

SUPREME COURT OF KENTUCKY

MINUTES

MAY 19, 2005

RELEASED: 10:00 A.M.

- | | | | |
|------|---|--|------------------------------------|
| 100. | LEONA BREWER, ETC. V.
NATIONAL INDEMNITY CO.,
ETC., ET AL
OPINION OF THE COURT BY
CHIEF JUSTICE LAMBERT –
<u>CERTIFYING THE LAW.</u> | <u>2004-SC-000270-CL</u>
TO BE PUBLISHED | U. S. COURT
COURT OF
APPEALS |
| 101. | MICHAEL WILSON V.
KEITH RUSSELL
OPINION OF THE COURT BY
CHIEF JUSTICE LAMBERT –
<u>VACATING AND REMANDING.</u> | <u>2003-SC-001015-DG</u>
TO BE PUBLISHED | PENDLETON |
| 102. | DR. ROBIN FANKHAUSER,
ETC., ET AL V.
MELINDA COBB, ET AL
AND
MELINDA COBB V.
DR. ROBIN FANKHAUSER,
ETC., ET AL
OPINION OF THE COURT BY
JUSTICE KELLER – <u>AFFIRMING.</u> | <u>2002-SC-000368-DG</u>
TO BE PUBLISHED

<u>2003-SC-000396-DG</u>
TO BE PUBLISHED | FAYETTE

FAYETTE |
| 103. | ISMAEL GUTIERREZ V.
COMMONWEALTH OF KENTUCKY
OPINION OF THE COURT BY
JUSTICE KELLER – <u>AFFIRMING.</u> | <u>2003-SC-000130-MR</u>
TO BE PUBLISHED | TRIMBLE |
| 104. | WILLIAM VERNON MATTHEWS V.
COMMONWEALTH OF KENTUCKY
OPINION OF THE COURT BY
JUSTICE KELLER – <u>AFFIRMING.</u>
COOPER, J., CONCURS BY
SEPARATE OPINION. | <u>2003-SC-000378-MR</u>
TO BE PUBLISHED | ROWAN |

SUPREME COURT OF KENTUCKY

MINUTES

MAY 19, 2005

RELEASED: 10:00 A.M.

105. STACY LYNN PARTIN V. [2003-SC-000596-MR](#) MCCRACKEN
COMMONWEALTH OF KENTUCKY **TO BE PUBLISHED**
OPINION OF THE COURT BY
JUSTICE COOPER – AFFIRMING.
WINTERSHEIMER, J.,
CONCURS BY SEPARATE
OPINION. KELLER, J., DISSENTS
BY SEPARATE OPINION.
106. VICTOR DEWAYNE TAYLOR V. [2004-SC-000018-MR](#) FAYETTE
COMMONWEALTH OF KENTUCKY **TO BE PUBLISHED**
OPINION OF THE COURT BY
CHIEF JUSTICE LAMBERT –
AFFIRMING.
COOPER, J., FILES A
SEPARATE OPINION CONCURRING
IN PART AND DISSENTING IN PART
IN WHICH JOHNSTONE, J., JOINS.
KELLER, J., DISSENTS BY SEPARATE
OPINION.
107. LARRY HOWELL V. [2002-SC-001064-MR](#) KENTON
COMMONWEALTH OF KENTUCKY **TO BE PUBLISHED**
AND
COMMONWEALTH OF KENTUCKY, [2003-SC-000219-TG](#) KENTON
ET AL V. **TO BE PUBLISHED**
DOUGLAS M. STEPHENS, JUDGE
KENTON CIRCUIT COURT (SECOND
DIVISION), ET AL
OPINION OF THE COURT BY
JUSTICE COOPER – AFFIRMING
IN PART, REVERSING IN PART,
AND REMANDING AS TO 2002-SC-
1064-MR AND REVERSING AND
REMANDING AS TO 2003-SC-219-TG.

SUPREME COURT OF KENTUCKY

MINUTES

MAY 19, 2005

RELEASED: 10:00 A.M.

- | | | | |
|------|--|--|---|
| 108. | HUNTER EXCAVATING V.
GORDON BARTRUM, ET AL
<u>OPINION OF THE COURT –
AFFIRMING IN PART, REVERSING
IN PART, AND REMANDING.</u> | <u>2004-SC-000485-WC</u>
TO BE PUBLISHED | FROM COURT
OF APPEALS |
| 109. | JOHN MILLS V.
COMMONWEALTH OF KENTUCKY
<u>OPINION OF THE COURT BY
JUSTICE KELLER – AFFIRMING
IN PART AND REVERSING IN
PART.</u> | <u>2002-SC-000216-MR</u>
TO BE PUBLISHED | KNOX |
| 110. | CABINET FOR FAMILIES AND
CHILDREN, ET AL V.
DR. SCOTT CUMMINGS, ET AL
AND
DR. CAROL GARRISON, ET AL V.
DR. SCOTT CUMMINGS, ET AL
AND
DR. SCOTT CUMMINGS V.
DR. CAROL GARRISON, ET AL
<u>OPINION OF THE COURT -
AFFIRMING IN PART AND
REVERSING IN PART.</u>
COOPER, J., CONCURS IN PART
AND DISSENTS IN PART BY
SEPARATE OPINION. | <u>2002-SC-000788-DG</u>
TO BE PUBLISHED

<u>2002-SC-000791-DG</u>
TO BE PUBLISHED

<u>2003-SC-000456-DG</u>
TO BE PUBLISHED | JEFFERSON

JEFFERSON

JEFFERSON |

SUPREME COURT OF KENTUCKY

MINUTES

MAY 19, 2005

RELEASED: 10:00 A.M.

111. ERNIE FLETCHER, ETC., ET AL V. [2005-SC-000046-TG](#) FRANKLIN
COMMONWEALTH OF KENTUCKY, **TO BE PUBLISHED**
OFFICE OF THE ATTORNEY GENERAL
EX REL, GREGORY STUMBO, ET AL
AND
STEVE NUNN, ET AL V. [2005-SC-000049-TG](#) FRANKLIN
COMMONWEALTH OF KENTUCKY, **TO BE PUBLISHED**
EX REL, GOVERNOR ERNIE
FLETCHER, ET AL
AND
COMMONWEALTH OF KENTUCKY, [2005-SC-000050-TG](#) FRANKLIN
DEPT. OF THE TREASURY ET AL V. **TO BE PUBLISHED**
COMMONWEALTH OF KENTUCKY,
OFFICE OF ATTORNEY GENERAL EX
REL. GREGORY D. STUMBO, ET AL
OPINION OF THE COURT BY
JUSTICE COOPER – AFFIRMING
IN PART AND REVERSING IN PART.
LAMBERT, C.J., CONCURS IN PART
AND DISSENTS IN PART BY SEPARATE
OPINION. KELLER, J., CONCURS IN PART
AND DISSENTS IN PART BY SEPARATE
OPINION, WITH SCOTT, J., JOINING
THAT OPINION.
112. JOHN T. HILBERT V. [2002-SC-000095-MR](#) NELSON
COMMONWEALTH OF KENTUCKY **TO BE PUBLISHED**
OPINION OF THE COURT BY
JUSTICE GRAVES- REVERSING
AND REMANDING.
WINTERSHEIMER, J., DISSENTS IN
A SEPARATE OPINION IN WHICH
KELLER, J., JOINS.

SUPREME COURT OF KENTUCKY

MINUTES

MAY 19, 2005

RELEASED: 10:00 A.M.

113. DONNA HARGIS, ETC., ET AL V. [2002-SC-000969-DG](#) MUHLENBERG
ALLEN R. BAIZE, D/B/A GREENVILLE **TO BE PUBLISHED**
LOG & LUMBER, ET AL
OPINION OF THE COURT BY
JUSTICE COOPER – REVERSING
AND REMANDING.
KELLER, J., DISSENTS BY SEPARATE
OPINION, WITH JOHNSTONE, J.,
JOINING THAT DISSENTING OPINION.
114. STEPHANIE GULLION V. [2004-SC-000494-DG](#) MAGOFFIN
MATTHEW GULLION **TO BE PUBLISHED**
OPINION OF THE COURT BY
CHIEF JUSTICE LAMBERT –
REVERSING AND REMANDING.
115. ELK HORN COAL CORP. V. [2002-SC-000743-DG](#) FLOYD
CHEYENNE RESOURCE INC, **TO BE PUBLISHED**
ET AL
OPINION OF THE COURT BY
JUSTICE KELLER – REVERSING.
SCOTT, J., NOT SITTING.
116. COMMONWEALTH OF KENTUCKY V. [2003-SC-000357-DG](#) HOPKINS
GREGORY A. BERRY **TO BE PUBLISHED**
AND
GREGORY A. BERRY V. [2004-SC-000231-DG](#) HOPKINS
COMMONWEALTH OF KENTUCKY **TO BE PUBLISHED**
OPINION OF THE COURT BY
JUSTICE GRAVES – REVERSING.
KELLER, J., DISSENTS BECAUSE HE
BELIEVES THAT THE TRIAL JUDGE
FAILED TO ADEQUATELY EXPLAIN
THE PERILS OF PROCEEDING PRO SE
AS REQUIRED BY WILSON V. COMTH.
836 S.W.2D 872, 881-84 (KY. 1992), AND
FARETTA V. CALIFORNIA, 422 U.S. 806,
95 S.CT. 2525, 45 L.ED.2D 562 (1975).

SUPREME COURT OF KENTUCKY

MINUTES

MAY 19, 2005

RELEASED: 10:00 A.M.

- | | | | |
|------|---|--|----------------------|
| 117. | TRACY GLASS LAMB, ET AL V.
LUCY HOLMES, ETC., ET AL
OPINION OF THE COURT BY
JUSTICE SCOTT – <u>REVERSING.</u>
KELLER, J., DISSENTS BY SEPARATE
OPINION. | 2003-SC-000495-DG
TO BE PUBLISHED | FAYETTE |
| 118. | APRIL RINE V.
COMMONWEALTH OF KENTUCKY
AND
TAMMITHA FUENTES V.
COMMONWEALTH OF KENTUCKY
MEMORANDUM OPINION OF THE
COURT – <u>AFFIRMING.</u> | 2002-SC-001079-MR
NOT TO BE PUBLISHED

2003-SC-000012-MR
NOT TO BE PUBLISHED | WARREN

WARREN |
| 119. | GROVER CLIFF GABBARD V.
COMMONWEALTH OF KENTUCKY
MEMORANDUM OPINION OF THE
COURT – <u>AFFIRMING.</u>
COOPER, J., DISSENTS BY
SEPARATE OPINION, WITH LAMBERT
C.J., JOINING THAT DISSENT. | 2002-SC-001091-MR
NOT TO BE PUBLISHED | MCLEAN |
| 120. | STEVIE LYN ENGLAND V.
COMMONWEALTH OF KENTUCKY
MEMORANDUM OPINION OF THE
COURT – <u>AFFIRMING.</u>
COOPER, J., CONCURS IN
RESULT ONLY. | 2003-SC-000328-MR
2004-SC-000506-TG
NOT TO BE PUBLISHED | GRAVES |
| 121. | COMMONWEALTH OF KENTUCKY V.
JOSIAH DANIEL GORDIN
MEMORANDUM OPINION OF THE
COURT – <u>AFFIRMING.</u>
WINTERSHEIMER, J., DISSENTS
WITHOUT OPINION. | 2003-SC-000517-MR
NOT TO BE PUBLISHED | JESSAMINE |

SUPREME COURT OF KENTUCKY

MINUTES

MAY 19, 2005

RELEASED: 10:00 A.M.

- | | | | |
|------|--|---|--------------------------|
| 122. | JONATHAN GOODAN V.
COMMONWEALTH OF KENTUCKY
AND
JASON GOODAN V.
COMMONWEALTH OF KENTUCKY
MEMORANDUM OPINION OF THE
COURT – <u>AFFIRMING.</u> | 2003-SC-000657-MR
NOT TO BE PUBLISHED | ROWAN |
| | | 2003-SC-000658-MR
NOT TO BE PUBLISHED | ROWAN |
| 123. | TERRANCE LEE WAGNER V.
COMMONWEALTH OF KENTUCKY
MEMORANDUM OPINION OF THE
COURT – <u>AFFIRMING.</u> | 2003-SC-000770-MR
NOT TO BE PUBLISHED | HARDIN |
| 124. | ANTHONY THOMAS GRIMES V.
COMMONWEALTH OF KENTUCKY
MEMORANDUM OPINION OF THE
COURT – <u>AFFIRMING.</u>
JOHNSTONE, J., CONCURS IN
RESULT ONLY. | 2003-SC-001062-MR
NOT TO BE PUBLISHED | DAVIESS |
| 125. | OSCAR LEE DAVIS V.
COMMONWEALTH OF KENTUCKY
MEMORANDUM OPINION OF THE
COURT – <u>AFFIRMING.</u> | 2004-SC-000199-MR
NOT TO BE PUBLISHED | JEFFERSON |
| 126. | TERRY HARRINGTON V.
TFE GROUP, ET AL
MEMORANDUM OPINION OF THE
COURT – <u>AFFIRMING.</u> | 2004-SC-000403-WC
NOT TO BE PUBLISHED | FROM COURT
OF APPEALS |
| 127. | LINDA BETTY V.
NORTON HEALTHCARE, ET AL
MEMORANDUM OPINION OF THE
COURT – <u>AFFIRMING.</u>
SCOTT, J., DISSENTS BY
SEPARATE OPINION AND IS
JOINED BY GRAVES, J., | 2004-SC-000460-WC
NOT TO BE PUBLISHED | FROM COURT
OF APPEALS |

SUPREME COURT OF KENTUCKY

MINUTES

MAY 19, 2005

RELEASED: 10:00 A.M.

- | | | |
|--|--|--------------------------|
| 128. AUBURN HOSIERY MILLS, INC.,
AS INSURED BY KENTUCKY
INS. GUARANTY ASSOC. V.
ELVIS BIKIC; AUBURN HOSIERY
MILLS, INC., AS INSURED BY
KEMPER INS. CO., ET AL
MEMORANDUM OPINION OF THE
COURT – <u>AFFIRMING.</u> | <u>2004-SC-000483-WC</u>
NOT TO BE PUBLISHED | FROM COURT
OF APPEALS |
| 129. AUDUBON METAL, LLC V.
BERNARD THOMAS, JR., ET AL
MEMORANDUM OPINION OF THE
COURT – <u>AFFIRMING.</u> | <u>2004-SC-000524-WC</u>
NOT TO BE PUBLISHED | FROM COURT
OF APPEALS |
| 130. COMMONWEALTH OF KENTUCKY
DEPT. OF CORRECTIONS V.
BEVERLY TRAVIS, ET AL
MEMORANDUM OPINION OF THE
COURT – <u>AFFIRMING.</u> | <u>2004-SC-000539-WC</u>
NOT TO BE PUBLISHED | FROM COURT
OF APPEALS |
| 131. RAYMOND L. SMITH V.
COMMONWEALTH OF KENTUCKY
MEMORANDUM OPINION OF THE
COURT – <u>AFFIRMING IN PART,
VACATING IN PART AND
REMANDING.</u> | <u>2004-SC-000402-TG</u>
NOT TO BE PUBLISHED | FROM COURT
OF APPEALS |

OPINIONS AND ORDERS

- | | | |
|---|-------------------|---------------------|
| R. DAVID STENGEL, ETC., ET AL V.
KENTUCKY BAR ASSOCIATION
AND | 2004-SC-000305-KB | IN SUPREME
COURT |
| RICHARD BOLING, ETC. V.
KENTUCKY BAR ASSOCIATION
AND | 2004-SC-000332-KB | IN SUPREME
COURT |
| KENTUCKY MEDICAL ASSOCIATION V.
KENTUCKY BAR ASSOCIATION
AND | 2004-SC-000336-KB | IN SUPREME
COURT |

SUPREME COURT OF KENTUCKY

MINUTES

MAY 19, 2005

RELEASED: 10:00 A.M.

OPINIONS AND ORDERS

RAYMOND M. LARSON, ETC. V. KENTUCKY BAR ASSOCIATION AND	2004-SC-000347-KB	IN SUPREME COURT
IRV MAZE, ETC. V. KENTUCKY BAR ASSOCIATION AND	2004-SC-000357-KB	IN SUPREME COURT
GEORGE W. MOORE, ETC. V. KENTUCKY BAR ASSOCIATION AND	2004-SC-000349-KB	IN SUPREME COURT
KENTON R. SMITH, ETC. V. KENTUCKY BAR ASSOCIATION AND	2004-SC-000350-KB	IN SUPREME COURT
ROY K. SNELL, ETC. V. KENTUCKY BAR ASSOCIATION AND	2004-SC-000346-KB	IN SUPREME COURT
BARRY BERTRAM, ETC. V. KENTUCKY BAR ASSOCIATION OPINION AND ORDER VACATING ALL PORTIONS OF KBA OPINION E- 423 TO THE EXTENT IT ADDRESSES GRAND JURY PRACTICES AND PROCEEDINGS. HAVING DONE SO, WE WILL NOT HERE ADDRESS MOVANT’S ARGUMENT THAT FORMAL OPINIONS ARE LIMITED TO STANDARDS SET OUT IN SCR 3.350(1).	<u>2004-SC-000339-KB</u> TO BE PUBLISHED	IN SUPREME COURT
CHARLES E. KING V. KENTUCKY BAR ASSOCIATION OPINION AND ORDER, ORDERING MOVANT, CHARLES E. KING, PER- MANENTLY DISBARRED FROM THE PRACTICE OF LAW IN THE COMMONWEALTH OF KENTUCKY.	<u>2005-SC-000246-KB</u> TO BE PUBLISHED	IN SUPREME COURT

SUPREME COURT OF KENTUCKY

MINUTES

MAY 19, 2005

RELEASED: 10:00 A.M.

COURT ORDERS GRANTING MOTION FOR DISCRETIONARY REVIEW
ENTERED MAY 11, 2005

LEIGH ANN, ET AL V. DANIELLE PEARSON, ETC.	2004-SC-000791-DG	JEFFERSON
J. D. DAVIS V. CITY OF WINCHESTER, ET AL	2004-SC-000820-DG	CLARK
FADI H. MOHAMMAD V. COMMONWEALTH OF KENTUCKY	2004-SC-000875-DG	JEFFERSON
GTE SOUTH, INC., N/K/A VERIZON SOUTH, INC. V. REVENUE CABINET, COMMONWEALTH OF KENTUCKY	2005-SC-000223-DG	FRANKLIN

COURT ORDERS DENYING MOTION FOR DISCRETIONARY REVIEW
ENTERED MAY 11, 2005

GLENN WEST V. COMMONWEALTH OF KENTUCKY	2004-SC-000419-D	CALLOWAY
WILLIAMS & WAGNER, PSC, ET AL V. JOHN FORD, ET AL	2004-SC-000496-D	JEFFERSON
JOYCE SNOW, ETC., ET AL V. WEST AMERICAN INSURANCE COMPANY	2004-SC-000580-D	FAYETTE
ENVIRONMENTAL AND PUBLIC PROTECTION CABINET V. ROY CAMPBELL	2004-SC-000592-D	PERRY
OPINION OF THE COURT OF APPEALS IS ORDERED NOT TO BE PUBLISHED.		
DONNIE HILLYARD V. COMMONWEALTH OF KENTUCKY	2004-SC-000607-D	UNION

SUPREME COURT OF KENTUCKY

MINUTES

MAY 19, 2005

RELEASED: 10:00 A.M.

COURT ORDERS DENYING MOTION FOR DISCRETIONARY REVIEW
ENTERED MAY 11, 2005

GRANGE MUTUAL CASUALTY CO. V. MICHELLE THOMAS, ETC. OPINION OF THE COURT OF APPEALS IS ORDERED NOT TO BE PUBLISHED.	2004-SC-000611-D	JEFFERSON
THRIFTWAY, INC. V. MICKEY PEECH, ET AL	2004-SC-000632-D	OHIO
TRUMAN MONROE, ET AL V. SPENCER COUNT, KENTUCKY, ET AL	2004-SC-000676-D	SPENCER
CITY OF BEREА, KENTUCKY, ET AL V. BEREA AREA DEVELOPMENT, LLC	2004-SC-000677-D	MADISON
LINDA STETLER, ET AL V. SRN ENTERPRISES, INC.	2004-SC-000743-D	CLINTON
WILLIAM JOSEPH DURBIN V. PATRICIA A. DURBIN	2004-SC-000748-D	LEE
CONNIE MARSHALL V. LOUISE WELCH	2004-SC-000778-D	JEFFERSON
JOSEPH E. FOX V. COMMONWEALTH OF KENTUCKY	2004-SC-000779-D	HENDERSON
SCHWAN'S TECHNOLOGY GROUP, INC., D/B/A EXPLORE INFORMATION SERVICES V. TRANSPORTATION CABINET, COMMONWEALTH OF KENTUCKY, ET AL	2004-SC-000781-D	FRANKLIN
MARY ANN TRAYLOR, ET AL V. JOHN SPERRY, ET AL	2004-SC-000782-D	GREENUP

SUPREME COURT OF KENTUCKY

MINUTES

MAY 19, 2005

RELEASED: 10:00 A.M.

COURT ORDERS DENYING MOTION FOR DISCRETIONARY REVIEW
ENTERED MAY 11, 2005

BEVERLY LITTLE V. BOARD OF EDUCATION OF MORGAN COUNTY, ET AL	2004-SC-000783-D	MORGAN
PUMA ENERGY CORPORATION, ET AL V. COMMONWEALTH OF KENTUCKY, NATURAL RESOURCES, ET AL	2004-SC-000785-D	FRANKLIN
RANDALL CLAY WALLACE V. COMMONWEALTH OF KENTUCKY	2004-SC-000792-D	FAYETTE
HENRY KELLY LAWSON V. COMMONWEALTH OF KENTUCKY	2004-SC-000816-D	GRANT
ROBERT LEE MARTIN V. COMMONWEALTH OF KENTUCKY	2004-SC-000876-D	JEFFERSON
M.M., A CHILD UNDER EIGHTEEN V. COMMONWEALTH OF KENTUCKY	2004-SC-000879-D	JACKSON
WILLIAM A. MACK V. COMMONWEALTH OF KENTUCKY	2004-SC-000881-D	FAYETTE
JEREMY BOYD V. PATTI WEBB, WARDEN, ETC.	2004-SC-000882-D	MUHLENBERG
WILLIAM MEECE V. COMMONWEALTH OF KENTUCKY	2004-SC-000883-D	FAYETTE
COMMONWEALTH OF KENTUCKY, BOARD OF CLAIMS, ET AL V. VIRGINIA GAITHER, ETC.	2004-SC-000888-D	FRANKLIN
JOHNATHAN Z. MILLER V. COMMONWEALTH OF KENTUCKY	2004-SC-000902-D	BOONE

SUPREME COURT OF KENTUCKY

MINUTES

MAY 19, 2005

RELEASED: 10:00 A.M.

COURT ORDERS DENYING MOTION FOR DISCRETIONARY REVIEW
ENTERED MAY 11, 2005

JANET JONES V. IRVIN JOHNS	2004-SC-000908-D	JEFFERSON
TOM WRIGHT V. DOLGENCORP, INC., ET AL	2004-SC-000910-D	ALLEN
MELVIN CLEO TAYLOR, JR., V. COMMONWEALTH OF KENTUCKY	2004-SC-000933-D	DAVISS
FULLER, MOSSBARGER, SCOTT & MAY ENGINEERS, INC. VS. JACQUELINE EDMISTON, ET AL AND	2004-SC-000976-D	MONTGOMERY
THE WALKER COMPANY OF KENTUCKY V. JACQUELINE EDMISTON, ET AL AND	2004-SC-000987-D	MONTGOMERY
CITY OF MT. STERLING, ET AL V. JACQUELINE EDMISTON, ET AL	2004-SC-000990-D	MONTGOMERY
KEVIN DONATHAN V. COMMONWEALTH OF KENTUCKY	2004-SC-000989-D	GRANT
JOHNNY R. BAKER V. CITIBANK SOUTH DAKOTA, N.A.	2004-SC-000998-D	WAYNE
A.S., A CHILD V. COMMONWEALTH OF KENTUCKY	2004-SC-001032-D	CLARK
DAVID R. HALICKS V. SHELLIE HALICKS (NOW TURNER) OPINION OF THE COURT OF APPEALS IS ORDERED NOT TO BE PUBLISHED.	2004-SC-001038-D	MCCRACKEN

SUPREME COURT OF KENTUCKY

MINUTES

MAY 19, 2005

RELEASED: 10:00 A.M.

COURT ORDERS DENYING MOTION FOR DISCRETIONARY REVIEW
ENTERED MAY 11, 2005

BENJAMIN A. KIPER V. COMMONWEALTH OF KENTUCKY, EX REL, TAWNIA COY, ET AL	2004-SC-001039-D	OHIO
RHONDA RAMEY V. ST. CLAIRE MEDICAL CENTER	2004-SC-001064-D	ROWAN
PATRICK HALLORAN, ET AL V. JESSAMINE COUNTY, ET AL	2004-SC-001068-D	JESSAMINE
KENTUKY RETIREMENT SYSTEMS V. BETTY JACOBS	2004-SC-001082-D	FRANKLIN
DANIEL JOHNSON V. COMMONWEALTH OF KENTUCKY	2004-SC-001136-D	KENTON
ROBERT L. POLK V. RANDY ECKMAN, WARDEN, ET AL	2005-SC-000019-D	LEE
REBECCA MARIA FRALEY V. ROBERT FRALEY	2005-SC-000064-D	CARTER
DIANA SAWYERS V. BRANDON CUMMINGS	2005-SC-000087-D	WARREN
CHARLES THOMAS WALKER, ET AL V. EUGENE B. DUBA, ET AL	2005-SC-000088-D	JEFFERSON
KAREN WILSON, ET AL V. BRANDON CUMMINGS	2005-SC-000093-D	WARREN
VINCENT ADAMS V. COMMONWEALTH OF KENTUCKY	2005-SC-000105-D	JEFFERSON
GERALD WAYNE FLORENCE V. COMMONWEALTH OF KENTUCKY	2005-SC-000114-D	NELSON

SUPREME COURT OF KENTUCKY

MINUTES

MAY 19, 2005

RELEASED: 10:00 A.M.

COURT ORDERS DENYING MOTION FOR DISCRETIONARY REVIEW
ENTERED MAY 11, 2005

CHRISTOPHER LOVE V. COMMONWEALTH OF KENTUCKY	2005-SC-000121-D	JEFFERSON
JIMMY W. WOLFORD V. COMMONWEALTH OF KENTUCKY	2005-SC-000137-D	PIKE
HELEN ABNER V. TOMMY MATHIS, ET AL	2005-SC-000139-D	CLAY
GERALD R. SMITH V. COMMONWEALTH OF KENTUCKY	2005-SC-000140-D	CAMPBELL
KENNETH JAMES BEDFORD V. COMMONWEALTH OF KENTUCKY	2005-SC-000149-D	OWEN
JOSEPH GARY CLARK V. COMMONWEALTH OF KENTUCKY	2005-SC-000150-D	NELSON
NAKIA DILLARD V. COMMONWEALTH OF KENTUCKY	2005-SC-000151-D	CHRISTIAN
JAMES ROCKY WRIGHT V. VERTNER TAYLOR, ET AL	2005-SC-000155-D	LEE
M.R., A CHILD UNDER EIGHTEEN V. COMMONWEALTH OF KENTUCKY	2005-SC-000182-D	LAUREL
SCOTT A. SMITH V. COMMONWEALTH OF KENTUCKY	2005-SC-000196-D	BOONE
BILLY EUGENE GLODJO V. COMMONWEALTH OF KENTUCKY	2005-SC-000198-D	WARREN
GARY JACKSON, SR., V. COMMONWEALTH OF KENTUCKY	2005-SC-000251-D	MCCRACKEN

SUPREME COURT OF KENTUCKY

MINUTES

MAY 19, 2005

RELEASED: 10:00 A.M.

**COURT ORDERS DENYING MOTION FOR DISCRETIONARY REVIEW
ENTERED MAY 11, 2005**

MICHAEL T. FORD V.
COMMONWEALTH OF KENTUCKY

2005-SC-000287-D

LAUREL

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

RONALD L. HORN V.
COMMONWEALTH OF KENTUCKY
ENTERED: MAY 12, 2005

2005-SC-000263-D

HENRY &
OLADHAM

RANDALL REYNOLDS V.
COMMONWEALTH OF KENTUCKY
ENTERED: MAY 4, 2005

2005-SC-000293-D

GRAVES

COURT ORDER GRANTING MOTION TO TRANSFER ENTERED MAY 19, 2005

LISA BAKER, ET AL V.
ERNIE FLETCHER, ETC., ET AL

2005-SC-000208-T

FRANKLIN

COURT ORDER DENYING MOTION TO TRANSFER ENTERED MAY 19, 2005

URSELLA T. RILES, ET AL V.
THE KENTUCKY LOTTERY
CORPORATION, ET AL

2005-SC-000116-T

JEFFERSON

COURT ORDERS GRANTING PETITION FOR REHEARING ENTERED MAY 19, 2005

RICHARD ALLEN MEREDITH V.
COMMONWEALTH OF KENTUCKY
**OPINION RENDERED 12/18/2003
IS WITHDRAWN AND REISSUED.**

2002-SC-000741-MR

JEFFERSON

SUPREME COURT OF KENTUCKY

MINUTES

MAY 19, 2005

RELEASED: 10:00 A.M.

COURT ORDERS GRANTING PETITION FOR REHEARING ENTERED MAY 19, 2005

STEVEN THOMAS RICHARDSON V.
COMMONWEALTH OF KENTUCKY
**OPINION RENDERED 3/17/05 IS
AMENDED BY SUBSTITUTION
OF PAGES 1 AND 4.**

2003-SC-000654-MR

FRANKLIN

COURT ORDERS

KEVIN RAY HILLARD V.
COMMONWEALTH OF KENTUCKY
**ORDER MODIFYING OPINION RENDERED
FEBRUARY 17, 2005 TO CHANGE NUMBER-
ING TO LETTERING OF SUBHEADINGS ON
PAGE 12 AND 13 SO THAT THEY READ C
AND D.**

[2002-SC-000702-MR](#)

OHIO

ENTERED: APRIL 22, 2005

COMMONWEALTH OF KENTUCKY V.
RONNIE MOBLEY
**ORDER OF CORRECTION OF OPINION
RENDERED APRIL 21, 2005 TO CORRECT
A TYPOGRAPHICAL ERROR.**

[2003-SC-000807-DG](#)
TO BE PUBLISHED

FAYETTE

ENTERED: APRIL 28, 2005

THOMAS C. BOWLING V.
COMMONWEALTH OF KENTUCKY
**ORDER MODIFYING OPINION RENDERED
MARCH 17, 2005 TO CORRECT A CITE IN
FOOTNOTE 19 ON PAGE 25.**

[2004-SC-000880-MR](#)

FAYETTE

ENTERED: APRIL 22, 2005

SUPREME COURT OF KENTUCKY

MINUTES

MAY 19, 2005

RELEASED: 10:00 A.M.

COURT ORDERS

HOME DEPOT U.S.A., INC. V.
SAUL SUBSIDIARY I LIMITED
PARTNERSHIP

2004-SC-000952-D

FAYETTE

**ORDER CORRECTING ORDER DENYING
DISCRETIONARY REVIEW ENTERED BY
THIS COURT ON APRIL 13, 2005 TO
REFLECT CORRECT CIRCUIT COURT
NUMBER IN CAPTION.**

ENTERED: APRIL 19, 2005

ELLA-CHRISTINE, ET AL V.
HON. JOAN L. BYER, JUDGE
JEFFERSON FAMILY COURT, ET AL

2004-SC-001112-MR

JEFFERSON

ORDER DISMISSING.

ENTERED: APRIL 25, 2005

KENTUCKY HIGH SCHOOL
ATHLETIC ASSOCIATION, ET AL V.
JOHN RYAN PERKINS, ETC., ET AL

2005-SC-000056-I

PULASKI

ORDER DENYING 65.09 RELIEF.

ENTERED: MAY 19, 2005

ELDON SELF V.
HON. JAMES SHAKE,
JUDGE, JEFFERSON
CIRCUIT COURT ET AL

2005-SC-000091-MR

JEFFERSON

ORDER DISMISSING.

ENTERED: APRIL 25, 2005