-D	MCLEAN
ROBERT SCHOLL V. COMMONWEALTH OF KENTUCKY	2005-SC-000839-D	CAMPBELL
ALLAN D. GRUNDY V. COMMONWEALTH OF KENTUCKY	2005-SC-000841-D	JEFFERSON
LUCIO LUNA CLEMENTE V. COMMONWEALTH OF KENTUCKY	2005-SC-000944-D	DAVISS
FLAMINTO KENYARDNA THOMAS V. GLENN HAEBERLIN, WARDEN	2005-SC-000950-D	LYON
JEFF YAZELL, ET AL V. FOREMOST INSURANCE COMPANY	2005-SC-000956-D	GRANT
JOSE CROOKS V. COMMONWEALTH OF KENTUCKY	2005-SC-000958-D	FAYETTE

**SUPREME COURT OF KENTUCKY**

**MINUTES**

**MAY 18, 2006**

**RELEASED: 2:00 P.M.**

**COURT ORDERS DENYING MOTION FOR DISCRETIONARY REVIEW**  
**ENTERED MAY 10, 2006**

LARRY W. GRIFFIN <b>V.</b> LARRY CHANDLER, WARDEN	2005-SC-000959-D	OLDHAM
RACHEL LYNN DOUGHTY <b>V.</b> WILLIAM PRESTON DOUGHTY	2005-SC-000982-D	MERCER
CHARLES E. VONSCHLUTTER, JR., <b>V.</b> BRENDA VONSCHLUTTER	2005-SC-000991-D	FAYETTE
OMER COOK <b>V.</b> CHRISTOPHER FAMILY, LLC, ET AL	2005-SC-001004-D	MARION
RUSSELL M. EVANS <b>V.</b> COMMONWEALTH OF KENTUCKY	2005-SC-001008-D	FAYETTE
DANNY CHILDERS <b>V.</b> JAMES CHILDERS, ET AL	2005-SC-001010-D	PIKE
KEVIN R. BLACK <b>V.</b> EVAN K. ROACH, ET AL	2006-SC-000007-D	JEFFERSON
MICHAEL ELLIOTT <b>V.</b> COMMONWEALTH OF KENTUCKY	2006-SC-000009-D	LAUREL
WILLIAM JACOB BRUCE <b>V.</b> PATTI WEBB, WARDEN	2006-SC-000035-D	MUHLENBERG
WILLARD D. GROSS <b>V.</b> FRED IRTZ, ADMINISTRATOR OF C.P. GROSS	2006-SC-000038-D	FAYETTE
KENNETH SUMPTER <b>V.</b> COMMONWEALTH OF KENTUCKY	2006-SC-000085-D	LETCHER
RONALD L. COX <b>V.</b> JOSH FERNIHOUGH, ET AL.	2006-SC-000103-D	JEFFERSON

**SUPREME COURT OF KENTUCKY**

**MINUTES**

**MAY 18, 2006**

**RELEASED: 2:00 P.M.**

**COURT ORDERS DENYING MOTION FOR DISCRETIONARY REVIEW**  
**ENTERED MAY 10, 2006**

RICHARD OLDFIELD V. PAMELA OLDFIELD, NOW LITTERAL	2006-SC-000111-D	MONTGOMERY
SHERRIE DAWSON V. STATE AUTOMOBILE MUTUAL INSURANCE COMPANY D/B/A MERIDIAN MUTUAL INSURANCE COMPANY	2006-SC-000118-D	FRANKLIN
ANTONIO DEMETRIUS BLACKFORD V. COMMONWEALTH OF KENTUCKY	2006-SC-000119-D	FAYETTE
MICHAEL SCOTT DEAN V. COMMONWEALTH OF KENTUCKY	2006-SC-000120-D	WAYNE
RUBY AND RICKY STURGILL V. L.M.S., A MINOR, ETC., ET AL	2006-SC-000121-DE	LETCHER
EUGENE COLLINS V. COMMONWEALTH OF KENTUCKY	2006-SC-000153-D	FAYETTE
JEREMY S. HUFFMAN V. JANIE F. PATTERSON	2006-SC-000158-D	KENTON
BRANDON COMBS V. JENNIFER COMBS, NOW SIZEMORE	2006-SC-000161-D	JESSAMINE
A.F., A CHILD UNDER EIGHTEEN V. COMMONWEALTH OF KENTUCKY	2006-SC-000182-D	BRECKINRIDGE
LAZARUS ROMELL PARKER V. COMMONWEALTH OF KENTUCKY	2006-SC-000183-D	FAYETTE
JEFFERY LYNN PEALS V. COMMONWEALTH OF KENTUCKY	2006-SC-000197-D	JEFFERSON
ROBERT EUGENE SMITH V. COMMONWEALTH OF KENTUCKY	2006-SC-000245-D	JEFFERSON

**SUPREME COURT OF KENTUCKY**

**MINUTES**

**MAY 18, 2006**

**RELEASED: 2:00 P.M.**

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

**MICHAEL L. BLACK V.  
COMMONWEALTH OF KENTUCKY  
ENTERED: MAY 10, 2006**

2006-SSC-000112-D

MASON

**ROBERT E. TURNER V.  
COMMONWEALTH OF KENTUCKY  
ENTERED: MAY 9, 2006**

2006-SC-000192-D

DAVISS

**JAMES C. MAXIE V.  
COMMONWEALTH OF KENTUCKY  
ENTERED: MAY 9, 2006**

2006-SC-000198-D

MCCRACKEN

**COURT ORDER GRANTING MOTION TO TRANSFER ENTERED APRIL 18, 2006**

**COMMONWEALTH OF KENTUCKY V.  
JASON E. TERRELL**

2006-SC-000286-TG

MCCRACKEN

**COURT ORDERS DENYING MOTION TO TRANSFER ENTERED MAY 18, 2006**

**THOMAS R. JOHNS, JR. V.  
COMMONWEALTH OF KENTUCKY**

2006-SC-000246-T

FROM COURT  
OF APPEALS

SUPREME COURT OF KENTUCKY

MINUTES

MAY 18, 2006

RELEASED: 2:00 P.M.

**COURT ORDERS DENYING PETITION FOR REHEARING ENTERED MAY 18, 2006**

J. RANDOLPH LEWIS V. 2003-SC-000119-DG LAUREL  
JACKSON ENERGY COOPERATIVE 2004-SC-000135-DG  
CORPORATION, ET AL

DARRYL WAYNE MORGAN V. 2003-SC-000489-MR BALLARD  
COMMONWEALTH OF KENTUCKY  
**ORDER MODIFYING OPINION TO REFLECT ON PAGE  
25 THAT JUSTICE COOPER JOINED THE DISSENT  
OF JUSTICE JOHNSTONE.**

SCOTT EUGENE GAITHER V. 2004-SC-000474-MR DAVIESS  
COMMONWEALTH OF KENTUCKY

CHANNING HARDIN V. 2005-SC-000505-MR JEFFERSON  
COMMONWEALTH OF KENTUCKY

**COURT ORDERS**

DARRYL WAYNE MORGAN V. [2003-SC-000489-MR](#) BALLARD  
COMMONWEALTH OF KENTUCKY  
**MODIFYING OPINION RENDERED JANUARY  
19, 2006 BY DELETING THE UNDERLINE  
IN THE LANGUAGE OF THE SENTENCE.**  
ENTERED: MAY 3, 2006

JAN R. WADDELL, SR. V. [2004-SC-000630-KB](#) IN SUPREME  
KENTUCKY BAR ASSOCIATION COURT  
**ORDER MODIFYING OPINION AND ORDER  
ENTERED FEBRUARY 23, 2006 BY THE  
SUBSTITUTION OF A NEW OPINION AND  
ORDER. SAID MODIFICATION DOES NOT  
AFFECT THE HOLDING OF THE OPINION  
AND ORDER AS ORIGINALLY ENTERED.**  
ENTERED: MAY 18, 2006

SUPREME COURT OF KENTUCKY

MINUTES

MAY 18, 2006

RELEASED: 2:00 P.M.

**COURT ORDERS**

DOTTIE HOLLOWAY V. ROBERT ALEXANDER <b>ORDER GRANTING PARTIES JOINT MOTION TO DISMISS APPEAL.</b> ENTERED: MAY 9, 2006	2005-SC-000650-DG	MCCRACKEN
EDMOND ALDRIDGE V. SHAMBAUGH & SON COMPANY, ET AL <b>ORDER GRANTING APPELLANT MOTION TO WITHDRAW APPEAL.</b> ENTERED: MAY 8, 2006	2005-SC-000817-WC	FROM COURT OF APPEALS
BEECH FORK PROCESSING V. JIMMY MUSICK, ET AL <b>ORDER GRANTING APPELLANT MOTION TO DISMISS THE APPEAL.</b> ENTERED: APRIL 28, 2006	2006-SC-000065-WC	FROM COURT OF APPEALS
SAMUEL ABDULLAH LATEEF V. TRANSIT AUTHORITY OF RIVER CITY, ET AL <b>ORDER DENYING APPELLANT MOTION FOR BELATED APPEAL.</b> ENTERED: MAY 9, 2006	2006-SC-000124-WC	FROM COURT OF APPEALS
CLINTON W. JUSTICE, ET AL V. VANDERBILT MORTGAGE & FINANCE, INC. <b>ORDER DISMISSING APPEAL FOR FAILURE TO COMPLY WITH CR 76.20.</b> ENTERED: MAY 9, 2006	2006-SC-000271-D	PIKE

SUPREME COURT OF KENTUCKY

MINUTES

MAY 18, 2006

RELEASED: 2:00 P.M.

**COURT ORDERS**

TAMMY KELLY V. 2006-SC-000280-D FAYETTE  
COMMONWEALTH OF KENTUCKY  
IN THE INTEREST OF T. K., A MINOR  
CHILD  
**ORDER DENYING MOVANT'S MOTION  
TO PROCEED IN FORMA PAUPERIS.**  
ENTERED: MAY 9, 2006

COMMONWEALTH OF KENTUCKY V. 2006-SC-000304-D MONTGOMERY  
BOBBY C. JONES  
**ORDER GRANTING RESPONDENT'S MOTION  
TO DISMISS MOTION FOR DISCRETIONARY  
REVIEW.**  
ENTERED: MAY 9, 2006

**COURT ORDER PERMITTING MOVANT TO WITHDRAW AS A MEMBER OF  
THE KENTUCKY BAR ASSOCIATION ENTERED MAY 12, 2006**

ALAN LEONARD SCHMITT V. 2006-SC-000337 IN SUPREME  
KENTUCKY BAR ASSOCIATION COURT